

STATE OF WYOMING )  
 ) ss  
 COUNTY OF CAMPBELL )

IN THE DISTRICT COURT

SIXTH JUDICIAL DISTRICT

IN THE MATTER OF THE ESTATE OF )

Probate #8539

OTTO DAVID YOUNG )  
 a/k/a OTTO D. YOUNG, )

Deceased. )

**FILED**  
 CAMPBELL COUNTY, WYOMING

DEC 31 2019

DEPUTY CLERK OF THE DISTRICT COURT

**DECREE OF DISTRIBUTION**  
**(In Accordance with W.S. § 2-7-811)**

**THIS MATTER** came before the Court on the *Final Report and Accounting; Petition for Fees and for Decree of Distribution*, filed by Alice Morgan, the duly appointed Personal Representative of the Estate of Otto David Young a/k/a Otto D. Young, deceased. The Personal Representative appears by and through her counsel, Thomas E. Lubnau, II, of Lubnau Law Office, PC, Attorneys at Law. The Court, after examining the documents in the file and being otherwise well and duly advised, finds as follows:

1. The above named Decedent passed away on the 27<sup>th</sup> day of January, 2016, at his resident in LaJunta, Otero County, Colorado, and at the time of his death was a resident of LaJunta, Otero County, Colorado, and owned an interest in assets subject to administration in Wyoming.

2. Said Decedent left a *Last Will and Testament*, dated the 17<sup>th</sup> day of April, 2006, which Will was duly admitted to probate in the State of Wyoming by the above named Court on the 4<sup>th</sup> day of February, 2019.

3. *Letters Testamentary* were issued on the 11<sup>th</sup> day of February, 2019, to your Personal Representative, and your Personal Representative has continually served as the Personal Representative of this Estate to date.

4. The Personal Representative duly published *Notice of Probate* of said Will, in accordance with Wyoming Statute § 2-7-201, said publication occurring on March 8, 2019; March 15, 2019 and March 22, 2019. More than three (3) months have elapsed since the first publication of said *Notice*, and all creditor claims filed have been paid and satisfied. The time for filing Will contests has passed and no Will contests were filed in this matter.

5. The Personal Representative caused to be made and returned to this Court, an inventory and valuation of the assets of the Estate subject to probate in the State of Wyoming. The

*Inventory of Estate and Valuation* was filed with the Court on December 5, 2019, providing a full, true and correct appraisal of the Wyoming assets, valuing said assets at \$362,502.50.

6. There have been minimal receipts and disbursements made during the course of the administration of this Estate and the Personal Representative is one of the beneficiaries under the Will, is familiar with all accounting which has transpired.

7. The Personal Representative caused to be made and filed an Application to the Inheritance Tax Department of the State of Wyoming, which *Certificate of No Tax Due* was filed with this Court on March 18, 2019. Inasmuch as the specific estate tax exemption allowed under the Federal Estate tax laws was not exceeded, no federal estate tax return was filed. All income tax requirements have been complied with.

8. The Decedent died seized of interests in certain real property as shown on the *Inventory of Estate and Valuation* filed on December 5, 2019, and served as reflected by the *Affidavit of Mailing* on December 5, 2019.

9. In Compliance with W.S. § 2-7-811(b)(vi), the Personal Representative states that no legacy or devise remains a charge on any of the aforesaid interests in any of the aforesaid real estate.

10. That no specific devise was made in said Will.

11. The following named persons, surviving at the time of the death of the Decedent, so far as known or as can with reasonable diligence be ascertained, are the beneficiaries of the Estate under the terms of the *Last Will and Testament* of the Decedent, the said beneficiaries are not under age eighteen (18) years, not under any legal disability, nor has any guardian, conservator, or trustee been appointed for any of said beneficiary:

<u>Name</u>	<u>Residence</u>	<u>Age</u>	<u>Relationship</u>
Erma Jean Scofield	5110 E. Dakota Avenue Castle Rock, CO 80104	Legal	Daughter
Carolyn Ann Alford	4260 South Painted Finch Drive St. George, UT 84790	Legal	Daughter
Alice Elaine Morgan	34054 Highway 194 La Junta, CO 81050	Legal	Daughter
Marian Diane Young	4345 North Missouri Street Harlingen, TX 78550	Legal	Daughter

Theresa Ruth Young                      1321 Upland Drive, #2997                      Legal                      Daughter  
Houston, TX 77043

12.     The Decedent left no surviving spouse and the remaining surviving beneficiaries of Decedent's estate are his children named hereinabove.

13.     The Personal Representative has requested the Court enter a *Decree of Distribution* providing for the final distribution of assets of the Estate as listed in the *Final Report and Accounting, Petition for Fees and for Decree of Distribution* on file herein.

14.     The Personal Representative has waived her right to a statutory fee.

15.     The law firm of Lubnau Law Office, PC has acted as the attorney for the Estate and should be allowed ordinary fees together with necessary expenses incurred on behalf of the Estate in accordance with Wyoming Statute § 2-7-804 and § 2-7-805. The total fees and costs which should be allowed to the attorney for the Estate are as follows:

Statutory Fees .....	<u>\$5,250.00<sup>1</sup></u>
Expenses .....	<u>\$1,500.00</u>
Total Attorney's Fees and Costs .....	<u>\$6,750.00</u>

The total fees and expenses which should be allowed to the attorneys of the Estate is the sum of \$6,750.00.

#### NOTICE OF HEARING ON THIS REPORT

16.     Pursuant to W. S. § 2-7-811 and W.S. § 2-7-204, *Notice of Final Settlement* was served upon the beneficiaries in accordance with W.S. § 2-7-205 which included a copy of the *Final Report and Accounting, Petition for Fees and for Decree of Distribution (In Accordance with W.S. § 2-7-811)* as reflected by the *Affidavit of Mailing* filed on December 5, 2019.

#### FINAL DISTRIBUTION

**NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that the *Final Report and Accounting, Petition for Fees and for Decree of Distribution* is hereby approved; it is further

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<sup>1</sup>Fees discounted from statutory fee

**ORDERED, ADJUDGED AND DECREED** that notice has been given with respect to the foregoing pursuant to statutes, and the Court enters this *Decree of Distribution* fully and finally approving, ratifying and confirming the same; it is further

**ORDERED, ADJUDGED AND DECREED** that the actions to date of the Personal Representative in all respects are approved, ratified and confirmed; it is further

**ORDERED, ADJUDGED AND DECREED** that the Personal Representative is authorized to pay the law firm of Lubnau Law Office, PC, the statutory fee, plus costs for acting as the attorneys for the said Estate in the amount of \$6,750.00 and the same is hereby approved; it is further

**ORDERED, ADJUDGED AND DECREED** that all of Decedent's right, title and interest in and to the real property located on Fish Hatchery Road in Story, Sheridan County, Wyoming, and legally described as follows:

Tracts of land situate in the SE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 7 and the SW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 8, Township 53 North, Range 83 West, of the 6<sup>th</sup> Principal Meridian, Sheridan County, Wyoming, described as follows:

That certain parcel of land described as follows: Beginning at a point 405 feet north and 30 feet east of the section corner to Section 7, 8, 17 and 18, Township 53 North, Range 83 West, 6<sup>th</sup> P.M., thence west 140 feet more or less to a public road, thence southeast with the angle of said road a distance of 176 feet more or less, to a point in the road, said point being 240 feet north and 85 feet west of said section corner common to Section 7, 8, 17 and 18; thence east 83 feet to a point 2 feet west of the section line between Section 7 and 8, thence north 110 feet, thence east 32 feet, thence north 55 feet to the place of beginning.

That certain parcel of land described as follows, to-wit: Beginning at a point 290 feet north and 30 feet east of the section corner common to Section 7, 8, 17 and 18, Township 53 North, Range 83 West, 6<sup>th</sup> P.M., thence west 32 feet, thence north 70 feet, thence east 32 feet, thence south 60 feet to the point of beginning being the same premises conveyed to Florence L. Eychaner by deed dated July 2, 1919, recorded in the Office of the County Clerk and Ex-Officio Register of Deeds in Book 11 of Deeds, Page 59, Sheridan County, Wyoming.

A tract of land described as follows: Beginning at point which is 30 feet east and 120 feet north of section corner common to Section 7, 8, 17 and 18, Township 53 North, Range 83 West, 6<sup>th</sup> P.M., thence east 100 feet to a point, thence north 170 feet to a point, thence west 100 feet to a point, thence south 170 feet to the point of beginning.

Together with all improvements situate thereon. Subject to all easements of record.  
Consisting of .83 acres +/-, shall pass equally to Decedent's children, namely:

Erma Jean Scofield  
5110 E. Dakota Avenue  
Castle Rock, CO 80104

Marian Diane Young  
4345 North Missouri Street  
Harlingen, TX 78550

Carolyn Ann Alford  
4260 South Painted Finch Drive  
St. George, UT 84790

Theresa Ruth Young  
1321 Upland Drive, #2997  
Houston, TX 77043

Alice Elaine Morgan  
34054 Highway 194  
La Junta, CO 81050

it is further

**ORDERED, ADJUDGED AND DECREED** that **all** of Decedent's right, title and interest in the real property, namely minerals, legally described as follows:

**A 6.25% interest in the oil and gas and other minerals, excepting coal under the following:**  
**Township 46 North, Range 74 West of the 6<sup>th</sup> P.M.**

**Section 5:** Lot 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$ ), Lot 2 (N $\frac{1}{2}$ W $\frac{1}{4}$ NE $\frac{1}{4}$ ), S $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$

**Section 7:** Lot 1 (NW $\frac{1}{4}$ NW $\frac{1}{4}$ ), Lot 2 (SW $\frac{1}{4}$ NW $\frac{1}{4}$ ), Lots 1 and 2 formerly being (W $\frac{1}{2}$ NW $\frac{1}{4}$ ), Lot 3 (NW $\frac{1}{4}$ SW $\frac{1}{4}$ ), NE $\frac{1}{4}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$

**Section 8:** S $\frac{1}{2}$ N $\frac{1}{2}$ , N $\frac{1}{2}$ S $\frac{1}{2}$

**Section 18:** S $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$

**Section 19:** N $\frac{1}{2}$ NE $\frac{1}{4}$

**Township 46 North of Range 75 West of the 6<sup>th</sup> P.M.**

**Section 24:** NE $\frac{1}{4}$ NW $\frac{1}{4}$

**A 6.25% interest in the oil and gas and other minerals, including coal, under the following:**  
**Township 46 North, Range 74 West of the 6<sup>th</sup> P.M.**

**Section 5:** NE $\frac{1}{4}$ SW $\frac{1}{4}$

**A 3.125% interest in the oil and gas and other minerals, excluding coal, under the following:**  
**Township 46 North, Range 74 West of the 6<sup>th</sup> P.M.**

**Section 20:** SE $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$



A 12.5% interest in minerals, excluding oil, gas or coal, under the following:

Township 46 North, Range 74 West of the 6<sup>th</sup> P.M.

Section 17: NE $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$

Section 20: NW $\frac{1}{4}$ NE $\frac{1}{4}$

shall be, and hereby are, distributed equally to the Decedent's children, namely:

Erma Jean Scofield  
5110 E. Dakota Avenue  
Castle Rock, CO 80104

Marian Diane Young  
4345 North Missouri Street  
Harlingen, TX 78550

Carolyn Ann Alford  
4260 South Painted Finch Drive  
St. George, UT 84790

Theresa Ruth Young  
1321 Upland Drive, #2997  
Houston, TX 77043

Alice Elaine Morgan  
34054 Highway 194  
La Junta, CO 81050

it is further

**ORDERED, ADJUDGED AND DECREED** that any after-discovered property, wheresoever the same may be located and whether the same shall be real, personal or mixed, said property shall be distributed to the beneficiaries named herein as their sole and separate property; and it is further

**ORDERED, ADJUDGED AND DECREED** that the Personal Representative and Resident Agent shall be discharged from their respective duties upon recording of the Personal Representative's Deed in Campbell County and Sheridan County, Wyoming.

**DATED** this 31<sup>st</sup> day of December, 2019.

STATE OF WYOMING } s.s.  
Campbell County }

CHERYL CHITWOOD, Clerk of the Court, within and for said county and state aforesaid, does hereby certify the foregoing to be a full, true and complete copy as the same appears on file and of record in this office.

IN TESTIMONY WHEREOF, I have hereunto subscribed my hand and affixed the official seal of said Court, at my office in Gillette, Wyoming, this date.

CHERYL CHITWOOD

JAN - 3 2020  
Clerk of the Court, Sixth Judicial District

**BY THE COURT:**

By: JOHN R. PERRY  
Honorable John R. Perry  
District Court Judge

**PREPARED BY:**

LUBNAU LAW OFFICE, PC  
Attorneys at Law

By 

Dated: 12-30-19

Thomas E. Lubnau, II  
Attorney for the Estate  
P.O. Box 1028  
Gillette, WY 82717  
(307) 682-1313

**DISTRIBUTION:**

Thomas E. Lubnau, II [box]  
Erma Jean Scofield [mail]  
Carolyn Ann Alford [mail]  
Alice Elaine Morgan [mail]  
Marian Diane Young [mail]  
Theresa Ruth Young [mail]

In the Matter of the Estate of Otto David Young a/k/a Otto D. Young, Deceased  
DECREE OF DISTRIBUTION  
(In Accordance with W.S. § 2-7-811)  
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**NO. 2021-772002 DECREE OF DISTRIBUTION**  
EDA SCHUNK THOMPSON, SHERIDAN COUNTY CLERK  
LUBNAU LAW OFFICE PC P O BOX 1028  
GILLETTE WY 82717