

FILED

NO _____

1 CASE NO. 02-PB-0040

2 DEPT. NO. I

2002 JUN -4 PM 3: 32

BARBARA REED
CLERK

BY ~~E. WILLIAMS~~ JTY

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

10
11 In the Matter of the Estate

12 -of-

ORDER CONFIRMING SALE OF REAL
PROPERTY AND PAYMENT OF COSTS

13 JOHN S. KOLTONIAK,

14 Deceased.
15

16 **THIS MATTER** was brought on before the Court on the 4th day of
17 June, 2002, on the Douglas County Public Administrator's Verified
18 Petition for Confirmation of Sale of Real Property and Payment of
19 Costs which was filed with the Court on May 1, 2002. Also filed with
20 this Court is a Notice of Sale which has been filed by the Public
21 Administrator advising that the real property and improvements of the
22 Decedent would be sold at the hour of 1:30 o'clock p.m. on May 28,
23 2002. Notice of the sale conducted on May 28, 2002, was also filed
24 with the Court on May 1, 2002. Amended Notice of the hearing
25 conducted on June 4, 2002, was filed with the Court on May 8, 2002.

26 A Report of Private Sale was filed with the Court on May 31,
27 2002. In the report, the Personal Representative advised the Court of
28 the result of the private sale conducted on May 28, 2002. Anthony and
Melissa Jaquish emerged as the highest bidder for the property

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1 offering to purchase the property for \$148,000.00.

2 Present in Court were the Public Administrator, together with
3 her counsel MICHAEL SMILEY ROWE, ESQ. of ROWE & HALES, LLP. Also
4 present was Paul Swift of Swift Properties representing Tony and
5 Melissa Jaquish. Based upon the Verified Petition and Report of
6 Private Sale on file herein, all previous pleadings filed in this
7 estate, together with the representations made in open Court at the
8 hearing on the Petition, the Court hereby finds and orders as follows:

9 1. The property which is the subject of this order, the sale
10 of which is hereby confirmed, is commonly known as 661 Joette,
11 Gardnerville, Douglas County, Nevada. This property has been assigned
12 Douglas County, Nevada Assessor's Parcel No. 1220-21-181-0038
(hereinafter referred to as "the property").

13 2. The Petitioner has advised the Court that no appraisal has
14 been performed on the subject property, however, the Public
15 Administrator has requested and received information regarding
16 comparable sales from M. Scott Properties, Inc. indicating a range in
17 value for this property. It appears to the satisfaction of this Court
18 that, if this property were well maintained and in a clean condition,
19 the property might command a sale's price in the range of \$132,000.00
to \$150,000.00.

20 3. Petitioner has represented to the Court, and the Court
21 accepts such representations as true, that the Deed recorded for this
22 property reflects title to the real property and improvements as being
23 vested in the Decedent, as an unmarried man and as his sole and
24 separate property.

25 4. In her Petition, and in Exhibit "A" attached to the
26 Petition, Petitioner has set forth that, as a result of marketing
27 efforts, she had received several offers, the highest of which offered
28 ONE HUNDRED THIRTY SEVEN THOUSAND FIVE HUNDRED DOLLARS (\$137,500.00)
containing the following terms:

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1 Purchase price: \$137,500.00
2 Deposit: \$ 1,000.00
3 Title Company and Split 50/50;
4 Escrow costs: First American Title Co.
5 Buyer's funding: All Cash
6 Offer is an "as is, court approved sale"
7 Buyer to pay for all inspections desired.

8 The offer was received from Tony and Melissa Jaquish.

9 5. At the date, time and place of the sale, after bids were
10 received, Tony and Melissa Jaquish emerged as the successful bidders
11 for the amount of \$148,000.00. It appears to the satisfaction of the
12 Court that bids were offered in an amount which meets or exceeds the
13 requirements of NRS 148.270. Accordingly, this Court enters an order
14 confirming the sale as made after all parties were offered an
15 opportunity to bid on the property, and directs that the Public
16 Administrator may execute such instruments of conveyance as are
17 required to convey the property to Mr. and Mrs. Jaquish.

18 6. The Public Administrator has represented that she has sent
19 a Notice of Private Sale for publication in the Record Courier, a
20 newspaper of general circulation within Douglas County, Nevada. The
21 Administrator requested that the notice be published on May 4, 2002,
22 May 11, 2002 and May 18, 2002. An affidavit of publication has been
23 filed with the Court on May 20, 2002. The Court concludes as a matter
24 of law that due and proper notice of the sale of the real property and
25 the Court's hearing on the Petition to confirm the sale of real
26 property has been given as required by law.

27 7. On June 4, 2002, the Court inquired of those present
28 whether any person present was prepared to offer a sum exceeding the
29 offered price at least \$5,000.00, or \$153,000.00.

30 Jack R. Wyle and Mary L. Wyle offered a sum exceeding the
31 offered amount plus \$5,000.00 (\$153,000.00). The Court inquired
32 regarding further offers with none presented. Jack R. Wyle and
33 Mary L. Wyle emerged as the successful bidders for the property
34 offering \$153,000.00.

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

6 The Court concludes that the property valuation information
7 which has been received by the Public Administrator satisfies the
8 requirements of NRS 148.260.

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

16 **IT IS HEREBY ORDERED** that the sale of the real property and
17 improvements owned by the Decedent to Jack R. and Mary L. Wyle in the
18 amount of ONE HUNDRED FIFTY THREE THOUSAND DOLLARS (\$153,000.00) be,
19 and the same is hereby, confirmed upon the following terms and
20 provisions:

21 ·Purchase price: \$153,000.00
22 ·Deposit: \$ 1,000.00
23 ·Title Company and Split 50/50;
24 ·Escrow costs: First American Title Co.
25 ·Buyer's funding: All Cash
26 ·Offer is an "as is, court approved sale"
27 ·Buyer to pay for all inspections desired.
28 ·Close of escrow within 24 hours of Court approval.

29 **BE IT FURTHER ORDERED** that the request of the Public
30 Administrator that this Court approve of her payment of one-half of
31 the closing costs as set forth in the Petition, and that the Court
32 approve of her payment of a real estate commission of 4% to M. Scott
33 Properties, Inc., seller's agent and 3% to Remax Realtors, Jim
34 Valentine and Lisa Wetzel, buyers' agent is granted. It is the order

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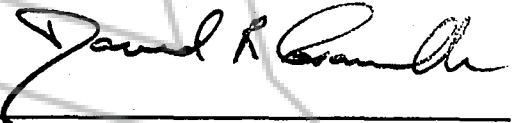
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1 of the Court that the Public Administrator may pay the described share
2 of closing costs and the real estate commissions.

3 **BE IT FURTHER ORDERED** that the Public Administrator may execute
4 such instruments of conveyance as are necessary to convey the
5 Decedent's rights, title and interest in and to the property to Jack
6 R. and Mary L. Wyle for the offered sum of \$153,000.00 subject to the
7 terms and provisions of this Order.

8 Dated this 4 day of June, 2002.



9 **DAVID R. GAMBLE**
10 **DISTRICT COURT JUDGE**

11 **Submitted by:**

12 **ROWE & HALES, LLP**



13 **MICHAEL SMILEY ROWE, ESQ.**
14 Nevada Bar Number 1374
15 1638 Esmeralda
16 P.O. Box 2080
17 Minden, Nevada 89423
18 (702) 782-8141
19 Attorney for the Petitioner
20 **LYNN ENEARL, Douglas County**
21 **Public Administrator**

22
23 **CERTIFIED COPY**

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

26 **DATE:** June 5, 2002
27 B. Reed Clerk of the 9th Judicial District Court
28 of the State of Nevada, In and for the County of Douglas,

By [Signature] Deputy

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REQUESTED BY
FIRST AMERICAN TITLE CO.

IN OFFICIAL RECORDS OF
DOUGLAS CO., NEVADA

2002 JUN -5 PM 3: 50

LINDA SLATER
RECORDER

\$ 18.00 PAID [Signature] DEPUTY

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