

**EXHIBIT “4”**

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REC'D & FILED

2016 DEC -6 PM 1:43

SUSAN MERRIWETHER  
CLERK

BY \_\_\_\_\_ DEPUTY

IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR CARSON CITY

IN THE MATTER OF THE ESTATE OF:

EDWIN JOHN SARGE,

THELMA AILENE SARGE,

Deceased.

Case No.:

16 RP00009 1B  
~~16PBT001081B-~~

Dept. No: 1

Consolidated with 16PBT001071b and

~~16RP000091B-~~  
16PBT001081B

**ORDER CANCELLING NOTICES RECORDED AGAINST 1636 SONOMA STREET,**  
**CARSON CITY, NEVADA**

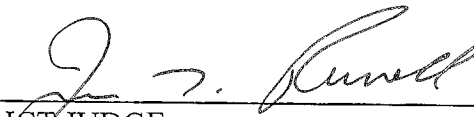
This matter came on regularly before this Court on the 5<sup>th</sup> day of December, 2016 upon the motion of Rosehill, LLC seeking the cancellation or withdrawal of certain notices of pendency of action that encumber the real property located at 1636 Sonoma Street, Carson City, Nevada pursuant to the provisions of NRS 14.015. The Court, having reviewed the pleadings filed by the parties and having conducted the requested hearing and considered the oral arguments of counsel therein, being fully advised therein, NOW, THEREFORE

IT IS HEREBY ORDERED that the Notice of Pendency of Action recorded on October 31, 2016 as Document Number 469390, Official Records of Carson City County, Nevada, is hereby ordered cancelled pursuant to this order and the provisions of NRS 14.015 (5). This order of cancellation shall have the same effect as an expungement of said recorded notice.

1 IT IS FURTHER ORDERED that the Notice of Pendency of Action recorded on October 31,  
2 2016 as Document Number 469423, Official Records of Carson City County, Nevada, is hereby  
3 ordered cancelled pursuant to this order and the provisions of NRS 14.015 (5). This order of  
4 cancellation shall have the same effect as an expungement of said recorded notice.

5 IT IS FURTHER ORDERED that the document entitled "complaint For Reentry" recorded on  
6 October 31, 2016 as Document Number 469424 is hereby expunged and cancelled from the Official  
7 Records of Carson City County, Nevada pursuant to this order and the provisions of NRS 14.015 (5).  
8 This order of cancellation shall have the same effect as an expungement of said recorded notice.  
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11 DATED this 6<sup>th</sup> day of December, 2016.  
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16 \_\_\_\_\_  
17 DISTRICT JUDGE  
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Angela Jeffries  
Judicial Assistant, Dept. 1

**EXHIBIT “3”**

**EXHIBIT “3”**

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**EXHIBIT “3”**

**EXHIBIT “3”**

Kristin A. Schuler-Hintz, Esq., (NSB# 7171)  
Thomas N. Beckom, Esq., (NSB#12554)  
McCarthy & Holthus, LLP  
9510 W. Sahara, Suite 200  
Las Vegas, NV 89117  
Phone (702) 685-0329  
Fax (866) 339-5691  
Attorneys for Defendant *Quality Loan Service Corporation*

REC'D & FILED  
2017 MAY 12 PM 3:20  
SUSAN HERRIWETHER  
**C. GRIFFIN**  
BY \_\_\_\_\_ DEPUTY

IN THE FIRST JUDICIAL DISTRICT COURT FOR THE STATE OF NEVADA  
IN AND FOR CARSON CITY

In the matter of the estate of:

THELMA AILENE SARGE,

Deceased.

Case No. 16RP000091B

Dept.: I

Order Granting Motion to Dismiss

ESTATE OF THELMA AILENE SARGE and  
ESTATE OF EDWIN JOHN SARGE,

Plaintiffs,

v.

QUALITY LOAN SERVICE CORPORATION  
and DOES I- X, inclusive,

Defendants.

S/S

Received in office by:

MAY 17 2017

McCarthy & Holthus LLP

Defendant Quality Loan Service Corporation's Motion to Dismiss and Defendant Rosehill, LLC's Motion to Dismiss having come on for hearing on the 10<sup>th</sup> day of March, 2017, in Department 1 of First Judicial District Court in and for Carson City, Defendant, Quality Loan Service Corporation appearing by and through its Counsel Kristin A. Schuler-Hintz, Esq., of McCarthy & Holthus, LLP., Defendant Rosehill, LLC., appearing by and through its counsel William A. Baker, Esq., of Walsh, Baker & Rosevear; and Plaintiffs' the Estates of Thelma and Edwin Sarge, appearing by and through its counsel Tory Pankopf, Esq., of Tory Pankopf, Ltd.

The Court having reviewed the papers and pleadings on file herein, and hearing the arguments of counsel and good cause appearing, finds as follows.

- 1           1. The Court finds that N.R.S. § 107.080(3) requires the Notice of Default and  
2           Election to Sell to be recorded in the office of the County Recorder in which the  
3           real property is located, and the Notice of Default at issue herein was recorded in  
4           the official records of Carson City County..
- 5           2. The Court further finds, N.R.S. § 107.080(3) requires the Notice of Default and  
6           Election to Sell be mailed by registered or certified mail, return receipt requested,  
7           with postage prepaid to the grantor or, to the person who holds the title of record  
8           on the date the notice of default and election to sell is recorded, . . . at their  
9           respective addresses, if known, otherwise to the address of the trust property and  
10          the Notice of Default and Election to Sell was mailed via registered or certified  
11          mail, return receipt requested to the grantors of the deed of trust, to wit, Thelma  
12          Ailene Sarge and Edwin John Sarge at the property address.
- 13          3. The Court further finds the Notice of Default and Election to Sell was mailed via  
14          registered or certified mail, return receipt requested to the title holders based upon  
15          the recorded Deed Upon Death, to wit, Jill Sarge, Jack Sarge, and Sharon Hesla,  
16          at the address provided in the Dead Upon Death, and to the address of the real  
17          property.
- 18          4. The Court further finds all required statutory notices of the Notice of Default and  
19          Election to Sell were provided in accordance with NRS 107.080 et. seq.
- 20          5. The court further finds, NRS 107.080(4) requires that notice of any pending  
21          foreclosure sale be given by providing the notice to each trustor, any other person  
22          entitled to notice pursuant to this section, by personal service or by mailing the  
23          notice by registered or certified mail to the last known address of the trustor and  
24          any other person entitled to such notice pursuant to this section and the notice of  
25          the pending foreclosure sale was mailed by registered or certified notice to the  
26          grantors of the deed of trust, to wit, Thelma Ailene Sarge and Edwin John Sarge  
27          at the property address which was their last known address.

28          ///

- 1       6. The Court further finds notice of the pending foreclosure sale was mailed by  
2       registered or certified mail to the titleholders based upon the recorded Deed Upon  
3       Death, to wit, Jill Sarge, Jack Sarge, and Sharon Hesla, at the address provided in  
4       the Dead Upon Death, and to the address of the real property.
- 5       7. The Court further finds that all parties entitled to notice of the pending foreclosure  
6       received notice via mail.
- 7       8. The Court further finds the Notice of Sale was posted pursuant to NRS §  
8       107.080(4)(b) for 20 days successively, in a public place in the county where the  
9       property is situated;
- 10      9. The Court further finds the Notice of Sale was published three times, once each  
11      week for 3 consecutive weeks, in a newspaper of general circulation in the county  
12      where the property is situated.
- 13      10. The Court further finds that pursuant to NRS 107.087 the Notice of Default and  
14      Election to Sell, Notice of Sale, and Notice to Tenants were timely posted at the  
15      subject property and mailed.
- 16      11. The Court further finds that no probate for the estate of either Thelma Airlene  
17      Sarge or Edwin John Sarge was filed and no request for foreclosure notices was  
18      made by either estate.
- 19      12. The Court further finds that none of the titleholders, based upon the Deed Upon  
20      Death recorded a request for notice in the records of the County Recorder in  
21      which the property was located.
- 22      13. The Court further finds based on the affidavits filed herein, and the arguments and  
23      testimony in open Court that the subject real property was vacant and not  
24      occupied by Trustors of the Deed of Trust, or the titleholders of the property  
25      based upon the Dead Upon Death.
- 26      14. The Court further finds that *Rose v. First Fed. Sav. & Loan Ass'n* (1989) 105  
27      Nev. 454, is not applicable to the instant action as the decision therein was based  
28      on a previous version of NRS 107.080(3) which required that notices be mailed to



1 the grantor or *his successor in interest* and NRS 107.080(3) was amended  
2 thereafter and now NRS 107.080(3) specifically provides that notices are to be  
3 mailed to the *grantor or, to the person who holds title of record on the date the*  
4 *notice of default and election to sell is recorded*, thereby removing any ambiguity  
5 as to whom the Trustee is required to give notices to.

6 Accordingly it is hereby ORDERED, ADJUDGED AND DECREED that pursuant to  
7 NRS 107.080(5) the Trustee actually and substantially complied with the provision of NRS  
8 107.080 and NRS 170.087.

9 It is further ORDERED, ADJUDGED AND DECREED, that at the foreclosure sale,  
10 Rosehill, LLC acquired title to the subject property and the grantor or its successor in interest  
11 have no equity or right of redemption.

12 It is further ORDERED, ADJUDGED AND DECREED that the Motion to Dismiss  
13 filed by Quality Loan Service Corporation is hereby granted in its entirety.

14 It is further ORDERED, ADJUDGED AND DECREED, that the Motion to Dismiss  
15 filed by Rosehill, LLC., is hereby granted in its entirety.

16 IT IS SO ORDERED.

*Dated: May 12, 2017*

*James T. Russell*  
\_\_\_\_\_  
DISTRICT COURT JUDGE

17  
18  
19  
20 Submitted by:  
21 McCarthy & Holthus, LLP

22  
23 By: Kristin A. Schuler-Hintz, Esq.  
24 9510 W. Sahara Ave., Suite 200  
25 Las Vegas, NV 89117  
(702) 685-0329

Walsh, Baker & Rosevear

26 Submitted – no response received  
27 By: James Walsh, Esq.  
28 9468 Double R Blvd., Suite A  
Reno, NV 89521  
(775) 853-0883

Approved as to Form by:  
Tory Pankopf, Ltd

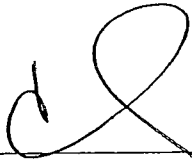
Submitted – no response received  
By: Tory Pankopf, Esq.  
9450 Double R. Blvd. Suite B  
Reno, NV 89521  
(775) 384-6956

AFFIRMATION

Pursuant to NRS 239B.030/603A.040

The undersigned does hereby affirm that the attached document entitled Order on Motion to Dismiss

Does NOT contain the personal information of any party

  
\_\_\_\_\_  
Kristin A. Schuler-Hintz, Esq.

(Date)

4/24/17

**EXHIBIT “2”**

**EXHIBIT “2”**

**EXHIBIT “2”**

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**EXHIBIT “2”**

**EXHIBIT “2”**

1 TORY M. PANKOPF (SBN 7477)  
2 T M PANKOPF, PLLC  
3 9460 Double R Boulevard, Suite 104  
4 Reno, Nevada 89521  
5 Telephone: (775) 384-6956  
6 Facsimile: (775) 384-6958  
7 Attorney for the Estate and Petitioner

REC'D & FILED  
2016 OCT 31 AM 11:03  
SUSAN HERRIN WETHER  
CLERK  
BY COOPER DEPUTY

8 **IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**  
9 **IN AND FOR CARSON CITY**

10 In The Matter Of The Estate Of:

11 EDWIN JOHN SARGE,

12 Deceased.

CASE NO: 16 PBT 000812  
DEPT NO: 7

13 **PETITION TO SET ASIDE ESTATE WITHOUT ADMINISTRATION**

14  
15  
16 Petitioner, JILL SARGE, by and through her attorney, TORY M. PANKOPF, of the  
17 Law Offices of T M PANKOPF, PLLC, hereby petitions the Court to set aside the estate of  
18 EDWIN JOHN SARGE, deceased, and in support of the same, respectfully shows:

19 I.

20 EDWIN JOHN SARGE, hereinafter referred to as "decedent" died intestate on April 28,  
21 2015, in the Carson City, State of Nevada, and within the jurisdiction of this Court. A certified  
22 copy of the death certificate is attached hereto as Exhibit "1".

23 II.

24 The decedent was, at the time of his death, a resident of the State of Nevada, residing at  
25 1636 Sonoma Street, Carson City, Nevada, prior to his passing, and left an estate within the  
26 State of Nevada, consisting of real property located at 1636 Sonoma Street, Carson City, Carson  
27 City County, and personal effects.

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III.

The decedent died intestate.

IV.

Your Petitioner is the daughter of the deceased. She requests to be appointed administrator of the estate for the main purpose of transferring title to the real property which is fully encumbered by a note secured by a deed of trust. Your Petitioner has never been convicted of a felony and is under no legal disability which would not allow her to serve in said capacity.

V.

Decedent's estate consists of real and personal property, as follows:

1. Real Property located at 1636 Sonoma Street, Carson City, Carson City County, Nevada, APN No. 10-513-07 which has an estimated value of \$210,000.00;
2. Personal property, including clothing and other personal effects, with an estimated value of \$500.00;

VI.

That on the date of the decedent's death, there existed a mortgage on the real property located at 1636 Sonoma Street, Carson City, Carson City County, Nevada, payable to Champion Mortgage, with a balance of approximately \$191,000.00 There are no other debts of the decedent so far as know to the petitioner.

VII.

Petitioner's permanent mailing address is as follows: 159 Empire Lane, Carson City, Nevada, 89706.

VIII.

That the names and addresses of the heirs and devisees of the deceased are as follows:

<u>NAME</u>	<u>ADDRESS</u>	<u>RELATIONSHIP</u>
Jill A. Sarge	159 Empire Lane Carson City, Nevada, 89706.	Adult Daughter

1 Sharen R. Hesla

Simi Valley, CA  
POB 1911  
Tonopah, Nevada 89049

Adult Daughter

2 Jack C. Sarge

1636 Sarcoma St  
Carson City NV 89701

Adult Son

4 That there are no further heirs who would have a potential interest in the estate.

5 IX.

6 The real property has a short sale offer to purchase in the amount of \$210,000.00 and it  
7 has been accepted by Champion Mortgage. Given the value of the real property, the lien secured  
8 by the deed of trust, and the cost of the sale, the estate will net no money from the sale. The note  
9 has been in default since the death of decedent. This probate is necessary so that Petitioner can  
10 transfer title to the buyer which is the only bar to closing the sale.

11 WHEREFORE, Petitioner prays that this Court enter its order as follows:

12 1. That decedent's estate not be administered upon, but that the entirety of the estate  
13 be assigned and set aside to Petitioner for the sole purpose of transferring title to the real  
14 property.

15  
16 DATED on this 26<sup>th</sup> day of October, 2016.

17 T M PANKOPF, PLLC

18   
/s/ TORY M. PANKOPF

19 TORY M. PANKOPF

20 Attorney for the Estate and Petitioner

**VERIFICATION**

STATE OF NEVADA }  
CARSON CITY } ss:

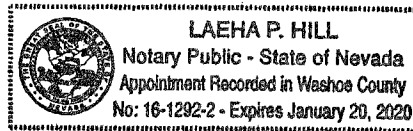
JILL SARGE, hereby swears under penalty of perjury that the assertions of this verification are true.

I am the Petitioner in the above-entitled action; I have read the foregoing Petition to Set Aside Estate and knows the contents thereof; that the same is true of my own personal knowledge except for those matters, which I believe to be true.

Jill Sarge  
JILL SARGE

SUBSCRIBED and SWORN to before me  
on this 31 day of October, 2016.

Laeha P. Hill  
NOTARY PUBLIC in and for said  
County and State



**EXHIBIT “1”**

**EXHIBIT “1”**

**EXHIBIT “1”**

**EXHIBIT “1”**

**EXHIBIT “1”**

**EXHIBIT “1”**



# STATE OF NEVADA

## CERTIFICATION OF VITAL RECORD

### DEPARTMENT OF HEALTH AND HUMAN SERVICES DIVISION OF PUBLIC AND BEHAVIORAL HEALTH VITAL STATISTICS CERTIFICATE OF DEATH

CASE FILE NO. 3609502

2011012796  
STATE FILE NUMBER

TYPE OR  
PRINT IN  
PERMANENT  
BLACK INK

DECEDENT

IF DEATH  
OCCURRED IN  
INSTITUTION SEE  
HANDBOOK  
REGARDING  
COMPLETION OF  
RESIDENCE  
ITEMS

PARENTS

DISPOSITION

TRADE CALL

CERTIFIER

REGISTRAR

CAUSE OF  
DEATH

CONDITIONS IF  
ANY WHICH  
GAVE RISE TO  
IMMEDIATE  
CAUSE  
STATING THE  
UNDERLYING  
CAUSE LAST

1a. DECEASED-NAME (FIRST,MIDDLE,LAST,SUFFIX) <b>Edwin John SARGE</b>				2. DATE OF DEATH (Mo/Day/Year) <b>August 13, 2011</b>		3a. COUNTY OF DEATH <b>Carson City</b>	
3b. CITY, TOWN, OR LOCATION OF DEATH <b>Carson City</b>		3c. HOSPITAL OR OTHER INSTITUTION -Name (If not either, give street and Inpatient (Specify)) <b>1636 Sonoma Avenue Home</b>				4. SEX <b>Male</b>	
5. RACE (Specify) <b>White</b>		6. Hispanic Origin? Specify <b>No - Non-Hispanic</b>		7a. AGE-Last birthday (Years) <b>90</b>		7b. UNDER 1 YEAR <b>MOS DAYS HOURS MINS</b>	
9a. STATE OF BIRTH (If not US/CA; name country) <b>Pennsylvania</b>		9b. CITIZEN OF WHAT COUNTRY <b>United States</b>		10. EDUCATION <b>12</b>		11. MARITAL STATUS (Specify) <b>Married</b>	
13. SOCIAL SECURITY NUMBER		14a. USUAL OCCUPATION (Give Kind of Work Done During Most of) <b>Contract Engineer</b>				14b. KIND OF BUSINESS OR INDUSTRY <b>Aircraft</b>	
15a. RESIDENCE - STATE <b>Nevada</b>		15b. COUNTY <b>Carson City</b>		15c. CITY, TOWN OR LOCATION <b>Carson City</b>		15d. STREET AND NUMBER <b>1636 Sonoma Avenue</b>	
16. FATHER/PARENT - NAME (First, Middle, Last, Suffix) <b>Elmer E. SARGE</b>				17. MOTHER/PARENT - NAME (First, Middle, Last, Suffix) <b>Edna Josephine NICHOLS</b>			
18a. INFORMANT - NAME (Type or Print) <b>Jill Ailene SARGE</b>				18b. MAILING ADDRESS (Street or R.F.D. No, City or Town, State, Zip) <b>1636 Sonoma Avenue Carson City, Nevada 89701</b>			
19a. BURIAL, CREMATION, REMOVAL, OTHER (Specify) <b>Cremation</b>		19b. CEMETERY OR CREMATORY - NAME <b>La Paloma Reno</b>		19c. LOCATION City or Town State <b>Reno Nevada</b>			
20a. FUNERAL DIRECTOR - SIGNATURE (Or Person Acting as Such) <b>JOHN LAWRENCE</b>		20b. FUNERAL DIRECTOR LICENSE NUMBER <b>304R</b>		20c. NAME AND ADDRESS OF FACILITY <b>Autumn Funerals &amp; Cremations 1575 N. Lompia Ln Carson City NV 89701</b>			
TRADE CALL - NAME AND ADDRESS							
21a. To the best of my knowledge, death occurred at the time, date and place and due to the cause(s) stated. (Signature & Title) <b>GARY ELDON CAMPBELL M.D.</b>				22a. On the basis of examination and/or investigation, in my opinion death occurred at the time, date and place and due to the cause(s) stated. (Signature & Title)			
21b. DATE SIGNED (Mo/Day/Yr) <b>August 15, 2011</b>		21c. HOUR OF DEATH <b>21:00</b>		22b. DATE SIGNED (Mo/Day/Yr)		22c. HOUR OF DEATH	
21d. NAME OF ATTENDING PHYSICIAN IF OTHER THAN CERTIFIER (Type or Print)				22d. PRONOUNCED DEAD (Mo/Day/Yr)		22e. PRONOUNCED DEAD AT (Hour)	
23a. NAME AND ADDRESS OF CERTIFIER (PHYSICIAN, ATTENDING PHYSICIAN, MEDICAL EXAMINER, OR CORONER) (Type or Print) <b>Gary Eldon Campbell M.D. 6630-B S. McCarran #18 Reno, NV 89509</b>						23b. LICENSE NUMBER <b>5477</b>	
24a. REGISTRAR (Signature) <b>NICOLE SHORE</b>				24b. DATE RECEIVED BY REGISTRAR (Mo/Day/Yr) <b>August 18, 2011</b>		24c. DEATH DUE TO COMMUNICABLE DISEASE <b>YES <input type="checkbox"/> NO <input checked="" type="checkbox"/></b>	
25. IMMEDIATE CAUSE (ENTER ONLY ONE CAUSE PER LINE FOR (a), (b), AND (c).) PART I: (a) <b>Metastatic Prostate Cancer</b> Interval between onset and death (b) DUE TO, OR AS A CONSEQUENCE OF: Interval between onset and death (c) DUE TO, OR AS A CONSEQUENCE OF: Interval between onset and death (d) DUE TO, OR AS A CONSEQUENCE OF: Interval between onset and death							
PART II: OTHER SIGNIFICANT CONDITIONS-Conditions contributing to death but not resulting in the underlying cause given in Part I.						26. AUTOPSY (Specify Yes or No) <b>No</b>	
28a. ACC., SUICIDE, HOMICIDE, UNDET. OR PENDING INVEST. (Specify)		28b. DATE OF INJURY (Mo/Day/Yr)		28c. HOUR OF INJURY		28d. DESCRIBE HOW INJURY OCCURRED	
28e. INJURY AT WORK (Specify Yes or No)		28f. PLACE OF INJURY- At home, farm, street, factory, office building, etc. (Specify)		28g. LOCATION STREET OR R.F.D. No. CITY OR TOWN STATE			

STATE REGISTRAR

000645529



CERTIFIED COPY OF VITAL RECORDS

This is a true and exact reproduction of the document officially registered and placed on file in the office of the State Registrar and Vital Records.

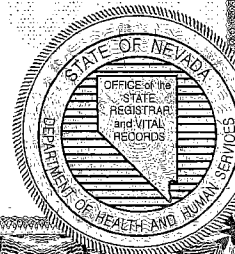
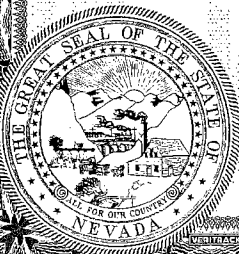
DATE ISSUED:

OCT 12 2016

This copy is not valid unless prepared on engraved border displaying date, seal and signature of Registrar.

ANY ALTERATION OR ERASURE VOIDS THIS CERTIFICATE

VRS-Rev-20120523b



1 TORY M. PANKOPF (SBN 7477)  
2 T M PANKOPF, PLLC  
3 9460 Double R Boulevard, Suite 104  
4 Reno, Nevada 89521  
5 Telephone: (775) 384-6956  
6 Facsimile: (775) 384-6958  
7 Attorney for the Estate and Petitioner

REC'D & FILED  
2016 DEC 30 PM 1:21

SUSANNE NEWCOMER  
CLERK  
BY \_\_\_\_\_

8 IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
9  
10 IN AND FOR CARSON CITY

11 In The Matter Of The Estate Of:

12 EDWIN JOHN SARGE,

13 Deceased.

CASE NO: 16 PBT 00108 1B  
DEPT NO: 1

14  
15  
16 CORRECTION TO PARAGRAPH VIII OF  
17 PETITION TO SET ASIDE ESTATE WITHOUT ADMINISTRATION

18 Petitioner, JILL SARGE, by and through her attorney, TORY M. PANKOPF, of the  
19 Law Offices of T M PANKOPF, PLLC, hereby amends paragraph III of her petition as follows:

20 VIII.

21 That the names and addresses of the heirs and devisees of the deceased are as follows:

22 <u>NAME</u>	<u>ADDRESS</u>	<u>RELATIONSHIP</u>
23 Jill A. Sarge	159 Empire Lane 24 Carson City, Nevada, 89706.	Adult Daughter
25 Sharon R. Hesla	1890 Blazewood 26 Simi Valley, California 93063	Adult Daughter
27 Jack C. Sarge	37804 Janus 28 Palmdale, California 93550.	Adult Son

1 DATED on this 22<sup>nd</sup> day of December, 2016.

2 T M PANKOPF, PLLC

3 /s/ TORY M. PANKOPF

4 TORY M. PANKOPF

5 Attorney for the Estate and Petitioner

6 VERIFICATION

7 STATE OF NEVADA }

8 } ss:

9 CARSON CITY }

10 I, JILL SARGE, hereby declare and state under penalty of perjury under the laws of the  
11 State of Nevada the assertions of this verification are true.

12 I am the Petitioner in the above-entitled action; I have read the foregoing amended  
13 paragraph VIII to the petition to set aside the estate without administration and knows the  
14 contents thereof; that the same is true of my own personal knowledge except for those matters,  
15 which I believe to be true.

16 DATED on this 22<sup>nd</sup> day of December, 2016.

17  
18  
19 Jill Sarge  
JILL SARGE

**EXHIBIT “1”**

**EXHIBIT “1”**

**EXHIBIT “1”**

**EXHIBIT “1”**

**EXHIBIT “1”**

**EXHIBIT “1”**

1 TORY M. PANKOPF (SBN 7477)  
2 **T M PANKOPF, PLLC**  
3 9460 Double R Boulevard, Suite 104  
4 Reno, Nevada 89521  
5 Telephone: (775) 384-6956  
6 Facsimile: (775) 384-6958  
7 Attorney for the Estate and Petitioner

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SUSAN MERRIWETHER  
CLERK  
BY C. G. GARDNER DEPUTY

8 **IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**  
9 **IN AND FOR CARSON CITY**

10 In The Matter Of The Estate Of:

11 THELMA AILENE SARGE,

12 Deceased.

CASE NO: 16187-0010718

DEPT NO: #

13 **PETITION TO SET ASIDE ESTATE WITHOUT ADMINISTRATION**

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15  
16 Petitioner, JILL SARGE, by and through her attorney, TORY M. PANKOPF, of the  
17 Law Offices of T M PANKOPF, PLLC, hereby petitions the Court to set aside the estate of  
18 THELMA AILENE SARGE, deceased, and in support of the same, respectfully shows:

19 I.

20 EDWIN JOHN SARGE, hereinafter referred to as "decedent" died intestate on April 28,  
21 2015, in the Carson City, State of Nevada, and within the jurisdiction of this Court. A certified  
22 copy of the death certificate is attached hereto as Exhibit "1".

23 II.

24 The decedent was, at the time of his death, a resident of the State of Nevada, residing at  
25 1636 Sonoma Street, Carson City, Nevada, prior to his passing, and left an estate within the  
26 State of Nevada, consisting of real property located at 1636 Sonoma Street, Carson City, Carson  
27 City County, and personal effects.

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III.

The decedent died intestate.

IV.

Your Petitioner is the daughter of the deceased. She requests to be appointed administrator of the estate for the main purpose of transferring title to the real property which is fully encumbered by a note secured by a deed of trust. Your Petitioner has never been convicted of a felony and is under no legal disability which would not allow her to serve in said capacity.

V.

Decedent's estate consists of real and personal property, as follows:

1. Real Property located at 1636 Sonoma Street, Carson City, Nevada, APN No. 10-513-07 which has an estimated value of \$210,000.00;
2. Personal property, including clothing and other personal effects, with an estimated value of \$500.00;

VI.

That on the date of the decedent's death, there existed a mortgage on the real property located at 1636 Sonoma Street, Carson City, Carson City County, Nevada, payable to Champion Mortgage, with a balance of approximately \$191,000.00 There are no other debts of the decedent so far as know to the petitioner.

VII.

Petitioner's permanent mailing address is as follows: 159 Empire Lane, Carson City, Nevada, 89706.

VIII.

That the names and addresses of the heirs and devisees of the deceased are as follows:

<u>NAME</u>	<u>ADDRESS</u>	<u>RELATIONSHIP</u>
Jill A. Sarge	159 Empire Lane Carson City, Nevada, 89706.	Adult Daughter

Simi Valley, CA

Sharon R. Hesla

~~POB 1911~~

Adult Daughter

~~Tonopah, Nevada 89049~~

Jack C. Sarge

1636 Sonoma Street  
Carson City, Nevada 89706

Adult Son

That there are no further heirs who would have a potential interest in the estate.

IX.

The real property has a short sale offer to purchase in the amount of \$210,000.00 and it has been accepted by Champion Mortgage. Given the value of the real property, the lien secured by the deed of trust, and the cost of the sale, the estate will net no money from the sale. The note has been in default since the death of decedent. This probate is necessary so that Petitioner can transfer title to the buyer which is the only bar to closing the sale.

WHEREFORE, Petitioner prays that this Court enter its order as follows:

1. That decedent's estate not be administered upon, but that the entirety of the estate be assigned and set aside to Petitioner for the sole purpose of transferring title to the real property.

DATED on this 26<sup>th</sup> day of October, 2016.

**T M PANKOPF, PLLC**

/s/ TORY M. PANKOPF

TORY M. PANKOPF

Attorney for the Estate and Petitioner

**VERIFICATION**

STATE OF NEVADA        }  
                                  } ss:  
CARSON CITY            }

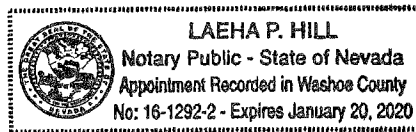
JILL SARGE, hereby swears under penalty of perjury that the assertions of this verification are true.

I am the Petitioner in the above-entitled action; I have read the foregoing Petition to Set Aside Estate and knows the contents thereof; that the same is true of my own personal knowledge except for those matters, which I believe to be true.

Jill Sarge  
JILL SARGE

SUBSCRIBED and SWORN to before me  
on this 31 day of October, 2016.

Laeha P. Hill  
NOTARY PUBLIC in and for said  
County and State





**EXHIBIT “1”**

**EXHIBIT “1”**

**EXHIBIT “1”**

**EXHIBIT “1”**

**EXHIBIT “1”**

**EXHIBIT “1”**

# STATE OF NEVADA

## CERTIFICATE OF VITAL RECORD

### DEPARTMENT OF HEALTH AND HUMAN SERVICES DIVISION OF PUBLIC AND BEHAVIORAL HEALTH VITAL STATISTICS

CASE FILE NO. 3829656

### CERTIFICATE OF DEATH

2015007117

STATE FILE NUMBER

TYPE OR  
PRINT IN  
PERMANENT  
BLACK INK

DECEDENT

IF DEATH  
OCCURRED IN  
INSTITUTION SEE  
HANDBOOK  
REGARDING  
COMPLETION OF  
RESIDENCE  
ITEMS

PARENTS

DISPOSITION

TRADE CALL

CERTIFIER

REGISTRAR

CAUSE OF  
DEATH

CONDITIONS IF  
ANY WHICH  
GAVE RISE TO  
IMMEDIATE  
CAUSE  
STATING THE  
UNDERLYING  
CAUSE LAST

1a. DECEASED-NAME (FIRST,MIDDLE,LAST,SUFFIX) <b>Thelma Ailene SARGE</b>				2. DATE OF DEATH (Mo/Day/Year) <b>April 28, 2015</b>		3a. COUNTY OF DEATH <b>Carson City</b>	
3b. CITY, TOWN, OR LOCATION OF DEATH <b>Carson City</b>		3c. HOSPITAL OR OTHER INSTITUTION -Name(If not either, give street and No - Non-Hispanic) <b>1636 Sonoma Street</b>				3d. If Hosp. or Inst. indicate DOA, OP/Emer. Rm. Inpatient(Specify) <b>Home</b>	
5. RACE (Specify) <b>White</b>		6. Hispanic Origin? Specify No - Non-Hispanic		7a. AGE-Last birthday (Years) <b>97</b>		7b. UNDER 1 YEAR MOS DAYS	
9a. STATE OF BIRTH (If not US/CA, name country) <b>Kansas</b>		9b. CITIZEN OF WHAT COUNTRY <b>United States</b>		10. EDUCATION <b>12</b>		11. MARITAL STATUS (Specify) <b>Widowed</b>	
13. SOCIAL SECURITY NUMBER		14a. USUAL OCCUPATION (Give Kind of Work Done During Most of)				14b. KIND OF BUSINESS OR INDUSTRY	
15a. RESIDENCE - STATE <b>Nevada</b>		15b. COUNTY <b>Carson City</b>		15c. CITY, TOWN OR LOCATION <b>Carson City</b>		15d. STREET-AND-NUMBER <b>1636 Sonoma Street</b>	
16. FATHER/PARENT - NAME (First Middle Last Suffix) <b>Charles REESE</b>				17. MOTHER/PARENT - NAME (First Middle Last Suffix) <b>Myrtel LOBB</b>			
18a. INFORMANT- NAME (Type or Print) <b>Jill SARGE</b>				18b. MAILING ADDRESS (Street or R.F.D. No, City or Town, State, Zip) <b>1636 Sonoma Street Carson City, Nevada 89701</b>			
19a. BURIAL, CREMATION, REMOVAL, OTHER (Specify) <b>Cremation</b>				19b. CEMETERY OR CREMATORY - NAME <b>Truckee Meadows Crematory</b>		19c. LOCATION - City or Town State <b>Sparks Nevada 89431</b>	
20a. FUNERAL DIRECTOR - SIGNATURE (Or Person Acting as Such) <b>JOHN LAWRENCE</b>				20b. FUNERAL DIRECTOR LICENSE NUMBER <b>304R</b>		20c. NAME AND ADDRESS OF FACILITY <b>Autumn Funerals &amp; Cremations 1575 N Lompa Ln Carson City NV 89701</b>	
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SUSAN M. WATSON

CLERK

BY

TORY M. PANKOPF (SBN 7477)  
T M PANKOPF, PLLC  
9460 Double R Boulevard, Suite 104  
Reno, Nevada 89521  
Telephone: (775) 384-6956  
Facsimile: (775) 384-6958  
Attorney for the Estate and Petitioner

IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR CARSON CITY

In The Matter Of The Estate Of:

THELMA AILENE SARGE,  
Deceased.

CASE NO: 16 PBT 00107 1B  
DEPT NO: I

CORRECTION TO PARAGRAPH VIII OF  
PETITION TO SET ASIDE ESTATE WITHOUT ADMINISTRATION

Petitioner, JILL SARGE, by and through her attorney, TORY M. PANKOPF, of the  
Law Offices of T M PANKOPF, PLLC, hereby amends paragraph III of her petition as follows:

VIII.

That the names and addresses of the heirs and devisees of the deceased are as follows:

<u>NAME</u>	<u>ADDRESS</u>	<u>RELATIONSHIP</u>
Jill A. Sarge	159 Empire Lane Carson City, Nevada, 89706.	Adult Daughter
Sharon R. Hesla	1890 Blazewood Simi Valley, California 93063	Adult Daughter
Jack C. Sarge	37804 Janus Palmdale, California 93550	Adult Son

1 DATED on this 22<sup>nd</sup> day of December, 2016.

2 T M PANKOPF, PLLC

3 /s/ TORY M. PANKOPF

4 TORY M. PANKOPF

Attorney for the Estate and Petitioner

5  
6 VERIFICATION

7 STATE OF NEVADA }

} ss:

8 CARSON CITY }

9  
10 I, JILL SARGE, hereby declare and state under penalty of perjury under the laws of the  
11 State of Nevada the assertions of this verification are true.

12 I am the Petitioner in the above-entitled action; I have read the foregoing amended  
13 paragraph VIII to the petition to set aside the estate without administration and knows the  
14 contents thereof; that the same is true of my own personal knowledge except for those matters,  
15 which I believe to be true.

16 DATED on this 22<sup>nd</sup> day of December, 2016.

17  
18 Jill Sarge  
JILL SARGE

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

Electronically Filed  
Dec 26 2017 10:00 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

In the Matter of the Estates of Thelma Ailene  
Sarge and Edwin John Sarge.

NO. 73286

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ESTATE OF THELMA AILENE SARGE;  
ESTATE OF EDWIN JOHN SARGE; AND BY  
AND THROUGH THE PROPOSED  
EXECUTRIX, JILL SARGE,

DISTRICT COURT NO.  
16 RP 000091B

Appellants,

vs.

QUALITY LOAN SERVICE CORPORATION;  
and ROSE HILL, LLC,

Respondents.

**RESPONSE TO ORDER TO SHOW CAUSE**

Appellants, by and through their undersigned counsel, Tory M. Pankopf  
respond to the court's order to show cause, filed November 22, 2017, why the  
appeal should not be dismissed as follows:

The order granting the motions to dismiss was a final order mooted the two  
petitions<sup>1</sup> to set aside the estate of the decedents and therefore left nothing for the  
future consideration of the district court. Lee v. GNLV Corp., 116 Nev. 424, 426,

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<sup>1</sup> Filed concurrently herewith as Exhibits "1" and "2" are true and correct copies of  
the order canceling the notices of pendency of action.

996 P.2d 416, 417 (2000). The order validated the foreclosure sale of the real property that was the only property in the two petitions to be set aside to the decedents heirs.<sup>2</sup> Prior to the foreclosure sale the purported owner of the note and beneficiary of the deed of trust were considering the estates for a foreclosure prevention alternative. NRS 107.530 et. seq., i.e., Nevada Home Owners' Bill of Rights. It was necessary for title to the subject property to pass to the heirs so they could execute a grant deed and sales documents. The district court also entered an order canceling the notices of pendency of action pertaining to the petitions and the complaint itself.<sup>3</sup>

Consequently, it would be a waste of judicial resources to proceed to a hearing on the petitions where the subject property has been judicially determined by the order dismissing the complaint to no longer be an asset of each estate which, thereafter, rendered the petitions moot.

The order resolved all the claims/issues in the consolidated cases and left nothing for the future consideration of the district court. Lee. Based thereon, the challenged order is appealable as a final judgment and the appeal should not be

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<sup>2</sup> Filed concurrently herewith as Exhibit "3" is a true and correct copy of the order dismissing the complaint.

<sup>3</sup> Filed concurrently herewith as Exhibit "4" is a true and correct copy of the order canceling the notices of pendency of action.

dismissed at this time.

**AFFIRMATION Pursuant to NRS 239B.030**

The undersigned does hereby affirm that this document does not contain the social security number of any person.

Dated: December 22, 2017

By: s/Tory M. Pankopf  
Tory M. Pankopf Ltd  
9450 Double R Bl  
Reno, Nevada 89521  
(775) 384-6956  
Attorney for Appellants

**List of Exhibits**

1. Petition to Set Aside Estate of Thelma Sarge
2. Petition to Set Aside Estate of Edwin Sarge
3. Order Dismissing Complaint
4. Order Canceling Notices of Pendency of Action