

1 IN THE SEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
2 IN AND FOR THE COUNTY OF LINCOLN
3

4 IN THE MATTER OF THE ESTATE OF:)
5 ELLEN McGUIRE HAMILTON,) Probate No. 1043
6) Filed: 1-17, 1977
7 Deceased) Clerk
8 By David Horton
9 Deputy Clerk

10 ORDER ACCEPTING, RATIFYING, CONFIRMING AND APPROVING FIRST AND
11 FINAL REPORT, ACCOUNT AND REQUEST FOR DISTRIBUTION

12 This matter came on for hearing before the above entitled
13 Court at the Courthouse thereof in Pioche, Nevada, on the 7th
14 day of January, 1977, evidence was taken and the matter submitted:

15 THE COURT FINDS:

16 1. That all the allegations of the First and Final Report,
17 Account, and Request for Distribution are true and correct, and
18 that due and legal Notice of the within Hearing has been provided
19 as required by law.

20 2. That the expenditures by Petitioner herein are supported
21 by cancelled checks or other documentation and were duly and
22 lawfully made and total Seven Thousand Six Hundred Eighty Dollars
23 and Eighteen Cents (\$7,680.18).

24 3. That there is remaining in the within Estate to be admin-
25 istered upon the sum of Thirty-Four Thousand Ninety-Nine Dollars
26 Forty-Four Cents (\$34,099.44) plus a balance on a note from Phil
27 Weaver.

28 4. That Petitioner has waived all claim for compensation for
29 extraordinary services herein and administrator's fees except the
30 sum of Sixteen Hundred Dollars (\$1,600.00) and is entitled to
31 reimbursement for telephone calls in the amount of Two Hundred
32

1 Twenty-Six Dollars Eleven Cents (\$226.11) and One Hundred Forty-
2 Seven Dollars Fifty Cents (\$147.50), as reimbursement to Petitioner
3 for funds supplied to the Estate toward purchase of land.

4 5. That Petitioner's attorney is entitled to the sum of
5 Five Hundred Fourteen Dollars Fifty-One Cents (\$514.51) reimburse-
6 ment for out-of-pocket expenses and costs and the further sum
7 of Five Thousand Dollars as final payment of attorney's fees.

8 6. That William R. Orr is entitled to payment in the amount
9 of Twenty-Five Dollars (\$25.00) as appraiser's fee.

10 7. That the balance of the within Estate, after payment of
11 the foregoing expenses, consisting of cash on hand and the interest
12 of the Estate in the Phil Weaver note, should be paid over in
13 equal shares to Marian Smith and Petitioner and that said note
14 should be endorsed: "Pay one-half to the Order of Marian Smith;
15 pay one-half to the Order of Cecil E. McGuire --- Cecil E. McGuire,
16 Executor of the Estate of Ellen M. Hamilton, Deceased; and that
17 any after-discovered assets of the Estate should be distributed
18 to Petitioner.

19 8. Petitioner should be authorized and directed to quitclaim
20 all interest of the within Estate in the Hildred Hyde Desert Land
21 Entry to Hildred Hyde and all interest of the within Estate in
22 the oil property known as Trail Townsite Unit Section 11-17N-20W
23 Dewey County, Oklahoma to Elvis H. McGuire.

24 THE COURT THEREFORE CONCLUDES:

25 1. Petitioner is entitled to the relief sought by the
26 within Petition as hereinafter set forth.

27 IT IS THEREFORE ADJUDGED, ORDERED AND DECREED:

28 1. That Petitioner's First and Final Report, Account, and
29 Request for Distribution be and the same hereby is accepted, rat-
30 ified, confirmed and approved;

31 2. That Petitioner be and he hereby is authorized and directed
32

1 to quitclaim all interest of the within Estate in the Hildred Hyde
2 Desert Land Entry to Hildred Hyde;

3 3. That Petitioner be and he hereby is authorized and directed
4 to quitclaim all interest of the within estate in the Oklahoma Oil
5 Property (Trail Townsite Unit Section 11-17N-20W, Dewey County,
6 Oklahoma) to Elvis H. McGuire;

7 4. That Petitioner pay to David Horton, Petitioner's attorney
8 for expenses and final payment of attorney's fees the sum of
9 Five Thousand Five Hundred Fourteen Dollars Fifty-One Cents
10 (\$5,514.51);

11 5. That Petitioner pay to William R. Orr as appraiser's fee
12 the sum of Twenty-Five Dollars (\$25.00).

13 6. That Petitioner reimburse himself from the with estate
14 for telephone calls, fees advanced and administrator's fees the
15 sum of One Thousand Nine Hundred Seventy-Three Dollars Sixty-One
16 Cents (\$1,973.61);

17 7. That Petitioner be and he hereby is authorized and direct-
18 ed to pay over in equal shares to himself and to Marian Smith all
19 cash funds remaining in the within estate after payment of the
20 above expenses, and that he be further authorized and directed to
21 endorse the promissory note of Phil Weaver payable to the within
22 Estate as follows: "Pay one-half to the Order of Marian Smith;
23 pay one-half to the Order of Cecil E. McGuire --- Cecil E. McGuire,
24 Executor of the Estate of Ellen M. Hamilton, Deceased";

25 8. That all other and after-discovered assets of the
26 within Estate be awarded to Petitioner.

27 DATED AND DONE this 7th day of January, 1977.

28
29
30 Prepared by:

31 David Horton
32 David Horton
P. O. Box 157
Battle Mountain, Nevada 89820
Attorney for Petitioner

Marilyn L. Hart
District Judge

63028
FILED AND RECORDED AT REQUEST OF
I. D. HORTON
JAN. 17, 1977

AT 1.15 P.M. PAST 2 O'CLOCK
LINCOLN COUNTY, NEVADA, RECORDS

DAVID HORTON
ATTORNEY AT LAW
BATTLE MOUNTAIN,
NEVADA 89820

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