

APN# 1418-34-310-002

Recording Requested by/Mail to:

Name: Maupin, Cox & LeGoy

Address: 4785 Caughlin Parkway

City/State/Zip: Reno, NV 89519

Mail Tax Statements to:

Name: Louie Ray Burgarello

Address: 7870 Kevin Circle

City/State/Zip: Reno, Nevada 89519

Corrected Order Setting Aside Estate

**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)

Michelle Mowry-Willems

Signature

Michelle Mowry-Willems

Printed Name

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

\_\_\_\_\_  
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6 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**  
7 **IN AND FOR THE COUNTY OF WASHOE**  
8

9 In the Matter of the Estate of:

Case No. PR24-00108

10 JANICE MARIE BURGARELLO, aka  
11 JANICE M. BURGARELLO,

Dept. PR

12 Deceased.  
\_\_\_\_\_ /

13 **CORRECTED ORDER SETTING ASIDE ESTATE**

14 The verified Petition of Louie Ray Burgarello (the "Petitioner") for an Order setting  
15 aside the Estate of Janice Marie Burgarello, to the Louie and Janice Burgarello  
16 Family Trust, without administration under NRS 146.070(1)(b) came regularly  
17 before the Court for hearing this date. No one appeared to contest the Petition.  
18 Based upon the Petition, and upon proof duly made to the satisfaction of the Court,  
19 the Court now finds as follows:

20 1. Notice of Hearing. Notice of the Hearing has been given as required by  
21 law. An Affidavit of Mailing and Proof of Publication of Notice of Hearing have been  
22 filed with the Court.  
23

1           2.    Jurisdiction.  Janice Marie Burgarello, also known as Janice M.  
2 Burgarello (the "Decedent") died on January 4, 2023, in Reno, Washoe County,  
3 Nevada.  The Decedent, at the time of her death, was a resident of Reno, Washoe  
4 County, Nevada and left an estate in the State of Nevada exceeding Three Hundred  
5 Thousand Dollars (\$300,000) that would be subject to a full probate administration  
6 but for the provisions of NRS 146.070(1)(b).  A certified copy of the Decedent's death  
7 certificate is on file with this Court.  Venue is proper as the Decedent was a resident  
8 of Washoe County, Nevada, no other Court has assumed jurisdiction, and the forum  
9 is convenient to the Petitioner and Petitioner's counsel.

10           3.    Will and Proof of Will.  The Decedent died testate, leaving a Will ("Will")  
11 dated June 15, 2012 ("Last Will & Testament").  The original of the Will has been  
12 lodged with the Clerk of this Court, and a copy of the same has been provided with  
13 the Petition.  The Decedent appears to have been of sound mind, of the age of  
14 majority, and otherwise qualified to execute the Will.  The Will contains a self-  
15 proving affidavit of witnesses thereto and appears to comply with the requirements  
16 of Nevada law for admission to probate.  Accordingly, the Court finds the Will is the  
17 Last Will & Testament of the Decedent and is valid and enforceable under Nevada  
18 Law.

19           4.    Qualification of Petitioner.  The Will nominates the Petitioner, who is  
20 the surviving spouse of the Decedent, as Executor, without bond.  The Petitioner is  
21 over the age of majority, has not been convicted of a felony, and would otherwise be  
22 qualified to serve as Executor under Nevada law if it were necessary to seek issuance  
23 of Letters Testamentary in this jurisdiction.  The Petitioner consents to serve as

1 Executor. The Court finds the Petitioner is qualified to act as Executor and qualified  
2 to bring this Petition.

3 5. Thirty (30) Day Requirement. More than thirty (30) days have passed  
4 since the death of the Decedent.

5 6. Heirs, Next of Kin, Devisees, and Legatees. The Decedent is survived  
6 by her spouse (the Petitioner), her three (3) adult living daughters and one (1) adult  
7 living stepson. The name, address, and relationships of the heirs, next of kin,  
8 devisees, and legatees were provided to the Court in the Petition.

9 7. Character and Estimated Value of Estate. The property of the Decedent  
10 subject to summary administration is characterized as the Decedent's community  
11 property. The Decedent's probate estate consists of an undivided one-half  
12 community property interest in the following parcels of real property:

- 13 a. 20 Linwood Place, Reno, Nevada 89509
- 14 b. 1270 Crosswater Drive, Reno, Nevada 89523
- 15 c. 3 Lakeside Cove Resort Rd, Glenbrook, Nevada 89413
- 16 e. 251 East 185<sup>th</sup> Street, Ely, Nevada 89301

17 The Decedent also owned real property located in North Dakota. Petitioner  
18 has engaged North Dakota counsel to transfer the real property to the Trust.

19 The combined value is estimated to exceed Three Hundred Thousand Dollars  
20 (\$300,000) in value. The Decedent's probate estate would be subject to full probate  
21 administration but for the provisions of NRS 146.070(1)(b).

22 8. Qualification For Set Aside to Non-Testamentary Trust under NRS  
23 146.070(1)(b). NRS 146.070(1)(b) provides that the Court may set aside to a

1 qualified trust, that portion (including all) of the Decedent's estate that would  
2 otherwise be subject to probate administration so long as the Decedent's Will  
3 bequeaths the same to such qualified trust. To qualify, the trust must be a non-  
4 testamentary trust established by the Decedent and in existence at the time of the  
5 Decedent's death. Pursuant to Paragraph A of Article VI, the entirety of the residue  
6 of the Decedent's probate estate is bequeathed to the Petitioner as successor Trustee  
7 of The Louie and Janice Burgarello Family Trust ("Trust"), a non testamentary trust  
8 established by the Decedent and her spouse (and Petitioner), Louie Ray Burgarello,  
9 under the terms of The Louie and Janice Burgarello Family Trust Agreement dated  
10 June 15, 2012. Petitioner currently serves as the successor Trustee of the Trust.  
11 The Trust is qualified to receive and have set aside to it the entirety of the Decedent's  
12 estate otherwise subject to probate administration as provided under the authority  
13 of NRS 146.070(1)(b), without further administration of the Decedent's estate  
14 otherwise subject to probate administration.

15 9. Creditors, Liens and Encumbrances. The Petitioner has represented  
16 that there no known encumbrances of record and no money owed to the Department  
17 of Health and Human Services. The Petitioner has also represented that all valid  
18 and enforceable liabilities of the Decedent have been satisfied or will be satisfied in  
19 the proper administration of the Trust. The Petitioner, as the successor Trustee of  
20 the Trust, has published Notice to Creditors in accordance with NRS 164.025 in the  
21 Reno Gazette Journal and proof of such publication has been provided to the Court.  
22 The Petitioner, in his capacity as successor Trustee of The Trust, has represented  
23 that he will be responsible to address the timely, valid and enforceable claims of the

1 Decedent's creditors that may be submitted to him as successor Trustee in  
2 accordance with NRS 164.025. Accordingly, the Court finds that the requested set  
3 aside relief herein will not prejudice the rights of creditors.

4 10. Petitioner's Fees & Attorneys' Fees. The Petitioner and the law firm of  
5 Maupin, Cox & LeGoy have performed valuable services to the Estate and Petitioner  
6 respectively, and are entitled to reasonable compensation for services rendered.  
7 However, the Petitioner and the law firm have entered into a separate agreement  
8 with the Petitioner in his capacity as successor Trustee of the Trust for the payment  
9 of legal fees for services. Accordingly, the Petitioner and law firm have waived any  
10 right that may have existed to seek fees in this proceeding.

11  
12 **BASED UPON THE FOREGOING, the Court hereby ORDERS:**

13 A. The Decedent's Will is valid and enforceable under Nevada law as the  
14 Last Will & Testament of the Decedent, which would be admissible to probate in the  
15 State of Nevada;

16 B. The Petitioner is qualified to bring this Petition as the nominated  
17 Executor under the Decedent's Will;

18 C. Pursuant to Section 146.070(1)(b) of the Nevada Revised Statutes, the  
19 Decedent's Nevada estate consisting of her undivided one-half community property  
20 interest in the following parcels of real property:

21 a. 20 Linwood Pl., Reno, Nevada 89509, APN 014-095-03, more  
22 particularly described as:

23 [Description on following page]

1  
2  
3 ~~Beginning at the Southeast corner of Lot 7 in Block E of~~  
4 ~~MANOR GARDENS ADDITION TO THE CITY OF~~  
5 ~~RENO, NEVADA, according to the amended map~~  
6 ~~thereof, filed in the Office of the County Recorder of~~  
7 ~~Washoe County, Nevada, on September 10, 1940;~~  
8 ~~thence South 0°33' West, 128.51 feet along the West line~~  
9 ~~of Patrick Avenue as shown on said plat to its~~  
10 ~~intersection with the Southerly line of a street known as~~  
11 ~~Linwood Place; thence South 89°03' West along the~~  
12 ~~Southerly line of Linwood Place 88.2 feet to the true point~~  
13 ~~of beginning; thence South 0°33' West and parallel with~~  
14 ~~the West line of Patrick Avenue 96.34 feet; thence South~~  
15 ~~89°30' West, 70 feet; thence North 11°11' East 97.94 feet~~  
16 ~~to the South line of Linwood Place; thence North 89°03'~~

17  
18  
19 East along the South line of Linwood Place 52.0 feet to  
20 the point of beginning.

21  
22 RESERVING therefrom five feet along the Southerly end  
23 line as an easement for public utilities.

NOTE (NRS 111.312): The above metes and bounds  
description appeared previously in that certain Grant,  
Bargain and Sale Deed recorded in the Office of the  
County Recorder of Washoe County, Nevada, on  
August 31, 1967, as Document No. 1189327, of Official  
Records.

b. 1270 Crosswater Drive, Reno, Nevada 89523, APN 208-351-17,  
more particularly described as:

Lot 169 of NORTHGATE 16D, according to the map thereof, filed in the  
office of the County Recorder of Washoe County, State of Nevada, on  
January 03, 2000, as Document No. 2411506, Official Records and as Tract  
Map No. 3793.

1 EXCEPTING THEREFROM all water and water rights, well and well rights,  
2 ditch and ditch rights appurtenant thereto.

3 c. 3 Lakeside Cove Resort Rd, Glenbrook, Nevada 89413, APN 1418-  
4 34- 310-002, more particularly described as:

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

6 Lot 2, as set forth on that certain Final Map of LAKESIDE COVE RESORT, a Planned Unit  
7 Development recorded June 28, 1993, in Book 693, Page 6211, as Document No. 311003.

8 TOGETHER WITH an undivided 1/11<sup>th</sup> interest in Lot 12 (Common Area) as set forth on the herein  
9 above mentioned subdivision.

10 EXCEPTING any portion of the land lying within the bed of Lake Tahoe below the line whose elevation  
11 is 6223 feet, Lake Tahoe datum pursuant to Nevada Revised Statutes and also excepting any artificial  
12 accretions to said land, waterward of said land or natural ordinary high water or, if lake level has been  
13 artificially lowered, excepting any portion below such elevation as may be established as the boundary by  
14 boundary line agreement with the state or by quiet title action in which the state is a party.

15 APN: 1418-34-310-002

16 d. 251 East 185<sup>th</sup> Street, Ely, Nevada 89301, APN 010-820-08, more  
17 particularly described as:

18 **Township 16 North, Range 63 East, M.D.B&M.**  
19 **Section 35; Parcel 5B of Parcel Map 555 Recorded in**  
20 **the Official Records of White Pine County on**  
21 **April 8, 1996, as File No. 294651**

22 and further including any additional property of the Decedent that is not now known  
23 and that is hereafter discovered, regardless of value, shall not be administered upon  
in probate, but shall instead be assigned and set aside in accordance with NRS  
Chapter 147.070(1)(b) to Louie Ray Burgarello, as successor Trustee of The Louie  
and Janice Burgarello Family Trust, a non-testamentary trust in existence at the



1 Decedent's death, established by the Decedent and her husband on June 15, 2012  
2 under the terms of The Louie and Janice Burgarello Family Trust Agreement dated  
3 June 15, 2012;

4 D. The real property at issue is deemed set aside on recordation of this  
5 Order. The Petitioner is authorized to execute any assignments, bills of sale, transfer  
6 instruments, deeds on behalf of the Decedent's Estate to effectuate the transfer and  
7 conveyance of title to the property of the Decedent that is set aside to Louie Ray  
8 Burgarello, as successor Trustee of The Louie and Janice Burgarello Family Trust  
9 from the Decedent's Estate.

10 DATED this 18th day of April, 2024.  
11 *Entered Nunc Pro Tunc to April 4, 2024.*

12 **IT IS SO RECOMMENDED.**

13   
14 \_\_\_\_\_  
15 PROBATE COMMISSIONER

16 **IT IS SO ORDERED.**

17   
18 \_\_\_\_\_  
19 DISTRICT JUDGE  
20  
21  
22  
23

COPY

**CERTIFIED COPY**

The document to which this certificate is attached is a full, true and correct copy of the original on file and of record in my office.

DATE: APR 19 2024

ALICIA L. LERUD, Clerk of the Second Judicial District Court, in and for the County of Washoe, State of Nevada.

By J. Hoerth Deputy

8 Pages