

APN# 1319-15-000-015 + 1319-15-000.031



KAREN ELLISON, RECORDER E03

Recording Requested by/Mail to:

Name: Law Office of Kelly R. Chase

Address: PO Box 2800

City/State/Zip: Minden, NV 89423

Mail Tax Statements to:

Name: Zoe Nielsen

Address: 1300 SW Park Ave #1206

City/State/Zip: Portland, OR 97201

ORDER to Set Aside Estate Without Administration

Title of Document (required)

----- (Only use if applicable) -----

The undersigned hereby affirms that the document submitted for recording contains personal information as required by law: (check applicable)

Affidavit of Death – NRS 440.380(1)(A) & NRS 40.525(5)

Judgment – NRS 17.150(4)

Military Discharge – NRS 419.020(2)

Signature

Printed Name

This document is being (re-)recorded to correct document # _____, and is correcting

Law Office of Kelly R. Chase
P.O. Box 2800, Minden, NV 89423
Telephone: (775) 782-3099 Fax: (775) 782-3082

1 Case No. 16-PB0073

2 Dept. I

3 This document does not contain
4 personal information of any person.

RECEIVED

JUL 29 2016

Douglas County
District Court Clerk

FILED

2016 AUG -2 PM 2:47

BOBBIE R. WILLIAMS
CLERK
BY D. GOELZ DEPUTY

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

9 In the Matter of the Estate of
10 ALICE FIALKIN,

ORDER TO SET ASIDE ESTATE
WITHOUT ADMINISTRATION

11 Deceased.
12 _____ /

13
14
15 It appearing to the satisfaction of the Court that a verified petition to set aside the Nevada estate
16 of the above-named decedent without administration has been filed, that notice of the time and place
17 of the hearing thereon has been duly given in the manner required by law, that no one has objected or
18 presented any reason why said Petition should not be granted.

19 The Court finds that the Decedent, ALICE FIALKIN, died intestate on January 22, 2015, and
20 was a resident of in San Francisco, County of San Francisco, State of California. Petitioner was
21 appointed as the Administrator of the Decedent's estate in the State of California by order of the
22 Superior Court of California, County of San Francisco, Case No. PES-15-298522. Decedent was never
23 married and had no children, and both of Decedent's parents are deceased.

24 Pursuant to NRS 134.060, Decedent's estate is to pass to Decedent's siblings, her two sisters
25 identified in the Petition, however, one of Decedent's siblings, Susan Fialkin, duly executed and filed
26 a Disclaimer of Interest in Property herein on July 15, 2016. On such basis, the Court concludes the
27 estate is to be distributed under the laws of intestate succession of the State of Nevada to the Decedent's
28 other living sibling, RUTH NIELSEN.

1 The Court further finds that the estate consists of interests in two time share units, the gross
2 value of the Decedent's estate in the State of Nevada after deducting any encumbrances does not exceed
3 \$100,000.00, and that this is a proper case for the whole of the estate to be set aside pursuant to NRS
4 146.070.

5 On such basis, and good cause appearing;

6 IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that the estate
7 not be administered upon, but that the whole of the Nevada estate of said ALICE FIALKIN, deceased,
8 be, and the same is hereby, assigned and set apart in the following order:

9 1. To the payment of funeral expenses, expenses of last illness, and money owed to the
10 Department of Health and Human Services as a result of payment of benefits for Medicaid, if any;

11 2. To the payment of creditors of the estate; and,

12 3. Any balance remaining and the following described real and personal property shall be
13 distributed to, and all right, title, and interest to the Decedent's estate as more particularly described
14 hereinbelow, shall vest absolutely in, and the same is hereby assigned and set aside to, and the title
15 thereof shall vest absolutely in RUTH NIELSEN.

16 4. The real property of the Decedent's estate which is hereby set aside to the afore-named
17 RUTH NIELSEN consists of the real property more particularly described as follows:

18 Two (2) timeshare interests in certain real property commonly known as David Walley's
19 Resort, Douglas County, Nevada (hereinafter, the "Properties"), more particularly described as follows:

20 **Parcel 1:**

21 A timeshare estate comprised of an undivided interest as tenants in
22 common in and to that certain real property and improvements as
23 follows:

24 An undivided 1/3978th interest in and to all that real property situate in
25 the County of Douglas, State of Nevada, described as follows:

26 PARCEL E-1 of the Final Subdivision Map LDA #98-05 for DAVID
27 WALLEY'S RESORT, a Commercial Subdivision, filed for record with
28 the Douglas County Recorder on October 19, 2000, in Book 1000, at
Page 3464, as Document No. 0501638, and by Certificate of Amendment
recorded November 3, 2000, in Book 110, at Page 467, as Document No.
0502689, Official Records of Douglas County, Nevada.

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Together with a permanent non-exclusive easement for utilities and access, for the benefit of Parcel E-1, as set forth in Quitclaim Deed recorded September 17, 1998, in Book 998, at Page 3250, as Document No. 0449574, Official Records, Douglas County, Nevada.

Together with those easements appurtenant thereto and such easements and use rights described in the Declaration of Time Share Covenants, Conditions and Restrictions for David Walley's Resort recorded September 23, 1998, as Document No. 0449993, and as amended by Document Nos. 0466255, 0485265, 0489957, 0509920 and 0521436, and subject to said Declaration; with the exclusive right to use said interest for one Use Period within a STANDARD UNIT every other year in EVEN-numbered years in accordance with said Declaration.

Together with a perpetual non-exclusive easement of use and enjoyment in, to and throughout the Common Area and a perpetual non-exclusive easement for parking and pedestrian and vehicular access, ingress and egress as set forth in Access Easement and Abandonment Deed recorded September 20, 2002 in Book 0902, at Page 06242, as Document No. 0552534, Official Records, Douglas County, Nevada.

A Portion of APN: 1319-15-000-015

Parcel 2:

An undivided one-half (1/2) interest in:
A timeshare estate comprised of an undivided interest as a tennant in common in and to that certain real property and improvements as follows:

An undivided 1/408ths interest in and to all that real property situate in the County of Douglas, State of Nevada, described as follows:

Parcel L as shown on that Record of Survey for David Walley's Resort, a Commercial Subdivision, Walley's Partners, Ltd. Partnership, filed for record with the Douglas County Recorder on July 26, 2006 in Book 0706 at Page 9384 as Document No. 0680634, Official Records of Douglas County, Nevada.

Together with those easements appurtenant thereto and such easements and use rights described in Declaration of Time Share Covenants, Conditions and Restrictions for David Walley's Resort recorded September 23, 1998, as Document No. 0449993 and as amended by Document Nos. 0466255, 0485265, 0489957, 0509920 and 0521436, and that Declaration of Annexation of David Walley's Resort Parcels L and M recorded on February 8, 2007 in the Office of the Douglas County Recorder as Document No. 0694630 and subject to said Declaration; with the exclusive right to use said interest for one Use Period within a Two bedroom unit Every Other in Odd Number Years in accordance with said Declaration.

Together with a perpetual non-exclusive easement for use and enjoyment in, to and throughout the Common Area and a perpetual non-exclusive

1 easement for parking and pedestrian and vehicular access, ingress and
2 egress as set forth in Access Easement and Relocation Deed recorded
3 May 26, 2006 in Book 0506, at Page 10729, as Document No. 0680633,
4 all of Official Records, Douglas County, Nevada.

5 A Portion of APN: 1319-15-000-031

6 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that said estate not be further
7 administered upon.

8 DATED this 2 day of August, 2016.

9 
10 DISTRICT COURT JUDGE

11 Law Office of Kelly R. Chase
12 P.O. Box 2800, Minden, NV 89423
13 Telephone: (775) 782-3099 Fax: (775) 782-3082

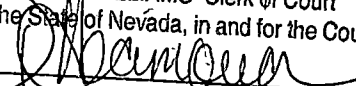
14 Submitted by:
15 KELLY R. CHASE, ESQ.
16 Nevada Bar #937
17 P.O. Box 2800
18 Minden NV 89423
19 (775) 782-3099
20 Attorney for Petitioner

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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 August 2, 2016
BOBBIE R. WILLIAMS Clerk of Court
of the State of Nevada, in and for the County of Douglas,

Page 4 of 4

By  Deputy

STATE OF NEVADA
DECLARATION OF VALUE

1. Assessor Parcel Number(s)
 a) 1319-15-000-015
 b) 1319-15-000-031
 c) _____
 d) _____

2. Type of Property:
 a) Vacant Land b) Single Fam. Res.
 c) Condo/Twnhse d) 2-4 Plex
 e) Apt. Bldg f) Comm'l/Ind'l
 g) Agricultural h) Mobile Home
 i) Other timeshare

FOR RECORDERS OPTIONAL USE ONLY	
BOOK _____	PAGE _____
DATE OF RECORDING: _____	
NOTES: _____	

3. Total Value/Sales Price of Property: \$ _____
 Deed in Lieu of Foreclosure Only (value of property) (_____
 Transfer Tax Value: \$ _____
 Real Property Transfer Tax Due: \$ _____

4. If Exemption Claimed:
 a. Transfer Tax Exemption per NRS 375.090, Section # 3
 b. Explain Reason for Exemption: 3 per court order

5. Partial Interest: Percentage being transferred: _____ %

The undersigned declares and acknowledges, under penalty of perjury, pursuant to NRS 375.060 and NRS 375.110, that the information provided is correct to the best of their information and belief, and can be supported by documentation if called upon to substantiate the information provided herein. Furthermore, the parties agree that disallowance of any claimed exemption, or other determination of additional tax due, may result in a penalty of 10% of the tax due plus interest at 1% per month.

Pursuant to NRS 375.030, the Buyer and Seller shall be jointly and severally liable for any additional amount owed.

Signature Deanna Patricia Lewis Capacity Agent
 Signature _____ Capacity _____

SELLER (GRANTOR) INFORMATION
(REQUIRED)

BUYER (GRANTEE) INFORMATION
(REQUIRED)

Print Name: Estate of Alice Franklin
 Address: PO Box 2800
 City: Minden
 State: NV Zip: 89423

Print Name: Ruth Nielsen
 Address: PO Box 2800
 City: Minden
 State: NV Zip: 89423

COMPANY/PERSON REQUESTING RECORDING

(required if not the seller or buyer)

Print Name: Law Office of Kelly Chase Escrow # _____
 Address: PO Box 2800
 City: Minden State: NV Zip: 89423

(AS A PUBLIC RECORD THIS FORM MAY BE RECORDED/MICROFILMED)