

RECORDING COVER PAGE

APN# 013-042-37



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OFFICIAL RECORD
LESLIE BOUCHER, RECORDER

TITLE OF DOCUMENT

ORDER GRANTING ORDER GRANTING PETITION FOR APPROVAL OF FIRST AND FINAL ACCOUNTING AND REPORT; TO TERMINATE JOINT TENANCY; FOR REIMBURSEMENT OF EXPENSES PAID BY CO-ADMINISTRATORS; FOR ALLOWANCE AND APPROVAL OF ATTORNEYS' FEES AND COSTS; FOR FINAL DISTRIBUTION AND FOR DISCHARGE OF CO-ADMINISTRATORS

Title of the Document on cover page must be EXACTLY as it appears on the first page of the document to be recorded.

RECORDING REQUESTED BY:

Jeffrey P. Luszeck, Esq.

RETURN TO: Name SOLOMON DWIGGINS & FREER, LTD.

Address 9060 W. Cheyenne Avenue

City/State/Zip Las Vegas, Nevada 89129

MAIL TAX STATEMENT TO: (Applicable to documents transferring real property)

Name BRENDA JOYCE OVERTON and ANNETTA KAYE

SHURTZ

Address 223 E. 1500 S.

City/State/Zip Bountiful, UT 84010

1 JEFFREY P. LUSZECK, ESQ.
2 Nevada State Bar No. 9619
3 iluszeck@sdfnvlaw.com
4 SOLOMON DWIGGINS & FREER, LTD.
5 Cheyenne West Professional Centre
6 9060 West Cheyenne Avenue
7 Las Vegas, Nevada 89129
8 Telephone: (702) 853-5483
9 Facsimile: (702) 853-5485

10 *Attorneys for Petitioner, Brenda Joyce Overton*

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13 DISTRICT COURT
14 LINCOLN COUNTY, NEVADA

15 In the Matter of the Estate of
16 REX LELAND SHURTZ
17 Deceased.

18 Case No.: PR0812017
19 Dept. No.: 2

20 Hearing Date: May 25, 2018
21 Hearing Time: 11:00 a.m.

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ORDER GRANTING PETITION FOR APPROVAL OF FIRST AND FINAL ACCOUNTING AND REPORT; TO TERMINATE JOINT TENANCY; FOR REIMBURSEMENT OF EXPENSES PAID BY CO- ADMINISTRATORS; FOR ALLOWANCE AND APPROVAL OF ATTORNEYS' FEES AND COSTS; FOR FINAL DISTRIBUTION AND FOR DISCHARGE OF CO -ADMINISTRATORS


The verified PETITION FOR APPROVAL OF FIRST AND FINAL ACCOUNTING AND REPORT; TO TERMINATE JOINT TENANCY; FOR REIMBURSEMENT OF EXPENSES PAID BY CO-ADMINISTRATORS; FOR ALLOWANCE AND APPROVAL OF ATTORNEYS' FEES AND COSTS; FOR FINAL DISTRIBUTION AND FOR DISCHARGE OF CO-ADMINISTRATORS ("Petition") filed by BRENDA JOYCE OVERTON and ANGELIQUE PAULA GAUTHIER, Co-Administrators of the Estate of REX LELAND SHURTZ ("Co-Administrators" and/or "Petitioners"), by and through the law firm SOLOMON DWIGGINS & FREER, LTD.; having come on for regular hearing on the 25th day of May, 2018, before the undersigned Court; and no person appearing to contest said account and petition, the Court having considered the same and examined the evidence in this matter finds:

1. That due notice of the hearing of such Petition has been given as required by law.
2. That the Petitioners have filed herein a First and Final Report and Account showing the character and value of all property remaining in their hands, and a report detailing all other

2018 MAY 25 AM 8:19
LINDA M. CLARK
CLERK

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1 matters necessary to show the condition of the Estate.

2 3. That more than sixty (60) days have elapsed since the date of first publication of the
3 Notice to Creditors herein on December 22, 2017.

4 4. That the Estate is now, and at all times since its inception, has been solvent.

5 5. That no request for special notice has been filed in this Estate matter.

6 6. The Estate is in a condition to be finally settled and distributed in its entirety pursuant
7 to the priority set forth in NRS 147.195, first to: (i) to the payment of any Estate obligations
8 previously set out herein; (ii) to the payment of attorneys' fees and costs to the law firm of Solomon
9 Dwiggin & Freer, Ltd., as may be allowed and ordered by the Court; (iii) to the payment of any
10 taxes that may be due as the result of filing final individual income tax returns or fiduciary income
11 tax returns of the Decedent and the Decedent's Estate, any accountant fees in connection with the
12 preparation and filing of those returns; and (iv) to the payment of the residue of the Estate of REX
13 LELAND SHURTZ to the Estate's equal beneficiaries; to wit; BRENDA JOYCE OVERTON and
14 ANNETTA KAYE SHURTZ.

15 7. That upon making final payments as provided in NRS 147.195 and filing receipts of
16 payments, Petitioners should be discharged of their duties as Co-Administrators of the Estate.

17 The Court therefore settles said account and makes its Orders and Decrees as follows:

18 **IT IS HEREBY ORDERED** that the verified PETITION FOR APPROVAL OF FIRST
19 AND FINAL ACCOUNTING AND REPORT; TO TERMINATE JOINT TENANCY; FOR
20 REIMBURSEMENT OF EXPENSES PAID BY CO-ADMINISTRATORS; FOR ALLOWANCE
21 AND APPROVAL OF ATTORNEYS' FEES AND COSTS; FOR FINAL DISTRIBUTION AND
22 FOR DISCHARGE OF CO-ADMINISTRATORS is hereby GRANTED;

23 **IT IS HEREBY FURTHER ORDERED** that the First and Final Accounting and Report is
24 hereby allowed and approved by this Court, and all actions taken by the Co-Administrators as set
25 forth in the Petition are hereby ratified and approved;

26 **IT IS HEREBY FURTHER ORDERED** that pursuant to NRS 40.525, the joint tenancy
27 ownership interest of IVORY JOYCE SHURTZ in real property located at 3583 Jane Street,
28 Caliente, Nevada 89008, APN 013-042-35 and legally described as follows:

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PARCEL NO. 43A AS SHOWN ON PARCEL MAP FOR KENNETH M. PRICE AND JANE PRICE, FILED IN THE OFFICE OF THE COUNTY RECORDER OF LINCOLN COUNTY ON DECEMBER 5, 1995, AS FILE NO. 104328, LOCATED IN A PORTION OF THE N1/2 SECTION 3, TOWNSHIP 3 SOUTH, RANGE 67 EAST, M.D. B. & M.A

Assessor Property Name:
PCL 43A of PRICE MAP A/463

is hereby terminated and ownership is hereby vested solely in the name of the surviving joint tenant and Decedent, REX LELAND SHURTZ;

IT IS HEREBY FURTHER ORDERED that pursuant to NRS 40.525, the joint tenancy ownership interest of IVORY JOYCE SHURTZ in real property located at Jane Street, Caliente, Nevada 89008, APN 013-042-37, and legally described as follows:

PARCEL NO. 42A AS SHOWN ON PARCEL MAP FOR KENNETH M. PRICE AND JANE PRICE, FILED IN THE OFFICE OF THE COUNTY RECORDER OF LINCOLN COUNTY ON DECEMBER 5, 1995, AS FILE NO. 104327, LOCATED IN A PORTION OF THE N 1/2 SECTION 3, TOWNSHIP 3 SOUTH, RANGE 67 EAST, M.D. B. & M.

EXCEPTING THEREFROM ALL THE OIL AND GAS IN THE LANDS TO PATENTED, AND ALL SODIUM AND POTASSIUM IN THE LANDS SO PATENTED AS RESERVED BY THE UNITED STATES OF AMERICA, RECORDED SEPTEMBER 3, 1968, IN BOOK N-1, PAGE 330, LINCOLN COUNTY, NEVADA.

Assessor Property Name:
PCL 42A of PRICE MAP A/462

is hereby terminated and ownership is hereby vested solely in the name of the surviving joint tenant and Decedent, REX LELAND SHURTZ

IT IS HEREBY FURTHER ORDERED that the Co-Administrators are hereby authorized and directed to execute any and all documents necessary to effectuate the distribution and issuance of ownership interest in and to all Estate assets to the Estate's equal beneficiaries, BRENDA JOYCE OVERTON and ANNETTA KAYE SHURTZ, in accordance with NRS 134.090;

IT IS HEREBY FURTHER ORDERED that the the law firm of SOLOMON DWIGGINS & FREER, LTD., is hereby awarded attorneys' fees and costs in the total amount of \$2,897.00

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1 representing the outstanding fees and costs due and owing for the period of July 7, 2017 through
2 April 4, 2018, which allows for receipt of payments in the amount of \$4,517.00 and includes a
3 reasonable sum of \$2,000.00 for fees and costs in filing and service of this final report and account,
4 attendance at the hearing thereon, and obtaining a final discharge in this Estate matter; and further
5 that SOLOMON DWIGGINS & FREER, LTD. is hereby authorized and directed to pay the
6 awarded fees from the Estate funds currently held on deposit in the SDF Attorney Client Trust
7 Account to SOLOMON DWIGGINS & FREER, LTD.;

8 **IT IS HEREBY FURTHER ORDERED** that BRENDA JOYCE OVERTON is hereby
9 awarded payment for reimbursement of administrative expenses advanced on behalf of the Estate in
10 the amount of \$4,517.00; and further that SOLOMON DWIGGINS & FREER, LTD. is hereby
11 authorized and directed to pay the reimbursable fees from the Estate funds currently held on deposit
12 in the SDF Attorney Client Trust Account to BRENDA JOYCE OVERTON;

13 **IT IS HEREBY FURTHER ORDERED** that after payment of the administrative expenses
14 outlined above, the remaining balance of the Estate funds currently held on deposit in the SDF
15 Attorney Client Trust Account (\$677.94) shall be distributed to the Estate's equal beneficiaries,
16 BRENDA JOYCE OVERTON and ANNETTA KAYE SHURTZ; and further that SOLOMON
17 DWIGGINS & FREER, LTD. is hereby authorized and directed to to distribute the remaining funds
18 equally to BRENDA JOYCE OVERTON and ANNETTA KAYE SHURTZ in the amount of
19 \$338.97 each;

20 **IT IS HEREBY FURTHER ORDERED** that the Co-Administrators are hereby authorized
21 and directed to distribute the Decedent's ownership interest in real property located at 3583 Jane
22 Street, Caliente, Nevada 89008, APN 013-042-35 and legally described as follows:

23 PARCEL NO. 43A AS SHOWN ON PARCEL MAP FOR KENNETH M. PRICE
24 AND JANE PRICE, FILED IN THE OFFICE OF THE COUNTY RECORDER OF
25 LINCOLN COUNTY ON DECEMBER 5, 1995, AS FILE NO. 104328,
26 LOCATED IN A PORTION OF THE N1/2 SECTION 3, TOWNSHIP 3 SOUTH,
27 RANGE 67 EAST, M.D. B. & M.A

28 Assessor Property Name:

PCL 43A of PRICE MAP A/463

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1 ("Real Property #1")

2 to the Estate's equal beneficiaries, BRENDA JOYCE OVERTON and ANNETTA KAY SHURTZ;
3 subject to any and all encumbrances thereon, in accordance with NRS 134.090;

4 **IT IS HEREBY FURTHER ORDERED** that the County Treasurer and Assessor of Lincoln
5 County, Nevada is hereby authorized and directed to amend their records to reflect the foregoing
6 change of ownership in the Decedent's ownership interest in the Real Property #1 to the Estate's
7 equal beneficiaries, BRENDA JOYCE OVERTON and ANNETTA KAYE SHURTZ; in
8 accordance with NRS 134.090;

9 **IT IS HEREBY FURTHER ORDERED** that the Co-Administrators are hereby authorized
10 and directed to distribute the Decedent's ownership interest in real property real property located at
11 Jane Street, Caliente, Nevada 89008, APN 013-042-37, and legally described as follows:

12 PARCEL NO. 42A AS SHOWN ON PARCEL MAP FOR KENNETH M.
13 PRICE AND JANE PRICE, FILED IN THE OFFICE OF THE COUNTY
14 RECORDER OF LINCOLN COUNTY ON DECEMBER 5, 1995, AS FILE
15 NO. 104327, LOCATED IN A PORTION OF THE N 1/2 SECTION 3,
16 TOWNSHIP 3 SOUTH, RANGE 67 EAST, M.D. B. & M.

17 EXCEPTING THEREFROM ALL THE OIL AND GAS IN THE LANDS TO
18 PATENTED, AND ALL SODIUM AND POTASSIUM IN THE LANDS SO
19 PATENTED AS RESERVED BY THE UNITED STATES OF AMERICA,
20 RECORDED SEPTEMBER 3, 1968, IN BOOK N-1, PAGE 330, LINCOLN
21 COUNTY, NEVADA.

22 Assessor Property Name:

23 PCL 42A of PRICE MAPA/462

24 ("Real Property #2")

25 to the Estate's equal beneficiaries, BRENDA JOYCE OVERTON and ANNETTA KAY SHURTZ;
26 subject to any and all encumbrances thereon, in accordance with NRS 134.090;

27 **IT IS HEREBY FURTHER ORDERED** that the County Treasurer and Assessor of Lincoln
28 County, Nevada is hereby authorized and directed to amend their records to reflect the foregoing
change of ownership in the Decedent's ownership interest in the Real Property #2 to the Estate's
equal beneficiaries, BRENDA JOYCE OVERTON and ANNETTA KAYE SHURTZ, in

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1 accordance with NRS 134.090;

2 **IT IS HEREBY FURTHER ORDERED** that upon making final distribution and filing of
3 receipts of distribution and payment of fees, BRENDA JOYCE OVERTON and ANGELIQUE
4 PAULA GAUTHIER are hereby released and discharged from any and all of their obligations,
5 liabilities or duties pertaining to the Decedent's Estate;

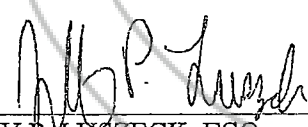
6 **IT IS HEREBY FURTHER ORDERED** that Co-Administrators are hereby authorized and
7 directed to collect any additional assets of the Estate that may be found, and may take legal title,
8 through this Court's Order, to any additional assets owned by the Decedent that may be discovered
9 by Petitioners, providing that such assets do not cause the value of the Estate to exceed
10 \$300,000.00;

11 **IT IS HEREBY FURTHER ORDERED** that this Court orders are hereby binding upon all
12 persons interested in the ESTATE OF REX LELAND SHURTZ.

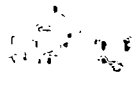
13 DATED this 25th day of May, 2018.

14
15 
16 DISTRICT COURT JUDGE

17 SOLOMON DWIGGINS & FREER, LTD.

18
19 By: 
20 JEFFREY P. LUSZECK, ESQ.
21 Nevada State Bar No. 9619
22 9060 West Cheyenne Avenue
23 Las Vegas, Nevada 89129

24 *Attorneys for Petitioner, Brenda Joyce Overton*
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COPY

This document to which this certificate is attached is a full, true and correct copy of the original, on file and recorded in the County Clerks Office, Piche 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 6th day of June 2018

Sharon Miller
Deputy Clerk