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Douglas County - NV
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APN# : 1320-30-210-004

Recording Requested By:
Western Title Company, Inc.
Escrow No.: 055726-ARW

When Recorded Mail To:
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I the undersigned hereby affirm that the attached document, including any exhibits, hereby submitted for recording does not contain the social security number of any person or persons.
(Per NRS 239B.030)

Signature

Annette McClean

Escrow Assistant

Order for Issuance of Letters of Special Administration

This page added to provide additional information required by NRS 111.312
(additional recording fee applies)

1 CASE NO. 12-PB-0075

2 DEPT. NO. I

2012 JUL -9 PM 1:18

3 The undersigned affirms
4 that this document contains
no Social Security Number

EDITHAN
CLERK

DEPUTY

6 IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR THE COUNTY OF DOUGLAS

8 In the Matter of the Estate

ORDER FOR ISSUANCE OF LETTERS OF
SPECIAL ADMINISTRATION

9 -of-

10 LONNIE GREER MIMS,

11 Deceased.

12 /
13 **THIS MATTER** was brought before the Court, in chambers, on 9 July
14 2012 on the Verified Petition for Letters of Special Administration and
15 for Confirmation of Successor Trustee ("Petition"). The Court
16 conferred with the Petitioner, MICHAEL SMILEY ROWE, ESQ.
17 ("Petitioner"), regarding the Petition. The Petitioner is the
18 nominated Executor of the Decedent's estate and the nominated Successor
19 Trustee of the Mims Living Trust, u.t.d. 10/2/02, as amended ("Trust").
20

21 Based upon the Verified Petition, the provisions of applicable
22 law, the representations of the Petitioner, and good cause appearing:

23 **IT IS HEREBY FOUND, CONCLUDED AND ORDERED AS FOLLOWS:**

24 1. The Court finds as a matter of fact, and concludes as a
25 matter of law, that the appointment of a Special Administrator may be
26 made at chambers or in open court, without notice or upon such notice
27 to such interested persons as the Court deems reasonable, by written
28

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1 Order signed and filed specifying the powers to be exercised by the
2 Special Administrator. NRS 140.020.

3 2. The Court finds as a matter of fact, and concludes as a
4 matter of law, that, pursuant to NRS 140.020(3), in making the
5 appointment of a special administrator the Court must appoint a person
6 only if he satisfies the requirements of NRS 139.010. The Court finds
7 and concludes that Petitioner is over the age of majority; is a sober
8 and provident person; possesses integrity and understanding; and is
9 nominated as a personal representative in the Will of the Decedent.
10 The Petitioner satisfies all of the criteria required by NRS 139.010.

11
12 3. The Court finds that Lonnie Greer Mims, the Decedent, died
13 on 15 March 2012. A certified copy of the death certificate of the
14 Decedent was attached to the Petition as Exhibit "A". The Court finds
15 that the Decedent was a resident of Douglas County, Nevada at the time
16 of his death, residing at 826 Mahogany Drive, Minden, Nevada.

17 4. The Court finds that the Petitioner is the currently serving
18 Successor Trustee of the Trust. A copy of the Certificate of
19 Incumbency executed by the Petitioner was attached as Exhibit "B" to
20 the Petition. The Court finds that the Decedent nominated the
21 Petitioner as the Successor Trustee in Article III of the Third
22 Amendment to the Trust which provides, in pertinent part:

23 "...On the death of LONNIE GREER MIMS, or upon
24 his incapacity as certified by independent
25 medical opinion, MICHAEL SMILEY ROWE shall serve
26 as Successor Trustee of all Trusts created. Any
successor trustee shall serve without bond."

27 5. The Court also finds that pursuant to the First Codicil to
28 the Last Will and Testament of Lonnie Greer Mims, dated 21 January



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1 2012, lodged with this Court as Will No. 12-WL-0015, the Decedent
2 provided:

3 "I nominate my good friend, MICHAEL SMILEY ROWE,
4 as Executor of this, my Last Will and Testament,
5 to serve as such without bond and with power of
6 sale."

6 6. The Court finds as a matter of fact, and concludes as a
7 matter of law, that proper notice to creditors of the Decedent has been
8 given as required. Petitioner, as Successor Trustee, did on 30 March
9 2012, pursuant to NRS 164.025, prepare and publish a Notice to
10 Creditors of the Decedent. The Notice to Creditors was for a 90 day
11 period. Publication began on 4 April 2012 and the creditor's claim
12 period expired on 4 July 2012. The Petitioner has alleged, and the
13 Court so finds, that no creditors have filed claims with Petitioner.
14 Proof of Publication of the Notice to Creditors was attached as Exhibit
15 "C" to the Petition.

16 7. The Court finds that all expenses of last illness and
17 cremation of the Decedent have been paid.

18 8. The Court finds that the Decedent died as a widower,
19 predeceased by his wife, Marie Pauline Mims, formally known as Marie
20 Pauline Fairbanks, on 15 July 2009.

21 9. Petitioner has alleged, and the Court so finds, that the
22 Decedent was not survived by any other family member, and due to his
23 age (97), was predeceased by all of his parents and siblings. The
24 Decedent had no natural born or adopted children. Attached as Exhibit
25 "D" to the Petition is a copy of the Last Will and Testament of the
26 Decedent. In Article I of the Decedent's Last Will and Testament he
27 provided:
28

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"I have no children, living or deceased."

The Court concludes as a matter of law that the Decedent was not survived by any family member.

10. The Court finds that those persons to whom notice of the appointment of the Special Administrator must be sent are:

Leo Grillo, Director
D.E.L.T.A. Rescue
P.O. Box 9
Glendale, CA 91209

Medicaid Estate Recovery
1050 E. Williams, Ste. 435
Carson City, NV 89701

Petitioner shall provide to D.E.L.T.A. Rescue and Medicaid Estate Recovery a notice of the entry of this Order.

11. The Court finds as a matter of fact, and concludes as a matter of law, that Petitioner has sent, pursuant to NRS 164.021, notice to D.E.L.T.A. Rescue that the Trust has become irrevocable because of the death of the Decedent. Pursuant to the cited statute, 120 days for an objection to be made to the Trust will expire on 13 August 2012. As of the date of the Petition, D.E.L.T.A. Rescue has not objected to the Trust.

12. The Petitioner has alleged, and the Court so finds, that the Trust has applied for and received a tax identification number. Additionally, Petitioner has alleged, and the Court so finds, that all required returns for 2012 and 2011 have been filed with the IRS by Petitioner on behalf of the Decedent.

13. Based upon the allegations of the Petition, and pursuant to the provisions of NRS 140.010(6), the Court finds as a matter of fact



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1 and concludes as a matter of law, that good cause exists for the
2 appointment of a Special Administrator in these circumstances.

3 The Petitioner has alleged, and the Court so finds, that
4 certain assets of the Decedent, not held in the name of his Trust, may
5 only be claimed by the Successor Trustee if he is appointed as Special
6 Administrator and issued Letters of Special Administration.

7 14. It appears to the satisfaction of the Court, and the Court
8 so finds, that the Decedent maintained a life insurance policy.
9 Petitioner has verified that the life insurance policy has been
10 assigned Group No. 0122570, with the claim of the Petitioner being
11 assigned Claim No. 21205004100. The life insurance policy is currently
12 administered by Metropolitan Life Insurance Company. While uncertainty
13 exists as to the amount of the death benefit, Petitioner has alleged,
14 and the Court so finds, that the Decedent advised the Petitioner he
15 believed that the death benefit was in the amount of \$38,500.

16 In addition, the Decedent owned 262 shares of common stock
17 in Manulife Financial Corporation. The Petitioner is unable to obtain
18 specific information regarding the value of the shares, although public
19 information reveals that the shares traded at \$10.38 per share as of
20 26 June 2012. Unless appointed as personal representative for the
21 Decedent, Petitioner is unable to transfer the shares to the Trust
22 estate to be administered and distributed according to its terms. The
23 shares are administered by BNY Mellon Shareowner Services in South
24 Hackensack, New Jersey.

25 15. Based upon the above and foregoing, the Court finds as a
26 matter of fact, and concludes as a matter of law, that good cause
27
28



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1 exists to appoint a Special Administrator to effectuate the wishes of
2 the Decedent, obtain the benefits provided by his life insurance policy
3 and stock ownership, and transfer the assets listed in the Petition to
4 the Trust.

5 16. The Court finds as a matter of fact, and concludes as a
6 matter of law, that the Petitioner should be appointed as Special
7 Administrator, without bond.

8 17. Petitioner has also requested that, pursuant to NRS
9 164.010(1), he be confirmed as the Successor and sole Trustee of the
10 Trust, and that he be appointed without bond. The Court finds as a
11 matter of fact, and concludes as a matter of law, that the Petitioner
12 has standing to bring the Petition as a interested person in the Trust,
13 and to Petition the Court concerning the internal affairs and the
14 administration of a non-testamentary trust.

15 18. The Court grants the Petitioner's request for advice and
16 instructions, and advises and instructs the Trustee to collect and
17 preserve all of the goods, chattels and receivables of the Decedent,
18 and all incomes, rents, issues, profits, claims and demands of the
19 estate. The Petitioner shall take charge and manage the real property
20 of the Decedent and enter upon it and preserve it from damage, waste
21 and injury.

22 19. In addition, the Special Administrator may have all of those
23 powers, duties and immunities from liability for certain claims
24 specified in NRS 140.040.

25 20. The Court finds as a matter of fact, and concludes as a
26 matter of law, that a Trustee for the Decedent should be confirmed.
27
28



BK 413
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1 The Court confirms Petitioner as the Successor Trustee of the Mims
2 Living Trust, as amended, u.t.d. 10/2/02.

3 21. The Court concludes as a matter of law that, pursuant to NRS
4 164.015 and NRS 164.030, and upon the issuance of this Order confirming
5 Petitioner as the Successor and sole Trustee of the Trust, the Trust
6 shall be removed from the continuing jurisdiction of the Court. The
7 Court concludes as a matter of law that it may exercise jurisdiction
8 over the Trust as a proceeding *in rem* pursuant to NRS 164.010(1).

9 Based upon the above and foregoing findings of fact and
10 conclusions of law, and good cause appearing:
11

12 1. It is hereby the Order of the Court that MICHAEL SMILEY
13 ROWE, ESQ. is appointed as the Special Administrator of this estate.
14 The Court Clerk shall issue Letters of Special Administrator to MICHAEL
15 SMILEY ROWE, ESQ. He shall be appointed as Special Administrator
16 without bond.

17 2. The Special Administrator shall take all reasonable steps
18 to transfer all of the Decedent's personal property assets to the
19 Petitioner as the Successor Trustee of the Mims Living Trust, as
20 amended, to be administered and distributed as set forth within the
21 Trust.

22 3. It is hereby the Order of the Court that the Special
23 Administrator shall collect and preserve for the Trust and its Trustee
24 all of the goods, chattels and receivables of the Decedent, and all
25 incomes, rents, issues, profits, claims and demands of the Decedent's
26 estate. The Special Administrator shall take charge of and manage the
27 real property of the Decedent and enter upon it to preserve it from
28





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1 damage, waste and injury. The Special Administrator shall possess all
2 of the powers, duties and immunity from liability for certain claims
3 found in NRS 140.040.

4 4. Upon completion of the transfer of the assets to trust, the
5 Court will entertain a request of the Petitioner to terminate the
6 special administration. An accounting of the assets transferred to the
7 Trust shall not be required, however, Petitioner shall advise the Court
8 of the transfer of the assets and the amount or value of each of the
9 assets so transferred. Upon filing such information with the Court,
10 the Court will entertain a request to honorably discharge the
11 Petitioner from any further duties or requirements as Special
12 Administrator, without hearing.
13

14 5. MICHAEL SMILEY ROWE, ESQ. shall be, and he is hereby,
15 confirmed as the Successor Trustee of the Mims Living Trust, to serve
16 without bond.

17 6. The Court hereby Orders that the *in rem* jurisdiction
18 exercised by the Court is proper in these circumstances. Upon entry
19 of this Order, the Trust will be removed from the continuing
20 supervisory jurisdiction of the Court.

21 Dated this 4 day of July, 2012.

DAVID R. GAMBLE
DISTRICT COURT JUDGE

22
23
24
25 ROWE HALES YTURBIDE, LLP.,

26 MICHAEL SMILEY ROWE, ESQ.
27 Nevada State Bar No. 1374
28 Post Office Box 2080
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COPY

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 1/28/13

TED THRAN Clerk of the 9th Judicial District Court
of the State of Nevada, in and for the County of Douglas.

By *[Signature]* Deputy