

1 No. 03-03-93

FILED

23 JUL 30 11:30 AM

CLERK
LINCOLN COUNTY

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6 IN THE SEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF
7 NEVADA, IN AND FOR THE COUNTY OF LINCOLN

8 * * * * *

9 In the Matter of the Estate)
10 OF)
11 JEANNETTE ALLENE COX,)
12 Deceased.)

ORDER
13 GIVING DIRECTION

14 A Petition for Probate of Will and Issuance of Letters was
15 filed for this Estate on March 19, 1993. The Court admitted the
16 Will to probate and issued Letter Testamentary on March 26, 1993.
17 On April 22, 1993, the Executrix of the Will filed a Petition for
18 Advice regarding whether certain property should be included in the
19 estate, and on June 11, 1993, her attorney appeared before the Court
20 and provided facts relating to that question. The Court now gives
21 the following direction.

22 The facts appear to be as follows. On April 22, 1980, the
23 Decedent in this case executed a Quitclaim Deed for a lot and all
24 improvements on the lot. All interests in this property were
25 conveyed to "The Cox Family Trust." The question raised here by the
26 Executrix is whether this conveyance was invalid due to the fact it
27 was made to a trust rather than to an individual or individuals as
28 trustees for the trust. If the conveyance was invalid, then

1 property is part of the decedent's Estate rather than part of the
2 trust corpus.

3 The Court has found no Nevada Statute or case on point.
4 In Hodgkiss v. Northland Petroleum Consol., 67 P.2d 811 (1937), the
5 Supreme Court of Montana held that a mineral deed made out to a
6 trust was not void. The conveyance was made to the trust, and
7 trustees were not named in the conveyance, but they were appointed
8 under the trust agreement. Id. at 813. The Court stated:

9 A deed is sufficient if the grantee can be
10 identified by extrinsic evidence. The
11 trustees of the defendant trust were all
12 parties to the trust agreement. They
13 were identified persons. Accordingly, we
14 hold that the mineral deed was not void
15 for want of a proper grantee.

13 Id. at 814 (citation omitted). This Court agrees with the Montana
14 court's reasoning and finds Hodgkiss to be persuasive authority to
15 uphold the conveyance in this case.

16 The intent of a grantor should be followed whenever
17 possible. It is clear that the Decedent here intended to convey the
18 property in question to her Family Trust. The Family Trust document
19 designated the Decedent and her husband as trustees. The Court
20 therefore concludes the Quitclaim Deed was validly made to a proper
21 grantee and the property became part of the trust corpus.

22 The Court hereby instructs the Executrix to act in
23 accordance with the Court's direction and treating the following
24 described property as in "The Cox Family Trust:"

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Lincoln County

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All of Lot No. 94 in Sun Gold Manor, in the Town of Panaca, County of Lincoln, State of Nevada, as said Lot is delineated and described on the official Plat of said Town of Panaca, on file and of record in the Office of the County Recorder of Lincoln County, at Pioche, Nevada, to which said Plat reference is hereby made for further particulars, together with any and all improvements situated on the above Lot.

DATED this 23 day of July, 1993.

Don A. Lopez
DISTRICT JUDGE

This document to which this certificate is attached is a full, true and correct copy of the original, on file and of record in the County Clerks Office, Pioche Nevada.

In witness whereof, I have hereunto set my hand and affixed the Seal of the Seventh Judicial District Court in and for the County of Lincoln, State of Nevada, this 4th day of Aug 1993.

Ann Wilkerson
Clerk
Deputy Clerk

100751

FILED AND RECORDED AT REQUEST OF
J. Earl Hawley
August 12, 1993
10 MINUTES PAST 2 O'CLOCK
P.M. IN BOOK 106 OF OFFICE
RECORDS, PAGE 675 LINCOLN
COUNTY, NEVADA.

Yuriko Setzer
COUNTY REC.
By *Gerlinde Baucher* Deputy

BDDK **106** PAGE **677**