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DOUGLAS COUNTY
DISTRICT COURT CLERK.

BARBARA REED
CLERK

~~WILLIAMS~~ DEPUTY

1 CASE NO. 02-PB-0033

2 DEPT. NO. II

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

8 In the Matter of the Estate

9 -of-

10 BARBARA DAYTON,

11 Deceased.

ORDER APPROVING VERIFIED
PETITION FOR CONFIRMATION OF
SALE OF REAL PROPERTY AND
PAYMENT OF COSTS

12
13 THIS MATTER was brought on before the Court on the 26th day of
14 August, 2002, on the Douglas County Public Administrator's Verified
15 Petition for Confirmation of Sale of Real Property and Payment of
16 Costs which was filed with the Court on August 12, 2002. Also filed
17 with this Court is a Notice of Sale which has been filed by the Public
18 Administrator advising that the real property and improvements of the
19 Decedent would be sold at the hour of 1:30 o'clock p.m. on August 12,
20 2002. Notice of the hearing conducted on August 26, 2002, was also
filed with the Court on August 12, 2002.

21 Present in Court were the Public Administrator, together with
22 her counsel MICHAEL SMILEY ROWE, ESQ. of ROWE & HALES, LLP. Also
23 present were Mark Hussman of Prudential Nevada Realty, representing
24 himself; Steven A. Bohler of Realty Executives representing Sheryl
25 Radcliff-Negrete. Based upon the Verified Petition on file herein,
26 all previous pleadings filed in this estate, together with the
27 representations made in open Court at the hearing on the Petition, the
Court hereby finds and orders as follows:

28 1. The property which is the subject of this order, the sale

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1 of which is hereby confirmed, is commonly known as 3793 Zeolite,
2 Wellington, Douglas County, Nevada. This property has been assigned
3 Douglas County, Nevada Assessor's Parcel No. 1022-09-002-073 (formerly
4 037-291-060) (hereinafter referred to as "the property").

5 2. The Petitioner has advised the Court that no appraisal has
6 been performed on the subject property, however, the Public
7 Administrator has requested and received information regarding
8 comparable sales from M. Scott Properties, Inc., indicating a range
9 in value for this property. It appears to the satisfaction of this
10 Court that, if this property were well maintained and in a clean
11 condition, the property might command a sale's price in the range of
12 \$75,000.00 to \$78,000.00.

13 3. In her Verified Petition, the Petitioner has represented
14 that this property is in fair condition.

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 5. In her Petition, and in Exhibit "B" attached to the
21 Petition, Petitioner has set forth that, as a result of marketing
22 efforts, she has received two offers, the highest of which is SIXTY
23 FIVE THOUSAND DOLLARS (\$65,000.00) containing the following terms:

24 Purchase price: \$65,000.00
25 Deposit: \$ 1,000.00
26 Title Company and Split 50/50;
27 Escrow costs: First American Title Co.; "Kathy"
28 Buyer's funding: All Cash
Offer is an "as is, court approved sale"

29 The offer is received from Ms. Sheryl Radcliff-Negrete.

30 6. At the date, time and place of the sale, which coincided
31 with the hearing on the Petition for Confirmation of the Sale, Ms.
32 Radcliff-Negrete and Mr. Hussman, or their representatives, through
33 their representatives, appeared at the Court to bid an amount meeting

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1 or exceeding the offer of Ms. Radcliff-Negrete. It appears to the
2 satisfaction of the Court that bids were offered in an amount which
3 meets or exceeds the requirements of NRS 148.270. Accordingly, this
4 Court enters an order confirming the sale as made in open Court after
5 all parties were offered an opportunity to bid on the property, and
6 directs that the Public Administrator may execute such instruments of
7 conveyance as are required to convey the property to Ms. Radcliff-
8 Negrete.

9 7. The Public Administrator has represented that she has sent
10 a Notice of Private Sale for publication in the Record Courier, a
11 newspaper of general circulation within Douglas County, Nevada. The
12 Administrator requested that the notice be published on August 14, 17
13 and 21, 2002. An affidavit of publication has not been received by
14 the Public Administrator, however, the Court accepts the
15 representations of the Public Administrator that the Notice of Sale
16 has been properly published pursuant to NRS 148.220 and NRS 148.240.
17 The Court concludes as a matter of law that due and proper notice of
18 the sale of the real property and the Court's hearing on the Petition
19 to confirm the sale of real property has been given as required by
20 law.

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

26 The Court concludes that the property valuation information
27 which has been received by the Public Administrator satisfies the
28 requirements of NRS 148.260.

The Court concludes and so finds that it is necessary for
the estate to sell the property of the Decedent, and that the estate
will realize an advantage, benefit and interest in having the sale
made. Good reason exists for the sale, and the sale has been legally

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1 made and fairly conducted, the sale complies in all respects with the
2 requirements of NRS 148.270, and the sum bid is not disproportionate
3 to the property value.

4 **IT IS HEREBY ORDERED** that the sale of the real property and
5 improvements owned by the Decedent to Sheryl Radcliff-Negrete in the
6 amount of SIXTY FIVE THOUSAND DOLLARS (\$65,000.00) be, and the same
7 is hereby, confirmed upon the following terms and provisions:

8 ·Purchase price: \$ 65,000.00
9 ·Deposit: \$ 1,000.00
10 ·Title Company and Split 50/50;
11 ·Escrow costs: First American Title Co.; "Kathy"
12 ·Buyer's funding: All Cash
13 ·Offer is an "as is, court approved sale"
14 ·Buyer to pay for all inspections desired.
15 ·Close of escrow on or before August 29, 2002.

16 **BE IT FURTHER ORDERED** that the request of the Public
17 Administrator that this Court approve of her payment of one-half of
18 the closing costs as set forth in the Petition, and that the Court
19 approve of her payment of a real estate commission of 7% to M. Scott
20 Properties, Inc., and Realty Executives (4% to M. Scott Properties;
21 3% to Realty Executives) is granted. It is the order of the Court
22 that the Public Administrator may pay the described share of closing
23 costs and the real estate commissions.

24 **BE IT FURTHER ORDERED** that the Public Administrator may execute
25 such instruments of conveyance as are necessary to convey the
26 Decedent's rights, title and interest in and to the property to Sheryl

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1 Radcliff-Negrete for the offered sum of \$65,000.00 subject to the
2 terms and provisions of this Order.

3 Dated this 26th day of August, 2002

Michael P. Gibbons
MICHAEL P. GIBBONS

DISTRICT COURT JUDGE

4
5 **ROWE & HALES, LLP**

6
7 *Michael Smiley Rowe*
MICHAEL SMILEY ROWE, ESQ.

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13 Attorney for the Petitioner
14 LYNN ENEARL, Douglas County
15 Public Administrator

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23 **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.

24 DATE: *August 26, 2002*
25 *B. Reed* Clerk of the 9th Judicial District Court
26 of the State of Nevada, In and for the County of Douglas,

27 By *[Signature]* Deputy
28

REQUESTED BY
FIRST AMERICAN TITLE CO.

IN OFFICIAL RECORDS OF
DOUGLAS CO., NEVADA

2002 AUG 29 PM 4:42

LINDA SLATER
RECORDER

\$18⁰⁰ PAID *[Signature]* DEPUTY

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