

APN 1420-28-701-036

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**OFFICIAL RECORD**

Requested By:

First American Title Mindel

Douglas County - NV

Karen Ellison - Recorder

Page: 1 of 5 Fee: \$18.00

BK-412 PG-1917 RPTT: 0.00



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TITLE OF DOCUMENT: Order approving Petition

WHEN RECORDED MAIL TO:

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Minden NV 89423

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BK 412  
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800415 Page: 2 of 5 04/06/2012

APR - 5 2012

DOUGLAS COUNTY  
DISTRICT COURT CLERK

FILED

2012 APR -5 PM 2: 18

TED THUAN  
CLERK

BY *[Signature]*

1 CASE NO. 11-PB-0136

2 DEPT. NO. II

3  
4 The undersigned affirms  
5 that this document contains  
6 no Social Security Number

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

9 In the Matter of the Estate

10 -of-

11 HAROLD POTTS,

12 Deceased.

ORDER APPROVING PETITION FOR  
CONFIRMATION OF SALE OF REAL  
PROPERTY AND PAYMENT OF COSTS  
NUNC PRO TUNC

13  
14 **THIS MATTER** came on before the Court on the 27th day of  
15 February, 2012, on the Verified Petition for Confirmation of Sale of  
16 Real Property and Payment of Costs filed by Petitioner, HELEN MARIE  
17 POTTS ("Petition"). The Petition was filed on 9 February 2012. Also  
18 filed on 9 February 2012, were the Notice of Hearing and Notice of  
19 Sale. The Notice of Sale advised that the sale would be conducted at  
20 the same time as the Court conducted its hearing on the Petition.

21  
22 Present in Court was MICHAEL SMILEY ROWE, ESQ. of ROWE & HALES,  
23 LLP on behalf of the Executrix who was not present. Also present  
24 were Lisa Wetzel of ReMax Realty Affiliates and Mark Glenn  
25 Brennenstall.

26 Based upon the Verified Petition, the Notice of Private Sale,  
27 the Notice of Hearing, all of which were filed on 9 February 2012,  
28 all previous pleadings filed in this estate, together with the

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1 representations made in open Court at the hearing on the Petition,  
2 the Court hereby finds and orders as follows:

3 1. That an appraisal has been performed on the Decedent's  
4 real property and improvements. Kay Mathews opined that the value of  
5 the real property is \$267,000. A copy of the appraisal report was  
6 attached as Exhibit "B" to the Petition.

7 2. That Proof of Publication of the Notice of Sale was filed  
8 on 27 February 2012 in open Court.

9 3. The property which is the subject of this Order, the sale  
10 of which is hereby confirmed, is commonly known as 1377 Jackie Lane,  
11 Minden, Douglas County, Nevada. The property has been assigned  
12 Douglas County Assessor's Parcel No. 1420-28-701-036.

13 4. In her Petition, and in open Court, counsel for the  
14 Petitioner reported to the Court that there were certain terms of the  
15 sale which had been agreed upon by Mark Glenn Brenenstall. Those  
16 terms are:  
17

- 18 Purchase price: \$275,000.00
- 19 Deposit: \$ 2,000.00 with additional  
\$52,000.00 cash deposit
- 20 Title Company and Split 50/50;
- 21 Escrow costs: First American Title
- 22 Buyer's funding: All Cash to Seller through a new  
loan to Buyer
- 23 Offer is an "as is, court approved sale"; no warranties or  
guaranties.
- 24 Buyer to pay for or waive all inspections desired.  
Close of escrow not more than 50 days after Court  
confirmation.

25 5. No other parties appeared at the time of the sale or  
26 confirmation hearing.

27 6. Based upon the offer attached to the Petition as Exhibit  
28 "A", this Court enters an order confirming the sale of the property

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1 to Mark Glenn Brenenstall, subject to the terms of the offering set  
2 forth hereinabove, together with the following conditions:

- 3 • This transaction shall close not later than 13 April 2012  
4 at 5:00 p.m.

5 7. The Petitioner is authorized to execute such instruments  
6 as may be necessary to convey the Decedent's interest in the property  
7 to Mark Glenn Brenenstall.

8 8. The Court hereby ratifies, confirms and approves of the  
9 Petitioner's payment of a 5.5% real estate commission; 2.5% to ReMax  
10 Realty Affiliates (Seller's Agent) and 3% to Lake Side Properties  
11 (Buyer's Agent).

12 9. It is also ordered by the Court that the Petitioner may,  
13 to the extent she is required to do so, pay such funds as are  
14 required by the terms of the sale which are set forth in the Petition  
15 and the Notice of Sale. For example, title company and escrow costs  
16 are to be shared 50/50. It is the order of the Court that the  
17 Executrix may pay any of the costs of the seller as such costs are  
18 set forth in the Petition and its Exhibit "A".

19 10. The Court hereby enters its order ratifying, confirming  
20 and approving of each, every and all of the actions taken by the  
21 Executrix in listing, and now selling, the Decedent's property.  
22 Further, the Court ratifies, confirms and approves of each and every  
23 of the terms of the purchase of the Decedent's property as set forth  
24 in the Notice of Sale and the Verified Petition for Confirmation of  
25 Sale of Real Property and Payment of Costs.  
26

27 This is an Order *Nunc Pro Tunc* to allow additional time to the  
28 Buyer to obtain a new loan to pay the estate the full purchase price

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1 and to clarify that "all cash" paid to the estate is intended to  
2 include Buyer's obtaining a new loan with which to purchase the  
3 Decedent's residence.

4 DATED this 5 day of April, 2012.

MICHAEL P. GIBBONS  
DISTRICT COURT JUDGE

Submitted by:

ROWE & HALES, LLE

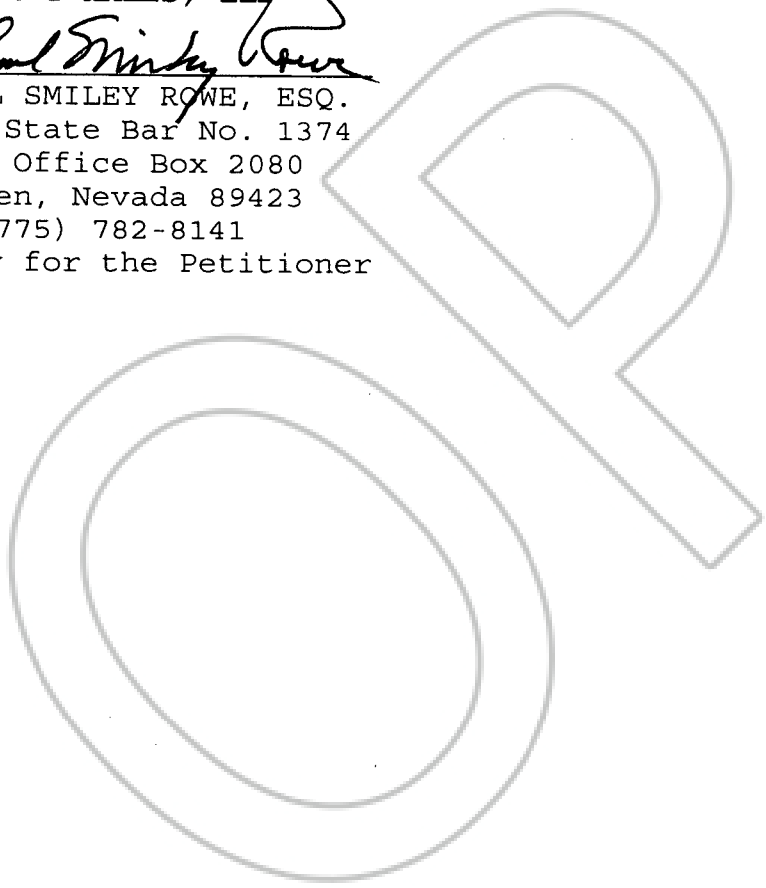
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**CERTIFIED COPY**

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

DATE 4/6/12

TED THRAN Clerk of the 9th Judicial District Court  
of the State of Nevada, in and for the County of Douglas,

By Deputy