

1 CASE NO. 1073

2 Filed: May 29, 1973
3 Earl & Earl

4
5
6 IN THE SEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

7 IN AND FOR THE COUNTY OF LINCOLN

8 * * * * *

9 IN THE MATTER OF THE ESTATE)

10 OF)

11 FRANKLIN DON WADSWORTH, Deceased.)

12 ORDER SETTLING FINAL ACCOUNT OF CO-EXECUTORS
13 AND DECREE OF FINAL DISTRIBUTION

14 FRANKLIN BRENT WADSWORTH and DON SCOTT WADSWORTH, Co-
15 Executors of the above entitled estate, having filed herein and
16 rendered a full account and report of the administration of said
17 estate, which said account was for a final settlement, and having,
18 with said account, filed a petition for the final distribution of
19 said estate, and said account and petition this day coming on
20 regularly to be heard, and proof having been made to the satis-
21 faction of the Court that notice of the settlement of said account
22 and the hearing of said petition had been given in the manner and
23 for the time required by law,

24 THE COURT FINDS:

- 25 1. That said account is in all respects true and
- 26 correct; that the value of the assets remaining in the hands of
- 27 the Co-Executors at the time of filing said account was \$132,714.89.
- 28 2. That due and legal notice to creditors of said
- 29 estate has been given in the manner and for the time required by
- 30 law.
- 31 3. That the one claim filed against said estate has
- 32 been paid and satisfied; that all debts against said decedent and

1 against said estate, save and except costs of administration,
2 have paid paid, and that said estate is ready for distribution
3 and now in a condition to be closed.

4 4. That all acts of the Co-Executors in connection
5 with the sales and transfers of real property, livestock, farm
6 products, and the management of the assets of the estate, were
7 in the best interests of the estate and the heirs thereto.

8 5. That the estate consists of real property valued
9 at \$82,175.00, personal property valued at \$45,220.00, and cash
10 on hand as of March 15, 1973, in the sum of \$5,319.89, for total
11 value of \$132,714.89.

12 6. That the Co-Executors have waived their commissions
13 for their work in said estate.

14 7. That RULON A. EARL, of the law firm of EARL & EARL,
15 is entitled to a reasonable fee for his work as attorney in the
16 administration of this estate, and in the administration of the
17 Estate of SYLVIA H. WADSWORTH which was probated in the above
18 entitled Court as Case No. 1041; that said RULON A. EARL has agreed
19 to accept as the fee for his work in the administration of both
20 said estates the sum of \$5,000.00.

21 8. That EARL & EARL, attorneys at law, are entitled
22 to be reimbursed the sum of \$119.06, being sums expended in the
23 administration of the two estates by them.

24 9. That it is estimated that \$50.00 additional costs
25 will be necessary in the closing of said estate.

26 10. That by the terms of the Last Will and Testament
27 of decedent, duly admitted to probate, said estate is devised
28 and bequeathed to the TRUSTEES of decedent, for the use and
29 benefit of any of the children of decedent for their maintenance,
30 support and education according to their needs. That FRANKLIN
31 BRENT WADSWORTH and BRYANT HINKLEY WADSWORTH were appointed
32 Trustees under said Will; however, BRYANT HINKLEY WADSWORTH waived

1 his right to act as Trustee and nominated DON SCOTT WADSWORTH
 2 to act as Trustee in his place and stead. That FRANKLIN BRENT
 3 WADSWORTH and DON SCOTT WADSWORTH are of legal age and competent
 4 to act as Trustees, and they consent to so act.

5 That the names, ages, relationship and address of each
 6 of the children of said decedent are as follows:

7	<u>NAME</u>	<u>AGE</u>	<u>RELATIONSHIP</u>	<u>ADDRESS</u>
8	FRANKLIN BRENT WADSWORTH	Adult	Son	Rt 2, Box 201 Fallon, Nv. 89406
9	BRYANT HINKLEY WADSWORTH	Adult	Son	American Embassy/AG APO San Francisco, Ca. 96503
10	TERRY WADSWORTH BLEAK	Adult	Dtr.	Panaca, Nv. 89042
11	DON SCOTT WADSWORTH	Adult	Son	Panaca, Nv. 89042
12	VALERIE WADSWORTH	Adult	Dtr.	Panaca, Nv. 89042
13	JAMES HINKLEY WADSWORTH	20	Son	Panaca, Nv. 89042
14	FLORENCE LARK WADSWORTH	Adult	Dtr.	Panaca, Nv. 89042
15	ANTHONY NOEL WADSWORTH	17	Son	Panaca, Nv. 89042
16	JOHN JARED WADSWORTH	16	Son	Panaca, Nv. 89042
17	CHARLOTTE HINKLEY WADSWORTH	13	Dtr.	Panaca, Nv. 89042
18	DAVID PATRICK WADSWORTH	10	Son	Panaca, Nv. 89042

19 IT IS, THEREFORE, ORDERED, ADJUDGED, and DECREED as
 20 follows:

21 1. That the final account of the Co-Executors be, and
 22 the same hereby is, approved, allowed and settled.

23 2. That all of the acts of the Co-Executors in the
 24 administration of this estate in their operations and handling
 25 of the assets of the estate be, and the same hereby are, approved
 26 and allowed.

27 3. That the Co-Executors be, and they hereby are,
 28 authorized to close said estate without final clearance from
 29 Internal Revenue Service on the Federal estate tax return; and
 30 that the Trustees shall assume and pay any further tax liability
 31 in connection therewith.
 32

1 4. That the 1970 3/4 ton Chevrolet pickup listed in
2 inventory and appraisalment filed herein, valued at \$1,700.00, be
3 deleted from said inventory and appraisalment, and be, and it
4 hereby is, declared to belong to and have title vested in Panaca
5 Power & Light.

6 5. That the 1971 Malibu Chevrolet automobile, listed
7 in the inventory and appraisalment, valued at \$3,300.00, be, and
8 it hereby is, deleted from said inventory and appraisalment, and
9 declared to belong to DON SCOTT WADSWORTH; and the Co-Executors
10 are hereby authorized and directed to transfer title by executing
11 such documents as are necessary to effect transfer of title to
12 said DON SCOTT WADSWORTH.

13 6. That payment of the sum of \$5,000.00 to RULON A.
14 EARL, of the law firm of EARL & EARL, as attorneys fees for his
15 services in the probate of the estates of SYLVIA H. WADSWORTH,
16 Case No. 1041 in the above entitled Court, and of FRANKLIN DON
17 WADSWORTH, decedent herein, be, and the same hereby is, approved
18 and allowed.

19 7. That payment to EARL & EARL, attorneys at law, of
20 the sum of \$119.06, as reimbursement of sums expended by them on
21 behalf of the two estates during probate thereof, be, and the
22 same hereby is, approved and allowed.

23 8. That the sum of \$50.00 be, and the same hereby is,
24 allowed as and for closing costs.

25 9. That FRANKLIN BRENT WADSWORTH and DON SCOTT WADSWORTH
26 be, and they hereby are, appointed as CO-TRUSTEES under the Last
27 Will and Testament of FRANKLIN DON WADSWORTH, Deceased, to serve
28 without bond; and that said Will be, and the same hereby is,
29 incorporated in this Decree of Distribution by reference.

30 10. That all of the remaining assets of the Estate of
31 FRANKLIN DON WADSWORTH, Deceased, as set out in EXHIBIT A attached
32 hereto and made a part hereof, be, and the same hereby are,

1 distributed to FRANKLIN BRENT WADSWORTH and DON SCOTT WADSWORTH,
2 as Co-Trustees under the Last Will and Testament of FRANKLIN DON
3 WADSWORTH, Deceased, for the use and benefit of any of the children
4 of said decedent, for their maintenance, support and education,
5 according to their needs, all as more particularly set out in said
6 Last Will and Testament of said decedent, and ownership and title
7 thereto to said assets shall vest in said Co-Trustees.

8 11. That, upon oral motion of RULON A. EARL, attorney
9 for the Co-Executors and the estate, and upon the testimony of
10 DON SCOTT WADSWORTH, Co-Executor, and evidence presented, the
11 Court finds that it is for the best interests of the estate and
12 the heirs and beneficiaries thereunder, that the Co-Executors
13 (and Co-Trustees upon the distribution and closing of the estate)
14 should be authorized to take steps to preserve the value of the
15 estate by doing whatever is necessary to keep the farm land pro-
16 ductive, including the borrowing of funds; and based on said
17 findings, BRENT FRANKLIN WADSWORTH and DON SCOTT WADSWORTH, Co-
18 Executors and/or Co-Trustees of the Estate of FRANKLIN DON WADSWORTH,
19 Deceased, are hereby authorized to borrow sums up to \$11,000.00
20 from Utah Production Credit Association of Richfield, Utah, in
21 order to keep the farm producing and to preserve the value of said
22 farm property, with such funds to be used for fertilizer, power,
23 diesel fuel, gasoline, labor, parts, and other necessary expendi-
24 tures in connection with the farm operations; and, further, in
25 connection with the borrowing of said sums, the said Co-Executors
26 and/or Co-Trustees are authorized to execute the loan documents,
27 including such documents as are necessary to secure said loan, and
28 to pledge as security therefor only the crops, cattle and equip-
29 ment belonging to the estate, it being represented to the Court that
30 Utah Production Credit Association of Richfield, Utah, will not
31 require that any land be pledged as security for said loan.

32 12. That upon the distribution of said estate as above

1 set out, and the filing of necessary receipts, that the said Co-
2 Executors for said estate be discharged and released from
3 further liability.

4 DATED this 27th day of May, 1973.

Kenneth L. Mann
District Judge

7 EARL EARL

8 By *Ruben De Gail*
9 Attorneys for Co-Executors
10 228 South Fourth St.
11 Las Vegas, Nv. 89101

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EXHIBIT

A. REAL PROPERTY

PARCEL 1: All of Lot 4 in Block 34 in the Town of Panaca, County of Lincoln, State of Nevada.

PARCEL 2: Lot 1 in Block 28 of the Town of Panaca, County of Lincoln, State of Nevada.

PARCEL 3: Lot 3 in Block 48 of the Town of Panaca, County of Lincoln, State of Nevada.

PARCEL 4: Lot 2 in Block 48 in the Town of Panaca, County of Lincoln, State of Nevada.

PARCEL 5: A parcel of ground in the Northeast corner of Lot 1 in Block 48 in the Town of Panaca, County of Lincoln, State of Nevada, described as: Beginning at the Northeast corner of said Lot 1, thence running South along the East boundary of said lot, 100 feet; thence at right angles West 30 feet; thence at right angles North, 100 feet to the North boundary of said lot; thence at right angles East along the North boundary of said lot 30 feet to the point of beginning; together with any and all improvements situated thereon.

PARCEL 6: All of Lots 1 and 2 in Block 53 in the Town of Panaca, County of Lincoln, State of Nevada, together with any and all improvements situated thereon.

PARCEL 7: All that portion of State Land Patent 3191 issued to George A. Wadsworth, particularly described as the S 1/2 of the S 1/2 of the SE 1/4 of Section 18, Township 2 South, Range 68 East, M.D.M., Lincoln County, Nevada, containing 40 acres.

PARCEL 8: The W 1/2 of the SE 1/4 of Section 19, Township 2 South, Range 68 East, M.D.M., Lincoln County, Nevada.

PARCEL 9: The SW 1/4 of the NE 1/4 of Section 19, Township 2 South, Range 68 East, M.D.M., Lincoln County, Nevada, containing 40 acres, and being State Land Patent No. 8144 issued to Henry M. Lee.

PARCEL 10: The SE 1/4 of the SW 1/4 of Section 17, Township 2 South, Range 68 East, M.D.M., Lincoln County, Nevada,
and
The NE 1/4 of the NW 1/4 of Section 20, Township 2 South, Range 68 East, M.D.M., Lincoln County, Nevada,
Containing 80 acres

PARCEL 11: The SW 1/4 of the SE 1/4 of Section 17, Township 2 South, Range 68 East, M.D.B. & M., located in Lincoln County, Nevada, together with any and all improvements situated thereon, containing 40 acres.

PARCEL 12: The SW 1/4 of the SE 1/4 of Section 7; the NW 1/4 of the NE 1/4 of Section 18; all in Township 2 South, Range 68 East, M.D.B. & M., and all water rights pertaining thereto, including all shares of stock owned in what is known as the Meadow Valley Wash Irrigation Company.

PARCEL 13: The SW 1/4 of the SW 1/4 of Section 17; the NE 1/4 of the SE 1/4, and the E 1/2 of the NE 1/4 of Section 19; the W 1/2 of the W 1/2 of Section 20; all in Township 2 South, Range 68 East, M.D.M., Lincoln County, Nevada, containing 320 acres.

B. PERSONAL PROPERTY

1. An undivided 1/4 interest in Panaca Power and Light, pursuant to oral partnership with Sherman B. Hinckley, who owns an undivided 3/4 interest.

2. **Farm Equipment:**

1965 Case 930 Tractor
1970 Intl. 656 Tractor
1958 Ford 860 Tractor
1968 Heston 600 Swather
1970 New Holland 282 Baler
1970 New Holland 1030 Bale Wagon
Misc. plows, disc, drill, etc.

3. **Vehicles:**

1968 Cadillac
1966 1/2 ton Chevrolet pickup
1964 2 1/2 ton Chevrolet truck

4. **Livestock:**

11 Cows
2 Heifers
1 Bull
11 Calves
4 Horses

5. Grazing Privileges as set out below, which privileges are attached to the following described real property: S 1/2 of the S 1/2 of the SE 1/4, Sec. 18, T 2 S, R 68 E; SW 1/4 of NE 1/4, Sec. 19, T 2 S, R 68 E; and W 1/2 of SE 1/4, Sec. 19, T 2 S, R 68 E.

Said Grazing Privileges are:

Panaca Unit

Ivada Allot. Notice	Season	final
Class	Active	63
Capacity 63	Potential	SNU
Ivada Allot. Notice	Season	12/22/67, final 3/1/71
Class I 1686	Active	C YL
Capacity 261	Potential	261
		SNU 1425

324 Active AUMs

6. State of Nevada Certificate of Water Appropriations:

Application No. 20067, Certificate Record No. 7222, Book 23, Recorded 12/3/69 in Book B, page 472, Lincoln County Records. This water is used on real property described in Parcels 7, 8 and 9 on page 1 of this Exhibit.

Application No. 23676, Certificate Record No. 7578, Book 24. Recorded 4/8/71 in Book 1, page 172, Lincoln County Records. This water is used on real property described in Parcel 9 on page 1 of this Exhibit.

Application No. 16805, Certificate Record No. 5405, Book 16. Recorded 12/26/62 in Book B, page 376, Lincoln County Records. This water is used on real property described in Parcel 7 on page 1 of this Exhibit.

Application No. 22798, filed 9/24/65, approved 3/13/68 by State Engineer. This water is used on real property described in Parcels 8 and 9 on page 1 of this Exhibit.

Application No. 22075, filed 6/26/64, approved 3/21/66 by State Engineer. This water is used on real property described in Parcel 9 on page 1 of this exhibit.

Application No. 20791 (Big Springs) filed and approved by State Engineer.

Application No. 13401, filed 6/5/50, approved 3/3/70 by State Engineer for sufficient water to water 25 head of cattle.

6. cont.

The following water applications were filed with the Office of the State Engineer for the State of Nevada, together with appropriate maps. However, for various reasons they were cancelled. They are included herein at the suggestion of the Office of the State Engineer in the event application is ever re-filed the maps could be used. At present they have no value:

Applications No.: 20068, 21529, 21530, 21835, 21836, 23063, 23237, 23621, 22622, 23675, 24371, 24372, 24373.

C. Cash, if any, remaining in said estate.

No. 53038
FILED AND RECORDED AT REQUEST OF
SCOTT WARSWORTH
JUNE 8, 1973
AT 5 MINUTES PAST 5 O'CLOCK
P.M IN BOOK 7 OF OFFICIAL
RECORDS, PAGE 476-485 LINCOLN
COUNTY, NEVADA
Richard R. [Signature]
COUNTY RECORDER