

DOUGLAS COUNTY, NV

2020-956835

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ROLAND LAW FIRM

KAREN ELLISON, RECORDER

E07

APN: 1319-22-000-021

TITLE OF DOCUMENT:

Order to Set Aside Estate Without Administration

RECORDING REQUESTED BY:

Harriet H. Roland, Esq.
ROLAND LAW FIRM
2520 Saint Rose Pkwy., Suite #309
Henderson, Nevada 89074

WHEN RECORDED MAIL TO:

Harriet H. Roland, Esq.
ROLAND LAW FIRM
2520 Saint Rose Pkwy., Suite #309
Henderson, Nevada 89074

MAIL TAX STATEMENTS TO:

Audrey Rush, Trustee
Rush 2014 Family Trust
402 E. Desert Ranch Road
Phoenix, AZ 85086

In Re: David Walley's Resort, 2001 Foothill Road, Units 1303 and 1304, Genoa, Nevada 89411

A timeshare estate comprised of an undivided interest as tenants in common in and to that certain real property and improvements as follows:

An undivided 1/1071st interest in and to all that real property situate in the County of Douglas, State of Nevada, described as follows:

ADJUSTED PARCEL F: A parcel of land located within a of the West one-half of the Northeast one-quarter

Commencing at the one-quarter corner common to Section 15 and 22, T13N, R19E, M.D.M., a found 1985 BLM brass cap as shown on the Record of Survey prepared by David D. Winchell and recorded September 28, 1989 in the office of the Recorder, Douglas County, Nevada as Document No. 211937; thence South 57°32'32" East, 640.57 feet to the POINT OF BEGINNING; thence North 80°00'00" East, 93.93 feet;

thence North 35°00'00" East, 22.55 feet; thence North 10°00'00" West, 92.59 feet; thence North 80°00'00" East, 72.46 feet; thence South 10°00'00" East, 181.00 feet; thence South 80°00'00" West, 182.33 feet; thence North 10°00'00" West, 72.46 feet to the POINT OF BEGINNING.

(Reference is made to Record of Survey for Wally's Partners Ltd. partnership, in the office of the County Recorder of Douglas County, Nevada, recorded on September 17, 1998 in Book 998, at page 3261, as Document No. 449576.)

Together with those easements appurtenant thereto and such easements and use rights described in the Declaration of Time Share Covenants, Conditions and Restrictions for David Wally's Resort recorded September 23, 1998, as Document No. 0449993, and as amended by Document Nos. 0466255, 0485265 and 0489959, and subject to said Declaration; with the exclusive right to use said interest for one Use Period within a DELUXE UNIT each year in accordance with said Declaration.

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OSEA
HARRIET H. ROLAND, Esq., Douglas County District Court Clerk
Nevada Bar No. 5471
ROLAND LAW FIRM
2520 Saint Rose Pkwy., Suite 309
Henderson, Nevada 89074
Telephone: (702) 452-1500
Facsimile: (702) 920-8903
Email: hroland@rolandlawfirm.com
Attorney for Petitioner, Audrey Rush

20 NOV 16 P 1:40

BOBBIE R. WILLIAMS
CLERK
B. M. BIAGGIN DEPUTY

NINTH JUDICIAL DISTRICT COURT

DOUGLAS COUNTY, NEVADA

In the Matter of the Estate of

Case No.: 2020PB00116
Dept. No.: II

STEVEN GENE RUSH,

Deceased.

ORDER TO SET ASIDE ESTATE WITHOUT ADMINISTRATION

The verified *Petition to Set Aside Estate Without Administration*, submitted by Audrey Rush, by and through her attorney, Harriet H. Roland of Roland Law Firm, came on regularly for hearing before this Court on November 16, 2020, at 1:30 p.m. Harriet H. Roland, Esq. appeared on behalf of the Petitioner. No other appearances were made, and no objections were taken. Having reviewed the pleadings and papers on file in this matter, and having heard any arguments of counsel,

THE COURT FINDS:

1. All notices of hearing have been duly given as required by law.
2. Steven Gene Rush (the "Decedent"), died on October 22, 2018, a resident of Maricopa County, Arizona, owning real property in the State of Nevada.
3. The Decedent died testate. Decedent's *Last Will and Testament*, dated December 23, 2014, was lodged with this Court on October 12, 2020.

///

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1 4. At the time of Decedent's death, he was married to Audrey Rush and
2 had two living, adult children, Maren M. Rush and Eric D. Rush.

3 5. Petitioner alleged Decedent left an Estate subject to probate set aside
4 in the State of Nevada, consisting of a real property interest in a timeshare, located
5 at David Walley's Resort, 2001 Foothill Road, Units 1303 and 1304, Genoa, Nevada
6 89411, APN 1319-22-000-021. The property is more fully described as:

7 A timeshare estate comprised of an undivided interest as tenants in
8 common in and to that certain real property and improvements as
9 follows:

10 An undivided 1/1071st interest in and to all that real property situate
11 in the County of Douglas, State of Nevada, described as follows:

12 **ADJUSTED PARCEL F:** A parcel of land located within a of the West
13 one-half of the Northeast one-quarter

14 Commencing at the one-quarter corner common to Section 15 and 22,
15 T13N, R19E, M.D.M., a found 1985 BLM brass cap as shown on the
16 Record of Survey prepared by David D. Winchell and recorded
17 September 28, 1989 in the office of the Recorder, Douglas County,
18 Nevada as Document No. 211937; thence South 57°32'32" East,
19 640.57 feet to the POINT OF BEGINNING; thence North 80°00'00"
20 East, 93.93 feet; thence North 35°00'00" East, 22.55 feet; thence
21 North 10°00'00" West, 92.59 feet; thence North 80°00'00" East, 72.46
22 feet; thence South 10°00'00" East, 181.00 feet; thence South 80°00'00"
23 West, 182.33 feet; thence North 10°00'00" West, 72.46 feet to the
24 POINT OF BEGINNING.

25 (Reference is made to Record of Survey for Wally's Partners Ltd.
26 partnership, in the office of the County Recorder of Douglas County,
27 Nevada, recorded on September 17, 1998 in Book 998, at page 3261,
28 as Document No. 449576.)

 Together with those easements appurtenant thereto and such
easements and use rights described in the Declaration of Time Share
Covenants, Conditions and Restrictions for David Wally's Resort
recorded September 23, 1998, as Document No. 0449993, and as
amended by Document Nos. 0466255, 0485265 and 0489959, and
subject to said Declaration; with the exclusive right to use said
interest for one Use Period within a DELUXE UNIT each year in
accordance with said Declaration.

1 6. Petitioner provided valuation for the timeshare by Supplement filed
2 with this Court. The value of the timeshare was shown to be at most \$64,570.00.

3 7. Petitioner alleged all funeral expenses, expenses of the Decedent's
4 last illness, and other administrative expenses have been paid and that there are
5 no attorney's fees and costs due. Petitioner further alleged there are no known
6 creditors or non-probate transfers to be added to the net estate for the purpose of
7 the set-aside computation.

8 8. Article IV of the Will leaves the entirety of the estate to the Trustee
9 of the Rush 2014 Family Trust. Petitioner is the Successor Trustee of the Trust.

10 9. Petitioner filed with this Court her Supplement confirming the
11 Decedent's intent to transfer the subject real property to the Trust, being the
12 Schedule of Assets signed by the Decedent and Petitioner on December 23, 2014,
13 which lists the subject real property as an asset of the Rush 2014 Family Trust.

14
15 **THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED:**

- 16 1. The net value of Decedent's estate, which is comprised of the
17 Decedent's interest in the timeshare, being real property in Douglas
18 County, Nevada does not exceed One Hundred Thousand Dollars
19 (\$100,000.00); and
- 20 2. Good cause exists for the Estate to be set-aside in its entirety,
21 without administration, to Audrey Rush, as Trustee of the Rush 2014
22 Family Trust; and this Order shall be recorded in the Office of the
23 County Recorder of Douglas County, Nevada, and deemed to be the
24 document of conveyance which transfers all the Decedent's interest
25 in the real property located at 2001 Foothill Road, Units 1303 and
26 1304, Genoa, Nevada 89411, APN 1319-22-000-021, to Audrey Rush,
27 as Trustee of the Rush 2014 Family Trust; and

28

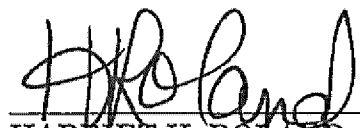
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3. This matter shall be closed.

Dated this 16th day of November, 2020.


DISTRICT COURT JUDGE

Prepared and submitted by:
ROLAND LAW FIRM


HARRIET H. ROLAND, ESQ.
Nevada Bar No. 5471
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Henderson, Nevada 89074
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Email: hroland@rolandlawfirm.com
Attorney for Petitioner, Audrey Rush

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Henderson, NV 89074
(702) 452-1500

Estate of Steven Gene Rush

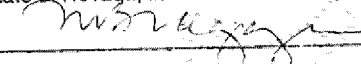
Case No. 2020PB00116

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 November 16, 2020

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

By  Deputy

**STATE OF NEVADA
DECLARATION OF VALUE**

1. Assessor Parcel Number(s)
 a) APN: 1319-22-000-021
 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
 Other Timeshare estate interest

FOR RECORDERS OPTIONAL USE ONLY

Book _____ Page _____
 Date of Recording: 11/20/20 ~ Trust Ok AB

3. a) Total Value/Sales Price of Property \$ _____ -0-
 b) Deed in Lieu of Foreclosure Only (value of property) (_____) -0-
 c) Transfer Tax Value \$ _____ -0-
 d) Real Property Transfer Tax Due \$ _____ -0-

4. If Exemption Claimed:

- a) Transfer Tax Exemption per NRS 375.090, Section 07
 b) Explain reason for Exemption: Transfer without consideration to or from a trust.

5. Partial Interest: Percentage being transferred _____ %

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 for Seller/Grantor
 Signature [Signature] Capacity Attorney for Buyer/Grantee/Trustee

SELLER (GRANTOR) INFORMATION (REQUIRED)

Print Name: Steven G. Rush
 Address: 5071 Hallgarten Drive
 City: Sparks
 State: NV Zip: 89436

BUYER (GRANTEE) INFORMATION (REQUIRED)

Print Name: Audrey Rush, Trustee
Rush 2014 Family Trust
 Address: 402 E. Desert Ranch Road
 City: Phoenix
 State: AZ Zip: 85086

COMPANY/PERSON REQUESTING RECORDING (required if not seller or buyer)

Print name: Roland Law Firm Escrow #: n/a
 Address: 2520 Saint Rose Pkwy., Suite 309
 City: Henderson State: NV Zip: 89074

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