

File No. 19772.

EUREKA LAND & STOCK COMPANY, a Corporation,
Plaintiff,

VS.

FARMERS & MERCHANTS NATIONAL BANK OF EUREKA, a Corporation
Defendant.

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) CERTIFIED COPY OF JUDGMENT.
) NO. 2318 IN THE DISTRICT COURT OF THE
) THIRD JUDICIAL DISTRICT OF THE STATE
) OF NEVADA, IN AND FOR THE COUNTY OF
) EUREKA.

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

No. 2318

EUREKA LAND & STOCK COMPANY,
a Corporation, Plaintiff,

VS

FARMERS & MERCHANTS NATIONAL BANK OF EUREKA,
a Corporation. Defendant.

Filed April 12th, 1934.

Ed. Delaney Clerk.

MIETON B. BADT, Elko, Nevada,
Attorney for Plaintiff.

J U D G M E N T

This cause being at issue upon plaintiff's verified complaint, as amended, and upon the answer of said defendant bank thereto (subject to the order of this Court striking out Paragraph II of defendant's third and separate defense), and the amendment to said answer, and the second amendment to said answer, and upon plaintiff's reply, and upon the stipulation entered in the minutes of the Court that affirmative matters pleaded in the amendments to the said answer were denied by the plaintiff; and it appearing further that in the original complaint filed herein Regional Agricultural Credit Corporation of Salt Lake City, Utah, a Corporation created by Reconstruction Finance Corporation pursuant to authority granted by Act of Congress of the United States; was impleaded as a defendant herein, but that upon the separate and several motions of said defendant bank and said defendant Regional Agricultural Credit Corporation, the said Regional Agricultural Credit Corporation was dismissed as a party defendant in said action;

And it further appearing that the said cause thus at issue, as aforesaid, between the said plaintiff and the said defendant bank came on duly and regularly for trial before the above-entitled Court at its court room at Eureka, Eureka County, Nevada, Honorable E.P. Carville presiding, and without a jury, a jury trial having been expressly waived by the parties, and said cause coming on to be heard before said Court on the 16th day of January, 1934, and having been tried on the 16th and 17th days of January, 1934, and the plaintiff and defendant having introduced oral and documentary evidence, and said cause having been duly argued and submitted to said Court for its decision and judgment, and the Court being fully advised as to the law and the facts in the premises; and it further appearing that in the manner provided by law a copy of plaintiff's proposed findings was served upon the attorneys for said defendant bank at least five days before the signing of the findings by the Court; plaintiff appearing throughout by its attorney, MILTON B. Badt, ESQ., and defendant appearing throughout by its attorneys, MESSRS. THATCHER & WOODBURN and JOHN DONOVAN, ESQS.; and the Court having made and filed herein its written findings of fact and conclusions of law and ordered judgment to be entered accordingly;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

I

That plaintiff, EUREKA LAND & STOCK COMPANY, a Corporation, have judgment against defendant, FARMERS & MERCHANTS NATIONAL BANK OF EUREKA, a Corporation, setting aside and declaring null and void and of no effect that certain mortgage dated the 12th day of September, 1932, purported to have been executed by plaintiff through Isadore Sara, as President, and Isadore Sara, Jr., as Secretary, to Farmers & Merchants National Bank of Eureka, recorded September 12, 1932, in Volume F of Mortgages at page 473, in the records of the office of the County Recorder of Eureka County, Nevada, and also that certain pretended mortgage purported to have been executed by plaintiff through the said Isadore Sara, as President, and the said Isadore Sara, Jr., as Secretary, on the 10th day of September, 1932, to Pierre Laxagus, and recorded September 22, 1932, in the office of the County Recorder of said County in Book F of Mortgages at page 476, and releasing from the purported lien thereof the said real property therein described and heretofore described in the findings of fact.

II

That said plaintiff have judgment against said defendant for plaintiff's costs and disbursements herein.

Dated this 11th day of April, 1934.

E.P. CARVILLE
JUDGE OF SAID DISTRICT COURT PRESIDING.

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

I, Ed. Delaney, County Clerk and ex-officio Clerk of the Third Judicial District Court of the State of Nevada, Eureka County, do hereby certify that the annexed is a full, true and correct copy of The Judgment in the case of Eureka Land & Stock Company -VS- Farmers & Merchants National Bank of Eureka a corporation, as appears as of record and on file in my office.

IN TESTIMONY WHEREOF, I have hereunto set my hand officially and affixed the Seal of said Court, at office in the town of Eureka, this 13th day of April, A.D. 1934.

(SEAL)

Ed. Delaney, County Clerk.
And ex-officio Clerk of the District Court, Eureka
County.

Recorded at the request of Milton B. Badt April 13, A.D. 1934 At 0 minutes past 9 A.M.

Peter Merialdo----Recorder.