

DOC # 0138606

06/29/2011

03:27 PM

Official Record

Recording requested By
FIRST AMERICAN TITLE COMPANY

Lincoln County - NV

Leslie Boucher - Recorder

Fee: \$20.00

Page 1 of 7

RPTT:

Recorded By AE

Book- 264 Page- 0672



0138606

APN #002-113-05

Recording Request by and Return To:

Name: Fidelity National Title

Address: 736 W. Pioneer Blvd. Ste 101

City/State/Zip: Mesquite, NV 89027

Amended Order Settling First and Final Account, Report of Administration,
Petition for Final Distribution, and Authorizing Payment of Attorney's Fees
and Costs

Title on Document

FILED
Electronically
02-18-2009:01:43:09 PM
Howard W. Conyers
Clerk of the Court
Transaction # 604579

1 CODE: 2680
2 Lawrence D. Wishart, Esq.
3 Nevada Bar Number 798
4 313 Flint Street
5 Reno, NV 89501
6
7 Attorney for Personal Representative
8

ORIGINAL

**IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE**

10 In the Matter of the
11 Estate of
12 LEWIS RICHARD McDANIEL,
13 Deceased.

CASE NO: PR07 00607
DEPT NO: PR

**AMENDED ORDER SETTLING FIRST AND FINAL ACCOUNT, REPORT OF
ADMINISTRATION, PETITION FOR FINAL DISTRIBUTION, AND
AUTHORIZING PAYMENT OF ATTORNEY'S FEES AND COSTS**

17 Joseph McDaniel, Personal Representative of the Estate of Lewis R. McDaniel, having
18 rendered to the Court on the 4th day of December, 2008 the Petition for Settlement of First and
19 Final Account, Report of Administration, Petition for Final Distribution, and Application for
20 Order Authorizing Payment of Attorney's Fees and Costs, and a hearing thereon having been
21 conducted, due notice of which was proved, and the Court having reviewed the evidence, read
22 the papers and it appearing as follows:

- 23 1. That the said account is in all respects true and correct.
- 24 2. That due and legal notice to creditors of said Estate has been given in the manner and
25 for the time required by law.
- 26 3. That all claims and debts against said Decedent and against said Estate, and all debts,
27 expenses and charges of administration have been fully paid and discharged, and
28 there are no federal estate taxes due from the Estate or personal property taxes due



- 1 and payable by the Estate, and that said Estate is ready for distribution and is now in
2 a condition to be closed.
- 3 4. That a Petition for Settlement of First and Final Account, Report of Administration,
4 Petition for Final Distribution and Application for Order Authorizing Payment of
5 Attorney's Fees and costs was filed on the 7th day of November, 2008, which itemizes
6 income and expense to the Estate since the date that Administration of said Estate
7 commenced. That such petition disclosed Petitioner's use of funds derived from a joint
8 tenancy bank account Petitioner held with Decedent for payment of debts and
9 expenses of Decedent and the estate. Further, such petition discloses that Petitioner
10 has deposited, with his attorney, in trust, a \$2,500.00 to pay fees and costs referenced
11 in paragraph eight below and \$8,000.00 to pay the specific bequests referenced in
12 paragraphs 9A, 9B and 9C below. That Petitioner employed such funds for the payment
13 of debts and expenses and seeks approval to employ such funds for payment of said
14 fees, costs and specific bequests in order to avoid selling real property and personal
15 property belonging to the estate.
- 16 5. That there is real property remaining in the estate as well as numerous other assets
17 as set forth in the Inventory and Appraisalment of Record with a total value of \$313,
18 300.00.
- 19 6. That the Personal Representative has performed services in the administration of this
20 Estate for which he is entitled to fees as fixed by NRS 150.020.
- 21 7. That Personal Representative has expressly waived any and all fees that he may be
22 entitled to by law as such Personal Representative.
- 23 8. That Lawrence D. Wishart, Esq., attorney for the Personal Representative of the
24 Estate, has performed, services on behalf of Petitioner and said estate for which
25 services said attorney is entitled to be compensated in the amount of \$1,900.00. Said
26 attorney has reduced the amount requested for fees from \$2,850.00 to the \$1,900.00
27 amount. Said attorney has also expended costs in the amount of \$759.58 and is
28 entitled to be compensated for such costs less \$500.00 advanced on behalf of the

1 estate with current compensation for costs being \$259.58 along with any further closing
2 costs that may accrue. As referenced above in paragraph four, funds to pay such fees
3 and costs are currently held in trust by said attorney.

4 9. After payment of fees, costs and closing costs, Personal Representative will distribute
5 all of the rest, residue and remainder of the said Estate, now known or hereafter
6 discovered, pursuant to the laws of the state of Nevada, and in accordance with
7 decedent's Last Will and Testament as follows:

8 A. \$5,000.00 to Floyd McDaniel

9 B. \$2,000.00 to Edie Paul and Richard Koepnick

10 C. \$1,000.00 to Georgia Guynn

11 D. 1) Real Property at 110 Greenstone Drive, city of Reno, state of Nevada 89512,
12 county of Washoe. Lot 6, Block A, Prospect Hill, subdivision number 1,
13 according to the official map thereof, filed in the office of the County Recorder
14 of Washoe County, NV on October 24, 1952 (Book number 3202, page 0719,
15 file number 1455070) and listed on the Washoe County Taxrolls as APN
16 Number: 003-352-24 area 4005 to Joseph R. McDaniel.

17 2) Real Property located at 5 South 3rd Street, city of Panaca, state of Nevada
18 89042, county of Lincoln at the East 110 feet of Lot 3, Block #16, Town of
19 Panaca, Nevada, per plat thereof recorded in the Lincoln County Recorder's
20 Office, Pioche, Nevada (Book 97, Page 79, file number 096817) in the Panaca
21 Town Plats. APN Number 02-113-05 to Joseph R. McDaniel.

22 E. 1) 1995 Dodge Van- VIN 2B6KB31ZXSK527082 to Joseph R. McDaniel

23 2) 1993 Ford Bronco- VIN 1FMEU15HOPLA56362 to Joseph R. McDaniel

24 3) 1971 Dodge Pickup- VIN E14AE1S334043 to Joseph R. McDaniel

25 4) 1964 Aristocrat Trailer-VIN D12S1629 to Joseph R. McDaniel

26 5) 1985 flat trailer-VIN- DMV 16326NV to Joseph R. McDaniel

27 F. The rest and remainder of the estate to your Petitioner, Joseph McDaniel in
28 accordance with Decedent's will.

1 10. That Petitioner seeks Court approval to pay the specific bequests referenced in
2 paragraph 9A, 9B and 9C, above, from funds, held in trust by Petitioner's attorney and
3 derived from the bank account referenced in paragraph four above.

4 IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

5 1. That the First and Final Account, Report of Administration, Petition for Distribution, and
6 Application for Order Authorizing Payment of Attorney's Fees and Costs, be, and the
7 same hereby is approved, confirmed, allowed and settled; and that the facts, accounts
8 and matters alleged and reported therein are a true, complete and correct record of the
9 administration of said Estate.

10 2. That the Personal Representative is authorized to pay the sum of \$1900.00 to
11 Lawrence D. Wishart, Esq., as and for attorney's fees, together with the further sum of
12 \$259.58 for reimbursement of costs advanced on behalf of the Estate, together with
13 any closing costs that may accrue, from funds held in trust by said attorney as
14 referenced in paragraph four on page two above.

15 3. That after payment of the foregoing fees, costs, and closing costs, the Personal
16 Representative is authorized and directed to distribute all of the rest, residue and
17 remainder of the said Estate, now known or hereafter discovered, pursuant to the laws
18 of the state of Nevada, and in accordance with decedent's Last Will and Testament as
19 follows:

20 A. \$5,000.00 to Floyd McDaniel

21 B. \$2,000.00 to Edie Paul and Richard Koepnick

22 C. \$1,000.00 to Georgia Guynn

23 D. 1) Real Property at 110 Greenstone Drive, city of Reno, state of Nevada 89512,
24 county of Washoe. Lot 6, Block A, Prospect Hill, subdivision number 1,
25 according to the official map thereof, filed in the office of the County Recorder
26 of Washoe County, NV on October 24, 1952 (Book number 3202, page 0719,
27 file number 1455070) and listed on the Washoe County Taxrolls as APN
28 Number: 003-352-24 area 4005 to Joseph R. McDaniel.

- 1 2) Real Property located at 5 South 3rd Street, city of Panaca, state of Nevada
2 89042, county of Lincoln at the East 110 feet of Lot 3, Block #16, Town of
3 Panaca, Nevada, per plat thereof recorded in the Lincoln County Recorder's
4 Office, Pioche, Nevada (Book 97, Page 79, file number 096817) in the Panaca
5 Town Plats. APN Number 02-113-05 to Joseph R. McDaniel.
- 6 E. 1) 1995 Dodge Van- VIN 2B6KB312XSK527082 to Joseph R. McDaniel
7 2) 1993 Ford Bronco- VIN 1FMEU15HOPLA56362 to Joseph R. McDaniel
8 3) 1971 Dodge Pickup- VIN E14AE15334043 to Joseph R. McDaniel
9 4) 1964 Aristocrat Trailer-VIN D1251629 to Joseph R. McDaniel
10 5) 1985 flat trailer-VIN- DMV 16326NV to Joseph R. McDaniel
- 11 F. The rest and remainder of the estate to your Petitioner, Joseph McDaniel in
12 accordance with Decedent's will.
- 13 4. That payment of the specific bequests set forth in paragraphs 3A, 3B and 3C above be
14 paid from funds held in trust by Petitioner's attorney as referenced in paragraph four
15 on page two above.
- 16 5. That upon the filing of appropriate receipts, Petitioner be discharged from further
17 responsibilities as such Personal Representative, and that said Estate then be closed.

18
19 DATED this 18th day of February, 2009.

Minda A. Bowman
PROBATE COMMISSIONER

20
21 IT IS HEREBY ORDERED.

22
23 DATED this 18th day of February, 2009.

Connie J. Steinheimer
DISTRICT JUDGE

24 Respectfully Submitted:

25 Lawrence D. Wishart
26 LAWRENCE D. WISHART, ESQ.
27 Nevada Bar Number 798
28 313 Flint Street
28 Reno, NV 89501
28 Attorney for Personal Representative



0138606

Book 264
Page 678

06/29/2011
Page 7 of 7

COPY

CERTIFIED COPY

The document to which this certificate is attached is a full, true and correct copy of the original on file and of record in my office.

DATE: JUN 22 2011

HOWARD W. CONYERS, Clerk of the Second Judicial District Court, in and for the County of Washoe, State of Nevada.

By R. Peoples Deputy