

File No. 28278.

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

DANIEL B. CLARK,

Plaintiff,

- vs -

EUGENE C. JOHNSON and ELIZABETH JOHNSON, his wife;; MAUDE SIMMACK, individually, and PAULINE RINKE JOB. SIMMACK, both as heirs at law of FREDERICK W. H. SIMMACK, deceased; LUIGI BERTINA and his unknown heirs, last known place of residence Lessui, Gurnico, Switzerland, CEASAR BERTINA, also known as CESARE BERTINA, and his unknown heirs, last known place of residence Lessui, Gurnico, Switzerland, MARGHERITA GUIDICI BERTINA, also known as MARGHERITA GUIDICI nata BERTINA and MARGARITA GUIDICI, and her unknown heirs, last known place of residence Lessui, Gurnico, Switzerland, all as the known heirs at law of PAUL BERTINA, deceased; the unknown heirs at law of PAUL BERTINA, deceased, last known place of residence Eureka County, Nevada, and all of the foregoing as the heirs at law of CHARLES BERTINA, deceased; JOHN A. BAILEY and ANNA BAILEY, also known as ANNIE BAILEY, his wife, and their unknown heirs, last known place of residence Eureka County, Nevada; the unknown heirs of ALBERT O. THATCHER, deceased, last known place of residence Beowawe, Nevada; FIRST DOE, SECOND DOE and THIRD DOE, unknown creditors of CHARLES BERTINA, deceased; FOURTH DOE, FIFTH DOE and SIXTH DOE: FIRST DOE COMPANY, a corporation, and SECOND DOE COMPANY, a co-partnership; together with each and all of the unknown heirs of each and all of the above named personal defendants; also all other persons unknown claiming any right, title, estate, lien or interest in or upon the real property described in the Complaint herein, or any part thereof, adverse to plaintiff's ownership or any cloud upon plaintiff's title thereto,

Defendants.

NO. 2535

FILED April 1, 1950

ED DELANEY

CLERK

MILTON J. REINHART

KENNETH L. MANN

ELKO, NEVADA

ATTORNEYS FOR PLAINTIFF

DECREE QUIETING TITLE

The above-entitled cause coming on duly and regularly to be heard as of the 1st day of April, 1950, before the above-entitled court without a jury, no jury having been demanded by any of the parties hereto, and plaintiff appearing by one of his attorneys, KENNETH L. MANN; no defendnats having appeared in the action and their defaults having been duly and regularly entered for their failure to answer or otherwise appear and file any pleading or motion herein within the time limited by law, or at all, after having been duly and regularly served with Summons and Complaint in person or otherwise in the manner approved by law;

And it appearing that plaintiff within the time provided by law, 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; that Summons herein was duly issued and 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 said property is situated, at least once a week for a period of four successive weeks, as more fully appears from the Affidavit of Publication on file herein; that the Summons in said action contained a description of the real property affected by said action, and that said Summons was posted in a conspicuous

place on each separate parcel of said 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 of the defendants have been duly and regularly served by publication and mailing in the manner required by law; that it appearing from the Order for Publication of Summons on file herein, that said Order was made pursuant to Affidavit for Publication of Summons theretofore duly filed as more fully appears from the said Affidavit for Publication of Summons, that none of the defendants resided within or could be found within the State of Nevada, and that service was made by publication in the Eureka Sentinel, the newspaper designated as the one most likely to give notice to all persons interested, as more fully appears from said Order for Publication of Summons; that a certified copy of the Complaint in said action is annexed to a copy of the Summons in said action and was mailed to each of the said defendants with postage thereon fully prepaid, within ten days after the making of the Order for Publication of Summons herein as more fully appears by the Affidavit of Mailing on file herein; that all of the provisions of Section 9070 N.C.L. 1929, as amended, have been fully complied with; that as more fully appears from the Affidavit of one of plaintiff's attorneys on file herein, since the commencement of said action plaintiff has 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 plaintiff, although diligent search and inquiry has been made by or in behalf of plaintiff and resulted in failure to learn such name or names, and that the same are still unknown to plaintiff; that as more fully appears from the Affidavit of one of plaintiff's attorneys on file herein; none of said defendants is in the military or naval service of the United States; that plaintiff has 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, or any part thereof except that certain mortgage in which plaintiff and his wife, LEONA G. CLARK, were named as mortgagors and the WASATCH LIVESTOCK LOAN COMPANY, a Utah Corporation, is named as mortgagee, which said mortgage was recorded on February 9, 1949 in Book H of Mortgages at Page 201, in the official records in Eureka County Recorder's Office, Eureka, Nevada; and it further appearing that said mortgage was assigned by the said mortgagee to the FEDERAL INTERMEDIATE CREDIT BANK of BERKLEY, a Corporation, on May 19, 1949, which assignment was recorded in Book H of Mortgages at Page 212, in the Official Records in the Eureka County Recorders' Office, Eureka, Nevada.

And it appearing through documentary and oral proofs presented to the Court that all of the facts, things and matters set forth in plaintiff's Complaint are true and that plaintiff is the owner in fee simple under and pursuant to valid deeds of conveyance, and now is, and he and his predecessors in interest have been and were continuously for more than fifteen years next immediately preceding the filing of the Complaint herein, in the actual, exclusive, continuous, uninterrupted, open, notorious, peaceful and adverse possession of the said real property, claiming to own and hold the same in fee against the world; and that plaintiff and his predecessors have, for more than five years next immediately preceding the filing of the Complaint herein, paid all of the taxes of every kind, levied or assessed or due against the said real property or any part thereof;

NOW THEREFORE, the Court having fully considered testimony given under oath and other evidence introduced upon said hearing with respect to plaintiff's title and with respect to the title or claim of defendants, known or unknown, and with respect to any adverse claims to

or clouds upon said real property or any part thereof, and the Court being fully advised as to the law and the facts in the premises and it appearing that the plaintiff is entitled to the relief prayed for;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

That each and every defendant herein was duly and regularly served with Summons and Complaint in person or otherwise, as required by law, and full jurisdiction to hear and determine said cause and to make and enter this decree was and is vested in this Court.

That plaintiff is the owner of and seized in fee simple absolute subject to that certain mortgage in which plaintiff and his wife, LEONA G. CLARK, were named as mortgagors and the WASATCH LIVESTOCK LOAN COMPANY, a Utah Corporation, is named as mortgagee, which said mortgage was recorded on February 9, 1949, in Book H of Mortgages at Page 201, in the Official records in the Eureka County Recorder's Office, Eureka, Nevada; which said mortgage was assigned by the said mortgagee to the FEDERAL INTERMEDIATE CREDIT BANK of BERKLEY, a Corporation, on May 19, 1949, which assignment was recorded in Book H of Mortgages at page 212, in the Official Records in the Eureka County Recorder's Office, Eureka, Nevada, and in the actual and peaceable possession of the real property described in the Complaint herein, and of each and every 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.

IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED:

That the defendants above named and all persons except plaintiff herein and his successors in interest be, and they hereby are and each of them hereby is, perpetually enjoined and restrained from asserting any right, title, interest, claim, estate or possession in or lien upon said said property or any part thereof, adverse to the plaintiff herein.

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 herein comprises that certain real property in the County of Eureka, State of Nevada, particularly described as follows:

IN T. 24 N., R. 50 E., M.D.B. & M.

SECTION 14: SW $\frac{1}{4}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$ NW $\frac{1}{4}$; SW $\frac{1}{4}$; W $\frac{1}{2}$ SE $\frac{1}{4}$
22: NE $\frac{1}{4}$
25: NW $\frac{1}{4}$

IN T. 28 N., R. 50 E., M.D.B. & M.

SECTION 24: SE $\frac{1}{4}$ SW $\frac{1}{4}$
25: NW $\frac{1}{4}$ NE $\frac{1}{4}$; NE $\frac{1}{4}$ NW $\frac{1}{4}$

IN T. 28 N., R. 51 E., M.D.B. & M.

SECTION 18: NE $\frac{1}{4}$
21: SW $\frac{1}{4}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$ NW $\frac{1}{4}$; N $\frac{1}{2}$ NW $\frac{1}{4}$

Together with all waters, water rights, rights to the use of water, dams, ditches, canals, pipe lines, reservoirs and all other means for the diversion or use of waters appurtenant to the said property or any part thereof, or used or enjoyed in connection therewith, and together with all stockwatering rights used or enjoyed in connection with the use of any of said lands; and together with all range rights, grazing rights, and in particular, but without limitation thereto, all rights to graze livestock on the public domain under what is known as the Taylor Grazing Act, owned by the plaintiff, or used or enjoyed in connection with any of said property, and together with the improvements and appurtenances.

Together with all and singular tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders

rents, issues and profits thereof.

DONE IN OPEN COURT as of this 1st day of April, 1950.

D. W. PRIEST
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, DANIEL B. CLARK, Plaintiff vs. EUGENE C. JOHNSON, et al, Civil action No. 2535, 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 my office in the town of Eureka, this 1st day of April, A. D. 1950.

(Official Seal)

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

Recorded at the Request of Kenneth L. Mann April 1, A.D. 1950 At 50 minutes past 11 A.M.

Peter Merialdo--Recorder.