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*Filed: February 13, 1976*  
*Foster Cole*

9 IN THE SEVENTH JUDICIAL DISTRICT COURT OF THE STATE  
10 OF NEVADA, IN AND FOR THE COUNTY OF LINCOLN

11 IN THE MATTER OF THE ESTATE OF )  
12 MANNING M. HORSMAN, ) ORDER SUSPENDING EXECUTOR  
13 ) AND APPOINTING SPECIAL  
14 ) ADMINISTRATOR  
15 Deceased. )

16 The Petition of Ferguson G. Wallis to Suspend James Gerhart  
17 as Executor of the above entitled estate and for the appointment  
18 of a Special Administrator for the purpose of Executing an Ad-  
19 ministrator's Deed to petitioner, Ferguson G. Wallis, and Grace  
20 L. Wallis, his wife pursuant to Order of this Court dated the  
21 11th day of December, 1975, having come on for hearing this 13th  
22 day of February, 1976 and due and proper notice having been given  
23 and petitioner Ferguson G. Wallis having appeared in Court, re-  
24 presented by his attorney, J. MacArthur Wright, and the respondent,  
25 James Gerhart not being present, but being represented by his  
26 attorney, John Gorman and having heard the evidence and arguments  
27 of counsel and having examined the files, in the above entitled  
28 matter and the file in Civil #4885 and it appearing that said  
29 Executor, James Gerhart, has failed and refused to obey the Order  
30 entered by this court on the 11th day of December 1975, to convey  
31 certain real property to petitioner and his wife, by Executor's  
32 Deed and that said refusal and failure appears to be without good  
cause, and that said failure and refusal has caused the petitioner  
lost interest on said money, lost time and lost profits and will  
cause petitioner additional damage and loss of money if there is  
further delay in executing said deed and it appearing that

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1 petitioner has incurred extensive legal costs in prosecuting his  
 2 claim to said property under the contract entered into between  
 3 him and the deceased and in attempting to cause the respondent  
 4 to comply with the Order of this court.

5 NOW THEREFORE it is hereby ORDERED, ADJUDGED and DECREED:

6 1. That respondent, James Gerhart be and hereby is suspended  
 7 as the Executor of the above entitled estate pending further Order  
 8 of this court,

9 2. That John Gorman be and hereby is appointed  
 10 Special Administrator, without bond, for the purpose of executing  
 11 and delivering to petitioners, Ferguson G. Wallis and Grace L.  
 12 Wallis, his wife, an administrators deed to the following described  
 13 real property:

14 All of that certain real property in Lincoln County,  
 15 State of Nevada, more particularly described as follows:

16 Commencing at the center of the Southwest Quarter of  
 17 Section 5, T4S, R67E, 10M:

18 (Parcel A) running thence West on Quarter Section line  
 19 about 150 feet; thence approximately S. 59° 15' E about  
 20 593 feet to a stake on the westerly line of the Highway  
 21 No. 93 right of way (said stake being 357.7 feet east  
 22 of the west side line of SE $\frac{1}{4}$  SW $\frac{1}{4}$  of said Sec. 5); thence  
 23 approximately N 5° W 313.7 feet (along west side of Flood  
 24 Control Ditch) to the north line of said SE $\frac{1}{4}$  SW $\frac{1}{4}$ ; thence  
 25 West along said Quarter Section line 336.6 feet to point  
 26 of beginning; containing a triangular area of about  
 27 1.753 acres in S $\frac{1}{4}$  SW $\frac{1}{4}$  of said Section 5, and within the  
 28 City of Caliente;

29 (Parcel B) running thence North, along west side line  
 30 of NE $\frac{1}{4}$  SW $\frac{1}{4}$  of said Sec. 5, about 560 feet; thence East  
 31 293.2 feet to the west side of Flood Control Ditch;  
 32 thence approximately S 5° E 554.3 feet, along said Ditch  
 to the north line of SE $\frac{1}{4}$  SW $\frac{1}{4}$  of said Sec. 5; thence West  
 along said Quarter containing an area of about 5.845  
 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$  of said Sec. 5, adjoining the City of  
 Caliente and within Caliente Consolidated School District;  
 together with any and all improvements thereon, and the  
 contents thereof and together with any and all water and  
 mineral rights which the Seller may have or claim within  
 the boundaries of either or both of said parcels; provided,  
 the Seller shall retain a life estate in and to the small  
 residence on said Parcel A with rights to ingress and there-  
 to, remainder to become a part of the demised premises.

33 3. That petitioner is hereby awarded the sum of \$ 500.00  
 34 as and for an attorneys fee against the said estate, to be de-

1 ducted from the total purchase price previously deposited by  
2 petitioner with the Clerk of the Court to be conveyed to the above  
3 entitled estate upon Order of this Court.

4 4. That the said petitioner is hereby authorized and Ordered  
5 to withdraw that certain check deposited in the amount of  
6 \$32,802.19 on or about May 1, 1975 and substitute in its stead  
7 a check in the amount of \$ 32,302.19 which represents said sum  
8 of \$32,802.19 less the attorneys fee of \$ 500.00 hereinabove  
9 awarded against the estate.

10 5. That said check to the estate in the sum of \$ 32,302.19  
11 be held by the clerk of the above entitled court until proper  
12 application by the properly qualified representative of the above  
13 entitled estate is made to the clerk of the court for said money.

14 DATED this 13th day of February, 1976.

15  
16  
17  
18 Merley A. Hoyt  
19 District Judge

20 57746

21 FILED AND RECORDED AT REQUEST OF  
22 J. H. Wright  
23 Feb. 13, 1976  
24 AT 5 MINUTES PAST 2 O'CLOCK  
25 P. M. IN BOOK 16 OF OFFICIAL  
26 RECORDS, PAGE 335-337 LINCOLN  
27 COUNTY, NEVADA  
28 Boisjoly  
29 COURT RECORDER  
30  
31  
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