

File No. 18713.

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF EUREKA.

HUMBOLDT LAND & CATTLE COMPANY, a corporation,

Plaintiff,

vs.

CENTRAL PACIFIC RAILROAD COMPANY, a defunct corporation, and CENTRAL PACIFIC RAILWAY COMPANY, a corporation, as successor to CENTRAL PACIFIC RAILROAD COMPANY, a defunct corporation, ECCLES-TENABO LUMBER COMPANY, a corporation, BUCKHORN MINES COMPANY, a corporation, BULLION TRANSPORTATION COMPANY, a corporation, MARY GRAYSON HINCKLEY CARR and GEORGIA GRAYSON RALSTON, heirs-at-law of GEORGE W. GRAYSON, deceased, (also known as G. W. GRAYSON) and ELIZA J. GRAYSON, his wife, deceased, JOHN W. PHILLIPS, THOMAS N. McCAULEY and HARRY T. GRESWELL, Executors of the Last Will of the said GEORGE W. GRAYSON, deceased, JOHN McNALLY and JANE DOE McNALLY, his wife, MRS. A. ALTENBURG, widow of ADAM ALTENBURG, deceased, J. J. VALENTINE and C. R. GREATHOUSE, Executors of the Estate of HILL BEACHY, deceased, JANE DOE BEACHY, wife of HILL BEACHY, deceased, GRAY BEACHY MICHIE and R. E. L. MICHIE, heirs-at-law of the said HILL BEACHY, deceased, ALBERT P. ROSE and JANE DOE ROSE, his wife, J. H. MURPHY, husband of ELLEN MURPHY, deceased, (formerly ELLEN EBERT, wife of LOUIS EBERT, deceased), JOHN W. EBERT, JAMES T. EBERT, HENRY F. EBERT and MRS. LENA DWYER, heirs-at-law of LOUIS EBERT and ELLEN EBERT MURPHY, deceased, VIOLA EBERT, wife of JOHN W. EBERT, EVA EBERT, wife of JAMES T. EBERT, and NELLIE EBERT, wife of HENRY F. EBERT, R. H. PEALE and JANE DOE PEALE, his wife, GEORGIA R. HINCKLEY, BERT SMITH, W. A. WEYMOUTH and W. J. MAHONEY, FIRST DOE, SECOND DOE and THIRD DOE, AND EACH OF THEIR UNKNOWN HEIRS; ALSO ALL OTHER PERSONS UNKNOWN CLAIMING ANY RIGHT, TITLE, ESTATE, LIEN, OR INTEREST IN THE REAL PROPERTY DESCRIBED IN THE COMPLAINT, OR ANY PART THEREOF, ADVERSE TO THE PLAINTIFF'S OWNERSHIP, OR ANY CLOUD UPON PLAINTIFF'S TITLE THERETO,

Defendants.

No. 2281

Filed: Oct. 6th, 1930.

Ed Delaney
*Clerk-

MILTON B. BADT & JAMES DYSART,
Attorneys for Plaintiff.

- DECREE QUIETING AND ESTABLISHING TITLE -

This cause coming on regularly for trial this, the 6 day of October, 1930, before the above entitled Court, without a jury Hon. Edgar Eather, Judge of said District Court, presiding; the above named Plaintiff appearing by its Attorneys, Messrs. Milton B. Badt & James Dysart, and the Defendat CENTRAL PACIFIC RAILROAD COMPANY, a defunct corporation, and the CENTRAL PACIFIC RAILWAY COMPANY, a corporation, successor to the CENTRAL PACIFIC RAILROAD COMPANY, a defunct corporation, appearing by answer by and through its Attorneys, Frank Thunen, Esq., and Messrs. Brown & Belford, and the default of all of the other Defendants above named having been duly and regularly entered for their failure to answer or otherwise appear or file any papers, pleadings, or motions herein within the time limited by law, after having been duly and regularly served with summons and certified copy of complaint, in the manner provided by law, as more fully appears from the return of service of summons herein, to which is attached Sheriff's Certificate of Summons and Complaint upon W. G. Greathouse, Secretary of State of the State of Nevada, for BUCKHORN MINES COMPANY and BULLION TRANSPORTATION COMPANY, and to which is also attached Certificate of Secretary of State showing that such service was made pursuant to law, also the Affidavit of James Dysart attached to said original summons and made a part of the return of said service of summons, and as also appears from the Affidavit of Mailing filed herein and the Affidavit of Publication of Summons, all in the manner as provided by law and the order of this Court, and particularly as is provided in the order for publication of summons herein; and as also appears from the acknowledgment of service of summons of W. J. MAHONEY filed

herein, and the acknowledgment of service of summons of MARY GRAYSON HINCKLEY CARR, GEORGIA GRAYSON RALSTON AND GEORGIA R. HINCKLEY, as individuals, and MARY GRAYSON HINCKLEY CARR and GEORGIA GRAYSON RALSTON, as Administratrices of the Estate of GEORGE W. GRAYSON, deceased;

And it appearing that Plaintiff, at the time of filing its complaint herein, filed in the office of the County Recorder of the County of Eureka, State of Nevada, a notice of the pendency of this action, containing a description of the object of the action and a particular description of the property affected thereby; that summons herein has been regularly published in the Eureka Sentinel, a newspaper of general circulation printed and published in the County of Eureka, State of Nevada, where the property described in the complaint and summons is situate, the paper designated by the above entitled Court by its order duly made and entered herein, as the newspaper most likely to give notice to all persons interested and to the Defendants named herein, at least once a week for a period of six consecutive weeks, as more fully appears from said Affidavit of Publication on file herein; that a copy of the summons herein (which summons contains a description of the real property affected by this action) was posted in a conspicuous place on each separate parcel of the property described in the complaint and in the said summons, within thirty days after the issuance of said summons, as more particularly appears from the Affidavit of Posting made by C. F. DeArmond and filed herein; that a copy of said summons, attached to a certified copy of the complaint herein, was, within ten days after the making of the order of publication of summons herein, mailed to all of the Defendants who reside out of the State of Nevada, at their respective places of residence, when known, and to the Defendants residing in or out of the State, whose places of residence or present whereabouts are or were unknown, addressed to them respectively at the County Seat of the said County of Eureka, and also at their places of residence, if any, last known to Plaintiff, properly addressed, with the postage thereon fully prepaid, all of which more fully appears in the Affidavit of Mailing and in the Affidavit for Publication of Summons duly filed herein;

That all of the provisions of Section 5523 of the Revised Laws of Nevada, 1912, have been fully complied with, and the default of all of said Defendants, save and except the Defendant CENTRAL PACIFIC RAILWAY COMPANY, a corporation, successor to the CENTRAL PACIFIC RAILROAD COMPANY, a defunct corporation, which filed its answer herein, has been duly and regularly entered for their failure to appear in said action within the time allowed by law; that Plaintiff has never made any conveyance of said real property, or any part thereof, or any interest therein (save and except the exclusions and exceptions hereinafter fully set forth) and that there is no subsisting mortgage, deed of trust, or other lien upon said property described in said summons and complaint herein, or any part thereof;

And it appearing through documentary and oral proof presented to the Court that all of the facts, things and matters set forth in Plaintiff's complaint are true (save and except the lands hereinafter expressly excepted and excluded from the lands described in such summons and complaint), and that Plaintiff now is, and it and its predecessors in interest have been, continuously for more than fifteen years next immediately preceding the filing of the complaint herein, in the actual, exclusive, continuous, uninterrupted, open, notorious, visible, peaceful and adverse possession of the said real property and the appurtenances thereunto belonging, including all dams, ditches, canals, pipes, pipe lines, flumes, water ways and other means used for the diversion, use, or enjoyment of water, and all waters, water rights, and rights to the use of water appurtenant thereto or used or enjoyed in connection therewith, claiming to own and hold the same in fee against the world, and that Plaintiff and its predecessors in interest have for more than five years next immediately preceding the filing of the said complaint herein paid all taxes of every kind or nature legally levied or assessed against said property, or due against the said real property, or the appurtenances, or any part thereof;

And the Court further finds that the Defendants JOHN W. PHILLIPS, THOMAS N. McCAULEY and HARRY T. GRESWELL, named as Defendants in the above entitled action as Executors of the Last Will of GEORGE W. GRAYSON, deceased, were not at the time of the filing of said complaint and the issuance of summons herein, such Executors, but in place thereof the Defendants MARY GRAYSON HINCKLEY CARR and GEORGIA GRAYSON RALSTON were and now are acting as Administratrices-with-the-Will-Annexed of the said Estate of GEORGE W. GRAYSON, deceased, and that as such they have filed their acceptance of service of summons herein, and were and are necessary and proper parties defendant to said action; that all of the other Defendants named in the caption hereof, together with the unknown heirs of any of such deceased Defendants, were and are necessary and proper parties defendant to said action, and that the name or names and place or places or residence of any other heirs to any of the other Defendants named in the caption hereof, and the name or names and place or places of residence of any other heirs or persons claiming any right, title, or interest in and to the property described herein, if any such there be, are unknown to Plaintiff, and any other descriptions that may be reasonably necessary to identify such heir or heirs are unknown to Plaintiff; that due search and inquiry have been made on behalf of the Plaintiff herein to ascertain the name or names and place or places of residence of such heir or heirs, without success, and that the same remain unknown to Plaintiff;

NOW, THEREFORE, the Court having examined into and determined the legality of Plaintiff's title and of the title and claim of all of the Defendants, as well as the title of all unknown persons and all adverse claims to and clouds upon the title to the said real property, and every part thereof, and the Court being fully advised in the premises and it appearing that the Plaintiff is entitled to the relief prayed for,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Plaintiff is the owner of and seized in fee simple absolute and in the actual and peaceable possession of the real property described in the complaint and summons herein, and of each and every part and parcel thereof (save and except the exclusions and exceptions hereinafter more fully set out); that none of said Defendants, nor any other person or persons, has or have any right, title, interest, or estate in, or lien upon the said property, or any part thereof (save and except the exclusions and exceptions hereinafter set out);

IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED that the Defendants above named, and all persons holding by, through, or under them, or any of them, and all unknown Defendants, and all other persons, except the Plaintiff herein, and its successors in interest, be, and they hereby are, and each of them is, perpetually enjoined and restrained from asserting any right, title, interest, claim, estate, or possession in, or lien upon the said real property, or any part or parcel thereof, or any of the appurtenances thereunto belonging, including all dams, ditches, canals, pipes, pipe lines, flumes, water ways and other means used for the diversion, use, or enjoyment of water, and all waters, water rights, and rights to the use of water appurtenant thereto or used or enjoyed in connection therewith, adverse to the Plaintiff herein (except as to the exclusions and exceptions hereinafter set out).

IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED that the said property herein referred to and described in the said complaint and the summons issued herein, and whose title is hereby quieted, established and determined in the Plaintiff herein, is particularly described as follows, to-wit:

All those certain lots, pieces, or parcels of land situate, lying and being in the County of Eureka, State of Nevada, and more particularly described as follows, to-wit:

T. 31 N., R. 48 E., M. D. M.

Sec. 8: S $\frac{1}{2}$ SE $\frac{1}{4}$
 17: NW $\frac{1}{4}$
 18: E $\frac{1}{2}$ NE $\frac{1}{4}$

T. 32 N., R. 48 E., M. D. M.

- Sec. 1: $E\frac{1}{2}NE\frac{1}{4}$, $SE\frac{1}{4}$
 12: $E\frac{1}{2}NE\frac{1}{4}$, $E\frac{1}{2}SE\frac{1}{4}$
 13: $E\frac{1}{2}E\frac{1}{2}$, $SW\frac{1}{2}NE\frac{1}{4}$, $E\frac{1}{2}SW\frac{1}{4}$, $W\frac{1}{2}SE\frac{1}{4}$
 23: $SE\frac{1}{2}SE\frac{1}{4}$
 24: $E\frac{1}{2}NW\frac{1}{4}$, $E\frac{1}{2}SW\frac{1}{4}$
 25: All
 26: $E\frac{1}{2}SW\frac{1}{4}$, $S\frac{1}{2}NE\frac{1}{4}$, $NE\frac{1}{2}NE\frac{1}{4}$, $SE\frac{1}{4}$
 34: $E\frac{1}{2}NE\frac{1}{4}$, $E\frac{1}{2}SE\frac{1}{4}$
 35: All
 36: $N\frac{1}{2}$, $SW\frac{1}{4}$, $W\frac{1}{2}SE\frac{1}{4}$

T. 31 N., R. 49 E., M. D. M.

- Sec. 4: $SW\frac{1}{2}NW\frac{1}{4}$, $NW\frac{1}{2}SW\frac{1}{4}$
 5: All
 9: All
 10: $S\frac{1}{2}SE\frac{1}{4}$, $SE\frac{1}{4}SW\frac{1}{4}$, $S\frac{1}{2}NE\frac{1}{4}$, $N\frac{1}{2}SE\frac{1}{4}$, $S\frac{1}{2}NW\frac{1}{4}$, $N\frac{1}{2}SW\frac{1}{4}$
 11: All
 12: All
 14: $N\frac{1}{2}NE\frac{1}{4}$, $N\frac{1}{2}NW\frac{1}{4}$

T. 32 N., R. 49 E., M. D. M.

- Sec. 6: Lot 5 (of $NW\frac{1}{4}$), Lots 6 and 7 (of $SW\frac{1}{4}$), $SE\frac{1}{4}SW\frac{1}{4}$, $SW\frac{1}{4}SE\frac{1}{4}$
 7: All
 8: $NW\frac{1}{2}NW\frac{1}{4}$, $S\frac{1}{2}NW\frac{1}{4}$, $SW\frac{1}{4}$, $SW\frac{1}{4}NE\frac{1}{4}$, $W\frac{1}{2}SE\frac{1}{4}$, $SE\frac{1}{4}SE\frac{1}{4}$
 17: All
 18: All
 19: All
 20: All
 21: $SW\frac{1}{4}$, $NW\frac{1}{4}$, $W\frac{1}{2}E\frac{1}{2}$
 28: $W\frac{1}{2}$, $NE\frac{1}{4}$, $W\frac{1}{2}SE\frac{1}{4}$, $NE\frac{1}{4}SE\frac{1}{4}$
 29: All
 30: All
 31: $NW\frac{1}{4}$, $E\frac{1}{2}SE\frac{1}{4}$, $NE\frac{1}{4}$
 32: $N\frac{1}{2}$, $SW\frac{1}{4}$, $N\frac{1}{2}SE\frac{1}{4}$, $SW\frac{1}{4}SE\frac{1}{4}$
 33: $W\frac{1}{2}NW\frac{1}{4}$, $NE\frac{1}{4}NW\frac{1}{4}$

T. 33 N., R. 48 E., M. D. M.

- ~~Sec. 6: Lot 5 (of $NW\frac{1}{4}$), Lots 6 and 7 (of $SW\frac{1}{4}$), $SE\frac{1}{4}SW\frac{1}{4}$, $SW\frac{1}{4}SE\frac{1}{4}$
 7: All
 8: $NW\frac{1}{2}NW\frac{1}{4}$, $S\frac{1}{2}NW\frac{1}{4}$, $SW\frac{1}{4}$, $SW\frac{1}{4}NE\frac{1}{4}$, $W\frac{1}{2}SE\frac{1}{4}$, $SE\frac{1}{4}SE\frac{1}{4}$
 17: All
 18: All
 19: All
 20: All
 21: $SW\frac{1}{4}$, $NW\frac{1}{4}$, $W\frac{1}{2}E\frac{1}{2}$
 28: $W\frac{1}{2}$, $NE\frac{1}{4}$, $W\frac{1}{2}SE\frac{1}{4}$, $NE\frac{1}{4}SE\frac{1}{4}$
 29: All
 30: All
 31: $NW\frac{1}{4}$, $E\frac{1}{2}SE\frac{1}{4}$, $NE\frac{1}{4}$
 32: $N\frac{1}{2}$, $SW\frac{1}{4}$, $N\frac{1}{2}SE\frac{1}{4}$, $SW\frac{1}{4}SE\frac{1}{4}$
 33: $W\frac{1}{2}NW\frac{1}{4}$, $NE\frac{1}{4}NW\frac{1}{4}$~~

T. 33 N., R. 48 E., M. D. M.

- Sec. 36: $E\frac{1}{2}NW\frac{1}{4}$, $W\frac{1}{2}NE\frac{1}{4}$, $NE\frac{1}{2}SW\frac{1}{4}$, $SE\frac{1}{4}$

T. 31 N., R. 52 E., M. D. M.

- Sec. 6: $SW\frac{1}{2}SW\frac{1}{4}$

T. 31 N., R. 50 E., M. D. M.

- Sec. 7: Lot 2 ($SW\frac{1}{2}NW\frac{1}{4}$), $NE\frac{1}{4}SW\frac{1}{4}$, $N\frac{1}{2}SE\frac{1}{4}$
 8: $N\frac{1}{2}SW\frac{1}{4}$
 10: $NW\frac{1}{2}NE\frac{1}{4}$

T. 33 N., R. 50 E., M. D. M.

- Sec. 18: $N\frac{1}{2}NW\frac{1}{4}$, $S\frac{1}{2}NE\frac{1}{4}$
 34: $SW\frac{1}{2}NW\frac{1}{4}$, $NW\frac{1}{4}SW\frac{1}{4}$

T. 34 N., R. 51 E., M. D. M.

- Sec. 6: $W\frac{1}{2}NE\frac{1}{4}$

TOGETHER WITH the tenements, hereditaments and appurtenances thereunto belonging, or in any wise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and

TOGETHER WITH all dams, ditches, canals, pipes, pipe lines, flumes, water ways, and other means used for the diversion, use, or enjoyment of water, and all waters, water rights, and rights to the use of water appurtenant thereto or used or enjoyed in connection therewith.

TOGETHER WITH all those certain lots, pieces, or parcels of land embraced within the townsite of the Town of Beowawe, as shown by that certain map or plat of the Town of Beowawe

now of record in the office of the County Recorder of Eureka County, Nevada, and having been approved by the Board of County Commissioners of the said County of Eureka on the 1st day of June, 1908 and filed for record in the said County Recorder's Office on June 15, 1908 and recorded in Book 1 of Surveys, page 182, of the records of said County Recorder's Office, being file No. 2166, being also a portion of Sec. 5, T. 31 N., R. 49 E., which said lots, pieces, or parcels of land within the said townsite of Beowawe are more particularly described as follows, to-wit:

All of Blocks Numbered 1, 2, 3, 4, Lots 1 to 6 inclusive, being the most northeasterly half of Block 5, Lots 1 to 6 inclusive, being the most northeasterly half of Block 6, Lots 1 to 6 inclusive, being the most northeasterly portion of Block 7, all of Blocks Numbered 8 and 9, Lot 18 of Block Numbered 10, being the most southwesterly lot of said Block 10, and Lots 5, 6, 7 and 8 of said Block numbered 10, being the most northwesterly portion of said Block Numbered 10 the most northeasterly half, being Lots 1 to 6 inclusive, and Lots 8, 9, 10, 11, 12, 16, 17 and 18 of Block 11; all of Blocks Numbered 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, and 29 of the said Town of Beowawe, as shown by said map or plat of the said Town of Beowawe, now of record in the office of the County Recorder of said County of Eureka.

Saving and excepting from said Townsite of Beowawe a plot of ground upon which the jail building owned by the County of Eureka, State of Nevada, is situate, together with thirty feet in each direction from the outer walls thereof and surrounding said jail building.

EXCEPTING AND EXCLUDING, HOWEVER, from the above described lands the following described lands heretofore reserved or deeded to the CENTRAL PACIFIC RAILWAY COMPANY, a corporation organized and existing under and by virtue of the laws of the State of Utah, or to its predecessors in interest, which is more particularly described as follows, to-wit:

1st. An irregular shaped parcel of land lying within the $E\frac{1}{2}NW\frac{1}{4}$ of Sec. 36, T. 33 N., R. 48 E., M. D. B. & M., being a portion of that certain parcel, acquired by Central Pacific Railway Company on June 17th, 1903, by bargain and sale deed from Carmen U. Dunphy and Jennie C. Dunphy, Trustees of the Estate of William Dunphy, deceased, Car men U. Dunphy, Jennie C. Dunphy, James C. Dunphy and Viola C. C. Piercy, recorded in book 14 at page 566, records of Eureka County, Nevada, the description of the portion of said parcel lying within the $E\frac{1}{2}NW\frac{1}{4}$ of said Sec. 36, being as follows:

Commencing at the point where the northeasterly line of the 400 foot right of way of the Central Pacific Railway Company's railroad as originally constructed through Sec. 36, T. 33 N., R. 48 E., M. D. B. & M., intersects the south line of the $E\frac{1}{2}NW\frac{1}{4}$ of said Sec. 36; thence east along said south line to a point distant 100 feet northeasterly at right angles from the new relocated center line of said railroad, known as "L" line; thence northwesterly, parallel with and distant 100 feet northeasterly at right angles from said center line, to an intersection with the west line of the $E\frac{1}{2}NW\frac{1}{4}$ of said Sec. 36; thence south along said west line, crossing said "L" line and continuing south along said west line to an intersection with said northeasterly line of the right of way of the Central Pacific Railway Company's railroad, as originally constructed; thence southeasterly along said northeasterly line of right of way to the point of commencement, containing an area of 9.205 acres, more or less.

2nd. An irregular shaped parcel of land lying within the $E\frac{1}{2}NW\frac{1}{4}$ and $NE\frac{1}{4}SW\frac{1}{4}$ of Sec. 36, T. 33 N., R. 48 E., M. D. B. & M., being a portion of that certain parcel which is a part of the 400 foot right of way of said Central Pacific Railway Company's railroad as originally constructed through these subdivisions of said Sec. 36, and which was acquired by Central Pacific Railroad Company (now Railway Company) under and by virtue of Act of Congress approved July 1st, 1862.

A description of the portion of said parcel 4 lying within the above noted subdivisions

of said Sec. 36, that is now being used as right of way for the present operated Central Pacific Railway, is as follows:

Commencing at the point where the center line of the present operated main track of Central Pacific Railway Company's Railroad, as reconstructed about the year 1902, intersects the south line of the $NE\frac{1}{4}SW\frac{1}{4}$ of Sec. 36, T. 33 N., R. 48 E., M. D. B. & M.; thence easterly, along said south line, a distance of 170 feet, more or less, to a point on the dividing line between the right of way of Central Pacific Railway Company and the right of way of Western Pacific Railroad Company, said point being distant 50 feet southwesterly, measured at right angles, from the center line of the main track of said Western Pacific Railroad Company; thence northwesterly, along said dividing line, parallel with and 50 feet distant at right angles southwesterly from said center line of main track of Western Pacific Railroad Company, a distance of 300 feet, more or less, to a point that is 200 feet distant, measured at right angles northeasterly, from the center line of the said present operated main track of Central Pacific Railroad Company's railroad; thence northwesterly, parallel with and distant 200 feet measured at right angles northeasterly from said center line of present operated main track of Central Pacific Railway Company's railroad, a distance of 380 feet, more or less, to an intersection with the northeasterly line of the 400 foot right of way of the Central Pacific Railway Company's railroad as originally constructed; thence northwesterly, along said northeasterly line, a distance of 1975 feet, more or less, to an intersection with the west line of said $E\frac{1}{2}NW\frac{1}{4}$ of said Sec. 36; thence southerly, along said west line, a distance of 290 feet, more or less, to a point that is 200 feet distant measured at right angles southwesterly from the said center line of the present operated main track of Central Pacific Railway Company's railroad; thence southeasterly, parallel with and 200 feet distant southwesterly measured at right angles from said last mentioned center line, a distance of 1700 feet, more or less, to an intersection with the southwesterly line of the right of way of the Central Pacific Railway Company's railroad as originally constructed; thence southeasterly, along said southwesterly line of the right of way of the Central Pacific Railway Company's railroad as originally constructed, a distance of 575 feet, more or less, to the south line of the $NE\frac{1}{4}SW\frac{1}{4}$ of said Sec. 36; thence easterly, along said south line, a distance of 100 feet, more or less, to the point of commencement, containing an area of 14.063 acres, more or less.

3rd: A triangular shaped parcel of land lying within the $NE\frac{1}{4}SW\frac{1}{4}$ of Sec. 36, T. 33 N., R. 48 E., M. D. B. & M.:

Commencing at a point on the north line of the $NE\frac{1}{4}SW\frac{1}{4}$ of Sec. 36, T. 33 N., R. 48 E., M. D. B. & M., that is 100 feet northeasterly, measured at right angles, from the center line of the present operated main track of Central Pacific Railway Company's railroad as reconstructed about the year 1902; thence southeasterly, parallel with and 100 feet distant at right angles northeasterly from said center line, a distance of 270 feet, more or less, to an intersection with the northeasterly line of the 400 foot right of way of the Central Pacific Railway Company's railroad as originally constructed through the $NE\frac{1}{4}SW\frac{1}{4}$ of said Sec. 36; thence northwesterly, along said northeasterly line, a distance of 300 feet, more or less, to an intersection with the said north line of the $NE\frac{1}{4}SW\frac{1}{4}$ of said Sec. 36; thence easterly, along said north line, a distance of 60 feet, more or less, to the point of commencement, containing an area of 0.207 of an acre, more or less.

4th. A triangular shaped parcel of land lying within the $NW\frac{1}{4}SW\frac{1}{4}$ of Sec. 36, T. 33 N., R. 48 E., M. D. M.:

Commencing at a point on the south line of the $NE\frac{1}{4}SW\frac{1}{4}$ of Sec. 36, T. 33 N., R. 48 E., M. D. M., that is distant 200 feet southwesterly, measured at right angles, from the center line of the present operated main track of Central Pacific Railway Company's railroad as reconstructed about the year 1902; thence easterly, along said south line, a distance of 120 feet, more or less,

to an intersection with the southwesterly line of the 400 foot right of way of the Central Pacific Railway Company's railroad as originally constructed through the $NE\frac{1}{4}SW\frac{1}{4}$ of said Sec. 36; thence northwesterly, along said southwesterly line, a distance of 575 feet, more or less, to a point that is distant 200 feet southwesterly, measured at right angles, from the said center line of present operated main track; thence southeasterly, parallel with and 200 feet distant at right angles southwesterly from said center line, a distance of 500 feet, more or less, to the point of commencement, containing an area of 0.660 of an acre, more or less.

5th. All of the following described triangular shaped parcel of land in the $SE\frac{1}{4}$ of Sec. 36, T. 33 N., R. 48 E., M. D. B. & M., that lies within the 400 foot right of way of the Central Pacific Railway Company's railroad as originally constructed, particularly described as:

Commencing at the point where the center line of the present operated main track of Central Pacific Railway Company's railroad, as reconstructed about the year 1902, intersects the south line of the southeast quarter of Sec. 36, T. 33 N., R. 48 E., M. D. B. & M.; thence easterly, along said south line, a distance of 101 feet, more or less, to a point on the dividing line between the right of way of Central Pacific Railway Company and the right of way of Western Pacific Railroad Company, said point being distant 50 feet southwesterly, measured at right angles, from the center line of the main track of said Western Pacific Railroad Company; thence northwesterly along said dividing line, parallel with and 50 feet distant at right angles southwesterly from said center line of main track of Western Pacific Railroad Company, a distance of 850 feet, more or less, to an intersection with the west line of the southeast quarter of said Sec. 36; thence southerly, along said west line, a distance of 820 feet, more or less, to the southwest corner of the $SE\frac{1}{4}$ of said Sec. 36; thence easterly, along said south line of the southeast quarter of said Sec. 36, a distance of 95 feet, more or less, to the point of commencement, containing an area of 1.845 acres, more or less.

6th. A parcel of land lying within the $E\frac{1}{2}E\frac{1}{2}$ of Sec. 12, T. 32 N., R. 48 E., M. D. B. & M., described as follows:

A strip of land 200 feet wide, lying equally 100 feet wide on each side of the center line of the present operated main track of Central Pacific Railway Company's railroad, as reconstructed about the year 1902, across the $E\frac{1}{2}E\frac{1}{2}$ of Sec. 12, T. 32 N., R. 48 E., M. D. B. & M., from the north line to the east line of said $E\frac{1}{2}E\frac{1}{2}$, a length of 4960 feet, more or less, and containing an area of 22.773 acres, more or less.

7th. A parcel of land lying within the $SW\frac{1}{4}SW\frac{1}{4}$ of Sec. 32, T. 32 N., R. 49 E., M. D. B. & M., being a portion of the 400 foot right of way of said Central Pacific Railway Company's railroad as originally constructed through this subdivision of said Sec. 32, and which was acquired under the said Act of Congress of July 1st, 1862.

A description of the portion of said parcel 4, lying within the $SW\frac{1}{4}SW\frac{1}{4}$ of said Sec. 32, that is now being used as right of way for the present operated Central Pacific Railway, is as follows:

Commencing at the point where the center line of the present operated main tract of Central Pacific Railway Company's railroad, as reconstructed about the year 1902, intersects the south line of the $SW\frac{1}{4}SW\frac{1}{4}$ of Sec. 32, T. 32 N., R. 49 E., M. D. B. & M.; thence easterly, along said south line, a distance of 130 feet, more or less, to a point on the dividing line between the right of way of Central Pacific Railway Company and the right of way of Western Pacific Railroad Company, said point being distant 50 feet southwesterly, measured at right angles, from the center line of the main track of said Western Pacific Railroad Company; thence northwesterly, along said dividing line, parallel with and 50 feet distant at right angles southwesterly from said center line of main track of Western Pacific Railroad Company, a distance of 735 feet, more or less, to an intersection with the west line of the $SW\frac{1}{4}SW\frac{1}{4}$ of said Sec. 32; thence southerly,

along said west line, a distance of 530 feet, more or less, to the southwesterly line of the right of way of the Central Pacific Railway Company's railroad as originally constructed; thence southeasterly along said southwesterly line, a distance of 80 feet, more or less, to an intersection with the south line of the $\text{SW}\frac{1}{4}\text{SW}\frac{1}{4}$ of said Sec. 32; thence easterly, along said south line, a distance of 260 feet, more or less, to the point of commencement, containing an area of 2.926 acres, more or less.

8th. A parcel of land lying within the $\text{N}\frac{1}{2}\text{SE}\frac{1}{4}$ of Sec. 7, T. 31 N., R. 50 E., M. D. B. & M.

Commencing at a point on the south line of the $\text{N}\frac{1}{2}\text{SE}\frac{1}{4}$ of Sec. 7, T. 31 N., R. 50 E., M. D. B. & M., said point being distant 50 feet northeasterly, measured at right angles, from the center line of the present operated main track of Central Pacific Railway Company's railroad as reconstructed about the year 1902; thence easterly, along said south line, a distance of 190 feet, more or less, to a point that is distant 100 feet northeasterly, measured at right angles, from said center line; thence northwesterly, parallel with and 100 feet distant at right angles northeasterly from said center line and following the curvature thereof a distance of 1500 feet, more or less, to an intersection with the northeasterly line of the 400 foot right of way of the Central Pacific Railway Company's railroad as originally constructed through the $\text{N}\frac{1}{2}\text{SE}\frac{1}{4}$ of said Sec. 7; thence southeasterly, along said northeasterly line, a distance of 125 feet, more or less, to a point that is distant 50 feet northeasterly, measured at right angles, from said center line of present operated main track; thence southeasterly, parallel with and 50 feet distant at right angles northeasterly from said center line, and following the curvature thereof, a distance of 1180 feet, more or less, to the point of commencement, containing an area of 1,538 acres, more or less.

9th. An irregular shaped parcel of land lying within the $\text{NW}\frac{1}{4}\text{NE}\frac{1}{4}$ of Sec. 10, T. 31 N., R. 50 E., M. D. B. & M., which is a part of the 400 foot right of way of said Central Pacific Railway Company's railroad as originally constructed through this subdivision of said Sec. 10, and which was acquired by Central Pacific Railroad Company under Act of Congress of July 1st, 1862.

A description of the portion of said parcel 8 lying within the above noted subdivision of said Sec. 10, that is now being used as right of way for the present operated Central Pacific Railway, is as follows:

Commencing at the point where the center line of present operated main track of Central Pacific Railway Company's railroad, as reconstructed about the year 1902, intersects the west line of the $\text{NW}\frac{1}{4}\text{NE}\frac{1}{4}$ of Sec. 10, T. 31 N., R. 50 E., M. D. B. & M.; thence southerly, along said west line, a distance of 215 feet, more or less, to a point that is 200 feet distant, measured at right angles southeasterly, from said center line of present operated main track; thence northeasterly, parallel with and 200 feet distant at right angles southeasterly from said center line, and following the curvature thereof, a distance of 310 feet, more or less, to an intersection with the southeasterly line of the 400 foot right of way of the Central Pacific Railway Company's railroad as originally constructed through the $\text{NW}\frac{1}{4}\text{NE}\frac{1}{4}$ of said Sec. 10; thence northeasterly, along said southeasterly line a distance of 1125 feet, more or less, to the east line of the $\text{NW}\frac{1}{4}\text{NE}\frac{1}{4}$ of said Sec. 10; thence northerly, along said east line, a distance of 165 feet, more or less, to the northeast corner of the $\text{NW}\frac{1}{4}\text{NE}\frac{1}{4}$ of said Sec. 10; thence westerly, along the north line of the $\text{NW}\frac{1}{4}\text{NE}\frac{1}{4}$ of said Sec. 10, a distance of 630 feet, more or less, to a point that is distant 200 feet northwesterly, measured at right angles, from said center line of present operated main track; thence southwesterly, parallel with and 200 feet distant at right angles northwesterly from said center line, and following the curvature thereof, a distance of 595 feet, more or less, to an intersection with the northwesterly line of the 400 foot right of way of the

Central Pacific Railway Company's railroad as originally constructed; thence southwesterly, along said northwesterly line, a distance of 170 feet, more or less, to the west line of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Sec. 10; thence southerly along said west line, a distance of 205 feet, more or less, to the point of commencement, containing an area of 10.193 acres, more or less.

10th. An irregular shaped parcel of land lying within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 10. T. 31 N., R. 50 E., M. D. B. & M.:

Commencing at the point where the east line of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 10, T. 31 N., R. 50 E., M. D. B. & M. is intersected by a line that is parallel with and 200 feet distant at right angles southeasterly from the center line of the present operated main track of Central Pacific Railway Company's railroad as reconstructed about the year 1902; thence northerly, along said east line, a distance of 60 feet, more or less, to an intersection with the southeasterly line of the 400 foot right of way of the Central Pacific Railway Company's railroad as originally constructed through the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Sec. 10; thence westerly and southwesterly, along said southeasterly line, a distance of 1125 feet, more or less, to an intersection with said line that is parallel with and 200 feet distant at right angles southeasterly from the center line of said present operated main track; thence northeasterly along said last mentioned line, a distance of 1100 feet, more or less, to the point of commencement, containing an area of 1.396 acres, more or less.

ALSO EXCEPTING AND EXCLUDING from the above described lands all rights of way to the Central Pacific Railroad Company, and its successors in interest, reserved to it in those certain deeds of conveyance wherein the said Central Pacific Railroad Company conveyed parts of the above described land to the Plaintiff herein, or its predecessors in interest, and particularly excepting and reserving from the above described lands that certain right of way conveyed by the Humboldt Land & Cattle Company, a California corporation, Plaintiff herein, to the Central Pacific Railway Company, a Utah corporation, as is evidenced by deed bearing date the 2nd day of July, 1901, and recorded in Book 14 of Deeds, pages 382 to 384 inclusive, of the records of the office of the County Recorder of Eureka County, Nevada.

ALSO EXCEPTING AND EXCLUDING from the above described lands that certain right of way heretofore conveyed by the Humboldt Land & Cattle Company, a California corporation, Plaintiff herein, to the Central Pacific Railway Company, a Utah corporation, as is evidenced by deed bearing date May 16, 1902, and recorded in Book 14 of Deeds, pages 432 to 435 inclusive, of the records of the office of the County Recorder of Eureka County, Nevada.

PROVIDED, HOWEVER, that the following described lands are not included within the exceptions and exclusions above mentioned:

From the intersection of the said old right of way with the N. boundary line of the SE $\frac{1}{4}$ of Sec. 1, T. 32 N., R. 48 E., M. D. B. & M., to the intersection of said old right of way with the SE $\frac{1}{4}$ of Sec. 31, T. 32 N., R. 49 E., also from the intersection of said old right of way with the W. boundary line of Sec. 10, T. 31 N., R. 49 E., to the intersection of the said old right of way with the E. boundary line of the SE $\frac{1}{4}$ of SEC. 12, T. 31 N., R. 49 E., M. D. B. & M.

ALSO EXCEPTING AND EXCLUDING FROM THE ABOVE DESCRIBED LANDS that certain right of way heretofore conveyed by the Humboldt Land & Cattle Company, a California corporation, Plaintiff herein, to the Western Pacific Railroad Company, described as follows, to-wit:

1. A strip of land 200 ft. in width extending across the W $\frac{1}{2}$ and the SE $\frac{1}{4}$ of Sec. 36, T. 33 N., R. 48 E., M. D. B. & M., containing 17.36 acres.
2. A strip of land 100 ft. wide extending across the E $\frac{1}{2}$ E $\frac{1}{2}$ of Sec. 12, T. 32 N., R. 48 E., M. D. B. & M., containing 9.85 acres.
3. A strip of land 150 ft. wide extending across the N $\frac{1}{2}$ SE $\frac{1}{4}$ of Sec. 12, T. 31 N., R. 49 E., M. D. B. & M., containing 9.08 acres.
4. A strip of land of irregular shape with 5 sides, situate in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 7,

T. 31 N., R. 50 E., M. D. B. & M., containing 3.54 acres.

5. A strip of land particularly described as follows, to-wit:

All of the $N\frac{1}{2}SE\frac{1}{4}$ of Sec. 7, T. 31 N., R. 50 E., which lies north of the right of way of the Central Pacific Railroad Company, and south of the south bank of the Humboldt River, containing 26.12 acres.

6. A strip of land situate in the $N\frac{1}{2}SW\frac{1}{4}$ of Sec. 8, T. 31 N., R. 50 E., M. D. B. & M., containing 42.5 acres.

All that certain strip or tract of land situate in the County of Eureka, State of Nevada, and lying in Sec. 5, T. 31 N., R. 49 E., M. D. B. & M., particularly described as follows, to-wit:

Beginning at a point on the southeast line of Eighth Street in the Town of Beowawe, State of Nevada, in Sec. 5, where said southeasterly line is intersected by the northeasterly line of the 100 foot right of way of the Western Pacific Railroad Company, said point of intersection being 50 feet distant measured at right angles northeasterly from the center line of Western Pacific Railway; thence northeasterly and along said southeasterly line of Eighth Street a distance of 140 feet to the southwesterly line of the alley in Block 7 of said Town of Beowawe; thence southeasterly and along the southwesterly line of said alley in Blocks 7, 6, and 5, and its continuation southeasterly a distance of 1360 feet to a point, said last mentioned course being parallel with and 140 feet distant measured at right angles northeasterly from said northeasterly right of way line; thence at right angles northeasterly a distance of 100 feet to a point; thence at right angles southeasterly parallel with and 240 feet distant measured at right angles northeasterly from said northeasterly right of way line, a distance of 500 feet to a point; thence at right angles southwesterly a distance of 140 feet to a point 100 feet distant measured at right angles northeasterly from the said northeasterly right of way line; thence southeasterly parallel with and 100 feet distant measured at right angles northeasterly from said northeasterly right of way line a distance of 2400 feet to a point opposite Engineer Station 4550x00; thence at right angles southwesterly a distance of 100 feet to a point on said northeasterly right of way line; thence northwesterly and along said northeasterly right of way line a distance of 4260 feet to a point of beginning, containing 12.63 acres.

PROVIDED, HOWEVER, that the paramount title to the following described lands (which are included in the lands hereinbefore described) is now in the State of Nevada, but Plaintiff herein holds title and right of possession to such lands under and by virtue of certain contracts for the purchase thereof, and that the State of Nevada is not divested of its title to said lands by this decree, until the Plaintiff herein, or its successors in interest, has or have fully complied with the terms and conditions of such contracts and patents issue therefor; but that all other persons, except the Plaintiff herein and its successors in interest, be, and they hereby are, and each of them is, perpetually enjoined and restrained from asserting any right, title, interest, claim, estate, or possession in or lien upon the following described real property, or any part thereof, adverse to Plaintiff, which said real property is described as follows, to-wit:

T. 31 N., R. 48 E., M. D. M.

Sec. 8: $S\frac{1}{2}SE\frac{1}{4}$
18: $E\frac{1}{2}NE\frac{1}{4}$

T. 32 N., R. 48 E., M. D. M.

Sec. 12: $E\frac{1}{2}NE\frac{1}{4}$, $E\frac{1}{2}SE\frac{1}{4}$, excepting a strip of land 200 ft. in width, lying equally 100 ft. on either side of the center line of main track of the present operated railroad of the defendant Central Pacific Railway Company extending from the intersection of said center line of main track with the north line of $E\frac{1}{2}NE\frac{1}{4}$ of Sec. 12 aforesaid, at or near Engineer Station 65 plus 85; thence southeasterly in a direct line to the point of intersection of said center line

with the east line of the E $\frac{1}{2}$ SE $\frac{1}{4}$ of Sec. 12 aforesaid, at or near Engineer Station 115 plus 45.

Sec. 24: E $\frac{1}{2}$ NW $\frac{1}{4}$
26: E $\frac{1}{2}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$
34: E $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$

T. 31 N., R. 49 E., M. D. M.

Sec. 10: S $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$
12: S $\frac{1}{2}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$
14: N $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$

T. 32 N., R. 49 E., M. D. M.

Sec. 8: NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$

T. 33 N., R. 50 E., M. D. M.

Sec. 34: SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$

T. 34 N., R. 51 E., M. D. M.

Sec. 6: W $\frac{1}{2}$ NE $\frac{1}{4}$

T. 31 N., R. 52 E., M. D. M.

Sec. 6: Lot 7

Done in open Court this 6 day of October, 1930.

Edgar Eather
-Judge of said District Court-

STATE OF NEVADA,)
)ss.
COUNTY OF EUREKA,)

I, ED DELANEY, County Clerk and Ex-Officio Clerk of the District Court of the Third Judicial District of the State of Nevada, in and for the County of Eureka, do hereby certify that the annexed is a full, true and correct copy of Decree Quieting and Establishing Title in the matter of the Humboldt Land & Cattle Company, a corporation, Plaintiff, vs. Central Pacific Railroad Company, a defunct corporation, et al, Defendants, No. 2281, as the same appears on file and of record in my office.

(Seal of Court)

WITNESS my hand and seal of said Court
affixed, this 6th day of October A. D., 1930

Ed Delaney Clerk.

RECORDED AT THE REQUEST OF James Dysart Oct. 6 A. D. 1930 At 45 Minutes past 1 P. M. Page 463
Records of Eureka County, Nevada,

Peter Merialdo Recorder.

File No. 18752.

Michael J. Hough, and)
Minnie J. Hough, his wife,)
) Assignment.
to)
BELLE McCORD ROBERTS.)

KNOW ALL MEN BY THESE PRESENTS: That we, MICHAEL J. HOUGH, and MINNIE J. HOUGH, his wife, of Beowawe, in the County of Eureka, and State of Nevada, in consideration of Ten Dollars (\$10.00), and other good and valuable consideration, paid by BELLE McCORD ROBERTS, of the City of Long Beach, County of Los Angeles, and State of California (herein called "The Assignee"), hereby assign to the said Assignee all our right, title and interest in and to a certain spring known as the "Rose Spring", and located on the lode mining claim named "Minnie", in Mill Canyon, Cortez Mining District, Eureka County, Nevada, and all rights to water therein of every kind and description, and we further agree to take every and all steps necessary, and to do all the acts necessary to vest title to said spring, and the waters thereof, and the rights thereto, and to perpetuate the same, in the said Assignee, and to put the said assignee in actual, peaceable possession thereof.