

FILED

1 CASE NO. 02-PB-0065

NO _____

2 DEPT. NO. II

2002 OCT 28 PM 2:22

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3 BARBARA REED
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5 BY GREGORY DEPUTY

DELOACH REALTY
DISTRICT COURT CLERK

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-

13 CHRISTOPHER DAVID SEVILLA,

14 Deceased.
15 _____/

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

16 THIS MATTER was brought on before the Court on the 28th day of
17 October, 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 October 2, 2002. Also filed
20 with 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 October 28,
23 2002. Notice of the hearing conducted on October 28, 2002, was also
24 filed with the Court on October 2, 2002.

25 Present in Court were the Public Administrator, together with
26 her counsel MICHAEL SMILEY ROWE, ESQ. of ROWE & HALES, LLP. Also
27 present were Denny Cavnar of Beverly Realty, representing Kathryn
28

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Attorneys At Law

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1 Schwob and Carol Ann Buhlig of Beverly Realty representing Rodney
2 Baldwin. Based upon the Verified Petition on file herein, all
3 previous pleadings filed in this estate, together with the
4 representations made in open Court at the hearing on the Petition, the
5 Court hereby finds and orders as follows:

6 1. The property which is the subject of this order, the sale
7 of which is hereby confirmed, is commonly known as 1340 S. Riverview,
8 Gardnerville, Nevada. This property has been assigned Douglas County,
9 Nevada Assessor's Parcel No. 1220-16-610-070 (hereinafter referred to
10 as "the property").

11 2. The Petitioner has advised the Court that no appraisal has
12 been performed on the subject property, however, the Public
13 Administrator has requested and received information regarding
14 comparable sales from M. Scott Properties, Inc., indicating a range
15 in value for this property. It appears to the satisfaction of this
16 Court that, if this property were well maintained and in a clean
17 condition, the property might command a sale's price in the range of
18 \$200,000.00 to \$294,000.00.

19 3. In her Verified Petition, the Petitioner has represented
20 that this property is in fair condition. The interior is dirty, but
21 in good condition. The exterior landscaping, however, is in need of
22 replacement as the lawn and vegetation have perished.

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

28 5. In her Petition, and in Exhibit "B" attached to the

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1 Petition, Petitioner has set forth that, as a result of marketing
2 efforts, she has received three offers, the highest of which is ONE
3 HUNDRED NINETY FIVE THOUSAND DOLLARS (\$195,000.00) containing the
4 following terms:

5 Purchase price: \$195,000.00
6 Deposit: \$ 1,000.00
7 Title Company and Escrow costs: First American Title (Kathy Merrill)
8 Split Costs 50/50
9 Balance of Cash Payment: \$94,000.00; new first loan \$100,000
10 Buyer's funding: All cash; Buyer to have loan approval
11 on day of sale
12 Closing: Within 7 days of Court approval
13 Offer is an "as is, court approved sale"
14 Buyer is aware that the sale may be subject to an auction in the
15 Court.
16 Commission: 7%; 4% to listing agent M. Scott
17 Properties, Inc.; 3% to Buyer's agent,
18 Beverly Realty

19 The offer is received from Kathryn Schwob.

20 6. At the date, time and place of the sale, which coincided
21 with the hearing on the Petition for Confirmation of the Sale, Ms.
22 Schwob and Mr. Baldwin, or their representatives, appeared at the
23 Court to bid an amount meeting or exceeding the offer of Ms. Schwob.
24 It appears to the satisfaction of the Court that no other bids were
25 offered in an amount which meets or exceeds the requirements of NRS
26 148.270. Accordingly, this Court enters an order confirming the sale
27 as made in open Court after all parties were offered an opportunity
28 to bid on the property, and directs that the Public Administrator may
execute such instruments of conveyance as are required to convey the
property to Kathryn Schwob.

7. The Public Administrator has represented that she has sent
a Notice of Sale for publication in the Record Courier, a newspaper
of general circulation within Douglas County, Nevada. The
Administrator requested on October 2, 2002, that the notice be

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1 published on October 5, 12 and 19, 2002. An affidavit of publication
2 has not been received by the Public Administrator, however, the Court
3 accepts the representations of the Public Administrator that the
4 Notice of Sale has been properly published pursuant to NRS 148.220 and
5 NRS 148.240. The Court concludes as a matter of law that due and
6 proper notice of the sale of the real property and the Court's hearing
7 on the Petition to confirm the sale of real property has been given
8 as required by law.

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

14 The Court concludes that the property valuation information
15 which has been received by the Public Administrator satisfies the
16 requirements of NRS 148.260.

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

24 **IT IS HEREBY ORDERED** that the sale of the real property and
25 improvements owned by the Decedent to Kathryn Schwob in the amount of
26 ONE HUNDRED NINETY FIVE THOUSAND DOLLARS (\$195,000.00) be, and the
27 same is hereby, confirmed upon the following terms and provisions:

28 / / /

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1 Purchase price: \$195,000.00
2 Deposit: \$ 1,000.00
3 Title Company and First American Title (Kathy Merrill)
Escrow costs: Split Costs 50/50
4 Balance of Cash Payment: \$94,000.00; new first loan \$100,000
Buyer's funding: All cash; Buyer to have loan approval
on day of sale
5 Closing: Within 7 days of Court approval
Offer is an "as is, court approved sale"
6 Buyer is aware that the sale may be subject to an auction in the
Court.
7 Commission: 7%; 4% to listing agent M. Scott
Properties, Inc.; 3% to Buyer's agent,
Beverly Realty

8
9 **BE IT FURTHER ORDERED** that the request of the Public
10 Administrator that this Court approve of her payment of one-half of
11 the closing costs as set forth in the Petition, and that the Court
12 approve of her payment of a real estate commission of 7% to M. Scott
13 Properties, Inc., and Beverly Realty (4% to M. Scott Properties; 3%
14 to Beverly Realty) is granted. It is the order of the Court that the
15 Public Administrator may pay the described share of closing costs and
16 the real estate commissions as specified.

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

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1 Kathryn Schwob for the offered sum of \$195,000.00 subject to the terms
2 and provisions of this Order.

3 Dated this 28th day of October, 2002.

4 

5 MICHAEL P. GIBBONS
6 DISTRICT COURT JUDGE

7
8 Submitted by:
9 ROWE & HALES, LLP

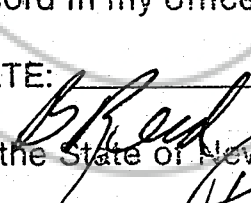
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11 MICHAEL SMILEY ROWE, ESQ.
12 Nevada Bar Number 1374
13 1638 Esmeralda
14 P.O. Box 2080
15 Minden, Nevada 89423
16 (775) 782-8141
17 Attorney for the Petitioner
18 LYNN ENEARL, Douglas County
19 Public Administrator

20
21
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.

27 DATE: 10/28/02

28  Clerk of the 9th Judicial District Court
of the State of Nevada, In and for the County of Douglas,


By  **SEAL** Deputy

REQUESTED BY
FIRST AMERICAN TITLE CO.

IN OFFICIAL RECORDS OF
DOUGLAS CO., NEVADA

2002 NOV -1 PM 12: 18

LINDA SLATER
RECORDER

\$1900 PAID  DEPUTY

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