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Administration of Estates; Procedures for Appeal

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sole execution of the will¹² and no alternate executor is named in the will or, if one is named, that alternate is unwilling or unable to serve.¹³ The coexecutor, unless incompetent to serve, is entitled to letters testamentary¹⁴ as if he or she had been named by the testator.¹⁵

12. *Id.* §138.045 3(a).

13. *Id.* §138.045 3(b).

14. *See Milner v. Dudley*, 77 Nev. 256, 264, 362 P.2d 439, 443 (1961); BLACK'S LAW DICTIONARY 815 (5th ed. 1979) (definitions of letters testamentary).

15. *See N.R.S.* §138.045 4.

Administration of Estates; procedures for appeal

N.R.S. §§151.230, 155.190 (amended).

SB 321 (Committee on Judiciary); STATS 1981, Ch 236

Existing law allows the probate court to issue a decree discharging an executor or administrator of an estate and his or her surety from all further liability if it is shown that all sums of money due have been paid, all property has been distributed according to the decree of the court, and all other duties have been performed.¹ Chapter 236 permits persons who have appealed successfully from a decree of distribution to recover any property distributed to an heir, devisee, or legatee, notwithstanding the prior discharge of the administrator or executor.²

In general, appeals of estate matters to the Nevada Supreme Court are governed by the procedural rules applicable to civil cases.³ Thus, prior to the enactment of Chapter 236, an appeal to the supreme court, from an order or decree regarding specified matters⁴ within the jurisdiction of the probate court, had to be filed within thirty days after service of written notice of the appeal.⁵ Chapter 236 now requires that these appeals be filed within thirty days after the entry of the particular order or decree.⁶

1. N.R.S. §151.230 1. *See generally id.* §§143.010-143.210 (enumerating the powers and duties of executors and administrators).

2. *See id.* §151.230 2.

3. *See id.* §155.180. *See generally Quinn v. Quinn*, 27 Nev. 156, 74 P. 5 (1903).

4. *See N.R.S.* §155.190 1-13 (some of the matters subject to the revised filing date are orders or decrees: (1) granting or revoking letters testamentary or letters of administration, (2) setting apart property as a homestead or claimed to be exempt from execution, (3) granting or modifying a family allowance, (4) distributing property).

5. *Compare NEV. R. APP. PROC. 4 with STATUTES OF NEVADA 1941, c. 107, §293, at 228 (enacting N.R.S. §155.190).*

6. *Compare N.R.S. §155.190 with N.R. APP. PROC. 4.*