

DOC # 0642136  
04/19/2005 01:13 PM Deputy: BC

**OFFICIAL RECORD**  
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FIRST AMERICAN TITLE

*A.P.N. 1420-07-310-039*  
Recording Requested by:

FIRST AMERICAN TITLE COMPANY

Douglas County - NV  
Werner Christen - Recorder

Page: 1 Of 6 Fee: 19.00  
BK-0405 PG- 7315 RPTT: 0.00

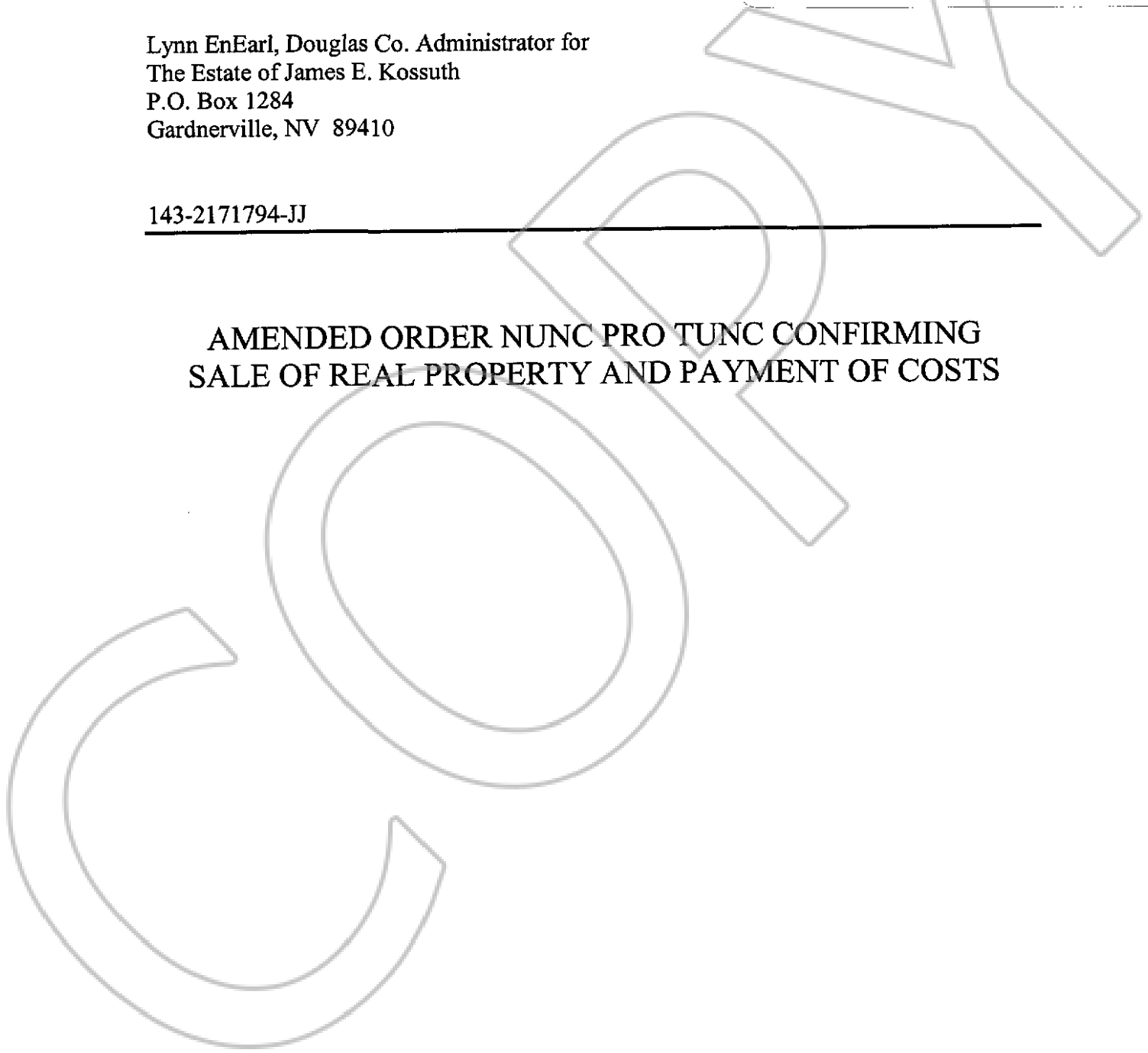
When Recorded, Mail to:



Lynn EnEarl, Douglas Co. Administrator for  
The Estate of James E. Kossuth  
P.O. Box 1284  
Gardnerville, NV 89410

143-2171794-JJ

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



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CASE NO. 04-PB-0108  
DEPT. NO. II

RECEIVED  
APR 18 2005  
DOUGLAS COUNTY  
DISTRICT CLERK

FILED  
2005 APR 18 AM 10:20  
BARBARA REED  
CLERK  
B. PHENIA  
DEPUTY

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

In the Matter of the Estate

-of-

JAMES E. KOSSUTH,  
Deceased.

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

THIS MATTER was brought on before the Court on the 21st day of March, 2005, on the Douglas County Public Administrator's Verified Petition for Confirmation of Sale of Real Property and Payment of Costs which was filed with the Court on March 2, 2005. Also filed with this Court is a Notice of Sale which has been filed by the Public Administrator advising that the real property and improvements of the Decedent would be sold at the hour of 1:30 o'clock p.m. on March 21, 2005. Notice of the hearing conducted on March 21, 2005, was also filed with the Court on March 2, 2005.

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

1. The property which is the subject of this order, the sale of which is hereby confirmed, is commonly known as 876 Mica Drive,

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1 Carson City, Douglas County, Nevada. This property has been assigned  
2 Douglas County, Nevada Assessor's Parcel No. 1420-07-310-039  
3 (hereinafter referred to as "the property").

4 2. The Petitioner has advised the Court that no appraisal has  
5 been performed on the subject property, however, the Public  
6 Administrator has requested and received information regarding  
7 comparable sales from M. Scott Properties, Inc., indicating a range  
8 in value for this 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 being  
12 vested in the Decedent, as a single man as his sole and separate  
13 property.

14 4. In her Petition, and in Exhibit "B" attached to the  
15 Petition, Petitioner has set forth that, as a result of marketing  
16 efforts, she has received one offer in the amount of ONE HUNDRED FIVE  
17 THOUSAND DOLLARS (\$105,000.00), containing the following terms:

18 Purchase price: \$105,000.00  
19 Deposit: \$ 5,000.00  
20 Title Company and Split 50/50;  
21 Escrow costs: First American Title Co.; "Jackie"  
22 Buyer's funding: Buyer to obtain loan and pay for any  
23 costs associated with a new loan.  
24 Offer is an "as is, court approved sale; no warranties pr  
25 guarantees"  
26 Buyer to pay for all inspections desired  
27 Close of Escrow within 24 hours of Court approval.

28 The offer is received from Stephen Smith and/or assigns.

1 5. At the date, time and place of the sale and hearing was  
2 Stephen Smith was present in Court. Also present were Grant Thompson,  
3 a person interested in the property, and Marleane Scott of M. Scott  
4 Properties, Inc.

5 6. The Public Administrator has represented that she has sent



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1 a Notice of Private Sale for publication in the Record Courier, a  
2 newspaper of general circulation within Douglas County, Nevada. The  
3 Administrator requested that the notice be published on March 4, 11  
4 and 16, 2005. An affidavit of publication was received by the Public  
5 Administrator and filed in open Court. The Notice of Sale has been  
6 properly published pursuant to NRS 148.220 and NRS 148.240.

7 The Court concludes as a matter of law that due and proper  
8 notice of the sale of the real property and the Court's hearing on the  
9 Petition to confirm the sale of real property has been given as  
10 required by law.

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

16 8. The Court concludes that the property valuation information  
17 which has been received by the Public Administrator satisfies the  
18 requirements of NRS 148.260.

19 9. The Court concludes and so finds that it is necessary for  
20 the estate to sell the property of the Decedent, and that the estate  
21 will realize an advantage, benefit and interest in having the sale  
22 made. Good reason exists for the sale, the sale has been legally made  
23 and fairly conducted, the sale complies in all respects with the  
24 requirements of NRS 148.270, and the sum bid is not disproportionate  
25 to the property value.

26 10. Upon inquiry by the Court, Stephen Smith and Grant Thompson  
27 presented bids or offers to purchase the real property. The Court  
28 accepted bids from each party pursuant to the requirements of NRS 148.

Grant Thompson emerged as the successful bidder on the  
property offering to pay \$126,000.00 for the property pursuant to the



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1 terms contained in the Notice of Sale. Stephen Smith agreed to be in  
2 a back up position offering \$125,000.00 for the property should Grant  
3 Thompson be unable to close escrow within a reasonable time after the  
4 hearing.

5 **IT IS HEREBY ORDERED** that the sale of the real property and  
6 improvements owned by the Decedent to Grant Thompson in the amount of  
7 ONE HUNDRED TWENTY SIX THOUSAND DOLLARS (\$126,000.00) be, and the  
8 same is hereby, confirmed upon the following terms and provisions:

9  
10 Purchase price: \$ 126,000.00  
11 Deposit: \$ 5,000.00  
12 Title Company and Split 50/50;  
13 Escrow costs: First American Title Co.; "Jackie"  
14 Buyer's funding: All cash.  
15 Offer is an "as is, court approved sale; no warranties or  
16 guarantees"  
17 Buyer to pay for all inspections desired.  
18 Close of escrow within a reasonable time after clear title  
19 is secured.

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% is granted.  
24 It is the order of the Court that the Public Administrator may pay the  
25 described share of closing costs and the real estate commissions.

26 **BE IT FURTHER ORDERED** that the Public Administrator may execute  
27 such instruments of conveyance as are necessary to convey the  
28 Decedent's rights, title and interest in and to the property and the  
1979 Canyon Crest 24x56 mobile home, Serial Number 912255, which is  
located on and affixed to the property, to Stephen Smith and/or  
assigns for the offered sum of \$126,000.00 subject to the terms and  
provisions of this Order.

This is an order *nunc pro tunc* correcting the previous order

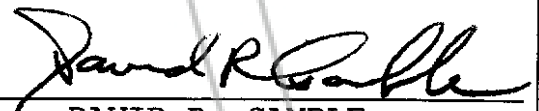
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1 entered on March 21, 2005, adding the mobile home description and  
2 serial number and changing the date of closing to a reasonable time  
3 after clear title to the property is assured.

4 Dated this 18 day of April, 2005.

5  
6   
7 DAVID R. GAMBLE  
8 DISTRICT COURT JUDGE

9 ROWE & HALES, LLP

10   
11 MICHAEL SMILEY ROWE, ESQ.  
12 Nevada Bar Number 1374  
13 1638 Esmeralda  
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16 (775) 782-8141  
17 Attorney for the Petitioner  
18 LYNN ENEARL, Douglas County  
19 Public Administrator

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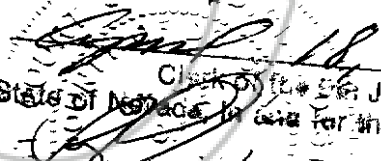
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21  
22 **CERTIFIED COPY**

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

**SEAL**

26 DATE: April 18, 2005  
27 Clerk of the 5th Judicial District Court  
28 of the State of Nevada, in and for the County of Douglas,  
By:  Deputy



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