

Assessor's Parcel Number: 1220-22-410-068

Recording Requested By:

Name: Rowe & Hales

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City/State/Zip Minden, NV 89423

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Douglas County - NV
Werner Christen - Recorder
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order confirming verified petition
(Title of Document)
sale of Real Property

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

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1 CASE NO. 04-PB-0084
2 DEPT. NO. II

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DOUGLAS COUNTY
DISTRICT COURT CLERK

BARBARA REED
CLERK

BY B. Williams DEPUTY

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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-

11 WAYNE GARDNER KILLEN,

12 Deceased.

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

13
14 **THIS MATTER** was brought on before the Court on the 7th day of
15 February, 2005, on the Administrator's Verified Petition for
16 Confirmation of Sale of Real Property and Payment of Costs which was
17 filed with the Court on January 10, 2004. Also filed with this Court
18 is a Notice of Sale which has been filed by the Administrator
19 advising that the real property and improvements of the Decedent
20 would be sold at the hour of 1:30 o'clock p.m. on February 7, 2005.
21 Notice of the hearing conducted on February 7, 2005, was also filed
22 with the Court on January 10, 2004.

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

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1 follows:

2 1. The property which is the subject of this order, the sale
3 of which is hereby confirmed, is commonly known as 622 Kathy Court,
4 Gardnerville, Nevada. This property has been assigned Douglas
5 County, Nevada Assessor's Parcel No. 1220-22-410-068 (hereinafter
6 referred to as "the property").

7 2. The Petitioner has advised the Court that no appraisal has
8 been performed on the subject property.

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

14 4. In his Petition, and in Exhibit "A" attached to the
15 Petition, Petitioner has set forth that, as a result of marketing
16 efforts, he has received one offer, which with the counteroffer and
17 Addendum A to the offer, result in a proposed offer in the amount of
18 THREE HUNDRED THOUSAND DOLLARS (\$300,000.00), containing the
19 following terms:
20

21 Purchase price: \$300,000.00
22 Deposit: \$ 1,000.00
23 Title Company and Split 50/50;
24 Escrow costs: First American Title Co.
25 Buyer's funding: All Cash
26 Offer is an "as is, court approved sale; no warranties"
27 Buyer to pay for all inspections desired

28 The offer is received from Gabrielle R.W. Warner

29 5. At the date, time and place of the sale and hearing,
30 present in Court were Gabrielle R.W. Warner, together with several

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1 other interested parties. Pursuant to NRS 148.270, the Court
2 accepted bids in an amount which meet or exceed the statutory
3 requirement. At the conclusion of the bidding process, Gabrielle
4 R.W. Warner was confirmed as the purchaser of the property offering
5 to pay \$300,000.00 minus commissions and closing costs.

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

- 10 • On or before 5:00 p.m. on February 7, 2005, Gabrielle R.W.
11 Warner will present sufficient evidence to the
12 Administrator of their ability to close the transaction.
- 13 • This transaction shall close not later than Thursday,
14 February 10, 2005, at 5:00 p.m.

15 7. Counsel for the Administrator has represented that he has
16 sent a Notice of Private Sale for publication in the Record Courier,
17 a newspaper of general circulation within Douglas County, Nevada.
18 The Administrator requested that the notice be published on January
19 14, 21, and 28, 2005. An affidavit of publication has not been
20 received by the Administrator, however, the Court accepts the
21 representations of counsel that the Notice of Sale has been properly
22 published pursuant to NRS 148.220 and NRS 148.240. Received by the
23 Court were copies of the Order Sheet and Proof of Advertisement
24 sheet; the first sent to the Record-Courier, the second sent from the
25 newspaper. The Court concludes as a matter of law that due and
26 proper notice of the sale of the real property and the Court's
27 hearing on the Petition to confirm the sale of real property has been
28 given as required by law.

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

6 The Court concludes that the property valuation
7 information which has been received by the Administrator from the
8 real estate agents satisfies the requirements of NRS 148.260.

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

16
17 **IT IS HEREBY ORDERED** that the sale of the real property and
18 improvements owned by the Decedent to Gabrielle R.W. Warner in the
19 amount of THREE HUNDRED THOUSAND DOLLARS (\$300,000.00) be, and the
20 same is hereby, confirmed upon the following terms and provisions:

21 Purchase price: \$ 300,000.00
22 Deposit: \$ 1,000.00
23 Title Company and Split pursuant to purchase
agreement;
24 Escrow costs: First American Title Co.
Buyer's funding: New loan
25 Offer is an "as is, court approved sale; no warranties"
Buyer to pay for all inspections desired.
26 Close of escrow on or after February 10, 2005.
Remaining terms as specified in the purchase agreement.

27 **BE IT FURTHER ORDERED** that the net proceeds of the sale of the
28 Decedent's real property and improvements, minus the seller's closing



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1 costs and commissions together with the disbursement authorized in
2 this paragraph below, shall be held in an escrow account maintained
3 by First American Title Company until further Order of this Court
4 disbursing said proceeds.

5 In open Court counsel for the Administrator and the
6 Administrator requested that the Court authorize a disbursement in
7 the amount of \$20,000.00 to the Administrator for the benefit of
8 Sandra Marie Killen, the Decedent's surviving spouse. The
9 Administrator shall deposit these funds into an account in the name
10 of the estate. The property sold is the primary residence of Sandra
11 Marie Killen who, according to the representations made by the
12 Administrator, requires funds with which she can pay for relocation,
13 including such funds as may be needed for housing. She also has
14 obligations to pay related to telephone service and motor vehicle
15 repair. Based upon the representations of the Administrator, and
16 good cause appearing, the Court authorizes a preliminary disbursement
17 to the Administrator for the benefit of Sandra Marie Killen in the
18 amount of \$20,000.00 in accordance with NRS 15.010 *et. seq.*

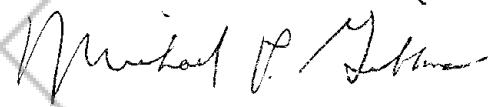
19
20 Based upon the further representations of the Administrator, it
21 appears that the estate has debt, but that the proceeds from the sale
22 of the Decedent's residence will secure the payment of that debt.
23 Counsel represented that, as a result of the Notice to Creditors
24 filed September 7, 2004, no formal creditor's claims had been filed
25 with the Clerk of the Court. Lastly, it appears that the surviving
26 spouse of the Decedent would receive at least one-half of the
27 Decedent's separate property, of which the home sold is a part. The
28

1 Court finds there is adequate cause to approve of the partial
2 distribution requested.

3 **BE IT FURTHER ORDERED** that the Administrator shall execute such
4 instruments of conveyance as are necessary to convey the Decedent's
5 rights, title and interest in and to the property, to Gabrielle R.W.
6 Warner for the offered sum of \$300,000.00 subject to the terms and
7 provisions of this Order.
8

9 This is an order *nunc pro tunc* correcting the previous order
10 entered on February 7, 2005, to reflect the terms and provisions of
11 the purchase agreement and the requirements of First American Title
12 Company.

13 Dated this 9 day of February, 2005.



14
15
16 MICHAEL P. GIBBONS
DISTRICT COURT JUDGE

17 **ROWE & HALES, LLP**



18
19 MICHAEL SMILEY ROWE, ESQ.
20 Nevada Bar Number 1374
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24 Attorney for the Petitioner

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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: February 9, 2005

B. Reed Clerk of the 1st Judicial District Court
of the State of Nevada, In and for the County of Douglas,

By: Bridgette DeBoer Deputy