

DOUGLAS COUNTY, NV

2021-962846

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FIRST AMERICAN TITLE MINDEN

KAREN ELLISON, RECORDER

APN# 1121-05-512-022

Recording Requested by/Mail to:

Name: FATCO

Address: 1663 Hwy 395, Ste101

City/State/Zip: Minden NV 89423

Mail Tax Statements to:

Name: Steve Smit

Address: 238 Walker Street

City/State/Zip: Gardnerville NV 89410

Order Terminating Trust

Title of Document (required)

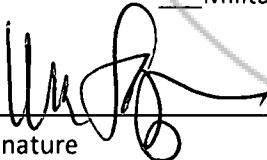
------(Only use if applicable)-----

The undersigned hereby affirms that the document submitted for recording DOES contain 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

Kim Figueroa

Printed Name

This document is being (re-)recorded to correct document # _____, and is correcting

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1 Danielle L. Christenson, Esq., SBN 4295 ^{Douglas County} District Court Clerk
 2 **HERITAGE LAW, A Division of**
 3 **KALICKI COLLIER, LLP**
 4 1625 Highway 88, Suite 304
 5 Minden, Nevada 89423
 6 Telephone | 775.782.0040
 7 Email | dlc@kalickicollier.com
 8 Attorney for Petitioner STEVEN SMIT

2021 MAR -1 PM 1:36

BOBBIE R. WILLIAMS
CLERK

BY **J. SHACHER** DEPUTY

This document DOES NOT contain personal information, pursuant to NRS 603A.040.

IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF DOUGLAS

In the Matter of the:

GEORGE EDWARD CUMMINGS
REVOCABLE TRUST dated,
November 18, 2000, and
any amendments thereto

Case No.: 2021-PB-00011

Dept. No.: II
[Companion Case to 2020-PB-00058]

ORDER TERMINATING TRUST; CONFIRMING ASSET(S) OF TRUST TO PERSONAL REPRESENTATIVE OF GRANTOR'S ESTATE
[N.R.S. 153.031(1)(n)]

Petitioner and Personal Representative, STEVEN SMIT's, verified *Petition for Order Terminating Trust and Confirming Asset(s) of Trust to Personal Representative of Grantor's Estate [N.R.S. 153.031(1)(n)]* came on regularly for hearing this day. No person appeared to contest the *Petition*.

Upon proof duly made to the satisfaction of the Court, the Court now finds as follows:

1. All notices for hearing have been given in the manner and for a period prescribed by law.
2. The Court has jurisdiction over this matter under Nevada Revised Statutes (N.R.S.) sections 153.031(1)(n) and 143.060, because the Trust asset(s)/real property at issue, 237 Walker Street, Gardnerville, Douglas County, Nevada (Decedent GEORGE EDWARD

1 CUMMINGS' personal residence), is a real property asset located in Douglas County, State of
2 Nevada, and is more particularly described as:

3 Lot 65, as set forth on the Amended Record of Survey for PINEVIEW
4 DEVELOPMENT, UNIT NO. 3, filed in the office of the Douglas County Recorder
5 on September 10, 2002, in Book 0902, Page 2510, File No. 551762, subject to
6 that certain Declaration of Covenants, Conditions and Restrictions for Pine View
7 filed in the office of the Douglas County Recorder on October 13, 1997, in Book
8 1097, Page 2388, File No. 0423883, EXCLUDING any and all water rights,
9 including, but not limited to applications and permits to appropriate any of the
10 public waters, certificates of appropriation, adjudicated or unadjudicated water
11 rights, applications or permits to change the place of diversion, manner or use or
12 place of use of water, and, federal reserved water rights.

13 APN: 1121-05-512-022.

14 3. On May 3, 2020, GEORGE EDWARD CUMMINGS died in his home in
15 Gardnerville, Douglas County, Nevada.

16 4.1 A probate matter concerning Decedent GEORGE EDWARD CUMMINGS' Estate
17 was commenced on June 4, 2020, in the Ninth Judicial District Court of the State of Nevada, in
18 and for Douglas County, as Case No. 2020-PB-00058, Department II.

19 4.2 Therein, Petitioner STEVEN SMIT is the appointed and acting Personal
20 Representative of Decedent GEORGE EDWARD CUMMINGS' Estate, having been appointed
21 by Court Order entered or filed on June 29, 2020.

22 4.3 Letters Testamentary with Full Authority to Administer the Estate pursuant to the
23 Independent Administration of Estates Act were issued in Petitioner STEVEN SMIT's name on
24 July 1, 2020.

25 5. Petitioner STEVEN SMIT has, in his capacity as Personal Representative of
Decedent GEORGE EDWARD CUMMINGS' Estate, discovered that title to Decedent GEORGE
EDWARD CUMMINGS' personal residence in Douglas County, Nevada, is held in the name of
GEORGE E. CUMMINGS, Trustee of the *George E. Cummings Revocable Trust, dated
November 18, 2000.*

1 6.1 After conducting a diligent search for any trust documents in Decedent GEORGE
2 EDWARD CUMMINGS' possession at the time of his death, or otherwise of record with any
3 County or State agency at the time of Decedent GEORGE EDWARD CUMMINGS' death,
4 Petitioner has been unable to locate any trust documents evidencing the past, present, or
5 continuing existence of the *George E. Cummings Revocable Trust, dated November 18, 2000*.

6 6.2 Petitioner STEVEN SMIT has not located, found, or discovered any asset or
7 account in the name of the *George E. Cummings Revocable Trust, dated November 18, 2000*,
8 since his appointment by the Court as the Personal Representative of the Estate of GEORGE
9 EDWARD CUMMINGS.

10 6.3 Moreover, Decedent GEORGE EDWARD CUMMINGS' *Last Will and Testament*
11 (hereinafter: "*Last Will*") dated November 2, 2018, which *Last Will* has been admitted to
12 probate, does not contain a "pour-over" provision to the *George E. Cummings Revocable Trust*,
13 *dated November 18, 2000*..

14 6.4 Lastly, the persons closest to Decedent GEORGE EDWARD CUMMINGS in the
15 years prior to his death, named as Specific Distribution Devisees and as the Residual
16 Distribution Devisee in Decedent's *Last Will*, have no knowledge of the existence (past or
17 present) of the *George E. Cummings Revocable Trust, dated November 18, 2000*.

18 7. Legal Authority

19 a) N.R.S. 143.060

20 NRS 143.060 authorizes a Personal Representative to maintain actions "...for the
21 recovery of any property, real or personal, or for the possession thereof, or to quiet title thereto,
22 or to determine any adverse claims thereon..." in cases in which the actions might have been
23 brought/maintained by or against the decedents.

24 ...

25 ...

1 b) N.R.S. 153.031

2 NRS 153.031 authorizes a trustee or beneficiary of a trust to petition the court regarding
3 any aspect of the affairs of the trust, including an action to terminate the trust. NRS
4 153.031(1)(n).

5 A petition under this section must state the grounds of the petition and the name and
6 address of each interested person, and the relief sought by the petition. NRS 153.031(2).

7 **IT IS THEREFORE REASONABLE TO CONCLUDE THAT:**

8 8. Under these circumstances, if Decedent GEORGE EDWARD CUMMINGS did
9 indeed, on November 18, 2000, create a legal and valid revocable living trust under Nevada
10 law, known as the *George E. Cummings Revocable Trust dated November 18, 2000*, Decedent
11 GEORGE E. CUMMINGS later terminated the trust instrument prior to his execution of his *Last*
12 *Will* on November 2, 2018, or else Decedent's *Last Will* would have included a "pour-over"
13 provision to the *George E. Cummings Revocable Trust, dated November 18, 2000*, and, at the
14 time of Decedent's death, other assets comprising Decedent's Estate would have been found to
15 be titled in the name of the *George E. Cummings Revocable Trust, dated November 18, 2000*.
16 As it stands, the only asset that is (or remains) titled in the name of the *George E. Cummings*
17 *Revocable Trust, dated November 18, 2000*, is Decedent's primary residence.

18 **ACCORDINGLY**, the Court find and orders as follows:

19 A. That interested parties have received sufficient notice under NRS 153.031 and
20 155.010;

21 B. That the *George E. Cummings Revocable Trust, dated November 18, 2000*, is
22 terminated pursuant to NRS 153.031(1)(n);

23 C. That the Trust asset(s)/real property at issue be transferred, conveyed,
24 distributed, delivered, and confirmed to Petitioner STEVEN SMIT, the Personal Representative
25 of Decedent's Estate. The Trust asset(s)/real property at issue is known and located at 237

1 Walker Street, Gardnerville, Douglas County, Nevada (Decedent GEORGE EDWARD
2 CUMMINGS' personal residence), and is more particularly described as:

3 Lot 65, as set forth on the Amended Record of Survey for PINEVIEW
4 DEVELOPMENT, UNIT NO. 3, filed in the office of the Douglas County Recorder
5 on September 10, 2002, in Book 0902, Page 2510, File No. 551762, subject to
6 that certain Declaration of Covenants, Conditions and Restrictions for Pine View
7 filed in the office of the Douglas County Recorder on October 13, 1997, in Book
8 1097, Page 2388, File No. 0423883, EXCLUDING any and all water rights,
9 including, but not limited to applications and permits to appropriate any of the
10 public waters, certificates of appropriation, adjudicated or unadjudicated water
11 rights, applications or permits to change the place of diversion, manner or use or
12 place of use of water, and, federal reserved water rights.

13 APN: 1121-05-512-022.

14 D. That Petitioner STEVEN SMIT, Personal Representative of Decedent's Estate, is
15 authorized to execute any and all documents necessary to transfer, convey, distribute, deliver,
16 and confirm the real property located at and known as 237 Walker Street, Gardnerville, Douglas
17 County, Nevada (Decedent GEORGE EDWARD CUMMINGS' personal residence), to
18 Decedent's Estate.

19 **IT IS SO ORDERED.**

20 **DATED:** March 1st, 2021.

21 
22 _____
23 **THOMAS W. GREGORY**
24 **DISTRICT COURT JUDGE**

25 Submitted by:

HERITAGE LAW

By: *Danielle L. Christenson, Esq.*
DANIELLE L. CHRISTENSON, ESQ.
SBN 4295
Attorney for Petitioner STEVEN SMIT

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 1st, 2021
BOBBIE R. WILLIAMS, Clerk of Court
of the State of Nevada, in and for the County of Douglas,
By: *[Signature]* Deputy

1 Walker Street, Gardnerville, Douglas County, Nevada (Decedent GEORGE EDWARD
2 CUMMINGS' personal residence), and is more particularly described as:

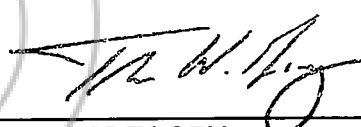
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14 D. That Petitioner STEVEN SMIT, Personal Representative of Decedent's Estate, is
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17 County, Nevada (Decedent GEORGE EDWARD CUMMINGS' personal residence), to
18 Decedent's Estate.

19 IT IS SO ORDERED.

20 DATED: March 1st, 2021.

21 
22 _____
23 THOMAS W. GREGORY
24 DISTRICT COURT JUDGE

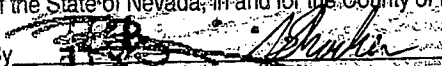
25 Submitted by:

HERITAGE LAW

By: /s/ Danielle L. Christenson, Esq.
DANIELLE L. CHRISTENSON, ESQ.
SBN 4295
Attorney for Petitioner STEVEN SMIT

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 1st, 2021
BOBBIE R. WILLIAMS, Clerk of Court
of the State of Nevada, in and for the County of Douglas,
By:  Deputy