

APN#: 1220-03-111-007


Recording Requested By:
Western Title Company, LLC
Escrow No.: 102198-WLD

When Recorded Mail To:
James D. McFadden
1694 Coyote Rd.
Gardnerville, NV 89410

Mail Tax Statements to: (deeds only)
same as above

(space above for Recorder's use only)

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

Signature 
Wendy Dunbar **Escrow Officer**

Petition for Probate

This page added to provide additional information required by NRS 111.312
(additional recording fee applies)

YTURBIDE LAW PC
1701 County Rd., Suite M
MINDEN, NEVADA 89423

RECEIVED

FILED

1 CASE NO. 18FB-0066

MAY 15 2018

2 DEPT. NO. I

Douglas County
District Court Clerk

2018 MAY 15 PM 3:40

BOBBIE R. WILLIAMS
CLERK

BY Attorney DEPUTY

3
4 *This document does not contain the personal
information of any individual.*

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

6 IN AND FOR THE COUNTY OF DOUGLAS

7
8 In Re the Matter of the Estate of

9
10 HANNAH H. MCFADDEN,

11 Deceased.

12
13
14 PETITION FOR PROBATE OF WILL; FOR AUTHORIZATION TO ADMINISTER THE
15 ESTATE UNDER THE INDEPENDENT ADMINISTRATION OF ESTATES ACT WITH
16 FULL AUTHORITY; FOR ISSUANCE OF LETTERS TESTAMENTARY; AND FOR
17 SUMMARY ADMINISTRATION

18 The petition of JAMES D. MCFADDEN of Gardnerville, Nevada, (the "Pctitioner"),
19 respectfully request the Court to admit the Decedent's Will to probate, to issue to Petitioner
20 Letters Testamentary, to authorize Petitioner to administer the Estate under the Independent
21 Administration of Estates Act (IAEA) with full authority, and for summary administration, as
22 follows:

- 23 1. HANNAH H. MCFADDEN (the "Decedent") died on or about the 18th day of
24 April, 2018, in Gardnerville, Nevada, and at the time of her death she was a resident of Douglas
25 County, Nevada, and left an estate in this state subject to probate administration. A copy of the
26 Certificate of Death is attached hereto as Exhibit "1" and by reference made a part hereof.
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2. Decedent's husband passed away the 10th of July, 2006, and she never remarried. There is no surviving spouse. Decedent is survived by her four (4) children, namely: JAMES D. MCFADDEN; JOY MCFADDEN; ANITA ALBRIGHT and SUSAN GARDNER.

3. The Decedent died testate. Petitioner has been unable to locate the original of Decedent's Last Will and Testament dated May 30, 2013. A copy of the will is attached hereto as Exhibit "2" and by this reference made a part hereof. The Will provides for distribution of Decedent's estate to her son JAMES D. MCFADDEN. Petitioner requests the Court's enter an order for probate of the Will pursuant to NRS 136.240(5)(a)-(b), which states in relevant part:

"5. Notwithstanding any provision of this section to the contrary:

(a) The production of a person's lost or destroyed will, whose primary beneficiary is a nontestamentary trust established by the person and in existence at his or her death, creates a rebuttable presumption that the will had not been revoked.

(b) If the proponent of a lost or destroyed will makes a prima facie showing that it was more likely than not left unrevoked by the person whose will it is claimed to be before his or her death, then the will must be admitted to probate in absence of objection. If such prima facie showing has been made, the court shall accept a copy of such a will as sufficient proof of the terms thereof without requiring further evidence in the absence of any objection."

4. At the time the Will was executed, Decedent as Testatrix was of legal age, sound and disposing mind, and was in every respect competent to dispose of all her estate.

5. Petitioner is informed and believes and thereon alleges that the Will was executed by the Decedent in the presence of MIKE DILLON and DENISE RUDNICK, and in the presence of each other.

6. The copy of the Will attached as Exhibit 2 purports to dispose of all of the estate of the Decedent, and no other wills or codicils have been found after diligent search.

7. The character of the property of the estate is real and personal, the value of which does not exceed Three Hundred Thousand Dollars (\$300,000), which allows for summary

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1 administration of this estate. Specifically, Decedent had the following known assets, subject to
2 probate, at the time of death:

3 (a) Real property located at 1370 Brandon Lane, Gardnerville, Nevada with an
4 estimated value of \$495,000, less the mortgage of \$285,104, for an estimated value
5 of \$209,896;

6 (b) Home furnishing and household goods, personal items and clothing, in an
7 amount not exceeding \$20,000.

8
9 8. Decedent's Will does not preclude administration of this Estate under the
10 Independent Administration of Estates Act.

11
12 9. It is anticipated that a federal estate tax return will not be required to be filed for
13 this estate.

14 10. The names and ages and residences of the nominated personal representative, heirs,
15 next of kin, legatees, and devisees of the Decedent, so far as are known to the Petitioner, are as
16 follows:

<u>NAME</u>	<u>ADDRESS</u>	<u>RELATIONSHIP</u>	<u>AGE</u>
19 James D. McFadden	694 Coyote Rd. Gardnerville, NV 89410	Son/Personal Representative	18+
21 Joy McFadden	1370 Braden Ln Gardnerville, NV 89410	Daughter	18+
23 Anita Albright	1370 Braden Ln Gardnerville, NV 89410	Daughter	18+
25 Susan Gardner	1375 Braden Ln Gardnerville, NV 89410	Daughter	18+

1 Additional persons who may be interested in this estate are:

2 <u>NAME AND ADDRESS</u>	3 <u>RELATIONSHIP</u>	4 <u>AGE</u>
5 Medicaid Estate Recovery 6 Division of Health Care Finance and Policy 7 1050 East Williams Street, Ste. 435 8 Carson City, NV 89701	9 None	10 N/A

11 11. Petitioner is nominated to serve as Personal Representative by the Decedent's Will.

12 12. The name of the person for whom letters testamentary is prayed is the Petitioner,
13 JAMES D. MCFADDEN.

14 13. Petitioner has engaged the services of undersigned legal counsel and entered into a
15 legal fee agreement in which he has agreed to advance costs and to pay for legal services of
16 counsel at the rate of \$325 per hour. The payment of legal fees from the estate are subject to court
17 approval.

18 WHEREFORE, Petitioner prays that the Court enter an order providing that:

- 19 1. The Will of the Decedent be admitted to probate.
- 20 2. Letters Testamentary be issued to JAMES D. MCFADDEN upon him taking and
21 filing the oath of office, as required by law.
- 22 3. JAMES D. MCFADDEN, as Personal Representative, be granted full authority
23 under the Independent Administration Act.
- 24 4. A time be set for proving the Will of the Decedent.
- 25 5. Summary administration of this estate be authorized in accordance with Nevada
26 Revised Statutes as set forth in NRS chapter 145 et. seq.
- 27 6. All persons interested be duly notified to appear at the time appointed for providing
28 the same.

1 7. Confirming the engagement of Yturbide Law PC to represent Petitioner in this
2 probate matter, and for compensation for legal services at the rate of \$325 per hour from the
3 subject estate following court approval, plus costs.

4 8. All necessary and proper orders may be made in the premises.

5
6 Dated this 15th day of May 2018.

7 YTURBIDE LAW PC

8 

9 JENNIFER YTURBIDE
10 Nevada Bar Number 6540
11 1701 County Rd., Suite M
12 Minden, Nevada 89423
13 (775) 392-4565
14 Attorney for Petitioner

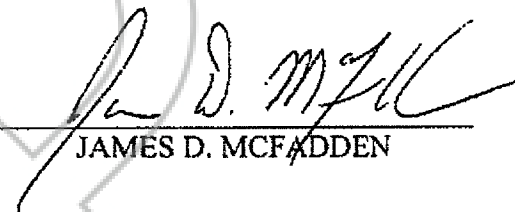
15 YTURBIDE LAW PC
16 1701 County Rd., Suite M
17 MINDEN, NEVADA 89423

VERIFICATION

STATE OF NEVADA)
 : ss.
COUNTY OF DOUGLAS)

COMES NOW JAMES D. MCFADDEN, Petitioner herein, and being first duly sworn,
deposes and says;

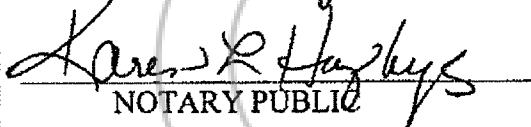
That he is the Petitioner above-named; that he has read the foregoing document and that
said contents are true of the Petitioner's own knowledge, except as to the matters therein stated on
information and belief, and as to those matters Petitioner believes it to be true.



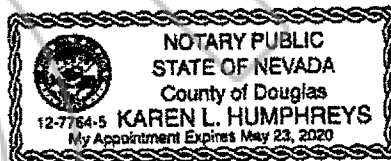
JAMES D. MCFADDEN

SUBSCRIBED and SWORN to before me

this 14 day of May, 2018.



NOTARY PUBLIC



VTURBIDE LAW PC
1701 County Rd., Suite M
MINDEN, NEVADA 89423

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EXHIBIT A

COPY

EXHIBIT A

WILL

I, Hannah H. McFadden (the "Owner"), Being in sound mind hereby name my son James D. McFadden Executor of my Estate convey all my assets to James D. McFadden (the "Grantee Beneficiary"), who currently resides at 1694 Coyote Road, Gardnerville, Nevada 89410, All bank accounts , Broker Accounts, Personal items effective on my death and the following described real property: Commonly known as 1370 Branden Ln , Gardnerville Nv , and identified as Parcel No. 12200311007.

If the Grantee/Executor Beneficiary predeceases the Owner, the conveyance to the Grantee Beneficiary shall go to my daughter Joy McFadden, whom currently reside at 1370 Branden Ln , Gardnerville, Nv 89410


MIKE DILLON WITNESS

DATED this 30 day of MAY, 2013.


HANNAH H. MCFADDEN OWNER

STATE OF Nevada
County of Juglas } ss.

I, foregoing instrument acknowledged before me this 30th day of May, 2013, by Hannah H. McFadden


Notary Public

My commission expires:
2/11/17


 DENISE RUDNICK
NOTARY PUBLIC
STATE OF NEVADA
APPT. No. 03-3315-3
BY APPT. EXPIRES FEBRUARY 11, 2017

EXHIBIT B

COPY

EXHIBIT B

STATE OF NEVADA

CERTIFICATE OF VITAL RECORDS

DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF PUBLIC AND BEHAVIORAL HEALTH
VITAL STATISTICS

CASE FILE NO. 4015807

CERTIFICATE OF DEATH

2018007936
STATE FILE NUMBER

TYPE OR PRINT IN PERMANENT BLACK INK

DECEDENT

IF DEATH OCCURRED IN INSTITUTION SEE HANDBOOK REGARDING COMPLETION OF RESIDENCE ITEMS

PARENTS

DISPOSITION

TRADE CALL

CERTIFIER

REGISTRAR

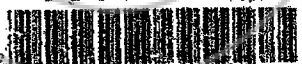
CAUSE OF DEATH

CONDITIONS IF ANY WHICH GAVE RISE TO IMMEDIATE CAUSE STATING THE UNDERLYING CAUSE LAST

Main form containing fields for deceased name (Hannah H MCFADDEN), date of death (April 18, 2018), county (Douglas), hospital (Carson Valley Medical Center), race (White), age (93), state of birth (New York), education (12), marital status (Widowed), occupation (Homemaker), residence (1370 Branden Lane), parents (Aaron BRAFF, Rebecca SMITH), certifier (Warren P Thai MD), registrar (Paloma VACA), and cause of death (Acute Cardiopulmonary Arrest).

STATE REGISTRAR

000717485



CERTIFIED COPY OF VITAL RECORDS

This is a true and exact reproduction of the document officially registered and placed on file in the office of the State Registrar and Vital Records.

DATE ISSUED: APR 30 2018

Signature of Julie Katchear, State Registrar

This copy is not valid unless prepared on engraved border displaying date, seal and signature of Registrar.

ANY ALTERATION OR ERASURE VOIDS THIS CERTIFICATE



COPY

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 February 1, 2019

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

By *W. R. Williams* Deputy