

Assessor's Parcel Number: 1320-29-117-022

Recording Requested By:

Name: Marcia Liska

Address: 8601 Pinenut Creek Road

City/State/Zip Gardnerville, NV 89410

R.P.T.T.: Ø

DOC # 813410  
11/27/2012 12:12PM Deputy: PK

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First American Title State

Douglas County - NV

Karen Ellison - Recorder

Page: 1 of 6 Fee: \$19.00

BK-1112 PG-6711 RPTT: 0.00



Order Setting Aside Estate Without Administration  
(Title of Document)

This page added to provide additional information required by NRS 111.312 Sections 1-2. (Additional recording fee applies)

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1 CASE NO: 12-PB-0115

2 DEPT. NO. I

2012 SEP 11 PM 3:49

3 I hereby affirm that this document does not contain  
the social security number of any person or persons.

TED THРАН  
CLERK

4

BY DEPUTY

5 Printed Name: Rachelle J. Nicolle

6 IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

7 IN AND FOR THE COUNTY OF DOUGLAS

8 )  
9 IN THE MATTER OF THE ESTATE )

ORDER SETTING ASIDE ESTATE  
WITHOUT ADMINISTRATION

10 OF )

11 JAMES CORDELL WHEELER, )

Hearing: September 11, 2012

12 Also known as James C. Wheeler and )

Time: 1:30 PM

13 James Wheeler )

Dept. I

14 Decedent )

15 \_\_\_\_\_ )  
16 The Petition of MARCIA LISKA (formerly known as Marcia Wheeler) for an Order  
17 Setting Aside Estate Without Administration came on regularly for hearing this day. No person  
18 having appeared to contest the Petition, and on proof duly made to the satisfaction of the Court,  
19 the Court now finds the following:

20 1. **Due Notice.** The Court finds that due and lawful notice has been given of the  
21 Petition to the Decedent's heirs, devisees and legatees pursuant to Section 146.070 and Section  
22 155.010 of the Nevada Revised Statutes. All notices of the hearing have been duly given as  
23 required by law.

24 2. **Jurisdiction.** The Court finds that JAMES CORDELL WHEELER, also known  
25 as James C. Wheeler and James Wheeler (the "Decedent") died on May 10, 2012. At the time of



1 his death the Decedent was a resident of Douglas County, State of Nevada, and left property in  
2 the State of Nevada subject to a Petition for Order Setting Aside Estate Without Administration.

3       **3. Died testate.** The Decedent died testate and his original Will dated February 1,  
4 1980 (hereinafter "Will") was lodged with this Court under this case. The first devisee under the  
5 Will was the Decedent's predeceased spouse, PATRICIA ANN WHEELER. However, the Will  
6 states that if PATRICIA ANN WHEELER predeceases the Decedent (as is the case here) the  
7 estate shall then be distributed to the Decedent's surviving children, MATTHEW WHEELER,  
8 DAVID WHEELER, MARCIA WHEELER (now known as MARCIA LISKA – the petitioner)  
9 and SUZANNE WHEELER (now known as SUZANNE DEMEO). The Court finds that all of  
10 the Decedent's children were surviving at the time of his death, so the Decedent's Will says that  
11 all the above-named four adult children should each receive an equal twenty-five percent (25%)  
12 of the net estate.

13 **4. Description and Estimated Value of Property.** The Court finds that the assets of the  
14 Decedent's estate situate in the State of Nevada and subject to testamentary disposition consist of

Asset	Value
1) Single Family Dwelling at 1795 Linden Court, Minden, NV 89423	\$ 165,000.00*
Less Encumbrances	(\$ 141,058.44)
2) 1998 Camry Automobile, VIN#JT2BG22K8W0260310	\$ 4,076.00
Less Encumbrances (No Encumbrances on auto)	(\$ 0.00)
3) Furniture and contents	\$ 100.00
Less Encumbrances (No Encumbrances on furniture/contents)	(\$ 0.00)
<b>Total value of assets less encumbrances</b>	<b>\$ 28,117.56</b>



1 \* Legal Description – APN: 1320-29-117-022: Unit 191, Shown on the Official  
2 Plat of Winhaven, Unit No. 5, filed for record in the Office of the County Recorder of Douglas  
3 County, Nevada on February 10, 1994, in Book 294 of official records at Page 1845, as  
4 Document No. 329790.

5 5. The Court finds that the Decedent’s assets subject to probate are the real property located  
6 at 1795 Linden Court, Minden, Nevada, its contents, and a 1998 Camry Automobile,  
7 VIN#JT2BG22K8W0260310. The Court recognizes that the real property, APN 1320-29-117-  
8 022, located at 1795 Linden Court, Minden, NV 89423, is titled in the Decedent’s name only, as  
9 JAMES WHEELER, since the Decedent recorded an Affidavit By Surviving Joint Tenant on  
10 October 6, 2010 as Document No. 0771752 with the Douglas County Recorder’s Office,  
11 removing his deceased wife PATRICIA ANN WHEELER’s name from the title. Also, the Court  
12 finds that the Decedent JAMES C. WHEELER became the sole owner of the 1998 Camry titled  
13 in the name of WHEELER, JAMES C. OR WHEELER, PATRICIA A. since his wife  
14 PATRICIA A. WHEELER has predeceased him.

15 6. The Court also finds that the value of the Decedent’s estate, less encumbrances,  
16 does not exceed one hundred thousand dollars (\$100,000.00), and thus this estate may be  
17 handled in a probate set-aside proceeding pursuant to Nevada Revised Statutes Section 146.070.

18 7. The Court finds that Executor MARCIA LISKA should receive the Court’s  
19 authorization to sell the real property, transfer the vehicle and distribute the contents of the  
20 dwelling.

21  
22 The facts of the Petition having been found to be true, and good cause appearing, the  
23 Court now grants the Petition as follows:

24 A. GOOD CAUSE EXISTS to set aside the estate and that the estate should not be  
25 administered upon;



1 B. The Court Orders that all the Decedent's property, after payment of any taxes  
2 owed, administrative fees, including an additional \$3,185.00 in attorneys fees and \$390.70 in  
3 costs for a total of \$3,575.70 payable to Rachelle J. Nicolle Attorney, any unpaid funeral  
4 expenses, and expenses of last illness, any money owed to the Department of Human Resources  
5 and Decedent's creditors, shall be set aside to Decedent's devisees under his Will, namely in  
6 equal twenty-five percent (25%) shares to MATTHEW WHEELER, DAVID WHEELER,  
7 MARCIA LISKA (formerly known as MARCIA WHEELER) and SUZANNE DEMEO  
8 (formerly known as SUZANNE WHEELER).

9 C. Petitioner MARCIA LISKA is hereby the duly recognized executor and personal  
10 representative of the estate and authorized to sign all documents with the holder of any asset of  
11 the estate that is necessary to effectuate this Order. This Order includes the authority to sign any  
12 documents necessary to list the real property at 1795 Linden Court, Minden, Nevada, for sale  
13 with a realtor using a MLS listing, to sign the Grant Deed and other escrow documents to  
14 directly transfer the real property asset to buyers in a sale in the normal course of business. The  
15 Court directs that MARCIA LISKA shall ensure that the reverse mortgage owed to Wells Fargo  
16 Home Mortgage is paid through escrow. MARCIA LISKA shall also pay Carson Valley  
17 Medical Center, Rachelle J. Nicolle, and any other estate creditors, and shall divide the  
18 remaining net sale proceeds in equal twenty-five percent (25%) shares to the devisees of the  
19 Decedent's estate, namely MATTHEW WHEELER, DAVID WHEELER, MARCIA LISKA  
20 (formerly known as MARCIA WHEELER) and SUZANNE DEMEO (formerly known as  
21 SUZANNE WHEELER).

22 D. Petitioner MARCIA LISKA is also hereby authorized, as the duly authorized Executor, to  
23 sign all Nevada Department of Motor Vehicles documents necessary to sell or transfer the  
24 Decedent's 1998 Camry, VIN#JT2BG22K8W0260310. MARCIA LISKA shall divide the net  
25 proceeds from the sale of such vehicle in equal twenty-five percent (25%) shares to the devisees



1 of the Decedent's estate, namely MATTHEW WHEELER, DAVID WHEELER, MARCIA  
 2 LISKA (formerly known as MARCIA WHEELER) and SUZANNE DEMEO (formerly known  
 3 as SUZANNE WHEELER). However, if one of the devisees wishes to take the vehicle instead  
 4 of having it sold to a third party, MARCIA LISKA is alternatively authorized to distribute the  
 5 vehicle to one of the devisees and to adjust the net proceeds for the sale of the real property to  
 6 allow the result that the entire estate net proceeds are distributed in equal twenty-five percent  
 7 (25%) shares to the devisees of the Decedent's estate, namely MATTHEW WHEELER, DAVID  
 8 WHEELER, MARCIA LISKA (formerly known as MARCIA WHEELER) and SUZANNE  
 9 DEMEO (formerly known as SUZANNE WHEELER).

10 E. Petitioner, MARCIA LISKA is authorized to distribute the contents of the Decedent's  
 11 and any other later discovered estate assets (that are within the jurisdiction of this Order) in equal  
 12 twenty-five percent (25%) shares to the devisees of the Decedent's estate, namely MATTHEW  
 13 WHEELER, DAVID WHEELER, MARCIA LISKA (formerly known as MARCIA WHEELER)  
 14 and SUZANNE DEMEO (formerly known as SUZANNE WHEELER).

15 Dated this 11 day of Sept 2012.



JUDGE OF THE DISTRICT COURT

19 Submitted By:  
 20 LAW OFFICE OF RACHELLE J. NICOLLE  
 21 Rachelle J. Nicolle, SBN 5441  
 22 Attorney for Petitioner  
 1662 Highway 395 Suite 214  
 Minden, NV 89423  
 (775) 782-0442

**CERTIFIED COPY**

The document to which this certificate is attached is a full, true and correct copy of the original in file and of record in my office.

DATE 9/12/12

TED THРАН Clerk of the District Court of the State of Nevada, in and for the County of Douglas.

