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Order Approving Verified Petition for Confirmation of
(Title of Document)
Sale of Personal Property & Payment of Costs

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1 CASE NO. 03-PB-0063

2 DEPT. NO. II

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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 CHARLES H. CHERVENKA,

11 Decedent.

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

12
13 **THIS MATTER** came on before the Court on the 20th day of October,
14 2003, on the Douglas County Public Administrator's Verified Petition
15 for Confirmation of Sale of Personal Property and Payment of Costs
16 which was filed with the Court on September 30, 2003. Also filed with
17 this Court is a Notice of Sale which has been filed by the Public
18 Administrator advising that the personal property of the Decedent
19 would be sold at the hour of 1:30 o'clock p.m. on October 20, 2003.
20 Notice of the hearing conducted on October 20, 2003, was also filed
21 with the Court on September 30, 2003. Notice of these proceedings has
22 been provided to all those entitled to notice.
23

24 Present in Court were the Public Administrator, together with
25 her counsel MICHAEL SMILEY ROWE, ESQ. of ROWE & HALES, LLP. Also
26 present were Marleane Scott of M. Scott Properties, Inc., representing
27 Francis and Aileen Brun, and Elvira Orly representing herself. Based
28 upon the Verified Petition on file herein, all previous pleadings

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1 perishable property or personal property which would depreciate in
2 value if not disposed of promptly, or which would incur loss or
3 expense to the estate by being kept. The Petitioner has so alleged.

4 Nonetheless, and due to the interest expressed by the
5 bidders who appeared at Court, the Court determined that it would
6 follow the procedure set forth in NRS 148.270 for the sale of real
7 property. The Court determined that, while it would follow the
8 procedure set forth in the referenced statute, the amount that each
9 bid must exceed the offered price would be decreased to \$2,500.00.

10
11 5. At the date, time and place of the sale, which coincided
12 with the hearing on the Petition for Confirmation of the Sale, Francis
13 and Aileen Brun and/or their representative (M. Scott Properties,
14 Inc.) appeared at Court to bid the amount of their offer. Also
15 appearing was Elvira Orly who represented to the Court that she wished
16 to bid on the personal property being sold.

17 Based upon the determination of the Court to follow the
18 procedures set forth in NRS 148.270, and the Court's conclusion that
19 the amount of each bid must exceed the previous bid by \$2,500.00, the
20 Court conducted a sale with Ms. Orly and Mr. and Mrs. Brun
21 participating as bidders. At the conclusion of the bid process, when
22 Ms. Orly "passed" on an opportunity to participate further, Mr. and
23 Mrs. Brun emerged as the successful purchasers of the personal
24 property referenced in this Order for the sum of \$110,000.00.

25 Accordingly, this Court enters an Order confirming the sale
26 as made in open Court after all parties were offered an opportunity to
27 bid on the property, and directs that the Public Administrator may
28

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1 execute such instruments of conveyance as are required to convey the
2 property to Francis and Aileen Brun.

3 6. The Public Administrator has represented that she has sent
4 a Notice of Private Sale for publication in the Record Courier, a
5 newspaper of general circulation within Douglas County, Nevada. The
6 Petitioner has utilized the procedure for publication of the Notice of
7 Sale of real property notwithstanding the asset is personal property.
8 The Administrator requested that the notice be published on October 3,
9 8, and 15, 2003. The Court finds that the Notice of Sale has been
10 properly published pursuant to NRS 148. The Court concludes as a
11 matter of law that due and proper notice of the sale of the property,
12 and the Court's hearing on the Petition to confirm the sale of
13 property, has been given as required by law.

14 7. The Court concludes as a matter of law that it has
15 jurisdiction to confirm the sale of the property in view of
16 Petitioner's compliance with all applicable statutes. The procedure
17 used by the Court, and which governs the confirmation of this sale is
18 set forth in NRS 148.170 through NRS 148.280.

19 8. The Court concludes that the property valuation information
20 which has been received by the Public Administrator would satisfy the
21 requirements of NRS 148.260 were the property sold real property.

22 9. The Court concludes and so finds that it is necessary for
23 the estate to sell the property of the Decedent, and that the estate
24 will realize an advantage, benefit and interest in having the sale
25 made. Good reason exists for the sale, and the sale has been legally
26 made. Good reason exists for the sale, and the sale has been legally
27 made and fairly conducted, the sale complies in all respects with the
28

1 requirements of NRS 148, and the ultimate sum bid is not
2 disproportionate to the property value.

3 **IT IS HEREBY ORDERED** that the sale of the personal property
4 owned by the Decedent to Francis and Aileen Brun in the amount of ONE
5 HUNDRED TEN THOUSAND DOLLARS (\$110,000.00) be, and the same is
6 hereby, confirmed upon the following terms and provisions:

7
8 ·Purchase price: \$110,000.00
9 ·Deposit: \$ 1,000.00
10 ·Title Company and Split 50/50;
11 ·Escrow costs: Marquis Title Co.; Debbie Ortiz
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 within 72 hours of Court approval

16 **BE IT FURTHER ORDERED** that the bid of Elvira Orly in the amount
17 of \$97,500.00 shall be considered as a "back-up" bid in the event that
18 Mr. and Mrs. Brun fail to complete the sale upon the terms and
19 provisions provided in this Order.

20 **BE IT FURTHER ORDERED** that the request of the Public
21 Administrator that this Court approve of her payment of one-half of
22 the closing costs as set forth in the Petition, and that the Court
23 approve of her payment of a real estate commission of 7% to M. Scott
24 Properties, Inc., is granted. It is the order of the Court that the
25 Public Administrator may pay the described share of closing costs and
26 the real estate commissions.

27 **BE IT FURTHER ORDERED** that the Public Administrator may execute
28 such instruments of conveyance as are necessary to convey the
Decedent's rights, title and interest in and to the property, and to
assign the Decedent's lease, to Francis and Aileen Brun for the

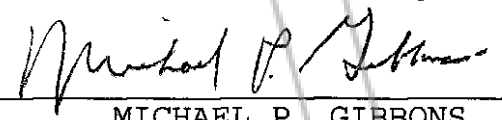
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1 offered sum of \$110,000.00 subject to the terms and provisions of this
2 Order.

3 Dated this 21 day of October, 2003.

4 

5 MICHAEL P. GIBBONS
6 DISTRICT COURT JUDGE

7 **ROWE & HALES, LLP**

8 

9 MICHAEL SMILEY ROWE, ESQ.
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16 LYNN ENEARL, Douglas County
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18 **CERTIFIED COPY**

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

22 DATE: October 21, 2003

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

25 By  Deputy

26 **SEAL**

