

DOUGLAS COUNTY, NV

2016-887635

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TICOR TITLE - GARDNERVILLE

KAREN ELLISON, RECORDER

Assessor's Parcel Number: 1480-31000-002

Recording Requested By:

Name: TICOR TITLE

Address: 1483 W. HWY 395 N #B

City/State/Zip Gardnerville NV 89410

Real Property Transfer Tax:

\$ 0

Order granting motion to sell Real

(Title of Document)

Property

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

This cover page must be typed or legibly hand printed.

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Honorable Gregg W. Zive
United States Bankruptcy Judge



Entered on Docket
September 01, 2016

DAVIS GRAHAM & STUBBS LLP
Cecilia Lee, Esq.
Nevada Bar No. 3344
Elizabeth High, Esq.
Nevada Bar No. 10082
50 West Liberty Street, Suite 950
Reno, Nevada 89501
Telephone: 775.229.4219
Facsimile: 775.403.2187
Email: cecilia.lee@dgsllaw.com
Email: elizabeth.high@dgsllaw.com

Attorneys for Manager of Reorganized Debtor,
Christina W. Lovato

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEVADA

In re:
TIM E. BERTAGNOLLI,
Debtor.

Case No.: BK-N-15-50214-GWZ
Chapter 11 Case

In re:
T.E. BERTAGNOLLI & ASSOCIATES,
INC.,
Debtor.

Substantively Consolidated With
BK-15-50215-GWZ
Chapter 11

**ORDER GRANTING MOTION TO SELL
REAL PROPERTY AT 951 STEPHANIE
WAY, MINDEN NEVADA FREE AND
CLEAR OF LIENS, CLAIMS AND
ENCUMBRANCES**

Hearing Date: August 30, 2016
Hearing Time: 2:00 p.m.

I certify that this is a true copy:

Attest:
Deputy Clerk, U.S. Bankruptcy Court

4210684.1

1 This matter came before the Court on the properly noticed Motion to Sell Real Property
2 at 951 Stephanie Way, Minden, Nevada Free and Clear of Liens, Claims and Encumbrances (the
3 "Motion") filed on behalf of Christina W. Lovato, Manager of the Reorganized Debtor
4 ("Manager"). Docket No. 485. Elizabeth High, Esq., Davis, Graham & Stubbs LLP, appeared at
5 the hearing on behalf of the Manager. Stephen R. Harris, Esq., Harris Law Practice, LLC,
6 appeared at the hearing on behalf of Tim E. Bertagnolli and T.E. Bertagnolli & Associates, Inc.
7 (the "Debtors"). J.D. Sullivan, Esq., Sullivan Law Firm, appeared at the hearing on behalf of
8 creditors Jack White, Dayton Valley Estates, LLC and Retirement, LLC (the "Judgment
9 Creditors"). Craig Demetras, Esq., Demetras & O'Neill, appeared at the hearing on behalf of
10 Class 2 secured creditor, Day Williams, Esq. Other appearances, if any, were noted on the
11 record. No opposition to the Motion was filed or made at the hearing.

12 The Court has reviewed the Motion, the attached exhibits, the Declaration of Christina
13 Lovato in Support of Motion to Sell Real Property at 951 Stephanie Way, Minden, Nevada Free
14 and Clear of Liens, Claims and Encumbrances, the Declaration of Jenny L. Johnson in Support
15 of Motion to Sell Real Property at 951 Stephanie Way, Minden, Nevada Free and Clear of Liens,
16 Claims and Encumbrances and the papers and pleadings on file in this case, of which the Court
17 takes judicial notice. The Court finds that cause exists to grant the Motion, for the reasons and
18 on the grounds stated therein, which the Court adopts, and based on the Court's findings of fact
19 and conclusions of law set forth on the record and incorporated herein by Federal Rule of
20 Bankruptcy Procedure 7052.

21 WHEREFORE, having held an auction in open court, good cause appearing:

22 IT IS HEREBY ORDERED that the Motion is GRANTED.

23 IT IS FURTHER HEREBY ORDERED that Angelina L. Allen was the only Qualified
24 Bidder to appear at the auction.

25 IT IS FURTHER HEREBY ORDERED that the Manager may sell the real property
26 located at 951 Stephanie Way, Minden, Nevada (the "Property"), Assessor's Parcel Number
27 1420-31-000-002, further described as:

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1 All that certain real property situate in the County of Douglas,
2 State of Nevada, described as follows:

3 All that certain lot, piece, parcel or portion of land situate, lying
4 and being within the SE 1/4 of Section 30 and the NE 1/4 of
5 Section 31, Township 14 North, Range 20 East, M.D.M., Douglas
6 County, Nevada and more particularly described as follows:

7 Parcel B of Parcel Map #2043 for Alan and Caralee White, filed
8 for record in the Office of the Recorder of Douglas County,
9 Nevada on June 20, 1997, Book 697, Page 4161, as Document No.
10 415532.

11 EXCEPTING therefrom all minerals, oil, gas and other
12 hydrocarbons as granted to Stock Petroleum Co, Inc., in Document
13 recorded March 13, 1980, in Book 380, as Page 1315, as
14 Document No. 42577.

15 to Angelina L. and William R. Allen (the "Purchasers") for the sum of \$230,000, free and clear
16 of any liens, claims and encumbrances.

17 IT IS FURTHER HEREBY ORDERED that the liens of record against the Property shall
18 attach to the sale proceeds in order of their priority, validity, enforceability and amount and shall
19 be paid through such sale proceeds and that the Class 2 Claim of Day Williams shall be paid
20 from such sale proceeds pursuant to the Stipulation to Allow the Class Two Claim of Day R.
21 Williams, Esq. as approved by the Court.

22 IT IS FURTHER HEREBY ORDERED that Manager's broker, Chase International, and
23 the Purchasers' broker, RE/MAX Realty Affiliates, shall each be paid a commission of three
24 percent (3%) of the total purchase price out of the proceeds of sale (for a total of six percent
25 (6%) commission).

26 IT IS FURTHER HEREBY ORDERED that the Purchasers are determined to be
27 purchasers in good faith pursuant to 11 U.S.C. §363(m).

28 IT IS FURTHER HEREBY ORDERED that the terms and conditions of the Land
Purchase Agreement (the "Purchase Agreement"), a copy of which was attached to the Motion as
Exhibit A, together with any amendments thereto waiving any contingency, are approved and
that the sale of the Property remains subject such terms.

IT IS FURTHER HEREBY ORDERED that closing shall take place as soon as agreed

1 upon by the parties but, in any event, prior to thirty (30) days after the date of entry of this final
2 order approving the sale to close the transaction, including paying the balance of the purchase
3 price and executing all necessary documents. The Purchasers have agreed that they will close
4 escrow before the Tenant and all his personal property currently located on the Property are
5 vacated, thereby waiving the timing contingency in the Land Purchase Agreement. Failure to
6 close timely (other than as a result of a breach by the Manager of her obligations under the
7 Purchase Agreement) shall constitute a material breach of the Purchase Agreement, shall void
8 any rights the Purchasers may have had against the bankruptcy estate or any of its assets,
9 including against the Property, and shall permit the Manager to re-market the Property and sell it
10 to a third party.

11 IT IS FURTHER HEREBY ORDERED that the Manager has exercised her reasonable
12 business judgment in entering into the Purchase Agreement with the Purchasers.

13 IT IS FURTHER HEREBY ORDERED that the Property was properly marketed and the
14 sale of the Property is in the best interests of creditors of the Reorganized Debtor.

15 IT IS FURTHER HEREBY ORDERED that the 14 day stay pursuant to Fed. R. Bankr.
16 P. 6004(h) shall be waived.

17
18 Submitted by:

19 DAVIS GRAHAM & STUBBS LLP

20 /s/ Elizabeth High, Esq.

21 CECILIA LEE, ESQ.

22 ELIZABETH HIGH, ESQ.
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LR 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that:

_____ The court has waived the requirement set forth in LR 9021(b)(1).

_____ No party appeared at the hearing or filed an objection to the motion.

X_____ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below:

Stephen R. Harris	Counsel for Debtors	Approved
J.D. Sullivan	Counsel for Judgment Creditors	Approved
Craig Demetras	Counsel for Class 2 Claimant	Approved

_____ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant LR 9014(g), and that no party has objected to the form or content of the order.

DATED this 31st day of August, 2016.

DAVIS GRAHAM & STUBBS LLP

/s/ Elizabeth High, Esq.
CECILIA LEE, ESQ.
ELIZABETH HIGH, ESQ.

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