

File No. 25903.

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

DAN B. RAND and HELEN M. RAND, his wife,

Plaintiffs,

-vs-

HURBURT BURTON ENNOR, also known as H. B. ENNOR, and also known as HERBERT B. ENNOR, and all his heirs including NEVA JONES and EVA ENNOR, individually and as such heir, and HENRY B. ENNOR: JR. ENNOR, also known as JOSEPH R. ENNOR, and SARA P. ENNOR, also known as SARAH P. ENNOR, and also known as SARAH T. ENNOR, his wife, and all their heirs including BELLE B. ENNOR, also known as BELL B. ENNOR, and said HUBURT BURTON ENNOR and his heirs; E. WOODRUFF and WINIFRED WOODRUFF, his wife, and all their heirs; JOHN CROCKER and JANE DOE CROCKER, his wife, and all their heirs; WILLIAM HENRY ENNOR, also known as W.H. ENNOR, and LYDIA H. ENNOR, his wife, and all their heirs including ERNEST EARL ENNOR, LORINA ENNOR, HAROLD V. ENNOR, RALPH ENNOR, HOWARD ENNOR, MARJORIE ENNOR, VERNON ENNOR, OPAL WILSON, MILTON W. ENNOR AND MRS. JOE ROCHON: JOHN SROUFE and JANE DOE SROUFE, his wife, and all their heirs; L.H. SWEENEY and JANE DOE SWEENEY, his wife, and all their heirs; J. E. RUGGLES, also known as JOHN E. RUGGLES, and JANE DOE RUGGLES, his wife, and all their heirs; J. P. RAINE, also known as JAMES P. RAINE, and MARY A. RAINE, his wife, and all their heirs including ROBERT RAINE, J. P. RAINE, JR., EVELYN M. RAINE, WILLIAM J. RAINE, FRANCES McINERNEY, EDNA MAY WRIGHT, EVELYN MERLE HOYSTED, MARJORIE FERN THOMPSON and VIOLET LOIS LYON; JOE PIERETTI and MARIA PIERETTI, his wife; EDWARD V. TOMERA and YOLIE TOMERA, his wife; JOHN TOMERA and JANE DOE TOMERA, his wife; EUREKA AND PALISADE RAILROAD COMPANY, a corporation; EUREKA AND PALISADE NARROW GAUGE RAILROAD IN THE STATE OF NEVADA, a corporation; EUREKA AND PALISADE NARROW GAUGE RAILROAD, a corporation; WOODRUFF AND ENNOR, a partnership; JOHN DOE; JANE DOE; RICHARD ROE; JOHN DOE COMPANY, a partnership, and RICHARD ROE COMPANY, a corporation; together with each and all of the unknown heirs of each and all of the above-named defendants; and also all other persons, known or unknown, claiming any right, title, estate, lien or interest in the real property described in the complaint herein, or any part thereof, adverse to the plaintiffs' ownership, or any cloud upon plaintiffs' title hereto.

Defendants.

No. 2484

Filed : April 26, 1946

ED. DELANEY

Clerk

GEORGE F. WRIGHT

Elko, Nevada

Attorney for Plaintiffs

DECREE QUIETING TITLE

The above-entitled cause coming on duly and regularly this day for trial before the above-entitled Court, without a jury, no jury having been demanded by any of the parties hereto, plaintiffs appearing by their attorney, GEORGE F. WRIGHT, of Elko, Nevada; a written disclaimer of interest having been filed by defendants, EDWARD V. TOMERA and YOLIE TOMERA, his wife, JOHN TOMERA and ANNIE TOMERA (sued herein as JANE DOE TOMERA), his wife, JOE PIERETTI and MARIE PIERETTI, his wife, (sued herein as JOE PIERETT and MARIA PIERETT, his wife); the said defendants having also filed their stipulation that the above action may be heard at any time without notice and without a jury and said defendants having waived findings of fact and conclusions of law;

IT APPEARING that all of the other defendants have failed to answer, demur, plead, appear or file any pleading or motion within the time provided by law, or at all, after having been duly and regularly served with summons and complaint in the manner provided by law; an affidavit having been filed for the entry of the default of the defendants other than those mentioned above who have appeared;

IT FURTHER APPEARING that plaintiffs, at the time of filing their complaint herein, filed for record 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 statement of the object of the action and a particular description of the property affected thereby;

IT FURTHER APPEARING that summons herein has been duly and regularly published in the Eureka Sentinel, a newspaper printed and published in the County of Eureka, State of Nevada, being the County where the said property is situated, at least once a week for a period of four consecutive weeks, as more fully appears from the Affidavit of Publication on file herein; that a copy of the Summons herein (which summons contained 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 within thirty days after the issuance of said summons, as more particularly appears from the affidavit of posting on file herein; that all defendants not personally served have been duly and regularly served by publication and mailing and in the manner required by the order for publication of summons on file herein (pursuant to the affidavit for publication of summons herein filed), as more fully appeared from the said affidavit for publication of summons and order for publication of summons and affidavit of mailing on file herein; that all of the provisions of Section 9070, N.C.L., 1929, have been fully complied with; that plaintiffs have never made any conveyance of said real property, or any part thereof, or any interest therein, and that there is no subsisting mortgage, deed of trust, or other lien, upon said described property, nor any part thereof; and

IT FURTHER APPEARING through documentary and oral proof presented to the Court that all of the facts, things and matters set forth in plaintiffs' complaint are true and that plaintiffs now are, and that they and their predecessors in interest have been and were continuously for more than fifteen years next immediately preceding the filing of the complaint herein, the actual, exclusive, continuous, uninterrupted, open, notorious, peaceable and adverse possessors of said real property, claiming to own and hold the same in fee against the world, and that plaintiffs and their predecessors have for more than five years next immediately preceding the filing of the complaint herein, paid all taxes of every kind levied or assessed or due against the said real property, or any part thereof:

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

That plaintiffs are residents of Pine Valley, County of Eureka, State of Nevada;

That the allegations of Paragraph I of plaintiffs' complaint correctly set forth all of the information concerning such corporations that can be ascertained by due diligence;

That the allegations of Paragraph I of plaintiffs' complaint correctly set forth all of the information concerning the heirs at law of the various persons named therein that can be ascertained by due diligence; that various defendants herein have at different times used different names as set forth in the caption of this decree and the complaint of plaintiffs; that the defendants sued herein under one name and designated as being known under another name are one and the same persons;

That the allegations of plaintiff's complaint concerning the partnerships therein mentioned are correct.

As to any of the unknown heirs of said parties defendant herein impleaded as such, the same are necessary and proper parties defendant herein; the name or names and place or places of residence of such heirs and the name or names and place or places of residence of the heirs of any of the other defendants herein impleaded, if any such other defendant be deceased, and any further description that may be necessary reasonably to identify such heir or heirs, are unknown to the plaintiffs.

Diligent search and inquiry have been made by and in behalf of plaintiffs to ascertain the names or names and place or places of residence of such heir or heirs without success, and the same remain unknown to plaintiffs. The last known place of residence of any of said deceased defendants, whose heirs are unknown, and not herein or in the caption hereof otherwise recited, was Eureka, Nevada, save and except E. WOODRUFF and WINIFRED WOODRUFF, his wife, whose last residence was Wells, Nevada. Plaintiffs have no knowledge of any further description which may be necessary reasonably to identify any of said deceased persons or their heirs at law. Their respective last known addresses are as set forth in the affidavit for order of publication of summons filed in this action, and as herein elsewhere alleged.

That the default of each and all of the defendants, except those defendants appearing herein, is hereby entered.

That as more fully appears from the affidavit of GEORGE F. WRIGHT, Attorney for Plaintiffs, on file herein, since the commencement of said action, plaintiffs have neither learned the name or names of any defendants impleaded herein as unknown heirs, nor received any information indicating a line of search or inquiry which, if properly pursued, might lead to the discovery of such name or names, and that the same still remains and remain unknown to plaintiffs, although diligent search and inquiry have been made by or in behalf of plaintiffs, and resulted in failure to learn such name or names, and that the same are still unknown to plaintiffs;

That, as more fully appears from the affidavit on file herein, most of the defendants are not in the military or naval service of the United States of America; that there are some defendants who are in the military or naval service of the United States of America, but such defendants represent a member of a family or heirs of a deceased person who are also sued herein and who could properly protect the interest of anyone having a just claim; that there is no reason why the default of all defendants, other than those appearing, should not be entered.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

That plaintiffs are the owners of and seized in fee simple absolute and in the actual and peaceful possession of the real property described in the complaint herein and of each and every part and parcel thereof; 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 real property, or any part thereof, except as hereinafter set forth;

IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED:

That the defendants above-named, and all persons holding through or under them or any of them and all other persons, except the plaintiffs herein and their successors in interest, be, and they and each of them hereby are, perpetually enjoined and restrained from asserting any right, title, interest, claim, estate or possession in or lien upon the said property or any part thereof adverse to the plaintiffs herein, except as hereinafter set forth; and

IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED:

That the defendants above-named, and all persons holding through or under them or any of them and all other persons, except the plaintiffs herein and their successors interest, be, and they and each of them hereby are, perpetually enjoined and restrained from asserting any right, title, interest, claim, estate or possession in or lien upon the said property or any part thereof adverse to the plaintiffs herein, except as hereinafter set forth; and

IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED:

That the said property herein referred to and described in said complaint and whose title is hereby quieted, established and determined in the plaintiff's herein comprises those certain lots, piece or parcels of land situate in the County of Eureka, State of Nevada, and more particularly described as follows, to wit:

IN TOWNSHIP 30 NORTH, RANGE 52 EAST, M. D. B. & M.:

Section 5: SE $\frac{1}{4}$;
 Section 8: E $\frac{1}{2}$;
 Section 16: W $\frac{1}{2}$ of the NW $\frac{1}{4}$;
 Section 17: The whole thereof.

IN TOWNSHIP 31 NORTH, RANGE 52 EAST, M. D. B. & M.:

Section 32: W $\frac{1}{2}$ of SE $\frac{1}{4}$, and SE $\frac{1}{4}$ of SE $\frac{1}{4}$.

TOGETHER WITH all buildings and improvements situate thereon.

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

PLAINTIFFS are not awarded costs against any DEFENDANTS.

Done in open Court this 26th day of April, 1946.

EDGAR EATHER
 District Judge.

State of Nevada,)
) ss.
 County of Eureka.)

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 TITLE - CIVIL ACTION No. 2484 - DAN B. RAND and HELEN M. RAND, his wife, plaintiffs, -vs- HURBURT BURTON ENNOR, et als, defendants, as the same appears on file and of record in my office.

WITNESS my hand and the seal of said Court affixed this 26th day of April, A.D. 1946.

Ed Delaney Clerk

Recorded at the request of George F. Wright April 26, A.D. 1946 At 30 minutes past 10 A.M.

Peter Merialdo ----- Recorder.