

CERTIFIED COPY

STATE OF WYOMING)
) ss:
COUNTY OF SHERIDAN)

IN THE DISTRICT COURT
FOURTH JUDICIAL DISTRICT

IN THE MATTER OF THE ESTATE)
)
OF HARRY SEARS, AKA)
HARRY W. SEARS)
)
Deceased.)

Probate No. 2022-146

No. _____
District Court Sheridan County Wyoming.

MAR 14 2023

Rene Botten

Clerk

Sheila Drell

Deputy

DECREE OF SUMMARY DISTRIBUTION OF REAL PROPERTY

THIS MATTER, having come before the Court in a *Verified Application Pursuant to W.S. § 2-1-205 for Decree of Summary Distribution of Real Property* filed by Petitioner, John F. Ori, a distributee of Harry Sears, aka Harry W. Sears, (hereinafter referred to as "Decedent"), deceased, by and through his undersigned attorney Rio D. Smith of WSH Law, P.C.

Pursuant to the *Notice of Probate*, notice of probate was published once a week for a period of two (2) consecutive weeks in the Sheridan Press, a newspaper of general circulation in Sheridan County, Wyoming, notifying the public of the intent to admit probate proceedings in this State for the Estate of Decedent. Notice was first published January 4, 2023 and the publisher's affidavit of publication has been submitted to the Court. The deadline for filing objections has passed.

The Court, having reviewed the matter and filings herein, makes the following findings of facts:

1. Decedent died testate on March 2, 1994 in Pierce County, Washington.
2. More than thirty (30) days have elapsed since the death of the Decedent.



2023-784627 3/21/2023 10:24 AM PAGE: 1 OF 5
FEES: \$26.00 PK DECREE OF DISTRIBUTION
EDA SCHUNK THOMPSON, SHERIDAN COUNTY CLERK

3. No application for appointment of personal representative is pending or has been granted in any jurisdiction in Wyoming.

4. Decedent's estate has not been fully administered and probated in Wyoming.

5. Decedent's estate has been duly probated and settled before the Superior Court of Washington for Pierce County, Case No. 94-4-00504-1.

6. However, distribution of the Wyoming property was not contained within the Washington Probate Decree.

7. At the time of his death, Decedent owned an undivided one-half (1/2) interest in the following lands located in Sheridan County ("Subject Lands"):

Township 56 North, Range 81 West, 6th P.M.

Section 19: W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, and Lots 1, 2, and 3

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

Township 56 North, Range 82 West, 6th P.M.

Section 24: E $\frac{1}{2}$ NE $\frac{1}{4}$

8. J. Scott Crosby and Valerie Crosby of Crosby Analytics, LLC, who have no legal interest in the Decedent's estate, appraised the real property interests.

9. The appraisal indicates that the value of the Subject Lands as of Decedent's date of death is Seventy-Two Thousand and No/100 Dollars (\$72,000.00).

10. The value of the entire Estate of the Decedent does not exceed Two Hundred Thousand Dollars (\$200,000.00).

11. At the time of Decedent's death, Decedent was married and was by survived his wife, Erna Sears.

12. At the time of Decedent's death, title to the Subject Lands was held as follows:

- Decedent—undivided one-half (1/2) interest; and



- Decedent and Erna D. Sears, husband and wife, as tenants by the entireties with full right of survivorship—undivided one-half (1/2) interest.

13. According to the Last Will and Testament of Harry Sears, all of the property owned by Harry Sears went to his wife, Erna Sears.

14. In an Affidavit of Survivorship, dated June 29, 1994 and recorded in Book 369 at page 501, Erna D. Sears, as affiant, provided notice of Decedent's death, which vested Erna D. Sears with an undivided one-half (1/2) interest in the Subject Lands that she held as tenants by the entirety with Decedent.

15. However, in paragraph 6 of the Affidavit of Survivorship, Erna D. Sears incorrectly states that she owns all right, title, and interest of Decedent in the Subject Lands and title vested in her at the time of Decedent's death.

16. At the time of Decedent's death, Erna D. Sears succeeded to an undivided one-half (1/2) record title interest that she held as tenants by entirety with the Decedent and an undivided one-half (1/2) equitable title interest that was entirely in the name of Decedent, which could become record title subject to confirmation through probate.

17. Following Decedent's death, Erna D. Sears purported to convey all right, title, and interest in the Subject Lands through the following conveyances:

- a. In a Warranty Deed, dated February 13, 1998 and recorded in Book 391 at page 104, Erna D. Sears conveyed the Subject Lands to William J. Creske.
- b. In a Warranty Deed, dated October 27, 1999 and recorded in Book 410 at page 7, William J. Creske conveyed the Subject Lands to Toby J. Johnson and Marie E. Johnson, husband and wife, as tenants by the entirety.



c. In a Warranty Deed, dated March 16, 2006 and recorded in Book 472 at page 739, Toby J. Johnson and Marie E. Johnson, husband and wife, conveyed the Subject Lands to John F. Ori, a married man as his sole and separate property.

18. Through the Affidavit of Survivorship and conveyances described above, Petitioner has acquired all of Decedent's interest in the Subject Lands.

19. Petitioner is a distributee pursuant as defined in WYO. STAT. § 2-1-209. The definition of distributee includes any person who is a successor in interest to the decedent as an heir, beneficiary, through the intervening estates of the decedent's heirs, beneficiaries, successors or assigns, or through an established record of ownership.

20. Therefore, Petitioner has standing under WYO. STAT. § 2-1-209 to petition for summary distribution probate and is allowed to petition for distribution of Decedent's property in a Decree of Distribution.

21. Jurisdiction and venue are proper in this Court, as the property of Decedent is situated in Sheridan County, Wyoming.

22. Decedent did not receive medical assistance pursuant to WYO. STAT. § 42-4-101 through 42-4-114 and there are no known creditors of the Estate.

23. The purpose of this proceeding is to set over all of the right, title and interest of the Decedent in the Subject Lands to Petitioner.

24. Summary Decree of Distribution is proper in this case pursuant to WYO. STAT. § 2-1-205.

IT IS THEREFORE ORDERED that the real property interests located in Sheridan County, Wyoming, owned by the Estate of Harry Sears, aka Harry W. Sears is hereby distributed to John F. Ori.



IT IS FURTHER ORDERED that a certified copy of this *Decree of Summary Distribution* shall be filed in the Sheridan County Clerk's Office. Upon recording of the decree, the decree and the record hereof shall be presumptive evidence of title to the property held by the distributee listed above.

IT IS FURTHER ORDERED that the Estate of Harry Sears, aka Harry W. Sears has been fully distributed and is now closed.

DATED this 14 day of March, 2023

ORIGINAL SIGNED BY DARCI A.V. PHILLIPS
Honorable Darci A.V. Phillips
District Court Judge

Copies to: Rio D. Smith

I, the undersigned, Clerk of the Court, do hereby certify that the Above is a true and correct copy of the original instrument which is on file and
Dated this 14 day of March 2023
Rene Botten Clerk
By [Signature] Deputy

NO. 2023-784627 DECREE OF DISTRIBUTION
EDA SCHUNK THOMPSON, SHERIDAN COUNTY CLERK
Cowboy State Title, LLC 508 W 27th St
Cheyenne WY 82001-3031