

DOUGLAS COUNTY, NV

2024-1010025

Rec:\$40.00

\$40.00

Pgs=6

07/15/2024 10:24 AM

FIRST CENTENNIAL - RENO (MAIN OFFICE)

SHAWNYNE GARREN, RECORDER

APN No.: **1320-34-002-045**

Escrow No.: **24042167-SA**

Recording Requested By:
First Centennial Title Company of Nevada
1352 Hwy 395, Ste 114
Gardnerville, NV 89410

When Recorded Return to:
First Centennial Title Company of Nevada
1352 Hwy 395, Ste 114
Gardnerville, NV 89410

Mail Tax Statements to:
James A. Hedrick and Lilian K. Nong
1440 Stonegate Court
Gardnerville, NV 89410

SPACE ABOVE FOR RECORDERS USE

ORDER GRANTING MOTION TO APPROVE SALE OF REAL PROPERTY FREE AND CLEAR OF LIENS AND TO APPROVE PAYMENT OF COSTS
(Title of Document)

Please complete Affirmation Statement below:

I, the undersigned, hereby affirm that the attached document, including any exhibits, hereby submitted for recording does not contain the social security number of any person or persons. (Per NRS 239B.030)



SIGNATURE

Senior Escrow Officer

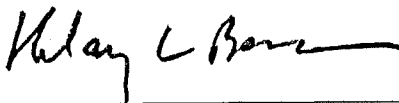
Sherry Ackermann

This page added to provide additional information required by NRS 111.312 Sections 1-2 and NRS 239B.030 Section 4.

This cover page must be typed or printed in black ink.

SPACE BELOW FOR RECORDER

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Honorable Hilary L. Barnes
United States Bankruptcy Judge



Entered on Docket
July 08, 2024

DEMETRAS LAW
J. Craig Demetras
Nevada Bar. No. 4246
230 E. Liberty Street
Reno, NV 89501
(Telephone): 775-348-4600
jcd@demetraslaw.com
mail@demetraslaw.com

Attorney for Debtor

I CERTIFY THAT THIS IS A TRUE COPY:
DATED: July 9, 2024
ATTEST:  Digitally signed by Natalie Clarke
Date: 2024.07.09 09:20:33 -07'00'
Case Administrator II



UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

<p>IN RE</p> <p>PHILIP ANDREW MACKEN,</p> <p style="text-align: center;">Debtor</p>	<p>BK-N-23-50950-HLB</p> <p>Chapter 13</p> <p><u>ORDER GRANTING MOTION TO APPROVE SALE OF REAL PROPERTY FREE AND CLEAR OF LIENS, AND TO APPROVE PAYMENT OF COSTS</u></p> <p>Hearing Date: July 3, 2024 Hearing Time: 1:30 p.m.</p>
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A hearing was held on June 27, 2024 and July 3, 2024, on Debtor's Motion to Approve Sale of Real Property Free and Clear of Liens, and to Approve Payment of Costs. The Motion was duly noticed to creditors and properly served. At the hearing, Debtor appeared by and through his counsel, J. Craig Demetras, of Demetras Law. Appearances were made by Michael Lehnert, Esq., on behalf of Marva Gordon, Kenton McIntosh

1 , Esq., on behalf of the United States, McKay Holley, Esq., on behalf of Kathryn
 2 Silverton, as Trustee of the Loretta M. Kuhn Revocable Trust, and William Van Meter,
 3 Chapter 13 Trustee. The Court reviewed the matters before it. Good cause appearing
 4 therefore, the Court finds and Orders as follows:
 5

6 IT IS HEREBY ORDERED that the Motion to sell the real property located at
 7 1440 Stonegate Court, Gardnerville, Nevada 89410 for Two Million Three Hundred
 8 Twenty-Five Thousand and 00/100 Dollars (\$2,325,000.00) is GRANTED;
 9

10 IT IS FURTHER ORDERED that the Motion, the underlying residential offer
 11 and acceptance agreement, and the transactions contemplated thereby are approved, and
 12 the Debtor is hereby authorized to perform his obligations under the agreements and to
 13 act as necessary to effectuate the sale without further Order of this Court
 14

15 IT IS FURTHER ORDERED that the Two Million Three Hundred Twenty-Five
 16 Thousand and 00/100 Dollars (\$2,325,000.00) in sale proceeds shall be disbursed directly
 17 from escrow as follows:
 18

Claim	Creditor	Paid upon close of escrow	Held pending order of the court
13	Jacqueline Macken	\$97,625.00	
15	Silverton	\$300,000.00	
18	Selene Finance (1 st)	\$788,934.08	
28	Greater Nevada Credit Union (2nd)	\$103,696.52	
	Payment to Debtor directly	\$255,000.00	
	Transfer to Debtor in trust for payment of future administrative expenses from homestead proceeds	\$50,000.00	
	Held in trust pending further order of the court		\$583,362.22

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	Real estate agent commissions	\$127,875.00	
	Estimated closing costs	\$18,507.18	
	Total Disbursed from Escrow	\$1,736,637.78	\$583,362.22

IT IS FURTHER ORDERED that the remaining sale proceeds of \$583,362.22 will be held by Debtor's counsel in an interest-bearing money market account with Heritage Bank. Debtor's counsel shall insure that the trust account deposit agreement provides that all deposited funds are FDIC insured or otherwise adequately collateralized.

IT IS FURTHER ORDERED that the Court shall retain jurisdiction to determine the disposition of the funds held in the Heritage Bank trust account in the event the case is dismissed or converted. Notice and an opportunity for hearing must be provided in the event any action is taken to dismiss the bankruptcy case or to convert the Chapter 13 case to another chapter.

IT IS FURTHER ORDERED that Debtor will provide monthly bank statements for the Heritage account to the Chapter 13 Trustee and any disbursement from this account shall require a further order of the Court.

IT IS FURTHER ORDERED that payment of \$300,000.00 to Silverton is based on her agreement to dismiss the state court fraudulent transfer action pending in Douglas County and the acknowledgement of the Debtor's wife that all equity in the real property being sold is held as community property and is property of the Debtors bankruptcy estate. Upon payment of the \$300,000.00 to Silverton and the filing of the Declaration executed by the Debtor's wife that the property being sold is held as

1 community property and property of the Debtor's bankruptcy estate, Silverton shall take
2 action to dismiss the pending state court fraudulent transfer action.

3
4 IT IS FURTHER ORDERED that as provided by Fed. R. Bankr. P. 6004(h),
5 6006(d) and 7062, this Order shall be effective and enforceable immediately upon entry.
6 Notwithstanding Bankruptcy Rules 6004(b), the Court expressly finds that there is no just
7 reason for delay in the implementation of this Order and expressly directs entry of the
8 order a set forth herein; and

9
10 IT IS FURTHER ORDERED that the 14-day appeal period is waived.

11 IT IS SO ORDERED

12
13 Submitted by:

14
15 DEMETRAS LAW
16 /s/ J. Craig Demetras
17 By: J. Craig Demetras
Attorney for Debtor

18 **Approved/Disapproved**

19
20 /s/ McKay Holley
McKay Holley
21 Counsel for Kathryn Silverton,
as Trustee of the Loretta M. Kuhn
22 Revocable Trust

23 **Approved/Disapproved**

24
25 /s/ Kenton McIntosh
Kenton McIntosh
26 Counsel for the United States

Approved/Disapproved

/s/ William Van Meter
William Van Meter
Chapter 13 Trustee

Approved/Disapproved

/s/ Michael Lehnert
Michael Lehnert
Counsel for Marva Gordon

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ALTERNATIVE METHODS re: RULE 9021

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

_____ The court waived the requirements of L. R. 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:

Kenton McIntosh
Counsel for the United States
Approved

McKay Holley
Counsel for Kathryn Silverton,
as Trustee of the Loretta M. Kuhn
Revocable Trust
Approved

Michael Lehnars
Counsel for Marva Gordon
Approved

William Van Meter
Chapter 13 Trustee
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 to LR 9014(g), and that no party has objected to the form or content of the order.

DATED: July 3, 2024

/s/ J. Craig Demetras
Attorney for Debtor
230 E. Liberty Street
Reno, NV 89501
775-348-4600