

IN THE THIRD JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF EUREKA

IN THE MATTER OF THE PETITION

:

No. 2480

OF

:

Filed Aug. 14th, 1945.

TESSIE DAMELE FOR A JUDGMENT

:

Ed Delaney Clerk.

ESTABLISHING THE FACT OF THE DEATH

OF STEPHEN DAMELE, AND DECREERING HER

TO BE THE SOLE SURVIVOR OF THE TENANCY.:

JUDGMENT AND DECREE

The petition of Tessie Damele in the above-entitled matter having come on regularly for hearing this 14th day of August, 1945, before the above-entitled court, and it appearing that due and legal notice of the hearing of said petition has been given as provided by statute, and testimony having been introduced in support thereof, and said court having considered said petition and said testimony in relation thereto, and being fully advised in the premises, now finds that each, every, and all of the allegations contained in said petition are true and supported by the evidence.

The court further finds that Stephen Damele, died on June 23, 1945, and that at the time of his death he was a resident of the county of Eureka, state of Nevada, and that the said Tessie Damele, the petitioner herein, is a widow of the said Stephen Damele, and are joint tenants in certain real and personal property located in the county of Eureka, state of Nevada; and that the said joint tenancy was created by a deed of conveyance from the said decedent and Tessie Damele, his wife, to the said decedent and Tessie Damele in joint tenancy, with right of survivorship, that said joint tenancy was of real, and also of personal property; that one of said deeds creating said joint renancy is dated August 2, 1940, and is between Stephen Damele, also known as Steve Damele, and also known as Steve Damale, and his wife Tessie Damele, as parties of the second part, in joint tenancy with right of survivorship.

And that one of said deeds creating a joint tenancy in real property is dated August 2, 1940, and is between Stephen Damele, and Tessie Damele, his wife, the parties of the first part, and Stephen Damele, and Tessie Damele, his wife, the parties of the second part, in joint tenancy, with right of survivorship.

That a certain Bill of Sale creating a joint tenancy in all of the personal property, is dated August 2, 1940, and is between Stephen Damele, and Tessie Damele, his wife, the parties of the first part, and Stephen Damele and Tessie Damele, his wife, the parties of the second part, in joint tenancy, with right of survivorship; That the personal property belonging in the joint tenancy and of which the said decedent owned jointly with the aid Tessie Damele, is

described as follows; One Ford Stake 1930, Engine No. 2113933, and One Plymouth Sedan 1935, Engine No. P2-86689, Serial No. 2702043, And also all personal property of every kind owned by the said Steve Damele and his wife Tessie Damele, including all livestock of every kind, farming implements, and machinery, household goods and fixtures, and all brands, and branding irons, and especially this brand Cattle on left Ribs, Horses Left Hip, and all cash in bank, bonds, stock, mortgages of every kind, and notes, and all other credits of every kind.

Real property held in joint tenancy with right of survivorship is particularly described as follows:

IN TOWNSHIP 23 $\frac{1}{2}$ NORTH, RANGE 49 EAST, M.D.B. & M:

Section 1: Lot 3;

IN TOWNSHIP 24 NORTH, RANGE 49 EAST M.D.B. & M.

Section 9: N $\frac{1}{2}$ of NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, and SW $\frac{1}{4}$ of NE $\frac{1}{4}$;

Section 10: SE $\frac{1}{4}$ SW $\frac{1}{4}$, and SW $\frac{1}{4}$ of SE $\frac{1}{4}$;

Section 12: SW $\frac{1}{4}$ SE $\frac{1}{4}$;

Section 13: NE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, and NW $\frac{1}{4}$ of SW $\frac{1}{4}$;

Section 14: SE $\frac{1}{4}$ SE $\frac{1}{4}$;

Section 15: N $\frac{1}{2}$ NW $\frac{1}{4}$;

Section 23: NE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, and W $\frac{1}{2}$ of SE $\frac{1}{4}$;

Section 26: W $\frac{1}{2}$ of E $\frac{1}{2}$, and NW $\frac{1}{4}$;

Section 35: E $\frac{1}{2}$ of W $\frac{1}{2}$;

IN TOWNSHIP 22 NORTH, RANGE 50 EAST, M.D.B. & M.

Section 19: SW $\frac{1}{4}$ of NE $\frac{1}{4}$;

Also lots Nine (9), and Ten (10), in block number fifty-seven (57), in the town of Eureka, county of Eureka, state of Nevada, according to the official plat of said town of Eureka, on file in the County Records office, to which map reference is hereby made for a more particular description thereof.

Together with all of the improvements situate and located upon the above described real property. And

Together with all water rights, and water, dams, ditches and reservoirs, and all water applications now pending in the state Engineers office, appurtenant to or used in connection with the irrigation of said lands, or any part thereof, or which may be used for stockwatering purposes, or both, and all range and range rights appurtenant to said lands, or any part thereof, and all of the appurtenances of every kind and character.

Together with the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof. Also,

AN UNDIVIDED ONE-FOURTH INTEREST IN AND TO THE FOLLOWING DESCRIBED REAL PROPERTY:

IN TOWNSHIP 24 NORTH, RANGE 49 EAST, M.D.B. & M.

Section 12: NE $\frac{1}{4}$ SE $\frac{1}{4}$;

IN TOWNSHIP 24 NORTH, Range 50 EAST M.D.B. & M.

Section 2: Lot 3, and SE $\frac{1}{4}$ NW $\frac{1}{4}$;

Section 7: Lot 2;

IN TOWNSHIP 25 NORTH, RANGE 50 EAST M.D.B. & M.

Section 24: SE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$;

Section 25: S $\frac{1}{2}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$;

Section 28: W $\frac{1}{2}$ of NE $\frac{1}{4}$, and SE $\frac{1}{4}$ NW $\frac{1}{4}$;

Section 32: SE $\frac{1}{4}$ NE $\frac{1}{4}$;

Section 33: NW $\frac{1}{4}$ NW $\frac{1}{4}$;

Section 35: E $\frac{1}{2}$ of NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ of SW $\frac{1}{4}$, and SE $\frac{1}{4}$;

Section 36: NW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, NW $\frac{1}{4}$ of SW $\frac{1}{4}$;

IN TOWNSHIP 26 NORTH, RANGE 50 EAST M.D. B. & M.

Section 1: SE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ of SW $\frac{1}{4}$, and E $\frac{1}{2}$ of SE $\frac{1}{4}$;

Section 11: NE $\frac{1}{4}$ of NE $\frac{1}{4}$;

Section 12: E $\frac{1}{2}$ of NE $\frac{1}{4}$, and NE $\frac{1}{4}$ of SE $\frac{1}{4}$;

Section 24: E $\frac{1}{2}$ of SE $\frac{1}{4}$;

IN TOWNSHIP 25 NORTH, RANGE 51 EAST M.D.B. & M.

Section 6 : Lots 3,4,5,6, and 7, and SE $\frac{1}{4}$ NW $\frac{1}{4}$, and E $\frac{1}{2}$ SW $\frac{1}{4}$;
 Section 7 : E $\frac{1}{2}$ NW $\frac{1}{4}$;
 Section 19: SE $\frac{1}{4}$ SW $\frac{1}{4}$;
 Section 30: NW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, and Lots 2, and 3;
 Section 35: N $\frac{1}{2}$ NW $\frac{1}{4}$;

IN TOWNSHIP 26 NORTH, RANGE 51 EAST M.D.B. & M.

Section 6: Lots 3,4,5,6, and 7, and SE $\frac{1}{4}$ NW $\frac{1}{4}$, and E $\frac{1}{2}$ of SW $\frac{1}{4}$;
 Section 7: Lots 1, 2, 3, and 4;
 Section 18: Lots 1,2,3, and 4;
 Section 19: Lots 1,2,3, and 4;
 Section 30: Lots 1,2,3, and 4; and E $\frac{1}{2}$ of SW $\frac{1}{4}$;
 Section 31: NW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$, Lot 4, and SW $\frac{1}{4}$ of SE $\frac{1}{4}$;

Together with all water, water rights, water applications, and water permits, or privileges, connected with, belonging, appurtenant or incident to the lands hereby described, or used in connection with all or any of the above-described lands, or used or usable in connection therewith, and all dams, ditches, canals or other water works, for storage or carrying of water, now owned by the joint tenancy, or in which said joint tenancy had any interest;

Together with all range, and range rights, and ranges, and range permits now and heretofore used, claimed and enjoyed by the members of said joint tenancy. Also all personal property located on any of said premises. Now, therefore, it is hereby

ORDERED, ADJUDGED, AND DECREED, that by reason of the death of the said Stephen Damele, who was also known as Steve Damele, and also Steve Damale, on June 23, 1945, the interest of the said Stephen Damele, also known as Steve Damele, and also known as Steve Damale, in and to the above described property, and every part thereof, of both real, and personal property has been, and the same is hereby declared to be terminated.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED, that the above-described property, and every part thereof, including both real and personal property, and all other property, both real and personal, which may have been held in joint tenancy by the said Stephen Damele, also known as Steve Damele, and also as Steve Damale, and Tessie Damele, be, and the same hereby is, set over unto the said Tessie Damele, she being the survivor of the said joint Tenancy, with the right of survivorship; and the said property, and the whole thereof, including both real, and personal, and mixed, of every kind and character is hereby declared and decreed to be the sole and separate property of the said Tessie Damele.

Done in open court in the town and county of Eureka, state of Nevada this 14 day of August, 1945.

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 JUDGMENT AND DECREE as appears as of record and now on file in my office.

IN TESTIMONY WHEREOF, I have hereunto set my hand officially and affixed the Seal of said Court, at my office in the town of Eureka, this 14th day of August, A.D. 1945.

(Seal of said Court)

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

Recorded at the request of Tessie Damele Aug. 14, A.D. 1945 At 0 minutes past 2 P.M.

Peter Merialdo --- Recorder.