

1419-12-610-027

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KYLE A. WINTER, ESQ.

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KYLE A. WINTER, ESQ.
ALLISON MacKENZIE, LTD.
402 North Division Street
P.O. Box 646
Carson City, NV 89702



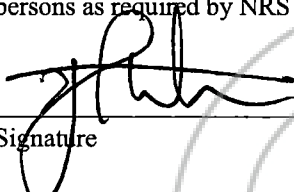
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KAREN ELLISON, RECORDER

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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
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Signature

TITLE OF DOCUMENT

**ORDER WAIVING FIRST AND FINAL ACCOUNT, GRANTING
PETITION FOR FEES AND FOR FINAL DISTRIBUTION**

FILED

2020 MAR 16 PM 1:38

BOBBIE R. WILLIAMS
CLERK

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1 19 PB 0084

2 Dept. No: II

3 The party executing this document hereby affirms
4 that this document submitted for filing DOES
5 contain the social security number of a deceased
6 person or persons.

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

9 -o0o-

10 IN THE MATTER OF THE ESTATE
11 OF
12 ELTON EDWARD CROWLEY,
13 Deceased.

14 _____ /
15 ORDER WAIVING FIRST AND FINAL ACCOUNT, GRANTING
16 PETITION FOR FEES AND FOR FINAL DISTRIBUTION

17 THIS MATTER COMES before the Court pursuant to a Petition for Waiver of First
18 and Final Account, Petition for Fees and for Final Distribution filed herein by Petitioner, JANN
19 YOUNG, the duly appointed Personal Representative of the Estate of ELTON EDWARD
20 CROWLEY, deceased, by and through her counsel, ALLISON MacKENZIE, LTD. The matter
21 having been properly noticed, with no objection thereto, and good cause appearing therefor, IT IS
22 HEREBY ORDERED as follows:

23 I.

24 DECEDENT

25 That ELTON EDWARD CROWLEY (hereinafter referred to as "decedent"), died on
26 May 3, 2019, being at the time of his death a resident of and domiciled in Douglas County, Nevada,
27 leaving at the time of his death certain real and personal property located within the State of Nevada.

28 ///

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II.

LAST WILL AND TESTAMENT

That the decedent left a document purporting to be his Last Will and Testament executed on July 27, 1999 (hereinafter the "Will"). That the original Will was admitted to probate administration on July 22, 2019.

III.

APPOINTMENT OF PERSONAL REPRESENTATIVE AND
ISSUANCE OF LETTERS TESTAMENTARY

That on July 22, 2019, this Court granted administration herein and appointed JANN YOUNG as Personal Representative of the decedent's estate in the State of Nevada. Letters Testamentary were issued to her on the same day, and since such time, Petitioner has been and remains the duly acting Personal Representative of the decedent's estate.

IV.

NOTICE TO CREDITORS

That 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 herein on July 22, 2019 and duly published in the Record Courier, such publications occurring on August 3, 8, and 15, 2019. Proof of said Publication was filed herein on August 20, 2019, and no claims have been or were filed against the estate.

That the Notice to Creditors was sent to the STATE OF NEVADA, DEPARTMENT OF HEALTH AND HUMAN SERVICES, MEDICAID ESTATE RECOVERY, via certified mail return receipt on August 5, 2019. That proof of such service was filed herein on August 7, 2019. That the STATE OF NEVADA, DEPARTMENT OF HEALTH AND HUMAN SERVICES, MEDICAID ESTATE RECOVERY, did not file a claim against the estate.

V.

FEDERAL INCOME TAX

That the total value of the assets of the estate on the date of decedent's death was such that it was not necessary for Petitioner to file with the IRS a Federal Estate Tax Return, Form 706. That Petitioner has caused the decedent's personal Tax return to be filed with the IRS and any taxes

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1 due and owing have been or will be properly paid. That although not anticipated, Petitioner shall retain
2 sufficient funds in the estate to pay any taxes that may be due and owing as a result of closing up the
3 estate.

4 VI.

5 INVENTORY, APPRAISEMENT AND RECORD OF VALUE

6 That Petitioner filed an Inventory, Appraisalment and Record of Value ("Inventory") in
7 this matter on even date herewith. As set forth in the Inventory, the gross value of the whole of the
8 decedent's estate in the State of Nevada at the time of death was the sum of FIVE HUNDRED
9 TWELVE THOUSAND NINE HUNDRED THIRTY EIGHT and 21/100 DOLLARS (\$512,938.21),
10 and consisted of real property, several bank accounts, and miscellaneous personal property.

11 VII.

12 HEIRS AND NEXT-OF-KIN

13 That so far as known to Petitioner, the names, relationships, ages, and addresses of the
14 heirs and next-of-kin of decedent are as follows:

15 <u>NAME</u>	<u>RELATIONSHIP</u>	<u>AGE</u>	<u>ADDRESS</u>
16 JANN YOUNG	Daughter	Adult	3476 Indian Drive Carson City, NV 89705
17 TERI SOARES	Daughter	Adult	P.O. Box 62 Dobbins, CA 95935
18 LORI FARIES	Daughter	Adult	1126 Durant Street Modesto, CA 95350
19 DEAN SOARES	Grandson	Adult	9936 Mangrove Street Rancho Cucamonga, CA 91730
20 CHRISTOPHER SOARES	Grandson	Adult	901 Karen Drive Yuba City, CA 95991
21 MATTHEW YOUNG	Grandson	Adult	3668 Rosalina Loop Round Rock, TX 78665
22 MARK YOUNG	Grandson	Adult	790 Pawnee Street Carson City, NV 89705
23 JEFFREY YOUNG	Grandson	Adult	3476 Indian Drive Carson City, NV 89705

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1 VIII.

2 DEVISEES

3 That pursuant to ARTICLE FIFTH of decedent's Will, the decedent's wife, DALE
4 LANG CROWLEY is the named beneficiary of the estate. That in the event DALE LANG
5 CROWLEY fails to survive, decedent named his daughter, JANN YOUNG, as beneficiary of the
6 residence located at 790 Pawnee Street, Carson City, Nevada, and his daughters TERI LEE SOARES
7 and LORI FARIES as residual beneficiaries, each to receive one equal share.

8 That decedent's wife, DALE LANG CROWLEY died on November 11, 2009. That as a
9 result, decedent's estate shall be distributed as follows:

10 a. The residence located at 790 Pawnee Street, Carson City, Nevada shall be
11 distributed to JANN YOUNG.

12 b. The residue of the estate shall be distributed in equal shares, share and share
13 alike, to TERI LEE SOARES and LORI FARIES.

14 IX.

15 DISTRIBUTION OF ESTATE

16 That the estate is in a position to be distributed and should be distributed to the above-
17 named beneficiaries identified herein, namely:

18 a. The residence located at 790 Pawnee Street, Carson City, Nevada shall be
19 distributed to JANN YOUNG.

20 b. The residue of the estate shall be distributed in equal shares, share and share
21 alike, to TERI LEE SOARES and LORI FARIES.

22 X.

23 FIRST AND FINAL ACCOUNT

24 That TERI LEE SOARES and LORI FARIES, the residual beneficiaries of decedent's
25 estate and only interested persons regarding the assets of the estate other than the real property, waived
26 all rights to a formal accounting pursuant to NRS 150.075. That the consents of TERI LEE SOARES
27 and LORI FARIES are attached as EXHIBIT 1 and EXHIBIT 2, respectively, to the Petition.

28 ///

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1 That although said accounting has been waived, Petitioner provides notice that the total
2 residual estate located in decedent's estate account to be distributed, prior to payment of fees and costs
3 and mentioned herein, is the total sum of EIGHTY TWO THOUSAND SIX HUNDRED TWENTY
4 SIX and 10/100 DOLLARS (\$82,626.10) as of the date of this Petition.

5 XI.

6 PERSONAL REPRESENTATIVES FEE & COSTS

7 That pursuant to NRS 150.020, Petitioner has rendered services as Personal
8 Representative of the Estate and is entitled to compensation therefor. NRS 150.020 establishes a
9 statutory fee for general compensation for personal representatives, as follows:

10 4% of the first \$15,000.00 = \$600.00
11 3% of the next \$85,000.00 = \$2,550.00
12 2% of the next \$412,938.21 = \$8,258.76

13
14

Total General Compensation = \$11,408.76

15 That despite the foregoing, Petitioner, JANN YOUNG, hereby declines and waives any
16 said fee for her services as Personal Representative.

17 That although Petitioner has elected to waive her Personal Representative's fee,
18 Petitioner has advanced certain costs on behalf of the estate and is entitled to reimbursement therefor.
19 That to date, Petitioner is entitled to reimbursement in the amount of FOUR THOUSAND TWO
20 HUNDRED TWENTY-FIVE and 92/100 DOLLARS (\$4,225.92). That said amount is comprised of
21 the charges outlined in EXHIBIT 3 to the Petition, all of which Petitioner advanced for the benefit of
22 decedent's estate throughout this administration. That upon the foregoing, Petitioner requests the total
23 amount of \$4,225.92 to be distributed and reimbursed to her as and for such costs advanced.

24 XII.

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 to the Personal Representative and is
28 entitled to reasonable compensation therefor. That pursuant to NRS 150.060, an attorney may be

1 compensated based upon (a) the applicable hourly rate of the attorney, (b) the value of the estate
2 accounted for by the Personal Representative, (c) an agreement, or (d) any other method preapproved
3 by the Court.

4 That pursuant to the statutory formula enumerated in NRS 150.060(4), ALLISON
5 MacKENZIE, LTD., is entitled to attorney's fees in the amount of TWELVE THOUSAND NINE
6 HUNDRED EIGHTY-ONE and 81/100 DOLLARS (\$12,981.81). Said amount is determined as
7 follows:

8	4% for the first \$100,000.00 =	\$4,000.00
9	3% for the next \$100,000.00 =	\$3,000.00
	2% of the next \$312,938.21 =	\$6,258.76

10	Total:	<hr/>	\$13,258.76
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11
12 That in lieu of receiving attorneys' fees based upon the statutory rate and requesting an
13 additional amount of reimbursement for costs, ALLISON MacKENZIE, LTD., has elected to receive
14 compensation based on its customary hourly rate based upon the actual amount of time expended in
15 this matter. That to date, ALLISON MacKENZIE, LTD., has expended 17.6 hours related to this
16 matter. That amongst said hours, Petitioner was billed at the hourly rate of \$325.00 for partners and
17 \$300.00 for associates. That such rates are the customary rates for Partners and Associates in this firm
18 and in the northern Nevada area. In reaching this amount, the firm was required to expend time in
19 preparing court documents, participated in all hearings, and attended to matters customary in
20 administering an estate. That based upon such hours and the customary rates indicated above,
21 ALLISON MacKENZIE, LTD., requests reasonable attorneys' fees in the amount of FIVE
22 THOUSAND FIVE HUNDRED SIXTY-SEVEN and 50/100 DOLLARS (\$5,567.50).

23 That in addition to the services rendered, ALLISON MacKENZIE, LTD., advanced the
24 amount of ONE THOUSAND ONE HUNDRED FIFTY-THREE and 31/100 DOLLARS (\$1,153.31)
25 as and for filing fees, recording fees, certified copies, and in publishing the required notices herein.

26 That based upon such hours and costs advanced, ALLISON MacKENZIE, LTD.,
27 requests compensation in the total amount of SIX THOUSAND SEVEN HUNDRED TWENTY and
28

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1 81/100 DOLLARS (\$6,720.81), comprised of fees in the amount of \$5,567.50 and costs in the amount
2 of \$1,153.31.

3 NOW THEREFORE, it is HEREBY ORDERED:

4 1. That the First and Final Account herein is waived pursuant to NRS 150.075.

5 2. That the Personal Representative is authorized and directed to pay JANN
6 YOUNG the sum of \$4,225.92 as and for costs advanced on behalf of the estate

7 3. That the Personal Representative is authorized and directed to pay an attorneys'
8 fee to ALLISON MacKENZIE, LTD., in the amount of \$5,567.50, plus costs advanced in the amount
9 of \$1,153.31, for the total amount of \$6,720.81.

10 4. That the Personal Representative is authorized and directed to withhold the sum
11 of \$1,000.00 for costs associated with closing the estate, if any.

12 5. That the Personal Representative is authorized and directed to distribute all the
13 rest and residue of the estate, now known or hereinafter discovered, as follows pursuant to the
14 decedent's Will:

15 a. To JANN YOUNG, the residence commonly known as 790 Pawnee Street,
16 Carson City, Nevada, more particularly described as follows,

17 Lot 21, as shown on the map of VALLEY VIEW
18 SUBDIVISION NO. 2, filed in the office of the County
19 Recorder of Douglas County, Nevada, on April 6, 1964,
in Book 23, page 187, as File No. 24786.

20 (Pursuant to NRS 111.312 this legal description was
21 previously recorded on June 17, 2019, as Document No.
22 2019-930513, Official Records, Douglas County Nevada).

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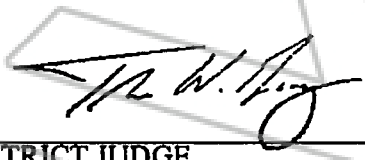
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b. To TERI LEE SOARES and LORI FARIES, equally, share and share alike, the residue of the estate, with each of them to receive the approximate amount of THIRTY FIVE THOUSAND THREE HUNDRED THIRTY NINE and 68/100 DOLLARS (\$35,339.68) as and for their one-half interest in the residue of the estate after payment of the foregoing expenses.

Dated March 16, 2020.



DISTRICT JUDGE

COPIES

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 3-18-2020

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

By [Signature] Deputy