

Assessor's Parcel Number: NA

Recording Requested By:

Name: George Keele, Esq

Address: 1692 County Rd #A

City/State/Zip Minden NV 89423

Real Property Transfer Tax:

DOUGLAS COUNTY, NV **2015-857412**
Rec:\$21.00
Total:\$21.00 **02/25/2015 12:57 PM**
GEORGE KEELE ESQ Pgs=8



KAREN ELLISON, RECORDER

\$ _____

Amended Order Nunc Pro Tunc to

(Title of Document)

April 17, 2013, Assigning and
Setting Apart Estate Without
Administration

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

This cover page must be typed or legibly hand printed.

1 CASE NO. 12-PB-0133

FILED

2 DEPT. I

RECEIVED

2015 FEB 23 AM 10:29

FEB 12 2015

BOBBIE R. WILLIAMS

K. WILFERT

Douglas County
District Court Clerk

CLERK
BY _____ DEPUTY

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

10 OF

AMENDED ORDER NUNC PRO TUNC
TO APRIL 17, 2013, ASSIGNING
AND SETTING APART ESTATE
WITHOUT ADMINISTRATION

11 ALAN D. CALDWELL, also known
12 as ALAN DEMAREST CALDWELL,

13 _____
14
15 Petitioner GRACE TOWNSEND CALDWELL ("Petitioner")
16 filed a verified petition to assign and set apart the
17 Nevada estate of the above-named decedent without
18 administration on April 15, 2013. On February 12, 2015,
19 Petitioner filed an Ex Parte Petition for Order Nunc Pro
20 Tunc Assigning and Setting Apart Estate Without
21 Administration. Waivers of Hearing and Notice of Hearing
22 were filed herein on April 15, 2013. No one has objected to
23 the relief requested by Petitioner or presented any reason
24 why the Petition should not be granted.
25

26 1. ALAN D. CALDWELL, also known as ALAN DEMAREST
27 CALDWELL (hereinafter "the decedent"), died on or about
28

1 June 19, 2005, in the County of Washoe, State of Nevada,
2 leaving personal and real property in the state of Nevada,
3 the gross value of which, after deducting any encumbrances,
4 is less than \$100,000, and there is no minor child or minor
5 children of the decedent.

6
7 2. At the date of his death, the decedent was a
8 resident of Douglas County, Nevada.

9 3. The decedent executed a Will on October 12, 2000
10 (hereinafter: "the Will"). Petitioner was named in the Will
11 to serve as personal representative of decedent's estate.
12 The Court finds the Will to be the valid last will and
13 testament of the decedent, the original of which,
14 heretofore deposited with the clerk of this Court, has been
15 opened and published on the record by the Court on this
16 date.
17

18 4. Petitioner, GRACE TOWNSEND CALDWELL, is a
19 resident of Douglas County, Nevada, and is over the age of
20 twenty-one (21) years.
21

22 5. Petitioner is the surviving spouse of the
23 decedent; is familiar with the decedent's personal and
24 financial affairs; and serves as the Special Administrator
25 of the decedent's estate in this matter as well as the sole
26 successor Trustee of that certain Trust Agreement executed
27

28 ///

1 by Alan D. Caldwell and Grace Townsend Caldwell on the 12th
2 day of October, 2000.

3 6. Petitioner alleges that the property left by the
4 decedent in the State of Nevada consists of a single-family
5 dwelling situated at 1592 Wildrose Drive, Minden, Nevada
6 ("the decedent's residence"), more particularly described
7 as follows:
8

9 All that real property situate in the County of
10 Douglas, State of Nevada, described as follows:

11 Lot 3, in Block E, as shown on the Official Map
12 of WILDROSE NO. 3, UNIT 2, recorded in the office
13 of the County Recorder of Douglas County, Nevada,
14 on June 29, 1972, in Book 102, Page 517, Document
15 No. 60350, of official records.

16 Assessor's Parcel No. 1320-32-116-010

17 Per NRS 111.312, this legal description was
18 previously recorded at Document No. 0562028, in
19 Book 1202, Page 11711, on December 26, 2002.

20 7. The estimated fair market value of the decedent's
21 residence on the date of his death, i.e. June 19, 2005, was
22 \$400,000, more or less; whereas, the estimated fair market
23 value of the decedent's residence currently is likely no
24 more than \$205,000.

25 8. A promissory note secured by a first deed of
26 trust recorded in the official records of Douglas County,
27 Nevada, on February 1, 2005, encumbers the decedent's
28 residence. The Lender is Sierra Pacific Mortgage Company,
Inc. The balance owing on the above-referenced first deed

1 of trust is \$298,000, more or less, plus arrearage in
2 payments that exceed \$50,000, indicating that the
3 decedent's residence has a net negative fair market value
4 of in excess of ONE HUNDRED FIFTY THOUSAND DOLLARS
5 (\$150,000). Otherwise stated, the fair market value of the
6 decedent's residence is more than \$150,000 less than the
7 amount of the unpaid mortgage and arrearages encumbering
8 the decedent's residence.
9

10 9. The names and residences of the heirs (and
11 devisees) of the decedent, so far as are known to the
12 Petitioner, are as follows:
13

14	<u>Name</u>	<u>Age</u>	<u>Relationship</u>	<u>Address</u>
15	GRACE CALDWELL	Adult	Decedent's Surviving Spouse	1592 Wildrose Dr Minden NV 89423
16				
17	RICHARD CALDWELL	Adult	Brother	854 Pembridge Dr Lake Forest, IL 60045
18				
19	GRACE CALDWELL	Adult	N/A	1592 Wildrose Dr
20	sole successor Trustee			Minden NV 89423

21 10. There are no debts of decedent in existence other
22 than those mentioned in paragraph 8, above, so far as are
23 known to the Petitioner, including without limitation money
24 owed to the Department of Health and Human Services as a
25 result of payment of benefits for Medicaid.
26

27 11. In connection with the preparation, filing, and
28 processing of the Petition in this case and all other

1 matters relating thereto, the law firm of GEORGE M. KEELE,
2 A PROFESSIONAL CORPORATION ("the Keele law firm"), has
3 provided Petitioner legal services for which it is entitled
4 to be compensated and the Keele law firm has advanced costs
5 which may properly be reimbursed to the Keele law firm.

6
7 Based upon these facts, the Court further finds and
8 concludes that this is a proper case for the whole of the
9 decedent's remaining Nevada estate to be assigned and set
10 apart to GRACE TOWNSEND CALDWELL, as sole successor Trustee
11 of that certain Trust Agreement executed by Alan D.
12 Caldwell and Grace Townsend Caldwell on the 12th day of
13 October, 2000, in accordance with the provisions of
14 Paragraph IV of the Will.
15

16 No one has contested these findings and conclusions.

17 IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that
18 the decedent's estate not be administered but that the
19 whole of the Nevada estate of ALAN D. CALDWELL, also known
20 as ALAN DEMAREST CALDWELL, deceased, including all right,
21 title, and interest owned or held by the decedent on the
22 date of his death in the single-family dwelling situated at
23 1592 Wildrose Drive, Minden, Nevada, more particularly
24 described as follows:
25

26 ///
27 ///
28

1 All that real property situate in the County of
2 Douglas, State of Nevada, described as follows:

3 Lot 3, in Block E, as shown on the Official Map
4 of WILDROSE NO. 3, UNIT 2, recorded in the office
5 of the County Recorder of Douglas County, Nevada,
6 on June 29, 1972, in Book 102, Page 517, Document
7 No. 60350, of official records.

8 Assessor's Parcel No. 1320-32-116-010

9 Per NRS 111.312, this legal description was
10 previously recorded at Document No. 0562028, in
11 Book 1202, Page 11711, on December 26, 2002.

12 be assigned and set apart in the following order:

13 (a) to the payment of funeral expenses, expenses
14 of last illness, money owed to the Department of
15 Health and Human Services as a result of payment of
16 benefits for Medicaid and to the creditors herein
17 specified--of which the Court finds and concludes that
18 there are NONE--and reasonable attorney's fees and
19 costs, to the Keele law firm whose reasonable services
20 and costs advanced for the Petitioner has resulted in
21 the assignment and setting apart herein sought,
22 although the Petitioner and her counsel--by signing
23 the Petition--both acknowledge that there are no
24 assets in the decedent's estate from which Petitioner
25 can pay such attorney's fees and costs; and


26 (b) Any balance thereafter remaining: to the
27 claimant entitled thereto, namely: GRACE TOWNSEND
28 CALDWELL, as sole successor Trustee of that certain

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Trust Agreement executed by Alan D. Caldwell and Grace Townsend Caldwell on the 12th day of October, 2000, in accordance with the provisions of Paragraph IV of the decedent's Will dated October 12, 2000.

This Order is entered *nunc pro tunc* to April 17, 2013.

DATED Feb 23, 2015.


DISTRICT JUDGE

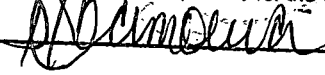
SUBMITTED BY:
George M. Keele, Esq.
Nevada Bar No. 1701
1692 County Road, Ste. A
Minden, NV 89423
Phone: 775-782-9781
Attorney for Petitioner

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 February 24, 2015

BOBBIE R. WILLIAMS Clerk of Court
of the State of Nevada, in and for the County of Douglas,

By  Deputy