

IN THE DISERICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF NEVADA, IN AND FOR THE COUNTY OF ELKO.

CHARLENE S. RAND,
Plaintiff,
vs.
DAN F. RAND,
Defendant.

No. 6319
FILED: August 20, 1946
MAE E. CAINE
Clerk

JUDGMENT AND DECREE

This action coming on regularly to be heard this 20th day of August, 1946, before the above-entitled Court, without a jury, the Honorable Milton B. Badt, District Judge presiding, upon the Complaint of the Plaintiff and the Answer and Stipulation of the Defendant wherein it is stipulated that said action might be called for trial without further or any notice to the Defendant, and the Plaintiff being represented in Court by her counsel, MILTON J. REINHART, of the firm of MORLEY GRISWOLD & MILTON J. REINHART, of Elko, Elko County, Nevada, and the Defendant appearing not, except as hereinbefore mentioned, nor being represented by counsel, and the Plaintiff having introduced evidence in support of her cause of action, and the Court having fully considered the matter, and being fully advised in the premises, wherein it appears that the Defendant, among other things, here heretofore waived the making and filing of Findings of Fact and Conclusions of Law and Notice of Entry of Judgment..

And the Plaintiff having introduced both oral and documentary evidence in support of her cause of action, wherefrom it appears that all of the allegations in the Complaint are substantiated by competent evidence, and are therefore true, and that Plaintiff is entitled to a Decree of Divorce as hereinafter provided, and it is hereby further found by the Court that Plaintiff and Defendant are bona fide residents of the County of Eureka, State of Nevada, and have been domicled therein for a period of more than six weeks prior to the commencement of said action, and said Defendant at the date hereof resides and can be found within the County of Eureka, State of Nevada, and that said Plaintiff is therefore entitled to the relief prayed for;

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. That the bonds of matrimony now and heretofore existing between the Plaintiff, CHARLENE S. RAND, and the Defendant, DAN. F. RAND be, and the same are hereby dissolved, and that said parties are, and each of them is freed, released and absolved from the obligations thereof, and that said parties are, and each of them is, restored to the status of single persons.
2. That said Plaintiff, CHARLENE S. RAND be, and she hereby is granted the sole care and custody of said minor children, to-wit: MARY DANELL RAND, of the age of three and one-half years; CLAIRE SUSSANE RAND, of the age of two years, and JOHN DANIEL RAND, of the age of ten months, subject to the right of visitation by the Defendant, DAN F. RAND at all reasonable times.
3. That certain written agreement theretofore entered into between the parties to this action, and dated August 19th, 1946, which said Agreement settled all of the property rights

of the parties hereto, and the question of the custody of the three minor children of the said parties, and which said agreement was introduced in evidence in this action by the Plaintiff, and marked "Exhibit A", and is a valid and subsisting agreement between said parties forever settling their, and the whole of their property rights and custody of said minor children, which said Agreement is hereby adopted by reference as the Decree of this Court forever settling the property rights of the parties hereto, in accordance with the terms thereof, and is hereby attached to this Decree and made a part hereof, and marked "EXHIBIT A".

4. That the Court hereby reserves jurisdiction over the said minor children, and the right to modify this Order at any time, with respect to the care, custody and maintenance of said minor children, to-wit: MARY DANELL RAND, of the age of three and one-half years; CLAIRE SUSSANA RAND, of the age of two years, and JOHN DANIEL RAND, of the age of ten months, upon notice and proper showing.

DONE IN OPEN COURT this 20th day of August, 1946.

MILTON B. BADT
-DISTRICT JUDGE-

EXHIBIT A

THIS MEMORANDUM OF AGREEMENT, made and entered into this 19th day of August, 1946, by and between CHARLENE S. RAND, party of the first part, hereinafter called the "Wife", and DAN F. RAND, party of the second part, hereinafter called the "Husband",

W I T N E S S E T H:

WHEREAS, the parties hereto are Husband and Wife, and are living separate and apart, and

WHEREAS, grievous differences have arisen between the parties hereto, making it advisable for both parties to forever determine and settle by this agreement all of their respective rights and claims arriving out of their marital status, each against the other,

NOW, THEREFORE, in consideration of the premises and the mutual covenants and agreements hereinafter set forth, it is covenanted and agreed by and between the parties hereto as follows, to-wit:

I. That all of the community property belonging to the parties hereto consisting of ranching property and livestock shall be and become the sole and separate property of said Wife, party of the first part, and that said Husband is executing in connection herewith an Deed and Bill of Sale conveying all of said property to said Wife as her sole and separate property.

That all other property that said Wife shall hereafter acquire from any source whatsoever shall be and continue to be her sole and separate property, including any and all increase, substitutions and additions to the livestock this day conveyed to her, and that said property shall be free and clear from any and all claims, whether past, present or future, of said Second Party.

II. That in consideration of the conveyance and transfer, hereinbefore mentioned, each party hereto hereby specifically waives and relinquishes to the other party all right or claim each might have against the other for support or maintenance, together with all claims of any nature, whatsoever that each may have against the other as provided herein, and also all right of inheritance from each other, including claims to the assets of each other as the surviving Husband or Wife.

III. Any and all property, real, personal or mixed, hereafter acquired by either party hereto, shall be the separate property of the party acquiring the same, free and clear from any claim of the other party, except as herein provided.

IV. That it further agreed and understood that said Wife shall have the sole care and custody of the minor children of the parties hereto, to-wit: MARY DANELL RAND, of the age of three and one-half years, or thereabouts; CLAIRE SUSSANA RAND, of the age of two years, or thereabouts; and JOHN DANIEL RAND, of the age of ten months, or thereabouts, and that said Husband shall have the right of visitation at any and all reasonable times.

V. The terms and provisions of this agreement may be incorporated in and made a part of any judgment of divorce which may hereafter be secured by either party, but the terms and provisions of this agreement are in no way dependent upon the securing of the or a divorce by either party.

VI. Each party agrees to pay all debts heretofore or hereafter contracted personally, and the party so contracting such debts agrees to render the other party harmless from any liability for the payment of same, except as elsewhere in this agreement otherwise provided.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands the day and year first above written.

CHARLENE S. RAND
Wife

DAN F. RAND
Husband

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

On this 20th day of August, 1946, personally appeared before me, a Notary Public in and for said County and State, CHARLENE S. RAND, known to me to be the person described in and who executed the foregoing instrument as First Party; who acknowledged to me that she executed the same freely and voluntarily and for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year in this Certificate first above written.

(SEAL)

MILTON J. REINHART
- Notary Public -

My Commission Expires: 9/11/47

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

On this 20th day of August, 1946, personally appeared before me, a Notary Public in and for said County and State, DAN F. RAND, known to me to be the person described in and who executed the foregoing instrument as Second Party; who acknowledged to me that he executed the same freely and voluntarily and for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year in this Certificate first above written.

(SEAL)

VERLA McFARLANE
- Notary Public -

My Commission Expires:

IN THE FOURTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,

IN AND FOR THE COUNTY OF ELKO

I, MAE E. CAINE, County Clerk and ex-officio Clerk of the Fourth Judicial District of the State of Nevada, in and for the County of Elko, do hereby certify that I have compared the foregoing with the original--thereof, and that I am the keeper of all said original--, keeping same on file in my office as the legal custodian, and keeper of the same under the laws of the State of Nevada, and I further certify that the foregoing copy, attached hereto is a full, true, and correct copy of the Judgment and Decree in Divorce Action No. 6319 en-

titled, CHARLENE S. RAND, Plaintiff, vs. DAN F. RAND, Defendant, and now on file in my office.

I do further certify that the same has not been altered, amended or set aside, but is still of full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the said Court this 20th day of August, 1946.

(Seal of Court)

Mae E. Caine
County Clerk.

I, MILTON B. BADT, Judge of the Fourth Judicial District Court of the State of Nevada, in and for the County of Elko, do hereby certify that said Court is a Court of Record, having a Clerk and a Seal; that MAE E. CAINE, who has signed the annexed attestation, is the duly elected and qualified County Clerk of the County of Elko, and was at the time of signing said attestation, ex-officio Clerk of said Court.

That said signature is her genuine handwriting, and that all her official acts as such Clerk are entitled to full faith and credit.

And I further certify that said attestation is in due form of law.

WITNESS my hand this 20th day of August, A. D. 1946.

Milton B. Badt
Judge of the Fourth Judicial District
Court of the State of Nevada, in and
for the County of Elko.

State of Nevada)
County of Elko.) ss.

I, MAE E. CAINE, County Clerk and ex-officio Clerk of the Fourth Judicial District Court of the State of Nevada, in and for the County of Elko, do hereby certify that the Honorable MILTON B. BADT whose name is subscribed to the preceding Certificate, is the Judge of said Court, duly elected and qualified, and that the signature of said judge to said Certificate is genuine.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the said Court this 20th day of August, A. D., 1946.

(Seal of Court)

Mae E. Caine
County Clerk and ex-officio Clerk of the
the Fourth Judicial District Court of the
State of Nevada, in and for the County of
Elko.

Endorsed: EXEMPLIFIED COPY OF JUDGMENT & DECREE CHARLENE S. RAND, Plaintiff, vs. DAN F. RAND, Defendant. Dated August 20, 1946.

Recorded at the request of Floyd Slagowski Nov. 28, A.D. 1949 At 46 minutes past 1 P.M.

Peter Merialdo--- Recorder.