

APN 1319-11-001-004
20100441

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9 John E. Emery

FILED
FEB 14 2001
KEENAN G. CASADY, Clerk
U.S. BANKRUPTCY COURT - SANTA ROSA

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

10 In re No. 00-11089
11 JOHN E. EMERY, Chapter 11
12 Debtor and Debtor-In-Possession.

AMENDED ORDER TO SELL REAL PROPERTY
OUT OF THE ORDINARY COURSE OF BUSINESS

15 Upon the Application For Amended Order or, in the Alternative, for an Order Shortening
16 Time filed by the Chapter 11 Debtor-In-Possession, the Court being satisfied that entry of an
17 amended order in the best interests of the creditors and the estate, and good cause appearing,
18

19 IT IS HEREBY ORDERED that the Debtor-In-Possession be, and the same hereby is,
20 authorized to sell his interest in the real property described in Exhibits "A" and "B", attached hereto
21 and incorporated herein, consisting of approximately 50 acres, in total. After the lot line adjustment
22 necessary to conclude the sale, the Buyer shall acquire the property described in Exhibit "C"
23 attached hereto and incorporated herein and the remainder, as described in Exhibit "D", attached
24 hereto and incorporated herein, shall remain in the Debtor's Individual Retirement Account. The
25 terms of the sale are as follows:

- 26 1. Buyer: Suzy Bolding;
- 27 2. Price: \$360,000;
- 28 3. Terms: With the purchase price to be paid either in all cash or \$65,000 cash, with the

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balance to be evidenced by a promissory note in the amount of \$294,999.20 secured by a first deed of trust on the property being sold.

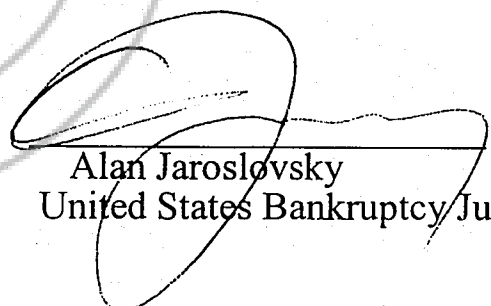
4. Escrow: The following shall be paid out of the escrow:

- (a) obligation secured by a first deed of trust on the property described in Exhibit A in favor of Susan Braun in the approximate amount of \$35,000;
- (b) real estate commissions to Realty Executives (Buyer's Broker) and Century 21 Clark Properties (Sellers' Broker) totaling \$21,600.02;
- (c) real property taxes pro rated through the close of escrow;
- (d) the usual and customary escrow and closing costs.

5. Water Rights: The water rights appurtenant to the real property covered by this Order shall also be transferred to the Buyer.

IT IS HEREBY FURTHER ORDERED that the net proceeds of sale attributable to the property described in Exhibit A, including any promissory notes and deeds of trust taken as seller financing, shall be held in trust by the attorney for John E. Emery pending further order of this Court. Any claims as to the avoidability of the transfer from John E. Emery to Deborah Emery shall be preserved and shall attach to the proceeds from the sale of the property described in Exhibit A. The portion of the sales proceeds attributable to the property described in Exhibit B, title to which is in the Debtor's IRA, shall be paid to First Regional Bank, or its successor, the trustee for the IRA, subject to any claims the estate may have thereto.

Dated: FEB 14 2001


 Alan Jaroslowsky
 United States Bankruptcy Judge

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EXHIBIT "A"

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EXHIBIT "A"

All that certain real property situate in the County of Douglas, State of Nevada, described as follows:

PARCEL 1:

A Parcel of land situated within Section 10 and 11 of Township 13 North, Range 19 East, M.D.B.&M., Douglas County, Nevada and more particularly described as follows:

Commencing at the Northwest corner of Section 11, Township 13 North, Range 19 East, M.D.B.&M., said corner being marked by a 2" pipe; thence South 00°04'30" West, a distance of 1,132.65 feet; thence South 87°14'25" East, a distance of 116.74 feet to a 5/8" rebar with cap marked PLS 9393, said point marking the POINT OF BEGINNING; thence South 16°15'15" West, a distance of 601.84 feet; thence South 81°32'45" East, a distance of 51.60 feet; thence South 89°07'19" East, a distance of 596.94 feet; thence South 72°15'13" East, a distance of 185.17 feet; thence South 21°05'33" West, a distance of 210.74 feet; thence South 00°20'15" East, a distance of 499.16 feet; thence South 86°52'39" East, a distance of 350.76 feet to a 5/8" rebar with cap marked RLS 3090; thence South 62°03'44" East, a distance of 153.97 feet to a 5/8" rebar with cap marked RLS 3090; thence South 31°01'25" East, a distance of 79.33 feet to a 5/8" rebar with cap marked RLS 3090; thence South 63°30'47" East, a distance of 117.20 feet to a 5/8" rebar with cap marked RLS 3090; thence South 70°26'33" East, a distance of 199.48 feet to a 5/8" rebar with cap marked RLS 3090; thence North 10°07'26" East, a distance of 1,463.20 feet to a 5/8" rebar with cap marked RLS 3090; thence North 10°07'26" East, a distance of 105.31 feet to a 5/8" rebar with cap marked RLS 3090; thence North 87°14'25" West, a distance of 1,680.58 feet to the POINT OF BEGINNING.

The basis of bearings of this description is the North line of Parcel C as shown on the Record of Survey recorded on February 26, 1990 in Book 290 at Page 3709 as Document No. 220782 of the Official Records of Douglas County. Said line bears North 83°57'02" West per said map.

EXCEPTING THEREFROM any portion of said land lying within the ordinary high water mark of the Carson River.

PARCEL 2:

A 30 foot easement for ingress and egress as shown in Document recorded October 17, 1927 in Book S of Deeds, at Page 314, Document No. 1061, Douglas County, Nevada Records.

PARCEL 3:

Together with a private road easement over and across the Southerly 50 feet of Parcel A and Easterly 30 feet of Parcel C as set forth on the certain Record of Survey filed for record in the Office of the County Recorder of Douglas County, State of Nevada, on February 26, 1990, in Book 290, at Page 3709, Douglas County, Nevada, as Document No. 220782 and as shown in Document recorded June 29, 1990 in Book 690, at Page 4865, as Document No. 229392 and re-recorded March 3, 1995, in Book 395, at Page 236, as Document No. 357200.

Reference is made to Record of Survey recorded April 5, 1995 in Book 495, Page 632, as Document No. 359499.

Desc. taken from deed recorded
6-29-90, Book 690, Page 4865, document # 229392

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EXHIBIT " A "

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EXHIBIT "B"

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EXHIBIT "3"

All that certain real property situate in the County of Douglas, State of Nevada, described as follows:

A parcel of land situated within Sections 10 and 11 of Township 13 North, Range 19 East, M.D.B.&M., Douglas County, Nevada and more particularly described as follows:

PARCEL 1:

Beginning at the Northwest corner of Section 11, Township 13 North, Range 19 East, M.D.B.&M., said corner being marked by a 2" pipe and being the POINT OF BEGINNING; thence South 89°58'03" East a distance of 2,659.12 feet to a 5/8" rebar with a cap marked RLS 3090; thence South 00°28'08" East a distance of 1,310.57 feet to a 5/8" rebar with cap marked RLS 3090; thence South 00°24'12" East a distance of 105.70 feet to a 5/8" rebar with cap marked RLS 3090; thence North 83°57'02" West a distance of 900.36 feet to a 5/8" rebar with cap marked RLS 3090; thence North 10°07'26" East a distance of 105.31 feet to a 5/8" rebar with cap marked RLS 3090; thence North 87°14'25" West a distance of 1,680.58 feet to a 5/8" rebar with cap marked PLS 9393; thence South 16°15'15" West a distance of 601.84 feet; thence North 81°32'45" West a distance of 116.74 feet; thence North 31°22'33" West a distance of 175.96 feet; thence North 02°16'16" West a distance of 411.96 feet; thence North 54°14'05" West a distance of 71.46 feet; thence South 53°02'49" West a distance of 113.67 feet; thence North 11°01'44" East a distance of 120.10 feet; thence South 77°46'16" East a distance of 410.42 feet; thence North 00°04'30" East a distance of 1,132.65 feet to the POINT OF BEGINNING.

The basis of bearings of this description is the North line of Parcel C as shown on the Record of Survey recorded on February 26, 1990 in Book 290 at Page 3709 as Document No. 220782 of the Official Records of Douglas County. Said line bears North 83°57'02" West per said map.

EXCEPTING THEREFROM any portion lying within the ordinary high water mark of the Carson River.

Reference is made to Record of Survey recorded April 5, 1995 in Book 495, Page 632, as Document No. 359499.

PARCEL 2:

A 30 foot easement for ingress and egress as shown in Document recorded October 17, 1927, in Book S of Deeds, at Page 314, Document No. 1061, Douglas County, Nevada Records.

PARCEL 3:

A 30 foot private road easement over the Easterly 30 feet of Parcel C as set forth on the Record of Survey recorded February 26, 1990, in Book 290, at Page 3709, as Document No. 220782 and as shown in Document recorded June 29, 1990, in Book 690, at Page 4865, as Document No. 229392 and re-recorded March 3, 1995, in Book 395, at Page 236, as Document No. 357200.

Desc. taken from deed recorded 6-29-90, Book 690,
Page 4865, Doc# 229392

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EXHIBIT "C"

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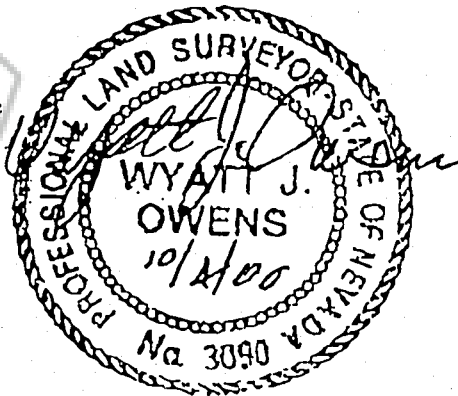
LEGAL DESCRIPTION OF PARCEL B

A parcel of land within Sections 10 and 11 of Township 13 North, Range 19 East, M.D.B.&M., Douglas County, Nevada and more particularly described as follows:

Commencing at the Northwest corner of Section 11, Township 13 North, Range 19 East, M.D.B.&M., said corner being marked by a 2" pipe; thence South 18 Degrees 56 Minutes 20 Seconds East a distance of 1,331.96 feet to the TRUE POINT OF BEGINNING; thence South 72 Degrees 15 Minutes 13 Seconds East, a distance of 185.17 feet; thence South 21 Degrees 05 Minutes 33 Seconds West a distance of 211.74 feet; thence South 00 Degrees 20 Minutes 15 Seconds East a distance of 499.16 feet; thence South 86 Degrees 52 Minutes 39 Seconds East a distance of 350.76 feet to a 5/8" rebar with cap stamped RLS 3090; thence South 62 Degrees 03 Minutes 44 Seconds East a distance of 153.97 feet to a 5/8" rebar with cap stamped RLS 3090; thence South 31 Degrees 01 Minutes 25 Seconds East a distance of 79.33 feet to a 5/8" rebar with cap stamped RLS 3090; thence South 63 Degrees 30 Minutes 47 Seconds East a distance of 117.20 feet to a 5/8" rebar with cap stamped RLS 3090; thence South 70 Degrees 26 Minutes 33 Seconds East a distance of 199.48 feet to a 5/8" rebar with cap stamped RLS 3090; thence North 10 Degrees 07 Minutes 26 Seconds East a distance of 1463.20 feet to a 5/8" rebar with cap stamped RLS 3090; thence South 83 Degrees 57 Minutes 02 Seconds East a distance of 900.36 feet to a 5/8" rebar with cap stamped PLS 3090; thence North 00 Degrees 24 Minutes 12 Seconds West a distance of 105.70 feet to a 5/8" rebar with cap stamped PLS 3090; thence North 00 Degrees 28 Minutes 08 Seconds West a distance of 373.27 feet to a 5/8" rebar with cap stamped PLS 3090; thence North 87 Degrees 14 Minutes 25 Seconds West a distance of 2,073.45 feet to a 5/8" rebar with cap stamped PLS 3090; thence South 00 Degrees 04 Minutes 30 Seconds West a distance of 893.34 feet to the TRUE POINT OF BEGINNING. Said parcel contains 50.47 acres, more or less.

The basis of bearings of this description is the North line of Parcel C as shown on the Record of Survey recorded on February 26, 1990 in Book 290 at Page 3709 as Document #220782 of the official records of Douglas County. Said line bears N83°57'02"W per said map.

Description Prepared by:
Owens Engineering
P.O. Box 16
Gardnerville NV 89410



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EXHIBIT "D"

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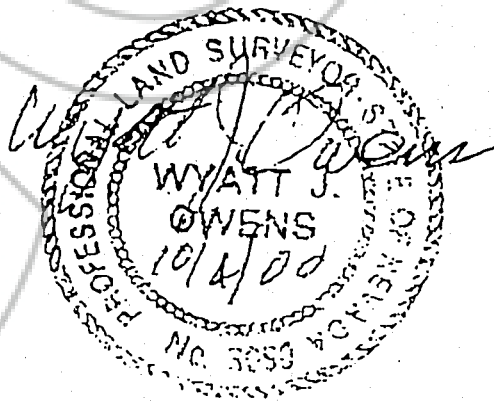
LEGAL DESCRIPTION FOR PARCEL A

A parcel of land within Sections 10 and 11 of Township 13 North, Range 19 East, M.D.B.&M., Douglas County, Nevada and more particularly described as follows:

Beginning at the Northwest corner of Section 11, Township 13 North, Range 19 East, M.D.B.&M., said corner being marked by a 2" pipe and being the TRUE POINT OF BEGINNING; thence South 89 Degrees 58 Minutes 03 Seconds East a distance of 2659.12 feet to a 5/8" rebar with cap marked RLS 3090; thence South 00 Degrees 28 Minutes 08 Seconds East a distance of 937.30 feet to a 5/8" rebar with cap marked RLS 3090; thence North 87 Degrees 14 Minutes 25 Seconds West a distance of 2,073.45 feet to a 5/8" rebar with cap marked PLS 3090; thence South 00 Degrees 04 Minutes 30 Seconds West a distance of 893.84 feet; thence North 89 Degrees 07 Minutes 19 Seconds West a distance of 596.94 feet; thence North 81 Degrees 32 Minutes 45 Seconds West a distance of 168.34 feet; thence North 31 Degrees 22 Minutes 33 Seconds West a distance of 175.96 feet; thence North 02 Degrees 16 Minutes 16 Seconds West a distance of 411.96 feet; thence North 54 Degrees 14 Minutes 05 Seconds West a distance of 71.46 feet; thence South 53 Degrees 02 Minutes 49 Seconds West a distance of 113.67 feet; thence North 11 Degrees 01 Minutes 44 Seconds East a distance of 120.10 feet; thence South 77 Degrees 46 Minutes 16 Seconds East a distance of 410.12 feet; thence North 00 Degrees 04 Minutes 30 Seconds East a distance of 1132.65 feet to the TRUE POINT OF BEGINNING. The parcel contains 69.52 acres, more or less.

Subject to a 30 foot wide easement along the easterly line of subject parcel as shown on the Record of Survey recorded on February 26, 1990 in Book 290 at Page 3709 as Document #220782 of the official records of Douglas County.

The basis of bearings of this description is the North line of Parcel C as shown on the Record of Survey recorded on February 26, 1990 in Book 290 at Page 3709 as Document #220782 of the official records of Douglas County. Said line bears N83°57'02"W per said map.



Description Prepared by
Owens Engineering
P.O. Box 16
Gardnerville NV 89410

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CERTIFICATE OF MAILING

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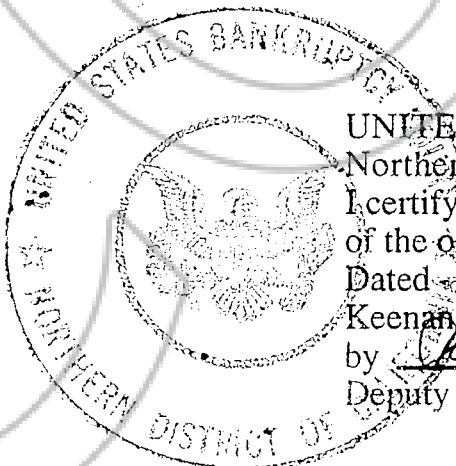
The undersigned deputy clerk of the United States Bankruptcy Court for the Northern District of California hereby certifies that a copy of the attached document was mailed to all parties listed below as required by the Bankruptcy Code and Rules of Bankruptcy Procedure.

Dated:

FEB 14 2001

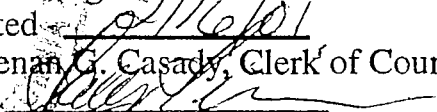

Deputy Court Clerk

Timothy W. Hoffman, Esq.
1105 N. Dutton Ave.
P.O. Box 1566
Santa Rosa, CA 95402



UNITED STATES BANKRUPTCY COURT
Northern District of California

I certify that this is a true, correct and full copy
of the original document on file in my custody.

Dated 2/14/01
Keenan G. Casady, Clerk of Court
by 
Deputy Clerk

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

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LINDA SLATER
RECORDER

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