

APN = 37-182-100

99100823

FILED

1 CASE NO. 99-PB-0112

NO. _____

2 DEPT. NO. II

'99 DEC -6 P3:53

BARBARA REED
CLERK

DEC - 6 1999
DISTRICT

BY _____ DEPUTY

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

9 In the Matter of the
10 Guardianship of:

ORDER CONFIRMING SALE OF
REAL PROPERTY

11 PATRICIA LEDOUX,

ANCILLARY PROCEEDING

12 An Adult Ward.
13 _____ /

14 THIS MATTER was brought on before the Court on the Petition of
15 the Ancillary Special Guardian of the Estate of the above-mentioned
16 Ward to confirm the sale of the Ward's real property and
17 improvements. Present in court were the Public Administrator, LYNN
18 ENEARL, together with her counsel MICHAEL SMILEY ROWE, ESQ. of ROWE
19 & HALES, LLP. Based upon the pleadings on file herein, the verified
20 Petition for Confirmation of Sale of Real Property and of Payment of
21 Costs, and good cause appearing:

22 IT IS HEREBY ORDERED:

23 1. The Court hereby ratifies, confirms and approves of the
24 sale of the Ward's real property and improvements to TOM LLOYD for
25 the sum of THIRTY TWO THOUSAND DOLLARS AND NO/100 CENTS (\$32,000.00)
26 all cash, buyer to pay all closing costs, and seller to pay real
27 estate commission. Specifically, the Court approves of the payment
28 of such costs and real estate commission (7% of sale's proceeds) by
the Public Administrator out of the gross proceeds of the sale of

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the Ward's property.

2. The Court finds that due and proper notice as required by statute for the sale of real property of a decedent's estate have been met in this instance notwithstanding the fact that the provisions of NRS 148.220 requiring publication, posting and other notice of the sale have not been conducted.

The Court finds and concludes as a matter of law that the statute serves two purposes: one purpose is to advertise the sale to potential bidders; the second purpose is to serve constructive notice on all heirs so that they may have the opportunity to contest the sale. *Sarman v. District Court* 99 Nev. 201, 660 P.2d 990 (1983). In the circumstances of this sale, and due to the fact that this is an ancillary proceeding to a Conservatorship in the State of California, the Court finds that the purposes of the statute have been served, and that the sale should be confirmed.

3. The Court also finds that the offered price is approximately SIX THOUSAND DOLLARS AND NO/100 CENTS (\$6,000.00) greater than the average price of the sale of real property and improvements in the Topaz Ranch Estates area. The Court is satisfied from the information presented by the Public Administrator that the trailer home of the Ward is virtually valueless. Notwithstanding the depreciated condition of the mobile home, the Public Administrator has been able to obtain an offer which is significantly above the average sale's price of real property and improvements in the area. The Court is satisfied that the purchase price is at or above the value of the asset of the Ward.

4. The Public Administrator may pay the agreed-upon real estate commission to M. Scott Properties, Inc. in the amount of

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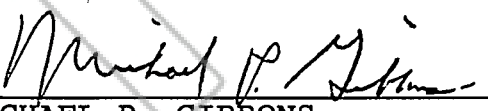
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1 seven percent (7%) of the offer. Further, the Public Administrator
2 may execute such instruments of conveyance as are necessary to
3 convey the Ward's right, title and interest in and to the real
4 property and improvements as are required to close escrow.

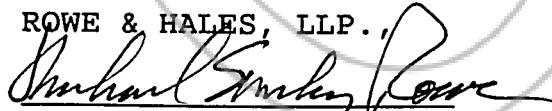
5 5. The Public Administrator is authorized to remove the
6 three (3) motor vehicles on the Ward's property at the expense of
7 the owner(s) of the vehicles, and dispose of them as in her
8 discretion she deems appropriate.

9 6. Upon close of escrow, the Public Administrator may submit
10 an accounting of her Ancillary Administration to this Court, request
11 commissions and payment of her attorney's fees and court costs.
12 Upon approval of such accounting, the Public Administrator shall
13 disburse the net proceeds of the sale to the Conservator of the
14 Ward's Estate in the State of California, and request closure of
15 these proceedings.

16 DATED: this 6th day of December 4, 1999.

17 
18 MICHAEL P. GIBBONS
19 District Court Judge

20 Submitted by:

21 ROWE & HALES, LLP.,
22 by: 
23 MICHAEL SMILEY ROWE, ESQ.
24 Nevada State Bar No. 1374
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Attorney for Petitioner,
Lynn EnEarl
Douglas County Public
Administrator

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Y

COPY

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: 12/6/99
of the State of Nevada, in and for the County of Douglas,

By [Signature] Deputy

REQUESTED BY
MARQUIS TITLE & ESCROW INC.
IN OFFICIAL RECORDS OF
DOUGLAS CO., NEVADA

1999 DEC -8 PM 4: 15

LINDA SLATER
RECORDER

\$/0⁰⁰ PAID Ka DEPUTY

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