

COURT CODE: _____
Your Name: _____
Address: _____
City, State, Zip _____
Telephone: _____
Email Address: _____
Self-Represented

DISTRICT COURT
_____ **COUNTY, NEVADA**

In the Matter of the Guardianship of the:

- Estate
 Person and Estate

of:

(*name of person who has a guardian*)
A Protected Person.

CASE NO.: _____

DEPT: _____

HEARING DATE: _____

HEARING TIME: _____

**ORDER APPROVING PETITION FOR AUTHORITY
TO LIST AND SELL REAL PROPERTY**

The Court, having reviewed the Petition for Authority to List and Sell Real Property filed by the Guardian(s) of the Estate of the above-referenced protected person; the hearing upon which was set by the Clerk of the above entitled Court, for the above date and time, the Court having considered the Petition and examined the evidence, being fully advised in the premises finds: (i) proper notice of the hearing was duly given as required by law; (ii) that it is in the protected person's best interests for the Real Property to be sold; and (iii) the Petition ought to be granted. Accordingly,

IT IS HEREBY ORDERED that the Authority to List and Sell Real Property of the above named protected person is granted; and

IT IS FURTHER ORDERED that the Guardian may proceed with listing for sale the property located at (*property address*): _____

with the legal description of (*write the legal description of the property*) _____

The Assessor's Parcel Number is (*APN number*) _____.

IT IS FURTHER ORDERED that if the estate owes more than the value of the property, the mortgage/lien holder must agree in writing to accept the sale and waive the difference between the sale price and amount owed.

IT IS FURTHER ORDERED that any joint owners of the property must be notified of this order.

IT IS FURTHER ORDERED that the Court shall not approve a proposed sale to any joint owner unless the net amount of the proceeds from the sale is not less than 90% of the fair market value of the portion of the property to be sold.

IT IS FURTHER ORDERED that the listing agreement for the sale of the real property will clearly state the following terms:

- a. the property is being sold "AS IS, WHERE IS";
- b. there are "no warranties, expressed or implied";
- c. the sale is subject to court approval;
- d. offers must be in writing and delivered to the place designated in the Notice of Sale or to the guardian at any time after the date of the first publication or posting of the notice;
- e. the listing price will be \$_____;
- f. the guardian will provide payment of a commission upon sale of the real property which will be paid from the proceeds of the sale as a fixed in an amount not to exceed ten percent for an unimproved real property or seven percent for real property with any type of improvement and will be authorized by the court by confirmation of sale;

- g. the guardian nor the estate is liable for payment of commission until the sale is confirmed through the court, and then is only liable for the amount set forth in the contract;
- h. upon confirmation of the sale by the court, the contract will become binding and enforceable against the estate;
- i. the sale must not occur before the date stated in the notice of sale or sooner than 14 days after the date of the first publication, and no later than one year after the starting date stated in the notice of sale; and
- j. close of escrow must be at least 10 judicial days after the date that the notice of entry of order confirming the sale is filed with the clerk of the court unless the contract specifies a later date or the parties to the sale extend the date by mutually agreeing in writing.

IT IS FURTHER ORDERED that the guardian may now enter into a written contract with a bona fide agent, broker or multiple agents or brokers to secure a purchaser for the sale of the property following the terms specified above.

IT IS FURTHER ORDERED that the guardian shall immediately file and publish a Notice of Sale (*Court to check one*):

- In a newspaper that is published in the county in which the property or some portion of the property is located, or if a newspaper is not published the county where the property is located, then in a newspaper of general circulation. The Notice of Sale will be published no less than three times before the date on which the sale may be made, over a period of 14 days and seven days apart.
- In (*name of newspaper*) _____ as specified by the Court. The Notice of Sale will be published for no less than three times before the date on which the sale may be made, over a period of 14 days and seven days apart.
- On a public property listing service for a period of not less than 30 days.
- In lieu of publication, the guardian shall post notice of the sale in three of the most public places in the county in which the property or some portion of the property is

located for at least 14 days before the date that offers will be accepted due to the net value of the property reasonably being believed to be \$10,000 or less.

- The court waives the requirement of publication due to the guardian being the sole devisee or heir of the estate.
- The court waives the requirement of publication due to all devisees or heirs of the estate consenting to the waiving of publication in writing.

IT IS FURTHER ORDERED that the guardian must file a Petition to Approve the Sale of Real Property within 30 days after accepting an offer. Title to the real property must not be passed to the purchaser prior to the approval of offer through the court.

IT IS FURTHER ORDERED that an appraisal must be done prior to the hearing on the Petition to Approve Sale of Real Property but no earlier than one year prior to the date of sale. The appraisal may be waived if an appraisal will unduly delay the sale, and the delay will impair the estate of the Protected Person.

NOTICE IS HEREBY GIVEN that a guardian who fraudulently sells real property of the protected person in a manner inconsistent with the provisions in NRS 159 is liable for double the value of the property sold, as liquidated damages, to be recovered in an action by or on behalf of the protected person.

Dated this _____ day of _____, 20____.

DISTRICT COURT JUDGE

Submitted by:

(Your Signature)

(Printed Name)