

Case No. 15-7-99LP

RECEIVED 11-13-99

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

IN THE MATTER OF THE ESTATE OF DELBERT CLOIS DAY, also known as D. C. DAY, Deceased.

FOURTH PETITION TO REOPEN ESTATE

LAW OFFICES GARY D. FAIRMAN A PROFESSIONAL CORPORATION 408 NORTH STREET, P.O. BOX 8 ELI, NEVADA 89301 (775) 886-4422

COMES NOW, Petitioner, FAY MOUNT DAY, also known as FAY DAY, of Alamo, State of Nevada, by and through her attorney, GARY D. FAIRMAN, ESQ., A Professional Corporation, and respectfully represents and petitions to the Court as follows:

I.

That on the 27th day of July, 1999, FAY MOUNT DAY, also known as FAY DAY, as the Petitioner, filed a Petition to Set Aside Estate less than \$50,000.00 in value without administration in the above-entitled Court and designated certain property thereon.

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II.

That on the 27th day of August, 1999, this Court entered an Order Setting Aside the above-entitled Estate Without Administration.

III.

That in setting forth the property of the estate, Petitioner, FAY MOUNT DAY, also known as FAY DAY, inadvertently failed to designate as real property of the estate located in Lincoln County, State of Nevada, and more particularly described as follows:

A portion of the Northwest Quarter (NW1/4) and Southwest Quarter (SW1/4) of the Northeast Quarter (NE1/4) of Section 36, Township 3 South, Range 55 East, M.D.B.&M., more particularly described as follows:

Lots 7 and 8 of Sunset Acres, Tract No. 2 as shown on the Subdivision Map thereof recorded January 10, 1985, in the Office of the County Recorder of Lincoln County, Nevada, in Book A of Plats, page 239, as File No. 81809, Lincoln County, Nevada records.

IV.

That the value of the Decedent's property is less than Fifty Thousand Dollars (\$50,000.00) on the date of the Decedent's death, it being the 11th day of February, 1999, and the addition of this property to the estate does not cause the estate to be in excess of Fifty Thousand Dollars (\$50,000.00) in value.

V.

This real property was heretofore sold and that the Decedent had received all of the proceeds of sale and this action is being taken to clear title to real property.

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VI.

That there may be other property of the estate of the Decedent which the Decedent has previously sold, or which he has an interest therein, and by this Order, Petitioner requests that this Court include therein an Order that all property of Decedent known, or unknown, be set aside to Petitioner.

VII.

That there still remains no liens or mortgages against the property of the Decedent; all debts of the Decedent have been paid in full.

VIII.

That the names, ages, relationships and residences of the heirs of said Decedent are:

<u>NAME AND ADDRESS</u>	<u>AGE</u>	<u>RELATIONSHIP</u>
FAY DAY HCR Box 33 Alamo, Nevada 89001	Over 21	Spouse
DAVID CHARLES DAY HCR Box 23 Alamo, Nevada 89001	Over 21	Son
DONALD CRAIG DAY HCR Box 26 Alamo, Nevada 89001	Over 21	Son

VIX.

That the purpose for reopening said Estate is to allow Petitioner to include the above described property in the estate and thereafter set aside the Estate of DELBERT CLOIS DAY, also known as D. C. DAY, to FAY MOUNT DAY, also known as FAY DAY, Successor Trustee of the DELBERT CLOIS DAY and FAY MOUNT DAY.

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1 FAMILY LIVING TRUST.

2 WHEREFORE, Petitioner prays as follows:


3 1. That a time be fixed for the hearing of this
4 Petition and that upon hearing thereof, that the Court reopen the
5 Estate and thereafter Set Aside the above-entitled real property
6 to FAY MOUNT DAY, Successor Trustee of the BELBERT CLOIS DAY and
7 FAY MOUNT DAY FAMILY LIVING TRUST.

8 2. For such other and further relief as to the Court
9 may deem just and proper in the premises.

10 DATED this 16 day of February, 2001.

11 LAW OFFICES
12 GARY D. FAIRMAN
13 A PROFESSIONAL CORPORATION
14 408 WEST BRUNNEN DRIVE, SUITE 2
15 ELY, NEVADA 89301
16 (775) 789-0428

GARY D. FAIRMAN, ESQ.
A Professional Corporation
P.O. Box 5
Ely, Nevada 89301
State Bar No. 0710


17 GARY D. FAIRMAN, ESQ.
18 Attorney for Estate

19
20 This document to which this certificate is attached is a full, true and correct
21 copy of the original, on file and record in the County Clerk's Office, Pahr
22 Nevada.

23 In witness whereof, I have hereunto set my hand and affixed the Seal of the
24 Seventh Judicial District Court in and for the County of Lincoln, State of
25 Nevada, this 22 day of FEBRUARY, 2001.

26


Lincoln County

COPY

NO. **115991**

FILED AND RECORDED AT REQUEST OF
COW COUNTY TITLE

FEBRUARY 23, 2001

AT **03** MINUTES PAST **04** O'CLOCK

PM IN BOOK **153** OF OFFICIAL

RECORDS PAGE **333** LINCOLN

COUNTY, NEVADA

LESLIE BOUCHER

COUNTY RECORDER

BY *Debra Devers* deputy

BOOK 153 PAGE 337