

APN # 1121-05-513-008

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Reno, NV 89511

Order Granting Motion to Confirm
Sale of Real Estate

(Title on Document)

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 printed clearly in black ink only.

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MAR 30 2018

Douglas County
District Court Clerk

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2018 APR -2 PM 1:33

BOBBIE R. WILLIAMS
CLERK
M. BIAGGINI
BY DEPUTY

6 IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

7 IN AND FOR DOUGLAS COUNTY

8 ***

9
10 In the Matter of the Estate
11 of
12 DAVID V. MACGILLIVRAY,
13 Deceased.

Case No. 17-PB-0130
Dept. No. II

13 **ORDER GRANTING MOTION TO CONFIRM SALE OF REAL ESTATE**

14 The Personal Representatives, through counsel, have moved for confirmation of the sale
15 of the Estate's real estate.

16
17 *Introduction*

18 This is a probate case under general administration. The Personal Representatives,
19 Kathryn O'Neill and Robin A. Williams, wish to sign a contract with a buyer for the Estate's
20 residential property at 14 Conner Way, Gardnerville, Nevada, APN 1121-05-513-008. The legal
21 description of the real estate is as follows:

22 Lot 113, as set forth on the Amended Record of Survey for PINEVIEW
23 DEVELOPMENT, UNIT NO. 4, being filed for record with the Douglas County
Recorder on December 23, 2002, in Book 1202, Page 10400, as Document No. 561783.

24 The real estate is on a site with 6,534 square feet. The ranch house is 13 years old, and it
25 has views of the beautiful Sierra Nevada mountains. The living area is 1,364 square feet. The
26 property has a two-car garage. The property is in a common-interest community.

27 The contract price is \$219,900.00, contingent on inspections and on the buyers selling
28

1 their house in Prescott, Arizona. The seller / Personal Representative has agreed to pay repairs
2 up to \$500.00. Close of escrow is to be 21 days from court approval of the sale.

3 The real estate appraisal stated that the indicated value by a sales comparison approach
4 was \$115,000.00. By the cost approach (if developed) the indicated value was \$147,390.00.
5 Two recent sales in the neighborhood were much higher than earlier comparable sales, and the
6 appraiser did not include those two recent sales. Accordingly, the price in the Residential Offer
7 and Acceptance Agreement is \$72,510.00 higher than the indicated value under the cost
8 approach in the appraisal. Needless to say, this higher price benefits the Estate.

9
10 *Legal Authority*

11 NRS 148.060, "Confirmation of sale: Report; petition; notice," provides as follows:

12 1. Except as otherwise provided in NRS 148.170 and 148.180 and in
13 summary administration under chapter 145 of NRS, all sales of property
14 must be reported to the court and confirmed by the court before the title to
15 the property passes. The report and a petition for confirmation of the sale
16 must be made within 30 days after each sale.

17 2. The clerk shall set the petition for hearing by the court, and the
18 petitioner shall give notice thereof for the period and in the manner required
19 by NRS 155.010, or for such a period and in such manner as may be ordered
20 by the court.

21 The Personal Representatives have respectfully requested that the Court confirm the sale.

22 NRS 148.260, "Confirmation of sale: New appraisal; appraisal dispensed with under
23 certain circumstances," provides as follows:

24 1. Except as otherwise provided in subsection 2, no sale of real property at
25 private sale may be confirmed by the court unless the court is satisfied that the sum
26 offered represents the fair market value of the property sold, nor unless the real
27 property has been appraised within 1 year before the time of sale. If it has not been
28 appraised, a new appraisal must be had, as in the case of an original
appraisal of an estate. This may be done at any time before the sale or
confirmation thereof.

2. If the personal representative is the sole devisee or heir of the estate, or if all
devisees or heirs consent in writing to sale without an appraisal, the requirement of
an appraisal may be dispensed with and the personal representative may rely on the
assessed value of the property for taxation in obtaining confirmation of the sale.

1 NRS 148.270, "Hearing concerning confirmation of sale: Considerations; higher offer;
2 continuance," provides as follows:

3 1. At the hearing, the court shall consider the necessity for the sale, or the
4 advantage, benefit and interest of the estate in having the sale made, and must
5 examine the return and the evidence in relation to the sale.

6 2. If it appears to the court that good reason existed for the sale, that the sale was
7 legally made and fairly conducted, and complied with the requirements of NRS
8 148.260, that the sum bid is not disproportionate to the value, and it does not appear
9 that a sum exceeding the bid by at least 5 percent if the bid is not more than \$100,000,
10 or by at least \$5,000 if the bid is \$100,000 or more, may be obtained, the court shall
11 enter an order confirming the sale and directing conveyances to be executed.
12 Otherwise, it shall vacate the sale. If the court directs that the property be resold,
13 notice must be given and the sale in all respects conducted as if no previous sale had
14 taken place.

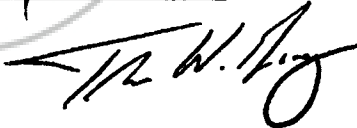
15 3. If a written offer of 5 percent or \$5,000 more in amount than that named in the
16 return is made to the court by a responsible person, as provided in subsection 2, and
17 the bid complies with all provisions of the law, the court may accept the offer and
18 confirm the sale to that person, order a new sale or conduct a public auction in open
19 court.

20 4. If a higher bid is received at the time of a hearing to confirm the sale, the court
21 may continue the hearing if it finds that the original bidder was not notified of the
22 hearing and might desire to increase his or her bid, but failure to notify the original
23 bidder or to continue the hearing is not grounds to void an order confirming a sale.

24 *Conclusion and Order*

25 In conclusion, the Personal Representatives have moved for Court approval to sell the
26 Estate's real estate under the Agreement's terms for the contract price of \$219,900.00. Good
27 cause appearing, IT IS ORDERED that the Personal Representatives are authorized to sell the
28 Estate's real estate under the Agreement's terms for the contract price of \$219,900.00 (two
hundred and nineteen thousand dollars and no cents).

Dated this 2 day of April, 2018.



DISTRICT JUDGE

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 April 2, 2018
BOBBIE R. WILLIAMS, Clerk of Court
of the State of Nevada, in and for the County of Douglas,
By [Signature] Deputy