

DOUGLAS COUNTY APN 1220-16-412-019



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KAREN ELLISON, RECORDER

RECORDING REQUESTED BY:

Paul James, Trustee
1820 Cabrillo Hwy N
Half Moon Bay, CA 94019

MAIL TAX STATEMENTS TO:

Sagebrook Village Apartments, LLC
1820 Cabrillo Hwy N
Half Moon Bay, CA 94019

**AMENDED
JUDGMENT TERMINATING INTEREST OF DECEASED PERSONS
IN REAL PROPERTY**

(Only use if applicable)

The undersigned hereby affirms that the document submitted for recording contains 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

Printed Name

THIS DOCUMENT IS BEING (RE-)RECORDED TO CORRECT DOCUMENT #2020-947127 BY CORRECTING THE LEGAL NAME OF THE OWNERSHIP ENTITY MISIDENTIFIED VIA A TYPOGRAPHICAL ERROR.

1 Case No. 20-CV-00074

2 Dept. II

3 This document does not contain
4 personal information of any person.

RECEIVED

JAN - 5 2022

Douglas County
District Court Clerk

FILED

2022 JAN -5 PM 4:15

BOONIE B. WILLIAMS
CLERK

DEPUTY

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

7 IN AND FOR THE COUNTY OF DOUGLAS

9 PAUL C. JAMES as Trustee of The Lowell & Helen
10 James Family Trust u.i.d. October 3, 1997,

11 Petitioner

AMENDED
JUDGMENT TERMINATING
INTEREST OF DECEASED
PERSONS IN REAL PROPERTY

12 v.

13 The Heirs of LOWELL STUART JAMES, Deceased;
14 the Heirs of HELEN CLAIRE JAMES, Deceased,

15 Respondents,

Kelly R. Chase
The Law Firm LLC
P.O. Box 2800, Minden, NV 89423 (775) 782-3000

16
17 The purpose of this amended judgment is to correct certain clerical errors in that certain
18 "Judgment Terminating Interest of Deceased Persons in Real Property" entered herein June 1, 2020,
19 pursuant to NRCP 60, which judgment was recorded June 4, 2020 as Document No. 2020-947127,
20 Douglas County Nevada Official Records. This "Amended Judgment Terminating Interest of Deceased
21 Persons in Real Property" hereby amends and corrects the described June 1, 2020, Judgment as follows:

22 THIS MATTER came before this Court for hearing pursuant to NRS 40.525 on the 1st day of
23 June, 2020, to quiet title to certain real property. Plaintiff filed by Petitioner, PAUL C. JAMES, was
24 represented by counsel Kelly R. Chase of The Law Firm LLC. Upon call of the matter, no one appeared
25 in opposition to the relief requested in the Verified Petition.

26 The subject of this action is certain commercial real property in Douglas County, State of
27 Nevada, commonly known as 1280 Pit Road Gardnerville, County of Douglas, State of Nevada, bearing
28 APN 1220-16-412-019 (hereinafter, the "Property"), and more specifically described as:

1 All that certain real property situate in the County of Douglas, State of Nevada,
2 described as follows:

3 Lot 18 in Block A, as shown on the Official Map of Rabbitbrush Corners filed in the
4 office of the County Recorder of Douglas County, State of Nevada on March 2, 1992,
5 in Book 392, Page 001, as Document No. 272299.

6 [Per NRS 111.312, this legal description was previously recorded on December 31, 2002, as Document
7 No. 562531, in Book 1202, at Page 14280, Official Records of Douglas County, Nevada.]

8 Upon review of the pleadings, papers and other evidence submitted, Petitioner has presented
9 evidence supporting his prayer for relief pertaining to the subject Property and the satisfaction of the
10 debt that was underlying the Decedents' interest in the Property. The hearing of June 1, 2020, is an
11 evidentiary hearing mandated by NRS 40.525(3) to determine the fact of Decedent's death and to
12 terminate the interests of the Decedent as prayed in the Petition. Based thereon, the Court makes the
13 following findings and conclusions:

14 Petitioner, as the successor trustee of The Lowell & Helen James Family Trust u.i.d. October
15 3, 1997 (hereinafter, the "Trust"), filed his "Petition to Terminate Interest of Deceased Persons in Real
16 Property" on March 26, 2020. Petitioner mailed a "Notice of Hearing" to the Department of Health and
17 Human Services and the heirs and devisees of Decedent's estate and beneficiaries of the Trust; proof
18 of service thereof was filed with the Court on March 31, 2020. A second amended proof of service was
19 timely filed May 8, 2020 to rectify incorrect address information for one of the Decedent's heirs and
20 Trust beneficiary.

21 As set forth in the Petition, the Decedents LOWELL STUART JAMES (hereinafter, "Lowell")
22 and HELEN CLAIRE JAMES (hereinafter, "Helen"), were the parents of Petitioner and the named
23 heirs/beneficiaries of the Trust. (Petition, ¶¶ 4 and 18). Until their deaths, Helen and Lowell were the
24 Trustors and Co-Trustees of the Trust at all times relevant herein.

25 In August 2004, Petitioner borrowed the sum of \$100,000.00 (hereinafter, the "Loan") from
26 Lowell, with the knowledge and apparent consent of Helen. (Petition, ¶¶ 2 and 4). At the time of the
27 aforementioned Loan, Petitioner was the sole owner as an unmarried man of the subject Property as set
28 confirmed by that certain "Grant, Bargain, Sale Deed" recorded December 31, 2002, as Document No.
562631, in Book 1202, at Page 14280, Official Records of Douglas County, Nevada, attached to the
Petition as Exhibit B.

1 Lowell requested and Petitioner agreed that the Loan would be “secured” by real property, and
2 the parties then recorded a conveyance of ten percent (10%) of the subject Property to Lowell
3 individually, as a married man, as set forth in the “Grant, Bargain, Sale Deed” recorded August 6, 2004
4 as Document No. 620878, in Book 804, at Page 2817, Official Records of Douglas County, Nevada,
5 attached to the Petition as Exhibit C. (Petition, ¶ 6).

6 Subsequently, Petitioner and Lowell conveyed their respective interests in the Property to
7 “Sagebrook Village Apartments, LLC, a Nevada limited liability company”, as set forth in the “Grant,
8 Bargain, and Sale Deed” recorded June 4, 2008 as Document No. 724492, in Book 608, at Page 1007,
9 Official Records of Douglas County, Nevada, attached to the Petition as Exhibit D. (Petition, ¶ 7).

10 Lowell died July 25, 2016, in Pacifica, County of San Mateo, State of California and Helen died
11 December 21, 2018, in Millbrae, County of San Mateo, State of California. Certified copies of Lowell’s
12 and Helen’s death certificates were filed separately with the Court with the Petition. (Petition, ¶ 9 and
13 12). Although both Lowell and Helen died testate, no probate was filed on either Decedents’ estate as
14 all assets owned by Lowell or Helen were intended as being held by the Trust and had the character of
15 community property as acquired during the marriage of Lowell and Helen. A certified copy of Lowell’s
16 and Helen’s “Pour Over Will”, both dated January 8, 1998 and certified as filed in the San Mateo
17 Superior Court as File No. 20WIL00150 and No. 20WIL00149, respectively, are filed separately with
18 the Court. (Petition, ¶¶ 10 and 13). Pursuant to Article 4 of both Lowell’s and Helen’s Wills, any assets
19 of Lowell or Helen that were not held in the Trust at the time of their death is to be distributed to the
20 Trust. (Petition, ¶¶ 11 and 14). At all time relevant herein, both Lowell and Helen considered the Loan
21 to be an asset of their Trust and that payments on the Loan were to be to the Trust when satisfied.
22 (Petition, ¶ 8).

23 As Lowell predeceased Helen, any community property interest in the Loan and security
24 acquired by Lowell during their marriage became the property of Helen or is subject to the testamentary
25 disposition of the deceased spouse pursuant to NRS 123.250. (Petition, ¶ 16). Both Wills of the
26 Decedents state that upon the deaths of both Helen and Lowell, any assets not held in their Trust are to
27 be distributed to the Trust. Although the parties understood that the Loan was a Trust asset, they failed
28 to properly transfer the Loan and security to the Trust. (Petition, ¶ 15).

1 As a result of the deaths of both Lowell and Helen, Petitioner Paul C. James became the
2 Successor Sole Trustee of the Trust as set forth in Article 1.3 of the "Certificate of Trustee's Power and
3 Authority and Abstract of Trust" executed October 3, 1997, by Lowell and Helen and attached to the
4 Petition as Exhibit A. (Petition, ¶ 3). After Helen's death, Petitioner has assumed the duties as such
5 and filed a copy of the current certificate of trust reflecting the deaths of both Trustors and the authority
6 of Petitioner as the Successor Trustee of the Trust, which is attached to the Petition as Exhibit F.
7 (Petition, ¶ 17).

8 All the above heirs and devisees of the Wills of Lowell and Helen, and as the other beneficiaries
9 of the Trust, have approved and consented to the relief requested by Petitioner as understood and acted
10 upon by Petitioner. Petitioner has filed acknowledgments of receipt of the petition and consent to the
11 relief prayed by the heirs and Trust beneficiaries to the extent received prior to the hearing on this
12 petition. (Petition, ¶ 19).

13 Petitioner fully paid and satisfied the Loan April 30, 2019, by payment of all amounts due
14 thereunder to the Trust. All beneficiaries of the Trust are aware of Petitioner's payment of the Loan,
15 have verbally agreed that the Loan has been satisfied and that any purported security interest in the
16 Property, whether held by the Trust or by either or both Decedents, Lowell and Helen, should be
17 terminated and extinguished. (Petition, ¶ 21). Petitioner has filed acknowledgments of receipt of the
18 petition and consents to the relief prayed by the heirs and Trust beneficiaries to the extent received prior
19 to the hearing on this petition. (Petition, ¶ 19).

20 On the basis of the foregoing, it is appropriate and warranted, under the above facts and
21 applicable law, that an order issue from this Court terminating the interests in the subject Property and
22 any purported interest in the Sagebrook Village Apartments, LLC, a Nevada limited liability company,
23 of LOWELL STUART JAMES and HELEN CLAIRE JAMES, their heirs and devisees, and the
24 "Lowell & Helen James Family Trust" u.i.d. October 3, 1997, thereby vesting sole ownership of the
25 subject Property in Sagebrook Village Apartments, LLC, a Nevada limited liability company, and
26 confirming that Petitioner Paul C. James is the sole member of said LLC.

27 On the basis of the foregoing, and good cause appearing,

28 ///

Kelly R. Chase
The Law Firm LLC
P.O. Box 2800, Minden, NV 89423 (775) 782-3099

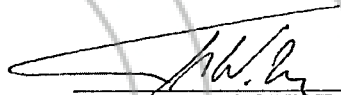
1 IT IS HEREBY ORDERED that Petitioner's request to quiet, terminate and extinguish any and
2 all right, title and interest of the Decedents LOWELL STUART JAMES and HELEN CLAIRE JAMES,
3 their heirs and devisees, and the "Lowell & Helen James Family Trust" u.i.d. October 3, 1997, to the
4 above-described subject Property located in Douglas County, State of Nevada, is hereby GRANTED.

5 IT IS FURTHER ORDERED that all right, title, estate, and interest in the Property described
6 above shall be, and is hereby, vested in Sagebrook Village Apartments, LLC, a Nevada limited liability
7 company.

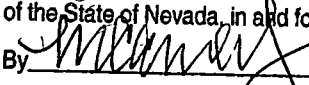
8 IT IS FURTHER ORDERED that Petitioner's request to quiet, terminate and extinguish any
9 and all right, title and interest of the Decedents LOWELL STUART JAMES and HELEN CLAIRE
10 JAMES, their heirs and devisees, and the "Lowell & Helen James Family Trust" u.i.d. October 3, 1997,
11 in or to Sagebrook Village Apartments, LLC, a Nevada limited liability company, is hereby GRANTED
12 and that Petitioner Paul C. James is and shall be hereafter the sole member and owner of said Sagebrook
13 Village Apartments, LLC.

14 IT IS FURTHER ORDERED that all defendants are hereby permanently enjoined from asserting
15 any adverse claim Plaintiff's title in the Property or the Sagebrook Village Apartments, LLC.

16 DATED this 5th day of January, 2022.

17
18 
19 _____
20 DISTRICT COURT JUDGE

21 SUBMITTED BY:
22 Kelly R. Chase
23 P.O. Box 2800
24 Minden NV 89423
25 (775) 782-3099
26 Attorney for Petitioner

27 **CERTIFIED COPY**
28 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 1-5-22
BOBBIE R. WILLIAMS Clerk of Court
of the State of Nevada, in and for the County of Douglas,
By  Deputy