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OFFICIAL RECORD
Requested By:
FIRST CENTENNIAL TITLE

Douglas County - NV
Werner Christen - Recorder
Page: 1 Of 4 Fee: 17.00
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APN# 1320-33-715-025

Recording Requested By

Name First Centennial Title Co.

Address 716 No. Carson St., Ste 100

City/State/Zip Carson City, NV 89701

Escrow No. 138828-MB/DC

Court Order For Sale Of Real Property

(Title of Document)

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

1 Case No. 04-PB-0104

2 Dept. No. II

3
4 **RECEIVED**

5 MAR 11 2005

6 DOUGLAS COUNTY
7 DISTRICT COURT CLERK

2005 MAR 11 PM 2:13

BARBARA REED
CLERK

BY *[Signature]* DEPUTY

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

9 IN AND FOR THE COUNTY OF DOUGLAS

10 In the Matter of the Guardianship

11 of

ORDER

12 FLORENCE L. THOMAS,

13 Adult Ward.

14 The matter of confirmation of sale of the ward's real
15 property came on for hearing on March 7, 2005. Co-Guardians
16 James Cehand and Ellen Harbawi-Ochsner were present with
17 counsel, Nancy Rey Jackson, Esq. Michael Smiley Rowe, Esq.,
18 attorney for the former guardian, was also present being in
19 court on another matter, and he participated in a limited way.

20 The court was advised that Michael Cehand, the ward's
21 brother, made an offer of \$5,000 above the offer presented by
22 the real estate agent, Jason Pickle of M. Scott Properties.
23 Michael Cehand lives in the State of Kentucky and was not
24 present. His offer was presented by counsel along with a pre-
25 approval notice provided by Paragon Financial Services. The
26 court determined that the pre-approval form did not represent
27 an actual confirmation that the funds were available and that
28



1 the pre-approval amount was in the sum of \$288,000 (which
2 included a first and a second mortgage and an appraisal
3 requirement), not the \$320,000 offer being made by Mr. Cehand.
4 The court was then advised by Ms. Jackson that Mr. Cehand had
5 the balance of the funds from his own account, although no
6 written documentation was presented to verify this. The
7 remaining co-guardians were in agreement with Mr. Cehand's
8 offer, although they were not a part thereof. The court was
9 further advised that Mr. Cehand was available by telephone to
10 answer any questions the court may have. The court declined to
11 have Mr. Cehand bid by telephone because that it not a proper
12 procedure. Mr. Pickle, who was present, advised the court that
13 his client was also present and available to immediately close
14 the deal with a \$315,000 cash offer, without any contingencies.
15

16 The court then indicated that it was unwilling to accept a
17 risk of a loss of sale if Mr. Cehand was unable to perform, as
18 his offer was only \$5,000 greater than the current offer. The
19 court also expressed a concern that should Mr. Cehand have to
20 sell the house at a later date, he would be paying two
21 commissions. Despite the dual commission being a potential
22 liability for Mr. Cehand, it would not affect the guardianship
23 estate, but it created an uncertainty in the mind of the court,
24 about Mr. Cehand's ability to perform.
25

26 The court then briefly discussed the commission of 7%
27 charged by the real estate broker and initially agreed to by
28 the public administrator, and ratified by the new guardians at



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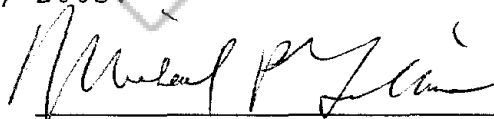
the prior hearing, when they stated they would stand by the current sales contract. The court suggested the public administrator review this situation of the 7% commission in regard to future cases.

Additional matters, not a part of this hearing, were addressed with respect to the ward's monies and papers which remain in the former guardian's possession. The court suggested that those items might be able to be turned over by way of stipulation between counsel.

The court then ordered as follows:

IT IS HEREBY ORDERED that the sale of the ward's real property located at 1338 Brooke Way, Gardnerville, Nevada, proceed with the offer of \$315,000. All parties are directed to execute the necessary documents to finalize the sale.

DATED this 11 day of March, 2005.


MICHAEL P. GIBBONS
District Judge

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: 3-11-05

of the State of Nevada, in and for the County of Douglas,

By  Deputy

SEAL

