

REQUESTED BY  
FIRST AMERICAN TITLE CO.

IN OFFICIAL RECORDS OF  
DOUGLAS CO., NEVADA

2003 SEP 29 PM 12: 20

WERNER CHRISTEN  
RECORDER

\$18<sup>00</sup> PAID *KJ* DEPUTY

Recording Requested by:

FIRST AMERICAN TITLE COMPANY

When Recorded, Mail to:

Lynn EnEarl, Douglas County Administrator  
for the Estate of Dian Ruth Hogan  
P.O. Box 1284  
Gardnerville, NV 89410

143-2099848-JJ

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ORDER CONFIRMING SALE OF REAL PROPERTY  
AND PAYMENT OF COSTS

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FILED

1 CASE NO. 03-PB-0009

2 DEPT. NO. I

RECEIVED  
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DOUGLAS COUNTY  
DISTRICT COURT CLERK

2003 SEP 23 PM 3:07

BARBARA REED  
CLERK

B. Williams DEPUTY

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5  
6 IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

7  
8 IN AND FOR THE COUNTY OF DOUGLAS

9 In the Matter of the Estate

10 -of-

ORDER CONFIRMING SALE OF REAL  
PROPERTY AND PAYMENT OF COSTS

11 DIAN HOGAN,

12 Deceased.

13  
14 **THIS MATTER** came on before the Court on the 23rd day of  
15 September, 2003, on the Verified Petition of the Douglas County Public  
16 Administrator for Confirmation of Sale of Real Property and Payment  
17 of Costs ("Petition"). The Petition was filed on September 8, 2003.  
18 Also filed on September 8, 2003, were the Notice of Hearing and Notice  
19 of Sale. The private sale was conducted at the same time as the Court  
20 conducted its hearing on the Petition.

21 In the Petition, the Public Administrator advised the Court that  
22 as a result of her efforts to market the property of the Decedent,  
23 she, through M. Scott Properties, Inc., had received an offer for  
24 \$79,000.00. The offer was made by Michael and Francine Barry.  
25 Petitioner requested the Court confirm the sale of the Decedent's  
26 property to the Mr. and Mrs. Barry.

27 Present in Court were the Public Administrator, together with  
28 her counsel, MICHAEL SMILEY ROWE, ESQ. of ROWE & HALES, LLP. Also  
present were Marleane Scott and Lori Hartline of M. Scott Properties,

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1 Inc. Mr. and Mrs. Barry, along with their agent, Denny Cavnar of  
2 Beverly Realty, were also in attendance.

3 Based upon the Verified Petition, the Notice of Private Sale and  
4 the Notice of Hearing, all of which were filed on September 8, 2003,  
5 together with all previous pleadings filed in this estate, together  
6 with the representations made in open Court at the hearing on the  
7 Petition, the Court hereby finds and orders as follows:

8 1. The property which is the subject of this Order, the sale  
9 of which is hereby confirmed, is commonly known as 1230 Slate, Topaz  
10 Ranch Estates, Gardnerville, Douglas County, Nevada; Douglas County,  
11 Nevada Assessor's Parcel No. 1022-08-001-009 (hereinafter "the  
12 property").

13 2. The Petitioner advised the Court that no appraisal had been  
14 performed on the subject property. This property is in deplorable  
15 condition and the mobile home situated on the property may not have  
16 any value, including scrap value.

17 4. In her Petition, and in open Court, the Petitioner reported  
18 to the Court that there were certain terms of the sale which had been  
19 agreed upon by Mr. and Mrs. Barry. Those terms are:

20 Purchase price: \$ 79,000.00  
21 Deposit: \$ 500.00  
22 Title Company and Split 50/50;  
Escrow costs: First American Title Co.; "Kathy"  
23 Buyer's funding: All Cash  
Offer is an "as is, court approved sale"  
24 Buyer to pay for all inspections desired.

25 At the date, time and place of the sale and hearing,  
26 present in Court were Mr. and Mrs. Barry, together with one other  
27 interested party. Pursuant to NRS 148.270, the Court accepted bids  
28 in an amount which meet or exceed the statutory requirement. At the  
conclusion of the bidding process, Sheryl L. Radcliff-Negrete emerged  
as the highest bidder for the property at \$110,000.00.

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1           5.    Based upon the results of the bidding process, this Court  
2 enters an order confirming the sale of the property to Sheryl L.  
3 Radcliff-Negrete, subject to the terms of the offering set forth  
4 hereinabove, together with the following conditions:

- 5           •    On or before 5:00 p.m. on September 23, 2003, Sheryl L.  
6 Radcliff-Negrete will present sufficient evidence to the  
7 Public Administrator of her ability to close the  
8 transaction.
- 9           •    This transaction shall close not later than Monday,  
10 September 29, 2003, at 5:00 p.m.
- 11           •    The Barry offer, submitted to the Court at the hearing in  
12 the amount of \$109,000.00, shall remain as a "back-up"  
13 offer. Should Sheryl L. Radcliff-Negrete fail to meet any  
14 of the terms of the sale as noticed, or any of the  
15 conditions of the sale of the property to her, including  
16 closing escrow within five (5) days, then the property  
17 shall be sold to Mr. and Mrs. Barry pursuant to the terms  
18 and provisions of their offer and this Order.

19           5.    The Public Administrator is authorized to execute such  
20 instruments as may be necessary to convey the Decedent's interest in  
21 the property to either Sheryl L. Radcliff-Negrete or to Mr. and Mrs.  
22 Barry.

23           6.    The Court hereby ratifies, confirms and approves of the  
24 payment of a real estate commission to M. Scott Properties, Inc. of  
25 7%, as is set forth in the Petition, the Exhibit to the Petition, and  
26 in the listing agreement which has been properly executed by the  
27 Public Administrator and M. Scott Properties, Inc.

28           7.    It is also ordered by the Court that the Public  
Administrator may, to the extent she is required to do so, pay such  
funds as are required by the terms of the sale which are set forth in

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1 the Petition and the Notice of Sale. For example, title company and  
2 escrow costs are to be shared 50/50. It is the order of the Court  
3 that the Public Administrator may pay any of the costs of the seller  
4 as such costs are set forth in the Petition and its Exhibit.

5 8. The Court hereby enters its order ratifying, confirming and  
6 approving of each, every and all of the actions taken by the Public  
7 Administrator in listing, and now selling, the Decedent's property.  
8 Further, the Court ratifies, confirms and approves of each and every  
9 of the terms of the purchase of the Decedent's property as set forth  
10 in the Notice of Sale and the Verified Petition for Confirmation of  
11 Sale of Real Property and Payment of Costs.

12 Dated this 23 day of September, 2003.

*David R. Gamble*

DAVID R. GAMBLE  
DISTRICT COURT JUDGE

13 **ROWE & HALES, LLP**

14  
15  
16 *Michael Smiley Rowe*  
17 MICHAEL SMILEY ROWE, ESQ.

18 Nevada Bar Number 1374  
19 1638 Esmeralda  
20 P.O. Box 2080  
21 Minden, Nevada 89423  
22 (775) 782-8141  
23 Attorney for the Petitioner  
24 LYNN ENEARL, Douglas County  
25 Public Administrator

**SEAL**

**CERTIFIED COPY**

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

DATE: Sept. 24, 2003  
*B. Reed* Clerk of the 11th Judicial District Court  
of the State of Nevada, In and for the County of Douglas,

By *[Signature]* Deputy

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