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Order Setting Aside Order Dated March 6, 2010
Aside Estate Without Administration

Title of Document

Affirmation Statement

I, the undersigned hereby affirm that the attached document, including any exhibits, hereby submitted for recording does not contain the social security number of any person or persons. 9Per NRS 239B.030)

____ I, the undersigned hereby affirm that the attached document, including any exhibits, hereby submitted for recording does contain the social security number of a person or persons as required by law:

(State specific law)

Signature Title

Stacy Hickey
Signature

2-10-10
Date

Grantees address and mail tax statement:

Brandy Riley
3698 N. Walnut Road
Las Vegas, NV 89115



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ORDER
HOFLAND BEASLEY & GALLIHER
Bradley J. Hofland, Esq.
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228 South Fourth St., 1st Floor
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(702) 895-6760
Attorneys for Petitioner

FILED
APR 20 3 21 PM '09
E. J. Smith
CLERK OF THE COURT

EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA

CC

In the Matter of the Estate of) Case No.: 08-P-064493-E
EDYTHER M. BELL,) Dept. No.: PC1
Deceased.) **ORDER SETTING ASIDE ORDER**
) **DATED MARCH 6, 2009 AND SETTING**
) **ASIDE ESTATE WITHOUT**
) **ADMINISTRATION**

Date of Hearing: April 3, 2009
Time of Hearing: 9:30 a.m.

The Petition of Brandy Riley to Set Aside Estate Order Dated March 6, 2009 to Provide Notice to Omitted Heir and to Enter New Order Setting Aside Without Administration, having come on for hearing on the date and time indicated above, and proof being made to the satisfaction of the Court,

THE COURT FINDS:

1. That Notice of this hearing has been duly given as required by law;
2. On November 25, 2008, Petitioner filed a *Petition to Set Aside Estate Without Administration*;
3. On March 6, 2009, this Court entered an *Order on Petition to Set Aside Estate*

Without Administration, setting aside the estate of Decedent, and finding:

- HOFLAND BEASLEY & GALLIHER**
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Las Vegas NV 89101
(702) 895-6760 ♦ FAX: (702) 731-6910
- Voluntary Dismissal
 - Transferred (before/during trial)
 - Involuntary Dismissal
 - Judgment on Adjudication Award
 - Stipulated Judgment
 - Summary Judgment
 - Non-Jury (bench) Trial
 - Jury Trial
- Final Dispositions**
- Case Link Expired
 - Dismissed (with/without prejudice)
 - Judgment Satisfied/Paid in Full

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a. That the allegations of the *Petition* filed November 25, 2008 were true; that Decedent, Edythe Marie Bell, born September 23, 1996, died on June 10, 2008 in the County of Clark, State of Nevada, and was at the time of her death a resident of the County of Clark, and left property situated in the State of Nevada;

b. That Decedent left a will bequeathing the sum of \$300.00 per month for three (3) years to Decedent's son, Kelly "Rusty" Riley; the sum of \$5.00 to Decedent's daughter, Elizabeth Bell; and Decedent's personal belongings, 7.5 acres of land located in Pahrump, Nevada, the residence at 517 S. Mallard St., Las Vegas, Nevada 89107 (sold prior to death), and Decedent's house located in Pioche, Nevada, plus any and all of Decedent's income in a Bank of America account to Decedent's granddaughter and Petitioner herein, Brandy Riley;

c. That the property of the Decedent in the County of Clark, State of Nevada, has an estimated value less than \$100,000.00;

d. That the names, relationships to Decedent and residences of the devisees, legatees and heirs of said decedent were as stated in the *Petition to Set Aside Estate without Administration* on file herein;

e. That University Medical Center filed a Creditor's Claim on December 15, 2008, in the amount of \$952.00; and

f. That Petitioner knows of no other creditors, and no other creditor's claims have been filed herein;

4. The March 6, 2009 *Order on Petition to Set Aside Estate Without Administration*, Ordered Petitioner to pay the creditors claim filed by University Medical Center, to disburse a lump sum of \$10,800.00 (\$300.00 x 12 months x 3 years) to Kelly "Rusty" Riley, and to disburse \$5.00 to Elizabeth Bell. The remainder of Decedent's Estate was awarded to Petitioner;

5. On March 19, 2009, Petitioner filed a *Petition to Set Aside Order Dated March 6, 2009 to Provide Notice to Omitted Heir and to Enter New Order Setting Aside Without Administration*;

6. In the March 19, 2009 *Petition*, Petitioner asked that the Order entered March 6, 2009 be set aside because a) she inadvertently did not list Kelly Riley, Decedent's granddaughter, as an heir of the Estate and wanted to give her notice of these proceedings, and b) that Petitioner wanted a ruling by the Court as to whether Kelly "Rusty" Riley, who was homeless and without identification, could receive a lump sum distribution of \$10,800.00,



1 instead of \$300 per month for 3 years, as stated in Decedent's Will. Petitioner also requested
2 that any new Order setting aside the Estate of Decedent specifically award her Decedent's Bank
3 of America safe deposit box, in accordance with Decedent's will which provides that Petitioner
4 is to receive, Decedent's "personal belongings . . . plus, any/all of my income deposited into the
5 Bank of America . . .";

6
7 7. These matters came on for hearing on April 3, 2009, and Petitioner, Brandy Riley
8 was present, along with counsel for the Estate and Kelly "Rusty" Riley;

9 8. Petitioner identified the man purporting to be Kelly "Rusty" Riley as her father,
10 Kelly "Rusty" Riley. In addition, Mr. Riley had obtained a temporary identification and
11 produced it to counsel for the Estate. Accordingly, Mr. Riley's identity was proven to the
12 satisfaction of the Court;

13
14 9. Kelly "Rusty" Riley is entitled to receive his distribution in a lump sum or
15 monthly payments, and decided that he would like to receive the distribution lump sum because
16 he is homeless and would be better able to establish a residence and change his situation with a
17 lump sum;

18
19 10. Elizabeth Bell was mailed notice of the November 25, 2008 *Petition* as well as the
20 March 19, 2009 *Petition*, at the last known address provided by Petitioner. Elizabeth Bell did
21 not receive the mailings, as the address was no longer valid. Counsel for the Estate offered to
22 publish notice of the Petitions, however, the Court does not find this necessary as Ms. Bell is
23 only entitled to receive \$5.00 under the provisions of the Will and notice was already attempted
24 as required by law. The \$5.00 can be held in the attorney's trust account, or sent to the Clark
25 County Treasurer;

26
27 11. Kelly Riley, Decedent's granddaughter, was mailed notice of this hearing and the
28 Petitions which were filed at her two most recent addresses as indicated by a Lexis Nexis search.
Counsel for the Estate represented that both mailings were returned and offered to publish notice



1 of the Petitions to Kelly Riley. The Court does not find this necessary as Ms. Riley is not a
2 legatee under Decedent's Will and notice was already attempted as required by law;

3 **NOW, THEREFORE, IT IS HEREBY ORDERED AND ADJUDGED** that the Last
4 Will and Testament of Edythe M. Bell, dated May 31, 2006 has been proven to be a legal and
5 valid will;

6 **IT IS FURTHER ORDERED AND ADJUDGED** that Kelly "Rusty" Riley has been
7 identified in Court, and his distribution can and shall be received in a lump sum;

8 **IT IS FURTHER ORDERED AND ADJUDGED** that Petitioner attempted to give
9 notice to Elizabeth Bell and Kelly Riley, Decedent's granddaughter, by mailing notices of these
10 proceedings to their last known addresses, and all further notice that may be required under NRS
11 155.010 is dispensed with;

12 **IT IS FURTHER ORDERED AND ADJUDGED** that the whole of the estate of
13 Decedent situated in Nevada, be set aside without administration, pursuant to NRS 146.070, as
14 follows:

- 15 a) University Medical Center, \$952.00;
- 16 b) Elizabeth Bell, \$5.00;
- 17 c) Kelly "Rusty" Riley, \$10,800.00;
- 18 d) The following real property to Brandy Riley:
 - 19 i) 295 W. High Street
 - 20 Pioche, NV 89043
 - 21 Parcel Number 01-122-02
 - 22 Legal description:
 - 23 Lot 5 and 6 Block 23, Range 67, East Township, 1 North, Section 22
 - 24 Parcel Number 01-122-03
 - 25 Legal description:
 - 26 Lots 7, 8, and 9, Block 23, Range 67 East Township, 1 North, Section 22
 - 27
 - 28 ii) 12350 N. Ben St.
 - Pahrump, NV
 - Parcel Number 027-021-08
 - Legal description:



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IT IS FURTHER ORDERED AND ADJUDGED that since the value of this Estate is under \$100,000.00, that the estate is entitled to be set aside as provided in Chapter 146 of the Nevada Revised Statutes, dispensing with all the regular proceedings and notices, except for the Notices to Creditors.

IT IS SO ORDERED.

ENTERED this 20 day of April, 2009.

John R. ...

DISTRICT JUDGE

ls

Respectfully submitted:

HOFLAND BEASLEY & GALLIHER

Josef Karacsonyi

Bradley J. Hofland, Esq.
Nevada Bar Number: 6343
Josef Karacsonyi, Esq.
Nevada Bar Number: 10634
228 South Fourth St., 1st Floor
Las Vegas, NV 89101
(702) 895-6760
Attorneys for Petitioner

CC

Alan D. ...

FEB 16 2010

CERTIFIED COPY
DOCUMENT ATTACHED IS A
TRUE AND CORRECT COPY
OF THE DOCUMENT ON FILE