

1320-06-001-002

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

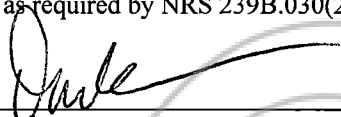


KAREN ELLISON, RECORDER

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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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JUN 23 2017

Douglas County
District Court Clerk

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CLERK

D. GOELZ
BY _____ DEPUTY

1 DAWN ELLERBROCK, ESQ.
Nevada State Bar No. 7327
2 WILL WAGNER, ESQ.
Nevada State Bar No. 13978
3 ALLISON MacKENZIE, LTD.
402 North Division Street
4 P.O. Box 646
Carson City, NV 89702
5 Telephone: (775) 687-0202

6 Attorneys for Co-Executors,
SUSAN BRACKNEY
7 and D. GERALD BING

8 IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

9 IN AND FOR THE COUNTY OF DOUGLAS

10 IN THE MATTER OF THE ESTATE

11 OF

Case No. 16 PB 0130

12 JERRY J. BING,

Dept. No. I

13 Deceased.

14 _____
15 **ORDER APPROVING FIRST AND FINAL ACCOUNT**
16 **AND GRANTING PETITION FOR FEES**
17 **AND FOR FINAL DISTRIBUTION**

18 SUSAN B. BRACKNEY and D. GERALD BING, by and through their attorneys,
19 ALLISON MacKENZIE, LTD., having filed with the Court their First and Final Account; Petition
20 for Fees and for Final Distribution (hereinafter "Petition"), and a hearing having been had in open
21 Court, due notice of which was proved; and no person objecting; and the Court having reviewed the
22 evidence, read the papers, and considered the matter; and it appearing:

23 I.

24 **DECEDENT**

25 That JERRY J. BING (hereinafter referred to as "decedent") died on February 27,
26 2016, being at the time of her death a resident of and domiciled in Maricopa County, State of
27 Arizona, leaving at the time of her death certain real property located in Douglas County, State of
28 Nevada, subject to ancillary probate administration.

///

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II.

LAST WILL AND TESTAMENT

That the decedent left a Last Will and Testament dated August 12, 2003. That the original Last Will and Testament of the decedent has been lodged with the Superior Court of Arizona, Maricopa County. That the decedent's Last Will and Testament has been admitted for probate administration in the Superior Court of Arizona, Maricopa County, in Case No. PB2016-001176, and Letters of Appointment of Co-Personal Representatives and Acceptance of Appointment as Co-Personal Representatives were issued to each SUSAN B. BRACKNEY and D. GERALD BING. That petitioners are informed and believe that said Last Will and Testament dated August 12, 2003, was never revoked by the decedent.

III.

APPOINTMENT OF CO-EXECUTORS
AND ISSUANCE OF LETTERS TESTAMENTARY

That on December 13, 2016, following a hearing on the Petition for Summary Probate of Foreign Will and for Issuance of Letters Testamentary, which was duly filed and lawfully noticed, this Court granted ancillary summary probate and appointed SUSAN BRACKNEY and D. GERALD BING as Co-Executors of the decedent's estate in the State of Nevada. That Letters Testamentary were issued to them on December 14, 2016, and ever since such date they have been, and now are, the duly qualified and acting Co-Executors of the estate of the decedent in the State of Nevada.

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 14, 2016, and duly published in THE RECORD-COURIER, such publication occurring on December 18, 23, and 28, 2016. Proof of Publication was filed with the Court on January 10, 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

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1 December 15, 2016. An Affidavit of Service was filed with this Court on December 19, 2016. The
2 State of Nevada, Department of Health and Human Services, Medicaid Estate Recovery, has not filed
3 a claim against the estate.

4 V.

5 FEDERAL INCOME/ESTATE TAX

6 That the total value of the assets of the estate on the date of death of the decedent was
7 such that it was not necessary to file with the INTERNAL REVENUE SERVICE (IRS) a Federal
8 Estate Tax Return, Form 706. That all of the decedent's personal Federal Income Tax Returns have
9 been duly filed with the IRS and any taxes due and owing have been paid. That petitioners will
10 retain sufficient funds in the estate to pay any taxes that may be due and owing as a result of closing
11 up the estate.

12 VI.

13 INVENTORY, APPRAISEMENT AND RECORD OF VALUE

14 That on February 24, 2017, the Co-Executors filed an Inventory, Appraisalment and
15 Record of Value ("Inventory"). That the total value of the estate subject to ancillary summary probate
16 in the State of Nevada as reflected in the Inventory is One Hundred Eighty Thousand and No/100
17 Dollars (\$180,000.00) and consists of the real property located at 927 Michael Lane, Minden,
18 Nevada, Assessor's Parcel Number being 1320-06-001-002. Pursuant to NRS 144.010(2), the
19 Inventory was mailed to all interested persons of the estate on February 28, 2017.

20 VII.

21 FAMILY AND NEXT-OF-KIN

22 That so far as known to the Co-Executors, the decedent was not married at the time
23 of her death. That the Co-Executors are further informed and believe that the names, relationships,
24 ages, and addresses of the family and next-of-kin of the decedent are as follows:

25 <u>NAME</u>	<u>RELATIONSHIP</u>	<u>AGE</u>	<u>ADDRESS</u>
26 JAMEY JO BING	Daughter	Adult	7240 Pah Rah Dr. Sparks, Nevada 89436
27 ///			
28 ///			

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1 AIDAN BING Grandson Child 7240 Pah Rah Dr.
2 Sparks, Nevada 89436

3 MASON BING Grandson Child 7240 Pah Rah Dr.
4 Sparks, Nevada 89436

5 VIII.

6 SOLE DEVISEE

7 That pursuant to ARTICLE IV of the decedent's Last Will and Testament dated
8 August 12, 2003, the currently acting Trustee (or Trustees) of THE JERRY J. BING 2003 TRUST
9 is named as the sole devisee of the decedent's estate. That SUSAN B. BRACKNEY and D.
10 GERALD BING are the currently acting Trustees of THE JERRY J. BING 2003 TRUST. That a
11 copy of the Affidavit of Certification of Trust of THE JERRY J. BING 2003 TRUST is attached as
12 EXHIBIT 1 to the Petition.

13 IX.

14 FIRST AND FINAL ACCOUNT

15 That the First and Final Account of the whole of the inventoried estate is attached as
16 EXHIBIT 2 to the Petition. The property on hand at the end of this first and final account period
17 consists of the real property located at 927 Michael Lane, Minden, Nevada, Assessor's Parcel
18 Number being 1320-06-001-002, and more particularly described as follows:

19 Parcel 2A, as shown on the Parcel Map for KIMBERLEE NENZEL,
20 filed in the office of the Douglas County Recorder on December 2,
21 1986, File No. 145979.

22 TOGETHER WITH an easement for right of ingress over and across
23 the Easterly 25 feet of Parcel 2B, as shown the Parcel Map referenced
24 above.

25 X.

26 SERVICES RENDERED BY CO-EXECUTORS

27 That petitioners have rendered services as Co-Executors of the estate of JERRY J.
28 BING, deceased, as follows:

- 29 1. Retained the services of a real estate agent to list for sale the real property
30 located at 927 Michael Lane, Minden, Nevada, Assessor's Parcel Number being 1320-06-001-002.

1 2. Obtained a market analysis report for the real property located at 927 Michael
2 Lane, Minden, Nevada, Assessor's Parcel Number being 1320-06-001-002.

3 3. Obtained a prospective buyer for the real property located at 927 Michael
4 Lane, Minden, Nevada, Assessor's Parcel Number being 1320-06-001-002, and executed a Vacant
5 Land Offer and Acceptance Agreement; however, the proposed sale did not close due to the death
6 of the prospective buyer.

7 XI.

8 PAYMENT OF FEE TO CO-EXECUTORS

9 That petitioners have rendered services as Co-Executors of the estate of JERRY J.
10 BING, deceased, and pursuant to NRS 150.020, are entitled to statutory compensation for their
11 services as Co-Executors as follows:

12	First and Final Account Value	\$ 180,000.00
13	4% of first \$15,000	\$ 600.00
14	3% of next \$85,000	\$ 2,550.00
	2% of balance of \$80,000	<u>1,600.00</u>
15	Total Fee to Co-Executors	\$ 4,750.00

16 That petitioners request that this Court authorize payment of a fee in this matter in
17 the amount of Four Thousand Seven Hundred Fifty and No/100 Dollars (\$4,750.00), such that each
18 Co-Executor will be paid the sum of Two Thousand Three Hundred Seventy-Five and No/100
19 Dollars (\$2,375.00).

20 XII.

21 ATTORNEYS' FEES

22 That petitioners have engaged the services of ALLISON MacKENZIE, LTD., as
23 attorneys for petitioners and said firm has rendered such legal services as itemized in the billing
24 statement attached as EXHIBIT 3 to the Petition, and is entitled to reasonable compensation therefor.

25 That payment of an attorneys' fee in the amount of Ten Thousand Five Hundred Thirty-Seven and
26 50/100 Dollars (\$10,537.50) is hereby requested at this time.

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28 ///

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XIII.

ATTORNEYS' COSTS

That said attorneys are entitled to be reimbursed from the estate for costs and expenses advanced in the amount of Eight Hundred Eight and 81/100 Dollars (\$808.81) as itemized in the billing statement attached as EXHIBIT 3 to the Petition.

XIV.

COSTS OF CLOSING ESTATE

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

XV.

DISTRIBUTION OF ESTATE

That the estate is in a position to be closed and distributed. That after all expenses and costs of the estate have been paid, the Co-Executors request that they be authorized to distribute the decedent's estate, now known or hereafter discovered, in accordance with ARTICLE IV of the decedent's Last Will and Testament dated August 12, 2003, to SUSAN B. BRACKNEY and D. GERALD BING, Co-Trustees of THE JERRY J. BING 2003 TRUST, said distribution to include the real property located at 927 Michael Lane, Minden, Nevada, Assessor's Parcel Number being 1320-06-001-002, and more particularly described as follows:

Parcel 2A, as shown on the Parcel Map for KIMBERLEE NENZEL, filed in the office of the Douglas County Recorder on December 2, 1986, File No. 145979.

TOGETHER WITH an easement for right of ingress over and across the Easterly 25 feet of Parcel 2B, as shown the Parcel Map referenced above.

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1 NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED
2 as follows:

3 1. The First and Final Account filed herein by SUSAN BRACKNEY and D.
4 GERALD BING, the duly appointed Co-Executors of the estate of JERRY J. BING, deceased, is
5 settled, approved and allowed, and all actions set forth therein taken by the Co-Executors on behalf
6 of the estate are confirmed.

7 2. The Co-Executors are authorized and directed to pay expenses of closing the
8 estate up to Two Thousand and No/100 Dollars (\$2,000.00).

9 3. The Co-Executors are authorized and directed to pay to SUSAN BRACKNEY
10 and D. GERALD BING the amount of Four Thousand Seven Hundred Fifty and No/100 Dollars
11 (\$4,750.00), such that each Co-Executor will be paid the sum of Two Thousand Three Hundred
12 Seventy-Five and No/100 Dollars (\$2,375.00) for their services rendered as a Co-Executor of the
13 estate of JERRY J. BING, deceased.

14 4. The Co-Executors are authorized and directed to pay an attorneys' fee to
15 ALLISON MacKENZIE, LTD., in the amount of Ten Thousand Five Hundred Thirty-Seven and
16 50/100 Dollars (\$10,537.50) as and for reasonable attorneys' fees rendered to the Co-Executors; and
17 Eight Hundred Eight and 81/100 Dollars (\$808.81) as reimbursement for costs and expenses
18 advanced to the estate.

19 5. That once the foregoing costs and expenses of administration have been paid,
20 the Co-Executors are authorized and directed to distribute the decedent's estate, now known or
21 hereafter discovered, to SUSAN B. BRACKNEY and D. GERALD BING, Co-Trustees of THE
22 JERRY J. BING 2003 TRUST, in accordance with ARTICLE IV of the decedent's Last Will and
23 Testament dated August 12, 2003, said distribution to include the real property located at 927
24 Michael Lane, Minden, Nevada, Assessor's Parcel Number being 1320-06-001-002, and more
25 particularly described as follows:

26 Parcel 2A, as shown on the Parcel Map for KIMBERLEE NENZEL,
27 filed in the office of the Douglas County Recorder on December 2,
1986, File No. 145979.

28 ///

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TOGETHER WITH an easement for right of ingress over and across the Easterly 25 feet of Parcel 2B, as shown the Parcel Map referenced above.

6. The Co-Executors are authorized and directed to do all the things necessary and proper to effectuate such distributions; and upon the making of such distributions, the Co-Executors shall be released and discharged from their trust herein.

DATED July 25, 2017.


DISTRICT JUDGE

Respectfully submitted by:
ALLISON MacKENZIE, LTD.
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P.O. Box 646
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Telephone: (775) 687-0202

By: 
DAWN ELLERBROCK, ESQ.
Nevada State Bar No. 7327
WILL WAGNER, ESQ.
Nevada State Bar No. 13978
Attorneys for Co-Executors,
SUSAN BRACKNEY
and D. GERALD BING

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: July 25, 2017

BOBBIE R. WILLIAMS, Clerk of Court
of the State of Nevada, in and for the County of Douglas, 8

By:  Deputy