

Mailing Address

Minden, NV 89423
Facsimile (775)782-3685

Attorneys At Law

Physical Address

1038 Esmeralda Street
Minden, NV 89423
(775) 782-8141

FILED

1 CASE NOS. 99-PB-0044/99-PB-0021

2 DEPT. NO. II

NO _____

3 '99 DEC -6 P3:10

4 BARBARA REED
5 P. GREGORY CLERK
BY _____ DEPUTY

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

8
9 In the Matter of the
10 Estate of
11 NATHANIEL "JOE" HOUSEAL,
12 Deceased.

ORDER CONFIRMING SALE OF
PROPERTY AND PAYMENT OF COSTS

13 _____ /
14 In the Matter of the
15 Guardianship of
16 SHIRLEE HOUSEAL,
17 An Adult Ward.

18 THIS MATTER was brought on before the Court on the 6th day
19 of December, 1999, on the Petition for Confirmation of Sale of Real
20 Property and Payment of Costs filed by the Public Administrator of
21 Douglas County as the Administrator of the Decedent's Estate and
22 as the Guardian of the Ward. Present in Court were the Public
23 Administrator, together with her counsel MICHAEL SMILEY ROWE, ESQ.
24 of ROWE & HALES, LLP.

25 Based upon the verified Petition on file herein, all previous
26 pleadings filed in both matters, together with the representations
27 made in open court at the hearing on the Petition, the Court hereby
28 finds and orders as follows:

0483833

BK0100PG0490

Mailing Address
P.O. Box 2080
Mindon, NY 89423
Facsimile (775) 782-3685

Rowe & Hales
Attorneys At Law

Physical Address
1638 Esmeralda Street
Mindon, NY 89423
(775) 782-8141

1 1. Notwithstanding that notice pursuant to NRS 148.220 has
2 not been given as set forth in the statute, the Court finds that
3 the best offer has been obtained for the purchase of the real
4 property and improvements owned by the Ward and the Decedent. The
5 Court has previously granted an enlargement of time to administer
6 the Estate of the Decedent because of the lack of activity in the
7 Topaz Ranch Estates area in the sales of real property. The Court
8 has found, and now finds anew, that the Public Administrator and
9 her retained broker have aggressively marketed the real property
10 and improvements. The offer which is recommended for confirmation
11 is the only offer which has resulted from months of aggressive
12 market activity. Further, it appears to the satisfaction of the
13 Court that the average purchase price of property in the Topaz
14 Ranch Estates area of similar size and improvements as the property
15 herein confirmed, has resulted in an average purchase price of
16 \$25,935.00.

17 2. The Court further finds based on the verified Petition
18 and the Broker's Opinion found as Exhibit "C" to the Petition, that
19 this home is an old mobile home which has little value due to its
20 age, condition, and lack of maintenance by the Decedent and his
21 spouse, the Ward. As noted in the Residential Purchase Agreement
22 found as Exhibit "A" to the Petition, there are many defects in the
23 home such as a leaking roof, exposed electrical wires, sinks and
24 commodes in need of replacement, etc. The offer being made is an
25 "as is" offer.

26 3. The Court concludes as a matter of law that it has
27 jurisdiction to confirm the sale of the property notwithstanding
28 the fact that the provisions of NRS 148.220 were not complied with

0483833

BK0100PG0491

1 by the Public Administrator. The Court finds that the purposes of
2 the Statute have been satisfied, to wit:

3 First, this property has been advertised to potential bidders
4 or purchasers for many months with aggressive efforts.
5 Notwithstanding such efforts, the offer herein confirmed is the
6 only offer which has been received. Second, all heirs and next of
7 kin of the Ward and the Decedent have not only received
8 constructive notice, but they have received actual notice of the
9 Petition to Confirm the sale. All heirs are known to the
10 Administrator. The Court is satisfied that they have received
11 notice of the Petition. Accordingly, and pursuant to *Sarman v.*
12 *District Court 99 Nev. 201, 660 P.2d 990 (1983)*, this Court has
13 jurisdiction to confirm the sale.

14 4. The Court finds that due notice of the hearing has been
15 given as required by law, and that all of the allegations of the
16 Petition are true. The sale is legally made and fairly conducted,
17 and the sum offered represents the best market value of the
18 property sold as can be obtained under the circumstances.

19 **IT IS THEREFORE ORDERED** that the Public Administrator may
20 accept the offer to purchase the real property and improvements of
21 the Decedent and the Ward as is set forth in the Standard
22 Residential Purchase Agreement attached as Exhibit "A" to the
23 Petition. The Public Administrator is authorized to execute all
24 documents necessary to effectuate the sale and close escrow as is
25 set forth in Exhibit "A."

26 **IT IS FURTHER ORDERED** that the sale of the real property and
27 improvements of the Decedent and Ward to DON and DONNA SWAFFORD in
28 the amount of \$75,000.00, be, and the same is hereby **CONFIRMED**.

0483833

BK0100PG0492


Mailing Address
P. O. Box 2080
Minden, NV 89423
Facsimile (775)782-3685

Rowe & Hales
Attorneys At Law

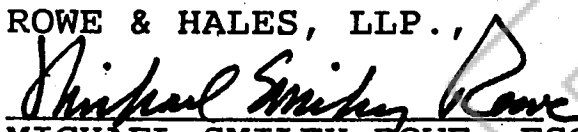
Physical Address
1638 Esmeralda Street
Minden, NV 89423
(775) 782-8141

1 IT IS FURTHER ORDERED that the Public Administrator may pay
2 one-half of the closing costs as is set forth in the Petition and
3 in the offer. The Public Administrator is also authorized to pay
4 a real estate commission in the amount of 7% as is set forth in the
5 offer.

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

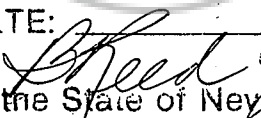
7 
8 MICHAEL P. GIBBONS
District Court Judge

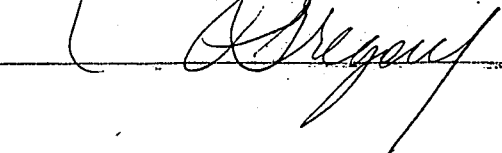
9 Submitted by:

10 ROWE & HALES, LLP.,
11 by: 
12 MICHAEL SMILEY ROWE, ESQ.
13 Nevada State Bar No. 1374
14 1638 Esmeralda Ave.
15 P.O. Box 2080
16 Minden, NV 89423
17 (775)782-8141
18 Attorney for LYNN ENEARL,
19 Douglas County
20 Public Administrator

21
22
23
24 **CERTIFIED COPY**

c:\wpdoc\estate\houseal\ordcons1.pmr
25 The document to which this certificate is attached is a
26 full, true and correct copy of the original on file and of
27 record in my office.

28 DATE: 1/4/00 **SEAL**
 Clerk of the 9th Judicial District Court
of the State of Nevada, in and for the County of Douglas,

By  Deputy

REQUESTED BY
FIRST AMERICAN TITLE CO.

IN OFFICIAL RECORDS OF
DOUGLAS CO., NEVADA

2000 JAN -4 PM 3: 35

LINDA SLATER
RECORDER

\$10.00 PAID kb DEPUTY

BK0100PG0493

0483833