

Assessor's Parcel Number: 1220-21-610-236

Recording Requested By:

Name: First American Title

Address: 1512 Hwy 396, St 1

City/State/Zip Gardnerville, Nv 89410

2140623 JJ

Amended Order Confirming Sale
(Title of Document)

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IN OFFICIAL RECORDS OF
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DOUGLAS COUNTY DISTRICT COURT CLERK

BARBARA CARACCILO
BY GREGORY

BY _____

IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF DOUGLAS

In the Matter of the
Guardianship

of

AMENDED ORDER CONFIRMING SALE
OF REAL PROPERTY AND PAYMENT OF
COSTS NUNC PRO TUNC

BARBARA CARACCILO,

Adult Ward.

THIS MATTER came on before the Court on the 29th day of June, 2004, on the Verified Petition of the Douglas County Public Administrator for Confirmation of Sale of Real Property and Payment of Costs ("Petition"). The Petition was filed on June 11, 2004. Also filed on June 11, 2004, were the Notice of Hearing and Notice of Sale. An amended Notice of Hearing was filed on June 16, 2004. The private sale was conducted at the same time as the Court conducted its hearing on the Petition.

In the Petition, the Public Administrator advised the Court that as a result of her efforts to market the property of the Decedent, she, through M. Scott Properties, Inc., had received an offer of \$215,000.00. The offer was made by Carol Heller. Petitioner requested the Court confirm the sale of the Decedent's property to the Carol Heller.

Present in Court were the Public Administrator, together with

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1 her counsel, MICHAEL SMILEY ROWE, ESQ. of ROWE & HALES, LLP. Also
2 present were Marleane Scott of M. Scott Properties, Inc., Gina Fliegel
3 of Realty Executives representing Carol Heller, and Jena Collins of
4 ERA Realty Central representing Doug and Pam Rossetter.

5 Based upon the Verified Petition, the Notice of Private Sale,
6 the Notice of Hearing, and Amended Notice of Hearing, all of which
7 were filed on June 11 or June 16, 2004, all previous pleadings filed
8 in this estate, together with the representations made in open Court
9 at the hearing on the Petition, the Court hereby finds and orders as
10 follows:
11

12 1. The property which is the subject of this Order, the sale
13 of which is hereby confirmed, is commonly known as 718 Bluerock,
14 Gardnerville, Douglas County, Nevada; Douglas County, Nevada
15 Assessor's Parcel No. 1220-21-610-236 (hereinafter "the property").

16 2. The Petitioner advised the Court that no appraisal had been
17 performed on the subject property.

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

21 Purchase price: \$215,000.00
22 Deposit: \$ 1,000.00
23 Title Company and Split 50/50;
Escrow costs: First American Title Co.; "Jackie"
24 Buyer's funding: All Cash
Offer is an "as is, court approved sale"
25 No warranties or guaranties
Buyer to pay for all inspections desired.

26 5. At the date, time and place of the sale and hearing,
27 present in Court were Carol Heller, together with several other
28

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1 interested parties. Pursuant to NRS 148.270, the Court accepted bids
2 in an amount which meet or exceed the statutory requirement. At the
3 conclusion of the bidding process, Douglas and Pamela Rossetter
4 emerged as the highest bidder for the property offering to pay
5 \$222,000.00.

6 6. Based upon the results of the bidding process, this Court
7 enters an order confirming the sale of the property to Douglas and
8 Pamela Rossetter, subject to the terms of the offering set forth
9 hereinabove, together with the following conditions:

- 10 • On or before 5:00 p.m. on June 29, 2004, Mr and Mrs.
11 Rossetter will present sufficient evidence to the Public
12 Administrator of her ability to close the transaction.
- 13 • This transaction shall close not later than Wednesday, July
14 9, 2004, at 5:00 p.m.
- 15 • The Heller offer, submitted to the Court at the hearing in
16 the amount of \$221,000.00, shall remain as a "back-up"
17 offer. Should Mr. and Mrs. Rossetter fail to meet any of
18 the terms of the sale as noticed, or any of the conditions
19 of the sale of the property to them, including closing
20 escrow within 24 hours, then the property shall be sold to
21 Carol Heller pursuant to the terms and provisions of this
22 Order.

23 7. The Public Administrator is authorized to execute such
24 instruments as may be necessary to convey the Decedent's interest in
25 the property to either Mr. and Mrs. Rossetter or to Carol Heller.

26 8. The Court hereby ratifies, confirms and approves of the
27 payment of a real estate commission to M. Scott Properties, Inc. of 4%
28 and 3% to ERA Realty, as is set forth in the Petition, the Exhibit to
the Petition, and in the listing agreement which has been properly
executed by the Public Administrator and M. Scott Properties, Inc.

9. It is also ordered by the Court that the Public
Administrator may, to the extent she is required to do so, pay such

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

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

13 This is an Order *nunc pro tunc* correcting the previous Order
14 entered on June 29, 2004, to change the date of close of escrow to
15 July 9, 2004.

16 Dated this 1 day of July, 2004.

DAVID R. GAMBLE
DISTRICT COURT JUDGE

17 **ROWE & HALES, LLP**

18 MICHAEL SMILEY ROWE, ESQ.
19 Nevada Bar Number 1374
20 1638 Esmeralda
21 P.O. Box 2080
22 Minden, Nevada 89423
23 (775) 782-8141

24 Attorney for the Petitioner
25 LYNN ENEARL, Douglas County
26 Public Administrator

SEAL

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.

27 DATE: July 6, 2004
28 Clerk of the Judicial District Court of the State of Nevada, In and for the County of Douglas,

By Deputy

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