

REQUESTED BY
Stewart Title of Douglas County
IN OFFICIAL RECORDS OF
DOUGLAS CO., NEVADA

2003 SEP 11 PM 4:23

WERNER CHRISTEN
RECORDER

\$18⁰⁰ PAID *ml* DEPUTY

APN 1419-05-000-001, 002 & 003

Recording Requested By:

Stewart Title of Douglas County

1650 N. Lucerne, Ste. 101

Minden, NV 89423

030701176

AMENDED ORDER CONFIRMING
SALE OF REAL PROPERTY

(Title of Document)

This page added to provide additional information required by NRS 111.312 Sections 1-2.
(Additional recording fee applies)

This cover page must be typed.

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FILED

1 Case No. 03-PB-0012

2 Dept. No. II

RECEIVED

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DOUGLAS COUNTY
DISTRICT COURT CLERK

DAVID J. REED

[Signature]
DEPUTY

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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
9 In The Matter Of The Estate of:

10 ERNST W. GERBER, also known as,
11 ERNEST W. GERBER,

12 Deceased.

**AMENDED ORDER CONFIRMING
SALE OF REAL PROPERTY**

13 The Court entered an Order granting a Petition For Confirmation Of Sale of Real
14 Property (the "Petition") in the above captioned matter on June 16, 2003, which confirmed
15 the sale of real property of the Estate of Ernst W. Gerber to Cole Smith in the amount of
16 SIX HUNDRED EIGHTY THOUSAND DOLLARS (\$680,000). Subsequent to the entry of
17 said Order, Mr. Smith indicated he desired to take title to the property in the name of his
18 business, Smith and Smith, L.L.C. which business was not referenced in the Order.
19 Further, the title company, Stewart Title, is requesting that the Order reflect that title is
20 being taken in the name of Smith and Smith, L.L.C. in order to issue title insurance. Now,
21 therefore, the Court amends its order of June 16,2003, as follows:

- 22 1. All of the allegations of the Petition are true.
23 2. Notice of the hearing on the Petition has been given in accordance with
24 Nevada law.
25 3. Notice of the time, place, and terms of the sale was given as prescribed by
26 law or was authorized pursuant to the terms of the Will of Ernst W. Gerber.
27 4. The property to be sold is described as follows:

28 All that certain lot, piece or parcel of land situate in the County
of Douglas, State of Nevada, described as follows:
Lot 1, (South 1/2 of the Northwest 1/4) lying in Township 14

Dyer, Lawrence, Penrose, Flaherty & Donaldson
2805 North Mountain Street
Carson City, Nevada 89703
(775) 885-1896

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North, Range 19 East, M.D.B. & M., Section 5.
Excepting that portion conveyed to the State of Nevada from
Clara J. Fulstone for highway purposes.

and commonly known as 3715 Highway 50 West, Glenbrook, Nevada 89413 (parcel
number 15-020-010).

5. It is necessary to sell the property herein described in order to distribute
funds to the beneficiaries.

6. An appraisal was done on the residential property within one year of its sale
which estimated a fair market value of SIX HUNDRED TWENTY FIVE THOUSAND
DOLLARS (\$625,000).

7. An offer to purchase the residential property was made by Cole Smith, d.b.a.
Smith and Smith, L.L.C. in the amount of SIX HUNDRED EIGHTY THOUSAND DOLLARS
(\$680,000). The offer includes the following personal property which are assets of the
estate: Riding lawn mower, refrigerator, washer and dryer, row boat, and portable pump
and hoses. The offer also includes the sale of a 1988 Ford One-Ton Crew Cab truck with
snow blade attached; the truck is personal property which passed by operation of law to
Roberta Gerber, the Spouse of the Decedent, it having been owned jointly by Mrs. Gerber
and the Decedent. Mrs. Gerber agreed to sell the truck for ONE THOUSAND EIGHT
HUNDRED DOLLARS (\$1,800), said amount to be payable to Mrs. Gerber out of the
proceeds of the sale of the real property. Buyer is aware that the sale of the real property
is subject to confirmation by this Court.

8. That the sale price is not disproportionate to the value of the property sold.

THEREFORE, IT IS HEREBY ORDERED that the sale of the real property located
at 3715 Highway 50 West, Glenbrook, Nevada 89413, with the particular legal description
described as follows:

All that certain lot, piece or parcel of land situate in the County
of Douglas, State of Nevada, described as follows:

Lot 1, (South 1/2 of the Northwest 1/4) lying in Township 14
North, Range 19 East, M.D.B. & M., Section 5.

Excepting that portion conveyed to the State of Nevada from
Clara J. Fulstone for highway purposes.

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Dyer, Lawrence, Penrose, Flaherty & Donaldson
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Carson City, Nevada 89703
(775) 885-1896

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APN 15-020-010;

and certain personal property to wit: Riding lawn mower, refrigerator, washer and dryer, row boat, and portable pump and hoses, to the purchaser, Smith and Smith, L.L.C., for the sum of SIX HUNDRED EIGHTY THOUSAND DOLLARS (\$680,000) be confirmed.

IT IS FURTHER ORDERED that Roberta Gerber be paid the sum of ONE THOUSAND EIGHT HUNDRED DOLLARS (\$1,800) out of the proceeds of the sale in consideration of her sale of a 1988 Ford One-Ton Crew Cab truck with snow blade attached to Smith and Smith, L.L.C..

IT IS FURTHER ORDERED that all of the actions taken by the Co-Executors regarding the sale of the real property described herein, are hereby affirmed, and that upon receipt of the purchase price through such escrow established for that purpose, the Co-Executors are directed to execute such deeds, assignments and other documents as are necessary to effectuate the sale of the real property in their capacity as Co-Executors of the Estate of Ernst W. Gerber.

IT IS FURTHER ORDERED that the Co-Executors are authorized to pay as a real estate commission the sum of FORTY THOUSAND EIGHT HUNDRED DOLLARS (\$40,800) and to pay the title insurance premium, real property transfer tax and certain customary closing costs and prorations incidental to the sale and any other expenses agreed to be paid under the purchase agreement through a proper escrow established for such purpose.


IT IS SO ORDERED this 3 day of June, 2003.



DISTRICT JUDGE

Submitted by:

DYER, LAWRENCE, PENROSE,
FLAHERTY & DONALDSON

By: 
SANDRA G. LAWRENCE

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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: _____

July 1 2003

SEAL

Clark of the 5th Judicial District Court
of the State of Nevada, In and for the County of Douglas,

By _____

[Signature]

Deputy

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