

**Official Record**Recording requested By  
HEATON FONTANO LTD

Lincoln County - NV

Leslie Boucher - Recorder

Fee: \$35.00

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RPTT:

Recorded By: AE

Book- 317 Page- 0156

***Recording Requested By, and  
When Recorded Mail To:***

James A. Fontano  
HEATON FONTANO, LTD.  
5135 Camino al Norte, Suite 273  
N Las Vegas, NV 89031



0153724

**ORDER TO PROVE WILL AND SET ASIDE ESTATE WITHOUT  
ADMINISTRATION (ANCILLARY PROCEEDING)****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, driver's license or identification card number, or any "Personal Information" (as defined by NRS 603A.040) of any person or persons (per NRS 239B.030).

I declare under penalty of perjury that the foregoing is true and correct.

DATED at North Las Vegas, Nevada, this 2nd day of February 2018.

HEATON FONTANO, LTD.

By: 

JAMES A. FONTANO  
Nevada Bar No. 8456  
5135 Camino al Norte, Ste 273  
N Las Vegas, Nevada 89031  
*Attorneys for Petitioner*



1 JAMES A. FONTANO  
Nevada Bar No. 8456  
2 HEATON FONTANO, LTD.  
5135 Camino al Norte, Ste 273  
3 N Las Vegas, NV 89031  
Telephone: 702-329-9901  
4 Facsimile: 702-763-7385  
jim@heatonfontano.com  
5 Attorneys for Petitioner

FILED  
JAN 19 PM 1:25  
Lincoln County

6 SEVENTH JUDICIAL DISTRICT COURT  
7 LINCOLN COUNTY, NEVADA

8 In the matter of the Estate of  
9 RUTHERFORD DAY  
10 Deceased.

CASE NO.: PR1218017

11  
12 **ORDER TO PROVE WILL AND SET ASIDE ESTATE WITHOUT**  
13 **ADMINISTRATION (ANCILLARY PROCEEDING)**

14 It appearing to the satisfaction of the Court that a Petition to Prove Will and  
15 Set Aside Estate Without Administration (Ancillary Proceeding) of the above-named  
16 Decedent was filed herein on the 4<sup>th</sup> day of December 2017 (the "Petition"), and that  
17 notice of the time and place of the hearing thereon has been duly given in the manner  
18 prescribed by law, and that no one has objected or presented any reason why said  
19 Petition should not be granted.

20 The Court finds that the gross value of the Nevada Estate of the Decedent,  
21 after deducting any encumbrances, does not exceed One Hundred Thousand Dollars  
22 (\$100,000.00), and this is a proper case for the whole of the Estate to be set aside,  
23 pursuant to the Last Will and Testament of the Decedent and NRS 146.070(1) or  
24 pursuant to NRS 146.020(2).

25 **IT IS HEREBY ORDERED, ADJUDICATED AND DECREED:**

26 1. That the Last Will and Testament of the Decedent, dated the 30<sup>th</sup> day of  
27 January 2017, a certified copy of which was attached as Exhibit "B" to the Petition,  
28 is hereby proved to be a legal and valid Will.

HEATON FONTANO  
ATTORNEYS AT LAW


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2. That the Nevada Estate of RUTHERFORD DAY, Decedent, is hereby found to include a net smelter return royalty as described in that certain Purchase Agreement – Property – Royalty Deed dated May 26, 2011, recorded as Document No. 0138489 in Book 264 of Official Records, Pages 255-273, in the Office of the County Recorder of Lincoln County, Nevada (the “Property”).

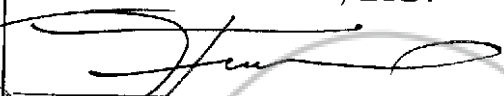
3. That said Property is hereby transferred, assigned, and set aside to JUDITH ELOISE MUFALLE pursuant to this Order.

4. That said Estate shall not be further administered upon.

DATED this 17<sup>th</sup> day of ~~December~~ <sup>January</sup> 2018

  
DISTRICT COURT JUDGE

*Respectfully submitted,*  
HEATON FONTANO, LTD.

  
JAMES A. FONTANO  
Nevada Bar No. 8456  
5135 Camino al Norte, Ste 273  
N Las Vegas, NV 89031  
*Attorneys for Petitioner*

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ATTORNEYS AT LAW



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COPY

27th January 2018

Sharon D. Wells