

M7298578C

JUL 24 1996

DOUGLAS COUNTY  
DISTRICT COURT CLERK

1 Case No. 96-PB-0010

2 Dept. No. II

FILED

3 NO. \_\_\_\_\_

4 '96 JUL 24 P3:34

5  
6 IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
7 IN AND FOR THE COUNTY OF DOUGLAS  
8

BARBARA REED

By P. GREGORY

9  
10 IN THE MATTER OF THE  
11 GUARDIANSHIP OF THE PERSON AND  
12 ESTATE OF

ORDER REGARDING SALE  
OF REAL PROPERTY

LOIS LAVERNE SMAIL,

An Adult Ward.

13  
14  
15 THIS MATTER comes before the above-entitled court on the  
16 Ex Parte Petition for Court Approval Regarding Sale of Real  
17 Property filed herein by WILLIAM V. REYNOLDS, Guardian of the  
18 person and estate of LOIS LAVERNE SMAIL, an adult ward. After  
19 reviewing all of the pleadings, records, and documents on file  
20 herein, the Court finds as follows:

21 1. WILLIAM V. REYNOLDS was appointed by this Court as  
22 guardian of the person and estate of LOIS LAVERNE SMAIL, an  
23 adult ward, by order dated March 11, 1996. Letters of  
24 Guardianship were issued to him on the same date.

25 2. The ward is the surviving spouse of Harry E. Smail  
26 whose estate is being probated in Department I of the Ninth  
27 Judicial District Court in and for Douglas County as Case  
28 Number 96-PB-0011.

1           3.    The ward has a forced-share community property  
2 interest as well as an interest through intestate succession in  
3 the decedent's real estate located in Douglas County and  
4 described as Assessor's Parcel Numbers 37-301-04 and 37-392-01,  
5 which parcels are more fully described on Exhibits A and B to  
6 the Ex Parte Petition. Because of these community-property and  
7 intestate-succession interests, it appears to the Court that  
8 the ward is entitled eventually to receive the proceeds of any  
9 sale of such real property.

10           4.    One of the parcels of real estate (APN 37-301-04) has  
11 been sold and is currently in escrow at Marquis Escrow,  
12 Gardnerville, Nevada, under Escrow No. 960443JM. The sale of  
13 such property has been confirmed by Court Order dated July 16,  
14 1996.

15           5.    Western Title Company, which has been requested by  
16 the purchaser to issue title insurance on the subject parcel,  
17 has requested that the Guardian herein execute a Grant,  
18 Bargain, Sale Deed conveying the ward's community property  
19 interest and intestate succession interest to the purchaser of  
20 the subject parcel.

21           6.    Marquis Escrow has advised that the proceeds of the  
22 sale of APN 37-301-04 will be disbursed to the Estate of Harry  
23 E. Smail, deceased, and has asked that the Guardian provide a  
24 letter consenting to such disbursement on behalf of the ward.

25           7.    Dortha Jean Kiernan and Roland Elmo Hubbard, the  
26 children of the ward, have executed and filed herein Consents  
27 to allow the proceeds of the sale of the subject parcel to be  
28 disbursed to the Estate of Harry E. Smail, deceased. Such

1 Consents do not relinquish the ward's right to receive the  
2 portion of such proceeds to which she is entitled nor do such  
3 Consents in any way impair the potential future interests of  
4 Dortha Jean Kiernan and Roland Elmo Hubbard in the estate of  
5 Lois LaVerne Smail as heirs at law of Lois LaVerne Smail.

6 8. The second parcel of real property (APN 37-392-01)  
7 owned by the Estate of Harry E. Smail is currently listed for  
8 sale and it is anticipated that the Guardian will be asked to  
9 execute a similar Deed and letter of consent when a bona fide  
10 purchaser is located.

11 NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

12 A. The Court grants approval to the Guardian to execute  
13 a Grant, Bargain, Sale Deed conveying the ward's entire  
14 interest in Douglas County APN 37-301-04, which parcel of real  
15 property is more fully described on Exhibit 1 attached hereto  
16 and made a part hereof by his reference, to the purchaser from  
17 the Estate of Harry E. Smail;

18 B. The Court hereby approves the form of the Grant,  
19 Bargain, Sale Deed attached as Exhibit C to the Ex Parte  
20 Petition;

21 C. The Guardian is instructed to execute a letter to  
22 Marquis Escrow in the form attached as Exhibit D to the Ex  
23 Parte Petition, consenting, on behalf of the ward, to the  
24 disbursement of the proceeds from Escrow No. 96-443JM to the  
25 Estate of Harry E. Smail, deceased, without relinquishing any  
26 of the ward's right eventually to receive distribution of the  
27 portion of such proceeds to which she is entitled from the  
28 Estate of Harry E. Smail;

1 D. The Court further authorizes the Guardian to execute  
2 a similar Grant, Bargain, Sale Deed conveying the ward's  
3 community property interest in the second parcel (APN 37-392-  
4 01) to the bona fide purchaser whose purchase of that parcel is  
5 eventually confirmed by this Court, as well as a letter of  
6 consent to disbursement as described above, if requested to do  
7 so.

8 DATED this 24 day of July, 1996.

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10 Michael P. Stone  
11 DISTRICT JUDGE  
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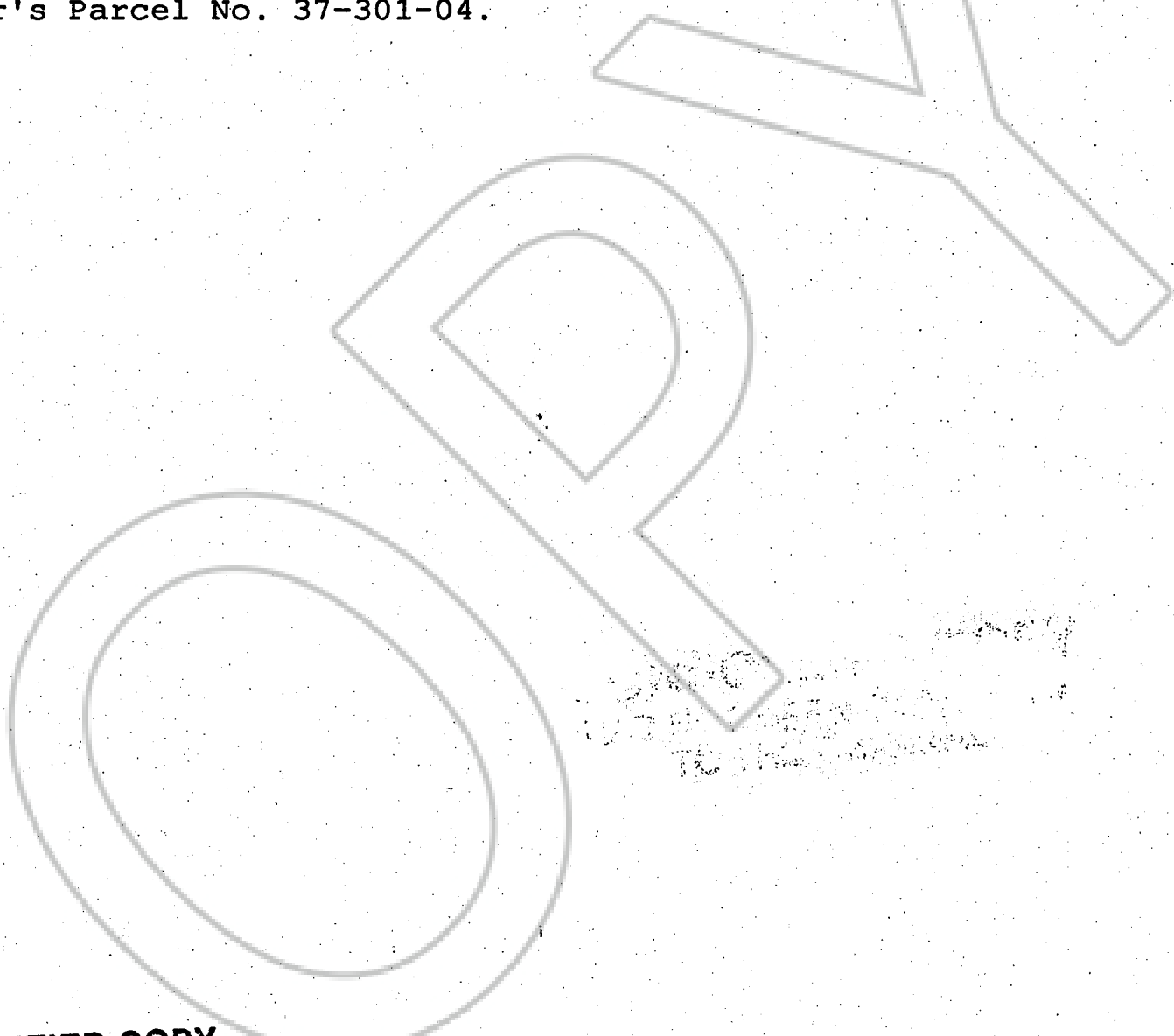
072496;ord/r.e.

EXHIBIT 1

All that certain lot, piece or parcel of land situate in the County of Douglas, State of Nevada, described as follows:

Lot 110, as shown on the map of TOPAZ RANCH ESTATES UNIT NO. 3, filed for record in the office of the County Recorder of Douglas County, State of Nevada, on March 31, 1969, in Book 1 of Maps, Page 221, as Document No. 44091.

Assessor's Parcel No. 37-301-04.



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**CERTIFIED COPY**

The document to which this certificate is attached is a full, true and correct copy of the original on file and of record in my office.

**SEAL**

DATE: 7/24/96  
\_\_\_\_\_  
Clerk of the 9th Judicial District Court  
of the State of Nevada, in and for the County of Douglas,

By: [Signature] Deputy

REQUESTED BY  
**WESTERN TITLE COMPANY, INC.**  
IN OFFICIAL RECORDS OF  
DOUGLAS CO., NEVADA

96 JUL 25 P3:27

LINDA SLATER  
RECORDER

\$ 4.00 PAID [Signature] DEPUTY

**392841**  
**BK 0796 PG 4172**