

1220-21-610-010

RECORDING REQUESTED BY

KYLE A. WINTER, ESQ.

WHEN RECORDED MAIL TO

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



KAREN ELLISON, RECORDER

SPACE ABOVE THIS LINE RESERVED FOR
RECORDER'S USE

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 APPOINTING SPECIAL ADMINISTRATOR AND
ISSUANCE OF LETTERS OF SPECIAL ADMINISTRATION**

RECEIVED

MAR - 4 2020

Douglas County
District Court Clerk

FILED

NO _____

20 MAR -5 P3:31

BOBBIE R. WILLIAMS
CLERK
BY: AWO DEPUTY

1 KYLE A. WINTER, ESQ.
2 Nevada State Bar No. 13282
3 ALLISON MacKENZIE, LTD.
4 402 North Division Street
5 P.O. Box 646
6 Carson City, NV 89702
7 Telephone: (775) 687-0202

8 Attorneys for Nicole Maitia-Gough

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

11 IN THE MATTER OF THE ESTATE
12 OF
13 JEAN BAPTISTE MAITIA,

Case No. 2020PB00030
Dept. No. I

14 Deceased.

15 _____
16 **ORDER APPOINTING SPECIAL ADMINISTRATOR AND**
17 **ISSUANCE OF LETTERS OF SPECIAL ADMINISTRATION**

18 Before this Court is a Petition for Appointment of Special Administrator and for Letters
19 of Special Administration ("Petition") and Supplement thereto, filed by Petitioner NICOLE MAITIA-
20 GOUGH, formerly known as NICOLE MAITIA ("Petitioner"), by and through her attorneys,
21 ALLISON MacKENZIE, LTD. Accordingly, after due consideration, the Court sets forth its Order as
22 follows:

23 I.

24 **DECEDENT**

25 That JEAN BAPTISTE MAITIA ("Decedent") died on May 31, 2019, being at the time
26 of his death a resident of and domiciled in the City of Redwood, County of San Mateo, State of
27 California.

28 ///

1 That no probate proceeding has been opened in the State of California or elsewhere.¹

2 II.

3 JEAN BAPTISTE MAITIA LIVING TRUST DATED JUNE 29, 2005

4 That the JEAN BAPTISTE MAITIA LIVING TRUST ("Maitia Trust") was created on
5 June 29, 2005, by Decedent.

6 That the Maitia Trust was amended in its entirety on January 22, 2019.

7 That pursuant to Article III, Section 3.02 of the Maitia Trust, Decedent named
8 PATRICIA ANN SUMROW as Successor Trustee of the Maitia Trust. As such, PATRICIA ANN
9 SUMROW is the presently acting Trustee of the Maitia Trust.

10 That pursuant to Article V, Section 5.02 of the Maitia Trust, upon Decedent's death, the
11 Trustee is to distribute the real property commonly known as 728 Bluerock Road, Gardnerville,
12 Nevada ("Subject Property") to Petitioner NICOLE MAITIA-GOUGH.

13 Lot 353, as shown on the Map of GARDNERVILLE RANCHOS UNIT
14 NO. 6, filed for record in the office of the County Recorder of Douglas
15 County, Nevada on May 29, 1973, in Book 573, Page 1026, as File No.
16 66512.

17 Being Douglas County Assessor's Parcel No. 1220-21-610-010.

18 Pursuant to NRS111.312 the foregoing legal description was taken from
19 previously recorded Document No. 338659.

20 NEED FOR SPECIAL ADMINISTRATION AND POWERS OF SPECIAL ADMINISTRATOR

21 That NRS 140.010(4) and (6) provide for the appointment of a special administrator to
22 take charge of the estate of a decedent in whatever county or counties the estate may be found.
23 Thereunder, the special administrator is to be given such powers as may be necessary to preserve the
24 estate or any rights or privileges of the decedent, if no petition is filed for letters of administration, or if
25 there may be no assets subject to administration but good cause exists for the appointment of a
26 personal representative of the decedent.

27 ¹ Trustee PATRICIA ANN SUMROW, successor Trustee of the Maitia Trust, filed an Ex Parte
28 Petition for Order Transferring Deceased Settlor's Assets into Trust in the Superior Court of the State
of California, County of San Mateo. On September 12, 2019, the Court entered an Ex Parte Order
Transferring Deceased Settlor's Assets into Trust (Probate Code Section 850).

1 That Petitioner seeks the appointment as Special Administrator pursuant to NRS
2 139.040(1)(b), because she is the child of Decedent and is a resident of the State of Nevada. That
3 Petitioner has not been convicted of a felony and is otherwise qualified to serve in the capacity of
4 Special Administrator of this estate and is willing to act in such capacity.

5 That PATRICIAL ANN SUMROW, the surviving spouse of decedent and currently
6 acting Trustee of the Maitia Trust, is not a resident of the State of Nevada and consented to Petitioner
7 seeking appointment as Special Administrator. The Declaration of Patricia Ann Sumrow has been
8 filed concurrently herewith.

9 That there is a need for the appointment of a Special Administrator in this case, because
10 the Subject Property is held in the name of JEAN B. MAITIA, a single man, evinced by the Individual
11 Grant Deed ("Deed").

12 That pursuant to the Maitia Trust, Petitioner is the beneficiary of the Subject Property.

13 That Decedent failed to transfer title to the Subject Property by deed from himself,
14 individually, to the Maitia Trust prior to his death. Therefore, PATRICIA ANN SUMROW cannot
15 distribute the Subject Property Petitioner in accordance with the terms of the Maitia Trust.

16 Accordingly, Petitioner has asked this Court issue to issue Special Letters of
17 Administration, so that the Subject Property may be properly transferred into the Maitia Trust and
18 subsequently distributed to Petitioner in accordance with Decedent's wishes and the California
19 Superior Court order. That in harmony with the California Court entering an Order to include the
20 Subject Property located in Nevada into said Trust, Petitioner seeks the ability to transfer said property
21 pursuant to NRS 164.015 which allows Petitioner to seek a ruling that property not formerly titled in
22 the name of a trust or its trustee constitutes trust property pursuant to NRS 163.002.

23 III.

24 APPOINTMENT WITHOUT BOND AND WITHOUT NEED FOR HEARING

25 That pursuant to NRS 140.020(1), Petitioner requests that she be appointed Special
26 Administrator, at Chambers, without notice and without need for hearing, as the entirety of Decedent's
27 estate that would be subject to special administration in Nevada is the Subject Property.

28

1 That the property located in Belmont, California has been conveyed to the Maitia Trust
2 pursuant to the Heggstad Petition.²

3 That Decedent's bank accounts were held in joint tenancy with PATRICIA ANN
4 SUMROW, and Decedent did not possess cash or other assets. Additionally, there are no unpaid debts
5 or obligations of the Decedent owing to any third parties.

6 That further, in light of the circumstances, Petitioner has requested that upon issuance
7 of the Order, the Clerk be authorized and directed to issue Special Letters of Administration to
8 NICOLE MAITIA-GOUGH, with a copy of the Order attached, without bond or other security

9 V.

10 HEIRS AND NEXT-OF-KIN

11 That so far as known to Petitioner, the names, relationships, ages and addresses of the
12 family and next-of-kin of the decedent are as follows:

13 <u>NAME</u>	<u>RELATIONSHIP</u>	<u>AGE</u>	<u>ADDRESS</u>
14 Patricia Ann Sumrow	Spouse	Adult	Gardella & Gardella, APC (Jenifer K. Gardella, C/O) 520 Warren Street Redwood City, CA 94063
17 Nicole Maitia-Gough	Daughter	Adult	728 Bluerock Road Gardnerville, NV 89460
19 Edene Maitia	Daughter	Adult	3250 Taylor Road Central Point, OR 97502
21 Robert Maitia	Son	Adult	2471 Silver Ridge Avenue Los Angeles, CA 90039
22 Beau Jean-Baptiste Maitia	Grandson	1	c/o Robert Maitia
24 Bernard Maitia	Sibling	Adult	655 Sapphire Street Redwood City, CA 94061
25 Monique Arambel	Sibling	Adult	554 Roosevelt Avenue Redwood City, CA 94061

27
28 ² The California Superior Court ordered the real property situated in Belmont, California be transferred to the Jean Baptiste Maitia Living Trust.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Mary Jeanne Flesher	Sibling	Adult	2632 South 800 East Salt Lake City, UT 84106
Margarite Chamalbide	Sibling	Adult	Maison Ehuliainia Estérençuby 64220 France District of Bayonne
Jacques Maitia	Sibling	Adult	Maison Ehuliainia Estérençuby 64220 France District of Bayonne
Mary Louise Perochena	Sibling	Adult	Maison Ehuliainia Estérençuby 64220 France District of Bayonne
Gratiena Geucamburu	Sibling	Adult	Maison Ehuliainia Estérençuby 64220 France District of Bayonne
Cattin Ospital	Sibling	Adult	Maison Ehuliainia Estérençuby 64220 France District of Bayonne

NOW THEREFORE, it appearing that grounds exist for the entry of an Order pursuant to NRS 140.020, it is hereby ordered as follows:

1. That Petitioner, NICOLE MAITIA-GOUGH, formerly known as NICOLE MAITIA, is hereby appointed Special Administrator of the Estate of JEAN BAPTISTE MAITIA, with a copy of this Order attached, and without bond;

2. That, to allow for PATRICIA ANN SUMROW to distribute the Trust assets to Petitioner, Petitioner is authorized and directed to execute a Deed transferring to PATRICIA ANN SUMROW, as Trustee of the JEAN BAPTISTE MAITIA LIVING TRUST, dated June 29, 2005, the interests of Decedent in the property located at 728 Bluerock Road, in Gardnerville, County of Douglas, State of Nevada, more particularly described as follows:

Lot 353, as shown on the Map of GARDNERVILLE RANCHOS UNIT NO. 6, filed for record in the office of the County Recorder of Douglas

1 County, Nevada on May 29, 1973, in Book 573, Page 1026, as File No.
2 66512.

3 Being Douglas County Assessor's Parcel No. 1220-21-610-010.

4 Pursuant to NRS111.312 the foregoing legal description was taken from
5 previously recorded Document No. 338659.

6 3. That the Clerk of this Court is authorized and directed to issue Special Letters of
7 Administration to Petitioner, with a copy of this Order attached, upon Petitioner taking the Oath
8 required by law, without bond or other security;

9 4. That this Order is made and entered in Chambers, without notice, and without
10 need for hearing, as Petitioner is the sole beneficiary of the Subject Property, and Petitioner has
11 affirmed that there are no unpaid debts or obligations of the Decedent owing to any third parties;

12 5. That the Court reserves jurisdiction to make and order such other and further
13 relief as the Court considers just and proper in the premises.

14 DATED March 5, 2020.

15
16 
17 DISTRICT COURT JUDGE

18
19 Respectfully submitted,

20
21 ALLISON MacKENZIE, LTD.

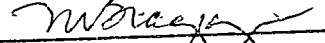
22
23 By: 

24 KYLE A. WINTER, ESQ.
25 Nevada State Bar No. 13282
492 North Division Street
Carson City, Nevada 89703

26 Attorneys for Nicole Maitia-Gough

27
28
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 13, 2020
BOBBIE R. WILLIAMS Clerk of Court
of the State of Nevada, in and for the County of Douglas,
By  Deputy