

Assessor's Parcel Number: 1220-15-110-039

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City/State/Zip Minden, NV 89423

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ORDER CONFIRMING Sale of Real Property

(Title of Document)

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1 CASE NO. 15-PB-0082

2 DEPT. NO. II

3
4 The undersigned affirms
that this document does not contain
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District Court Clerk

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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 In the Matter of the
9 Guardianship

**ORDER CONFIRMING SALE OF REAL
PROPERTY AND PAYMENT OF COSTS**

10 of

11 DANA M. DESMOND.

12 Adult Ward.

13
14 **THIS MATTER** came on before the Court on the 23rd day of November 2015 on the Verified
15 Petition for Confirmation of Sale of Real Property and Payment of Costs ("Petition") filed by
16 CLAUDETTE SPRINGMEYER, Douglas County Public Guardian and the Court-appointed Guardian
17 of the above-referenced Ward ("Guardian"). Also before the Court was the Petition for Request to
18 Postpone Sale of Real Property and Payment of Costs filed by Lori Desmond LeClaire. Present in Court
19 were the Guardian, together with her counsel, MICHAEL SMILEY ROWE, ESQ. of ROWE HALES
20 YTURBIDE, LLP. Also present was SAFE and Lori Desmond LeClaire. The Ward was ~~not~~ present.

21
22 Based upon the Verified Petition, the Notice of Private Sale, the Notice of Hearing, all of which
23 were filed on 2 November 2015, all previous pleadings filed in this matter, together with the
24 representations made in open Court at the hearing on the Petition, the Court hereby finds and orders as
25 follows:

26
27 1. The Petition for Request to Postpone Sale of Real Property and Payment of Costs shall
28 be, and the same is hereby, denied. The Court finds as a matter of fact and concludes as a matter of law,

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1 that it is necessary for the Ward's best interests, and to her benefit, for the sale to be made, and the
2 Ward's estate will realize an advantage and benefit and will be best served by having the sale made. The
3 Court's finding is based upon the supplemental or updated appraisal report prepared by Kay Mathews
4 which indicates, in her opinion, that the value of the Ward's home, with all of the now-discovered
5 defects, is \$96,000.00. The sale, which the Court confirms, would pay to the Ward's estate \$95,000.00,
6 less the costs of sale. The request of Ms. LeClaire to postpone the sale contains no evidentiary support,
7 and is merely a statement containing the opinions of Ms. LeClaire.
8

9 2. This Court's file contains a Proof and Statement of Publication of the Notice of Sale,
10 which was filed 19 November 2015. The publication of the Notice of Sale occurred on 6, 11 and 15
11 November, 2015. The Court finds and concludes that the requirements of NRS 159.1425 have been
12 met by the Administrator.
13

14 3. The property which is the subject of this Order, the sale of which is hereby confirmed,
15 is commonly known as 951 Monument Peak Drive, Gardnerville, NV 89460. This property has been
16 assigned Douglas County Assessor's Parcel No. 1220-15-110-039.
17

18 4. The Guardian advised the Court that an updated and second appraisal has been
19 performed on the property on 17 November 2014. Pursuant to NRS 159.1455(2), the Guardian and her
20 broker have relied on the two appraisal reports previously provided to the Court as an exhibit to the
21 Guardian's Verified Inventory and as an exhibit to the Opposition to Petition for Request to Postpone
22 Sale.
23

24 5. The Guardian, through her listing agent Denny Cavnar, has marketed the property of the
25 Ward with a listing price of \$95,000.00. The result of such efforts has been an offer in the amount of
26 Ninety Five Thousand Dollars (\$95,000.00) containing the following terms:
27

27	Purchase price:	\$ 95,000.00
28	Deposit:	\$ 1,000.00
	Balance of Cash Payment:	\$ 94,000.00

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1 Title Company, Escrow
2 Costs & Transfer Taxes: Split 50/50
3 Title Insurance: Owner's Policy paid by Seller; Lenders Policy paid by Buyer
4 Offer is an "as is, court approved sale"; no warranties or guaranties
5 Buyer to pay for all inspections desired or waive inspections

6 Attached as Exhibit "A" to the Petition was a copy of the Standard Residential Offer and
7 Acceptance Agreement ("Agreement"). The Court's attention was directed to Addendum - Probate
8 signed by the proposed buyer and the Guardian which acknowledged that the buyer is aware that this sale
9 is contingent upon the Court's approval. The Court's attention was also directed to Exhibit "A",
10 specifically page 7 of the Agreement, line 30, wherein it is noted that the buyer is aware that the
11 Agreement would convey the Ward's property in an "As Is, Where Is" condition.

12 Based upon the above and foregoing, the Guardian requested that the sale of the real
13 property and improvements owned by the Ward to J F Investments for the purchase price of \$95,000.00
14 be confirmed.

15 6. No other parties appeared at the time of the sale or confirmation hearing to offer to
16 purchase the property for a sum exceeding \$95,000.00 by 5%.

17 7. Based upon the offer attached to the Petition as Exhibit "A", this Court enters an order
18 confirming the sale of the property to J F Investments, subject to the terms of the offering set forth
19 hereinabove, together with the following condition:

- 20 • This transaction shall close not later than fifteen (15) days from entry of this
21 Order.

22 8. The Guardian is authorized to execute such instruments as may be necessary to convey
23 the Ward's interest in the property to J F Investments..

24 9. The Court hereby ratifies, confirms and approves of the Guardian's payment of a 6% real
25 estate commission to Denny Cavnar, Beverly Realty.

26 10. It is also ordered by the Court that the Guardian may, to the extent she is required to do
27
28

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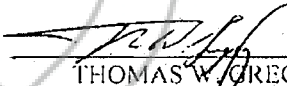
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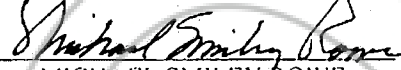
1 so, pay such funds as are required by the terms of the sale which are set forth in the Petition and the
2 Notice of Sale. For example, title company and escrow costs are to be shared 50/50. It is the order of
3 the Court that the Guardian may pay any of the costs of the seller as such costs are set forth in the Petition
4 and its Exhibit "A".

5 11. The Court hereby enters its order ratifying, confirming and approving of each, every and
6 all of the actions taken by the Guardian in listing, and now selling, the Ward's property. Further, the
7 Court ratifies, confirms and approves of each and every of the terms of the purchase of the Ward's
8 property as set forth in the Notice of Sale and the Verified Petition for Confirmation of Sale of Real
9 Property and Payment of Costs.
10

11 DATED this 23 day of November, 2015.


12 
13 THOMAS W. GREGORY
14 DISTRICT COURT JUDGE

15 ROWE HALES YTURBIDE, LLP

16 
17 MICHAEL SMILEY ROWE
18 Nevada Bar Number 1374
19 P.O. Box 2080
20 Minden, Nevada 89423
21 (775) 782-8141
22 Attorney for Petitioner

23 **CERTIFIED COPY**

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

27 DATE 11/30/2015
28 BOBBIE R. WILLIAMS, Clerk of Court
of the State of Nevada, in and for the County of Douglas,
By  Deputy