



KAREN ELLISON, RECORDER

1418-34-201-006
1418-34-201-005

RECORDING REQUESTED BY

DAWN ELLERBROCK, ESQ.

WHEN RECORDED MAIL TO

DAWN ELLERBROCK, ESQ.
ALLISON MacKENZIE, LTD.
402 North Division Street
P.O. Box 646
Carson City, NV 89702

SPACE ABOVE THIS LINE RESERVED FOR
RECORDER'S USE

The party executing this document hereby affirms that this document submitted for recording does not contain the social security number of any person or persons pursuant to NRS 239B.030

The party executing this document hereby affirms that this document submitted for recording does contain the social security number of a person or persons as required by NRS 239B.030(2).

Signature

TITLE OF DOCUMENT

ORDER APPROVING FIRST AND FINAL ACCOUNT AND GRANTING PETITION FOR FEES AND FOR FINAL DISTRIBUTION

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Douglas County
District Court Clerk

BOBBIE R. WILLIAMS
CLERK
BY K. WILFERT DEPUTY

1 CASE NO: 16 PB 0129

2 DEPT. NO: II

3 The party executing this document hereby affirms
4 that this document submitted for filing DOES NOT
5 contain the social security number of a
6 deceased person or persons

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

9 OF

10 MARGARET L. KLINE,

11 Deceased.

12 _____ /
13 **ORDER APPROVING FIRST AND FINAL ACCOUNT AND**
14 **GRANTING PETITION FOR FEES AND FOR FINAL DISTRIBUTION**

15 KYLE J. KLINE, the duly appointed Personal Representative of the estate of
16 MARGARET L. KLINE, deceased, by and through his attorneys, ALLISON MacKENZIE, LTD.,
17 having filed with the Court his First and Final Account; Petition for Fees and for Final Distribution
18 (hereinafter "Petition"), and a hearing thereon having been had in open Court, due notice of which
19 was proved; and no person objecting; and the Court having reviewed the evidence, read the papers,
20 and considered the matter; and it appearing:

21 I.

22 **DECEDENT**

23 That MARGARET L. KLINE (hereinafter referred to as "decedent") died on July 11,
24 2001, being at the time of her death a resident of the County of Douglas, State of Nevada, leaving
25 at the time of her death an undivided one-half (1/2) interest in certain real property located within the
26 State of Nevada.

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28 ///

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II.

LAST WILL AND TESTAMENT

That the decedent left a Last Will and Testament dated September 16, 1998. That said instrument was duly approved, allowed and admitted to probate by Order of this Court on December 5, 2016. That the beneficiary of the decedent's Last Will and Testament is the D & M KLINE FAMILY TRUST.

III.

APPOINTMENT OF PERSONAL REPRESENTATIVE
AND ISSUANCE OF LETTERS TESTAMENTARY

That on December 5, 2016, following a hearing on the Petition for Probate of Will and for Issuance of Letters Testamentary, duly filed and lawfully noticed, this Court granted administration herein and appointed KYLE J. KLINE, as Personal Representative of the decedent's estate. That Letters Testamentary were issued to him on December 22, 2016, and ever since such date he has been, and now is, the duly qualified and acting Personal Representative of the estate of the decedent.

IV.

NOTICE TO CREDITORS

Notice to Creditors of the decedent's estate to present their claims within the time and in the manner provided for by law was filed with this Court on December 22, 2016, and duly published in THE RECORD-COURIER, such publication occurring on January 1, 6, and 11, 2017. Proof of Publication was filed with the Court on January 20, 2017. The claim period has expired and no creditor claims have been filed against the estate.

That the State of Nevada, Department of Health and Human Services, Medicaid Estate Recovery, was mailed a copy of the Notice to Creditors via certified mail return receipt on December 29, 2016. An Affidavit of Service was filed in this Court on December 30, 2016. That the State of Nevada, Department of Health and Human Services, Medicaid Estate Recovery, has not filed a claim against the estate.

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1 V.

2 FEDERAL INCOME/ESTATE TAX

3 That all of the decedent's individual income tax returns have been properly filed and
4 any taxes due and owing have been, or will be properly paid.

5 VI.

6 INVENTORY, APPRAISEMENT AND RECORD OF VALUE

7 That on March 15, 2017, the Personal Representative filed an Inventory,
8 Appraisalment and Record of Value ("Inventory"). That the total value of the estate subject to
9 administration in this proceeding as reflected in the Inventory is Two Million Seven Hundred Fifty
10 Thousand Three Hundred Twenty-Three and 00/100 Dollars (\$2,750,323.00) and consisted of
11 decedent's undivided one-half interest in real property. Pursuant to NRS 144.010(2), the Inventory
12 was mailed to all interested persons of the estate.

13 VII.

14 HEIRS AND NEXT-OF-KIN

15 That the names, relationships, ages, and addresses of the heirs and next-of-kin of the
16 decedent are as follows:

17 <u>NAME</u>	<u>RELATIONSHIP</u>	<u>AGE</u>	<u>ADDRESS</u>
18 KYLE J. KLINE	Son	Adult	1348 Park Ridge Circle Severance, CO 80615
20 KRESS M. SCHLIM, f/k/a KRESS M. KLINE	Daughter	Adult	94910 Link Ridge Drive Junction City, OR 97448

21 VIII.

22 DEVISEE

23 Pursuant to Article FOURTH of the decedent's Last Will and Testament dated
24 September 16, 1998, the sole devisee of the decedent's estate is the currently acting Trustee of the
25 D & M KLINE FAMILY TRUST. That KYLE J. KLINE is the currently acting sole Trustee of the
26 D & M KLINE FAMILY TRUST. That a copy of the Affidavit of Certification of Trust of the D
27 & M KLINE FAMILY TRUST is attached as EXHIBIT 1 to the Petition.
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IX.

FIRST AND FINAL ACCOUNT

That the First and Final Account of the whole of the inventoried estate is attached as EXHIBIT 2 to the Petition. The property on hand at the end of this first and final account period consists of the decedent's undivided one-half interest in two separate parcels of real property located in the County of Douglas, State of Nevada, as follows:

1. An undivided one-half interest in the real property identified as Assessor's Parcel Number 1418-34-206-006 (the "house property"), and more specifically described as follows:

Being a portion of Lot 2, Sec. 34, T. 14 N., R. 18 E., M.D.B.&M. and further described as follows, to-wit:

Being portions of Lot 6 of the Beatty Tract and Lot 7 of the A. Cohn Tract and further described by metes and bounds as follows:

Beginning at the NE corner of said Lot 2 of Sec. 34; thence S 0° 31' W, a distance of 1112.075 feet to a point; thence N 89° 53' W, along the north boundary of the MILLER-SMITH property, a distance of 550 ft., more or less to the westerly right of way line of U.S. Highway 50, the true point of beginning; thence N 89° 53' W, a distance of 860 ft., more or less to a point on the meander line of Lake Tahoe; thence southeasterly along said meander line a distance of 217 ft., more or less to the south boundary of said Lot 7 of the A. Cohn Tract; thence S 89° 53' E, along the south boundary of Lot 7, a distance of 760 ft., more or less, to the aforesaid westerly right of way line of U.S. Highway 50; thence northwesterly along said right of way line a distance of 193 ft., more or less to the point of beginning.

Excepting therefrom that certain parcel described in Document No. 457194, recorded December 23, 1998 in Book 1298, Page 5677, Official Records of Douglas County, State of Nevada.

Excepting any portion of the above described property lying within the bed of Lake Tahoe below the line of natural ordinary low water and also excepting any artificial accretions to the land water ward of the line of natural low water or, if lake level has been artificially lowered, excepting any portion lying below an elevation of 6,223.00 feet, Lake Tahoe datum established by NRS 321.595

Note: legal description previously contained in Document No. 456990, recorded December 21, 1998, Book 1298, Page 4915, Official Records of Douglas County, State of Nevada.

2. An undivided one-half interest in the real property identified as Assessor's Parcel Number 1418-34-201-005 (the "cabin property"), and more specifically described as follows:

///

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1 Beginning at a point on the East boundary line of Lot 2 of Section 34,
2 Township 14 North, Range 18 East, M.D.B.&M., said point being
3 South 0° 31' West 1112.075 feet from the Northeast corner of said Lot
4 2; thence North 89° 53' West 1410 feet, more or less, to the meander
5 line of Lake Tahoe; thence Southerly along the meander line of Lake
6 Tahoe to its intersection with the South line of Lot 6 of the Beatty
7 Tract in Lot 2 of Section 34, according to the official map of said
8 Beatty Tract on file in the office of the Recorder of Douglas County,
9 Nevada; running thence easterly along the South line of said Lot 6 to
10 the Easterly line of said Lot 2 of Section 34; thence Northerly along
11 the East line of said Lot 2 a distance of 87.925 feet to The Point of
12 beginning; said above described premises being the South 87.925 feet
13 of Lot 6 of said Beatty Tract in Lot 2 of Section 34.

14 Said premises being conveyed to those certain restrictions and
15 covenants contained in deed recorded in Book R of Deeds, page 162,
16 Douglas County Records.

17 Note: Legal description previously contained in Document No.
18 457194, recorded December 23, 1998, in Book 1298, Page 5677,
19 Official Records of Douglas County, State of Nevada.

20 X.

21 PERSONAL REPRESENTATIVE'S FEE

22 Pursuant to NRS 150.020, Petitioner has rendered services as Personal Representative
23 of the estate, is entitled to a fee, but waives any such fee.

24 XI.

25 ATTORNEYS' FEES AND COSTS

26 That Petitioner has engaged the services of ALLISON MacKENZIE, LTD., as attorneys
27 for Petitioner and said firm has rendered such legal services as itemized in the billing statement
28 attached as EXHIBIT 3 to the Petition, and is entitled to reasonable compensation therefor. That
29 ALLISON MacKENZIE, LTD., requests the payment of an attorneys' fee in the amount of Nine
30 Thousand Eight Hundred Thirty-Seven and 50/100 Dollars (\$9,837.50), together with costs advanced
31 in the amount of One Thousand Twenty and 35/100 Dollars (\$1,020.35). That said attorneys' fee
32 and costs should be paid one-half from the assets of the D & M KLINE FAMILY TRUST, and one-
33 half from the assets of the KLINE LIMITED PARTNERSHIP.

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1 XII.

2 COSTS OF CLOSING ESTATE

3 That certain expenses normal and usual in connection with the closing of such an estate
4 may become due and payable in an amount of approximately Two Thousand and No/100 Dollars
5 (\$2,000.00).

6 XIII.

7 DISTRIBUTION OF ESTATE

8 That the estate is in a position to be closed and distributed. That after all expenses and
9 costs of the estate have been paid, Petitioner requests that he be authorized to distribute the
10 decedent's estate, now known or hereafter discovered, to KYLE J. KLINE, Trustee of the D & M
11 KLINE FAMILY TRUST, pursuant to Article FOURTH of the decedent's Last Will and Testament
12 dated September 16, 1998.

13 With respect to the "cabin property," and in accordance with that certain Settlement
14 Agreement entered into by and between KYLE J. KLINE and KRESS M. SCHLIM, in Case Number
15 16 CV 0036, in Department 1 of this Court, the undivided one-half interest in said cabin property
16 will ultimately be distributed to the KLINE LIMITED PARTNERSHIP as originally intended by the
17 decedent as evidenced by that certain Deed dated December 17, 1998, and recorded with the Douglas
18 County Recorder on December 23, 1998, as Document No. 457194, in Book 1298, Page 5677, a
19 copy of which is attached as EXHIBIT 4 to the Petition.

20 NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED as
21 follows:

22 1. The First and Final Account filed herein by KYLE J. KLINE, as Personal
23 Representative of the estate of MARGARET L. KLINE, deceased, is settled approved and allowed,
24 and all actions set forth therein taken by the Personal Representative on behalf of the estate are
25 confirmed.

26 2. The Personal Representative is authorized and directed to pay an attorneys' fee
27 to ALLISON MacKENZIE, LTD., in the amount of Nine Thousand Eight Hundred Thirty-Seven and
28 50/100 Dollars (\$9,837.50) as and for reasonable attorneys' fees rendered to the Personal

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1 Representative; and to pay One Thousand Twenty and 35/100 Dollars (\$1,020.35) to said attorneys
2 as reimbursement for costs and expenses advanced to the estate, said attorneys' fee and costs to be
3 paid one-half from the assets of the D & M KLINE FAMILY TRUST, and one-half from the assets
4 of the KLINE LIMITED PARTNERSHIP.

5 3. That once the foregoing costs and expenses of administration have been paid, the
6 Personal Representative is authorized and directed to distribute the decedent's estate, now known
7 or hereafter discovered, to KYLE J. KLINE as the currently acting sole Trustee of the D & M KLINE
8 FAMILY TRUST, pursuant to Article FOURTH of the decedent's Last Will and Testament dated
9 September 16, 1998, said distribution to include the following:

10 a. The estate's undivided one-half interest in the real property identified as
11 Assessor's Parcel Number 1418-34-206-006 (the "house property"), and more specifically described
12 as follows:

13 Being a portion of Lot 2, Sec. 34, T. 14 N., R. 18 E., M.D.B.&M. and
14 further described as follows, to-wit:

15 Being portions of Lot 6 of the Beatty Tract and Lot 7 of the A. Cohn
16 Tract and further described by metes and bounds as follows:

17 Beginning at the NE corner of said Lot 2 of Sec. 34; thence S 0° 31'
18 W, a distance of 1112.075 feet to a point; thence N 89° 53' W, along
19 the north boundary of the MILLER-SMITH property, a distance of
20 550 ft., more or less to the westerly right of way line of U.S. Highway
21 50, the true point of beginning; thence N 89° 53' W, a distance of 860
22 ft., more or less to a point on the meander line of Lake Tahoe; thence
23 southeasterly along said meander line a distance of 217 ft., more or
24 less to the south boundary of said Lot 7 of the A. Cohn Tract; thence
25 S 89° 53' E, along the southboundary of Lot 7, a distance of 760 ft.,
26 more or less, to the aforesaid westerly right of way line of U.S.
27 Highway 50; thence northwesterly along said right of way line a
28 distance of 193 ft., more or less to the point of beginning.

Excepting therefrom that certain parcel described in Document No.
457194, recorded December 23, 1998 in Book 1298, Page 5677,
Official Records of Douglas County, State of Nevada.

Excepting any portion of the above described property lying within
the bed of Lake Tahoe below the line of natural ordinary low water
and also excepting any artificial accretions to the land water ward of
the line of natural low water or, if lake level has been artificially
lowered, excepting any portion lying below an elevation of 6,223.00
feet, Lake Tahoe datum established by NRS 321.595

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1 Note: legal description previously contained in Document No.
2 456990, recorded December 21, 1998, Book 1298, Page 4915,
3 Official Records of Douglas County, State of Nevada.

4 b. The estate's undivided one-half interest in the real property identified as
5 Assessor's Parcel Number 1418-34-201-005 (the "cabin property"), and more specifically described
6 as follows:

7 Beginning at a point on the East boundary line of Lot 2 of Section 34,
8 Township 14 North, Range 18 East, M.D.B.&M., said point being
9 South 0° 31' West 1112.075 feet from the Northeast corner of said Lot
10 2; thence North 89° 53' West 1410 feet, more or less, to the meander
11 line of Lake Tahoe; thence Southerly along the meander line of Lake
12 Tahoe to its intersection with the South line of Lot 6 of the Beatty
13 Tract in Lot 2 of Section 34, according to the official map of said
14 Beatty Tract on file in the office of the Recorder of Douglas County,
15 Nevada; running thence easterly along the South line of said Lot 6 to
16 the Easterly line of said Lot 2 of Section 34; thence Northerly along
17 the East line of said Lot 2 a distance of 87.925 feet to The Point of
18 beginning; said above described premises being the South 87.925 feet
19 of Lot 6 of said Beatty Tract in Lot 2 of Section 34.

20 Said premises being conveyed to those certain restrictions and
21 covenants contained in deed recorded in Book R of Deeds, page 162,
22 Douglas County Records.

23 Note: Legal description previously contained in Document No.
24 457194, recorded December 23, 1998, in Book 1298, Page 5677,
25 Official Records of Douglas County, State of Nevada.

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1 4. The Personal Representative is authorized and directed to do all the things
2 necessary and proper to effectuate such distributions; and upon the making of such distributions, the
3 Personal Representative shall be released and discharged from his trust herein.

4 DATED April 17, 2017.

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7 _____
8 DISTRICT JUDGE

9 Respectfully submitted by:

10 ALLISON MacKENZIE, LTD.
11 402 North Division Street
12 P.O. Box 646
13 Carson City, NV 89702
14 Telephone: (775) 687-0202

15 By: _____
16 DAWN ELLERBROCK, ESQ.
17 Attorneys for Personal Representative,
18 KYLE J. KLINE

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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 4/17/17

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

By _____ Deputy