

APN# 1419-12-610-016



SHAWNYNE GARREN, RECORDER

**Recording Requested by/Mail to:**

Name: Frederick Berning

Address: 3543 Arcadia Drive

City/State/Zip: Carson City, NV 89705

**Mail Tax Statements to:**

Name: Frederick Berning

Address: 3543 Arcadia Drive

City/State/Zip: Carson City, NV 89705

**ORDER**

**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  
FREDERICK HERBERT BERNING  
Printed Name

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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JAN 22 2024

Douglas County  
District Court Clerk

2024 JAN 22 PM 1:41

DOBBIE R. WILLIAMS  
CLERK

BY: *St. Wudm* DEPUTY

1 Case No.: 2023-PB-00091

2 Dept.: II

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:

10 CAROL JEAN BERNING,  
11 Date of Death: January 14, 2022

**ORDER WAIVING ACCOUNT,  
APPROVING ATTORNEY'S FEES AND  
COSTS, AND DECREE OF FINAL  
DISTRIBUTION**

12 Decedent.  
13

14 UPON REVIEW of the verified Petition for Waiver of Account, Approval of Fees and Costs,  
15 and for Decree of Final Distribution submitted by Personal Representative, FREDERICK HERBERT  
16 BERNING, by and through his counsel of record, Natalia K. Vander Laan, Esq., of Vander Laan Law  
17 Firm LLC, the same having come before the above-entitled Court for a hearing on the 22<sup>nd</sup> day of  
18 January, 2024, and it appearing to the satisfaction of the Court that proper Notice of Hearing of this  
19 matter has been duly given in the manner required by law and no person appeared to contest the  
20 Petition and no person filed an objection;

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

- 23 1. CAROL JEAN BERNING (hereinafter "Decedent") died on January 14, 2022. Decedent was,  
24 at the date of her death, a resident of Carson City, county of Douglas, state of Nevada,  
25 according to her death certificate. Decedent's death certificate is on file with the Court.

1 Decedent left an estate in Nevada consisting of real property subject to probate administration.  
2 Therefore, this Court is the proper court in this matter.

- 3 2. Due search and inquiry have been made regarding a Last Will and Testament and no Last  
4 Will and Testament has been found. Therefore, the Decedent died intestate.

5 On September 11, 2023, Order Appointing Personal Representative was entered appointing  
6 FREDERICK HERBERT BERNING as Personal Representative and authorizing a summary  
7 administration of the Decedent's estate, and Letters of Administration were issued to  
8 FREDERICK HERBERT BERNING, who thereupon duly qualified as Personal  
9 Representative and who has acted in that capacity since that date.

- 10  
11 3. All notices, including notices of hearings and notice to creditors, have been duly given as  
12 required by law and the proof is on file with the Court.

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

15 FREDERICK HERBERT BERNING, adult, 3543 Arcadia Drive, Carson City, NV 89705;  
16 Decedent's husband and Petitioner;

17  
18 The Decedent had two (2) children: SAMUEL BERTUM BERNING (adult; currently no  
19 permanent address) and ALANA SUZANNE BERNING (adult; 1181 S Nevada Street,  
20 Carson City, NV 89701), but because the entire probate estate constitutes community  
21 property, they are not the Decedent's heirs.

22 The Decedent had no deceased children with living descendants.

- 23  
24 5. Notice to Creditors was sent to all known creditors and medical providers and Petitioner and  
25 Personal Representative also caused Notice to Creditors to be published as required by law.

26 The first publication of said Notice to Creditors occurred on September 16, 2023. The proof

1 of service and publication of said Notice is on file with the Court.

2 No creditors filed claims.

3 No late claims were filed.

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

5  
6 6. Since the death of the Decedent, a number of expenses of the Decedent's Estate were  
7 advanced by Petitioner and Personal Representative. Petitioner and Personal Representative  
8 is not seeking reimbursement from the Estate as he is the sole presumed heir of the Estate.

9 7. The character of the property of the Estate was real property.

10 The entire probate estate constitutes Decedent's community property.

11 Inventory and Appraisalment or Record of Value of All the Assets of the Decedent was filed  
12 with the Court and is on file with the Court.

13 The gross and net value of the Estate was estimated at Two Hundred Fifty-Four Thousand  
14 and 00/100 Dollars (\$254,000.00) as it constitutes 50% of the date of death value of the real  
15 property subject to this probate proceeding because pursuant to NRS 123.250, upon the death  
16 of either spouse, an undivided one-half interest in the community property is the property of  
17 the surviving spouse and his or her sole separate property and the remaining interest is subject  
18 to the testamentary disposition of the decedent or, in the absence of such a testamentary  
19 disposition, goes to the surviving spouse and is the only portion subject to administration  
20 under the provisions of title 12 of NRS.

21  
22 There was no personal property subject to probate.

23  
24 8. The following is a recapitulation of the income and expense experienced by the Estate since  
25 the filing of the Inventory and Appraisalment or Record of Value of All the Assets of the  
26 Decedent: none.

1 9. The Decedent's 2022 tax return was filed jointly with the Petitioner.

2 The Decedent will not be required to file tax return for 2023.

3 The Estate will not be required to file tax return for 2022 or 2023.

4 10. Personal Representative is entitled to a statutory commission for serving as Personal  
5 Representative in accordance with NRS 150.020, upon the whole amount of the estate  
6 accounted for by the Personal Representative. Additionally, the court may allow such fees as  
7 it deems just and reasonable. In this case, Petitioner and Personal Representative waives  
8 payment of any compensation for his services as he is the sole presumed heir of the Decedent's  
9 Estate.  
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11 11. Vander Laan Law Firm LLC (hereinafter "Vander Laan Law Firm"), has served as counsel  
12 for the Petitioner and Personal Representative and has consulted with the Petitioner and  
13 Personal Representative on various matters. Petitioner and Personal Representative and  
14 Vander Laan Law Firm entered into an agreement for legal services on July 15, 2023,  
15 whereby Vander Laan Law Firm is providing legal services on a percentage basis pursuant  
16 to NRS 150.060. A copy of the Agreement was attached as *Exhibit 1* to the Petition for  
17 Waiver of Account, Approval of Fees and Costs, and for Decree of Final Distribution and is  
18 incorporated herein by this reference.  
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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;  
(c) For the next \$800,000, at the rate of 2 percent...

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

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

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The gross and net value of the Estate was estimated at Two Hundred Fifty-Four Thousand and 00/100 Dollars (\$254,000.00). There were no gains over the appraisal value on sales. There were no losses from the appraisal value on sales. There were no receipts after the Inventory. Statutory compensation should be calculated as follows:

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|---|------------|
| 4% on the first \$100,000.00                      | \$4,000.00 |
| 3% on the next \$100,000.00                       | \$3,000.00 |
| 2% on the remaining \$54,000.00                   | \$1,080.00 |
| Total Statutory Compensation<br>(attorney's fees) | \$8,080.00 |

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The total statutory compensation (attorney's fees) equals Eight Thousand Eighty and 00/100 (\$8,080.00).

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The costs advanced by Vander Laan Law Firm on behalf of the Estate to date total One Thousand Four Hundred Thirteen and 00/100 Dollars (\$1,413.00) as reflected in *Exhibit 2* attached to the Petition for Waiver of Account, Approval of Fees and Costs, and for Decree of Final Distribution and incorporated herein by this reference. Miscellaneous mailing and copying costs are waived.

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Furthermore, Vander Laan Law Firm anticipated that it will expend an additional cost of Five Hundred Eighty and 00/100 Dollars (\$580.00) in the completion of and winding up of the estate as reflected in *Exhibit 2* attached to the Petition for Waiver of Account, Approval of Fees and Costs, and for Decree of Final Distribution and incorporated herein by this reference.

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Total attorney's fees and costs advanced and anticipated equal Ten Thousand Seventy-

1 Three and 00/100 Dollars (\$10,073.00).

2 Petitioner and Personal Representative requests the Court approve the attorney's fees plus  
3 the costs advanced and anticipated by Vander Laan Law Firm on behalf of the Estate in the  
4 sum of Ten Thousand Seventy-Three and 00/100 Dollars (\$10,073.00) and orders the  
5 payment of the same, less the submitted retainer, from the Estate of CAROL JEAN  
6 BERNING.  
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8 12. Petitioner and Personal Representative requests that the Court waive the requirement of any  
9 accounting as Petitioner consented in writing through his Petition for Waiver of Account,  
10 Approval of Fees and Costs, and for Decree of Final Distribution and the Petitioner is the only  
11 interested party as the presumed heir of the Decedent's community property estate subject to  
12 this probate proceeding.  
13

14 13. The Decedent died leaving a surviving spouse, Petitioner, FREDERICK HERBERT  
15 BERNING.

16 The Decedent's entire estate constitutes community property.

17 Therefore, Petitioner and Personal Representative is the sole heir of the Decedent's Estate  
18 pursuant to NRS 134.010 ("*If a decedent leaves a surviving spouse: (...) 2. All other  
19 community property vests as provided in NRS 123.250*") and pursuant to NRS 123.250  
20 ("*[U]pon the death of either spouse, (a) An undivided one-half interest in the community  
21 property is the property of the surviving spouse and his or her sole separate property. (b) The  
22 remaining interest: (1) Is subject to the testamentary disposition of the decedent or, in the  
23 absence of such a testamentary disposition, goes to the surviving spouse*")

24 Petitioner and Personal Representative hereby requests that after the payment of the total  
25 attorney's fees and costs advanced and anticipated, less the submitted retainer, pursuant to  
26

1 NRS 134.010 and NRS 123.250, balance of the estate, including real property located at 3543  
2 Arcadia Drive, Carson City, NV 89705 (APN: 1419-12-610-016; legal description: *Lot 37*  
3 *as shown above on the map of VALLEY VIEW SUBDIVISION UNIT NO. 2 filed in the office*  
4 *of the Recorder of Douglas County, Nevada, on April 6, 1964 as file No. 24786*), and  
5 including any after-discovered assets, be distributed to the Decedent's surviving spouse,  
6 FREDERICK HERBERT BERNING, outright.

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8  
9 **THEREFORE**, the facts of the Petition having been found to be true, and good cause  
10 appearing, the Court now orders the following:

11 **IT IS HEREBY ORDERED** that Petition for Waiver of Account, Approval of Fees and  
12 Costs, and for Decree of Final Distribution submitted by the Personal Representative is hereby  
13 GRANTED;

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

16 **IT IS FURTHER ORDERED** that the requirement of any accounting is waived;

17 **IT IS FURTHER ORDERED** that the attorney's fees plus the costs advanced and  
18 anticipated by Vander Laan Law Firm on behalf of the Estate in the sum of Ten Thousand Seventy-  
19 Three and 00/100 Dollars (\$10,073.00) are approved as reasonable attorney's fees and costs and  
20 shall be paid, less the submitted retainer, from the Estate of CAROL JEAN BERNING to VANDER  
21 LAAN LAW FIRM;  
22

23 **IT IS FURTHER ORDERED** that after payment of the sums approved herein, Petitioner  
24 and Personal Representative is authorized to distribute the balance of the Estate, including real  
25 property located at 3543 Arcadia Drive, Carson City, NV 89705 (APN: 1419-12-610-016; legal  
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1 description: *Lot 37 as shown above on the map of VALLEY VIEW SUBDIVISION UNIT NO. 2 filed*  
2 *in the office of the Recorder of Douglas County, Nevada, on April 6, 1964 as file No. 24786*), and  
3 including any after-discovered assets, outright to FREDERICK HERBERT BERNING, pursuant to  
4 NRS 134.010 and NRS 123.250;

5  
6 **IT IS FURTHER ORDERED** that Personal Representative is authorized to transfer by  
7 Administrator's Deed the Estate's real property, commonly known as 3543 Arcadia Drive, Carson  
8 City, NV 89705 (APN: 1419-12-610-016; legal description: *Lot 37 as shown above on the map of*  
9 *VALLEY VIEW SUBDIVISION UNIT NO. 2 filed in the office of the Recorder of Douglas County,*  
10 *Nevada, on April 6, 1964 as file No. 24786*), pursuant to NRS 134.010 and NRS  
11 123.250, outright to FREDERICK HERBERT BERNING. The legal description of said real  
12 property is as follows:

13 *Lot 37 as shown above on the map of VALLEY VIEW SUBDIVISION UNIT NO. 2 filed in*  
14 *the office of the Recorder of Douglas County, Nevada, on April 6, 1964 as file No. 24786,*  
15  
16 and,

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

19 **IT IS SO ORDERED.**

20 DATED this January 22, 2024.

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23 Natalia K. Vander Laan, Esq.  
24 Attorney for Personal Representative

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DISTRICT JUDGE

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 01.22.2024

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

By D. Weidner Deputy