

APN No. 15-102-11

Recording Requested By:

Mahe Law, Ltd.
707 N. Minnesota Street, Suite D
Carson City, NV 89703



KAREN ELLISON, RECORDER

When Recorded Mail To:

Mahe Law, Ltd.
707 N. Minnesota Street, Suite D
Carson City, NV 89703

**ORDER APPROVING FIRST AND FINAL ACCOUNT AND REPORT OF
PERSONAL REPRESENTATIVE; CONFIRMATION AND ORDER FOR
PAYMENT OF ATTORNEYS' FEES AND COSTS; AND FOR FINAL DISTRIBUTION**

- I, the undersigned, hereby affirm that the attached document, including any exhibits, hereby submitted for recording does not contain personal information of any person or persons. (NRS 239B.030)

- I, the undersigned, hereby affirm that the attached document, including any exhibits, hereby submitted for recording does contain personal information of any person or persons as required by law. State specific law: _____

MAHE LAW, LTD.
707 North Minnesota Street, Suite D
Carson City, NV 89703

By: _____


JENNIFER MAHE, ESQ.

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9 Attorneys for Petitioner,
10 CRAIG L. AMES

REC'D & FILED
2017 AUG 22 AM 8:29
SUSAN MERRIWETHER
CLERK
BY C. GRIBBLE
DEPUTY

11 IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
12 IN AND FOR CARSON CITY

13 -o0o-

14 IN THE MATTER OF THE ESTATE Case No. 17 PBT 00006 1B
15 OF Dept. No. II
16 ROBERT FRENCH KIELY,
17 Deceased.

18 **ORDER APPROVING FIRST AND FINAL ACCOUNT AND REPORT OF PERSONAL**
19 **REPRESENTATIVE; CONFIRMATION AND ORDER FOR PAYMENT OF**
20 **ATTORNEYS' FEES AND COSTS; AND FOR FINAL DISTRIBUTION**

21 It appearing to the satisfaction of the Court that a First and Final Account and Report of
22 Personal Representative; Petition for Confirmation and for Order Authorizing and Directing Payment
23 of Attorney's Fees and Costs; and for Final Distribution has been filed, and that notice of the time
24 and place of the hearing has been duly given in the manner prescribed by law, and that no one has
25 objected or presented any reason why said Petition should not be granted, the Court hereby finds and
26 orders as follows:

27 I.
28 PETITIONER

That the Petitioner was the attorney for the decedent, ROBERT FRENCH KIELY, and is the
acting Successor Trustee of the ROBERT FRENCH KIELY TRUST, as amended and restated on
July 5, 2015, and qualified as Personal Representative, and Letters Testamentary were issued to the

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1 Petitioner on April 6, 2017. At all times since then, the Petitioner has been and now is the Personal
2 Representative of the Estate of ROBERT FRENCH KIELY, deceased.

3 II.

4 DECEDENT

5 That the decedent, ROBERT FRENCH KIELY, died on May 6, 2016, in Duval County,
6 Florida, and was at the time of his death a resident of Florida, and left an estate in the State of
7 Nevada subject to administration.

8 III.

9 LAST WILL AND TESTAMENT

10 That the Petitioner is informed and believes that the decedent executed his Last Will and
11 Testament on July 5, 2014. The original Last Will and Testament was lodged with the Clerk of the
12 Court in the Circuit Court of the Fourth Judicial Circuit, in and for Duval County, Florida, Probate
13 Division and was admitted to probate on October 5, 2016. A true and correct copy of the Last Will
14 and Testament is attached to the Petition as Exhibit "1" and incorporated herein by this reference.
15 Pursuant to the terms of the Decedent's Last Will and Testament, the Decedent's estate is to be
16 distributed to the then serving trustee of the Robert French Kiely Trust, amended and restated on the
17 same date the Last Will and Testament was executed.

18 FIRST AND FINAL ACCOUNT AND PETITION TO CONFIRM

19 IV.

20 ACCOUNTING

21 That, pursuant to NRS 150.080 and NRS 150.110, the First and Final Account of the
22 Personal Representative is attached to the Petition as Exhibit "2" and incorporated herein and covers
23 the period from April 6, 2017 to July 13, 2017.

24 V.

25 CREDITORS

26 That, pursuant to NRS 147.010, Notice to Creditors of the Decedent's estate to present their
27 claims within the time and in the manner provided for by law was duly published in the Nevada
28 Appeal, such publication occurred on April 13th, April 20th and April 27th, 2017. That the creditors'

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1 claim period has expired and no claims have been filed against the estate.

2 VI.

3 ESTATE

4 That on June 7, 2017, the Personal Representative filed an Inventory, Appraisalment and
5 Record of Value ("Inventory") in this matter. Said inventory was mailed to the heirs and devisees
6 of the estate on June 7, 2017. That, as of June 7, 2017, Petitioner found the total value of the estate
7 to be \$485,000.00. The First and Final Account attached to the Petition as Exhibit "2" covers the
8 period of April 6, 2017 to July 13, 2017 and states the total value of the estate to be \$485,000.00.

9 VII.

10 FEDERAL TAX LIABILITY

11 That the Personal Representative will be filing the personal income taxes for the Decedent
12 and paying any estate taxes. Because the total value of the estate is below the federal estate tax filing
13 requirement, no Estate Tax Return, Form 706, is required for this Estate. Further, the income earned
14 in the estate account will be below the \$600.00 required for filing a Fiduciary Tax Return, Form
15 1041. Thus, no estate taxes will be owed.

16 That all acts taken by the Executor have been taken in the best interests of the estate and all
17 acts should be approved and confirmed by the Court.

18 **APPLICATION FOR ORDER AUTHORIZING AND DIRECTING**
19 **PAYMENT OF ADMINISTRATIVE FEES AND COSTS**

20 VIII.

21 PERSONAL REPRESENTATIVE'S FEE

22 That the Petitioner, as personal representative of the estate, is entitled to fees pursuant to
23 NRS 150.020 and the value of the estate in the amount as follows:

- | | | | |
|----|----|-----------------------------------|-------------|
| 24 | 1. | For the first \$15,000 at 4% | \$ 600.00 |
| 25 | 2. | For the next \$85,000 at 3% | \$ 2,550.00 |
| 26 | 3. | For the remaining \$385,000 at 2% | \$ 7,700.00 |

27 **TOTAL** **\$ 10,850.00**

28 Petitioner hereby requests that this Court grant the within application and order payment of
\$10,850.00, as and for attorneys' fees and costs, to Petitioner as personal representative's fees.

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IX.

ATTORNEYS' FEES

That at the commencement of this matter, the Personal Representative retained the services of JENNIFER M. MAHE, ESQ. of MAHE LAW, LTD., as the attorney for the estate. That the Personal Representative and said law firm agreed that the rate of compensation for the legal services would be Two Hundred Fifty and No/100 Dollars (\$250.00) per hour for services performed by an attorney and One Hundred and No/100 Dollars for services performed by a paralegal, plus costs, if any. That said firm has rendered legal services in connection with the representation of the Personal Representative from December 15, 2016, through present, and an itemization of said services is attached to the Petition as Exhibit "3." That the nature and extent of services rendered consists of communications with the Personal Representative, preparation of all court documents, review of the documentation on behalf of the estate and appearance at hearings on behalf of the Personal Representative. That the Personal Representative hereby requests that this Court grant the within application and order payment of \$3,722.86, as and for attorneys' fees and costs, to MAHE LAW, LTD., and an additional amount to close the estate, not to exceed \$2,000.00.

PETITION FOR FINAL DISTRIBUTION

X.

HEIRS

That the names, ages, relationship and addresses of the heirs, next of kin, legatees, and devisees of Decedent, so far as known to Petitioner, are as follows:

<u>Name</u>	<u>Age</u>	<u>Relationship</u>
Robin Lee Kiely c/o Stephen P. Holmgren, Esq. Donahoo & McManamy, P.A. 245 Riverside Avenue, Suite 450 Jacksonville, FL 32202	Adult	Wife
Candace Lockett DeGraaf 1108 E. Blount Street Pensacola, FL 32503	Adult	Daughter

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Layla Lafaye Wood
c/o Candace Lockett DeGraaf
1108 E. Blount Street
Pensacola, FL 32503

Adult

Daughter

Craig L. Ames
Successor Trustee
Robert French Kiely Trust
10752 Deerwood Park Blvd. South, Suite 100
Jacksonville, FL 32256

Adult

Successor Trustee

XI.

FINAL DISTRIBUTION

That the estate is now in a condition to be closed and distributed. After payment of taxes, if any, and administrative fees and costs, including but not limited to attorneys' fees and costs, and pursuant to NRS 145.080, the estate should be distributed in its entirety to the ROBERT FRENCH KIELY TRUST, as amended and restated on July 5, 2015. The Executor requests that the Court authorize and direct such distribution.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

1. That notice of hearing on this matter was duly given according to law.
2. That the Personal Representative's First and Final Account as filed herein and the Inventory, Appraisalment and Record of Value filed on June 7, 2017, are hereby approved and confirmed.
3. That each and every act of the Personal Representative taken during the court of administration are hereby approved and confirmed.
4. That payment in the amount of \$10,850.00 to the Personal Representative for the personal representative's fee pursuant to NRS 150.020 is hereby approved.
5. That payment of attorneys' fees and costs in the amount of \$3,722.86, as well as additional attorneys' fees and costs incurred to close the estate in an amount not to exceed \$2,000.00, by the Personal Representative to MAHE LAW, LTD for services rendered to the estate and costs incurred on behalf of the estate, is hereby approved.

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6. That the Personal Representative is authorized and directed to distribute the property of the estate to the ROBERT FRENCH KIELY TRUST, as amended and restated on July 5, 2015.

DATED this 22 day of August, 2017.

James T. Russell
DISTRICT JUDGE

Submitted By:

MAHE LAW, LTD.
707 N. Minnesota Street, Suite D
Carson City, NV 89703

By: *Jennifer M. Mahe*
JENNIFER M. MAHE, ESQ.
Nevada State Bar No. 9620
Attorneys for Petitioner,
CRAIG L. AMES

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CERTIFIED COPY

The document to which this certificate is attached is a full, true and correct copy of the original on file and of record in my office.

Date August 22, 2017

Susan Merritt, City Clerk and Clerk of the First Judicial District Court of the State of Nevada, In and for Carson City.

By *[Signature]* Deputy

Per NRS 439 Sec. 6 the SSN may be redacted, but in no way affects the legality of the document.