

APN# 1318-23-710-013



SHAWNYNE GARREN, RECORDER

Recording Requested by/Mail to:

Name: ULLF

Address: 1618-B US HWY 395 N

City/State/Zip: Minden, NV 89423

Mail Tax Statements to:

Name: Magdalena Böttig

Address: POB 2475

City/State/Zip: Stateline, NV 89449

(Amended) order approving waiver of account, approving attorney's fees and costs, and decree of final distribution

Title of Document (required)

Please complete the Affirmation Statement below:

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)
- Military Discharge – NRS 419.020 (2)
- Other NRS _____ (state specific law)

-OR-

I the undersigned hereby affirm the attached document, including any exhibits, hereby submitted for recording does NOT contain the personal information of any person(s). (Per NRS 239B.030)

Signature
Thomas Vander Loan

Printed Name

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

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NOV 27 2023

Douglas County
District Court Clerk

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2023 NOV 27 AM 10:05

BOBBIE R. WILLIAMS
CLERK

BY: *[Signature]* DEPUTY

1 Case No.: 2022-PB-00182

2 Dept.: II

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6 **IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,**
7 **IN AND FOR THE COUNTY OF DOUGLAS**

8 In the Matter of the Estate of:

9
10 **NATHANIEL CARL BATTIG,**
11 Date of Death: February 19, 2022,

**[AMENDED] ORDER APPROVING
WAIVER OF ACCOUNT, APPROVING
ATTORNEY'S FEES AND COSTS, AND
DECREE OF FINAL DISTRIBUTION**

12 Decedent.
13 _____

14 **[Amendment in bold to specifically include the description of the Estate's real property]**

15 UPON REVIEW of the verified Petition for a Waiver of Account, Approval of Fees and
16 Costs, and for Decree of Final Distribution submitted by Personal Representative, MAGDALENA
17 BATTIG, by and through her counsel of record, Natalia K. Vander Laan, Esq., of Vander Laan Law
18 Firm LLC, the same having come before the above-entitled Court for a hearing on June 5, 2023, and
19 it appearing to the satisfaction of the Court that proper Notice of Hearing of this matter has been duly
20 given in the manner required by law and no person appeared to contest the Petition and no person
21 filed an objection;
22

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

- 24 1. NATHANIEL CARL BATTIG (hereinafter "Decedent") died on February 19, 2022, in
25 Pollock Pines, county of El Dorado, state of California. Decedent was, at the date of his death,
26

1 a resident of Modesto, county of Stanislaus, state of California, according to his death
2 certificate. Decedent's death certificate is on file with the Court. Decedent left an estate in
3 Nevada consisting of real property subject to probate administration. Therefore, this Court is
4 the proper court in this matter.

5 2. Decedent died leaving a Last Will and Testament that was previously lodged with the
6 California Court, previously published by a California Court, and is subject of a main/primary
7 probate matter currently pending in county of Stanislaus, state of California (Case No. PR-
8 22-000425). Consequently, Petitioner was unable to produce the original Last Will and
9 Testament of the Decedent, but a xerox copy of the Last Will and Testament is on file with
10 the Court and was admitted to probate on January 30, 2023. A certified copy of the California
11 Order Appointing Executor and a California certified copy of the Letters Testamentary issued
12 to Petitioner by California court is also on file with the Court. Therefore, Decedent died
13 testate.
14

15 On January 30, 2023, Order Appointing Personal Representative was entered appointing
16 MAGDALENA BATTIG as Personal Representative and authorizing a summary
17 administration of the Decedent's estate, and Letters Testamentary were issued to
18 MAGDALENA BATTIG, who thereupon duly qualified as Personal Representative and who
19 have acted in that capacity since that date.
20

21 3. All notices, including notices of hearings and notice to creditors, have been duly given as
22 required by law and the proof is on file with the Court.

23 4. The names, ages, and residences of the heirs and devisees of Decedent, so far as known to
24 Petitioner and Personal Representative, are:

25 The Decedent was divorced;
26

1 The Decedent had no living children and no deceased children with living descendants;

2 The Decedent's living parents are:

3 MAGDALENA BATTIG, adult, 242 Chimney Rock, Stateline, NV 89449, Petitioner;

4 ANTON BATTIG, adult, 242 Chimney Rock, Stateline, NV 89449.

5 5. Notice to Creditors was sent to all known creditors and medical providers and Petitioner and
6 Personal Representative also caused Notice to Creditors to be published as required by law.
7 The first publication of said Notice to Creditors occurred on February 8, 2023. The proof of
8 service and publication of said Notice was filed with the Court concurrently with this Petition
9 and is on file with the Court.

10 No creditor claims were filed.

11 No late claims were filed.

12 Medicaid was given proper notice and has not made a claim.

13 6. The character of the property of the Estate was real property, the same being and is the
14 Deceased's sole and separate property. The Inventory and Appraisal or Record of Value
15 was waived by all interested parties and is on file with the Court.

16 The gross value of the Estate is estimated at Two Hundred Thirty-Eight Thousand Dollars
17 (\$238,000.00). (The real property subject to probate administration is owned: 50% by Anton
18 and Magdalena Battig 2003 Trust, 25% by Jonathan Battig, and 25% by the Decedent. The
19 date of death appraisal of the real property subject to probate administration came back at
20 \$952,000.00).

21 The net value of the Estate is estimated at Two Hundred Thirty-Eight Thousand Dollars
22 (\$238,000.00).

23 There was no personal property subject to probate.

1 7. The following is a recapitulation of the income and expense experienced by the Estate since
2 the filing of the Inventory and Appraisalment or Record of Value of All the Assets of the
3 Decedent: none.

4 8. The 2022 individual tax return was filed.
5 Petitioner does not expect any Estate tax liability, but if there is any, Petitioner personally
6 assumes such liability as the sole beneficiary with her husband.

7
8 9. Petitioner and Personal Representative is entitled to a statutory commission for serving as
9 Personal Representative in accordance with NRS 150.020, upon the whole amount of the
10 estate accounted for by the Personal Representative. However, Petitioner and Personal
11 Representative waives payment of any compensation for her services.

12 10. Vander Laan Law Firm LLC (hereinafter "Vander Laan Law Firm"), has served as counsel
13 for the Petitioner and Personal Representative and has consulted with the Petitioner and
14 Personal Representative on various matters. Petitioner and Personal Representative,
15 MAGDALENA BATTIG, and Vander Laan Law Firm entered into an agreement for legal
16 services on December 5, 2022, whereby Vander Laan Law Firm is providing legal services
17 on a percentage basis pursuant to NRS 150.060. A copy of the Agreement is on file with
18 the Court.
19

20 NRS 150.060 states in relevant part:

21 4. If the attorney is requesting compensation based on the value of the estate
22 accounted for by the personal representative, the allowable compensation of the attorney
23 for ordinary services must be determined as follows:

- 24 (a) For the first \$100,000, at the rate of 4 percent;
25 (b) For the next \$100,000, at the rate of 3 percent;
26 (c) For the next \$800,000, at the rate of 2 percent...

27 6. ...
28 For the purpose of determining the compensation of an attorney pursuant to
29 subsection 4, the value of the estate accounted for by the personal representative:

- 1 (a) Is the total amount of the appraisal of property in the inventory, plus:
 2 (1) The gains over the appraisal value on sales; and
 3 (2) The receipts, less losses from the appraisal value on sales; and
 4 (b) Does not include encumbrances or other obligations on the property of the estate.

5 The gross value of the estate is Two Hundred Thirty-Eight Thousand Dollars (\$238,000.00)

6 There were no gains over the appraisal value on sales. There were no losses from the
 7 appraisal value on sales. There were no receipts after the Inventory. Statutory
 8 compensation should be calculated as follows:

9 4% on the first \$100,000.00	\$4,000.00
10 3% on the second \$100,000.00	\$3,000.00
11 2% on the remaining \$38,000.00	\$760.00
12 Total Statutory Compensation	
13 (attorney's fees)	\$7,760.00

14 The total statutory compensation (attorney's fees) equals Seven Thousand Seven Hundred
 15 Sixty and 00/100 Dollars (\$7,760.00).

16 The costs advanced by Vander Laan Law Firm on behalf of the Estate to date total One
 17 Thousand Four Hundred Twenty-Five and 00/100 Dollars (\$1,425.00). Miscellaneous
 18 mailing and copying costs are waived.

19 Furthermore, Furthermore, Vander Laan Law Firm anticipates that it will expend an
 20 additional cost of Five Hundred Eighty and 00/100 Dollars (\$580.00) in the completion of
 21 and winding up of the estate.

22 Total attorney's fees and costs advanced and anticipated equal Nine Thousand Seven
 23 Hundred Sixty-Five and 00/100 Dollars (\$9,765.00).

24 Petitioner and Personal Representative requests the Court approve the attorney's fees plus
 25 the costs advanced and anticipated by Vander Laan Law Firm on behalf of the Estate in the
 26 sum of Nine Thousand Seven Hundred Sixty-Five and 00/100 Dollars (\$9,765.00) and
 27 orders the payment of the same from the Estate of NATHANIEL CARL BATTIG.

1 11. Petitioner and Personal Representative requests that the Court waive the requirement of any
2 accounting as all of the heirs, next of kin, and devisees of Decedent consented. The Consent
3 to Waiver of Accounting is on file with the Court.

4 12. Petitioner and Personal Representative, MAGDALENA BATTIG, hereby requests that the
5 balance of the estate be distributed pursuant to Article Fourth of the Decedent's Last Will and
6 Testament:
7

8 *I hereby give, devise and bequeath all of the rest and residue of my estate, whether real,*
9 *personal or mixed, tangible or intangible, now or hereafter owned by me and wherever*
10 *located, to JOSIE ANNALEE HUGIE, provided she survives me for thirty (30) days. If JOSIE*
11 *ANNALEE HUGIE does not survive me for thirty (30) days, to ANTON BATTIG and*
12 *MAGDALENA BATTIG, share and share alike, or to the survivor of them (...).*

13 Furthermore, pursuant to NRS 133.115 (*"Divorce or annulment of the marriage of the testator*
14 *revokes every devise, beneficial interest or designation to serve as personal representative*
15 *given to the testator's former spouse in a will executed before the entry of the decree of divorce*
16 *or annulment unless otherwise: 1. Provided in a property or separation agreement which is*
17 *approved by the court in the divorce or annulment proceedings; or 2. Ordered by the court in*
18 *the divorce or annulment proceedings, and the will takes effect in the same manner as if the*
19 *former spouse had died before the testator"*). Consequently, Josie Annalee Hugie is not a
20 beneficiary under the Decedent's Last Will and Testament and is considered as she had died
21 before the Decedent.

22
23 **THEREFORE**, the facts of the Petition having been found to be true, and good cause
24 appearing, the Court now orders the following:

25 **IT IS HEREBY ORDERED** that Petition for a Waiver of Account, Approval of Fees and
26 Costs, and for Decree of Final Distribution submitted by the Personal Representative is hereby
27

1 GRANTED;

2 **IT IS FURTHER ORDERED** that all of the acts and transactions of the Personal
3 Representative, as disclosed in the Petition, are hereby ratified, confirmed, and approved;

4 **IT IS FURTHER ORDERED** that the Account is waived;

5 **IT IS FURTHER ORDERED** that the attorney's fees plus the costs advanced and
6 anticipated by Vander Laan Law Firm on behalf of the Estate in the sum of Nine Thousand Seven
7 Hundred Sixty-Five and 00/100 Dollars (\$9,765.00) are approved as reasonable attorney's fees
8 and costs and shall be paid from the Estate of NATHANIEL CARL BATTIG to VANDER LAAN
9 LAW FIRM;

10
11 **IT IS FURTHER ORDERED** that after payment of the sums approved herein, Petitioner
12 and Personal Representative is authorized to distribute the balance of the Estate, including any
13 after-discovered assets, outright to ANTON BATTIG and MAGDALENA BATTIG, to share and
14 share alike, pursuant to Article Fourth of the Decedent's Last Will and Testament;

15
16 **IT IS FURTHER ORDERED** that Personal Representative is authorized to transfer
17 by Administrator's Deed the Estate's real property, commonly known as 242 Chimney Rock,
18 Stateline, NV 89449, outright to ANTON BATTIG and MAGDALENA BATTIG, to share
19 and share alike, pursuant to Article Fourth of the Decedent's Last Will and Testament. The
20 legal description of said real property is as follows:

21 *Lot 13, and a portion of Lot 14 as shown on the map of LAKEWOOD KNOLLS*
22 *SUBDIVISION, Douglas County, Nevada, filed in the office of the County Recorder of*
23 *Douglas County, Nevada, on May 29, 1958, Book 1 of Maps, Page 120, under Document*
24 *No. 13163, said portion of Lot 14, more fully described and set forth on Parcel Map*
25

1 recorded June 10, 1975, in Book 675 of Official Records at Page 258, Douglas County,
2 Nevada, as Document No. 80919, described as follows:

3 **COMMENCING** at the Northeast corner of said Lot 14, said corner located on the
4 Southerly right of way of Chimney Rock Road and being common with Lots 13 and 14,
5 said point being the True Point of Beginning; thence leaving said point South 51°00'00"
6 West, 75.00 feet; thence South 39°00'00" West, 27.00 feet; thence South 00°20'38" East,
7 81.78 feet to a point on the Southerly Lot Line of said Lot 14; thence along said Lot Line
8 South 64°44'32" East, 36.24 feet to the most Southerly corner common to said Lots 13
9 and 14; thence Northerly along said Lot Line North 14°15'03" East, 170.66 feet to the
10 Point of Beginning.
11

12 **APN 1318-23-710-013.**

13 **IT IS FURTHER ORDERED** that no further accounting is required and the Personal
14 Representative is honorably discharged and this matter is closed without further Court hearings;

15 **IT IS SO ORDERED.**

16 DATED this 27th day of November, 2023.

17
18
19 
20 DISTRICT JUDGE

21 Submitted by:
22 Natalia K. Vander Laan, Esq.
23 Attorney for Personal Representative
24
25
26
27

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 12-07-2023

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

By  Deputy