

IN THE FOURTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA IN AND FOR ELKO COUNTY.

JENNIE C.DUNPHY MEYER(formerly Jennie C.Dunphy),
Jennie C.Dunphy Meyer,(formerly Jennie C.Dunphy)
as the surviving trustee under the Will of William Dunphy
deceased,and under the decree of final distribution in
the matter of the estate of the said William Dunphy,deceased,
JAMES C.DUNPHY and MARY D.FLOOD,

Plaintiffs,

vs.

No.2126.

Viola Carrie Carmen Piercy Burnett,
William Wesley Burnett Jr.,John
Henry Meredith,Perry Evans,William
Roney,William Jobson,Richard C.
Cunningham,Henry Haberman,Henry D.Posner,
Jacob Cummings,I.C.Bateman,James Clark,
Henderson Green,Henry Deppe,Michael J.McGrath,
Miles B.Dunton,Central Pacific Railroad Company,
a corporation,Central Pacific Railway Company,
a corporation,First Doe,Second Doe,Third Doe,
Fourth Doe,Fifth Doe,and all persons unknown who have
or claim any interest in the property herein described,

Defendants.

FINAL DECREE OF PARTITION.

The above-entitled court having made and entered its interlocutory decree herein on the 15th day of February,1915,determining the rights and interests of the respective parties to this action,ordering a partition of the real property described in the amended and supplemental complaint herein owned by the palintiffs and the defendat Viola Carrie Carmen Piercy Burnett, and appointing C.W.Griswold,John H.Cazier and R.E.Tilden referees to make such partition,and the said referees having thereafter made said partition and having on the 17th day of September 1915,filed herein their report as such referees,and the said report having come on regularly for hearing,upon due notice,and having been partially heard on the 18th day of October,1915, and the said hearing having been thereafter regularly continued until and having been concluded on the 25th and 26th days of May,1916,the Honorable E.J.L.Taber presiding at the said hearings,and the parties appearing thereat by their respective attorneys as named in the said interlocutory decree,and J.W.Dorsey,Esq.,also,having appeared upon the said final hearing as counsel for the plaintiff Mary D.Flood,and evidence having been introduced at the said hearings,and the court having ordered that the said report be modified so as to effect a partition as herein decreed,and the said report as so modified having been thereupon confirmed, And it appearing to the court from the evidence adduced upon the said hearings that the amounts due to John Henry Meredith and Perry Evans from the plaintiff James C.Dunphy, and

which are secured by the mortgage mentioned in the answer of the defendants John Henry Meredith and Perry Evans, are as follows, to-wit: to John Henry Meredith the sum of thirty-one thousand eight hundred and ninety-seven dollars and eighty-three cents (\$31,897.83) now due and payable together with interest thereon from the 13th day of April, 1916, at the rate of six and one-half per cent per annum, and the sum of eight hundred and fifty-seven dollars and fourteen cents (\$857.14) payable on or before the 1st day of January, 1918, together with interest from the 1st day of January, 1917, at the rate of six per cent per annum; and to Perry Evans the sum of seven thousand four hundred and six dollars and two cents (\$7406.02) now due and payable together with interest thereon from the 13th day of April, 1916, at the rate of six and one-half per cent per annum, and the sum of eight hundred and fifty-seven dollars and fourteen cents (\$857.14) payable on or before the 1st day of January, 1918, together with interest thereon from the 1st day of January, 1917, at the rate of six per cent per annum.

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the said real property be and the same is hereby partitioned, assigned and set apart as follows:

There is hereby assigned and set part to the plaintiff Jennie C. Dunphy Meyer as the surviving trustee under the will of William Dunphy deceased and under the decree of final distribution in the matter of the estate of the said William Dunphy deceased, the following parcels of land situated in the Counties of Elko, Eureka and Lander, in the State of Nevada:

The west half of the east half of Section ten (10); the south half of the south half and north-west quarter of the southwest quarter of section twenty-two (22); and the south-west quarter of the southwest quarter of Section twenty-six (26); all in township thirty (30) north, Range forty-six (46) east, M.D.B. and M. The southeast quarter of the southwest quarter of Section twenty-four (24); and the northeast quarter of the south-east quarter of Section twenty-six (26); all in Township thirty-one (31) north, Range forty-five (45) east, M.D.B. and M.

The east half of the southeast quarter of Section thirty (30); and the west half of the west half of Section thirty-two (32); all in Township thirty-one (31) north, Range forty-six (46) east, M.D.B. & M.

The northerly fifty-nine eightieths ($59/80$ ths) of Section three (3); all of Section four (4) bounded as follows:

COMMENCING at the northwest corner thereof; running thence southerly along the westerly boundary thereof forty-seven (47) chains; thence east twenty (20) chains, thence south sixty-four (64) degrees east to a point distant twenty-one (21) chains north of the southerly boundary thereof, thence east to the easterly boundary thereof, thence northerly along said easterly boundary fifty-nine (59) chains to the northeast corner thereof, thence westerly along the northerly boundary thereof eighty (80) chains to the point of commencement; and the northerly forty-seven eightieths ($47/80$ ths) of Section five (5); all in Township thirty-two (32) North, Range forty-six (46) east, M.D.B. & M.

All of Sections Three (3), four (4) and five (5); and the north half of section six (6); all in Township thirty-two (32) north, Range forty-seven (47) east, M.D.B. & M.

The northeast quarter of Section nine (9); the northeast quarter and the west half of the south-east quarter of Section fifteen (15); all in Township thirty-three (33) north, Range forty-four (44) east, M.D.B. & M.

The southeast quarter of Section twenty-five (25); the southeast quarter of Section thirty-three (33); the south half of Section thirty-four (34); and all of Sections thirty-five (35) and thirty-six (36); all in Township thirty-three (33) north, Range forty-six (46) east, M.D.B. & M.

All of Sections one (1) and two (2); the southeast quarter of Section three (3); the south half of Section nine (9); all of Sections ten (10), eleven (11), twelve (12), thirteen (13), fourteen (14), fifteen (15) and sixteen (16); the south half of Section seventeen (17); the east half of the southeast quarter and the southwest quarter of the southeast quarter of Section eighteen (18); the east half and the southwest quarter of Section nineteen (19); all of Sections twenty (20), twenty-one (21) and twenty-two (22); the northwest quarter of Section twenty-three (23); the west half of the south-west

quarter of Section twenty-six(26);all of Sections twenty-seven(27),twenty-eight(28)twenty-nine (29),thirty (30),thirty-one(31),thirty-two(32),thirty-three(33) and thirty-four(34);and the West half of the north-west quarter of Section thirty-five(35);all in Township thirty-three(33) north,Range forty-seven(47)east,M.D.B.&.M.

All of Section Six(6)and the northwest quarter of Section seven(7);all in Township thirty-three(33) north,Range forty-eight(48)east,M.D.B.&.M.

All of Section one(1);the east half of the northwest quarter of Section four(4);all of Section five(5);the north half,the southeast quarter and the east half of the southwest quarter of Section nine(9);the west half of the south west quarter and the southeast quarter of the southwest quarter of Section ten(10);the east half of section twelve(12);all of Section thirteen(13);the west half of the southwest quarter of Section fourteen(14);all of Section fifteen(15);the north half of the northeast quarter and the southeast quarter of the northeast quarter of Section sixteen(16);all of Section twenty-one(21);the north half of the northeast quarter and the south-east quarter of the northeast quarter of Section twenty-two(22);the northeast quarter of Section twenty-three (23);the east half of the northwest quarter of Section twenty-four(24);all in township thirty-three(33)north,Range fifty-two(52)east M.D.B.and M.

The west half of the west half of Section six(6);the west half of the northwest quarter and the southeast quarter of the northwest quarter of Section eight(8);all in Township thirty-three (33) north,Range fifty-three(53)east,M.D.B.and M.

The southeast quarter of Section twenty-five(25);the southeast quarter of Section thirty-five (35);and all of Section thirty-six(36);all in Township thirty-four(34)north,Range forty-seven (47)east,M.D.B.and M.

The east half and the southwest quarter of Section three(3);the southeast quarter of Section nine (9);the northeast quarter,the northeast quarter of the northwest quarter,the southhalf of the north west quarter and the southwest quarter of Section ten(10);all of Sections fifteen(15) and sixteen(16);the south half,the northeast quarter and the northeast quarter of the northwest quarter of Section seventeen(17);the southeast quarter of Section nineteen(19);the east half of the northeast quarter,the southwest quarter of the northeast quarter,the southeast quarter, the east half of the southwest quarter and the southwest quarter of the southwest quarter of Section twenty(20);all of Sections twenty-one(21),twenty-eight(28)and twenty-nine(29);the south half of the north half and the north half of the northeast quarter of Section thirty(30);and all of Sections thirty-one(31) and thirty-two(32);all in Township thirty-four(34)north,Range forty-eight (48)east,M.D.B.and M.

The west half of Section one(1);the east half of the northeast quarter,the southwest quarter of the northeast quarter, the east half of the southwest quarter and the southeast quarter of Section two(2);all of Section Three(3);the north half of the northeast quarter and the southeast quarter of the northeast quarter of Section four(4);the northwest quarter,the southhalf of the northeast quarter,the southeast quarter and the east half of the southwest quarter of Section ten (10);all of Section eleven(11);the northwest quarter of the northwest quarter of Section fourteen (14);all of Section fifteen(15);the northeast quarter,the east half of the southeast quarter and the northwest quarter of the southeast quarter of Section twenty-two(22);all of Sections twenty-three(23)and twenty-five(25);the south half of the northeast quarter,the northwest quarter of the northeast quarter and the east half of the northwest quarter of Section twenty-six(26);and the northeast quarter and the northeast quarter of the northwest quarter of Section thirty-six(36); all in Twonship thirty-four(34) north,range fifty-one(51)east,M.D.B.and M.

All of Section five(5);the northwest quarter of the southwest quarter of Section six(6);all of Sections seven(7),seventeen(17)and nineteen(19);the northwest quarter of the southeast quarter of Section twenty-five(25);the south half of the south half of Section thirty(30);the north half of Section thirty-one(31);the west half of the west half,the east half of the southwest

quarter and the southwest quarter of the southeast quarter of Section thirty-two(32);all in Township thirty-four(34) north,range fifty-two(52)east,M.D.B.and M.

The southeast quarter of the northwest quarter and the northwest quarter of the southwest quarter of Section sixteen(16);the northeast quarter of the southwest quarter and the southwest quarter of the southwest quarter of Section twenty(20);the south-east quarter of the northeast quarter and the west half of the southeast quarter of Section thirty(30);all in Township thirty-four(34)north,Range fifty-three(53)east,M.D.B.and M.

All of Sections twenty-five (25) and thirty-five(35) in Township thirty-five(35)north,Range forty-eight(48)east,M.D.B.and M.

All of Sections three(3),five(5),seven(7),nine (9),seventeen(17),nineteen(19) and thirty-one (31)in Township thirty-five(35) north,Range forty-nine(49)East,M.D.B.and M.

All of Sections twentythree(23),twenty-five(25)and thirty-five(35);and the northeast quarter, the east half of the northwest quarter,the northwest quarter of the southeast quarter and the southwest quarter of Section thirty-six(36);all in township thirty-five(35)north,Range fifty-one (51)east,M.D.B.and M.

The west half of the northeast quarter,the northwest quarter of the southeast quarter,the north half of the southwest quarter,the southwest quarter of the southwest quarter and the southeast quarter of the northwest quarter of Section two(2);the southeast quarter of Section three(3); the northwest quarter of the northeast quarter and the east half of the west half of Section ten(10);the south half of the southeast quarter of Section eleven (11);the northeast quarter of the northeast quarter;the south half of the northeast quarter,the northwest quarter of the southeast quarter,the north half of the southwest quarter,and the southwest quarter of the southwest quarter of Section twelve(12);the southwest quarter of the southeast quarter and the southeast quarter of the southwest quarter of Section thirteen(13);the northwest quarter of the northeast quarter and the east half of the west half of Section fourteen(14);the southwest quarter and the east half of the northwest quarter of Section fifteen(15);the east half of Section twenty-one(21);the northeast quarter of the northwest quarter,the west half of the northwest quarter and the south half of the southeast quarter of Section twenty-two(22);the southeast quarter of the northwest quarter,the east half of the northwest quarter,the north half of the southeast quarter and the southwest quarter of Section twenty-three;the north half of the north half and the southwest quarter of the northwest quarter of section twenty-four(24); all of Section twenty-seven(27);the east half of Section twenty-nine(29);and all of Section thirty-three(33);all in Township thirty-six(36) north,Range forty-nine east,M.D.B.and M.

The west half of Section three(3);the east half of the northeast quarter,the southeast quarter, the southeast quarter of the southwest quarter,the north half of the northwest quarter and the southwest quarter of the northwest quarter of Section four(4);the north half,the north half of the southeast quarter,the southwest quarter of the southeast quarter and the southwest quarter of Section five(5);the northeast quarter of the northeast quarter,the south half of the northeast quarter,the northwest quarter of the northwest quarter,the southeast quarter and the east half of the southwest quarter of Section six(6);the north half of the northeast quarter,the southeast quarter of the northeast quarter,the northeast quarter of the northwest quarter,the south half of the northwest quarter and the north half of the southeast quarter of Section seven(7);the north half of the northwest quarter,the southwest quarter of the northwest quarter, the north half of the south half and the southeast quarter of the northeast quarter of Section eight(8);all of Section nine(9);the west half of Section ten(10);the west half of section fifteen(15);all of Section sixteen(16);the south half of the south half of Section seventeen (17);the southhalf of the southeast quarter of Section eighteen(18);the northwest quarter,the north half of the northeast quarter,the southeast quarter of the northeast quarter,the southeast quarter and the northeast quarter of the southwest quarter of Section nineteen(19);the

west half of the southwest quarter of Section twenty(20);the north half and the southeast quarter of Section twenty-one(21);the west half and the west half of the east half of Section twenty-two(22);the west half and the west half of the east half of Section twenty-seven(27); the east half,the north half of the northwest quarter and the southwest quarter of Section twenty-eight(28);the south half of Section twenty-nine(29);the east half of the northeast quarter and the northeast quarter of the southeast quarter of Section thirty(30);all of Sections thirty-two(32);and thirty-three(33);and lots eight(8),nine(9),ten (10),eleven(11) and the west half of Section thirty-four(34);a~~ll~~ in Township thirty-six(36) North,Range fifty (50)east,M.D. B and M.

The east half,the southeast quarter of the northwest quarter and the east half of the southwest quarter of Section twenty-four(24);the east half and the east half of the west half of Section twenty-five(25);the east half of the northeast quarter,the north half of the south east quarter and the southwest quarter of the southeast quarter of Section thirty-five(35);and the northeast quarter of Section thirty-six(36);all in Township thirty-seven(37) north,Range forty-nine(49)east,M.D.B.and M.The south half of the south half of Section eighteen(18);all of Section nineteen(19);the west half of the west half of Section twenty(20);the southwest quarter of the southwest quarter of Section twenty-seven(27);the east half,the north half of the north west quarter,~~the south west quarter of the northwest quarter and the southeast quarter of the southwest quarter of~~ Section twenty-eight(28);the northeast quarter,the north half of the northwest quarter,the southwest quarter of the northwest quarter,the east half of the southeast quarter,the northwest quarter of the southwest quarter and the south half of the southwest quarter of Section twenty-nine(29);the northwest quarter of the northeast quarter,the south half of the northeast quarter,the northwest quarter and the south half of Section thirty(30);the north half,the southwest quarter and the north half of the southeast quarter of Section thirty-one(31);the northwest quarter,the northwest quarter of the southwest quarter,the northeast quarter of the southeast quarter and the south half of the southeast quarter of Section thirty-two(32);the northeast quarter of the northeast quarter,the southwest quarter of the northeast quarter,the south half of the northwest quarter,the southwest quarter and the southeast quarter of the southeast quarter of Section thirty-three(33);the northwest quarter of the northwest quarter,the south east quarter of the northwest quarter,and the southwest quarter of section thirty-four(34); all in Township thirty-seven(37) north,Range fifty (50)east,M.D.B.and M.

Lots one(1),two(2),twenty-three(23) and twenty-four(24)in Block thirteen(13) of the town of Carlin,in said County of Elko.

There is hereby assigned and set apart to the parties and persons declared in the said amended and supplemental complaint and in the said interlocutory decree to have interests in remainder upon the termination of the said trusts,the said parcels of land hereinabove particularly described and assigned to the said trustee,in remainder,as specified in the said amended and supplemental complaint and in the said interlocutory decree,upon the termination of the said several trusts.

There is hereby assigned and set apart to the plaintiff Jennie C.Dunphy Meyer,individually,the following parcels of land situated in the Counties of Elko,Eureka and Lander,in the State of Nevada:The north half of the southwest quarter and the southwest quarter of the southwest quarter of Section twenty-three(23)in township thirty-three(33) north,range forty-seven(47) east,M.D.B.and M.

All of Sections one(1),two(2),eleven(11),thirteen(13),and fourteen(14);the southeast quarter of the northeast quarter and the east half of the southeast quarter of Section fifteen(15); all of Sections twenty-three(23),twenty-four(24),twenty-five(25) and twenty-six(26);the east half of Section thirty-five(35);and the east half of the northeast quarter of Section thirty-six(36);all in Township thirty-three(33) north,range forty-eight (48)east,M.D.B.and M.

The southeast quarter of the northwest quarter of Section eighteen(18) in Township thirty-three(33) north, range fifty(50) east, M.D.B. and M.

The northwest quarter of Section twenty-three(23) in Township thirty-three(33) north, range fifty-two(52) east, M.D.B. & M. The northeast quarter of the northeast quarter, the south half of the northeast quarter and the south half of Section twenty-five(25); and all of Section thirty-five(35); all in township thirty-four(34) north, range forty-eight(48) east, M.D.B. & M.

The west half of Section three(3); and all of Section four(4); all in township thirty-six(36) north, range fifty-two(52) east, M.D.B. & M. The northwest quarter of the northwest quarter of Section one(1); the east half of the east half, the southwest quarter of the southeast quarter and the southeast quarter of the southwest quarter, of Section Two(2); the northeast quarter, the east half of the west half and the southwest quarter of the southeast quarter of Section eleven(11); the southwest quarter and the south half of the southeast quarter of Section thirteen(13); All of section fourteen(14); the south half of the south half of Section fifteen(15); the north west quarter of the southeast quarter, the south half of the southeast quarter, the north half of the southwest quarter and the southwest quarter of the northwest quarter of Section Sixteen(16); the northwest quarter of the northwest quarter and the south half of the north half of Section seventeen(17); the northeast quarter of the northeast quarter of Section eighteen(18); the east half of the north east quarter, the southwest quarter of the northeast quarter, the southeast quarter of the northwest quarter and the south half of Section twenty(20); all of Section twenty-one(21), twenty-two(22), twenty-three(23), twenty-four(24), twenty-five(25), twenty-six(26), twenty-seven(27), and twenty-eight(28); the east half of the northeast quarter and the northeast quarter of the southeast quarter of Section twenty-nine(29); and all of Sections thirty-three(33), thirty-four(34), thirty-five(35) and thirty-six(36); all in Township thirty-seven(37) north, Range fifty-two(52) east, M.D.B. & M.

The west half of the southwest quarter of Section seventeen(17); the west half of the west half of Section twenty(20); the northwest quarter of the northwest quarter and the southwest quarter of the southwest quarter of Section twenty-nine(29); all in Township forty-three(43) north, Range fifty(50) east, M.D.B. & M.

There is hereby assigned and set apart to the plaintiff James C. Dunphy the following parcels of land situated in the Counties of Elko, Eureka and Lander, in the State of Nevada:

The west half of the northeast quarter and the northwest quarter of the southeast quarter of Section twenty-three(23) in Township thirty-three(33) north, Range forty-seven(47) east, M.D.B. & M. All of Section Three(3); the east half of the east half of Section four(4); the east half of the northeast quarter and the southeast quarter of Section nine(9); all of Section ten(10); the west half of the west half of the east half and the northeast quarter of the northeast quarter of Section fifteen(15); all of Section sixteen(16); all of Sections twenty-one(21), twenty-two(22), twenty-seven(27) and twenty-eight(28); and the west half of Section thirty-three(33); all in Township thirty-three(33) north, Range forty-eight(48) east, M.D.B. & M.

The northwest quarter and the northwest quarter of the northeast quarter of Section twenty-five(25); all of Section twenty-seven(27); the southeast quarter and the southeast quarter of the southwest quarter of Section thirty-three(33); and all of Section thirty-four(34); all in Township thirty-four(34) north, Range forty-eight(48) east, M.D.B. & M.

The southwest quarter of Section twenty-three(23) in Township thirty-three(33) north, Range fifty-two(52) east, M.D.B. & M.

All of Section one(1); the east half of the northeast quarter, the southeast quarter, of the north-
of the northwest quarter
west quarter and the northwest quarter of the southwest quarter of Section two(2); all in Township thirty-six(36) north, Range fifty-one(51) east, M.D.B. & M.

All of Section nine(9); the west half of the west half of Section ten(10); the northwest quarter of the northwest quarter of Section fourteen(14); the west half, the north half of the northeast

quarter, the southwest quarter of the northeast quarter and the southwest quarter of the south east quarter of Section sixteen(16); all of Sections seventeen(17); eighteen(18) and nineteen(19); the west half and the west half of the east half of Section twenty(20); the west half of the north west quarter of Section twenty-four(24); the northwest quarter of the southwest quarter of Section twenty-six(26); all of Sections twenty-nine(29); thirty(30) and thirty-one(31); the west half of the west half, the northeast quarter of the northwest quarter the west half of the north east quarter, the southeast quarter of the northeast quarter, the north half of the southeast quarter and the southeast quarter of the southeast quarter of Section thirty-two(32); and the east half of the southeast quarter of section- thirty-six(36); all in township thirty-six(36) north, range fifty-two(52) east, M.D.B. & M.

The northeast quarter of the northeast quarter, the south half of the north half and the south half of Section twenty-five(25); the southwest quarter of the northeast quarter, the northwest quarter of the northwest quarter, the south half of the northwest and the north half of the southeast quarter of Section twenty-six(26); the north half of the northeast quarter and the northeast quarter of the northwest quarter of Section twenty-seven; the southwest quarter of the northeast quarter the southeast quarter of the northwest quarter, the north half of the south east quarter and the southeast quarter of the south-east quarter of Section thirty-five(35); and all of Section thirty-six(36); all in Township thirty-seven(37) north, range fifty-one(51) east, M.D.B. & M.

The southwest quarter of the southwest quarter of Section nineteen(19), the west half, the west half of the east half and the south east quarter of the southeast quarter of Section twenty-nine(29); and all of sections thirty(30), thirty-one(31) and thirty-two(32); all in township thirty-seven(37) north, range fifty-two(52) east, M.D.B. & M.

There is hereby assigned and set apart to the plaintiff Mary D. Flood the following parcels of land situated in the Counties of Elko, Eureka and Lander, in the State of Nevada:

The north half of the northwest quarter of Section six(6) in township thirty-two(32) north, range forty-eight(48) east, M.D.B. & M.

The east half of the east half of Section twenty-three(23) in township thirty-three(33) north, range forty-seven(47) east, M.D.B. & M.

The west half and the west half of the east half of Section four(4); all of Section five(5); the northeast quarter and the south half of Section seven(7); all of section eight(8); the west half and the west half of the northeast quarter of Section nine(9); all of Section seventeen(17) and eighteen(18); the northeast quarter of the northeast quarter, the south half of the northeast quarter and the southeast quarter of Section nineteen(19); all of Section twenty (20), twenty-nine(29), thirty(30), and thirty-one(31); the north half and the north half of the south half of Section thirty-two(32); all in township thirty-three(33) north, range forty-eight(48) east, M.D.B. & M. The southeast quarter of the northwest quarter, the east half of the southwest quarter and the southwest quarter of the southwest quarter of Section twenty-eight(28); the south half of the south-east quarter of Section thirty(30); the north west quarter, the northwest quarter of the northeast quarter, the southeast quarter of the northeast quarter, the north half of the south east quarter and the southwest quarter of the south east quarter of Section thirty-two(32); all in Twonship thirty-four(34) north, range fifty-one(51) east M.D.B. & M.

All of Sections one(1) and three(3); the north half, the southeast quarter and the northeast quarter of the southwest quarter of Section four(4); the east half of section five(5); all of Section nine(9); the northwest quarter of the northeast quarter, the south half of the northeast quarter, the east half of the northwest quarter, the northwest quarter of the northwest quarter, the southeast quarter and the northeast quarter of the southwest quarter of Section ten(10); all of Sections eleven(11) and thirteen(13); the northwest quarter of the northeast quarter, the south half of the northeast quarter, the northwest quarter, the north half of the southeast quarter,

the southeast quarter, of the southeast quarter and the northeast quarter of the southwest quarter of Section fourteen(14); all of Section fifteen(15); the southwest quarter of the northwest quarter; the northwest quarter of the southeast quarter, the south half of the south east quarter, the east half of the southwest quarter and the northwest quarter of the southwest quarter of Section sixteen(16); and the south half of the northeast quarter of Section eighteen (18); all in Township thirty-five(35); north, Range fifty-one(51) east, M.D.B. & M.

The east half of the east half of Section twenty-two(22); the east half of the east half of Section twenty-seven(27); and lots one(1), two(2), five(5), six(6) and seven(7) of Section thirty-four(34); all in township thirty-six(36) north, Range fifty ~~east~~(50) east, M.D.B. & M.

The south west quarter of the southwest quarter of Section four(4); the southwest quarter of the northeast quarter, the north half of the northwest quarter, the southeast quarter of the north west quarter, the northwest quarter of the southeast quarter and the southeast quarter of the southeast quarter of Section five(5); the west half of the northwest quarter, the north half of of the southwest quarter, the southeast quarter of the southwest quarter and the southwest quarter of the south east quarter of Section nine(9); the east half of the northwest quarter, the southwest quarter of the northwest quarter and the northeast quarter of the southwest quarter of Section ten(10); the south half, the east half of the northeast quarter and the southwest quarter of the northeast quarter of section fifteen(15); the northeast quarter and the northeast quarter of the southeast quarter of section sixteen(16); the northwest quarter of the southwest quarter and the south half of the southwest quarter of Section seventeen(17); the southwest quarter of the northeast quarter, the east half of the northwest quarter and the north half of the southeast quarter of Section eighteen(18); the west half of the northwest quarter, the southeast quarter of the northwest quarter, the southwest quarter and the south west quarter of the southeast quarter of section nineteen(19); the northeast quarter, the northeast quarter of the northwest quarter, the north half of the southeast quarter and the southeast quarter of the southeast quarter of Section twenty(20); the southwest quarter of the northwest quarter and the west half of the southwest quarter of Section twenty-one(21); the east half, the east half of the northwest quarter and the northeast quarter of the southwest quarter of Section twenty-two(22); all of Sections twenty-three(23), twenty-six(26), twenty-seven (27), and twenty-eight(28); the west half, the west half of the east half and the southeast quarter of the southeast quarter of Section thirty(30); all of Sections thirty-one(31), thirty-two(32) and thirty-three(33); the west half of the northwest quarter and the southwest quarter of Section thirty-four(34); and all of Section thirty-five(35); all in township thirty-six(36); north, range fifty-one(51) east, M.D.B. & M. The southeast quarter of section twenty-three(23) in Township thirty-three(33) north, range fifty-two(52) east, M.D.B. & M.

There is hereby assigned and set apart to the defendant Viola Carrie Carmen Piercy Burnett the following parcels of land situated in the Counties of Elko, Eureka and Lander, in the State of Nevada;

The north half of section one(1); and all of Section two(2); all in township thirty-two(32) north, Range forty-seven(47) east, M.D.B. & M. The southwest quarter ^{of the Southeast quarter} and the southeast quarter of the southwest quarter of Section twenty-three(23); all of Sections twenty-four(24) and twenty-five (25); the east half of the southwest quarter, the southeast quarter and the north half of Section twenty-six(26); the east half of the northwest quarter, the northeast quarter and the south half of Section thirty-five(35); and all of Section thirty-six(36); all in township thirty-three(33) north, Range forty-seven(47) east, M.D.B. & M.

The West half and the northwest quarter of the northeast quarter of Section nineteen (19) in Township thirty-three(33), north, Range forty-eight(48) east, M.D.B. & M.

The southwest quarter of Section twenty-four(24) in Township thirty-three(33) north, Range fifty-two(52) east, M.D.B. & M.

All of Sections one(1), eleven(11), thirteen(13) and twenty-three(23); the northeast quarter of the southwest quarter, the west half of the southwest quarter and the north half of Section thirty-three(33); all in Township thirty-four(34) north, Range forty-eight (48) east, M.D.B. & M.

The north half of the northeast quarter, the southwest quarter of the northeast quarter, the southeast quarter of the northwest quarter, the southwest quarter and the south half of the southeast quarter of Section two(2); the northwest quarter of the northwest quarter, the south half of the northwest quarter, the southwest quarter of the northeast quarter, the north half of the southeast quarter and the southeast quarter of the southeast quarter of Section four(4); all Section five(5); the north half, the southeast quarter, the north half of the southwest quarter and the southeast quarter of the southwest of Section six(6); all of Section seven(7); the west half of the northwest quarter and the northeast quarter of the northwest quarter of Section eight(8); the northeast quarter and the north half of the northwest quarter of Section ten(10); the north half of the northwest quarter and the northeast quarter of the southwest quarter of Section twelve(12); all of Section seventeen(17); the west half of the northwest quarter and the southwest quarter of Section eighteen(18); all of Section nineteen(19); the southeast quarter of the northwest quarter of Section twenty-four(24); the southeast quarter of the southwest quarter of Section twenty-six(26); the north half of the northeast quarter, the southwest quarter of the northeast quarter, and the east half of the northwest quarter of Section twenty-eight(28); all of Section twenty-nine(29); the northwest quarter, the north half of the southwest quarter and the southwest quarter of the southwest quarter of Section thirty(30); all of Section thirty-one(31); the north half of the north half of Section thirty-two(32); and the northwest quarter of the northwest quarter of Section thirty-four(34); all in Township thirty-five(35) north, Range fifty-two(52) east, M.D.B. & M.

The west half of the northwest quarter of Section six(6); and the southwest quarter of the northwest quarter of Section eighteen(18); all in Township thirty-five (35) north, range fifty-three (53) east, M.D.B. & M.

The south half of the southwest quarter of Section two(2); the north half of the northeast quarter, the southeast quarter of the northeast quarter and the north half of the southeast quarter of Section ten(10); and all of Sections eleven(11), twelve(12), thirteen(13), fourteen, (14), twenty-four(24), twenty-five(25), and thirty-six(36); all in Township thirty-six(36) north, Range fifty-one(51) east, M.D.B. & M.

AND IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED

that to each party to whom a portion of the real property hereby partitioned is set part by this decree there is also set apart so much of the water and of the water rights heretofore owned by the said parties in common as is or may be made available for use upon any part of the land hereby set apart to such party, provided the said Jennie C.D. Meyer as trustee as aforesaid shall not be entitled to the use of more than one-half, nor shall any of the other of the said parties be entitled to the use of more than one-eighth, of the entire amount of water which the said parties have heretofore been entitled to use in common, if such use shall in any way prevent any other of the said parties from enjoying his or her full share of the said water, namely, one-half for the said Jennie C.D. Meyer as trustee as aforesaid and one-eighth for each of the other of the said parties, measured at the points^{or points} at which the water shall reach the boundaries of said respective allotments of land.

AND IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED

that to each of the said parties to whom a portion of the said real property is set apart by this decree there is also granted the right to go upon the land of any of the other of the said parties for the purpose of building, maintaining, enlarging and repairing dams, head-gates, canals, irrigating and drainage ditches, and other works incidental to the same, or for any of the said purposes, whenever such right is necessary to enable such party to make the best use of the

land and water and water-rights hereby set apart to such party; but that in the location and construction of any new dam, head-gate, canal, ditch or other work incidental thereto, where none now exists, there shall be taken into consideration the improvements and irrigation works then existing or likely to be constructed or made in the future upon the servient tenement, and such work or works shall be located and constructed in such places and in such manner as shall be as little detrimental to the servient tenement as is consistent with the greatest benefit to the dominant tenement; in no event, however, shall any new work be constructed or any old work be moved if the detriment resulting therefrom to the servient tenement would be greater than the benefit to the dominant tenement, or if any other location or manner of construction would be more beneficial to the combined interests of the owners of both the servient and the dominant tenements, considering the said tenements as a whole.

AND IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED

that whenever the performance of labor or the expenditure of money by any one of the said parties in the building, maintaining, enlarging or repairing of any such work results in a benefit to the land of any of the other of the said parties, the latter party shall be liable to the former party for such share of the cost of such work as is equitable and proportionate to the benefit so received; and that the provisions of this paragraph shall be binding upon and shall enure to the benefit of the respective successors in interest of the said parties.

AND IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED.

that to each of the said parties to whom a portion of the said real property is set^a part by this decree there is also granted a right-of-way, over the land of any of the other of the said parties, for travel and for the passage of stock, wherever such right-of-way is necessary for the proper and convenient use of the parcels of land set apart by this decree to such party; that such right shall be exercised in such manner as shall be as little detrimental to the servient tenement as is consistent with the proper use of such right for the aforesaid purposes and that the location of such way or ways may be changed from time to time by the owner of the servient tenement, provided such change be not arbitrary, and provided the new location be suitable for the aforesaid purposes.

AND IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED.

that the above-mentioned rights-of way and the above-mentioned rights to go upon other land and to maintain works thereon are hereby declared to constitute easements in the servient tenements in favor of the respective owners of the dominant tenements.

AND IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED

that the mortgage made by the plaintiff James C. Dunphy and mentioned in the said answer of John Henry Meredith and Perry Evans is a lien upon all of the real property assigned and set apart by this decree to the said James C. Dunphy, to secure the payment of the sums of money hereinabove specified to be due to John Henry Meredith and Perry Evans, together with interest accrued and to accrue thereon, and such other sums of money as may be come due to them or either of them according to the terms of the said mortgage; that the said mortgage does not constitute a lien upon any of the real property assigned and set apart by this decree to any party other than the said James C. Dunphy; and that ~~the~~ since the filing of the said answer of John Henry Meredith and Perry Evans the said James C. Dunphy has sold, and there has been released from the effects of the said mortgage, the interest of the said James C. Dunphy in certain parcels of land situated in the City and County of San Francisco, State of California, to-wit, the parcels designated in the said answer as Lots twenty-nine (29) and thirty (30) in Block numbered two hundred and fifty (250) as shown upon the map entitled "Plan of the O'Neill and Haley Tracts", the parcel described in the said answer as fronting on Washington and Webster streets, the parcel described in the said answer as fronting on Washington and Buchanan streets, and the parcel described in the said answer as fronting on Duboce avenue.

AND IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED

that there is excepted from the effects of this decree so much of the lands hereinabove particularly described as are declared and decreed by the said interlocutory decree to be owned by the defendant Central Pacific Railway Company; that the provisions of the said interlocutory decree which determine the ownership of certain lands and rights by the said Central Pacific Railway Company are hereby confirmed; and that none of the said lands or rights of the said Central Pacific Railway Company is covered or affected by the said mortgage executed by the said James C. Dunphy.

AND IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED

that each of the said referees be and he is hereby allowed the sum of one thousand dollars (\$1000) for his services as such referee, and that the expense of the said C.W. Griswold as such referee be and the same are hereby determined as and fixed at the sum of one hundred dollars and forty-two cents (\$100.42), the expenses of the said John H. Cazier as such referee at the sum of ninety-three dollars and five cents (\$93.05) and the expenses of the said R.E. Tilden as such referee at the sum of one hundred and forty-three dollars and ten cents (\$143.10); and liens, superior to the lien of the said mortgage executed by James C. Dunphy to John Henry Meredith and Perry Evans, and superior to all other existing liens, are hereby imposed upon the said respective allotments of land hereinabove set forth, in favor of the said referees to the said several amounts due them as aforesaid, to-wit, liens upon the land hereby set apart to Jennie C. Dunphy Meyer as trustee as aforesaid in favor of the said C.W. Griswold to secure the payment to him of the sum of five hundred and fifty dollars and twenty-one cents (\$550.21), in favor of the said John H. Cazier to secure the payment to him of the sum of five hundred and forty-six dollars and fifty-two cents (\$546.52), and in favor of the said R.E. Tilden to secure the payment to him of the sum of five hundred and seventy-one dollars and fifty-five cents (\$571.55); liens upon the land hereby set apart to Jennie C. Dunphy Meyer in favor of the said C.W. Griswold to secure the payment to him of the sum of one hundred and thirty-seven dollars and fifty-five cents (\$137.55), in favor of the said John H. Cazier to secure the payment to him of the sum of one hundred and thirty-six dollars and sixty-three cents (\$136.63), and in favor of the said R.E. Tilden to secure the payment to him of the sum of one hundred and forty-two dollars and eighty-nine cents (\$142.89); and liens upon the respective allotments of land hereby set apart to James C. Dunphy, Mary D. Flood and Viola Carrie Carmen Piercy Burnett in the same amounts and in favor of the same respective persons as the liens hereby imposed upon the lands hereby set apart to the said Jennie C. Dunphy Meyer.

Done in open court this 16th day of August, 1916.

E. J. L. Taber,
Judge of the above-entitled Court.

Endorsed) Filed Aug. 16 1916.

Robert B. Hunter Clerk.
By H. C. Sprengle Deputy.

State of Nevada)
) ss.
County of Elko.)

I, M. J. Keith, County Clerk and Ex-Officio Clerk of the District Court of the Fourth Judicial District of the State of Nevada, in and for the County of Elko, do hereby certify that the annexed is a full, true and correct copy of Final Decree of Partition in case 2126 as the same appears on file and of record in my office.

Witness my hand and the seal of said court affixed, this 28 day of February A.D. 1918.

(Court Seal)

M. J. Keith, Clerk.

In the Fourth Judicial District Court of the State of Nevada, in and for Elko County.
Jennie C. Dunphy Meyer, etc. et al, Plaintiff-vs-Viola Carrie Carmen Piercy Burnett, et al.
Final Decree of Partition. Perry Evans Attorney at Law, 732 Mills Building Defendants.
San Francisco.

File No. 12173. Recorded at the request of A. Moore March 7 A.D. 1918 at 50 minutes past 11 A.M.

Edgar Eather, Recorder.