

FILED

1 CASE NO. 01-PB-0033

NO _____

2 DEPT. NO. II

3 '01 OCT 22 P4:11

4 BARBARA NEED

5 BY *Barney*

OCT 22 2001

6
7 IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
8 IN AND FOR THE COUNTY OF DOUGLAS
9

10
11
12 IN THE MATTER OF THE ESTATE

13 -of-

ORDER CONFIRMING SALE OF REAL
PROPERTY AND PAYMENT OF COSTS

14 SHARON BARNEY FRANKENBERG,

15 Deceased.
16 _____ /

17 THIS MATTER was brought on before the Court on the 22nd day of
18 October, 2001, on the Douglas County Public Administrator's Verified
19 Petition for Confirmation of Sale of Real Property and Payment of
20 Costs which was filed with the Court on October 5, 2001. Also filed
21 with this Court is a Notice of Sale which has been filed by the Public
22 Administrator advising that the real property and improvements of the
23 Decedent would be sold at the hour of 1:30 o'clock p.m. on October 22,
24 2001. Notice of the hearing conducted on October 22, 2001, was also
25 filed with the Court on October 5, 2001.
26

27 Present in Court were the Public Administrator, together with
28 her counsel MICHAEL SMILEY ROWE, ESQ. of ROWE & HALES, LLP. Also

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

Rowe & Hales
Attorneys At Law

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

1 present were Lynn Watson of M. Scott Properties, Inc., representing
2 Henri Mancini; Paul Swift of Swift Properties representing Sandra
3 Hansen; and Dan Jackson of M. Scott Properties, Inc., representing
4 Sheila Kolos. Based upon the Verified Petition on file herein, all
5 previous pleadings filed in this estate, together with the
6 representations made in open Court at the hearing on the Petition, the
7 Court hereby finds and orders as follows:
8

9 1. The property which is the subject of this order, the sale
10 of which is hereby confirmed, is commonly known as 1431 Evening Star,
11 Gardnerville, Douglas County, Nevada. This property has been assigned
12 Douglas County, Nevada Assessor's Parcel No. 1220-15-110-033 (formerly
13 APN 27-392-02) (hereinafter referred to as "the property").
14

15 2. The Petitioner has advised the Court that no appraisal has
16 been performed on the subject property, however, the Public
17 Administrator has requested and received information regarding
18 comparable sales from M. Scott Properties, Inc., and from Chris
19 Sorensen, indicating a range in value for this property. It appears
20 to the satisfaction of this Court that, if this property were well
21 maintained and in a clean condition, the property might command a
22 sale's price in the range of \$159,000.00 to \$169,000.00.
23

24 3. In her Verified Petition, the Petitioner has represented
25 that this property is not in a well maintained condition, and that the
26 property has suffered from deferred maintenance for a significant
27 period of time. The Administrator believes that the interior of the
28

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

Rowe & Hales
Attorneys At Law

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

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

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Mindden, NV 89423
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1 home would have to be completely repainted, and perhaps re-carpeted if
2 the rugs could not be cleaned. Another example is that the air
3 conditioning that had been partially installed in the property has not
4 been completed and ducting remains to be installed. The landscaping
5 at the property apparently has been neglected for some period of time.

6
7 Based upon these noted deficiencies in the condition of the
8 property, the Administrator has set forth that she believes the costs
9 of the repairs and maintenance will exceed the return to the estate if
10 the Administrator were to authorize such repairs and maintenance.
11 Furthermore, Petitioner has indicated that the estate is not possessed
12 of the funds with which it can afford to pay for such repairs and
13 maintenace.

14
15 4. Petitioner has represented to the Court, and the Court
16 accepts such representations as true, that the Deed recorded for this
17 property reflects title to the real property and improvements as being
18 vested in the Decedent, as an unmarried woman and as her sole and
19 separate property.

20
21 5. In her Petition, and in Exhibit "A" attached to the
22 Petition, Petitioner has set forth that, as a result of marketing
23 efforts, she has received several offers, the highest of which is ONE
24 HUNDRED THIRTY EIGHT THOUSAND FIVE HUNDRED DOLLARS (\$138,500.00)
25 containing the following terms:

26 Purchase price: \$138,500.00
27 Deposit: \$ 500.00
28 Title Company and Split 50/50;
Escrow costs: First American Title Co.; "Kathy"

1 Buyer's funding: All Cash
2 Offer is an "as is, court approved sale"
3 Buyer to pay for all inspections desired.

4 The offer is received from Ms. Sheila Kolos.

5 6. At the date, time and place of the sale, which coincided
6 with the hearing on the Petition for Confirmation of the Sale, Ms.
7 Kolos, Ms. Mancini and Ms. Hansen, through their representatives,
8 appeared at the Court to bid an amount exceeding the offer of Ms.
9 Kolos. It appears to the satisfaction of the Court that bids were
10 offered in an amount which meets or exceeds the requirements of NRS
11 148.270. Accordingly, this Court enters an order confirming the sale
12 as made in open Court after all parties were offered an opportunity to
13 bid on the property, and directs that the Public Administrator may
14 execute such instruments of conveyance as are required to convey the
15 property to Ms. Kolos.
16

17 7. The Public Administrator has represented that she has sent
18 a Notice of Private Sale for publication in the Record Courier, a
19 newspaper of general circulation within Douglas County, Nevada. The
20 Administrator requested that the notice be published on October 10,
21 October 13 and October 17, 2001. An affidavit of publication has not
22 been received by the Public Administrator, however, the Court accepts
23 the representations of the Public Administrator that the Notice of
24 Sale has been properly published pursuant to NRS 148.220 and NRS
25 148.240. The Court concludes as a matter of law that due and proper
26 notice of the sale of the real property and the Court's hearing on the
27
28

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

Rowe & Hales
Attorneys At Law

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Minden, NV 89423
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1 Petition to confirm the sale of real property has been given as
2 required by law.

3 8. The Court concludes as a matter of law that it has
4 jurisdiction to confirm the sale of the property in view of
5 Petitioner's compliance with all applicable statutes. The procedure
6 governing confirmation of this sale is set forth in NRS 148.260 and
7 NRS 148.270.
8

9 The Court concludes that the property valuation information
10 which has been received by the Public Administrator satisfies the
11 requirements of NRS 148.260.

12 The Court concludes and so finds that it is necessary for
13 the estate to sell the property of the Decedent, and that the estate
14 will realize an advantage, benefit and interest in having the sale
15 made. Good reason exists for the sale, and the sale has been legally
16 made and fairly conducted, the sale complies in all respects with the
17 requirements of NRS 148.270, and the sum bid is not disproportionate
18 to the property value.
19

20 **IT IS HEREBY ORDERED** that the sale of the real property and
21 improvements owned by the Decedent to Sheila Kolos in the amount of
22 ONE HUNDRED FORTY NINE THOUSAND FIVE HUNDRED DOLLARS (\$149,500.00) be,
23 and the same is hereby, confirmed upon the following terms and
24 provisions:
25

- 26 •Purchase price: \$149,500.00
27 •Deposit: \$ 500.00
•Title Company and Split 50/50;
28 •Escrow costs: First American Title Co.; "Kathy"

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

Rowe & Hales
Attorneys At Law

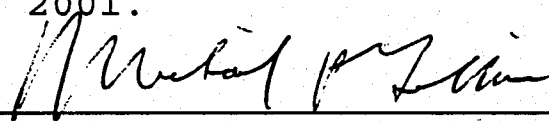
Physical Address
1638 Esmeralda Avenue
Minden, NV 89423
(775) 782-8141

- Buyer's funding: All Cash
- Offer is an "as is, court approved sale"
- Buyer to pay for all inspections desired.
- Close of escrow on or before October 24, 200.

BE IT FURTHER ORDERED that the request of the Public Administrator that this Court approve of her payment of one-half of the closing costs as set forth in the Petition, and that the Court approve of her payment of a real estate commission of 7% to M. Scott Properties, Inc., both seller's and buyer's agent is granted. It is the order of the Court that the Public Administrator may pay the described share of closing costs and the real estate commissions.

BE IT FURTHER ORDERED that the Public Administrator may execute such instruments of conveyance as are necessary to convey the Decedent's rights, title and interest in and to the property to Sheila Kolos for the offered sum of \$149,500.00 subject to the terms and provisions of this Order.

Dated this 22nd day of October, 2001.



MICHAEL P. GIBBONS
DISTRICT COURT JUDGE

ROWE & HALES, LLP



MICHAEL SMILEY ROWE
Nevada Bar Number 1374
1638 Esmeralda Avenue
P.O. Box 2080
Minden, Nevada 89423
(775) 782-8141
Attorney for Lynn EnEarl
Douglas County Public
Administrator

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

Rowe & Hales
Attorneys At Law

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

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.

DATE: 10/24/01
Clerk of the 9th Judicial District Court
of the State of Nevada, in and for the County of Douglas,

By [Signature] Deputy

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REQUESTED BY
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DOUGLAS CO., NEVADA

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LINDA SLATER
RECORDER

\$20.00 PAID [Signature] DEPUTY

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