

KELLY M. GARRETT, GENERAL
GUARDIAN OF AMY BLACKWELL
MALUGEN, incompetent,

2024 APR -4 P 1:35

(Petitioner)

ORDER APPROVING THE SALE OF
REAL PROPERTY

vs.

KELLY M. GARRETT and husband,
SCOTTIE GARRETT, NICOLE
MALUGEN, KEVIN MALUGEN and
COREY MILLION.
(Respondents)

THIS MATTER COMING TO BE HEARD and being heard by and before the undersigned Clerk of Superior Court of Granville County, upon the Petition for the Sale of Real Property filed by Kelly M. Garrett, General Guardian for Amy Blackwell Malugen, pursuant to N.C.G.S. § 35A-1301, and it appearing to the Court, and the Court finding as fact, as follows:

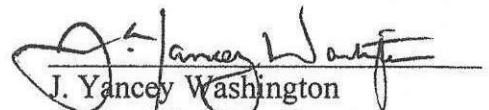
1. Kelly M. Garrett ("Petitioner") is currently serving as the General Guardian for Amy Blackwell Malugen, an incompetent adult. Petitioner was appointed to this position by the Granville County Clerk of Superior Court on May 16, 2022, in Granville County Estate File No. 22-E-242.
2. The Ward, Amy Blackwell Malugen, is the sole owner of certain real property located at **7689 Cornwall Road, Oxford, Granville County, North Carolina ("7689 Cornwall Property")**, and described more particularly in the subject Petition which is hereby incorporated by reference.
3. The Ward is rapidly running out of available cash monies to pay for her care. The Ward's approximate monthly expenses are \$8,500 at Heavenly Family Care Home, 405 Barrington Hall Dr., Rolesville, NC 27571.
4. The sale of 7689 Cornwall Property will materially promote the interest of the Ward by reducing the financial burden of the maintenance of the property and provide funds to pay for medical and facility care outside of the home.
5. The sale of 7689 Cornwall Property will not alter the nature of the Ward's existing estate plan.
6. 7689 Cornwall Property is currently vacant, and no persons will be displaced as a result of a private sale.

7. In light of the above circumstances, it is in the best interest of the administration of the Guardianship Estate to sell 7689 Cornwall Property at a private sale.
8. The Respondents in this matter are those individuals who are the presumptive heirs of Amy Blackwell Malugen's Estate.
9. The Respondents have been properly served and made party to this proceeding.

NOW, THEREFORE, IT IS ORDERED, ADJUDGED, AND DECREED:

1. That, pursuant to N.C.G.S. § 35A-1301(b), a private sale of 7689 Cornwall Property would be in the best interests of the Ward and the Guardianship Estate;
2. That Petitioner is hereby authorized to enter into contracts (including for retaining the services of a real estate agent or broker) to sell 7689 Cornwall Property at private sale, subject to upset bid, report of sale, and confirmation of sale requirements pursuant to N.C.G.S. §§ 1-339.33 *et seq.*;
3. That if Petitioner has not filed a report of private sale pursuant to N.C.G.S. § 1-339.35 within six (6) months of the date of this Order, then 7689 Cornwall Property shall be sold at a public sale pursuant to the relevant provisions of Article 29A of Chapter 1 of the North Carolina General Statutes;
4. That fees and costs associated with the Petition and with the future sale of 7689 Cornwall Property, including attorney's fees, may be paid from the sale proceeds;
5. That the total commissions due to any real estate agents or brokers in connection with the sale of 7689 Cornwall Property (which commissions may be paid from the sale proceeds) shall not exceed five percent (5%) of the purchase price for said property;
6. That the remaining sale proceeds shall become part of the Guardianship Estate and managed as such for the benefit of Amy Blackwell Malugen; and
7. That Petitioner, within thirty (30) days of receiving the final proceeds from the sale of 7689 Cornwall Property, shall submit herein a final account of the disbursement and distribution of the purchase monies received in connection with the sale.

This the 4th day of April, 2024


J. Yancey Washington
Clerk of Superior Court
Granville County, N.C.