

STATE OF WYOMING

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**IN THE DISTRICT COURT 34
FOURTH JUDICIAL DISTRICT
IN AND FOR SHERIDAN COUNTY**

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IN THE MATTER OF THE ESTATE)
OF)
MICHAEL GEORGE CROSS, Deceased)

Probate No. PR2021-0094

**DECREE FOR THE SUMMARY DISTRIBUTION OF PROPERTY
UNDER W.S. §2-1-205**

THIS COURT, being informed by that certain verified **APPLICATION FOR A DECREE OF SUMMARY DISTRIBUTION OF PROPERTY UNDER W.S. § 2-1-205** [hereinafter referred to in places as the **APPLICATION**, whether or not capitalized or emphasized in bold print], which was filed in the above captioned proceedings by the **Claimant-Applicant**, namely, **Courtney L. Purcell** [hereinafter referred to in places as the **Claimant-Applicant** whether or not capitalized or emphasized in bold print] on the **20th day of August, 2021**; and, being further informed by the legal points and authorities that are cited and discussed by the Attorney-of-Record for the said **Claimant-Applicant**, namely **Robert James Wyatt** (Wyoming Attorney License No. 5-1491), in that certain **MOTION FOR ISSUANCE AND ENTRY OF A DECREE OF SUMMARY DISTRIBUTION OF PROPERTY UNDER W.S. § 2-1-205** [hereinafter referred to in places as the **MOTION**, whether or not capitalized or emphasized in bold print] , which was filed with this Court of **September 29, 2021**; and, being further informed by the written record of these



proceedings that any required **postal-mailed notification** and the **publication** of that certain **NOTICE OF APPLICATION FOR A DECREE OF SUMMARY DISTRIBUTION OF PROPERTY UNDER W.S. § 2-1-205** have been accomplished in accordance with the requirements of W.S. § 2-1-205[d]; and, the statutory time-limitation for the filing of objections under W.S. § 2-1-205[f] heretofore having expired, without the Court's having received any objections pertaining to the **APPLICATION**; and, the Court's now having considered the aforesaid **APPLICATION** and **MOTION**; and, observing that the facts which are stated under oath in verified form in the aforesaid **APPLICATION** and the legal points and authorities that are presented in the **APPLICATION** and in the **MOTION** are not in dispute;

HEREBY FINDS AS MATTERS OF FACT:

[1] The Claimant-Applicant, Courtney L. Purcell, is the niece and the sole Heir-at Law of the late Michael George Cross (hereinafter referred to in places as the **Decedent**, whether or not capitalized or emphasized in bold print) **who died intestate** on or about April 19, 2021 (See. **APPLICATION ¶¶ [1] and [2]**); and, as such, the Claimant-Applicant is entitled to all of the real and personal property of the Decedent, as described in the **APPLICATION** (See. **APPLICATION ¶¶ [3], [4], and [5]**.), under the authority of W.S. § 2-4-101[c][ii].

[2] The Claimant-Applicant caused the residential real property of the **Decedent** (See. **APPLICATION ¶ [3]** for description) to be evaluated by Mandy Koltiska, who is a disinterested and Wyoming-licensed real estate professional, in the format of a **Broker's Price Opinion** (See. **APPLICATION – EXHIBIT D.**), resulting in an appraisal of **\$137,006.00** for that portion of the Decedent's property; and, caused the Decedent's One-Sixth (1/6th) undivided fractional interest in rural agricultural property and underlying minerals to be evaluated in the format of the **Sworn Appraisal** by Mike J. Coulter, who is a disinterested, experienced, and qualified professional landman (See. **APPLICATION – EXHIBIT E**), resulting in an appraisal of **\$24,300.00** for that portion of the Decedent's property – both of those formats being informational sources that are consistent with the enabling provisions of W.S. § 2-1-205[c]. Therefore, **the combined appraised value of the Decedent's real property and minerals is \$161,306.00** (See. **APPLICATION ¶¶ [9], [10], and [11]**); and, that valuation is within the \$200,000.00 jurisdictional limitation

of this Court for summary property distribution proceedings that are conducted pursuant to **W.S. § 2-1-205[a]**.

[3] The **Decedent** was a resident of the State of Wyoming at the time of his death (See. **APPLICATION ¶ [1], [3], [4], and [5]** and **EXHIBIT A**), owning real and personal property in Sheridan County within the State of Wyoming. The **Claimant-Applicant** is a resident of the state of Wyoming, whose address is 1791 Lookout Point Drive, Sheridan, Wyoming 82801; and, the property to which the **APPLICATION** pertains is located in Sheridan County, within the State of Wyoming, which is part of the Judicial District in which this Court is authorized to exercise its jurisdiction and to conduct its business; and, the **Claimant-Applicant** expressly has consented to the personal jurisdiction of this Court (See. **APPLICATION ¶¶ [1], [12], and [13]**). No one has objected to the subject matter or personal jurisdiction of this Court, or the propriety of the venue of this Court in these proceedings. Therefore, the Court finds that subject matter jurisdiction, personal jurisdiction, and venue properly are placed with this Court.

[4] The **Claimant-Applicant** has complied with the statutory notification requirements that are stated in **W.S. § 2-1-205[d]**. The time for notifications and objections, under **W.S. § 2-1-205[d] and [f]**, now has expired; and, no creditor or putative distributee of the **Decedent** has objected to the content that is stated-by or to the relief that is requested-by the **Claimant-Applicant** in the **APPLICATION**.

[5] It is an appropriate time now for this Court to exercise its jurisdiction and power, under **W.S. § 2-1-205[f]**, and to issue and enter the **DECREE FOR THE SUMMARY DISTRIBUTION OF PROPERTY UNDER W.S. § 2-1-205**, which the **Claimant-Applicant** has requested (See. **APPLICATION – Preamble and Application** for relief ¶¶ [I] and [II].)

HERBY CONCLUDES AS MATTERS OF LAW:

[A] This Court has **subject matter jurisdiction** under these proceedings by virtue of **W.S. § 2-1-205[a]**; and, the documentary evidence that the **Claimant-Applicant** has submitted within and has appended to the **APPLICATION** is consistent with and satisfies the standard-of-proof that is set by **W.S. § 2-1-205[c]**; and, that uncontested documentary evidence shows that the value of the property to which the **APPLICATION** pertains – as known to the **Claimant-Applicant** at the time of the filing of the

APPLICATION and during the pendency of these proceedings – is within the \$200,000.00 jurisdictional limitation that is set by W.S. § 2-1-205[a]. In addition, this Court has statutory authority under W.S. §§ 1-37-102 (i.e., **Wyoming Declaratory Judgments Act - Scope And General Consideration**), and 1-37-103 (i.e.,– **Declaration Of Statutory Rights, Status, Or Other Legal Relations**), and 1-37-105[a][i] (i.e., **Ascertainment Of Membership In Class Of Heirs Or Next Of Kin**) to consider and to grant the declaratory relief that the **Claimant-Applicant** has requested from the Court with regard to the heirship status of the **Claimant-Applicant** with reference to the death of the late **Michael George Cross**.

[B] This Court has **personal jurisdiction** of and over the **Claimant-Applicant**, namely, **Courtney L. Purcell**; because, she **expressly has consented to the personal jurisdiction of this Court** in and upon the signing, under oath, and the filing of the **APPLICATION** upon which these proceedings are founded and are being conducted.

[C] There is no objection as to **venue** being placed properly in this Court.

[D] Publication of the **NOTICE OF APPLICATION FOR A DECREE OF SUMMARY DISTRIBUTION OF PROPERTY UNDER W.S. § 2-1-205** for two consecutive weeks, respectively upon the **27th day of August, 2021**, and the **3rd day of September, 2021**, as confirmed by the written record of these proceedings, is proper and complete under the requirements of W.S. § 2-1-205[d]; and, the period of such publication has been accomplished and now is closed; and, **mailed notification** is complete; and, no written objections or contrary averments have been filed in these proceedings, or otherwise brought to the attention of this Court, which would indicate that there is any dispute as to the facts which the **Claimant-Applicant** states under oath in the **verified APPLICATION**.

[E] In the event that there subsequently shall appear a pretermitted putative distributee – other than the **Claimant-Applicant, Courtney L. Purcell** – within a period of time ending two (2) years after the entry of the Court's **DECREE FOR THE SUMMARY DISTRIBUTION OF PROPERTY UNDER W.S. § 2-1-205**, statutory authority has been granted by the Wyoming Legislature to any putative and pretermitted distributee – under W.S. § 2-1-205[g] – to file an action with this Court to seek to correct any materially false statement in the **APPLICATION**, and to amend the Court's **DECREE**, upon a proper showing of sufficient alternative proof.



[F] Under the undisputed facts and circumstances which have been shown in these proceedings, the process and procedure of **W.S. § 2-1-205** is available to perfect the right, title, and interest of the **Claimant-Applicant** in and to all of the property of the **Decedent** to which the **APPLICATION** pertains, as a complete alternative to formal proceedings of intestate administration under the **Wyoming Probate Code**; and, under the undisputed facts and circumstances that the **Claimant-Applicant** has shown in these proceedings, this Court has the jurisdiction and authority – under **W.S. § 2-1-205[a], [f], [h] and [m]** – to grant the alternative statutory form of summary adjudication and relief for which the **Claimant-Applicant** has prayed in the **APPLICATION**.

[G] **W.S. § 2-1-205[f]** mandates, in relevant part that “...A certified copy of the decree shall be recorded in the office of the county clerk of each county in which the real property, including mineral interests, is located. Upon recording of the decree, the decree and the record thereof shall be presumptive evidence of title to the property.”

[This space intentionally is left blank. Refer to following pages for the Decree Of Distribution.]

DERCREE OF DISTRIBUTION

WHEREFORE, IT HEREBY IS ADJUDGED, DECLARED, ORDERED, AND FINALLY DECREED:

[I] This Court declares that Courtney L. Purcell, who is the Claimant-Applicant in these proceedings, is the surviving niece and sole Heir-at-Law of the late Michael George Cross; and, as such, by operation of law under W.S. §§ 2-4-101[c][ii], as the sole qualified Distributee under W.S. §§ 2-1-209[a][i] and 2-1-301[a][xiii], now owns and is entitled to the distribution of all of the real property, including minerals, and the tangible and intangible personal property of the said Decedent, as described in the Claimant-Applicant's APPLICATION FOR A DECREE OF SUMMARY DISTRIBUTION OF PROPERTY UNDER W.S. § 2-1-205 filed with the Court in these proceedings.

[II] Pursuant to the enabling statutory authority of W.S. §§ 2-1-205[f],[h], and [m] this Court hereby does DISTRIBUTE, and thereby does CONVEY, TRANSFER, AND DELIVER unto Courtney L. Purcell, as the Distributee, whose postal mailing address at the time of the issuance and entry of this DECREE FOR THE SUMMARY DISTRIBUTION OF PROPERTY UNDER W.S. §2-1-205 – for purposes of subsequent real property taxation and all other purposes hereunder – is 1791 Lookout Point Drive, Sheridan, Wyoming 82801, the following described real property, improvements, appurtenances, and minerals interests:

PARCEL NO. 1

A tract of land situated in the SW ¼ SW ¼ of Section 8 and the NW ¼ NW ¼ of Section 17, Township 53 North, Range 83 West, 6th Principal Meridian, Sheridan County, Wyoming, said tract of land being more particularly described as follows:

Commencing at the southwest corner of said Section 8 (Monumented with a 3-1/2" Brass Cap per PLS 102); thence N88°51'42"E, 29.75 feet, along the south line of said SW ¼ SW ¼, Section 8 to the POINT OF BEGINNING of said tract, said

point lying on the centerline of Wagon Box Road (AKA County Road No. 145); thence, continue N88°51'42"E, 100.19 feet along said south line of said SW ¼ SW ¼ to a point, said point being the southeast corner of a tract of land described in Deed Number 2020-756213; thence N00°54'54"E, 234.12 feet along the east line of said tract described in Deed Number 2020-756213 and a tract of land described in Book 269 of Deeds, Page 379, Parcel 3 to a point, said point lying on the south right-of-way line of Fish Hatchery Road (AKA State Highway No. 194); thence, along said south right-of-way line of Fish Hatchery Road through a non-tangent curve to the right, having a central angle of 12°43'01", a radius of 137.70 feet, an arc-length of 30.56 feet, a chord bearing of N84°09'10"E, and a chord length of 30.50 feet to a point; thence S89°28'11"E, 69.77 feet along said south right-of-way line of Fish Hatchery Road to a point, said point being the northwest corner of a tract of land described in Book 473 of Deeds, Page 135; thence S00°56'49"W, 234.43 feet along the west line of said tract described in Book 473 of Deeds, Page 135 to a point, said point being the southwest corner of said tract described in Book 473 of Deeds, Page 135; thence, continue S00°56'49"W, 58.68 feet to a point, said point lying on the northerly line of a tract of land described in Book 570 of Deeds, Page 150; thence, along said northerly line of said tract described in Book 570, Page 150 through a non-tangent curve to the left, having a central angle of 13°42'05", a radius of 150.00 feet, an arc-length of 35.87 feet, a chord bearing of S47°14'56"W, and a chord length of 35.78 feet to a point; thence S40°23'53"W, 19.53 feet along said northerly line of said tract described in Book 570 of Deeds, Page 150 to a point; thence, along said northerly line of said tract described in Book 570 of Deeds, Page 150 through a curve to the right, having a central angle of 24°05'00", a radius of 100.00 feet, an arc length of 42.03 feet, a chord bearing of S52°26'24"W, and a chord length of 41.72 feet to a point; thence S64°28'54"W, 50.72 feet along said northerly line of said

tract described in Book 570 of Deeds, Page 150 to a point, said point lying on said centerline of Wagon Box Road (AKA County Road No. 145); thence N36°53'01"W, 24.00 feet along said centerline of Wagon Box Road (AKA County Road No. 145) to a point; thence N28°49'01"W, 138.99 feet along said centerline of Wagon Box Road (AKA County Road No. 145) to the POINT OF BEGINNING of said tract.

Said tract contains 42,315 square feet or 0.97 acres of land, more or less. Bearings are based on the Wyoming Coordinate System, NAD 1983, East Central Zone.

[The foregoing legal description is excerpted from that certain **LEGAL DESCRIPTION** which was signed and certified by Michael D. Tucker, Wyoming Professional Land Surveyor No. 8812 on April 16, 2020, the same being **Page 2 of 2** in that certain **QUITCLAIM DEED** which was recorded on July 21, 2020, in the office of the Clerk and Recorder of Sheridan County, within the State of Wyoming, being identified therein by **Document Reception No. 2020-760266.**]

Otherwise Known And Numbered As:
100 Fish Hatchery Road
Story, Wyoming 82842

PARCEL NO. 2

A One-Sixth (1/6th) undivided fractional interest – to which the Decedent derived root title by, through, and under that certain **QUITCLAIM DEED** from Betty Marie Cross (a now deceased single woman) in part unto her son, Michael George Cross, who is the Decedent in these proceedings, which is recorded in the office of the Clerk and Recorder for Sheridan County, within the State of Wyoming, in Book 488 of Deeds, commencing at Page 589, being denoted therein also by Document No. 585036 – in and to the surface and to the underlying minerals of the following described lands situate in Sheridan County, within the State of Wyoming, to wit:

Township 57 North, Range 76 West, 6th P.M.

Section 19: Lots 9, 10, 12, 13, RT 65A, 65B, 65C and 65 D

(The above-described lands cover approximately 323.97 gross acres, more or less; of which the Decedent's One-Sixth (1/6th) undivided interest consists of 53.99 net acres, more or less; which are not identified by any street or road name or numbering, but are identified in the office of the Sheridan County Assessor as follows:

PIDN: 57761920000833

TAX ID: 0000011148

TAX DCT: 00300)

[III] Courtney L. Purcell, who is the Claimant-Applicant in these proceedings, is the niece and sole Heir-at-Law of the late Michael George Cross; and, as such, by operation of law under W.S. §§ 2-4-101[c][ii], as the sole qualified Distributee under W.S. §§ 2-1-209[a][i] and 2-1-301[a][xiii], now owns and is entitled to the distribution of any and all after-discovered or after-described real property including minerals, tangible personal property, and intangible personal property of the late Michael George Cross within the jurisdictional limitation of this Court under W.S. § 2-1-205, and without requiring any further action by this Court, pursuant to the authority of W.S. § 2-1-205[m].

[IV] The Clerk and Recorder of Sheridan County, within the State of Wyoming, shall record a certified copy of this DECREE FOR THE SUMMARY DISTRIBUTION OF PROPERTY UNDER W.S. §2-1-205 upon being presented with same by the Claimant-Applicant, or the Attorney-of-Record in these proceedings, and subject to the payment of the normal statutory recording fee.

Date signed: October 11, 2021

ORIGINAL SIGNED BY: JOHN G. FENN

District Court Judge

CERTIFICATE OF CLERK OF THE DISTRICT COURT OF SHERIDAN COUNTY, WYOMING. The above is a true and correct copy of the original decree of distribution which is on file of record in the office of the Clerk of the District Court of Sheridan County, Wyoming.
Done this 15th day of October, 2021.
By: [Signature] Clerk
By: [Signature] Deputy