

LINCOLN COUNTY, NV

2024-167331

\$37.00

RPTT:\$0.00 Rec:\$37.00

08/08/2024 11:05 AM

STONE BYBEE & ASSOCIATES, PLLC

Pgs=6 AE

OFFICIAL RECORD

AMY ELMER, RECORDER

E07

APN: N/A

Mail Tax Statements to:

Robert William Cole
758 Haven Point
New Braunfels, TX 78132

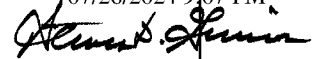
Recording Requested by and Return to:

Robert William Cole
c/o Stone Bybee & Associates, PLLC
8970 W. Cheyenne Ave., Suite 110
Las Vegas, NV 89129

**ORDER PROVING POUR-OVER WILL AND
SETTING ASIDE ESTATE WITHOUT ADMINISTRATION**

This page added to provide additional information required by NRS 111.312 Section 1-2 (Additional recording fee applies).

This cover page must be typed or printed clearly in black ink only.



CLERK OF THE COURT

1 **OSEA**
 2 BRENDAN BYBEE, ESQ.
 Nevada Bar No. 12342
 3 STEPHANIE HARTMAN ROJO, ESQ.
 Nevada Bar No. 13944
 4 **STONE BYBEE & ASSOCIATES, PLLC**
 5 8970 W. Cheyenne Ave., Suite 110
 Las Vegas, NV 89129
 6 Phone: (702) 998-0444
 Facsimile: (702) 998-0443
 7 Email: brendan@nvstateplan.com
 8 Email: stephanie@nvstateplan.com
 Attorneys for Petitioner

9 DISTRICT COURT
 10 CLARK COUNTY, NEVADA

11 In the Matter of the Estate of:
 12 JAMES WAYNE COLE,
 aka JAMES W. COLE,
 13 aka WAYNE COLE,
 14 Deceased.

Case No.: P-24-121110-E
 Dept. No.: PC-1 (26)
 Date of Hearing: July 19, 2024
 Time of Hearing: 9:45 a.m.

15
 16 **ORDER PROVING POUR-OVER WILL AND**
 17 **SETTING ASIDE ESTATE WITHOUT ADMINISTRATION**

18 The Petition of Robert William Cole for Proof of Pour-Over Will and to Set Aside Estate
 19 to Trust Without Administration of the Estate (the "Petition") of James Wayne Cole also known
 20 as James W. Cole also known as Wayne Cole, deceased, having come on regularly to be heard by
 21 the Court, and no objections entered, the Court finds:

- 22 1. Due and proper notice of the hearing has been given as required by law.
- 23 2. The above-named Decedent died on November 22, 2008, in Boulder City, Nevada,
 24 and, at the time of his death, was a resident of the same, with various partial interests in Silver
 25 King Project mining claims ("Mining Claims"), located in Cave Valley Mining District, Lincoln
 26 County, State of Nevada, subject to the jurisdiction of this Court. Jurisdiction is proper pursuant
 27 to NRS 136.010(1) and 136.010(2).
 28

1 3. The Decedent died testate leaving the Will of James W. Cole dated May 1, 1989,
 2 having been duly proven to the satisfaction of the Court to be a legal and valid Last Will and
 3 Testament (“Pour-Over Will”).

4 4. The Decedent also established the 1989 Cole Family Trust on May 1, 1989
 5 (“Trust”). Robert William Cole and John A. Cole are the currently serving Co-Trustees of the
 6 Trust, as evidenced by the Certificate of Incumbency included as Exhibit “C” to the Petition.

7 5. The Decedent’s Estate consists of Mining Claims, as follows:

Claim Name	BLM Serial Numbers	BLM NMC Numbers	Location	Decedent’s Interest
SK 2	NV101627868	863127	T4N R63E sec 11	1/3
SK 4	NV101627869	63128	T4N R63E sec 11	1/3
SK 6	NV101627870	863129	T4N R63E sec 11	1/3
SK 8	NV101627871	863130	T4N R63E sec 11	1/3
SK 33	NV101627872	863135	T4N R63E sec 2 and 3	1/3
SK 35	NV101627873	863136	T4N R63E sec 2 and 3	1/3
SK 37	NV101356401	936913	T4N R63E sec 10	1/2

8 6. Stone Bybee & Associates, PLLC and its attorneys are entitled to compensation for
 9 services rendered in connection with this estate matter in the minimum amount of \$3,000.00, costs
 10 advanced on behalf of the Estate in the sum of \$500.00. Petitioner and Stone Bybee & Associates,
 11 PLLC have made an arrangement, by Addendum to the Legal Services Agreement, for Petitioner
 12 to pay standard hourly rates for any reasonable attorney fees which may exceed the \$3,000.00
 13 minimum (using an hourly billing standard). **Petitioner has agreed to pay Stone Bybee &**
 14 **Associates, PLLC’s attorneys’ fees and costs from funds outside of the Estate.**

15 7. NRS 146.070(1)(b), provides for the direct set aside of a Decedent’s assets to their
 16 nontestamentary trust, regardless of value.
 17

1 8. The terms and conditions of the Fourth Paragraph of the Decedent’s Pour-Over Will
2 provide, as follows:

3 “I give all my estate to the Trustee under that certain Trust Agreement
4 established on the 1st day of May, 1989...”

5 9. The Decedent established the 1989 Cole Family Trust on May 1, 1989.

6 10. Therefore, pursuant to the terms of the Decedent’s Pour-Over Will and NRS
7 146.070(1)(b), it is just and proper for the Court to enter its Order directing that Decedent’s Estate
8 be set aside without administration and distributed entirely to the 1989 Cole Family Trust dated
9 May 1, 1989.

10 **IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:**

11 A. The Decedent’s Last Will and Testament dated May 1, 1989, is hereby proved to
12 be a legal and valid Pour-Over Will.

13 B. Stone Bybee & Associates, PLLC and its attorneys’ fees and costs are approved as
14 submitted.

15 C. Pursuant to the terms and conditions of the Pour-Over Will and NRS 146.070(1)(b),
16 the Decedent’s Estate is hereby set aside and distributed to the 1989 Cole Family Trust dated May
17 1, 1989.

18 D. Any assets not now known, but subsequently discovered, shall also be transferred
19 entirely to the 1989 Cole Family Trust dated May 1, 1989.

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1 E. This Order shall be used as the document transferring the title of said property to
2 the Co-Trustees of the 1989 Cole Family Trust.

3
4 Dated this 26th day of July, 2024

5 

6 Submitted by:

7 **STONE BYBEE & ASSOCIATES, PLLC**

C18 036 2C0E 284F
Gloria Sturman
District Court Judge

8 DocuSigned by:

Stephanie Hartman Rojo

9 ASBD2883D0E6421...
10 **STEPHANIE HARTMAN ROJO, ESQ.**
11 Nevada Bar No. 13944
12 Attorney for Petitioner

13 July 30, 2024



14
15
16 CERTIFIED COPY
17 ELECTRONIC SEAL (NRS 1.190(3))
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1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 In the Matter of:

CASE NO: P-24-121110-E

7 James Cole, Deceased

DEPT. NO. Department 26

8
9 **AUTOMATED CERTIFICATE OF SERVICE**

10 This automated certificate of service was generated by the Eighth Judicial District
11 Court. The foregoing Order to Set Aside Estate Without Administration was served via the
12 court's electronic eFile system to all recipients registered for e-Service on the above entitled
case as listed below:

13 Service Date: 7/26/2024

14 Stephanie Rojo

stephanie@nvestateplan.com

15 Julie Fyhrlund

julie@nvestateplan.com

16 Robert Cole

coletx489@gmail.com

17 John Cole

jalbertcole62@gmail.com

18 Claude Cole

ccolereño81@gmail.com

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**State of Nevada
Declaration of Value**

FOR RECORDERS OPTIONAL USE ONLY	
Document/Instrument #:	_____
Book: _____	Page: _____
Date of Recording:	_____
Notes:	TRUST ON FILE. AE

1. Assessor Parcel Number(s)
- a) N/A
 - b)
 - c)
 - d)
2. Type of Property
- a) Vacant land
 - c) Condo / Townhouse
 - e) Apartment Building
 - g) Agriculture
 - i) Other: Mining Claims

- b) Single Fam Residence
- d) 2-4 Plex
- f) Commercial / Industrial
- h) Mobile Home

3. Total Value / Sales Price of Property \$ -0-

Deed in Lieu of Foreclosure Only (value of property) (-0-)

Transfer Tax Value: \$ -0-

Real Property Transfer Tax Due: \$ -0-

4. **If Exemption Claimed:**
- a. Transfer Tax Exemption per NRS 375.090, Section: 07
 - b. Explain Reason for Exemption: Transfer to or from a Trust without consideration.

5. Partial Interest: Percentage being transferred: 100%

The undersigned declares and acknowledges, under penalty of perjury, pursuant to NRS 375.060 and NRS 375.110, that the information provided is correct to the best of their information and belief, and can be supported by documentation if called upon to substantiate the information provided herein. Furthermore, the parties agree that disallowance of any claimed exemption, or other determination of additional tax due, may result in a penalty of 10% of the tax due plus interest at 1% per month. Pursuant to NRS 375.030, the Buyer and Seller shall be jointly and severally liable for any additional amount owed.

Signature [Signature] Capacity: *Administrative Assistant*

Signature [Signature] Capacity: *Administrative Assistant*

SELLER (GRANTOR) INFORMATION
(REQUIRED)

Print Name: Robert William Cole, Administrator for the Estate of James Wayne Cole, also known as James W. Cole, also known as Wayne Cole

Address: 758 Haven Point
City: New Braunfels
State: TX Zip: 78132

BUYER (GRANTEE) INFORMATION
(REQUIRED)

Print Name: Robert W. Cole and John A. Cole, Co-Trustees of the 1989 Cole Family Trust dated May 1, 1989

Address: 758 Haven Point
City: New Braunfels
State: TX Zip: 78132

COMPANY REQUESTING RECORDING

Print Name: Stone Bybee & Associates, PLLC Esc.# _____

Address: 8970 W. Cheyenne Ave., Suite 110, Las Vegas, NV 89129

(As a public record, this form may be recorded / microfilmed)