

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

DAN FILIPPINI, ROY L. PRIMEAUX
and FRANCES PRIMEAUX, his wife,

PLAINTIFFS,

- vs -

R. W. VAN DEUSEN, FIRST DOE,
SECOND DOE, THIRD DOE COMPANY,
a corporation, and FOURTH DOE
COMPANY, a co-partnership,

DEFENDENTS.

No. 2568

FILED: Dec. 18, 1953

Ed. Delaney
CLERK

MILTON J. REINHART
and
ORVILLE R. WILSON
ATTORNEYS FOR PLAINTIFFS

JUDGMENT AND DECREE

This cause coming on regularly to be heard this 8th day of December, 1953, before the Court, without a jury, the Honorable JOHN F. SEXTON presiding; the Plaintiffs being represented by MILTON J. REINHART, ESQ. and ORVILLE R. WILSON, ESQ., their attorneys, and it appearing that said Defendant R. W. VAN DEUSEN was duly and regularly served with summons and complaint in the manner and form prescribed by law, in the City of Piedmont, County of Alameda, State of California on the 5th day of November, 1953, after Order for publication of summons had been duly entered herein, and the time having expired for said Defendant to plead or otherwise defend,

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the default of the Defendant R. W. VAN DEUSEN be and the same is hereby entered.

It further appearing to the Court that Plaintiffs, at the time of filing their Complaint, filed 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 particular description of the property affected thereby; and said action having been dismissed as to Defendants FIRST DOE, THIRD DOE COMPANY, a corporation, and FOURTH DOE COMPANY, a co-partnership.

And it further appearing to the Court that all of the requirements of the laws of the State of Nevada for service of summons by publication (having personal service without the state in lieu of publication) have been fully complied with, and Defendant R. W. VAN DEUSEN not having appeared at time of trial as aforesaid; and

It further appearing through documentary evidence and oral evidence and all proofs presented to the Court that all of the facts, things and matters set forth in Plaintiffs' Complaint herein are true, and it appearing to the Court that the Plaintiffs are entitled to the relief prayed for;

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

1. That the agreement of May 11, 1951, wherein Defendant R. W. VAN DEUSEN is a party and Plaintiffs DAN FILIPPINI as Owner, and Plaintiff ROY L. PRIMEAUX with a mineral interest in the property, are parties thereto, be and the same is hereby cancelled, and cancelled of record by reason of Defendant's default thereunder.

2. That said agreement of May 11, 1951 is void and of no force and effect.

3. That Plaintiff DAN FILIPPINI is the owner of and in the peaceable possession of the lands described in Paragraphs II and III of the Complaint herein, and that said Plaintiff DAN FILIPPINI is the owner of and in the peaceable possession of the mineral rights in and upon the lands described in Paragraph III of the Complaint herein, and that Plaintiff DAN FILIPPINI is the owner of an undivided one-half interest and Plaintiffs ROY L. PRIMEAUX and FRANCES PRIMEAUX, his wife, are the owners of an undivided one-half interest in and to the mineral rights in and upon the lands described in Paragraph II of the Complaint herein, and in all instances are in the actual and peaceable possession thereof.

4. That said Defendant and all other owners, except the Plaintiffs and their heirs, executors, administrators, successors and assigns be and each of them is hereby perpetually enjoined and restrained from asserting any right, title, interest, claim or estate or possession in or lien upon said property described in the Complaint herein.

5. That Plaintiffs bear the costs of suit.

DONE IN OPEN COURT this 8th day of December, 1953.

John F. Sexton
- 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 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 19th day of December, A.D. 1953.

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

Recorded at the Request of Milton J. Reinhart Dec. 19 A.D. 1953 At 0 minutes past 9 A.M.

R. W. Gibson --- Recorder