

FILED

1 CASE NO. 02-PB-0054 NO _____

2 DEPT. NO. I 2002 SEP -4 PM 2:14

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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 ELIZABETH BRANDT,

11 Deceased.

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

Rowe & Hales
Attorneys At Law

12
13 THIS MATTER was brought on before the Court on the 3rd day of
14 September, 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 September
20 3, 2002. Notice of the hearing conducted on September 3, 2002, was
21 also filed with the Court on August 12, 2002.

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22 Present in Court were the Public Administrator, together with
23 her counsel MICHAEL SMILEY ROWE, ESQ. of ROWE & HALES, LLP. Also
24 present were Mary Sue Matthews of Aspen Realty, representing Paul and
25 Linda Miller; Alan Saunders of Realty Executives, representing
26 Jackolyn K. Behan; John Peel of McCall Realty, representing Roger and
27 Bonnie Turner; and John Scott, representing himself. Based upon the
28 Verified Petition on file herein, all previous pleadings filed in this

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1 estate, together with the representations made in open Court at the
2 hearing on the Petition, the Court hereby finds and orders as follows:

3 1. The property which is the subject of this order, the sale
4 of which is hereby confirmed, is commonly known as 218 Lyons Street,
5 Cave Rock, Douglas County, Nevada. This property has been assigned
6 Douglas County, Nevada Assessor's Parcel No. 0000-03-142-140 (formerly
7 0000-03-142-060) (hereinafter referred to as "the property").

8 2. The Petitioner has advised the Court that no appraisal has
9 been performed on the subject property, however, the Public
10 Administrator has requested and received information regarding
11 comparable sales from M. Scott Properties, Inc., indicating a range
12 in value for this property. It appears to the satisfaction of this
13 Court that, if this property were well maintained and in a clean
14 condition, the property might command a sale's price in the range of
15 \$183,000.00 to \$187,000.00.

16 3. In her Verified Petition, the Petitioner has represented
17 that this property is in fair condition because the interior of the
18 residence requires extensive cleaning as the Decedent owned numerous
19 pets and there is a heavy urine odor in the residence.

20 4. 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 woman and as her sole and
24 separate property.

25 5. In her Petition, and in Exhibit "B" attached to the
26 Petition, Petitioner has set forth that, as a result of marketing
27 efforts, she has received three offers, the highest of which is TWO
28 HUNDRED THIRTY SEVEN THOUSAND DOLLARS (\$237,000.00) containing the

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1 following terms:

2 Purchase price: \$237,000.00
3 Deposit: \$ 1,000.00
4 Title Company and Split 50/50;
5 Escrow costs: First American Title Co.; "Kathy"
6 Buyer's funding: All Cash
7 Offer is an "as is, court approved sale"

8 The offer is received from Paul A. and Linda E. Miller.

9 6. At the date, time and place of the sale, which coincided
10 with the hearing on the Petition for Confirmation of the Sale, Mr. and
11 Mrs. Miller, Ms. Behan, Mr. and Mrs. Turner and John Scott, or their
12 representatives, appeared at the Court to bid an amount meeting or
13 exceeding the offer of Mr. and Mrs. Miller. It appears to the
14 satisfaction of the Court that bids were offered in an amount which
15 meets or exceeds the requirements of NRS 148.270. Accordingly, this
16 Court enters an order confirming the sale as made in open Court after
17 all parties were offered an opportunity to bid on the property, and
18 directs that the Public Administrator may execute such instruments of
19 conveyance as are required to convey the property to Paul A. and Linde
20 E. Miller.

21 7. The Public Administrator has represented that she has sent
22 a Notice of Sale for publication in the Record Courier, a newspaper
23 of general circulation within Douglas County, Nevada. The
24 Administrator requested on August 12, 2002, that the notice be
25 published on August 14, 17 and 21, 2002. An affidavit of publication
26 has not been received by the Public Administrator, however, the Court
27 accepts the representations of the Public Administrator that the
28 Notice of Sale has been properly published pursuant to NRS 148.220 and
NRS 148.240. The Court concludes as a matter of law that due and
proper notice of the sale of the real property and the Court's hearing

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1 on the Petition to confirm the sale of real property has been given
2 as 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 The Court concludes that the property valuation information
9 which has been received by the Public Administrator satisfies the
10 requirements of NRS 148.260.

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

18 **IT IS HEREBY ORDERED** that the sale of the real property and
19 improvements owned by the Decedent to Paul A. and Linda E. Miller in
20 the amount of TWO HUNDRED NINETY NINE THOUSAND DOLLARS (\$299,000.00)
21 be, and the same is hereby, confirmed upon the following terms and
22 provisions:

23 ·Purchase price: \$299,000.00
24 ·Deposit: \$ 1,000.00
25 ·Title Company and Split 50/50;
·Escrow costs: First American Title Co.; "Kathy"
26 ·Buyer's funding: All Cash
·Offer is an "as is, court approved sale"
·Buyer to pay for all inspections desired.
27 ·Close of escrow within 72 hours of Court approval.

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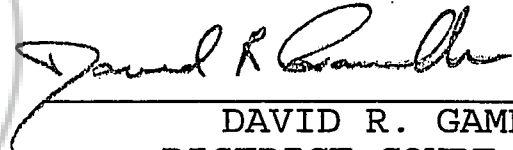
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1 BE IT FURTHER ORDERED that the request of the Public
2 Administrator that this Court approve of her payment of one-half of
3 the closing costs as set forth in the Petition, and that the Court
4 approve of her payment of a real estate commission of 7% to M. Scott
5 Properties, Inc., and Aspen Realty (4% to M. Scott Properties; 3% to
6 Aspen Realty) is granted as to the amount of \$237,000.00. The Court
7 will evaluate at the time of the Public Administrator's first and
8 final accounting whether further real estate commissions will be
9 approved. It is the order of the Court that the Public Administrator
10 may pay the described share of closing costs and the real estate
11 commissions as specified.

12 BE IT FURTHER ORDERED that the Public Administrator may execute
13 such instruments of conveyance as are necessary to convey the
14 Decedent's rights, title and interest in and to the property to Paul
15 A. and Linda E. Miller for the offered sum of \$299,000.00 subject to
16 the terms and provisions of this Order.

17 Dated this 3rd day of September, 2002.

18 
19 _____
20 DAVID R. GAMBLE
DISTRICT COURT JUDGE

21 ROWE & HALES, LLP
22 
23 MICHAEL SMILEY ROWE, ESQ.
24 Nevada Bar Number 1374
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25 P.O. Box 2080
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26 (702) 782-8141
Attorney for the Petitioner
27 LYNN ENEARL, Douglas County
Public Administrator

28 20020903

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COPY

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:

9/4/02

B. Reed Clerk of the 9th Judicial District Court of the State of Nevada, in and for the County of Douglas,

By

[Signature]

Deputy

SEAL

5841320

REQUESTED BY
FIRST AMERICAN TITLE CO.

IN OFFICIAL RECORDS OF
DOUGLAS CO., NEVADA

2002 SEP -5 AM 11:13

LINDA SLATER
RECORDER

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\$ 19.00 PAID [Signature] DEPUTY

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