

File No. 24296.

IN THE THIRD JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF EUREKA.

BARTHOLOMAE OIL CORPORATION, a corporation,
PLAINTIFF.

VS:

PEDRO URQUIZA, FERNANDO PETOTEGUI, FLORENTINO GONI,
AUGUSTIN GARCIA, ISADORE SARA, EUREKA LAND AND STOCK
CO. A CORPORATION. LELA BELLE MERRITT, AS EXECUTRIX
OF THE ESTATE OF LANSON A. MERRITT, DECEASED. LELA
BELLE MERRITT, FLORENCE CAROLINE MERRITT, GLADYS
ANITA MERRITT, HEIRS OF LANSON A. MERRITT, DECEASED.
JOSEPH B. KERNAN, JOSEPH B. MCKERNAN, TIMOTHY P. COOK,
R.C. TURRITIN, AS TRUSTEE FOR EUREKA LIVESTOCK COMPANY
OF SOUTH DAKOTA, ALSO ALL OTHER PERSONS UNKNOWN CLAIMING
ANY RIGHT, TITLE, ESTATE, LIEN OR INTEREST IN THE REAL
PROPERTY DESCRIBED IN THE COMPLAINT ADVERSE TO PLAINTIFF'S
OWNERSHIP, OR ANY CLOUD UPON PLAINTIFF'S TITLE THERETO.

DEFENDANTS.

No. 2416

Filed: March 4, 1942.

Ed. Delaney, Clerk

W. R. Reynolds,
Attorney for the Plaintiff.DECREE QUIETING TITLE.

This cause came on regularly for trial on the 4 day of March, 1942, W. R. Reynolds appearing as counsel for plaintiff, and none of the defendants appearing, the cause was tried before the court without a jury, whereupon witnesses on the part of the plaintiff were duly sworn and examined, and documentary evidence introduced by the plaintiff; and the evidence being closed, the cause was submitted to the court for consideration and decision, and, after due deliberation thereon, the court files its findings of fact and conclusions of law, and orders that judgment be entered herein in favor of plaintiff in accordance therewith.

WHEREFORE, by reason of the law and the finding aforesaid, it is ORDERED, ADJUDGED, and DECREED that BARTHOLOMAE OIL CORPORATION, a corporation, is the owner in fee of all of the following described real property, together with the improvements thereon, to-wit: Lots 1 and 2 of Section 7, and the S $\frac{1}{2}$ of SW $\frac{1}{4}$ of Section 6, Township 16 North., Range 54 East, M. D. B. & M. The W $\frac{1}{2}$ of NE $\frac{1}{4}$ of Section 8, Township 16 North, Range 53 East., M. D. B. & M. The E $\frac{1}{2}$ of NE $\frac{1}{4}$ of Section 9, and the W $\frac{1}{2}$ of NW $\frac{1}{4}$ and W $\frac{1}{2}$ of NE $\frac{1}{4}$ of Section 10, Township 16 North, Range 53 East, M. D. B. & M. The E $\frac{1}{2}$ of NE $\frac{1}{4}$ of Section 10, and S $\frac{1}{2}$ of NW $\frac{1}{4}$ of Section 11, Township 16 North, Range 53 East, M. D. B. & M., save and except for a certain water right located on the E $\frac{1}{2}$ of NW $\frac{1}{4}$ of Section 18, Township 18, North., Range 51 East., M. D. B. & M., there is reserved herefrom a reservation running with the land, which said reservation is contained in that certain deed of conveyance from Eureka Land and Stock Company, a corporation, to Isadore Sara, and dated January 11, 1933, recorded in book 21 of Deeds, page 182, Eureka County, Nevada, and which said reservation is incorporated herein and made a part of this decree in so far as the water right therein is affected, to-wit:

"SAVE AND EXCEPT, however, a water right herein and hereby reserved to the said party of the first part, particularly described as follows, to-wit:

" A permanent right to water livestock at the spring at the northwest end of the Antelope Springs Ranch, which said Antelope Springs Ranch is located in Section 18, Township 18, North, Range 51 East, Eureka County, Nevada, which said water right shall be a permanent and perpetual right reserved unto the said first party and a covenant running with the land and as against any further or future conveyance of the said land by the said party of the second part herein; subject, however, to the following restrictions.

"Said water right may be exercised by the said first party, its successors or assigns, only in moving livestock from one range to another; that is to say, the said livestock are not to be held for watering at said watering place for more than one day in succession; and with the further understanding that in the event the said first party, its successors or assigns, in watering livestock at said watering place, shall do any damage to the fence or fences enclosing the meadow lands or pasture lands at said Antelope Springs Ranch, the same must be promptly repaired at the expense of the said first party, its successors or assigns; and with the

Further understanding that the said first party, or its successors in interest, will be liable for trespass upon said lands embraced within the said ANTELOPE Spring Ranch and enclosed within the fences thereof; provided that nothing in this clause contained shall be construed as requiring the grantee herein, his heirs or assigns, to maintain a fence other than as now maintained, consisting of three barbed wires and posts approximately a rod apart".

With the exception of the right reserved to the said Eureka Land and Stock Company, a corporation, in the reservation above quoted, and which said right is reserved the said Eureka Land and Stock Company, a corporation, in this decree, the title to all of the lands and premises hereinabove described is quieted in BARTHOLOMAE OIL CORPORATION, a corporation, plaintiff herein, it is

FURTHER DECREED, that A. E. Kimball, Spencer Reynolds, and R. C. Turritin were the assignees for the benefit of creditors of the Eureka Livestock Company of South Dakota, a corporation, and as such Trustees became the legal owners in trust of Lots 1 and 2 of Section 7, and the S $\frac{1}{2}$ of SW $\frac{1}{4}$ of Section 6, Township 16 North, Range 54 East, and that the said trustees thereafter as such Trustees conveyed certain lands to the predecessors in interest of BARTHOLOMAE OIL CORPORATION, a corporation, plaintiff herein; that thereafter, and prior to the commencement of this action, the said A. E. Kimball, and Spencer Reynolds, died, leaving the said R. C. Turritin the sole surviving Trustee of said trust at the date of the commencement of this action.

Done in open court in the town of Eureka, county of Eureka, State of Nevada, this 4 day of March, 1942.

Edgar Eather.
District Judge.

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 DECREE QUIETING TITLE 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 4th day of March, A.D. 1942.

(SEAL)

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

Recorded at the request of W. R. Reynolds March 4, A.D. 1942 At 45 minutes past 1 P.M.

Peter Merialdo--Recorder.