

Assessor's Parcel Number: 1420-07-214-002

Recording Requested By:

Name: Rowe & Hales, Atty.

Address: P.O. Box 2080

City/State/Zip Minden, NV, 89423

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DOC # **0690281**  
12/07/2006 04:20 PM Deputy: SD  
**OFFICIAL RECORD**  
Requested By:  
**FIRST AMERICAN TITLE COMPANY**

Douglas County - NV  
Werner Christen - Recorder  
Page: 1 Of 7 Fee: 20.00  
BK-1206 PG-2598 RPT: 0.00



Court order  
(Title of Document)

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. 06-PB-0044

2 DEPT. NO. II

**RECEIVED**  
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DOUGLAS COUNTY  
DISTRICT COURT CLERK

2006 NOV -9 PM 4:05

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

8  
9 IN THE MATTER OF THE ESTATE

10 of  
11 JAMES R. ARNDT,  
12 Decedent.

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

13 **THIS MATTER** was brought on before the Court on the 5th day of  
14 November, 2006, on the Personal Representative's Verified Petition for  
15 Confirmation of Sale of Real Property and Payment of Costs which was  
16 filed with the Court on September 27, 2006. Also filed with this  
17 Court is a Notice of Sale which has been filed by the Personal  
18 Representative advising that the real property and improvements of the  
19 Decedent would be sold at the hour of 1:30 o'clock p.m. on October 23,  
20 2006. A Notice Hearing was filed on September 27, 2006, which noticed  
21 the hearing that was held on October 23, 2006. Based on that hearing,  
22 an Amended Notice of Sale was filed, posted and published setting the  
23 new date of sale as November 6, 2006.

24  
25 Present in Court were the Personal Representative, together with  
26 her counsel MICHAEL SMILEY ROWE, ESQ. of ROWE & HALES, LLP. Based  
27 upon the Verified Petition on file herein, all previous pleadings  
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Mailing Address  
P.O. Box 2080  
Minden, NV 89423  
Facsimile (775)782-3683

Rowe & Hales  
Attorneys At Law

Physical Address  
1638 Emerald Avenue  
Minden, NV 89423  
(775) 782-8141

Mailing Address  
P.O. Box 2080  
Minden, NV 89423  
Facsimile (775) 782-3683

**Rowe & Hales**  
**Attorneys At Law**

Physical Address  
1638 Emerald Avenue  
Minden, NV 89423  
(775) 782-8141

1 filed in this estate, together with the representations made in open  
2 Court at the hearing on the Petition, the Court hereby finds and  
3 orders as follows:

4 1. The property which is the subject of this order, the sale  
5 of which is hereby confirmed, is commonly known as 827 Valley Crest  
6 Drive, Carson City, Nevada. This property has been assigned Douglas  
7 County, Nevada Assessor's Parcel No. 1420-07-214-002 (hereinafter  
8 referred to as "the property").  
9

10 2. The Petitioner has advised the Court that no appraisal has  
11 been performed on the subject property. A comparative market analysis  
12 has been previously provided to the Court as Exhibit "A" to the  
13 Petition for Confirmation of sale which indicates a range in value of  
14 this property, in a clean, well-maintained condition, as \$346,600.00  
15 to \$355,000.00.

16 4. Filed with the Court on November 6, 2006, is the Standard  
17 Residential Purchase Agreement in the amount of THREE HUNDRED TEN  
18 THOUSAND DOLLARS (\$310,000.00), containing the following terms:

- 19 Purchase price: \$310,000.00
- 20 Deposit: \$ 1,000.00
- 21 Title Company and Split 50/50;
- 22 Escrow costs: First American Title Co.
- 23 Buyer's funding: All Cash
- 24 Offer is an "as is, court approved sale; no warranties"
- 25 Buyer to pay for all inspections desired

26 The offer is received from Gregory C. Hallal and Susan E.  
27 Hallal.

28 5. At the date, time and place of the sale and hearing,  
present in Court was the agent for Gregory C. Hallal and Susan E.  
Hallal, together with several other interested parties. Pursuant to

Meeting Address  
P.O. Box 2080  
Miner, NY 89423  
Facsimile (775) 782-3665

**Rowe & Hales**  
**Attorneys At Law**

Physical Address  
1638 Emerald Avenue  
Miner, NY 89423  
(775) 782-3141

1 NRS 148.270, the Court offered to accept bids in an amount which met  
2 or exceeds the statutory requirement. No other person appeared in  
3 Court to offer a bid for the property, therefore, Gregory C. and Susan  
4 E. Hallal were confirmed as the purchaser of the property offering to  
5 pay \$310,000.00 minus commissions and closing costs.

6 6. Counsel for the Personal Representative has represented  
7 that he has sent an Amended Notice of Private Sale for publication in  
8 the Nevada Appeal, a newspaper of general circulation within Carson  
9 City, Nevada. The Personal Representative requested that the notice  
10 be published on October 25, 27, 28, 31, 2006, and November 2 and 4,  
11 2006. An affidavit of publication has not been received by the  
12 Personal Representative, however, the Court accepts the  
13 representations of counsel that the Notice of Sale has been properly  
14 published pursuant to NRS 148.220 and NRS 148.240. Received by the  
15 Court were copies of the Order Sheet and Proof of Advertisement Sheet;  
16 the first sent to the Nevada Appeal, the second sent from the  
17 newspaper. The Court concludes as a matter of law that due and proper  
18 notice of the sale of the real property and the Court's hearing on the  
19 Petition to confirm the sale of real property has been given as  
20 required by law.  
21

22 7. The Court concludes as a matter of law that it has  
23 jurisdiction to confirm the sale of the property in view of  
24 Petitioner's compliance with all applicable statutes. The procedure  
25 governing confirmation of this sale is set forth in NRS 148.260 and  
26 NRS 148.270.  
27

28 8. The Court concludes that the property valuation information



Mailing Address  
P.O. Box 2680  
Minden, NY 80423  
Facsimile (775) 782-3685

**Rowe & Hales**  
**Attorneys At Law**

Physical Address  
1638 Emeraldia Avenue  
Minden, NY 80423  
(775) 782-8141

1 which has been received by the Personal Representative from Stephen  
2 Lincoln satisfies the requirements of NRS 148.260.

3 9. 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  
11 **IT IS HEREBY ORDERED** that the sale of the real property and  
12 improvements owned by the Decedent to Gregory C. and Susan E. Hallal  
13 in the amount of THREE HUNDRED TEN THOUSAND DOLLARS (\$310,000.00) be,  
14 and the same is hereby, confirmed upon the following terms and  
15 provisions:

- 16 Purchase price: \$ 310,000.00  
17 Deposit: \$ 1,000.00  
18 Title Company and Split 50/50;  
19 Escrow costs: First American Title Co.  
20 Buyer's funding: All Cash  
21 Offer is an "as is, court approved sale; no warranties"  
22 Buyer to pay for all inspections desired.  
23 Close of escrow on or before December 5, 2006.

24 **BE IT FURTHER ORDERED** that the net proceeds of the sale of the  
25 Decedent's real property and improvements, minus the seller's closing  
26 costs and commissions together with the disbursement authorized in  
27 this paragraph below, shall be held in an escrow account maintained by  
28 First American Title Company until further Order of this Court  
disbursing said proceeds.

In open Court counsel for the Personal Representative, and the

Mailing Address  
P.O. Box 2080  
Minden, NY 89423  
Facsimile (775)782-3685

**Rowe & Hales**  
**Attorneys At Law**

Physical Address  
1638 Esmeralda Avenue  
Minden, NY 89423  
(775) 782-8141

1 Personal Representative, requested that the Court authorize a  
2 disbursement in the amount of \$7,000.00 to JANICE WILLIAMS for her  
3 benefit. The property sold is the primary residence of JANICE  
4 WILLIAMS who, according to the representations made by the Personal  
5 Representative, requires funds with which she can pay for relocation,  
6 including such funds as may be needed for housing. Based upon the  
7 representations of the Personal Representative, and good cause  
8 appearing, the Court authorizes a preliminary disbursement to the  
9 Personal Representative for the benefit of JANICE WILLIAMS in the  
10 amount of \$7,000.00 in accordance with NRS 151.010 et. seq.

11  
12 Based upon the further representations of the Personal  
13 Representative, it appears that the estate has debt, but that the  
14 balance of the proceeds from the sale of the Decedent's residence will  
15 secure the payment of that debt. Counsel represented that, as a  
16 result of the Notice to Creditors filed May 1, 2006, one formal  
17 creditor's claims has been filed with the Clerk of the Court. Lastly,  
18 it appears that JANICE WILLIAMS would receive all of the Decedent's  
19 separate property, of which the home sold is a part. The Court finds  
20 there is adequate cause to approve of the partial distribution  
21 requested.

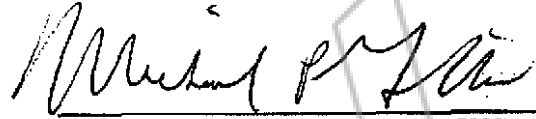
22 **BE IT FURTHER ORDERED** that the Personal Representative shall  
23 execute such instruments of conveyance as are necessary to convey the  
24 Decedent's rights, title and interest in and to the property, to  
25 Gregory C. and Susan E. Hallal for the offered sum of \$310,000.00  
26

27 / / /

28 / / /

1 subject to the terms and provisions of this Order.

2 Dated this 9 day of November, 2006.

3  
4 

5 MICHAEL P. GIBBONS  
6 DISTRICT COURT JUDGE

7 **ROWE & HALES, LLP**

8 

9 MICHAEL SMILEY ROWE, ESQ.  
10 Nevada Bar Number 1374  
11 1638 Esmeralda  
12 Minden, Nevada 89423  
13 (775) 782-8141  
14 Attorney for the Petitioner


Mailing Address  
P.O. Box 2080  
Minden, NV 89423  
Facsimile (775) 782-3685

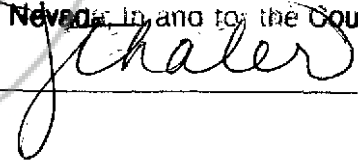
**Rowe & Hales**  
**Attorneys At Law**

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

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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

26 DATE: 11/29/06 **SEAL**  
27  Clerk of the District Court  
28 of the State of Nevada, in and for the County of Douglas

By  Deputy