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OFFICIAL RECORDS

Requested By:  
**ROWE HALES YTURBIDE**

DOUGLAS COUNTY RECORDERS  
Karen Ellison - Recorder

Page: 1 Of 8      Fee: \$ 21.00  
Bk: 0513 Pg: 1769



Deputy: ar

RECORDING REQUESTED BY AND  
MAIL TO:  
MAIL TAX STATEMENTS TO:

W. Charlene Kallas, Trustee  
✓ Kallas Family Trust  
23350 Beaumont Street  
Valencia, CA 91354

Pursuant to NRS 239B 030(4), I affirm that  
the instrument contained below (or attached hereto)  
does not contain the social security number of any  
person

ORDER FOR DISTRIBUTION



**RECEIVED**

MAY - 6 2013

**DOUGLAS COUNTY  
DISTRICT COURT CLERK**

1 CASE NO. 13-PB-0038  
2 DEPT. NO. II

2013 MAY -6 PM 2:06

The undersigned affirms  
that this document does  
contain a Social Security Number

DEED THUAN  
CLERK

BY **P. GREGORY** DEPUTY

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

In the Matter of the Estate

-of-

**ORDER FOR DISTRIBUTION OF  
ESTATE NOT EXCEEDING \$100,000  
PURSUANT TO NRS 146.070**

JAMES A. KALLAS,

Deceased.

**THIS MATTER** came on before the Court on the 6th day of May, 2013  
on the Verified Petition for Distribution of Estate not Exceeding  
\$100,000; NRS 146.070 ("Petition") filed by W. CHARLENE KALLAS  
("Petitioner"). Present in Court was Petitioner's counsel, MICHAEL  
SMILEY ROWE, ESQ. of ROWE HALES YTURBIDE, LLP.

Based upon the Petition on file herein, and good cause  
appearing:

1. The Court finds that the Decedent, JAMES A. KALLAS  
("Decedent"), died on the 7th day of October, 2012. A copy of the  
death certificate of the Decedent is provided to the Court as Exhibit  
"A" to the Petition.

2. The Decedent died testate and was married at the time of  
his death to Petitioner. All of the Decedent's property interests  
located in the State of Nevada were held by the Decedent as community

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1 property with Petitioner. A copy of the Decedent's Last Will and  
2 Testament was attached to the Petition as Exhibit "B".

3 3. The Court finds that at the time of his death, pursuant to  
4 the Fourth Article of the Decedent's Will, the Decedent provided:

5 "I give the residue of my estate to the  
6 Trustee, or Successor Trustee, of the Trust  
7 designated as the KALLAS FAMILY TRUST  
8 established by Amended and Restated Revocable  
9 Trust Agreement dated Dec. 4, 1998, of which my  
10 wife and I are the Trustors. I direct that the  
11 residue of my estate shall be added to,  
12 administered and distributed as part of that  
13 Trust according to its terms and any amendments  
14 thereto made prior to my death. I do not  
15 intend to create a separate trust by this  
16 provision nor to subject said trust or the  
17 property added to it hereby to the jurisdiction  
18 of the probate court."

13 4. The Court finds that pursuant to the Sixth Article of the  
14 Decedent's Last Will and Testament, Petitioner was nominated as  
15 Executor (sic) of his Will, to serve without bond.

16 5. The Court finds that at the time of his death, the Decedent  
17 and Petitioner owned, as husband and wife, a one-half interest in real  
18 property and improvements located in Douglas County, Nevada. The  
19 other half of the interest in the real property owned by the Decedent  
20 and Petitioner is owned by their son, Christopher A. Kallas, as a  
21 married man as his sole and separate property.

22 6. The real property interest of the Decedent and Petitioner  
23 (and Christopher A. Kallas) is further described as:

24 "Lot 972 as shown on the map of GARDNERVILLE  
25 RANCHOS UNIT NO. 7, filed for record in the  
26 Office of the County Recorder of Douglas  
27 County, Nevada, on March 27, 1974, in Book 374,  
28 Page 676, as File No. 72456."

The property may also be commonly known as 1477 Mary Jo

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1 Drive, Gardnerville, Nevada, 89460, and as Douglas County Assessor's  
2 Parcel No. 1220-22-410-160. Hereinafter, the above-described property  
3 may be referred to herein as "the Property".

4 A copy of the deed by which the Decedent owned an interest  
5 in the Property was attached to the Petition as Exhibit "C".

6 7. The Court finds that pursuant to the appraisal report, a  
7 copy of which is attached to the Petition as Exhibit "D", the  
8 appraiser opined that the value of the property as of 7 October 2012  
9 was \$130,000.00. The Court further finds that the Decedent had a  
10 community property interest in one-half of the property; thus, the  
11 value of the Decedent's interest in the above-described Property is of  
12 a value less than \$100,000.00.

13 8. The Court finds that the Decedent clearly wished for his  
14 (and Petitioner's) interest in the Property to be held by the Kallas  
15 Family Trust, and administered according to the Trust's terms, as is  
16 stated in the Fourth Article of the Decedent's Last Will and  
17 Testament.

18 The Petition states that, in further support of the  
19 Decedent's intentions, the Decedent and Petitioner own four other  
20 properties in Douglas County, Nevada, however, title to those  
21 properties is held in the Kallas Family Trust. Those properties may  
22 be commonly known as Douglas County APNs 1220-22-310-150, 1220-22-410-  
23 159, 1220-03-111-005 and 1220-16-411-014. It is unknown to Petitioner  
24 why title to the Property was not taken in the name of the Kallas  
25 Family Trust.

26 9. The Court finds that the Decedent is survived by  
27  
28

1 Petitioner, his wife, and adult children, to wit:

<u>NAME</u>	<u>AGE</u>	<u>RELATIONSHIP</u>
Charlene E. Kallas-Trevino 23350 Beaumont Street Valencia, CA 91354	Over 18	Daughter
Christopher A. Kallas 1370 Bryan Lane Gardnerville, NV 89410	Over 18	Son
James P. Kallas 1374 Brandon Lane Gardnerville, NV 89410	Over 18	Son
Kathryn L. Kallas-Noad 2714 Snowflake Carson City, NV 89703	Over 18	Daughter

13 Notice of this Petition, as is evidenced by the certificate  
 14 of service by mail attached to the Amended Notice of Hearing filed in  
 15 this matter, has been provided to the Decedent's children and spouse  
 16 as well as to:

<u>NAME AND ADDRESS</u>	<u>AGE</u>	<u>RELATIONSHIP</u>
Medicaid Estate Recovery 1050 E. Williams, Ste. 435 Carson City, Nevada 89701	N/A	None

17  
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 20 10. The Court finds and concludes that the Amended Notice of  
 21 Hearing advised all interested in this estate of the hearing to be  
 22 conducted on 6 May 2013 was filed on 15 April 2013. The Court further  
 23 finds that the Amended Notice of Hearing was filed with the Court to  
 24 correct an error as to the date of hearing. The Amended Notice of  
 25 Hearing, and its certificate of mailing, indicate that all those  
 26 interested in this estate, and as identified in the Petition, were  
 27 provided with notice of the Petition and the hearing. Included in the  
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1 Petitioner's notice was notice to the Department of Health and Human  
2 Services. No person has protested the requests made in the Petition,  
3 either in writing or at the hearing.

4 11. The Court finds that all funeral and cremation expenses  
5 have been paid, that more than 40 days have elapsed since the date of  
6 death of the Decedent, and that there are no unpaid creditors of the  
7 Decedent.

8 12. The Court finds and concludes that the Decedent's one-half  
9 interest in the Property described above should be set aside to W.  
10 Charlene Kallas as Successor Trustee of the Kallas Family Trust,  
11 u.t.d. 1/8/82, as amended 12/4/98. The Court further ratifies,  
12 confirms and approves that the Trust and Christopher A. Kallas, a  
13 married man as his sole and separate property, shall own the Property  
14 as to undivided one-half interests as tenants in common.

15 13. The Court concludes as a matter of law that Petitioner is  
16 entitled to distribution of the Decedent's small estate pursuant to  
17 NRS 146.070. NRS 146.070 provides that if a person leaves an estate  
18 the gross value of which, after deducting any encumbrances, does not  
19 exceed \$100,000.00, the estate must not be administered upon, but the  
20 whole estate must be distributed to the claimants entitled thereto  
21 pursuant to a valid Will of the Decedent. The Court finds and  
22 concludes that the Decedent's Trust is entitled to the estate pursuant  
23 to the Decedent's Will.

24 Accordingly, there will be no Letters of Administration or  
25 Letters Testamentary issued in this estate. This Order will be the  
26 final Order distributing the Decedent's small estate.  
27  
28

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1 13. The Court concludes as a matter of law that the Petitioner  
2 has given notice of the Petition and the hearing in the manner  
3 required by NRS 155.010. The Court concludes as matter of law that  
4 the Amended Notice of Hearing has been provided to the Decedent's  
5 heirs and devisees and to the Director of the Department of Health and  
6 Human Services; Medicaid Estate Recovery.

7 **BASED UPON** the above and foregoing findings of fact and  
8 conclusions of law, the Court hereby enters its Order Distributing  
9 Small Estate Pursuant to NRS 146.070 as follows:

10 1. The Court Orders that the Decedent's estate shall not be  
11 administered upon and shall be set aside to W. Charlene Kallas as  
12 Successor Trustee of the Kallas Family Trust, u.t.d. 1/8/82, as  
13 amended 12/4/98, without issuance of Letters of Administration or  
14 Letters Testamentary, or further probate proceedings, and Petitioner  
15 shall not be required to issue, file, post and/or publish a Notice to  
16 Creditors.

17 2. It is the Order of the Court that the Decedent's and  
18 Petitioner's one-half interest in the Property, particularly described  
19 as:  
20

21 "Lot 972 as shown on the map of GARDNERVILLE  
22 RANCHOS UNIT NO. 7, filed for record in the  
23 Office of the County Recorder of Douglas  
24 County, Nevada, on March 27, 1974, in Book 374,  
25 Page 676, as File No. 72456." Douglas County  
26 Assessor's Parcel No. 1220-22-410-160; commonly  
27 known as 1477 Mary Jo, Gardnerville, Douglas  
28 County, Nevada.

shall be transferred to Petitioner as the successor and sole  
trustee of the Kallas Family Trust u.t.d. 1/8/82, as amended 12/4/98,  
without issuance of Letters Testamentary or probate.



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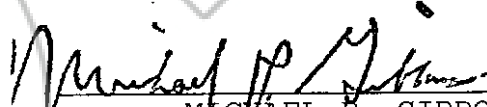
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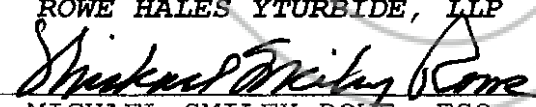
1 3. It is the further Order of the Court that Petitioner may  
2 execute a deed conveying the Petitioner's and Decedent's one-half  
3 interest in the Property to the Trust, and conveying to Christopher A.  
4 Kallas as to an undivided one-half interest in the Property, as  
5 tenants in common.

6 4. In the Petition, Petitioner requested that the Court  
7 approve of the Petitioner's prior payment of Petitioner's attorney's  
8 fees and court costs. The Court hereby ratifies, confirms and  
9 approves of the Petitioner's prior payment of attorney's fees in the  
10 amount of \$2,000.00.

11 5. The Court Orders that upon presentation of satisfactory  
12 evidence that the Decedent's property has been conveyed to the  
13 Petitioner, this estate shall be closed without any further  
14 proceedings conducted herein.

15 Dated this 6 day of May, 2013.

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18   
MICHAEL P. GIBBONS  
DISTRICT COURT JUDGE

19  
20 **ROWE HALES YTURBIDE, LLP**  
21   
MICHAEL SMILEY ROWE, ESQ.  
22 Nevada Bar Number 1374  
23 1638 Esmeralda  
24 Minden, Nevada 89423  
(775) 782-8141  
Attorney for the Petitioner

25 **CERTIFIED COPY**  
26 The document to which this certificate is attached is a  
27 true and correct copy of the original in file and of  
28 RECORD in my office.  
D. E. 5/16/13  
D. THIRAN Clerk of the 9th Judicial District Court  
of the State of Nevada, in and for the County of Douglas.  
By D. Thiran Deputy