



KAREN ELLISON, RECORDER

E03

APN# 1220-16-210-020

Recording Requested by/Mail to:

Name: George M. Keele

Address: 1692 County Rd, SE "A"

City/State/Zip: Minden, Nevada 89423

Mail Tax Statements to:

Name: George M. Keele

Address: see above

City/State/Zip: \_\_\_\_\_

Order Settling Estate

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

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Case No. 09-PB-0088

Dept. No. I

The undersigned affirms that  
there is no social security  
number in this document.

**RECEIVED**  
**MAR 27 2018**  
Douglas County  
District Court Clerk

**FILED**  
2018 MAR 27 PM 1:39  
BOBBIE R. WILLIAMS  
CLERK  
**M. BIAGGINI**  
BY \_\_\_\_\_ DEPUTY

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

IN THE MATTER OF THE ESTATE  
OF  
RICHARD SUSCHENA,  
Deceased.

ORDER SETTLING  
SECOND AND FINAL ACCOUNT  
AND DECREE OF  
FINAL DISTRIBUTION

This matter came before the Court on March 27, 2018,  
with George M. Keele, Esq., appearing for Petitioner  
CHELSEA SUSCHENA.

CHELSEA SUSCHENA, as Personal Representative of the  
estate of RICHARD SUSCHENA, deceased, and as the Petitioner  
herein, by and through her counsel, George M. Keele, Esq.,  
filed herein on March 12, 2018, her Second and Final  
Account and Petition for Final Distribution.

Recognizing that there were a few inaccuracies in the  
Second and Final Account and Petition for Decree of Final  
Distribution that needed to be corrected, the Petitioner on  
March 23, 2018, filed her **Amended** Second and Final Account  
and Petition for Final Distribution, and the said **Amended**

1 Second Account and Petition came on regularly to be heard  
2 by the Court on the 27th day of March, 2018, at 1:30 p.m.,  
3 or as soon thereafter as counsel could be heard, before the  
4 Honorable Nathan Tod Young, District Court Judge.

5 Mr. Keele spoke on behalf of the Petitioner, and  
6 mentioned the changes he and the Petitioner had made in the  
7 verified Amended Second and Final Account and Petition for  
8 Decree of Final Distribution. Further representations of  
9 counsel were made. The Court also asked if there were  
10 anyone in the gallery desiring to be heard; no one appeared  
11 before the Court and requested an opportunity to be heard.  
12

13 Based upon the above-referenced filings made by the  
14 Peititioner in this matter, the Court finds that proof has  
15 been filed with the Court Clerk that proper notice has been  
16 given in this matter, and that the matters set forth in the  
17 Amended Second and Final Account and Petition for Final  
18 Distribution are sworn to by the Petitioner, under penalty  
19 of perjury, to be true, except as to those matters therein  
20 stated on information and belief, and as to those matters,  
21 she believes them to be true. Based upon the sworn  
22 statements of the Petitioner, and having carefully reviewed  
23 the Court record in this matter, the Court finds that proof  
24 has been presented to the Court that proper notice has been  
25 given in this matter, and that the matters set forth in the  
26 Second and Final Account and Petition for Final  
27 Distribution are sworn by the Petitioner under penalty of  
28 perjury to be true, except as to those matters stated on

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information and belief, and as to those matters, she believes them to be true. Based upon the sworn statements of the Petitioner and having reviewed the record, the Court finds and concludes as follows:

1. RICHARD SUSCHENA (hereinafter referred to as "the decedent") died on the 9<sup>th</sup> day of August, 2009, in Carson City, Nevada. At the time of his death, the decedent was a resident of the County of Douglas, State of Nevada.

2. The decedent died testate. On the 16<sup>th</sup> day of February, 2010, Letters of Administration With the Will Annexed were issued to Petitioner, whereupon Petitioner was duly and regularly appointed and qualified as the Personal Representative of decedent's estate and she has since that date acted as such Personal Representative.

3. A period of more than 91 months has elapsed since the issuance to the Personal Representative of her Letters of Administration With the Will Annexed.

4. After Letters of Administration With the Will Annexed were issued to Petitioner, on February 16, 2010, she caused a Notice to Creditors to be published, in the manner required by Nevada Revised Statutes ("NRS") section 147.010. A Proof and Statement of Publication of such Notice was filed herein on March 8, 2010, and the time for creditors to file with the Clerk of the Court or with the Personal Representative their claims against the estate expired on April 20, 2010, exactly sixty (60) days after the February 19, 2010, first publication of such Notice. No

1 claims have been presented against the estate for payment.

2  
3 5. The Personal Representative and her brothers,  
4 using their personal resources, paid to a ONE THOUSAND FIVE  
5 HUNDRED DOLLARS (\$1,500) balance all of the decedent's  
6 date-of-death outstanding obligations, to include the  
7 entire \$10,000+ balance owing to the mortgage lender at the  
8 time of the decedent's death on the decedent's home equity  
9 line of credit; all of the decedent's credit card debt; all  
10 power, water, and other utility bills. Therefore, there are  
11 no claims in existence lying against either the decedent's  
12 estate or the Personal Representative.

13 6. a. **Fair Market Value of Decedent's Estate, Less**  
14 **Encumbrances, as of the Date of Death of the Decedent.**

15 Petitioner filed an Inventory and Appraisal on April 28,  
16 2010, setting forth the date-of-death total value of the  
17 decedent's estate, less encumbrances, at \$177,456.02.

18 b. **Approximate Cash Expenditures and Estate**  
19 **Income, by year, since August 1, 2017, the date of the**  
20 **Court's Order Approving First Account.** There has been no  
21 income of any kind identified as an asset of the decedent  
22 or of his estate received by the Personal Representative  
23 since August 1, 2017. All of the expenditures that relate  
24 to the decedent's estate and the home at 1255 Wonder Court,  
25 Gardnerville, Douglas County, Nevada, are expenditures made  
26 by the Personal Representative from her own cash resources,  
27 and she waives reimbursement thereof.

28 c. **Asset Value of Decedent's Estate as of June**

1 30, 2017. The remaining assets of the decedent's estate are  
2 four (4) aging, non-functioning vehicles with a fair market  
3 value of zero dollars (\$0.00), and the parcel of improved  
4 real property at 1255 Wonder Court, Gardnerville, Douglas  
5 County, Nevada 89460 ("the Parcel"), which has a current  
6 fair market value of approximately \$302,000. Attached  
7 hereto as **Exhibit 1 and incorporated herein by reference** is  
8 the legal description of the Parcel.  
9

10 7. No federal estate tax or income tax is owed on  
11 the decedent's estate. Nor have rents from any estate asset  
12 been sought, or received, by the Personal Representative or  
13 her brothers since she received her Letters of  
14 Administration on February 16, 2010.

15 8. The decedent's home at 1255 Wonder Court,  
16 Gardnerville, Douglas County, Nevada, has been well  
17 maintained, and indeed improved by the Personal  
18 Representative and her brothers, since February 16, 2010,  
19 the date that the Personal Representative received her  
20 Letters of Administration With the Will Annexed.

21 9. No request for special notice has been filed in  
22 this proceeding.

23 10. Petitioner, CHELSEA SUSCHENA, as Personal  
24 Representative of the decedent's estate, has performed  
25 services necessary to the administration of the estate  
26 since the death of the decedent, including marshaling all  
27 of the assets of the estate, placing the liquid funds of  
28 the estate in an interest-bearing account (when

1 applicable), protecting and inventorying the assets of the  
2 estate, collecting and paying estate debts, and performing  
3 other necessary services in connection with this estate.  
4 For her services as Personal Representative, Petitioner is  
5 entitled to statutory compensation in the amount of  
6 \$9,190.00. However, she waives all such fees.  
7

8 11. The law firm of GEORGE M. KEELE, A PROFESSIONAL  
9 CORPORATION, by George M. Keele, Esq., has rendered legal  
10 services to this estate that have been necessary to its  
11 execution, including preparing and filing all legal  
12 documents, notices, and pleadings required to date and  
13 performing other essential services. However, George M.  
14 Keele, Esq., waives all attorney's fees.

15 12. The law firm of GEORGE M. KEELE, A PROFESSIONAL  
16 CORPORATION, has advanced the sum of \$579.66 as unpaid  
17 costs in connection with this matter and is entitled to  
18 reimbursement for the same. However, George M. Keele, Esq.,  
19 waives all such reimbursement.

20 13. Article FIFTH of decedent's Last Will and  
21 Testament, in pertinent part, reads as follows:

22 FIFTH: In the event that I am not survived by my  
23 wife, SHARON KAY SUSCHENA, I give, devise and  
24 bequeath all of my estate, real, personal and  
25 mixed, of every kind and nature whatsoever, and  
26 wheresoever situated, in equal amounts, to my  
27 child, ADAM RICHARD SUSCHENA and to MICHAEL ALAN  
28 JAMES, the son of SHARON KAY SUSCHENA, by a  
previous marriage, absolutely and in fee simple,  
if they survive me; if either of said  
beneficiaries shall predecease me, the share of  
said deceased beneficiary shall go to the issue



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of said beneficiary, per stirpes; . . .

Both ADAM RICHARD SUSCHENA and MICHAEL ALAN JAMES survived the decedent.

14. The decedent and SHARON KAY SUSCHENA were divorced from each other on or about March 13, 1987. Therefore, the decedent was "not survived by [his] wife, SHARON KAY SUSCHENA."

15. CHELSEA SUSCHENA, decedent's natural daughter, was born **after** the decedent's Will was made. Thus, pursuant to subsection 1 of NRS 133.160, CHELSEA SUSCHENA ". . . is entitled to the same share in the estate of the testator as if the testator had died intestate . . ."

16. Strictly interpreted, this means that CHELSEA SUSCHENA and her brother ADAM RICHARD SUSCHENA should share the decedent's residuary estate in two (2) equal shares. Nevertheless, because of the close family relationship that exists among the decedent's three (3) surviving children, namely: decedent's child ADAM RICHARD SUSCHENA, decedent's stepchild MICHAEL ALAN JAMES, and decedent's child CHELSEA SUSCHENA, all three of these devisees being "children" of the decedent, in consideration of their love and affection for one another and for their deceased father, have agreed with one another and respectfully pray



1 that the Court will approve and ratify their above-  
2 referenced agreement by ordering that each of 1. ADAM  
3 RICHARD SUSCHENA, 2. MICHAEL ALAN JAMES, and 3. CHELSEA  
4 SUSCHENA, as children of the decedent--notwithstanding the  
5 provisions of NRS 134.160 pertaining to kindred of the half  
6 blood, and being fully cognizant and openly acknowledging  
7 that MICHAEL ALAN JAMES is neither a child of the half  
8 blood nor of the whole blood but is a stepchild of the  
9 decedent--shall receive an undivided one-third (1/3) share  
10 in the decedent's estate, share and share alike, and that  
11 each of the above-named three devisees shall be bound by  
12 the referenced agreement and ordered by the Court to abide  
13 by each and every covenant and commitment contained  
14 therein.  
15

16  
17 18. No request for special notice has been filed in  
18 this proceeding.  
19

20 NOW, THEREFORE, based upon these findings of fact and  
21 conclusions of law, IT IS HEREBY ORDERED, ADJUDGED AND  
22 DECREED AS FOLLOWS:  
23

24 A. That the Second and Final Account of CHELSEA  
25 SUSCHENA, Personal Representative of the estate of RICHARD  
26 SUSCHENA, deceased, as amended by the Erratum to Amended  
27 second and Final Account and Petition for Decree of Final  
28 Distribution, BE AND THE SAME IS HEREBY finally settled,

1  
2 allowed, and approved, and all actions taken by the  
3 Personal Representative in connection with the  
4 administration of this estate, as set forth in the Amended  
5 Second and Final Account and Petition for Final  
6 Distribution filed herein on the 26<sup>th</sup> day of March, 2018, as  
7 amended by the ERRATUM TO SECOND AND FINAL ACCOUNT AND  
8 PETITION FOR FINAL DISTRIBUTION filed herein on the 27<sup>th</sup> day  
9 of March, 2018, are hereby ratified and approved.

10 B. That the Personal Representative is ordered to  
11 pay and distribute the remaining estate as follows:

- 12 1. The improved parcel of real property situated at 1255  
13 Wonder Court, Gardnerville, Douglas County, Nevada  
14 (Assessor's Parcel No. 1220-16-210-020) as more  
15 particularly described on Exhibit 1 attached  
16 hereto and incorporated herein by this reference; and
- 17 2. the 1972 El Camino, VIN ID80K32458401; and
- 18 3. 1986 Jeep Wagoneer, VIN 1JCNJ15U4GT103465; and
- 19 4. 1970 Chevrolet pickup, VIN KE240Z11087; and
- 20 5. 1994 Chevrolet Blazer, VIN 1GNDT13W3R2175835; and
- 21 6. The personal property and furniture currently at the  
22 1255 Wonder Court, Gardnerville, Douglas County,  
23 Nevada, APN 1220-16-210-020,

24 to CHELSEA SUSCHENA, a single woman, as her sole separate  
25 property; ADAM RICHARD SUSCHENA, a single man, as his sole  
26 separate property; and MICHAEL ALAN JAMES, an unmarried  
27 man, as his sole separate property, as tenants in common,  
28 in three equal, undivided shares, together with all  
appurtenances, heraditaments, rents, issues, and profits  
thereunto appertaining, in accordance with the provisions  
of Article FIFTH of the Last Will and Testament of RICHARD  
SUSCHENA, NRS 133.160, NRS 134.090, the agreement of the

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above-named devisees, and the provisions of this Order;

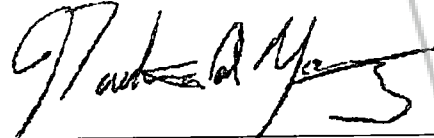
C. That the Personal Representative is further ordered to comply with each and every remaining provision of the decedent's Last Will and Testament;

D. That the Court retains jurisdiction of this estate until the same is distributed and closed and the Personal Representative discharged; and

E. That, upon the Personal Representative filing with the Court Clerk receipts executed by each of the three (3) above-named devisees, acknowledging that they have received and receipted for their undivided one-third shares of all of the above-described real property and personal property of the decedent's estate, as provided in this Order; and after the Personal Representative, through her counsel, files such receipts with the Court; an Order Discharging Personal Representative shall be entered herein and recorded in the official records of Douglas County, Nevada, discharging the

1 Personal Representative of all liability to be incurred by  
2 her thereafter in the instant probate proceeding.

3 Dated this 27 day of March, 2018.

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6 NATHAN TOD YOUNG  
7 DISTRICT COURT JUDGE

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17 Submitted by:  
18 George M. Keele, Esq.  
19 Nevada Bar No. 1701  
20 Attorney for the Personal Representative  
21 1692 County Road, #A  
22 Minden, NV 89423  
23 775-782-9781  
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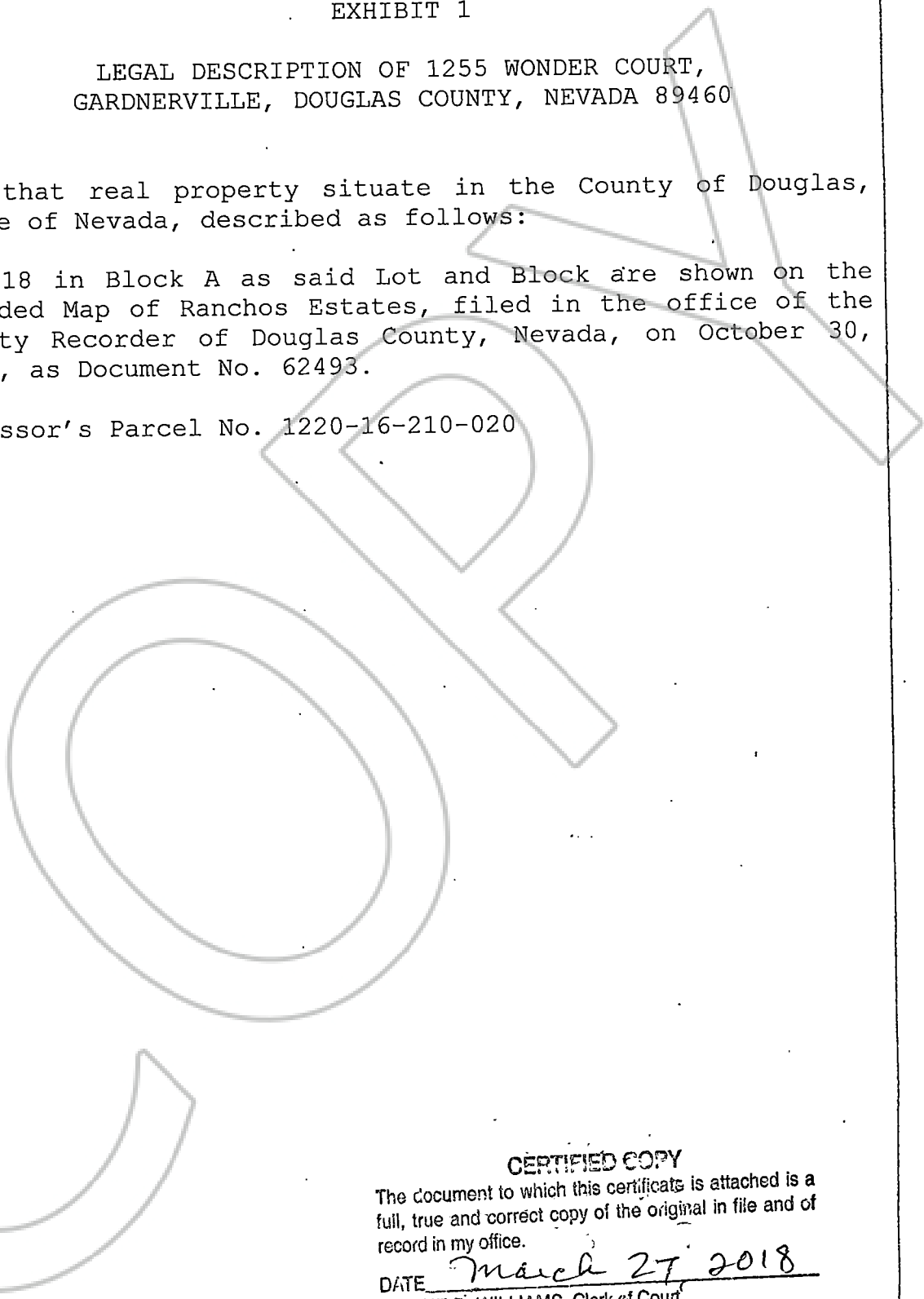
EXHIBIT 1

LEGAL DESCRIPTION OF 1255 WONDER COURT,  
GARDNERVILLE, DOUGLAS COUNTY, NEVADA 89460

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

Lot 18 in Block A as said Lot and Block are shown on the  
Amended Map of Ranchos Estates, filed in the office of the  
County Recorder of Douglas County, Nevada, on October 30,  
1972, as Document No. 62493.

Assessor's Parcel No. 1220-16-210-020



**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 March 27, 2018  
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. Assessor Parcel Number(s)  
a) 1220-16-210-020  
b) \_\_\_\_\_  
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 \_\_\_\_\_

<b>FOR RECORDERS OPTIONAL USE ONLY</b>	
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: Per Court Order

5. Partial Interest: Percentage being transferred: 100 %

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 [Signature] Capacity Attorney  
Signature \_\_\_\_\_ Capacity \_\_\_\_\_

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

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

Print Name: Chelsea Susczka  
Address: 1255 Wonder Court  
City: Gardnerville, Nevada  
State: Nevada Zip: 89460

Print Name: \_\_\_\_\_  
Address: SAME  
City: \_\_\_\_\_  
State: \_\_\_\_\_ Zip: \_\_\_\_\_

**COMPANY/PERSON REQUESTING RECORDING**

(required if not the seller or buyer)

Print Name: \_\_\_\_\_ Escrow # \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

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