

APN# 1220-21-510-031

Recording Requested by/Mail to:

Name: Courtney Miller O'Mara

Address: Fennemore Craig, 7800 Rancharrah Parkway

City/State/Zip: Reno, NV 89511

Mail Tax Statements to:

Name: Danile Fox

Address: 9820 Brickwood Drive

City/State/Zip: Redding, CA 96001

Order Setting Aside Estate Without Administration

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

MaryJo Smart

Printed Name

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

1 CASE NO. 2023-PB-00032

2 DEPT. NO. I

3 RECEIVED

4 MAY 12 2023

5 Douglas County
District Court Clerk

FILED

2023 MAY 16 PM 2:23

BOBBIE R. WILLIAMS
CLERK

BY *[Signature]* DEPUTY

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

9 In the Matter of the Estate of:

10 ROBERT HOMER FOX, II,

11 Deceased.

12
13 **ORDER SETTING ASIDE ESTATE WITHOUT ADMINISTRATION**

14 The verified petition of Daniel N. Fox, by and through his attorney of record, Courtney
15 Miller O'Mara of the law firm of Fennemore Craig, P.C., praying that the Court enter an Order
16 setting aside the Estate of ROBERT HOMER FOX, II, deceased without administration, came
17 before the Court on May 16, 2023. It appearing to the Court that said Petition sets forth facts
18 sufficient to give this Court jurisdiction to set aside the estate, that notice of this hearing has been
19 given as required by law and that copies of the notice have been duly and regularly served as
20 provided by law, proof thereof being on file herein and no objections having been filed to the
21 Petition, the Court now finds as follows:

- 22 1. Petitioner is a resident of Redding, California, and is the son of ROBERT HOMER
23 FOX, II, deceased, hereafter referred to as the "Decedent."
24 2. Decedent died testate on August 6, 2022. A copy of the certificate of death was
25 attached to the Petition as Exhibit 1. At the time of his death, Decedent was a resident of San Diego
26 County, California.
27 3. At the time of his death, Decedent was not married. Decedent had two adult children
28

1 and one minor child.

2 4. Decedent left a Will dated July 22, 2020. The Petitioner is informed and believes,
3 and on that basis alleges, that Decedent's Will dated July 22, 2020 is the Last Will of Decedent.

4 5. The Will of Decedent dated July 22, 2020, was properly executed by Decedent, and,
5 at the time of the execution of the Will, Decedent was over the age of eighteen (18) years, was of
6 sound mind, and was not acting under duress, menace, fraud, or undue influence, and was in every
7 other respect competent to dispose of his estate by Will. The Will contains an affidavit of the attesting
8 witnesses, in which the witnesses swear to the due execution of the Will and such additional facts as
9 they would otherwise be required to testify to in Court to prove the validity of the Will.

10 6. Under the terms of the Will, all of Decedent's property was left to the Robert Homer
11 Fox Revocable Trust Dated July 22, 2020 (the "Trust"). Daniel Fox is the currently serving Trustee
12 of the Trust. A copy of the Certificate of Trust was attached to the Petition as Exhibit 2. The Will
13 also nominates Petitioner as the Personal Representative of his estate.

14 7. The names, relationships, ages of minors, and residences of Decedent's heirs and
15 devisees are as follows:

Name	Address	Relationship
Daniel Fox	9820 Brickwood Drive Redding, CA 96001	Adult Son/Trustee of the Robert Homer Fox Revocable Trust Dated July 22, 2020
Jonathan J. Fox	3625 Manson Pike, No. 10103 Murfreesboro, TN 37129	Adult Son
Robert H. Fox III	c/o Michelle B. Rotulo 921 Tempera Court Oceanside, CA 92057	Minor Son
Mitchelle B. Rotulo	921 Tempera Court Oceanside, CA 92057	Mother of Robert H. Fox III

23 8. At the time of Decedent's death, he owned real property in Douglas County, Nevada,
24 more particularly described as:

25 LOT 120, AS SHOWN ON THE OFFICIAL MAP OF GARDNERVILLE
26 RANCHOS UNIT NO. 6, FILED FOR RECORD ON MAY 29, 1973, IN THE
27 OFFICE OF THE COUNTY RECORDER OF DOUGLAS COUNTY, NEVADA,
28 AS DOCUMENT NO. 66512, AND ON RECORD OF SURVEY RECORDED
ON OCTOBER 1, 1982, IN BOOK 1082, OF OFFICIAL RECORDS AT PAGE
006, AS DOCUMENT NO. 71399.

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2 9. Upon information and belief, the above-referenced real property is Decedent's only
3 asset in Nevada.

4 10. Under Nevada law, all of Decedent's assets, include the real property located in
5 Douglas County, flow to his Trust, pursuant to his Will.

6 11. The value of the Nevada Estate exceeds \$100,000, but because this petition requests
7 that the estate be set aside to the Trust, there is no monetary limit pursuant to NRS 146.070(b).

8 12. At least thirty days have elapsed since the date of death of Decedent.

9 13. All debts of Decedent, including funeral and burial expenses, have been paid or
10 provided for.

11 14. Petitioner knows of no existing claims for personal injury or tort damages against
12 Decedent.

13 15. No funds are owed to Nevada State Welfare ("Medicaid").

14 16. No attorneys' fees are requested under this Petition since Petitioner is separately
15 handling such fees as part of the Trust administration.

16 **BASED UPON THE FOREGOING, THE COURT HEREBY ORDERS:**

17 1. The Petition to Set Aside Estate Without Administration is **GRANTED**.

18 2. The decedent's estate is set aside in its entirety as follows:

- 19 a. to the payment of funeral expenses, expenses of last illness, money owed to
20 the Department of Health and Human Services as a result of payment of
21 benefits for Medicaid and creditors, if there are any; and
22 b. to the payment of other creditors, if any; and

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c. the remainder to Daniel N. Fox as Trustee of the Robert Homer Fox Revocable Trust Dated July 22, 2020, pursuant to the Last Will and Testament of the decedent and NRS 146.070(1) or pursuant to NRS 146.070(2).

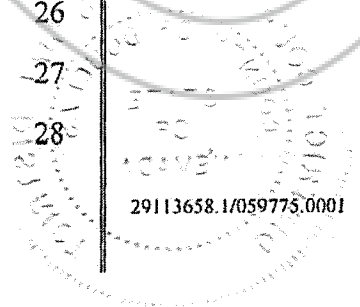
Dated: this 16 day of May, 2023.


DISTRICT JUDGE

Submitted by:
FENNEMORE CRAIG, P.C.


Courtney Miller O'Mara, Esq.
Mary Jo Smart, Esq.
7800 Rancharrah Parkway
Reno, NV 89511
(775) 788-2200
comara@fennemorelaw.com

Attorneys for Daniel N. Fox



COPY

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 MAY 17, 2023

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

By [Signature] Deputy