

A.P.N. 1320-30-211-012

Recording Requested by:

FIRST AMERICAN TITLE COMPANY

When Recorded, Mail to:

Lynn EnEarl,
Douglas County Administrator for
The Estate of Mary Lou McCracken Slack
P.O. Box 1284
Gardnerville, NV 89410

143-2152508-JJ

REQUESTED BY
FIRST AMERICAN TITLE CO.
IN OFFICIAL RECORDS OF
DOUGLAS CO., NEVADA

2004 OCT 27 AM 9:48

WERNER CHRISTEN
RECORDER

S/ *gw* PAID *B* DEPUTY

ORDER CONFIRMING SALE VERIFIED PETITION
SALE OF REAL PROPERTY AND PAYMENT OF COSTS

0627757

BK1004PG11348

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P.O. Box 2080
Minden, NV 89423
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Attorneys At Law

Physical Address
1638 Esmeralda Street
Minden, NV 89423
(775) 782-8141

1 CASE NO. 04-PB-0062

2 DEPT. NO. II

2004 OCT 26 AM 10:19

BARBARA REED
CLERK

P. GREGG, DEPUTY

RECEIVED

OCT 26 2004

DOUGLAS COUNTY
DISTRICT COURT CLERK

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

7 IN AND FOR THE COUNTY OF DOUGLAS

9 In the Matter of the Estate

10 -of-

11 MARY LOU MCCRACKEN SLACK,

12 Deceased.

ORDER CONFIRMING VERIFIED
PETITION SALE OF REAL PROPERTY
AND PAYMENT OF COSTS

14 **THIS MATTER** was brought on before the Court on the 25th day of
15 October, 2004, on the Douglas County Public Administrator's Verified
16 Petition for Confirmation of Sale of Real Property and Payment of
17 Costs which was filed with the Court on October 5, 2004. Also filed
18 with this Court is a Notice of Sale which has been filed by the Public
19 Administrator advising that the real property and improvements of the
20 Decedent would be sold at the hour of 1:30 o'clock p.m. on October 25,
21 2004. Notice of the hearing conducted on October 25, 2004, was also
22 filed with the Court on October 5, 2004.

23 Present in Court were the Public Administrator, together with
24 her counsel MICHAEL SMILEY ROWE, ESQ. of ROWE & HALES, LLP. Based
25 upon the Verified Petition on file herein, all previous pleadings
26 filed in this estate, together with the representations made in open
27 Court at the hearing on the Petition, the Court hereby finds and
28 orders as follows:

1. The property which is the subject of this order, the sale

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1 of which is hereby confirmed, is commonly known as 1754 Westwood
2 Drive, Minden, Nevada. This property has been assigned Douglas
3 County, Nevada Assessor's Parcel No. 1320-30-211-012 (hereinafter
4 referred to as "the property").

5 2. The Petitioner has advised the Court that no appraisal has
6 been performed on the subject property, however, the Public
7 Administrator has requested and received information regarding
8 comparable sales from M. Scott Properties, Inc., indicating a range in
9 value for this property.

10 3. Petitioner has represented to the Court, and the Court
11 accepts such representations as true, that the Deed recorded for this
12 property reflects title to the real property and improvements as being
13 vested in the Decedent, as an unmarried woman and as her sole and
14 separate property.

15 4. In her Petition, and in Exhibit "B" attached to the
16 Petition, Petitioner has set forth that, as a result of marketing
17 efforts, she has received several offers, the highest of which is TWO
18 HUNDRED EIGHTY FIVE THOUSAND DOLLARS (\$285,000.00), containing the
19 following terms:

- 20 Purchase price: \$285,000.00
- 21 Deposit: \$ 1,000.00
- 22 Title Company and Split 50/50;
- 23 Escrow costs: First American Title Co.; "Jackie"
- 24 Buyer's funding: All Cash
- 25 Offer is an "as is, court approved sale; no warranties"
- 26 Buyer to pay for all inspections desired

27 The offer is received from Chris Reddy.

28 5. At the date, time and place of the sale and hearing,
present in Court were Chris Reddy, together with several other
interested parties. Pursuant to NRS 148.270, the Court accepted bids
in an amount which meet or exceed the statutory requirement. At the
conclusion of the bidding process, Robert and Kay Lilly emerged as
the highest bidder for the property offering to pay \$299,000.00.

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1 6. Based upon the results of the bidding process, this Court
2 enters an order confirming the sale of the property to Robert and Kay
3 Lilly, subject to the terms of the offering set forth hereinabove,
4 together with the following conditions:

- 5 • On or before 5:00 p.m. on October 25, 2004, Robert and Kay
6 Lilly will present sufficient evidence to the Public
7 Administrator of their ability to close the transaction.
- 8 • This transaction shall close not later than Thursday,
9 October 28, 2004, at 5:00 p.m.
- 10 • The Reddy offer, submitted to the Court at the hearing in
11 the amount of \$295,000.00, shall remain as a "back-up"
12 offer. Should Robert and Kay Lilly fail to meet any of the
13 terms of the sale as noticed, or any of the conditions of
14 the sale of the property to them, including closing escrow
15 within 3 days, then the property shall be sold to Chris
16 Reddy not later than 11/01/04 pursuant to the terms and
17 provisions of this Order.

18 7. The Public Administrator has represented that she has sent
19 a Notice of Private Sale for publication in the Record Courier, a
20 newspaper of general circulation within Douglas County, Nevada. The
21 Administrator requested that the notice be published on October 8, 15
22 and 20, 2004. An affidavit of publication has not been received by
23 the Public Administrator, however, the Court accepts the
24 representations of the Public Administrator that the Notice of Sale
25 has been properly published pursuant to NRS 148.220 and NRS 148.240.
26 The Court concludes as a matter of law that due and proper notice of
27 the sale of the real property and the Court's hearing on the Petition
28 to confirm the sale of real property has been given as required by
law.

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

The Court concludes that the property valuation information

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1 which has been received by the Public Administrator satisfies the
2 requirements of NRS 148.260.

3 The Court concludes and so finds that it is necessary for
4 the estate to sell the property of the Decedent, and that the estate
5 will realize an advantage, benefit and interest in having the sale
6 made. Good reason exists for the sale, and the sale has been legally
7 made and fairly conducted, the sale complies in all respects with the
8 requirements of NRS 148.270, and the sum bid is not disproportionate
9 to the property value.

10 **IT IS HEREBY ORDERED** that the sale of the real property and
11 improvements owned by the Decedent to Robert and Kay Lilly in the
12 amount of TWO HUNDRED NINETY NINE THOUSAND DOLLARS (\$299,000.00) be,
13 and the same is hereby, confirmed upon the following terms and
14 provisions:

Purchase price: \$ 299,000.00
Deposit: \$ 1,000.00
Title Company and Split 50/50;
Escrow costs: First American Title Co.; "Jackie"
Buyer's funding: All Cash
Offer is an "as is, court approved sale; no warranties"
Buyer to pay for all inspections desired.
Close of escrow on or before October 28, 2004.

19 **BE IT FURTHER ORDERED** that the bid of Chris Reddy in the amount
20 of \$295,000.00 shall be considered as a "back-up" bid in the event
21 that Robert and Kay Lilly fail to complete the sale upon the terms and
22 provisions provided in this Order, and in the Administrator's Notice
23 of Sale. The escrow for the Reddy sale, should it occur on the
24 Lilly's failure to close escrow on or before October 28, 2004, shall
25 close on or before November 1, 2004.

26 **BE IT FURTHER ORDERED** that the request of the Public
27 Administrator that this Court approve of her payment of one-half of
28 the closing costs as set forth in the Petition, and that the Court
approve of her payment of a real estate commission of 4% to M. Scott

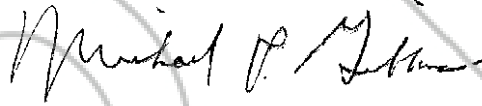
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1 Properties, Inc. and 3% to ReMax, is granted. It is the order of the
2 Court that the Public Administrator may pay the described share of
3 closing costs and the real estate commissions.


4 **BE IT FURTHER ORDERED** that the Public Administrator may execute
5 such instruments of conveyance as are necessary to convey the
6 Decedent's rights, title and interest in and to the property, to
7 Robert and Kay Lilly for the offered sum of \$299,000.00 subject to the
8 terms and provisions of this Order.

9 Dated this 26 day of October, 2004.

10 

11 MICHAEL P. GIBBONS
12 DISTRICT COURT JUDGE

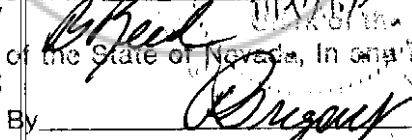
13 **ROWE & HALES, LLP**

14 
15 MICHAEL SMILEY ROWE, ESQ.
16 Nevada Bar Number 1374
17 1638 Esmeralda
18 P.O. Box 2080
19 Minden, Nevada 89423
20 (775) 782-8141
21 Attorney for the Petitioner
22 LYNN ENEARL, Douglas County
23 Public Administrator

24 **CERTIFIED COPY**

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

28 DATE: 10/26/04

By  Deputy
CLERK OF THE JUDICIAL DISTRICT COURT
of the State of Nevada, In and for the County of Douglas,

SEAL

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