



KAREN ELLISON, RECORDER

E05

APNs: 1022-32-110-036
and 1022-10-001-026

There is no social security
number contained in this document.

Requested by and when recorded, return to:
GEORGE M. KEELE, ESQ.
1692 County Road, #A
Minden, NV 89423

**AMENDED ORDER *NUNC PRO TUNC*
SETTLING FIRST AND FINAL ACCOUNT;
APPROVING PAYMENT OF FEES AND COSTS;
ORDER APPROVING STATUS REPORT;
AND DECREE OF FINAL DISTRIBUTION**

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Douglas County
District Court Clerk

BOBBIE R. WILLIAMS
CLERK

D. HESCHMOVICH

1 CASE NO. 14-PB-0119

2 DEPT. NO. I

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

9
10 IN THE MATTER OF THE ESTATE

11 OF

12
13 JAMES R. MARSHALL, also known
14 as JAMES MARSHALL,

15 Deceased /

AMENDED ORDER NUNC PRO
TUNC SETTLING
FIRST AND FINAL ACCOUNT;
APPROVING PAYMENT
OF FEES AND COSTS; ORDER
APPROVING STATUS REPORT;
AND DECREE
OF FINAL DISTRIBUTION

16
17 DONALD WINSTON MARSHALL, as Personal Representative of
18 the estate of JAMES R. MARSHALL, also known as JAMES
19 MARSHALL, deceased (sometimes also referred to hereinafter
20 as "the decedent"), having filed herein on the 23rd day of
21 June, 2016, his First and Final Account, Status Report; and
22 Petition for Fees and Costs and for Final Distribution, and
23 the said account and petition having come on regularly to
24 be heard this 5th day of July, 2016, and proof having been
25 made to the satisfaction of the Court that proper notice
26 has been given in this matter, the Court finds:

27 1. JAMES R. MARSHALL ("the decedent") died on
28 September 9, 2014, in Carson City, Nevada. At the time of

1 his death, the decedent was a resident of the County of
2 Douglas, State of Nevada.

3 2. The decedent died testate, and on November 25,
4 2014, Letters Testamentary were issued to Petitioner,
5 whereupon Petitioner was duly and regularly appointed and
6 qualified as the Personal Representative of decedent's
7 estate, and he has since that date acted as such Personal
8 Representative.

9 3. A period of more than six months has elapsed
10 since issuance of such Letters Testamentary. Please see
11 short Status Report at paragraph 8, *infra*.

12 4. Immediately after Letters Testamentary were
13 issued to Petitioner, Petitioner caused to be published a
14 Notice to Creditors, as required by NRS 147.010; a Proof
15 and Statement of Publication of such notice has been filed
16 herein; and the time for presentation of claims against the
17 estate expired on February 26, 2015, ninety (90) days after
18 the first publication of said notice. No claims have been
19 presented against the estate for payment. To the knowledge
20 of the Personal Representative, there remain no unpaid
21 claims in the decedent's estate.

22 5. Petitioner filed herein an Inventory and
23 Appraisement on January 20, 2015, setting forth Six Hundred
24 Fifty-one Thousand Two Hundred Ninety-five Dollars
25 (\$651,295) as the total cash value of the estate as of the
26 date of decedent's passing.

27 ///
28

1 6. No federal estate or income tax is owed on this
2 estate.

3 7. Attached to the First and Final Account filed
4 herein on June 23, 2016, is an account setting forth the
5 estate transactions covering the periods 9/10/2014 to
6 12/31/2014; 1/1/2015 to 12/30/2015; and 1/1/2016 to
7 4/15/2016, inclusive. The account was prepared by the
8 Personal Representative and his counsel, George M. Keele,
9 Esq., and it shows the total of assets, including money,
10 received and expended by the Personal Representative during
11 the periods 9/10/2014 to 12/31/2014; 1/1/2015 to
12 12/30/2015; and 1/1/2016 to 4/15/2016, inclusive. Since
13 April 15, 2016, no significant receipts or expenditures
14 have occurred in the estate accounting.

15 8. STATUS REPORT. Between February 2, 2015, and
16 approximately April 15, 2016, this estate was subjected to
17 a federally mandated mediation process that prevented the
18 foreclosure proceedings from moving forward with respect to
19 the parcel of real property commonly known as 1281 Hematite
20 Court, Gardnerville, Douglas County, Nevada ("the Parcel").
21 The intended foreclosure was to have been carried out in
22 accordance with the standard process set forth in chapter
23 107 of Nevada Revised Statutes. Following a year's delay
24 occasioned by mediation proceedings, the Personal
25 Representative resumed and concluded the successful
26 foreclosure of the 1281 Hematite Court rental property. The
27 said parcel of improved real property has become an asset
28

1 of the decedent's estate by virtue of the Trustee's Deed
2 Upon Sale recorded February 19, 2016, as Document No.
3 877058, in the official records of Douglas County, Nevada.
4 Between February 24, 2016, and March 28, 2016, following
5 the successful foreclosure proceeding in which the Parcel
6 was restored to the ownership of the estate, the Personal
7 Representative had to commence an eviction proceeding, and
8 the former owner of the Parcel, together with her house
9 guests, were eventually evicted from the Parcel, leaving it
10 in shambles, which caused the Personal Representative to
11 expend dozens of hours and thousands of dollars to restore
12 the Parcel to a habitable condition. Attorney Jennifer
13 Yturbide was retained on contract to represent the
14 interests of the estate in the foreclosure proceedings. The
15 Personal Representative respectfully requests that the
16 Court ratify Ms. Yturbide's fees and costs incurred in this
17 successful foreclosure process.

18 Ms. Yturbide's professional efforts ultimately
19 resulted in the legal path through foreclosure proceedings
20 to be cleared, one excruciatingly slow procedure after
21 another, and the Parcel was at long last restored to
22 ownership by the decedent's estate, despite despicable
23 activities either caused, or allowed to occur by the
24 actions, or failures to act, of the party whose legal
25 interest in the Parcel was foreclosed. The Personal
26 Representative spent in excess of \$20,000 of his own money
27 to repair and reconstruct the foreclosed premises.
28

1 9. Petitioner, DONALD WINSTON MARSHALL, as Personal
2 Representative of this estate, with the excellent
3 assistance of his wife Holly Marshall, has performed
4 services necessary to the administration of the estate
5 since the death of the decedent, including marshaling all
6 of the assets of the estate, placing the liquid funds of
7 the estate in an interest-bearing account, protecting and
8 inventorying the assets of the estate, collecting and
9 paying estate debts, foreclosing on and extensively
10 repairing real property that has become an asset of the
11 estate, and performing other, necessary services in
12 connection with this estate proceeding. For his services as
13 Personal Representative, Petitioner is entitled to
14 statutory compensation in the amount of \$14,175.90,
15 together with extraordinary fees. However, he has agreed to
16 and he hereby waives all such fees inasmuch as he is the
17 sole devisee pursuant to the decedent's Last Will and
18 Testament.

19 10. The law firm of GEORGE M. KEELE, A PROFESSIONAL
20 CORPORATION, by George M. Keele, Esq., has rendered legal
21 services to this estate that have been necessary to its
22 administration, including the preparation and filing of all
23 legal documents, notices, pleadings, and other papers
24 required to date in this estate proceeding and the
25 provision to the Personal Representative of other essential
26 legal services. The law firm and the Petitioner herein have
27 agreed that a reasonable fee for the firm's professional
28

1 legal services is \$325 per hour, pursuant to NRS
2 150.060(2)(a). The Personal Representative has approved the
3 requested fees. The Court also approves such fees as
4 reasonable.

5 11. The law firm of GEORGE M. KEELE, A PROFESSIONAL
6 CORPORATION, has advanced the sum of \$830.06 as unpaid
7 costs in connection with this matter and is entitled to
8 reimbursement for the same. The Personal Representative has
9 also approved the reimbursement of these costs as set forth
10 in the First and Final Account. The Court also approves as
11 appropriate the reimbursement to the law firm of \$830.06 in
12 costs advanced by the firm.

13 12. No request for special notice has been filed in
14 this proceeding.

15 THEREFORE, IT IS ORDERED, ADJUDGED, AND DECREED, *NUNC*
16 *PRO TUNC* to July 5, 2016, as follows:

17 A. The First and Final Account of DONALD WINSTON
18 MARSHALL, Personal Representative of the Estate of JAMES
19 MARSHALL, deceased, be, and the same is, hereby finally
20 settled, allowed, and approved, and all actions taken by
21 the Personal Representative in connection with the
22 administration of this estate as set forth in the account
23 and petition filed herein on the 23rd day of June, 2016,
24 are hereby ratified and approved.

25 B. The statement for attorney's fees attached as
26 Exhibit 2 to the First and Final Account in this matter,
27 having been approved as reasonable by the Personal
28

1 Representative's execution of the Account and by this
2 Court, the Personal Representative is authorized and
3 directed, from the funds of the decedent's estate, to pay
4 GEORGE M. KEELE, ESQ., attorney's fees in connection with
5 his services rendered to this estate in the amount of
6 \$16,265.

7 C. The Personal Representative is also authorized
8 and directed to reimburse GEORGE M. KEELE, ESQ., \$830.06 as
9 allowed costs from the funds of this estate.

10 D. The Personal Representative is hereby authorized
11 and directed to pay and distribute the decedent's remaining
12 estate, including without limitation, the following:

- 13 1. Handgun and ammunition
- 14 2. Shotgun and ammunition
- 15 3. Large safe
- 16 4. Small safe
- 17 5. Miscellaneous clothes
- 18 6. Bathroom scale, towels, etc.
- 19 7. 2 desks
- 20 8. Queen bed in master bedroom
- 21 9. Dresser in master bedroom
- 22 10. Computer and printer
- 23 11. Television
- 24 12. Miscellaneous pictures
- 25 13. Books
- 26 14. Double bed in guest room
- 27 15. Dresser in guest room
- 28 16. Lamp, rug, items in guest room
17. 2 single beds in guest room
18. Dresser in guest room
19. Television in guest room
20. Lamp and other items in guest room
21. Pots, pans, knives, and other items
22. Dishware and silverware
23. Coffeemaker and small appliances
24. 3 refrigerators
25. Table and chairs
26. 2 rugs

- 1 27. Cabinet in living room
- 2 28. Glass cabinets in living room
- 3 29. Couch
- 4 30. Television and stereo in living room
- 5 31. Table behind sofa
- 6 32. Outdoor furniture
- 7 33. Lawn mower
- 8 34. 1998 Mule 4-wheeler
- 9 35. Miscellaneous tools
- 10 36. Miscellaneous works of art
- 11 37. 1994 16-foot Hobie Cat

12 An improved parcel of real property located at 2043
13 Comstock Drive, Gardnerville, Nevada (Douglas County
14 Assessor's Parcel Number (1022-32-110-036), as more fully
15 described in **Exhibit 1.**

16 An improved parcel of real property located at 1281
17 Hematite Court, Wellington, Nevada (Douglas County
18 Assessor's Parcel Number 1022-10-001-026), as more fully
19 described in **Exhibit 2.**

20 2003 Suburban, VIN 3GNFK16T83G177754
21 2012 Audi Quattro, VIN WA1LGAFE7CD008461

22 All royalties and all other legal entitlements of the
23 decedent in the above-entitled probate proceeding, namely:
24 JAMES R. MARSHALL, also known as JAMES MARSHALL, in and
25 from oil and gas interests from various oil and gas
26 companies including without limitation, Mountain Divide,
27 Murex Petroleum, Chevron USA, XTO Energy, Whiting Oil and
28 Gas, Sunco Inc., Plains Marketing, Williams Oil, Yates
Petroleum, Title Source, Texland Petroleum, Scythian Ltd.,
Sedalia Energy, NorthStar Operating, Petro Harvester
Operating

to the decedent's son DONALD WINSTON MARSHALL, a married
man as his sole separate property, 9329 S. Yegge Road,
Morrison, Colorado 80465 (mailing address: Post Office Box
1184, Conifer, Colorado 80433), in accordance with the
provisions of Article 3.4 of the Last Will and Testament of
JAMES R. MARSHALL dated July 6, 2010.

1 E. The Personal Representative is further ordered to
2 comply with each and every remaining provision of the
3 decedent's Last Will and Testament.

4 F. The Court retains jurisdiction of this estate
5 until the same is distributed and closed. Upon the Personal
6 Representative's filing receipts acknowledging receipt of
7 payment of the fees and costs approved in this Order and
8 acknowledging receipt of the distributions to the devisee,
9 as provided in this Order, a decree of discharge shall be
10 entered and filed herein, discharging the Personal
11 Representative from all liability thereafter to be incurred
12 by him in this proceeding.
13

14
15 Dated: September 20, 2016.

16
17
18 
19 DISTRICT JUDGE

20
21 Submitted by:
22 George M. Keele, Esq.
23 Nevada Bar No. 1701
24 Attorney for the
25 Personal Representative
26 1692 County Road, #A
27 Minden, NV 89423
28 775-782-9781

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INDEX OF EXHIBITS

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EXHIBIT 1: Legal Description of 2043 Comstock Drive, Gardnerville, Nevada 1 page

EXHIBIT 2: Legal Description of 1281 Hematite Court, Wellington, Nevada 1 page

COPIES

EXHIBIT 1

LEGAL DESCRIPTION OF
2043 COMSTOCK DRIVE, GARDNERVILLE, NEVADA

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All that certain lot, piece or parcel of land situate in the County of Douglas, State of Nevada, described as follows:

Lots 13 and 14, as shown on the map of TOPAZ SUBDIVISION, filed for record in the office of the County Recorder of Douglas County, State of Nevada, on August 10, 1954, in Book 1 of Maps, as File No. 9774.

Assessor's Parcel No. 1022-32-110-036

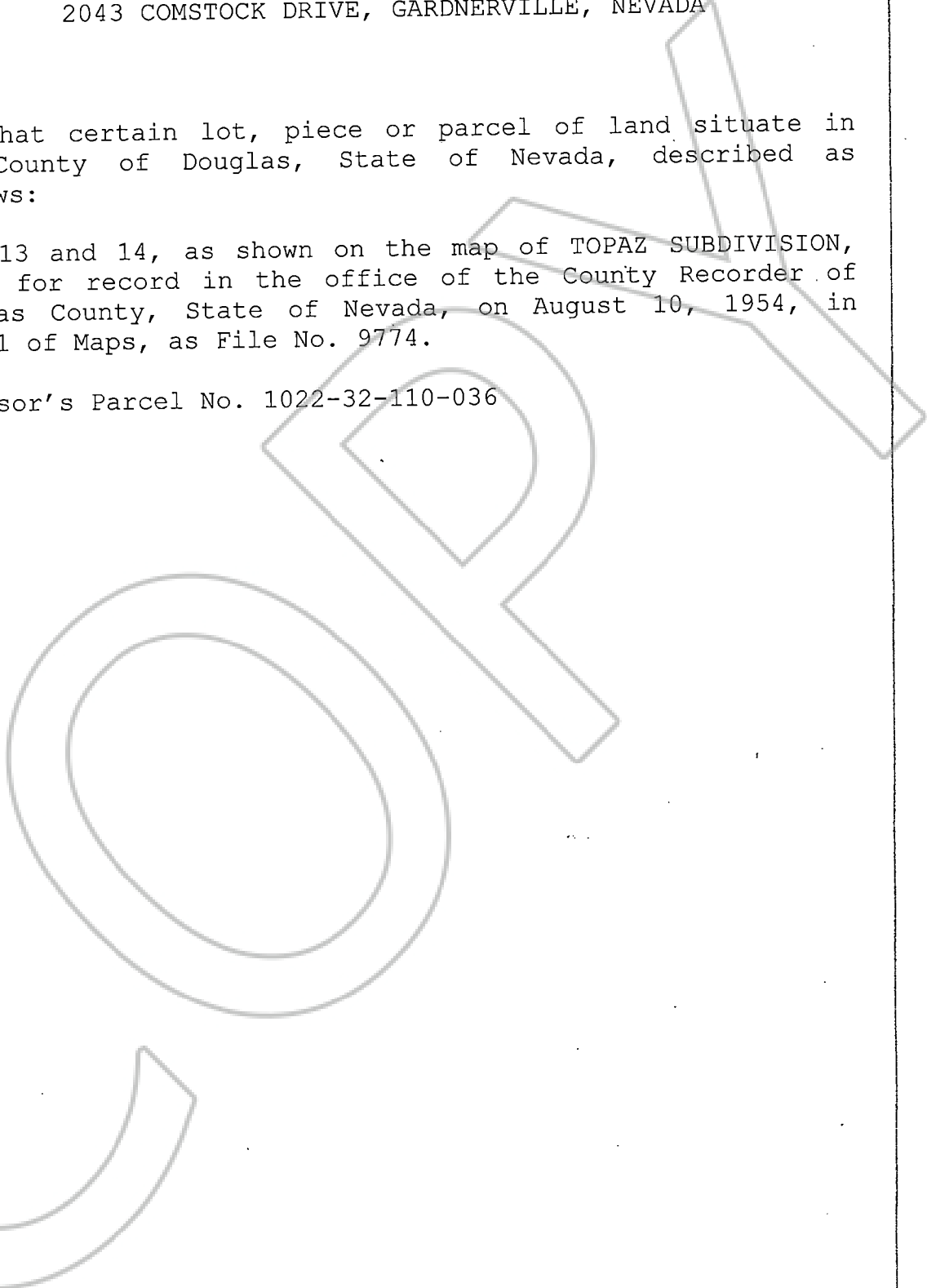


EXHIBIT 2

LEGAL DESCRIPTION OF
1281 HEMATITE COURT, WELLINGTON, NEVADA

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

Lot 142 as shown on the map of TOPAZ RANCH ESTATES UNIT NO. 2, filed in the Office of the County Recorder of Douglas County, Nevada on February 20, 1967, as Document No. 35464.

Assessor's Parcel No. 1022-10-001-026

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 September 22, 2016
BOBBIE R. WILLIAMS Clerk of Court
of the State of Nevada, in and for the County of Douglas,

By [Signature] Deputy

STATE OF NEVADA
DECLARATION OF VALUE

1. Assessors Parcel Number(s)
 a) 1022-32-110-036
 b) 1022-10-061-026
 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 _____

FOR RECORDERS OPTIONAL USE ONLY	
DOCUMENT/INSTRUMENT #:	_____
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: \$ 0

4. If Exemption Claimed:
 a. Transfer Tax Exemption per NRS 375.090, Section # 5
 b. Explain Reason for Exemption: Transfer of title to child from parent pursuant to probate 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 Mary E Baldecchi Capacity Agent
 Signature _____ Capacity _____

**SELLER (GRANTOR) INFORMATION
(REQUIRED)**

Print Name: Estate of James R. Marshall
 Address: PO Box 1184
 City: Conifer
 State: CO Zip: 80433

**BUYER (GRANTEE) INFORMATION
(REQUIRED)**

Print Name: Donald Winston Marshall
 Address: P.O. Box 1184
 City: Conifer
 State: CO Zip: 80433

COMPANY/PERSON REQUESTING RECORDING

(required if not the seller or buyer)

Print Name: George M. Keele Escrow # _____
 Address: 1692 Coanty Rd, Ste A
 City: Minden State: NV Zip: 89423

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