In the Supreme Court of the State of Nevada

IN THE MATTER OF THE ESTATE OF THEODORE ERNEST SCHEIDE JR.

ST. JUDE CHILDREN'S RESEARCH HOSPITAL, INC.

Appellant,

-VS-

THEODORE E. SCHEIDE III Respondent. Electronically Filed Jan 15 2021 05:04 p.m. Elizabeth A. Brown Clerk of Supreme Court

Supreme Court No.: 76924

Eighth Judicial District Court Case No.: P-14-082619-E Hon. Gloria Sturman, presiding

RESPONDENT'S PETITION FOR REHEARING

Filed by:

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ATTORNEY'S CERTIFICATE OF COMPLIANCE

1. I hereby certify that this brief complies with the formatting requirements of NRAP 32(a)(4), the typeface requirements of NRAP 32(a)(5) and the type style requirements of NRAP 32(a)(6), because:

[a.] This petition has been prepared in a proportionally spaced typeface using Microsoft Office Word 10 in Times New Roman font size 14.

2. I further certify that this brief complies with the page- or type-volume limitations of NRAP 40(b)(3) because, excluding the parts of the brief exempted by NRAP 32(a)(7)(C), it is

[a.] Proportionately spaced, has a typeface of 14 points or more and contains 4667 words, or

[b.] does not exceed 10 pages.

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CASE LAW

PETITON FOR REHEARING

A. INTRODUCTION AND STANDARD TO REHEAR

Pursuant to NRAP 40(c) this Court should rehear and/or vacate

or otherwise, de-publish the decision and instead affirm the COA and D. Ct. for the reasons set forth herein.

It is Respectfully submitted the Court overlooked and misapprehended

(several) important factual and legal issues both in the record when reversing the district court. If this Court is disinclined to grant the rehearing, remand is warranted and the Court should order the 2012 not admitted until legal revocation has been decided.

Significantly, the Court's decision does not address Appellant's failure to address the mandates contained in sub parts (a) and (b) of NRS136.240(3) under the analysis of the 2017 Statute – a failure fatal to Respondent and critical basis for reconsideration.

Moreover, the opinion does not address the application of NRS 133.240(5)(b) under the 2009 or 2017 Statue where there is an objection and how this Court's analysis under only 136.240(3) is different.

Secondly, the "legal existence" definition the Court now defines is both problematic with, and inconsistent with, (other) current probate laws. More importantly, it is not supported by the subsequently enacted 2017 statute itself. Without there being any evidence of any kind of intervening acts, as in the case at bar, failure to meet the test for "legal existence" foils under this court's own analysis.

Lastly, the legal conclusion or "speculation" is not supported when the rule of the case was already established that Theodore maintained a safe deposit which the Guardian (and later Administrator) found "emptied" after Theodore's passing.

The decision at the Court reversing both the judgment and the conclusion of the Court of Appeals must be reconsidered as it both is reliant on *de novo* review of factual determinations of the District Court and legal error effectually creating new law and ignoring the clear language of the law in effect at the time of the death of Theodore Scheide.

B. <u>POINTS WITH AUTHORITIES</u>

I. <u>WITHOUT EVIDENCE OF INTERVENING ACTS, LEGAL</u> <u>EXISTENCE, AS DEFINED BY THIS COURT, IS LEGALLY</u> <u>INSUFFICIENT.</u>

The District Court found the Will was not in legal existence at the time of Theodore's death, a factual determination based on the record.

This Court now reverses that decision based on a review of the facts, *de novo*, creating a new standard and ignoring the specific language in the applicable statute NRS 136.240(3) (2009).

The Majority's arguments in its application of the 2017 statute does not address St. Judes failures to comply with the sub part (a) or (b) of NRS 136.240(3). The critical part missing from this Courts analysis is set forth in part (a) that states: "and has not or otherwise been revoked or destroyed without the knowledge, consent or ratification of such person. (Emphasis supplied) This Courts arguments for this new test pursuant to an interpretation of what qualifies for "legal existence" is not correct without also proving (under the 2017 statute) that, the original Will "has not otherwise been revoked or destroyed without the knowledge of such person". Nowhere in the record was any evidence that some sort of an intervening act destroyed Theodore's original 2012 will. Under the 2009 statute, the absence of an intervening act ends the argument, as the original must be in physical existence at the testator's death.

Moreover, under the 2017 arguments, nowhere in the record was it established that Theodore (as "such person") knowingly consented or ratified anything. There was no legal theories offered (other than "maybe it was lost) that meet and satisfy the additional requirements under parts (a) or (b) of the 2017 Statute.

Although this court's opinion spends time discussing the actions of witnesses who never saw, directly spoke to or had no actual knowledge that Theodore consent to this that was it. The closest the Court could conclude to any of this would have been that the legal guardian Hoy (who legally speaks as Theodore) did "nothing."

The law requires a will to be in legal existence at the death of the person whose will it is claimed and that the will has not been revoked or destroyed without the knowledge, consent or ratification of such person.

Notably, St Judes never presented any evidence (that rebuts the presumption) that proved the October 2012 will was not revoked. The issue on any remand would then be based upon the fact Revocation was not decided because of the legal presumption in this case. This is unquestionably a question of fact. See Estate of

Irvine v. Doyle. 101 Nev. 698, 710 P.2d 1366 (1985). St Judes admitted this on (Pg. 16) in its Petition for Review (4/13/20).

II. <u>The Court's REVIEW OF the evidence under a denovo review</u> <u>is incorrect to conclude the will was in legal existence when</u> <u>that was not in the law 2009 ABSENT an OBJECTION, etc.</u> <u>pursuant to Nrs 136.240(5)b (2009)</u>

After accepting the substantive factual findings of the District Court which were relied upon in reaching this decision (pg. 13) and recognizing the issue of whether the October will was lost, this Court then precedes to conduct a *de novo* review of the facts under the guise of applying the subsequent legal standards and ignores the long standing legal presumptions.

This Court states 2009 statute applies, but then uses the 2017 statute with the amended (2019) to support its legal existence arguments. See Fn 3 "we draw from the 2009 statute unless otherwise noted." This was not argued by St Judes on appeal, because it does not apply if there is an objection. See NRS 136.240 (5)(d), and thus improperly relied upon the Court when rendering its decision.

The Courts opinion falls short in its analysis of (2009) NRS 136.240(3) when NRS 136.240(5) states: "Notwithstanding any provision of this section to the contrary:...

(b) If the proponent of a lost or destroyed will makes a prima facie showing that it was more likely than not left unrevoked by the person whose will it is claimed to be before his or her death, then the will must be admitted to probate **in absence of an objection**. This same language ("absence of an objection") is also in both the 2017 and 2019 statues.

The 2019 statute provides much needed guidance and clarification. NRS 136.240(5)(d) applies to a pour over will to its nontestementary trust (not this case) expressly references this further clarifying the presumptions set forth in paragraph (a) or (b) "which does not apply....absence an objection". The Statutes references to (a) "proven to be in legal existence" or (b) ..."fraudulently destroyed"... which again not apply when there is an objection.

This is restated in the last sentence of the 2019 statute (5)(d). " If such prima facie showing has been made, the court shall accept a copy of such a will as sufficient proof of the terms thereof without requiring further evidence **in the absence of any objection.**" (Emphasis supplied). See the courtesy copies in Appendix filed herein.

St Judes never advocated an application of the 2009 Statute as any different than the 2017, or the 2019 for that matter, because St Jude's knew of the language "absent an objection" is the law. St Judes only point to this in its Petition for review that the COA was confused in its "copy" arguments.

Neither the district court or the COA address this point because CHIP OBJECTED (AA 194-238) to St Jude's lost will petition thereby removing it from the 136.240(3) application and rendering this Court's analysis of "legal existence" incorrect.

Indeed, this Court's legal existence arguments are fatally flawed in this regard. The law is clear that legal existence does not apply unless absent an objection. NRS 136.240(5)b. This Court interpretations under either 2009 statute, 2017, or even 2019, is not correct once an objection is filed.

St Judes did not make these distinctions in any briefs, because it knows that 136.240(3) analysis not correct when there is no objection. It is also incorrect to hold the 2009 statute applies and then argue "legal existence" under the 2017 statute when the "legal existence" is only relevant if there is no objection **"and has not otherwise been revoked..."** St Judes never argued that the 2009 statute was not applicable.

The 2017 statute 136.240(3) was amended and clarified the two witness requirement by mandating no will may be proved as lost or destroyed, unless it is:

(a) proved to have been in *legal* existence at the death of the person whose will it is claimed to be and has not otherwise been revoked or destroyed without the knowledge, consent or ratification of such person" added.

After accepting the substantive factual findings of the District Court relied upon in reaching its decision, and recognizing that the deciding issue of whether the will was **even** lost, this Court then precedes to conduct a de novo review of the facts under the guise of applying a subsequently passed standard to: "conclude the evidence shows the will was in legal existence." The Supreme Court offers no suggestion of any sort of error why the District Court might have incorrectly followed the requirements of NRS 136.240(3). The District Court and the Court of Appeals both properly understood that a culmination of statements by multiple witnesses cannot be combined or substituted to overcome to create a single credible witness when the 2009 laws always requires two people. This Opinion simply sidesteps the district court's findings that St. Judes did not overcome the presumption of revocation.

Appellants ignored completely and did not provide any evidence and/or testimony whatsoever that the document was actually in existence after its execution, let alone more than two years later. The record lacked any evidence of some sort intervening acts (which other case law supports) creating the loss of the 2012 Will.

In answering the question of "legal existence" this Court opines on page 2 "evidence of the testators **unchanged** testamentary intent showed the will was in legal existence at the testators death". (Emphasis ours). Testamentary intent is determined at the time the will was attested (executed), and <u>then legally determined</u> <u>at the moment of one's death</u>.

This holding is contrary to and turns common law upside down. It reverses the presumptions (revocation, etc.) and adds new and different meaning to a legal disinheritance and its burdens of proof.

When do you determine something is "unchanged?" Stated differently, what is the measurement for "unchanged?" What is "unchanged?" When is the determination of "unchanged?" How is this decided?

Why did the testator make the "unchanged" statement(s)? Was the statement made in gist? The Court's opinion is placing great weight on these sort of statements under a Nevada guardianship. Was it during a legal disability? Was it said to stop a badgering person? Were the "unchanged" statement(s) recanted or modified?

Specifically to the matter at hand, Theodore was not "unchanged," he was angry with everyone. He fired everyone. AA 1353. Theodore's Will was NOT unchanged. The principle beneficiary died in January 2013; and the Will was further changed, when it was revoked by destruction (see Arg. 4 below).

III. <u>THE COURTS HOLDING CHANGES THE REQUIREMENTS</u> OF AN ATTESTATION (NRS 133.050) AND ADDS UNCERTANTIES HOW REVOCATION APPLIES TO NRS 133.120 & 133.130 WHEN "COPIES" STILL EXIST!

More problematic is this Court's retroactive application and its holding which changes the meanings of attestations pursuant to NRS 133.050. It does this by expanding the witness requirements. It also confuses the areas or the applications under the area of revocation (NRS 133.120). Not to mention any application to any copies, etc.

This Court's holding that: "The second witness's testimony (DeWalt) that the copy contains a fair and accurate depiction (undefined by this decision) of **the testator's signature on the original will combined with...**" does not comply with NRS 133.050. It also causes uncertainty in the area of revocation of wills when copies (written or unwritten) are kept or maintained.

By requiring the second witness to "verify" the decedents original signature causes confusion under, and conflicts with, the attestation (witnessing) part of the will with part two,

the "proof" of Lost will under NRS 136.240.

An "attestation clause" is statutorily defined. It provides the minimum requirements that then is presented as the "legal" proof of the execution of the will.

This happens simultaneously at the exact moment when the legal document is executed. (It is not done after the fact.) The Court's holding infers there is now an additional element in proving Lost wills that is neither supported in this record nor in the laws. The declarations in any an Attestation must: (under oath or by declaration): (1) State they personally appeared (together). (2) That they witnessed the execution signing. (3) They saw the Testator sign. (4) That the Testator declared it to be his last will in their presence. (5) That they then signed the will in the presence of each other that at the request of the testator. (6) That at that time of the execution Testator appeared of sound mind, etc.

These are statutory. Nothing more nothing less.

This Court's "new" test as applied "retroactively" is not supported by (a) the facts and (b) not consistent with the 2017 Statute.

First, the attestations and the declarations that Dewalt (and Tyler) entered into this case do not confirm to this Courts holding in this case. The attestation in Theodore's October will prepared by Tyler says nothing about either Tyler or DeWalt having to "compare" Theodore's signature or the "originals" at the time of execution or when they signed their declarations during the execution ceremony.

In fact, it is now argued that this holding could be interpreted to place an additional requirement, for a witness now must determine "accurate signatures." What is an accurate signature? How is it determined by the Witness to an original will? Who decides, is the it the Testator? the witness? the Attorney? possibly a Notary? Notaries do not determine "accurate" signatures! In short, the holding now

retroactively changes the requirements of an attestation as found under NRS 133.050.

Next it places new burdens on a witness of wills to now suppose to "compare" and determine what is an "accurate depiction?" Do they now have the added requirement of comparing the decedent's signatures- somewhere else with the original and then the copies?

Witnesses to wills do not attest that a copy contains a fair and or accurate depiction of the testator's signature on the original will (let alone on a copy). The record in this case does not support that DeWalt "compared" anything? As this court points out in the analysis to top of page 21, "DeWalt, provided (only) an affidavit "stating she had witnessed the will's execution executed by Theodore and signed the will and that she affirmed her signature on the copy and testified to the will execution." All true but nowhere does she state it then "contain[ed] a fair and accurate depiction of the testator's signature on the original will" which is something entirely different.

IV. <u>THE EVIDENCE SUPPORTS THE DISTRICT COURT'S</u> <u>DETERMINATION THE ORIGINAL WILL WAS REVOKED OR</u> <u>DESTROYED AND NOT IN EXISTENCE AT THE TIME OF HIS DEATH</u> <u>WHICH WAS THE RULE OF THE CASE.</u>

First it was not Chip's burden. Secondly, common laws state if you cannot find the original will the presumption controls. No "theories" required! How this supports legal existence when it was not the law in 2009 is not addressed in the Court's decision. The conclusion that Hoy "speculated" Theodore destroyed the original will when in fact Theodore maintained his safe deposit box (a material fact) until his passing is the rule of this case. Courtesy copies of all this is the Appendix attached and filed herewith.

The Court misconstrues both the law of this case; the fact that Hoy as guardian "spoke" for Theodore, and as the court appointed Administrat[rix] had previously obtained no less than three previous court orders (Rule of the Case) all of which support Theodore had in fact legally destroyed his 2012 will.

The Opinion infers that securing a safe keeping of an original document of great importance. In fn. 9 (pg.13) states: "Notably, Hoy admitted belief that Theodore had destroyed the will was speculation." This is both factually incorrect and legally wrong. There was no "speculation." It had been previously determined by the District Court's orders that Theodore had already destroyed the original October will after Hoy and her lawyers petitioned to the District Court in 2014 and then in 2015. Those orders were never challenged by St Judes.

Ms. Hoy was Theodore's Guardian of the Person and Estate from February 2014 until Theodore's death. More than two years since he executed the October 2012 will and 18 months after Velma Shay's death, the will's primary benefactor.

Hoy testified she was the only one (or her staff) that had been in daily contact with the decedent during this entire time. She was "legally" the only one who could speak for Theodore. As such was the only one who could testify as to the existence or the destruction of those documents. As Theodore's Guardian and, then as the

court's appointed "Administrator" obtained court orders (unchallenged to this date) to this effect.

Hoy testified at trial she never found the original October will including during her time of the detailed inventory of all of Theodore's personal effect which included all of his important papers when the guardianship started. There was no original October 2012 will. She also testified to the "steps" she undertook to actually "determine" the October will had been in fact destroyed. AA01-06; 11-32. The record lacks any Guardianship matters. However, during the Guardianship Hoy chose not to petition the Guardianship Court or take advantage of the process prescribed under *eg.* NRS 159.113 or 159.169. As Theodore's legal guardian she chose not to.

Theodore died in August, 2014, after she obtained a court order to secure the "opening" of Theodore's safe deposit Box at US Bank. AA 33-57. For the sole determination of whether or not the will had been destroyed by Theodore (October 2012).

On October 2, 2014 Hoy filed a petition to open Theodore's Estate. AA 01. In that Petition she states:

"Due search and inquiry has (sic) been made to ascertain if the decedent left a will and a copy has been found but not the original. The decedent has a safe deposit box at US Bank. There is a possibility an original will may be in the safe deposit box....The undersigned, **a guardian**, did not find an original Last Will in the decedent's personal property and papers." (Emphasis ours.) She requests: [f]or to enter the decedent's safe deposit box at US Bank to **determine** if the is a Last Will and to remove the same from the safety deposit box." AA 02. (Emphasis supplied.) She determined that Theodore maintained a safe deposit box at local US Bank branch (Las Vegas). The orders stated in part: "the Special Administrator is authorized to enter the decedent's safe deposit box at US Bank **to determine** if there is a Last Will. If there is a Last Will and Testament, the document shall be removed from the safe deposit box." (Emphasis ours). (Courtesy copies of these pleadings are attached to this Petition by way of the Appendix filed herein).

In January 2015 she then Petitioned for full "appointment of Administration of intestate estate under Full Administration." AA 11. She states:

para 3. "Due search and inquiry has been made to ascertain if the decedent left a valid will (AA12).

She gives St Judes formal Notice. AA32. She then uses these court orders to go to the US Bank where Theodore maintained his safe deposit (and presumptively kept the documents) box.

She reviewed bank records. She Testified at trial she met with US bank Representative. AA 1353. She entered Theodore's Box with a branch representative for the express purpose: "to **ascertain** if the decedent left valid (October) will." Emphasis ours. See AA 01 Pet. Para 4).

Hoy concludes that Theodore "emptied" his box. She determines he "emptied" (and before the guardianship) as he was the only one on the Box. Theodore maintained (presumptively paying for it) up to and including his date of death.

After that, she then meets with and we can assume on the advice of her estate counsel they conclude the will is destroyed. In April or by May 2015, she instructs her lawyer to bring this to District Court. Her lawyers prepare her Petition for Instructions for her signature. AA 33-55. The Court can reasonably conclude that Hoy (on the advice of her own legal counsel) both reviewed, read and signed the petition. The Verified Petition is filed (5/6/15) (has these facts with the same "reasonably" conclusions in it. This matter was then again Noticed (5/6/15) (AA 56-

57). St Judes received actual notice.

These matters then come before the P.C. (Probate Commissioner). There was a hearing (5/22/15) and were minutes (AA58-59). In the record "it was the opinion of the Personal Representative (Hoy) that the will had been destroyed. Mr. Van Alstyne Esq. appearing for Ms. Boyer, Esq. stated that is correct and confirmed this will is to proceed upon the basis of an intestate situation." The order was then entered by the district court. AA 60

These facts cannot be ignored. These orders have not been disputed by St Judes. This was not "speculation" by Hoy. This matter and the subsequent resulting Orders Hoy obtained were never challenged, set aside or appealed. The resulting Orders are the Rules of this Case.

V. <u>THE COURT'S BASIS FOR DISINHERITANCE WHICH IS</u> <u>NEITHER CODIFIED OR SUPPORTED BY ANY CASE LAW</u>.

In fact, with this decision, the Court is now improperly (and incorrectly) legislating by "defining" the basis for legal disinheritance. In other words the Majority's holding - that in this case the evidence that Testator "disliked those

involved in his care".... (including his lawyers) is not support for this Courts finding of intestacy. An intestate estate is defined by NRS 132.195. This decision now sets at least an un-intended "threshold" that at a minimum "providing care" or "disliking someone or something" is not enough to find intestacy or otherwise an appropriate reason not to disinherit.

The Court also states its basis for reversal as "Theodore disliked them (undefined) for putting him to the guardianship" or "those who were at least involved," but offers no further clarity and in fact now creates a "reason" cast doubts and promotes uncertainty in this area. If this is truly intended to be the majority "starting point" for intent. If this is "not acceptable" basis then what is? This should be left to the legislative process. St Judes never advocated for any of this in its appeal.

VI. CONCLUSION

For all of these reasons and more this matter must be Reheard, or at a minimum this Court should enter an order affirming the lower court and decertifying the Published Opinion. Alternatively, if the Court refuses to Re-hear it should, on any remand, clarify the order to admit a Lost will until St Judes establishes its burden to prove the Lost will was not revoked.

Dated the <u>S</u> day of January, 2021.

Respectfully Submitted, CARY COLT PAYNE, ESO. (#4357)

CERTIFICATE OF SERVICE

I certify that pursuant to NRAP 31, on the 15^{44} day of January, 2021, I have served to the following an electronic filing copy of the foregoing Respondent's Petition for Rehearing by electronic filing through the Supreme Court's E-Flex System:

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CARY COLT PAYNE, CHTD.

In the Supreme Court of the State of Nevada

IN THE MATTER OF THE ESTATE OF THEODORE ERNEST SCHEIDE JR.

ST. JUDE CHILDREN'S RESEARCH HOSPITAL, INC.

Appellant,

THEODORE E. SCHEIDE III Respondent.

Supreme Court No.: 76924

Eighth Judicial District Court Case No.: P-14-082619-E Hon. Gloria Sturman, presiding

APPENDIX TO RESPONDENT'S PETITION FOR RE-HEARING

Filed by:

-VS-

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CERTIFICATE OF SERVICE

I certify that pursuant to NRAP 31, on the 15^{44} day of January, 2021, I have served to the following an electronic filing copy of the foregoing Appendix to Respondent's Petition for Rehearing by electronic filing through the Supreme Court's E-Flex System:

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APPENDIX



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NRS 136.240 (2009)

NRS 136.240 is hereby amended to read as follows:

136.240 1. The petition for the probate of a lost or destroyed will must include a copy of the will, or if no copy is available state, or be accompanied by a written statement of, the testamentary words, or the substance thereof.

2. If offered for probate, a lost or destroyed will must be proved in the same manner as other wills are proved under this chapter.

3. In addition, no will may be proved as a lost or destroyed will unless it is proved to have been in existence at the death of the person whose will it is claimed to be, or is shown to have been fraudulently destroyed in the lifetime of that person, nor unless its provisions are clearly and distinctly proved by at least two credible witnesses.

↓2009 Statutes of Nevada, Page 1625 (<u>CHAPTER 358, SB 277</u>)**↓**

lifetime of that person, nor unless its provisions are clearly and distinctly proved by at least two credible witnesses.

4. The testimony of each witness must be reduced to writing, signed by the witness and filed, and is admissible in evidence in any contest of the will if the witness has died or permanently moved from the State.

5. Notwithstanding any provision of this section to the contrary:

(a) The production of a person's lost or destroyed will, whose primary beneficiary is a nontestamentary trust established by the person and in existence at his death, creates a rebuttable presumption that the will had not been revoked.

(b) If the proponent of a lost or destroyed will makes a prima facie showing that it was more likely than not left unrevoked by the person whose will it is claimed to be before his death, then the will must be admitted to probate in absence of an objection. If such prima facie showing has been made, the court shall accept a copy of such a will as sufficient proof of the terms thereof without requiring further evidence in the absence of any objection.

6. If the will is established, its provisions must be set forth specifically in the order admitting it to probate, or a copy of the will must be attached to the order.

Sec. 8. Chapter 137 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsections 3 and 4, a no-contest clause in a will must be enforced by the court.

2. A no-contest clause must be construed to carry out the testator's intent. Except to the extent the will is vague or ambiguous, extrinsic evidence is not admissible to establish the testator's intent concerning the no-contest clause. The provisions of this subsection do not prohibit such evidence from being admitted for any other purpose authorized by law.

3. Notwithstanding any provision to the contrary in the will, a devisee's share must not be reduced or eliminated if the devisee seeks only to:

(a) Enforce the terms of the will;

(b) Enforce the devisee's legal rights in the probate proceeding; or

(c) Obtain a court ruling with respect to the construction or legal effect of the will.

4. Notwithstanding any provision to the contrary in the will, a devisee's share must not be reduced or eliminated under a nocontest clause because the devisee institutes legal action seeking to invalidate a will if the legal action is instituted in good faith and based on probable cause that would have led a reasonable person, properly informed and advised, to conclude that there was a substantial likelihood that the will was invalid.

5. As used in this section, "no-contest clause" means one or more provisions in a will that express a directive to reduce or eliminate the share allocated to a devisee or to reduce or eliminate the distributions to be made to a devisee if the devisee takes action to frustrate or defeat the testator's intent as expressed in the will.

Sec. 9. NRS 138.020 is hereby amended to read as follows:

138.020 1. No person is qualified to serve as an executor who, at the time the will is probated:



CARY COLT PAYNE, CHTD.

Attorney at Law 700 S. Eighth Street • Las Vegas, Nevada 89101 (702) 383-9010 • Fax (702) 383-9049

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NRS 136.240 (2017)

atutes of Nevada, Page 1673 (CHAPTER 311, AB 314) ↓

2. After the destruction, cancellation or revocation, the first will is reexecuted.

Sec. 9. NRS 136.240 is hereby amended to read as follows:

136.240 1. The petition for the probate of a lost or destroyed will must include a copy of the will, or if no copy is available state, or be accompanied by a written statement of, the testamentary words, or the substance thereof.

2. If offered for probate, a lost or destroyed will must be proved in the same manner as other wills are proved under this chapter.

3. In addition, no will may be proved as a lost or destroyed will unless its provisions are clearly and distinctly proved by two or more credible witnesses and it is {proved} :

(a) Proved to have been in legal existence at the death of the person whose will it is claimed to be [,] and has not otherwise been revoked or destroyed without the knowledge, consent or ratification of such person; or [is shown]

(b) Shown to have been fraudulently destroyed in the lifetime of that person. [, nor unless its provisions are clearly and distinctly proved by at least two credible witnesses.]

4. The testimony of each witness must be reduced to writing, signed by the witness and filed, and is admissible in evidence in any contest of the will if the witness has died or permanently moved from the State.

5. Notwithstanding any provision of this section to the contrary:

(a) The production of a person's lost or destroyed will, whose primary beneficiary is a nontestamentary trust established by the person and in existence at his or her death, creates a rebuttable presumption that the will had not been revoked.

(b) If the proponent of a lost or destroyed will makes a prima facie showing that it was more likely than not left unrevoked by the person whose will it is claimed to be before his or her death, then the will must be admitted to probate in absence of an objection. If such prima facie showing has been made, the court shall accept a copy of such a will as sufficient proof of the terms thereof without requiring further evidence in the absence of any objection.

6. If the will is established, its provisions must be set forth specifically in the order admitting it to probate, or a copy of the will must be attached to the order.

Sec. 10. NRS 137.005 is hereby amended to read as follows:

137.005 1. Except as otherwise provided in subsections 3 and 4, a no-contest clause in a will must be enforced by the court [.]because public policy favors enforcing the intent of the testator. However, because public policy does not favor forfeitures, a no-contest clause must be strictly construed by the court and must not be extended beyond the plain meaning of the express provisions of the will.

2. A no-contest clause must be construed to carry out the testator's intent [. Except] to the extent [the will is vague or ambiguous,]such intent is clear and unambiguous. No extrinsic evidence is [not] admissible to establish the testator's intent concerning the no-contest clause. The provisions of this subsection do not prohibit [such] extrinsic evidence from being admitted for any other purpose authorized by law. Except as otherwise provided in subsections 3 and 4, a devisee's share may be reduced or eliminated under a no-contest clause based upon conduct that is set forth by the testator in the will, including, without limitation, any testamentary trust established in the will.



CARY COLT PAYNE, CHTD.

Attorney at Law 700 S. Eighth Street • Las Vegas, Nevada 89101 (702) 383-9010 • Fax (702) 383-9049

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NRS 136.240 (2019)

based upon divorce or annulment to transfers of property pursuant to will. The provisions of a visu concerning the revocation of certain transfers based upon divorce or annulment apply to transfers of property made pursuant to a will.

(Added to NRS by 2011, 1436)

LOST OR DESTROYED WILLS

NRS 136.230 Jurisdiction of court to take proof of execution and validity of lost or destroyed will. If a will is lost by accident or destroyed by fraud without the knowledge of the testator, the court may take proof of the execution and validity of the will and establish it, after notice is given to all persons, as prescribed for proof of wills in other cases.

[34:107:1941; 1931 NCL § 9882.34] — (NRS A 1999, 2266)

NRS 136.240 Petition for probate; same requirement of proof as other wills; testimony of witnesses; rebuttable presumption concerning certain wills; prima facie showing that will was not revoked; order.

The petition for the probate of a lost or destroyed will must include a copy of the will, or if no copy available state, or be accompanied by a written statement of, the testamentary words, or the substance thereof. 2. If offered for probate, a lost or destroyed will must be proved in the same manner as other wills

proved under this chapter.

In addition, no will may be proved as a lost or destroyed will unless its provisions are clearly 3. distinctly proved by two or more credible witnesses and it is:

(a) Proved to have been in legal existence at the death of the person whose will it is claimed to be and has 1 otherwise been revoked or destroyed without the knowledge, consent or ratification of such person; or

(b) Shown to have been fraudulently destroyed in the lifetime of that person. The testimony of each witness must be reduced to writing, signed by the witness and filed, an admissible in evidence in any contest of the will if the witness has died or permanently moved from the State.

5. Notwithstanding any provision of this section to the contrary:

(a) The production of a person's lost or destroyed will, whose primary beneficiary is a nontestamentary trust established by the person and in existence at his or her death, creates a rebuttable presumption that the will had not been revoked.

(b) The production of a copy of a person's lost or destroyed will, whose provisions are clearly and distinctly proved by two or more credible witnesses, creates a rebuttable presumption that the will had not been revoked.

(c) A person may overcome the presumption set forth in paragraph (a) or (b) only by proving by a preponderance of the evidence that the person whose will it is claimed to be destroyed the will with the intent to revoke the will before his or her death. In the absence of such evidence:

(1) The lost or destroyed will must be admitted to probate; and

(2) The court shall accept a copy of such a will as sufficient proof of the terms thereof without requiring

(d) For a lost or destroyed will to which the presumption set forth in paragraph (a) or (b) does not apply, if further evidence. the proponent of a lost or destroyed will makes a prima facie showing that it was more likely than not left unrevoked by the person whose will it is claimed to be before his or her death, then the will must be admitted to probate in absence of an objection. If such prima facie showing has been made, the court shall accept a copy of such a will as sufficient proof of the terms thereof without requiring further evidence in the absence of any

If the will is established, its provisions must be set forth specifically in the order admitting it to pr objection. 6. or a copy of the will must be attached to the order.

 $[35.107:1941; 1931 \text{ NCL } 9882.35] \longrightarrow (\text{NRS A } 1999, 2266; 2009, 1624; 2017, 1673; 2019, 1853)$

NRS 136.250 Restraint of administration pending petition. If, before or during the pendency application to prove a lost or destroyed will, letters of administration have been granted upon the estate decedent, or letters testamentary of any previous will of the decedent, the court may restrain the administra necessary to protect the interests of devisees claiming under the lost or destroyed will.

[36:107:1941; 1931 NCL § 9882.36] — (NRS A 1999, 2267)

FOREIGN WILLS

NRS 136.260 Probate of foreign wills: Procedure.

1. A will duly proved, allowed and admitted to probate outside of this State may be admitted to proba recorded in the proper court of any county in this State in which the testator left any estate.

When a copy of the will and the order admitting it to probate, duly certified, are presented by the pe representative, a nominee or any other interested person, with a petition for probate, the order and copy m the given as required hy law on : Sec. 13. NRS 136.240 is hereby amended to read as follows:

136.240 1. The petition for the probate of a lost or destroyed will must include a copy of the will, or if no copy is available state, or be accompanied by a written statement of, the testamentary words, or the substance thereof.

2. If offered for probate, a lost or destroyed will must be proved in the same manner as other wills are proved under this chapter.

3. In addition, no will may be proved as a lost or destroyed will unless its provisions are clearly and distinctly proved by two or more credible witnesses and it is:

(a) Proved to have been in legal existence at the death of the person whose will it is claimed to be and has not otherwise been revoked or destroyed without the knowledge, consent or ratification of such person; or

(b) Shown to have been fraudulently destroyed in the lifetime of that person.

4. The testimony of each witness must be reduced to writing, signed by the witness and filed, and is admissible in evidence in any contest of the will if the witness has died or permanently moved from the State.

5. Notwithstanding any provision of this section to the contrary:

(a) The production of a person's lost or destroyed will, whose primary beneficiary is a nontestamentary trust established by the person and in existence at his or her death, creates a rebuttable presumption that the will had not been revoked.

(b) [If] The production of a copy of a person's lost or destroyed will, whose provisions are clearly and distinctly proved by two or more credible witnesses, creates a rebuttable presumption that the will had not been revoked.

(c) A person may overcome the presumption set forth in paragraph (a) or (b) only by proving by a preponderance of the evidence that the person whose will it is claimed to be destroyed the will with the intent to revoke the will before his or her death.

↓2019 Statutes of Nevada, Page 1854 (<u>CHAPTER 309, AB 286</u>)↓

whose will it is claimed to be destroyed the will with the intent to revoke the will before his or her death. In the absence of such evidence:

(1) The lost or destroyed will must be admitted to probate; and

(2) The court shall accept a copy of such a will as sufficient proof of the terms thereof without requiring further evidence.

(d) For a lost or destroyed will to which the presumption set forth in paragraph (a) or (b) does not apply, if the proponent of a lost or destroyed will makes a prima facie showing that it was more likely than not left unrevoked by the person whose will it is claimed to be before his or her death, then the will must be admitted to probate in absence of an objection. If such prima facie showing has been made, the court shall accept a copy of such a will as sufficient proof of the terms thereof without requiring further evidence in the absence of any objection.

6. If the will is established, its provisions must be set forth specifically in the order admitting it to probate, or a copy of the will must be attached to the order.

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1	EXPP							
2	KIM BOYER, CELA Nevada Bar #5587	Alun & Chum						
3	10785 W. Twain Avenue, Suite 200	CLERK OF THE COURT						
4	Las Vegas, Nevada 89135							
5	(702) 255-2000 Email: kimboyer@elderlawnv.com							
6								
7	DISTRIC	COURT						
8	CLARK COUN	TV NEWADA						
9								
10	In the Matter of the Estate of	Case No.: $P^{-14-082619-E}$						
11	THEODORE E. SCHEIDE JR. aka THEODORE ERNEST SCHEIDE JR.,	11						
11	Deceased.							
12	Deceased.							
13	EX PARTE PETITION OF SPECIAL AD							
14								
15	Petitioner, SUSAN M. HOY, of Las Vegas, Nevada, respectfully represents to the							
16	court as follows:							
17	1. THEODORE E. SCHEID	E died on or about August 17, 2014, in Clark						
18	County, Nevada. A certified death certificate is a	ttached hereto marked as Exhibit "1."						
19 20	2. The decedent, at the time	of his death, resided in Clark County, Nevada,						
20 21	and property of his estate consists of certain personal property, the value of which is over							
22	\$200,000.00.							
23	3. Due search and inquiry ha	s been made to ascertain if the decedent left a						
24	will and a copy has been found but not the original second s	ginal. The decedent has a safe deposit at U.S.						
25	Bank. There is a possibility an original will ma	y be in the safe deposit box. According to the						
26		·						
27	attorney who drafted the estate planning docume							
28	Will. The undersigned, a guardian, did not find	an original Last Will in the decedent's personal						
29	property and papers.							
30	LV_273802.1	AA000001						

1	4.	The decedent was not	married at the tin	ne of his death. He had no					
2	surviving parents.								
3	Name and Ad	dress	Age	<u>Relationship</u>					
4									
5 6	101 S. Lexing	ip" E. Scheide, III ton Avenue nsylvania 15208	Adult	Son					
0 7	5.	SUSAN M. HOY was th	ne Guardian of the P	erson and Estate of					
8	THEODORE E. SCH	EIDE. Petitioner is willi	ng and capable of se	rving as said Special					
9		oner is of legal age and h							
10 ·	•			·					
11	6. The assets remain blocked per order of the Guardianship Court.								
11	7. Special Letters of Administration are requested in order to enter into the								
12	decedent's safe depos	it box to determine if the	re is a Last Will and	to remove said Last Will.					
13	9.	The name of the person	1 for whom Special	Letters of Administration are					
14	prayed SUSAN M. H	OY. SUSAN M. HOY	is of legal age and	has never been convicted of a					
15	felony.								
16	-								
17	WIE	REFORE , Petitioner pra	ys.						
18	1.	That Special Letters of	Administration be	granted to Petitioner, SUSAN					
19	M. HOY, in order to o	enter the decedent's safe	deposit box at U.S.	Bank to determine if there is a					
20	Last Will and to remo	ve the same from the saf	ety deposit box.						
21	2.	That the court waive the	posting of the bond	by the Special Administrator.					
22 23	3.	For such other and furth	er relief as the court	deems appropriate.					
23 24	DATE	D this 11 day of Dep	<u>lembn</u> , 2014.						
25			\mathcal{N}	v. A.					
26			SUSAN M. H	OY I					
27				V					
28									
29									
30	LV_273802.1								
				AA000002					

1 Submitted by: 2 3 KIM BOYER, ESO. 4 Nevada Bar #5587 10785 W. Twain Avenue, Suite 200 5 Las Vegas, Nevada 89135 Attorney for Estate 6 7 8 VERIFICATION 9 STATE OF NEVADA 10 COUNTY OF CLARK 11 SUSAN M. HOY, under penalties of perjury, being first duly sworn, deposes and 11 12 says: 13 That she is a petitioner named in the foregoing Petition for Appointment of 14 Special Administrators, and knows the contents thereof; that the petition is true of her own 15 knowledge, except as to those matters stated on information and belief, and that as to those 16 matters she believes it to be true. 17 kizar /h. Yon 18 19 20 21 SUBSCRIBED AND SWORN to before me this <u>16</u> day of <u>September</u>, 2014. 22 23 in m. house DIANE M. PROSSER 24 NOTARY PUBLIC STATE OF NEVADA NOTAR 25 Commission Expires: 5-13-15 Certificate No: 11-4886-1 26 27 28 29 30 LV_273802.1 AA000003

XIVX ACTING COMON Y A K VIX CERTIFICATION OF VITAL RECORD.

DEPARTMENT OF HEALTH AND HUMAN SERVICES DIVISION OF HEALTH -- VITAL STATISTICS

CERTIFICATE OF DEATH

2014014091

113.1	ECEASED NAME FIRST	MIDDLE LAST SUFFT				19.44	TE OF DEATH	STATEF			
The	odore Ernest.		SCHEI			JR	August 17,		J.D. COUN	Clark	
30. (TY, TOWN, OR LOCATIO	IN OF DEATH JC. HO	SPITAL OR OTHER IN	STADTON -	Nameth not eit	nor, give she		Closesture tent in	CA, U!?/Emsi		SEX
T	Las Vegas		Summerlin		Medical Cen			inpatie			Mat
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ŕ	RESIDENCE - STATE	of Working L	is, Even I' Ratired) *	Labo				onstruction		Forces?	Yes
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15 F	ATHERPARENT - NAME	(Filel Modie Last S					IT . NAME (First				
าะะ	INFORMANT NAME (Type	odore Ernest SC		MAILING ADD	RESS (Stre	MON SPOL	Ste	alla SARVE	<u>.</u>		
	Nevada Guai	rdian SERVICES		66	25 South V		Blvd Ste 21		, Nevada	89118	
DN 1He	BURIAL CREMATION RE Cremat		WI 190 CEMETERY		tory NAME	ייזכ		IN LOCATION			
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		T BURTON		SO SO			Pain 3325 Nonh Ma	n Mortuary-D			
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S	NAME AND ADDRESS OF							1880)	236. LICENS	SE NUMBER	
R ²⁴⁹ .	REGISTRAR (Signature)	VESTBROOK KA	Y WILSON	15 Rainuu	240 DATE RE			246 DEATHE	UE TO CON	11016 MAUNICABLE	DISE
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Sec. 2.

"GERTIFIED TO BE A TRUE AND CORRECT ODPY OF THE DOCUMENT ON FILE WITH THE REGISTRAM OF VITAL STATISTICS, STATE OF NEVADA* This copy was issued by the Southern Nevado Realth District from State curfilled documents antiholized by the State Acard of Health Curpitant to NRS 449-175

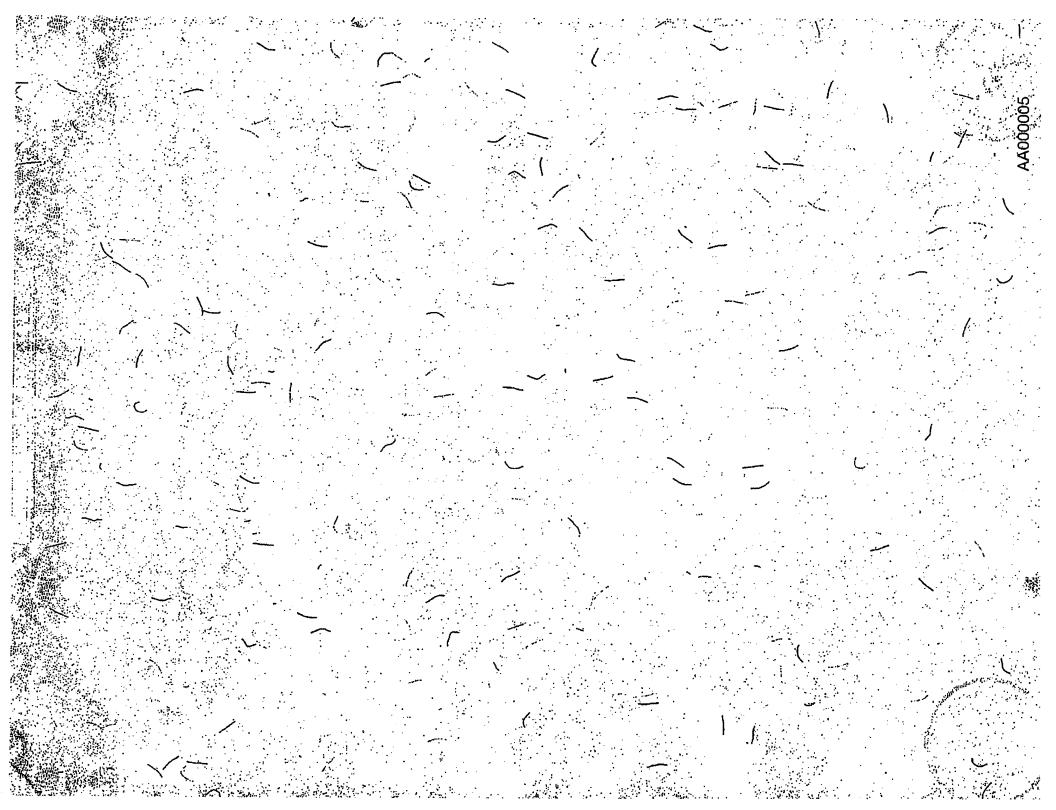
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Registrar of Vius Statistics

EISSUED: SEP 0.5 2014 By This Conv. not valid unless, cracersi de étypesed horde int and signatize of Rabistrar SCEATHERN NEVADA MEALTH DIETHICT - D.O. BOX 3802 - LAS VADAS, NV 89127 - 702-759-1010 - Tex 10 4 34-0) AAOOOOOO



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1	EXPR		
2	KIM BOYER, ESQ. Nevada Bar #5587	Alman J. Column	
3	10785 W. Twain Avenue, Suite 200 Las Vegas, Nevada 89107	CLERK OF THE COURT	
4	(702) 255-2000		
5	Email: kimboyer@elderlawnv.com Attorney for Estate		
6		CT COURT	
7	CLARK COUNTY, NEVADA		
8	In the matter of the Estate of	Case No.: P-14-082619-E	
9	THEODORE E. SCHEIDE,	EX PARTE ORDER APPOINTING SPECIAL ADMINISTRATOR	
10	Deceased	SPECIAL ADMINISTRATOR	
11	Upon review of the Ex Parte Pe	etition for Appointment of Special Administrator;	
11	and good cause appearing therefore:		
12	IT IS HEREBY ORDERED	that SUSAN M HOV is appointed Special	
13			
14	Administrator of the Estate of THEODORE E. SCHEIDE and that Letters of Special Administration		
15	be issued to the Petitioner, without the requirement	nt of posting bond.	
16	IT IS FURTHER ORDERED that the Special Administrator is authorized to		
17	enter the decedent's safe deposit box at U.S. Bank to determine if there is a Last Will. If there is		
18	a Last Will and Testament, the document shall	be removed from the safe deposit box, if there	
19 20	a Last with and restancelly, the document shart are any liguid assets all shall be DATED this _2 rd day of	October, 2014.	
21			
22		DISTRICT JUDGE SIL	
23	Kim Day		
24	KIM BOYER, ESQ. Nevada Bar #5587		
25	Novada Bar 19907		
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2		Alun & Comm
3		CLERK OF THE COURT
4	DISTRI	CT COURT
5	\$	INTY, NEVADA
6	In the matter of the Estate of	Case No.: P-14-082619-E
7	THEODORE E. SCHEIDE JR. aka THEODORE ERNEST SCHEIDE JR.,	LETTERS OF SPECIAL ADMINISTRATION
8	Deceased	
9		
10		tober, 2014, the Court entered an Ex Parte
11	Order appointing SUSAN M. HOY as Speci	al Administrator of the Decedent's Estate. The
11	Order includes a directive for no bond.	
12	-	thorized to enter the decedent's safe deposit box at
13	U.S. Bank to determine if there is a Last Will. If there is a Last Will and Testament, the	
14	document shall be removed from the safe deposit box, if there are any liquid assets all shall be placed in a blocked account. In testimony of which, I have this date signed these Letters and affixed the Seal of	
15	the Court.	
16		STEVEN D. GRIERSON
17	,	CLERK OF THE COVIET
18		Deputy Clerk Date
19	<u>0</u>	ATH
20	T CHICAN MA HOW where me	Hing address is 6625 S. Vollay View Plyd #216
21	I, SUSAN M. HOY, whose mailing address is 6625 S. Valley View Blvd. #216, Las Vegas, Nevada 89118, solemnly affirm that I will faithfully perform according to law duties of Special Administrator and that any matters stated in any petition or paper filed with the Court	
22 23		ters are stated on information or belief, I believe
24		Din. A Dar
25	SU	Upn /h Hor JSAN M. HOY, Special Administrator
26	SUBSCRIBED AND SWORN TO before me	20000000000000000000000000000000000000
27	mathin > devise of TO BER 2014	KRISTIE HARVEGO Notary Public Dala of Neverial No. 14-14732-1
28	Kar Hary	S WIELE My Appl. Exp. Aug. 20, 2018 S
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2	KIM BOYER, ESQ.	Alm J. Elum
	Nevada Bar #5587	CLERK OF THE COURT
3	10785 W. Twain Avenue, Suite 200 Las Vegas, Nevada 89135	CLERK OF THE COURT
4	Email: kimboyer@elderlawny.com	
E	(702) 255-2000	
5	Attorney for Estate	
6	DICTOR	NM AA315-
7	DISTRI	CT COURT
8	CLARK COU	INTY, NEVADA
9	In the matter of the Estate of	Case No.: P-14082619-E
10	THEODORE E. SCHEIDE JR. aka THEODORE ERNEST SCHEIDE JR.,	Dept. No.: PC1
11	Deceased	
12	Dectased	
13	NOTICE OF EN	TRY OF ORDER
14	YOU WILL PLEASE TAKE NO	OTICE that an Ex Parte Order Appointing Special
15	Administrator, a copy of which is attached hereto, was entered in the above-entitled matter on the	
16	6th day of October, 2014. DATED this <u>7th</u> day of <u>January</u> , 2015.	
17		
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18		. A c st
19		King boy
20		KIM BOYER, ESQ
		Nevada Bar #5587/
21		10785 W. Twain Avenue, Suite 200 Las Vegas, NV 89135
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1	CERTIFICATE OF MAILING	
2	I hereby certify that I served a true and correct copy of the foregoing Notice of	
3		
4	Entry of Order on the $g+h$ day of G_{analy} , 2015, by first-class mail, postage prepaid,	
5	addressed to the following:	
6	Medicaid Estate Recovery 1050 E. Williams Street, Suite 435	
7	Carson City, Nevada 89701-3199	
8	Theodore "Chip" E. Scheide, III	
9	101 S. Lexington Avenue Pittsburg, Pennsylvania 15208	
10		
11	Lo Smith	
12	An Employee of Kim Boyer, Esq.	
13		
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1	EXPR	•	
2	KIM BOYER, ESQ. Nevada Bar #5587	Alter to belinin	
3	10785 W. Twain Avenue, Suite 200 Las Vegas, Nevada 89107	CLERK OF THE COURT	
4	(702) 255-2000		
5	Email: kimboyer@elderlawnv.com Attorney for Estate		
6	DISTRI	CT COURT	
7	CLARK COU	JNTY, NEVADA	
8	In the matter of the Estate of	Case No.: P-14-082619-E	
9	THEODORE E. SCHEIDE,	EX PARTE ORDER APPOINTING SPECIAL ADMINISTRATOR	
10	Deceased	SPECIAL ADMINISTRATOR	
11	Upon review of the Ex Parte Po	etition for Appointment of Special Administrator;	
11	and good cause appearing therefore:		
12	• •	that SUSAN M LIOV is appointed Special	
13	IT IS HEREBY ORDERED that SUSAN M. HOY is appointed Special		
14	Administrator of the Estate of THEODORE E. SCHEIDE and that Letters of Special Administration		
16	be issued to the Petitioner, without the requirement of posting bond.		
16	IT IS FURTHER ORDERED that the Special Administrator is authorized to		
17	enter the decedent's safe deposit box at U.S. Bank to determine if there is a Last Will. If there is		
18	a Last Will and Testament, the document shall be removed from the safe deposit box, if there are any liquid assets all shall be raced in a folder account.		
	are any liquid assets all shall be DATED this day of	October, 2014.	
20 21		*	
21		PISTRICT LUDGE C	
23	Kin bar.		
24	KIM BOYER, BEQ.		
25	Nevada Bar #5587		
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Alun J. Elim
CLERK OF THE COURT

1	0272		
2	KIM BOYER, ESQ.	Alun J. Comm	
4	Nevada Bar #5587	CLERK OF THE COURT	
3	10785 W. Twain Avenue, Suite 200	CLEAR OF THE COORT	
4	Las Vegas, Nevada 89135 (702) 255-2000		
~	E-Mail: kimboyer@elderlawnv.com		
5	Attorney for Estate		
6			
7	DISTRICT COURT		
8			
-	CLARK COU	JNTY, NEVADA	
9			
10	In the Matter of the Estate of	Case No.: P-14-082619-E	
11			
	THEODORE E. SCHEIDE JR. aka		
12	THEODORE ERNEST SCHEIDE JR.,		
13	Deceased.		
14	ΡΚΤΙΤΙΩΝ FOR ΔΡΡΟΙΝΤΙ	MENT OF ADMINISTRATOR	
15		DER FULL ADMINISTRATION	
		· · · · · · · · · · · · · · · · · · ·	
16	Petitioner, SUSAN M. HOY, of	Las Vegas, Nevada, respectfully represents to the	
17	court as follows:		
18			
19	1. THEODORE SCHEIDE	E died on or about August 17, 2014 in Clark	
20	County, Nevada. See Certified Death Certificat	te, attached hereto as <u>Exhibit "1"</u> .	
21	2. The decedent was, at th	e time of his death, a resident of the County of	
22	Clark, State of Nevada, and his estate cons	ists of certain personal property in an amount	
23	exceeding \$200,000.		
24	exceeding \$200,000.		
	3. Due search and inquiry	has been made to ascertain if the decedent left a	
25	valid will and a same of a Last Will and Tast	mont dated October 2, 2012 upo located but the	
26	valid will and a copy of a Last will and rest	ament dated October 2, 2012 was located but the	
27	original has not been found. See copy attached	hereto as Exhibit "2".	
28			
		1	

1			
2	4. The names and addresses of all known heirs of said decedent and		
3	beneficiaries named in the will (only a copy of which has	been located) are as follows:	
4	Name and Address Age	Relationship	
5	Theodore "Chip" E. Scheide, III Adult	Son	
6	101 S. Lexington Avenue Pittsburg, Pennsylvania 15208		
7	Velma G. Shay Decea	used Friend	
8			
9	St. Jude Children's Hospital N/A 262 Danny Thomas Place	Beneficiary	
10	Memphis, TN 38105		
11	5 The character and estimated value	of the property of the estate, all of	
12			
13	a) Charles Schwab Acct. #x-6113	\$1,020,196.39	
14	b) Charles Schwab Acct. #x-3691	\$1,205,504.97	
15	b) Guardianship account	<u>\$ 29,674.34</u>	
16			
17	, TOTAL:	\$2,255,375.70	
18	6. There are no known liens, encumbra	nces or unpaid debts of the decedent.	
19	7. The name of the person for whom I	Letters of Administration are prayed is	
20	SUSAN M. HOY, the previous guardian of the decedent. SUSAN M. HOY is of legal age and		
21	has never been convicted of a felony.		
22	WHEREFORE, Petitioner prays:		
23	1 Whether the first for the boundary	of this notition	
24 07	_	-	
25 26		with Will Annexed be granted to	
26 27	Petitioner, SUSAIN M. HUI, to serve without bond and a	Il liquidated assets are to be placed in	
27 28	the Durham Jones & Pinegar Trust Account.		
40			

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1 3. For such other and further relief as the court deems appropriate. DATED this 24 day of 2 -16-6-8-3 4 Submitted by: 5 6 (IM BOYER, E 7 Nevada Bar #5587 10785 W. Twain Avenue, Suite 200 8 Las Vegas, Nevada 89135 Attorney for Estate 9 10 VERIFICATION 11 STATE OF NEVADA 12 COUNTY OF CLARK 13 SUSAN M. HOY, under penalties of perjury, being first duly sworn deposes and 14 says: 15 16 That she is the petitioner named in the foregoing Petition for Appointment of 17 Administrator and knows the contents thereof; that the petition is true of her own knowledge, 18 except as to those matters stated on information and belief, and that as to those matters she 19 believes it to be true. 20 lum the Hory 21 22 23 SUBSCRIBED AND SWORN to before me this 27" day of , 2015. Anuary 24 23 ANN MORRIS 26 Notary Public State of Novado No. 14-14733-1 NOTARYPUBLIC 27 My Appl. Exp. Aug. 20, 2016 28 3 LV_297977.1 AA000013

CERTIFICATION OF VITAL RECORD

DEPARTMENT OF HEALTH AND HUMAN SERVICES DIVISION OF HEALTH - VITAL STATISTICS

CERTIFICATE OF DEATH

2014014091

PRINT IN	. DECEASED NAME (FIRST, MEDILE, LAST, SUFFIX) [2. DATE OF DEATH (MODARY CAT)] 38. COUNTY OF DEATH				
PERMANENT	Cherodore Ernest SCHEIDE JR August 17, 2014				
GLAPL HAU	U CITY, TOWAY, OR LOGATION OF DEATH SE HOSPITAL DR OTHER INSTITUTION - Name The Laster, pressinest . [26.8 Hosp. or Inst. Indicate DOA CP/Enner, Rm. 4. SEX				
DECEDENT	Las Vegas Summerlin Hospital Medicat Center Inpatient Male				
	RACE White 6. Happonic Orgin? Specty 75. AlSE-Last 75. HINDER 1 YEAR 72. UNCER 1 DAY 8 DATE OF HIRTH (Assonby/M) Decity) No - Non-Mispanic Striday (Years) MOS DAYS HOURS Lans August 27, 1927				
CEATH OCCURRED IN INSTITUTION	a. STATE CH BIRTH (IF NOLUSA, BO CITZEN CH WINT COUNTRY DEDUCATION II. MARRIED, NEVER MARRIED, WIND USE) 32 SURVIVING SPOUSE (I wile, give making nors).				
SEE HANDBOOK REGARDING COMPLETION OF	S. SOCIAL SECURITY NUMBER 149 USUAL OCCUPATION (Greeking at Work I) one During Most 146. KING OF BUSINESS OR INDUSTRY Even US Armed Forces? Yes				
RESIDENCE	Sa RESIDENCE - STATE 150 COUNTY 150 CITY, TOYM OR LOCATION 150 STREET AND NUMBER.				
PARENTS	A PATHER PARENT NAME (For INCODE Law Soft) TEMOTHER PARENT NAME (For INCODE Law Serie) Stella SARVER				
	A INFORMANT-NAME (Type or Print) Neveda Guardian SERVICES 5625 South Valley View Blvd., Ste 216 Las Vegas, Nevada.89118				
DISPOSITION	BURIAL CREMATION, REPROVAL OTHER (Seachy) 100 CEMETERY OR CREMATORY - NAME Cremation Palm Crematory Las Vegas Nevada 89101				
	DA FUNERAL DRACTOR - SIGNATURE (O' Person actions us Such) 225, FUNERAL BART BURTON DIRECTOR EXCENSE: Paim Mortuary-Downtown SIGNATURE AUTHENTICATED 50 1325 North Kiafo Street, Las Vegas, NV, 89101				
TRADE CALL	RADE CALL - NAME AND ACID RESS				
	3 Cita. To the best of my provided as to be to be and the time, data and place and cit. 22a. On the basis of examination and/or investigation, in my optimion youth control at a data and cita control of the cause(a) stated. (Signature & Tite) WESTBROOK KAPLAN WD				
CERTIFIER	\$ 216. DATE SIGNED (Mo/Day/Yr) 21c HOUR OF DEATH \$ September 03, 2014 \$				
	220. NAME OF ATTENDING PHYSICIAN IF OTHER THAN CERTIFIER				
	23a. NAME AND ADDRESIS OF CENTRIER (PHYSICIAN, ATTINDING PHYSICIAN, MEDICAL EXAMINER: OR CORONER) (Type (CPIEIR) 23b. LICENSE NUMBER, VESTBROOK KAPLAN MD 5380 S Rainbow Las Vegas; NV 89118 11016 11016 11016				
REGISTRAR	46: KEGUSTINAR (Sugashare) MARY WILSON 246: DATE RECEIVED BY REGISTRAR 246: DEATH QUE TO COMMUNICABLE DISEASE (MaiDayYYY) September 03, 2014 YES NO X				
CAUSE OF DEATH	s. INMEDIATE: CAUSE (ENTER ONLY ONE CAUSE PER LINE FOR (n), (b), AND (c) 1				
CONDITIONS IF	DUE TO, OR AS A CONSEQUENCE OF				
GAVE HISE TO HIMEDNATE CAUSE	Abdominal abscess (non traumatic, category III per family)				
Stating the Underlying Cause Last	BUE TO, ORAS & CONSEQUENCE OF:				
	ART & QTHER SIGNIFICANT CONDITIONS - Conditions contributing to cauto but not instituting in the underlying cause given as Part 1. (26, AUTOPSY) an usan Custe (REFERENCE) DO CONTROL OF AND DO CONTROL OF A DO CONTROL A				
	s Atc./Iducerican.urf.et. [26: Eath of Blery (2000) (1) [26: Excelor usative [26: Use Crise How Inley (2002) (1) [26: Crise Internet [20: Crise Crise Internet]]]				
	Set THILLITY AT SEDARK (Specify 2017 PLACE OF SHAURY- At Frank, Specify Strony, office 255; LOCATION STREET OR R.F.D. No CITY OR TOWN STATE				
a a a a a a a a a a a a a a a a a a a	STATE REGISTRAR				



CENTIFIED TO BE OF VITAL STATIST from State continue COLOCOL 5 DATE ISSUED: This Copy and SOUTHERN NEWARA

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CERTIFIED TO BE A TRUE AND CORRECT CORY OF THE CODUMENT ON FILE WITH THE RECISTRAN OF VITAL STATISTICS, STATE OF NEWCOA* This copy was assessed by the Southard Newdia Hasia Disider from State cartined documents authorized by the State Board of Health pursuant to NHS 440.175

DATE ISSUED: OCT 28 2014

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This Copy not veid unique undered on engraved noticer displaying date, "weat and signature of Heomiter SOUTHERN NEVADA HEALTH DISTINCT PO: Dox 3002 Las yegas, NV 99127 5702 755 1010 - Tax II # 38-05 AAOOG

NOTOBER 2, ND. DATED() l and Testament THEODORE E. SCHEIDE

I, THEODORE E. SCHEIDE, a resident of Clark County, Nevada, being of sound mind and disposing memory, hereby revoke any prior wills and codicils made by me and declare this to be my Last Will and Testament.

Article One **Family Information**

I am unmarried.

I have one child, THEODORE E. SCHEIDE, III.

However, I am specifically disinheriting THEODORE E. SCHEIDE, III and his descendants. Therefore, for the purposes of my Will, THEODORE E. SCHEIDE, III and his descendants will be deemed to have predeceased me.

Article Two **Specific and General Gifts**

Section 2.01 **Disposition of Tangible Personal Property**

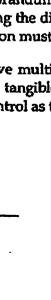
I give all my tangible personal property, together with any insurance policies covering the property and any claims under those policies in accordance with a "Memorandum for Distribution of Personal Property" or other similar writing directing the disposition of the property. Any writing prepared according to this provision must be dated and signed by me.

If I leave multiple written memoranda that conflict as to the disposition of any item of tangible personal property, the memorandum with the most recent date will control as to those items that are in conflict.



ORAN DONOR ... RECORDED ON MY DAVES LIPEN

Last Will and Testament of THEODORE E. SCHEIDE Page 1



AA000015

If the memorandum with the most recent date conflicts with a provision of this Will as to the specific distribution of any item of tangible personal property, the provisions of the memorandum with the most recent date control as to those items that are in conflict.

I intend that the writing qualify to distribute my tangible personal property under applicable state law.

Section 2.02 Contingent Distribution of Tangible Personal Property

Any tangible personal property not disposed of by a written memorandum, or if I choose not to leave a written memorandum, all my tangible personal property will be distributed as part of my residuary estate.

Section 2.03 Definition of Tangible Personal Property

For purposes of this Article, the term "tangible personal property" includes but is not limited to my household furnishings, appliances and fixtures, works of art, motor vehicles, pictures, collectibles, personal wearing apparel and jewelry, books, sporting goods, and hobby paraphernalia. The term does not include any tangible property that my Executor, in its sole and absolute discretion, determines to be part of any business or business interest that I own at my death.

Section 2.04 Ademption

If property to be distributed under this Article becomes part of my probate estate in any manner after my death, then the gift will not adeem simply because it was not a part of my probate estate at my death. My Executor will distribute the property as a specific gift in accordance with this Article. But if property to be distributed under this Article is not part of my probate estate at my death and does not subsequently become part of my probate estate, then the specific gift made in this Article is null and void, without any legal or binding effect.

Section 2.05 Incidental Expenses and Encumbrances

Until property distributed in accordance with this Article is delivered to the appropriate beneficiary or to the beneficiary's legal representative, my Executor will pay the reasonable expenses of securing, storing, insuring, packing, transporting, and otherwise caring for the property as an administration expense. Except as otherwise provided in my Will, my Executor will distribute property under this Article subject to all liens, security interests, and other encumbrances on the property.

Section 3.01 Definition of My Residuary Estate

All the remainder of my estate, including property referred to above that is not effectively disposed of, will be referred to in my Will as my "residuary estate."

Section 3.02 Disposition of My Residuary Estate

I give my residuary estate to VELMA G. SHAY, if she survives me.

If VELMA G. SHAY predeceases mé, then I give my residuary estate to ST. JUDE CHILDREN'S HOSPITAL located in Memphis, Tennessee.

Article Four Remote Contingent Distribution

If, at any time after my death, there is no person or entity then qualified to receive final distribution of my estate or any part of it under the foregoing provisions of my Will, then the portion of my estate with respect to which the failure of qualified recipients has occurred shall be distributed to those persons who would inherit it had I then died intestate owning the property, as determined and in the proportions provided by the laws of Nevada then in effect (other than THEODORE E. SCHEIDE, III and his descendants).

Article Five Designation of Executor

Section 5.01 Executor

I name PATRICIA BOWLIN as my Executor. If PATRICIA BOWLIN fails or ceases to act as my Executor, I name NEVADA STATE BANK as my Executor.

Section 5.02 Guardian for Testator

If I should become mentally incompetent to handle my affairs prior to my demise, I request that PATRICIA BOWLIN be appointed guardian of my estate and my person, to serve without bond. In the event that she is unable or unwilling to serve, then I request that a representative from NEVADA STATE BANK be appointed guardian of my estate and my person, to serve without bond.

Article Six General Administrative Provisions

The provisions of this Article apply to my probate estate.

Section 6.01 No Bond

No Fiduciary is required to furnish any bond for the faithful performance of the Fiduciary's dutics, unless required by a court of competent jurisdiction and only if the court finds that a bond is needed to protect the interests of the beneficiaries. No surety is required on any bond required by any law or rule of court, unless the court specifies that a surety is necessary.

Section 6.02 Distributions to Incapacitated Persons and Persons Under Twenty-One Years of Age

If my Executor is directed to distribute any share of my probate estate to any beneficiary who is under the age of 21 years or is in the opinion of my Executor, under any form of incapacity that renders such beneficiary unable to administer distributions properly when the distribution is to be made, my Executor may, as Trustee, in my Executor's discretion, continue to hold such beneficiary's share as a separate trust until the beneficiary reaches the age of 21 or overcomes the incapacity. My Executor shall then distribute such beneficiary's trust to him or her.

While any trust is being held under this Section, my Independent Trustee may pay to the beneficiary for whom the trust is held such amounts of the net income and principal as the Trustee determines to be necessary or advisable for any purpose. If there is no Independent Trustee, my Trustee shall pay to the beneficiary for whom the trust is held such amounts of the net income and



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principal as the fiduciary determines to be necessary or advisable for the beneficiary's health, education, maintenance or support.

Upon the death of the beneficiary, my Trustee shall distribute any remaining property in the trust, including any accrued and undistributed income, to such persons as such beneficiary appoints by his or her Will. This general power may be exercised in favor of the beneficiary, the beneficiary's estate, the beneficiary's creditors, or the creditors of the beneficiary's estate. To the extent this general power of appointment is not exercised, on the death of the beneficiary, the trust property is to be distributed to the beneficiary's then living descendants, per stirpes, or, if none, per stirpes to the living descendants of the beneficiary's nearest lineal ancestor who was a descendant of mine, or if no such descendant is then living, to my then living descendants, per stirpes. If I have no then living descendants the property is to be distributed under the provisions of Article Four entitled "Remote Contingent Distribution."

Section 6.03 Maximum Term for Trusts

Notwithstanding any other provision of my Will to the contrary, unless terminated earlier under other provisions of my Will, each trust created under my Will will terminate 21 years after the last to die of the descendants of my maternal and paternal grandparents who are living at the time of my death.

At that time, the remaining trust property will vest in and be distributed to the persons entitled to receive mandatory distributions of net income of the trust and in the same proportions. If no beneficiary is entitled to mandatory distributions of net income, the remaining trust property will vest in and be distributed to the beneficiaries entitled to receive discretionary distributions of net income of the trust, in equal shares per stirpes.

Section 6.04 Representative of a Beneficiary

The guardian of the person of a beneficiary may act for such beneficiary for all purposes under my Will or may receive information on behalf of such beneficiary.

Section 6.05 Ancillary Administration

In the event ancillary administration is required or desired and my domiciliary Executor is unable or unwilling to act as an ancillary fiduciary, my domiciliary Executor will have the power to designate, compensate, and remove the ancillary Aduciary. The ancillary fiduciary may be either a natural person or a

corporation. My domiciliary Executor may delegate to such ancillary fiduciary such powers granted to my original Executor as my Executor may deem proper, including the right to serve without bond or surety on bond. The net proceeds of the ancillary estate are to be paid over to the domiciliary Executor.

Section 6.06 Delegation of Authority; Power of Attorney

Any Fiduciary may, by an instrument in writing, delegate to any other Fiduciary the right to exercise any power, including a discretionary power, granted the Fiduciary in my Will. During the time a delegation under this Section is in effect, the Fiduciary to whom the delegation was made may exercise the power to the same extent as if the delegating Fiduciary had personally joined in the exercise of the power. The delegating Fiduciary may revoke the delegation at any time by giving written notice to the Fiduciary to whom the power was delegated.

The Fiduciary may execute and deliver a revocable or irrevocable power of attorney appointing any individual or corporation to transact any and all business on behalf of the trust. The power of attorney may grant to the attorneyin-fact all of the rights, powers, and discretion that the Fiduciary could have exercised.

Section 6.07 Merger of Corporate Fiduciary

If any corporate fiduciary acting as my Fiduciary under my Will is merged with or transfers substantially all of its trust assets to another corporation or if a corporate fiduciary changes its name, the successor shall automatically succeed to the position of my Fiduciary as if originally named my Fiduciary. No document of acceptance of the position of my Fiduciary shall be required.

Article Seven Powers of My Fiduciaries

Section 7.01 Fiduciaries' Powers Act

My Fiduciaries may, without prior authority from any court, exercise all powers conferred by my Will or by common law or by Nevada Revised Statutes or other statute of the State of Nevada or any other jurisdiction whose law applies to my Will. My Executor has absolute discretion in exercising these powers. Except as

specifically limited by my Will, these powers extend to all property held by my fiduciaries until the actual distribution of the property.

Section 7.02 Powers Granted by State Law

In addition to all of the above powers, my Executor may, without prior authority from any court, exercise all powers conferred by my Will; by common law; by the laws of the State of Nevada, including, without limitation by reason of this enumeration, each and every power enumerated in NRS 163.265 to 163.410, inclusive; or any other jurisdiction whose law applies to my Will. My Executor has absolute discretion in exercising these powers. Except as specifically limited by my Will, these powers extend to all property held by my fiduciaries until the actual distribution of the property.

Section 7.03 Alternative Distribution Methods

My Fiduciary may make any payment provided for under my Will as follows:

Directly to the beneficiary;

In any form allowed by applicable state law for gifts or transfers to minors or persons under a disability;

To the beneficiary's guardian, conservator, agent under a durable power of attorney or caregiver for the benefit of the beneficiary; or

By direct payment of the beneficiary's expenses, made in a manner consistent with the proper exercise of the fiduciary's duties hereunder. A receipt by the recipient for any such distribution fully discharges my Fiduciary.

Article Eight

Provisions for Payment of Debts, Expenses and Taxes

Section 8.01 Payment of Debts and Expenses

I direct that all my legally enforceable debts, secured and unsecured, be paid as soon as practicable after my death.

Section 8.02 No Apportionment

Except as otherwise provided in this Article or elsewhere in my will, my Executor shall provide for payment of all estate, inheritance and succession taxes payable by reason of my death ("death taxes") from my residuary estate as an administrative expense without apportionment and will not seek contribution toward or recovery of any death tax payments from any individual.

For the purposes of this Article, however, the term "death taxes" does not include any additional estate tax imposed by Section 2031(c)(5)(C), Section 2032A(c) or Section 2057(f) of the Internal Revenue Code or any other comparable taxes imposed by any other taxing authority. Nor does the term include any generation-skipping transfer tax, other than a direct skip.

Section 8.03 Protection of Exempt Property

Death taxes are not to be allocated to or paid from any assets that are not included in my gross estate for federal estate tax purposes. In addition, to the extent practicable, my Trustee should not pay any death taxes from assets that are exempt for generation-skipping transfer tax purposes.

Section 8.04 Protection of the Charitable Deduction

Death taxes are not to be allocated to or paid from any assets passing to any organization that qualifies for the federal estate tax charitable deduction, or from any assets passing to a split-interest charitable trust, unless my Executor has first used all other assets available to my Executor to pay the taxes.

Section 8.05 Property Passing Outside of My Will

Death taxes imposed with respect to property included in my gross estate for purposes of computing the tax and passing other than by my Will are to be apportioned among the persons and entities benefited in the proportion that the taxable value of the property or interest bears to the total taxable value of the property and interests received by all persons benefited. The values to be used for the apportionment are the values as finally determined under federal, state, or local law as the case may be.

Section 8.06 No Apportionment Between Current and Future Interests

No interest in income and no estate for years or for life or other temporary interest in any property or trust is to be subject to apportionment as between the

temporary interest and the remainder. The tax on the temporary interest and the tax, if any, on the remainder are chargeable against the corpus of the property or trust subject to the temporary interest and remainder.

Section 8.07 Tax Elections

In exercising any permitted elections regarding taxes, my fiduciaries may make any decisions that they deem to be appropriate in any circumstances, and my fiduciaries are not required to make any compensatory adjustment as a consequence of any election. My Executor may also pay taxes or interest and deal with any tax refunds, interest, or credits as my Executor deems to be necessary or advisable in the interest of my estate.

My Executor, in his or her sole and absolute discretion, may make any adjustments to the basis of my assets authorized by law, including but not limited to increasing the basis of any property included in my gross estate, whether or not passing under my Will, by allocating any amount by which the basis of my assets may be increased. My Executor is not required to allocate basis increase exclusively, primarily or at all to assets passing under my Will as opposed to other property included in my gross estate. My Executor may elect, in his or her sole and absolute discretion, to allocate basis increase to one or more assets that my Executor receives or in which my Executor has a personal interest, to the partial or total exclusion of other assets with respect to which such allocation could be made. My Executor may not be held liable to any person for the exercise of his or her discretion under this Section.

Article Nine Definitions and General Provisions

Section 9.01 Cremation Instructions

I wish that my remains be cremated and buried in accordance with my pre-paid funeral arrangements with Palm Mortuary in Las Vegas, Nevada.

Section 9.02 Definitions

For purposes of my Will and for the purposes of any trust established under my \mathcal{W} ill, the following definitions apply:

(a) Adopted and Afterborn Persons

A legally adopted person in any generation and his or her descendants, including adopted descendants, will have the same rights and will be treated in the same manner under my Will as natural children of the adopting parent, provided the person is legally adopted before attaining the age of 18 years. A person will be deemed to be legally adopted if the adoption was legal in the jurisdiction in which it occurred at the time that it occurred.

A fetus *in utero* that is later born alive will be considered a person in being during the period of gestation.

(b) Descendants

The term "descendants" means any one or more person who follows in direct descent (as opposed to collateral descent) from a person, such as a person's children, grandchildren, or other descended individuals of any generation.

(c) Fiduciary

"Fiduciary" or "Fiduciaries" refer to my Executor. My "Executor" includes any executor, ancillary executor, administrator, or ancillary administrator, whether local or foreign, and whether of all or part of my estate, multiple Executors, and their successors.

Except as otherwise provided in this Last Will and Testament, a fiduciary has no liability to any party for action (or inaction) taken in good faith.

(d) Good Faith

For the purposes of this Last Will and Testament, a fiduciary has acted in good faith if (i) its action or inaction is not a result of intentional wrongdoing, (ii) the fiduciary did not make the decision with reckless indifference to the interests of the beneficiaries, and (iii) its action or inaction does not result in an improper personal pecuniary benefit to the fiduciary.

(e) Incapacity

Except as otherwise provided in my Will, a person is deemed to be incapacitated in any of the following circumstances.

(1) The Opinion of Two Licensed Physicians

An individual is deemed to be incapacitated whenever, in the opinion of two licensed physicians, the individual is unable to effectively manage his or her property or financial affairs, whether as a result of age, illness, use of prescription medications, drugs or other substances, or any other cause.

An individual is deemed to be restored to capacity whenever the individual's personal or attending physician provides a written opinion that the individual is able to effectively manage his or her property and financial affairs.

(2) Court Determination

An individual is deemed to be incapacitated if a court of competent jurisdiction has declared the individual to be disabled, incompetent or legally incapacitated.

(3) Detention, Disappearance or Absence

An individual is deemed to be incapacitated whenever he or she cannot effectively manage his or her property or financial affairs due to the individual's unexplained disappearance or absence for more than 30 days, or whenever he or she is detained under duress.

An individual's disappearance, absence or detention under duress may be established by an affidavit of any fiduciary. The affidavit must describe the circumstances of an individual's detention under duress, disappearance, or absence and may be relied upon by any third party dealing in good faith with my fiduciary in reliance upon the affidavit.

An individual's disappearance, absence, or detention under duress may be established by an affidavit of my Executor.



(f) Internal Revenue Code

References to the "Internal Revenue Code" or to its provisions are to the Internal Revenue Code of 1986, as amended from time to time, and the corresponding Treasury Regulations, if any. References to the "Treasury Regulations," are to the Treasury Regulations under the Internal Revenue Code in effect from time to time. If a particular provision of the Internal Revenue Code is renumbered, or the Internal Revenue Code is superseded by a subsequent federal tax law, any reference will be deemed to be made to the renumbered provision or to the corresponding provision of the subsequent law, unless to do so would clearly be contrary to my intent as expressed in my Will. The same rule applies to references to the Treasury Regulations.

(g) Legal Representative

As used in my Will, the term "legal representative" means a person's guardian, conservator, personal representative, executor, administrator, Trustee, or any other person or entity personally representing a person or the person's estate.

(h) Per Stirpes

Whenever a distribution is to be made to a person's descendants *per* stirpes, the distribution will be divided into as many equal shares as there are then-living children of that person and deceased children of that person who left then-living descendants. Each then-living child will receive one share and the share of each deceased child will be divided among the deceased child's then-living descendants in the same manner.

(i) **Primary Beneficiary**

The Primary Beneficiary of a trust created under this agreement is the oldest Income Beneficiary of that trust unless some other individual is specifically designated as the Primary Beneficiary of that separate trust.

(j) Shall and May

Unless otherwise specifically provided in my Will or by the context in which used, I use the word "shall" in my Will to command, direct or require, and the word "may" to allow or permit, but not

> Last Will and Testament of THEODORE E. SCHEIDE Page 12

require. In the context of my Trustee, when I use the word "may" I intend that my Trustee may act in its sole and absolute discretion unless otherwise stated in my Will.

(k) Trust

The term "trust," refers to any trusts created under the terms of my Will.

(l) Trustee

The term "my Trustee" refers to any person or entity that is from time to time acting as the Trustee and includes each Trustee individually, multiple Trustees, and their successors.

(m) Other Definitions

Except as otherwise provided in my Will, terms shall be as defined in Nevada Revised Statutes as amended after the date of my Will and after my death.

Section 9.03 Contest Provision

If any beneficiary of my Will or any trust created under the terms of my Will, alone or in conjunction with any other person engages in any of the following actions, the right of the beneficiary to take any interest given to the beneficiary under my Will or any trust created under the terms of my Will will be determined as it would have been determined as if the beneficiary predeceased me without leaving any surviving descendants.

Contests by a claim of undue influence, fraud, menace, duress, or lack of testamentary capacity, or otherwise objects in any court to the validity of (a) my Will, (b) any trust created under the terms of my Will, or (c) any beneficiary designation of an annuity, retirement plan, IRA, Keogh, pension or profit sharing plan, or insurance policy signed by me, (collectively referred to hereafter in this Section as "Document" or "Documents") or any amendments or codicils to any Document;

Seeks to obtain an adjudication in any court proceeding that a Document or any of its provisions is void, or otherwise seeks to void, nullify, or set aside a Document or any of its provisions;



Files suit on a creditor's claim filed in a probate of my estate, against my estate, or any other Document, after rejection or lack of action by the respective fiduciary;

Files a petition or other pleading to change the character (community, separate, joint tenancy, partnership, domestic partnership, real or personal, tangible or intangible) of property already so characterized by a Document;

Files a petition to impose a constructive trust or resulting trust on any assets of my estate; or

Participates in any of the above actions in a manner adverse to my estate, such as conspiring with or assisting any person who takes any of the above actions.

My Executor may defend, at the expense of my estate, any violation of this Section. A "contest" includes any action described above in an arbitration proceeding, but does not include any action described above solely in a mediation not preceded by a filing of a contest with a court.

Section 9.04 Survivorship Presumption

If any beneficiary is living at my death, but dies within 90 days thereafter, then the beneficiary will be deemed to have predeceased me for all purposes of my Will.

Section 9.05 General Provisions

The following general provisions and rules of construction apply to my Will:

(a) Singular and Plural; Gender

Unless the context requires otherwise, words denoting the singular may be construed as plural and words of the plural may be construed as denoting the singular. Words of one gender may be construed as denoting another gender as is appropriate within the context. The word "or" when used in a list of more than two items may function as both a conjunction and a disjunction as the context requires or permits.



Last Will and Testament of THEODORE E. SCHEIDE Page 14

•. •. •

(b) Headings of Articles, Sections, and Subsections

The headings of Articles, Sections, and subsections used within my Will are included solely for the convenience and reference of the reader. They have no significance in the interpretation or construction of my Will.

(c) Governing State Law

My Will shall be governed, construed and administered according to the laws of Nevada as from time to time amended. Questions of administration of any trust established under my Will are to be determined by the laws of the situs of administration of that trust.

(d) Notices

Unless otherwise stated, whenever my Will calls for notice, the notice will be in writing and will be personally delivered with proof of delivery, or mailed postage prepaid by certified mail, return receipt requested, to the last known address of the party requiring notice. Notice will be effective on the date personally delivered or on the date of the return receipt. If a party giving notice does not receive the return receipt but has proof that he or she mailed the notice, notice will be effective on the date it would normally have been received via certified mail. If notice is required to be given to a minor or incapacitated individual, notice will be given to the parent or legal representative of the minor or incapacitated individual.

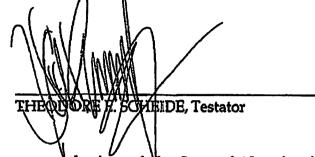
(e) Severability

The invalidity or unenforceability of any provision of my Will does not affect the validity or enforceability of any other provision of my Will. If a court of competent jurisdiction determines that any provision is invalid, the remaining provisions of my Will are to be interpreted and construed as if any invalid provision had never been included in my Will.

REST OF PAGE INTENTIONALLY LEFT BLANK



I, THEODORE E. SCHEIDE, sign my name to this instrument consisting of sixteen (16) pages on October 2_{-} , 2012, and being first duly sworn, do hereby declare to the undersigned authority that I sign and execute this instrument as my Last Will and Testament, that I sign it willingly, that I execute it as my free and voluntary act for the purposes therein expressed, and that I am eighteen years of age or older, of sound mind, and under no constraint or undue influence.



Under penalty of perjury pursuant to the law of the State of Nevada, the undersigned, KRISTIN M. TYLER and DIANE L. DeWALT declare that the following is true of their own knowledge: That they witnessed the execution of the foregoing will of the testator, THEODORE E. SCHEIDE; that the testator subscribed the will and declared it to be his last will and testament in their presence; that they thereafter subscribed the will as witnesses in the presence of the testator and in the presence of each other and at the request of the testator; and that the testator at the time of the execution of the will appeared to them to be of full age and of sound mind and memory.

Dated this 2 day of October, 2012.

Declarant 1 - Kristin M. Tyler

Declarant 2 – Diane L. DeWalt

Residing at:

Residing at:

<u>3960 Howard Hughes Parkway</u> 9th Floor Las Vegas, Nevada 89169 <u>3960 Howard Hughes Parkway</u> 9th Floor Las Vegas, Nevada 89169



Last Will and Testament of THEODORE E. SCHEIDE Page 16

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1	NOTC	
2	KIM BOYER, ESQ. Nevada Bar #5587	Atun A. Elun
3	10785 W. Twain Avenue, Suite 200	CLERK OF THE COURT
4	Las Vegas, Nevada 89135 (702) 255-2000	
5	E-Mail: kimboyer@elderlawnv.com Attorney for Estate	
6	DISTRI	CT COURT
7		
8		UNTY, NEVADA
9	In the Matter of the Estate of	Case No.: P-14-082619-E
10	THEODORE E. SCHEIDE JR. aka	NOTICE OF HEARING FOR
11	THEODORE ERNEST SCHEIDE JR.,	APPOINTMENT OF ADMINISTRATOR WITH WILL ANNEXED UNDER
12	Deceased.	FULL ADMINISTRATION
13	PLEASE TAKE NOTICE that S	SUSAN M. HOY filed with the Court a Petition for
14	Appointment of Administrator for the Estate of the above-named Decedent; that a hearing on the	
15	-	
16	Petition has been set for the <u>13th</u> day of <u>February</u> , 2015, at the hour of 9:30 a.m., in	
17	Department PC1 of the above-entitled Court which is located at the Family Court, Courtroom 9, 601	
18	N. Pecos, Las Vegas, Nevada 89101. Further details concerning this Petition can be obtained by	
19	reviewing the Court file at the Office of the County Clerk, or by contacting the Petitioner or the attorney	
20	for the Petitioner whose name, address and telep	hone numbers are: KIM BOYER, ESQ., 10785 W.
21	Twain, Suite 200, Las Vegas, Nevada 89135, (702)) 255-2000.
22	PLEASE NOTE you do not need	l to appear at the hearing unless you want to enter
23	an objection.	
24	DATED this <u>29+h</u> day of (
25		2013.
26		(in Boy
27	KIM BOYER, F&Q. Nevada Bar #5087	
28		10785 W. Twain Avenue, Suite 200 Las Vegas, Nevada 89135 (702) 255-2000 Attorney for the Estate
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		A A / W V V 14

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1	CERT KIM BOYER, ESQ.	Alun S. Ehrinn
2	Nevada Bar #5587	Alton D. Comm
3	10785 W. Twain Avenue, Suite 200 Las Vegas, Nevada 89135	CLERK OF THE COURT
4	(702) 255-2000	
5	E-Mail: kimboyer@elderlawnv.com Attorney for Estate	
6	•	CT COURT
7	CLARK COUNTY, NEVADA	
8	In the Matter of the Estate of	Case No.: P-14-082619-E
9		
10	THEODORE E. SCHEIDE JR. aka THEODORE ERNEST SCHEIDE JR.,	
11	Deceased.	
12	CERTIFICAT	TE OF MAILING
13		
14	I HEREBY CERTIFY that service of the Notice of Hearing for Appointment of	
15	Administrator with Will Annexed Under Full Administration was made this <u>27th</u> day of <u>January</u> , 2015, by depositing a copy of the same in the U.S. Mails, postage prepaid,	
16		
17	first class mail, addressed to:	
18	Medicaid Estate Recovery	Theodore "Chip" E. Scheide, III
19	1050 E. Williams Street, Suite 435 Carson City, Nevada 89701-3199	101 S. Lexington Avenue Pittsburg, Pennsylvania 15208
20	St. Jude Children's Hospital	
21	262 Danny Thomas Place Memphis, TN 38105	
22	Weinpins, 11(50105	
23		
24		a Smith
25	Jo	Smith, an Employee
26		
27		
28		
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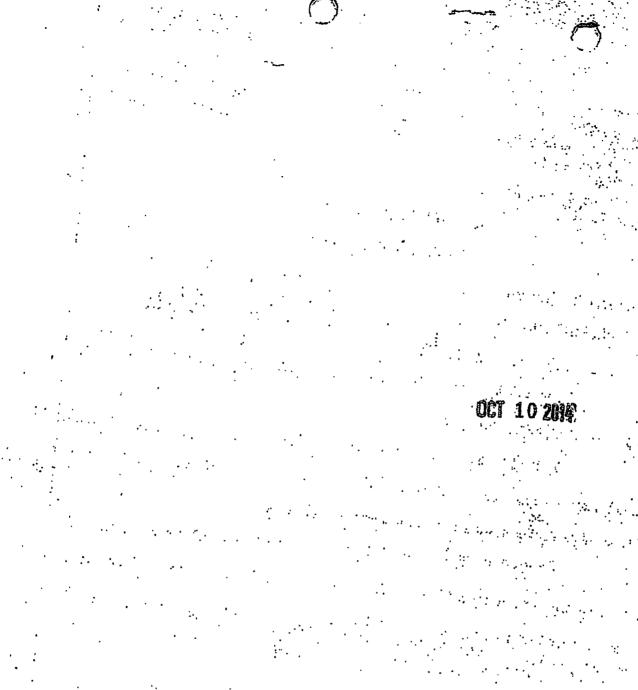
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	1	05/06/2015 05:25:13 PM	
1	0272	Alun D. Comm	
2	KIM BOYER, ESQ. Nevada Bar #5587		
3	10785 W. Twain Avenue, Suite 200 Las Vegas, Nevada 89135	CLERK OF THE COURT	
4	(702) 255-2000		
5	E-Mail: kimboyer@elderlawnv.com Attorney for Estate		
6			
7	DISTRI	CT COURT	
8	CLARK COU	JNTY, NEVADA	
9			
10	In the Matter of the Estate of	Case No.: P-14-082619-E	
11 12	THEODORE E. SCHEIDE JR. aka THEODORE ERNEST SCHEIDE JR.,		
12	Deceased.		
14			
15	PETITION FOR	R INSTRUCTIONS	
16	Petitioner, SUSAN M. HOY, of	Las Vegas, Nevada, respectfully represents to the	
17	court as follows:		
18	1. On October 6, 2014, th	e Court entered an Order appointing SUSAN M.	
19	HOY as Special Administrator, requiring the	posting of no bond, that she enter the decedent's	
20	safe deposit box at U.S. Bank to determine if there is a Last Will and if there is one, that she		
21	remove it, and that if there are any liquid ass	ets, that she place them in a blocked account. A	
22	copy is attached hereto as Exhibit "1." On October 13, 2014, Letters of Special Administration		
23	were issued to SUSAN M. HOY. A copy is attached hereto as Exhibit "2."		
24 25		E died on or about August 17, 2014 in Clark	
26			
27	County, Nevada. See copy of Certified Death (Certificate, attached hereto as <u>Exhibit "3"</u> .	
28	3. The decedent was, at the	e time of his death, a resident of the County of	
	Clark, State of Nevada, and his estate cons	ists of certain personal property in an amount	
	exceeding \$200,000.		
	LV_315624.1	1	
		AA000033	

	1			
1	4. Due search and inquiry has	been made to	ascertain if the decedent left a	
2	valid will and a copy of a Last Will and Testamer	valid will and a copy of a Last Will and Testament dated October 2, 2012 was located but the		
3	original has not been found. See copy attached here	eto as <u>Exhibit '</u>	<u>'4"</u> .	
4	5. The Special Administrator.			
5	decedent's safe deposit box located at U.S. Bank an			
6 7	-			
, 8			ll to the decedent. The Special	
9	Administrator was the decedent's guardian prior t	to his death a	nd no original estate planning	
10	documents were received or found during the guard	lianship. The	Special Administrator believes	
11	the decedent destroyed any original estate planning	documents he	may have executed prior to his	
12	death.			
13	7. The names and addresses	of all known	heirs of said decedent and	
14	beneficiaries named in the will (only a copy of whic	h has been loc	ated) are as follows:	
15	Name and Address	Age	<u>Relationship</u>	
16		Adult	Son	
17	101 S. Lexington Avenue			
18	Pittsburg, Pennsylvania 15208			
19 20	Velma G. Shay	Deceased	Friend	
20 21	St. Jude Children's Hospital 262 Danny Thomas Place	N/A	Beneficiary	
22	Memphis, TN 38105	•		
23	8. There are no known liens, end	cumbrances or	unpaid debts of the decedent.	
24	9. The Special Administrator he	ereby requests	instructions from the court as	
25	to how to proceed with this probate matter.			
26	WHEREFORE, Petitioner prays:			
27	1. That a time be fixed for the hearing of this petition.			
28	 That a time be fixed for the heating of time petition. That the Special Administrator requests instructions from the court as to 			
	how to proceed with this probate matter.			
	2	•		
	LV_315624.1			
]		AA000034	

1 For such other and further relief as the court deems appropriate. 3. 2 DATED this 30 day of April , 2015. 3 Degra n. Hon 4 5 Submitted by: 6 7 8 KIM BOYER. Nevada Bar #5587 9 10785 W. Twain Avenue, Suite 200 10 Las Vegas, Nevada 89135 Attomey for Estate 11 12 13 VERIFICATION 14 STATE OF NEVADA 15 COUNTY OF CLARK 16 SUSAN M. HOY, under penalties of perjury, being first duly sworn deposes and 17 says: 18 19 That she is the petitioner named in the foregoing Petition for Instructions and 20 knows the contents thereof; that the petition is true of her own knowledge, except as to those 21 matters stated on information and belief, and that as to those matters she believes it to be true. 22 Clips A. Ho 23 24 25 SUBSCRIBED AND SWORN to before me this 30th day of . 2015. 26 JO SMITH 27 ary Public State of N No. 03-79753-1 ly appt. exp. Jan. 27, 2019 28 3 LV_315624.1 AA000035

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	₽ • • • •	Electronically Filed 10/06/2014 06:30:29 PM
1	EXPR	
2	KIM BOYER, ESQ. Nevada Bar #5587	Alman J. Column
3	10785 W. Twain Avenue, Suite 200 Las Vegas, Nevada 89107	CLERK OF THE COURT
4	(702) 255-2000	
5	Email: kimboyer@elderlawnv.com Attorney for Estate	
6	· ·	CT COURT
7	CLARK COU	JNTY, NEVADA
8	In the matter of the Estate of	Case No.: P-14-082619-E
9	THEODORE E. SCHEIDE,	EX PARTE ORDER APPOINTING
10	Deceased	SPECIAL ADMINISTRATOR
11	Upon review of the Ex Parte Pa	stition for Appointment of Special Administrator;
11	and good cause appearing therefore:	•• •
12		
13	IT IS HEREBY ORDERED	that SUSAN M. HOY is appointed Special
14	Administrator of the Estate of THEODORE E. S	CHEIDE and that Letters of Special Administration
15	be issued to the Petitioner, without the requirement	nt of posting bond.
16	IT IS FURTHER ORDERED	that the Special Administrator is authorized to
	enter the decedent's safe deposit box at U.S. Ba	unk to determine if there is a Last Will. If there is
18	a Last Will and Testament, the document shall l	be removed from the safe deposit box, if there
19	are any liquid assets all shall be	be removed from the safe deposit box, if there reaced in a bodie account. 0 ctober, 2014.
		,2014.
21		mar
22 23	Vin Bry	DISTRICT JUDGE SK
24	KIM BOYER, BSQ.	
25	Nevada Bar #5587	
26		
27		
28		
29		`
30	LV_273802.1	EXHIBIT_"
		AA000036



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1	· .	Electronically Filed 10/13/2014 01:42:12 PM	
2		Alter J. Column	
3		CLERK OF THE COURT	
4	DISTRI	CT COURT	
5		UNTY, NEVADA	
6	In the matter of the Estate of	Case No.: P-14-082619-E	
7	THEODORE E. SCHEIDE JR. aka THEODORE ERNEST SCHEIDE JR.,	LETTERS OF SPECIAL ADMINISTRATION	
8	Deceased		
9	On the 6th day of Q	ctolien, 2014, the Court entered an Ex Parte	
10		al Administrator of the Decedent's Estate. The	
11	Order includes a directive for no bond.		
11	The Special Administrator is an	thorized to enter the decedent's safe deposit box at	
12	U.S. Bank to determine if there is a Last V	vill. If there is a Last Will and Testament, the	
13 14	document shall be removed from the safe deposit box, if there are any liquid assets all shall be placed in a blocked account. In testimony of which, I have this date signed these Letters and affixed the Seal of		
15	the Court.		
16	•	STEVEN D. GRIERSON	
17		ELERK OF VILL COURT DISTRI	
18		By: CYNTHALLY (OCOLF) /	
19	0	ATH	
20			
21	Las Vegas, Nevada 89118, solemnly affirm the	iling address is 6625 S. Valley View Blvd. #216, at I will faithfully perform according to law duties	
22	are true of my own knowledge or, if any mat	stated in any petition or paper filed with the Court ters are stated on information or belief, I believe	
	them to be true.	n, n	
24 25	, Silver and S	USAN M. HO.Y. Special Administrator	
26	SUBSCRIBED AND SWORN TO before me	1 V	
27	me this $\frac{7}{2}$ day of <u>OCTO Beil</u> , 2014.	KRISTIE HARVEGO Notary Public Pale of Noveda	
28	KARD Harys	No 14-14732-1 My Appl. Exp. Aug. 20, 2018	
29	· · · · ·		
30	l.v_273802.i	EXHIBIT "2"	
-		AA000038	

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DEPARTMENT OF HEALTH AND HUMAN SERVICES DIVISION OF HEALTH - VITAL STATISTICS

EDTIFICATE OF DEATH

2014014091

	CERTIFICATE OF DEATH 1	TATE FILE NUMBER
	TA DECEASED HAVAE (FIRST, MIDDLE LAST, SUFFIX) 2. DATE OF DECTH (MADDRY)	esr) 3a. COUNTY OF DEATH
	Theodora Ernest SCHEIDE JR August 17, 2014	Clark
Standy.	35. CITY, TOWN OR LOCATION OF DEATH [36: HOSHITAL OR OTHER INSTITUTION Name(If and whiter, give sweet [36: If Hosp, or linst inc and number) Las Vegas: Summerlin Hospital Medical Center	npatient Male
		AUgust 27, 1927
	BA STATE OF BIRTH ILEND U.S.A. DS. CITIZEN OF WHAT COUNTRY ID EDUCATION 11 MARRIED, NEVER MARRIED, WIDOWED,	12. Stativivities SPOUSE (if wile, give maiden name)
Diton L	Ta SCCIAL CECURITY NUMBER 14a UDUAL OCCUPATION (Give Fand of Work Done (Lang) New 14b, KIND OF BUGINESS OF	INDUSTRY Ever in US Armed
TION OF	ISA RESIDENCE - STATE 195. COUNTY 156 CITY, TOWN OR LOCADON 150 STREET AND NUMBER	IDIT
-	Nisvada Clark Las Vegas 80 Alerion Street	(x №) Yes
(ENIS	Theodore Emest SCHEIDE SR Stella S/ 185, INFORMANT: NAME (Type, or Fried) [160, MAILING ADDRESS] (Street or R.F.D. No, City or Town, State, 20	ARVER
	Nevada Guardian SERVICES 6625 South Valley View Blvd., Ste 216 Las	Vegas, Nevada 89118
SITION	Cremation Palm Crematory	Las Vegas Nevada 89101
	The second s	ary-Downtown it Las Vegas NV 09101
CALL	SIGNATURE AUTHENTICATED 1325 NORM MAIL, SIDE	
14 76.	🕎 🖞 due to the centrel of sloted. (Scienture & Tido) SIGNATURE AUTHENTICATED 🖹 🖉 Unitaria, dide and place and base to the cen	nsulgation, in my optision, death occurred at ne(systelied, (Signature & Title).
IFIER	WESTBROOK KAPLAN MD Solution of the second	22c HOUR OF DEATH
	214 NAME OF ATTENDING RITISICIAN IF OTHER THAN CERTIFIERS	Z23, PRONOUNCED DEAD AT((Hose)
38. J	23a NAME AND ADDRESS OF CERTIFIER (PHYSICIAN, ATTENDING PHYSICIAN, MEDICAL EXAMINER, OR CORONER) (Tras of Print) WESTBROOK KAPLAN MD 5360 S Rainbow Las Vegas, NV 89148	236. LICENSE NUMBER 11016
TRAR	246. REGISTRAII (Signeduce) MARY WILSON SIGNATURE AUTHENTICATED (MorCay/Yr) September 03, 2014	EATH DUE TO COMMUNICABLE DISEASE
SE OF	25 INMEDIATE CAUSE (ENTER ONLY ONE CAUSE PER LINE FOR (M. IB), AND (S)) PART (In Respiratory failure	 Interval bottoben onset and dabitit
ns w	DUE TO, OR AS A CONSEQUENCE OF	biderve) hetwein onset and beath
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THE	ULE TO, OR AS'A CONSIGNINGE OF	bilerval batwsen onset and death
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	286. INJURY AT WORK (Specify 235, PLACE OF INJURY- At home, family strest, factory, office, 250, FOCATION STREET OR R.F.D. ho	CITY OR TOWN STATE
	Yes or (Yo) Usikding, etc. (Specify)	
	STATE REGISTRAR	
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		201205216 .
inteninanan OF	CENTIFIED TO BE A TRUE AND CORRECT COPY OF THE DOCUMENT ON FILE WITH THE RE OF VITAL STATISTICS, STATE OF NEVADA." This copy was issued by the Southern Nevada Hea	SISTRAE
	Rom Stells Contried documents automized by the State Board of Health pursuant to NHS 440.175.	STHERN NEW
ang?	13 B000094558 OCT 28 2016 Begistrat of Vital Statistics	1 Car I a

DATE ISSUED! By: This Copy not valid unless prepared on angreved border displaying date, soal and signature of Registrat. SOUTHERN NEVADA HEALTH DISTRICT • P.O. Box 3902 • Las Vegas, NV 89127 • 702-759-1010 • Tax ID-# 68-0251573

Registrat of Vital Statistics

enido

ortoiser 2, 2012 JP. DATED **11** and Testament **THEODORE E. SCHEIDE**

I, THEODORE E. SCHEIDE, a resident of Clark County, Nevada, being of sound mind and disposing memory, hereby revoke any prior wills and codicils made by me and declare this to be my Last Will and Testament.

Article One Family Information

I am unmarried.

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ORGAN DOWOR

I have one child, THEODORE E. SCHEIDE, III.

However, I am specifically disinheriting THEODORE E. SCHEIDE, III and his descendants. Therefore, for the purposes of my Will, THEODORE E. SCHEIDE, III and his descendants will be deemed to have predeceased me.

Article Two

Specific and General Gifts

Section 2.01 Disposition of Tangible Personal Property

I give all my tangible personal property, together with any insurance policies covering the property and any claims under those policies in accordance with a "Memorandum for Distribution of Personal Property" or other similar writing directing the disposition of the property. Any writing prepared according to this provision must be dated and signed by me.

If I leave multiple written memoranda that conflict as to the disposition of any item of tangible personal property, the memorandum with the most recent date will control as to those items that are in conflict.

> Last Will and Testament of THEODORE E. SCHEIDE Page 1

> > EXHIBIT 4

AA000040

If the memorandum with the most recent date conflicts with a provision of this Will as to the specific distribution of any item of tangible personal property, the provisions of the memorandum with the most recent date control as to those items that are in conflict.

I intend that the writing qualify to distribute my tangible personal property under applicable state law.

Section 2.02 Contingent Distribution of Tangible Personal Property

Any tangible personal property not disposed of by a written memorandum, or if I choose not to leave a written memorandum, all my tangible personal property will be distributed as part of my residuary estate.

Section 2.03 Definition of Tangible Personal Property

For purposes of this Article, the term "tangible personal property" includes but is not limited to my household furnishings, appliances and fixtures, works of art, motor vehicles, pictures, collectibles, personal wearing apparel and jewelry, books, sporting goods, and hobby paraphernalia. The term does not include any tangible property that my Executor, in its sole and absolute discretion, determines to be part of any business or business interest that I own at my death.

Section 2:04 Ademption

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If property to be distributed under this Article becomes part of my probate estate in any manner after my death, then the gift will not adeem simply because it was not a part of my probate estate at my death. My Executor will distribute the property as a specific gift in accordance with this Article. But if property to be distributed under this Article is not part of my probate estate at my death and does not subsequently become part of my probate estate, then the specific gift made in this Article is null and void, without any legal or binding effect.

Section 2.05 Incidental Expenses and Encumbrances

Until property distributed in accordance with this Article is delivered to the appropriate beneficiary or to the beneficiary's legal representative, my Executor will pay the reasonable expenses of securing, storing, insuring, packing, transporting, and otherwise caring for the property as an administration expense. Except as otherwise provided in my Will, my Executor will distribute property under this Article subject to all liens, security interests, and other excumprances on the property.

Article Three My Residuary Estate

Section 3.01 Definition of My Residuary Estate

All the remainder of my estate, including property referred to above that is not effectively disposed of, will be referred to in my Will as my "residuary estate."

Section 3.02 Disposition of My Residuary Estate

I give my residuary estate to VELMA G. SHAY, if she survives me.

If VELMA G. SHAY predeceases me, then I give my residuary estate to ST. JUDE CHILDREN'S HOSPITAL located in Memphis, Tennessee.

Article Four

Remote Contingent Distribution

If, at any time after my death, there is no person or entity then qualified to receive final distribution of my estate or any part of it under the foregoing provisions of my Will, then the portion of my estate with respect to which the failure of qualified recipients has occurred shall be distributed to those persons who would inherit it had I then died intestate owning the property, as determined and in the proportions provided by the laws of Nevada then in effect (other than THEODORE E. SCHEIDE, III and his descendants).

Article Five Designation of Executor

Section 5.01 Executor

I name PATRICIA BOWLIN as my Executor. If PATRICIA BOWLIN fails or ceases to act as my Executor, I name NEVADA STATE BANK as my Executor.

Section 5.02 Guardian for Testator

If I should become mentally incompetent to handle my affairs prior to my. demise, I request that PATRICIA BOWLIN be appointed guardian of my estate and my person, to serve without bond. In the event that she is unable or unwilling to serve, then I request that a representative from NEVADA STATE BANK be appointed guardian of my estate and my person, to serve without bond.

Article Six General Administrative Provisions

The provisions of this Article apply to my probate estate.

Section 6.01 No Bond

No Fiduciary is required to furnish any bond for the faithful performance of the Fiduciary's duties, unless required by a court of competent jurisdiction and only if the court finds that a bond is needed to protect the interests of the beneficiaries. No surety is required on any bond required by any law or rule of court, unless the court specifies that a surety is necessary.

Section 6.02 Distributions to Incapacitated Persons and Persons Under Twenty-One Years of Age

If my Executor is directed to distribute any share of my probate estate to any beneficiary who is under the age of 21 years or is in the opinion of my Executor, under any form of incapacity that renders such beneficiary unable to administer distributions properly when the distribution is to be made, my Executor may, as Trustee, in my Executor's discretion, continue to hold such beneficiary's share as a separate trust until the beneficiary reaches the age of 21 or overcomes the incapacity. My Executor shall then distribute such beneficiary's trust to him or her.

While any trust is being held under this Section, my Independent Trustee may pay to the beneficiary for whom the trust is held such amounts of the net income and principal as the Trustee determines to be necessary or advisable for any purpose. If there is no Independent Trustee, my Trustee shall pay to the beneficiary for whom the trust is held such amounts of the net income and



principal as the fiduciary determines to be necessary or advisable for the beneficiary's health, education, maintenance or support.

Upon the death of the beneficiary, my Trustee shall distribute any remaining property in the trust, including any accrued and undistributed income, to such persons as such beneficiary appoints by his or her Will. This general power may be exercised in favor of the beneficiary, the beneficiary's estate, the beneficiary's creditors, or the creditors of the beneficiary's estate. To the extent this general power of appointment is not exercised, on the death of the beneficiary, the trust property is to be distributed to the beneficiary's then living descendants, per stirpes, or, if none, per stirpes to the living descendants of the beneficiary's nearest lineal ancestor who was a descendant of mine, or if no such descendant is then living, to my then living descendants, per stirpes. If I have no then living descendants the property is to be distributed under the provisions of Article Four entitled "Remote Contingent Distribution."

Section 6.03 Maximum Term for Trusts

Notwithstanding any other provision of my Will to the contrary, unless terminated earlier under other provisions of my Will, each trust created under my Will will terminate 21 years after the last to die of the descendants of my maternal and paternal grandparents who are living at the time of my death.

At that time, the remaining trust property will vest in and be distributed to the persons entitled to receive mandatory distributions of net income of the trust and in the same proportions. If no beneficiary is entitled to mandatory distributions of net income, the remaining trust property will vest in and be distributed to the beneficiaries entitled to receive discretionary distributions of net income of the trust, in equal shares per stirpes.

Section 6.04 Representative of a Beneficiary

The guardian of the person of a beneficiary may act for such beneficiary for all purposes under my Will or may receive information on behalf of such beneficiary.

Section 6.05 Ancillary Administration

In the event ancillary administration is required or desired and my domiciliary Executor is unable or unwilling to act as an ancillary fiduciary, my domiciliary Executor will have the power to designate, compensate, and remove the ancillary fuluciary. _The ancillary fiduciary may be either a natural person or a

corporation. My domiciliary Executor may delegate to such ancillary fiduciary such powers granted to my original Executor as my Executor may deem proper, including the right to serve without bond or surety on bond. The net proceeds of the ancillary estate are to be paid over to the domiciliary Executor.

Section 6.06 Delegation of Authority; Power of Attorney

Any Fiduciary may, by an instrument in writing, delegate to any other Fiduciary the right to exercise any power, including a discretionary power, granted the Fiduciary in my Will. During the time a delegation under this Section is in effect, the Fiduciary to whom the delegation was made may exercise the power to the same extent as if the delegating Fiduciary had personally joined in the exercise of the power. The delegating Fiduciary may revoke the delegation at any time by giving written notice to the Fiduciary to whom the power was delegated.

The Fiduciary may execute and deliver a revocable or irrevocable power of attorney appointing any individual or corporation to transact any and all business on behalf of the trust. The power of attorney may grant to the attorneyin-fact all of the rights, powers, and discretion that the Fiduciary could have exercised.

Section 6.07 Merger of Corporate Fiduciary

If any corporate fiduciary acting as my Fiduciary under my Will is merged with or transfers substantially all of its trust assets to another corporation or if a corporate fiduciary changes its name, the successor shall automatically succeed to the position of my Fiduciary as if originally named my Fiduciary. No document of acceptance of the position of my Fiduciary shall be required.

Article Seven Powers of My Fiduciaries

Section 7.01 Fiduciaries' Powers Act

My Fiduciaries may, without prior authority from any court, exercise all powers conferred by my Will or by common law or by Nevada Revised Statutes or other statute of the State of Nevada or any other jurisdiction whose law applies to my Will. My Executor has absolute discretion in exercising these powers. Except as

specifically limited by my Will, these powers extend to all property held by my fiduciaries until the actual distribution of the property.

Section 7.02 Powers Granted by State Law

In addition to all of the above powers, my Executor may, without prior authority from any court, exercise all powers conferred by my Will; by common law; by the laws of the State of Nevada, including, without limitation by reason of this enumeration, each and every power enumerated in NRS 163.265 to 163.410, inclusive; or any other jurisdiction whose law applies to my Will. My Executor has absolute discretion in exercising these powers. Except as specifically limited by my Will, these powers extend to all property held by my fiduciaries until the actual distribution of the property.

Section 7.03 Alternative Distribution Methods

My Fiduciary may make any payment provided for under my Will as follows:

Directly to the beneficiary;

In any form allowed by applicable state law for gifts or transfers to minors or persons under a disability;

To the beneficiary's guardian, conservator, agent under a durable power of attorney or caregiver for the benefit of the beneficiary; or

By direct payment of the beneficiary's expenses, made in a manner consistent with the proper exercise of the fiduciary's duties hereunder. A receipt by the recipient for any such distribution fully discharges my Fiduciary.

Article Eight

Provisions for Payment of Debts, Expenses and Taxes

Section 8.01 Payment of Debts and Expenses

I direct that all my legally enforceable debts, secured and unsecured, be paid as soon as practicable after my death.



Section 8.02 No Apportionment

Except as otherwise provided in this Article or elsewhere in my will, my Executor shall provide for payment of all estate, inheritance and succession taxes payable by reason of my death ("death taxes") from my residuary estate as an administrative expense without apportionment and will not seek contribution toward or recovery of any death tax payments from any individual.

For the purposes of this Article, however, the term "death taxes" does not include any additional estate tax imposed by Section 2031(c)(5)(C), Section 2032A(c) or Section 2057(f) of the Internal Revenue Code or any other comparable taxes imposed by any other taxing authority. Nor does the term include any generation-skipping transfer tax, other than a direct skip.

Section 8.03 Protection of Exempt Property

Death taxes are not to be allocated to or paid from any assets that are not included in my gross estate for federal estate tax purposes. In addition, to the extent practicable, my Trustee should not pay any death taxes from assets that are exempt for generation-skipping transfer tax purposes.

Section 8.04 Protection of the Charitable Deduction

Death taxes are not to be allocated to or paid from any assets passing to any organization that qualifies for the federal estate tax charitable deduction, or from any assets passing to a split-interest charitable trust; unless my Executor has first used all other assets available to my Executor to pay the taxes.

Section 8.05 Property Passing Outside of My Will

Death taxes imposed with respect to property included in my gross estate for purposes of computing the tax and passing other than by my Will are to be apportioned among the persons and entities benefited in the proportion that the taxable value of the property or interest bears to the total taxable value of the property and interests received by all persons benefited. The values to be used for the apportionment are the values as finally determined under federal, state, or local law as the case may be.

Section 8.06 No Apportionment Between Current and Future Interests

No interest in income and no estate for years or for life or other temporary interest in any property or trust is to be subject to apportionment as between the

temporary interest and the remainder. The tax on the temporary interest and the tax, if any, on the remainder are chargeable against the corpus of the property or trust subject to the temporary interest and remainder.

Section 8.07 Tax Elections

In exercising any permitted elections regarding taxes, my fiduciaries may make any decisions that they deem to be appropriate in any circumstances, and my fiduciaries are not required to make any compensatory adjustment as a consequence of any election. My Executor may also pay taxes or interest and deal with any tax refunds, interest, or credits as my Executor deems to be necessary or advisable in the interest of my estate.

My Executor, in his or her sole and absolute discretion, may make any adjustments to the basis of my assets authorized by law, including but not limited to increasing the basis of any property included in my gross estate, whether or not passing under my Will, by allocating any amount by which the basis of my assets may be increased. My Executor is not required to allocate basis increase exclusively, primarily or at all to assets passing under my Will as opposed to other property included in my gross estate. My Executor may elect, in his or her sole and absolute discretion, to allocate basis increase to one or more assets that my Executor receives or in which my Executor has a personal interest, to the partial or total exclusion of other assets with respect to which such allocation could be made. My Executor may not be held liable to any person for the exercise of his or her discretion under this Section.

Article Nine Definitions and General Provisions

Section 9.01 Cremation Instructions

I wish that my remains be cremated and buried in accordance with my pre-paid funeral arrangements with Palm Mortuary in Las Vegas, Nevada.

Section 9.02 Definitions

For purposes of my Will and for the purposes of any trust established under my Will, the following definitions apply:

(a) Adopted and Afterborn Persons

A legally adopted person in any generation and his or her descendants, including adopted descendants, will have the same rights and will be treated in the same manner under my Will as natural children of the adopting parent, provided the person is legally adopted before attaining the age of 18 years. A person will be deemed to be legally adopted if the adoption was legal in the jurisdiction in which it occurred at the time that it occurred.

A fetus *in utero* that is later born alive will be considered a person in being during the period of gestation.

(b) Descendants

The term "descendants" means any one or more person who follows in direct descent (as opposed to collateral descent) from a person, such as a person's children, grandchildren, or other descended individuals of any generation.

(c) Fiduciary

"Fiduciary" or "Fiduciaries" refer to my Executor. My "Executor" includes any executor, ancillary executor, administrator, or ancillary administrator, whether local or foreign, and whether of all or part of my estate, multiple Executors, and their successors.

Except as otherwise provided in this Last Will and Testament, a fiduciary has no liability to any party for action (or inaction) taken in good faith.

(d) Good Faith

For the purposes of this Last Will and Testament, a fiduciary has acted in good faith if (i) its action or inaction is not a result of intentional wrongdoing, (ii) the fiduciary did not make the decision with reckless indifference to the interests of the beneficiaries, and (iii) its action or inaction does not result in an improper personal pecuniary benefit to the fiduciary.

(e) Incapacity

Except as otherwise provided in my Will, a person is deemed to be incapacitated in any of the following circumstances.

(1) The Opinion of Two Licensed Physicians

An individual is deemed to be incapacitated whenever, in the opinion of two licensed physicians, the individual is unable to effectively manage his or her property or financial affairs, whether as a result of age, illness, use of prescription medications, drugs or other substances, or any other cause.

An individual is deemed to be restored to capacity whenever the individual's personal or attending physician provides a written opinion that the individual is able to effectively manage his or her property and financial affairs.

(2) Court Determination

An individual is deemed to be incapacitated if a court of competent jurisdiction has declared the individual to be disabled, incompetent or legally incapacitated.

(3) Detention, Disappearance or Absence

An individual is deemed to be incapacitated whenever he or she cannot effectively manage his or her property or financial affairs due to the individual's unexplained disappearance or absence for more than 30 days, or whenever he or she is detained under duress.

An individual's disappearance, absence or detention under duress may be established by an affidavit of any fiduciary. The affidavit must describe the circumstances of an individual's detention under duress, disappearance, or absence and may be relied upon by any third party dealing in good faith with my fiduciary in reliance upon the affidavit.

An individual's disappearance, absence, or detention under duress may be established by an affidavit of my Executor.



(f) Internal Revenue Code

References to the "Internal Revenue Code" or to its provisions are to the Internal Revenue Code of 1986, as amended from time to time, and the corresponding Treasury Regulations, if any. References to the "Treasury Regulations," are to the Treasury Regulations under the Internal Revenue Code in effect from time to time. If a particular provision of the Internal Revenue Code is renumbered, or the Internal Revenue Code is superseded by a subsequent federal tax law, any reference will be deemed to be made to the renumbered provision or to the corresponding provision of the subsequent law, unless to do so would clearly be contrary to my intent as expressed in my Will. The same rule applies to references to the Treasury Regulations.

(g) Legal Representative

As used in my Will, the term "legal representative" means a person's guardian, conservator, personal representative, executor, administrator, Trustee, or any other person or entity personally representing a person or the person's estate.

(h) Per Stirpes

Whenever a distribution is to be made to a person's descendants *per* stirpes, the distribution will be divided into as many equal shares as there are then-living children of that person and deceased children of that person who left then-living descendants. Each then-living child will receive one share and the share of each deceased child will be divided among the deceased child's then-living descendants in the same manner.

(i) Primary Beneficiary

The Primary Beneficiary of a trust created under this agreement is the oldest Income Beneficiary of that trust unless some other individual is specifically designated as the Primary Beneficiary of that separate trust.

(j) Shall and May

Inless otherwise specifically provided in my Will or by the context in which used, I use the word "shall" in my Will to command, direct or require, and the word "may" to allow or permit, but not

require. In the context of my Trustee, when I use the word "may" I intend that my Trustee may act in its sole and absolute discretion unless otherwise stated in my Will.

(k) Trust

The term "trust," refers to any trusts created under the terms of my Will.

(l) Trustee

The term "my Trustee" refers to any person or entity that is from time to time acting as the Trustee and includes each Trustee individually, multiple Trustees, and their successors.

(m) Other Definitions

Except as otherwise provided in my Will, terms shall be as defined in Nevada Revised Statutes as amended after the date of my Will and after my death.

Section 9.03 Contest Provision

If any beneficiary of my Will or any trust created under the terms of my Will, alone or in conjunction with any other person engages in any of the following actions, the right of the beneficiary to take any interest given to the beneficiary under my Will or any trust created under the terms of my Will will be determined as it would have been determined as if the beneficiary predeceased me without leaving any surviving descendants.

Contests by a claim of undue influence, fraud, menace, duress, or lack of testamentary capacity, or otherwise objects in any court to the validity of (a) my Will, (b) any trust created under the terms of my Will, or (c) any beneficiary designation of an annuity, retirement plan, IRA, Keogh, pension or profit sharing plan, or insurance policy signed by me, (collectively referred to hereafter in this Section as "Document" or "Documents") or any amendments or codicils to any Document;

Seeks to obtain an adjudication in any court proceeding that a Document or any of its provisions is void, or otherwise seeks to void, nullify, or set aside a Document or any of its provisions;

Files suit on a creditor's claim filed in a probate of my estate, against my estate, or any other Document, after rejection or lack of action by the respective fiduciary;

Files a petition or other pleading to change the character (community, separate, joint tenancy, partnership, domestic partnership, real or personal, tangible or intangible) of property already so characterized by a Document;

Files a petition to impose a constructive trust or resulting trust on any assets of my estate; or

Participates in any of the above actions in a manner adverse to my estate, such as conspiring with or assisting any person who takes any of the above actions.

My Executor may defend, at the expense of my estate, any violation of this Section. A "contest" includes any action described above in an arbitration proceeding, but does not include any action described above solely in a mediation not preceded by a filing of a contest with a court.

Section 9.04 Survivorship Presumption

It any beneficiary is living at my death, but dies within 90 days thereafter, then the beneficiary will be deemed to have predeceased me for all purposes of my Will.

Section 9.05 General Provisions

The following general provisions and rules of construction apply to my Will:

(a) Singular and Plural; Gender

Unless the context requires otherwise, words denoting the singular may be construed as plural and words of the plural may be construed as denoting the singular. Words of one gender may be construed as denoting another gender as is appropriate within the context. The word "or" when used in a list of more than two items may function as both a conjunction and a disjunction as the context requires or permits.



(b) Headings of Articles, Sections, and Subsections

The headings of Articles, Sections, and subsections used within my Will are included solely for the convenience and reference of the reader. They have no significance in the interpretation or construction of my Will.

(c) Governing State Law

My Will shall be governed, construed and administered according to the laws of Nevada as from time to time amended. Questions of administration of any trust established under my Will are to be determined by the laws of the situs of administration of that trust.

(d) Notices

Unless otherwise stated, whenever my Will calls for notice, the notice will be in writing and will be personally delivered with proof of delivery, or mailed postage prepaid by certified mail, return receipt requested, to the last known address of the party requiring notice. Notice will be effective on the date personally delivered or on the date of the return receipt. If a party giving notice does not receive the return receipt but has proof that he or she mailed the notice, notice will be effective on the date it would normally have been received via certified mail. If notice is required to be given to a minor or incapacitated individual, notice will be given to the parent or legal representative of the minor or incapacitated individual.

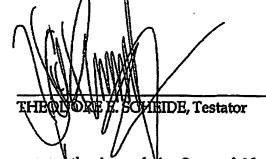
(e) Severability

The invalidity or unenforceability of any provision of my Will does not affect the validity or enforceability of any other provision of my Will. If a court of competent jurisdiction determines that any provision is invalid, the remaining provisions of my Will are to be interpreted and construed as if any invalid provision had never been included in my Will.

REST OF PAGE INTENTIONALLY LEFT BLANK



I, THEODORE E. SCHEIDE, sign my name to this instrument consisting of sixteen (16) pages on October 2, 2012, and being first duly sworn, do hereby declare to the undersigned authority that I sign and execute this instrument as my Last Will and Testament, that I sign it willingly, that I execute it as my free and voluntary act for the purposes therein expressed, and that I am eighteen years of age or older, of sound mind, and under no constraint or undue influence.



Under penalty of perjury pursuant to the law of the State of Nevada, the undersigned, KRISTIN M. TYLER and DIANE L. DeWALT declare that the following is true of their own knowledge: That they witnessed the execution of the foregoing will of the testator, THEODORE E. SCHEIDE; that the testator subscribed the will and declared it to be his last will and testament in their presence; that they thereafter subscribed the will as witnesses in the presence of the testator and in the presence of each other and at the request of the testator; and that the testator at the time of the execution of the will appeared to them to be of full age and of sound mind and memory.

Dated this <u>/</u> day of October, 2012.

Déclarant 1 stin M. Tyler

Declarant 2 – Diane L. DeWalt

Residing at:

Residing at:

<u>3960 Howard Hughes Parkway</u> 9th Floor Las Vegas, Nevada 89169 3960 Howard Hughes Parkway 9th Floor Las Vegas, Nevada 89169



Last Will and Testament of THEODORE E. SCHEIDE Page 16

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1	NOTC KIM BOYER, ESQ.	Alina S. Column	
2	Nevada Bar #5587 10785 W. Twain Avenue, Suite 200	CLERK OF THE COURT	
3	Las Vegas, Nevada 89135		
4	(702) 255-2000 E-Mail: kimboyer@elderlawnv.com		
5	Attorney for Estate		
6	DISTRI	CT COURT	
7	CLARK COU	JNTY, NEVADA	
8			
9	In the Matter of the Estate of	Case No.: P-14-082619-E	
10 11	THEODORE E. SCHEIDE JR. aka THEODORE ERNEST SCHEIDE JR.,	NOTICE OF HEARING ON PETITION FOR INSTRUCTIONS	
12	Deceased.		
13	PLEASE TAKE NOTICE that S	SUSAN M. HOY filed with the Court a Petition for	
14	Instructions for the Estate of the above-named De	cedent; that a hearing on the Petition has been set for	
15	the <u>22 nd</u> ay of <u>May</u> . 2015,	, at the hour of 9:30 a.m., in Department PC1 of the	
16	above-entitled Court which is located at the Regional Justice Center, Courtroom 3F, 200 Lewis		
17	Avenue, Las Vegas, Nevada 89155. Further details concerning this Petition can be obtained by		
18			
19	reviewing the Court file at the Office of the County Clerk, or by contacting the Petitioner or the attorney		
20	for the Petitioner whose name, address and telephone numbers are: KIM BOYER, ESQ., 10785 W.		
21	Twain, Suite 200, Las Vegas, Nevada 89135, (702) 255-2000.		
22	PLEASE NOTE you do not need to appear at the hearing unless you want to enter		
23	an objection.	• 1	
24	DATED this <u>30th</u> day of	April, 2015.	
25		Vain Prox 2	
26		KIM BOYER, ESD.	
27		Nevada Bar #558/7 10785 W. Twain Avenue, Suite 200	
28		Las Vegas, Nevada 89135 (702) 255-2000 Attorney for the Estate	
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1	CERT	Alm p. Elim
2	KIM BOYER, ESQ. Nevada Bar #5587	CLERK OF THE COURT
3	10785 W. Twain Avenue, Suite 200 Las Vegas, Nevada 89135	
4	(702) 255-2000	
5	E-Mail: kimboyer@elderlawnv.com Attorney for Estate	
6		CT COURT
7	CLARK COL	INTY, NEVADA
8	In the Matter of the Estate of	Case No.: P-14-082619-E
9		
10	THEODORE E. SCHEIDE JR. aka THEODORE ERNEST SCHEIDE JR.,	
11	Deceased.	
12	CERTIFICAT	E OF MAILING
13		
14		vice of the Notice of Hearing on Petition for
15		$May_{, 2015, by depositing a copy of the$
16	same in the U.S. Mails, postage prepaid, first cl	ass mail, addressed to:
17	Medicaid Estate Recovery	Theodore "Chip" E. Scheide, III
18	1050 E. Williams Street, Suite 435 Carson City, Nevada 89701-3199	101 S. Lexington Avenue Pittsburg, Pennsylvania 15208
19	St. Jude Children's Hospital	Patricia Bowlin
20	262 Danny Thomas Place	7800 Clarksdale Drive, #102
21	Memphis, TN 38105	Las Vegas, Nevada 89128
22		
23		Jo Smith, an Employee
24		Jo Smith, an Employee
24 25		
26 07		
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DISTRICT COURT CLARK COUNTY, NEVADA

Probate - Special Administration	COUR	T MINUTES	May 22, 2015	
Р-14-082619-Е	In the Matter of: Theodore Scheide J	fr., Deceased		
May 22, 2015	9:30 AM Pe	etition - HM		
HEARD BY: Ya	mashita, Wesley		COURTROOM: RJC Courtroom 03F	
COURT CLERK:	Sharon Chun			
not present	oner, Special Administr Jr., Decedent, not prese	Ms. Kim B	p VanAlstyne, Attorney Present for Boyer Boyer, Attorney, not present	
· · · · · · · · · · · · · · · · · · ·	JC	URNAL ENT	TRIES	

- PETITION FOR INSTRUCTIONS

COMMISSIONER STATED this matter had been left open to see if anyone came forward to produce a will or indicated they wanted to pursue it, but nothing came forward. Further, it was the opinion of the Personal Representative that the will had been destroyed.

Mr. VanAlstyne stated that is correct and confirmed this will is to proceed based upon the basis of an intestate situation.

COMMISSIONER RECOMMENDED, Petition GRANTED. The signed Order was provided to Mr. VanAlstyne.

INTERIM CONDITIONS:

FUTURE HEARINGS:

PRINT DATE: 05/27/2015	Page 1 of 2	Minutes Date:	May 22, 2015	
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P-14-082619-E

	L	PRINT DATE:	05/27/2015	Page 2 of 2	Minutes Date:	May 22, 2015	
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1 2 3 4 5	ORDR KIM BOYER, ESQ. Nevada Bar #5587 10785 W. Twain Avenue, Suite 200 Las Vegas, Nevada 89135 (702) 255-2000 E-Mail: kimboyer@elderlawnv.com Attorney for Estate	Electronically Filed 05/26/2015 06:54:44 PM	
6	DISTRIC	CT COURT	
7		INTY, NEVADA	
8 9	In the Matter of the Estate of	Case No.: P-14-082619-E	
5 10		ORDER ON PETITION FOR	
11	THEODORE E. SCHEIDE JR. aka THEODORE ERNEST SCHEIDE JR.,	INSTRUCTIONS	
12	Deceased.		
13	The Petition of SUSAN M. HO	Y for Instructions from the Court for the Estate of	
14	the above-named Decedent having this date	come on for hearing before the undersigned, it	
15	appearing to the Court that notice of the hea	ring on the Petition was duly given; the Court	
16		h left an estate in Clark County, Nevada, and was	
17 18	then a resident of Clark County, Nevada, good		
19		be appointed Administrator of the intestate Estate	
21			
22			
23	Durham Jones & Pinegar Trust Account.		
24			
25	DATED this 22nd day of	May, 2015.	
26 27		W	
28		DISTRICT JUDGE	
	LV_315624.1	1 AA000060	

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KIM BOYER Nevada Bar #5587 10785 W. Twain Avenue, Suite 200 Las Vegas, Nevada 89135 (702) 255-2000 Attorney for the Estate LV_315624.1

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