

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

IN THE MATTER OF THE PETITION OF
PETE ETCHEVERRY, SURVIVING JOINT
TENANT, TO HAVE THE INTEREST OF
HIS DECEASED JOINT TENANT,
CATHERINE ETCHEVERRY, TERMINATED
AS TO CERTAIN PROPERTY SITUATE IN
THE COUNTIES OF EUREKA AND
LANDER, STATE OF NEVADA.

No. 699

Filed: October 10, 1961

/s/ N. J. MORRISON, Clerk

By: _____, Deputy

MANN AND SCOTT
ATTORNEY AT LAW
575 Court Street
Elko, Nevada

Attorneys for Petitioner

ORDER AND DECREE TERMINATING JOINT TENANCY ESTATE

The verified Petition of PETE ETCHEVERRY, of the County of Eureka, State of Nevada, the surviving joint tenant, asking to have determined the termination of the interest of his deceased joint tenant in and to certain real and personal property situate in the Counties of Eureka and Lander, State of Nevada, coming on regularly to be heard on the 18th day of September, 1961, at the hour of 10:00 A.M., at the Courtroom of the Eureka County Court House, Eureka, Nevada, before the above-entitled Court, the Honorable JOHN F. SEXTON presiding, and a notice of the hearing of said Petition having been posted in compliance with the provisions of N.R.S. 40.470, and the Court being satisfied that due and legal notice of the hearing of said Petition has been given as required by the laws of the State of Nevada, and the Petitioner being present in Court and represented by one of his attorneys, KENNETH L. MANN, of the firm of MANN & SCOTT, and no person or persons appearing to contest or object to the petition or the matters therein set forth, the Court, after hearing the evidence submitted in support of said Petition, finds as follows:

That during the lifetime of CATHERINE ETCHEVERRY, now deceased, your Petitioner and the said CATHERINE ETCHEVERRY, now deceased, each acquired, in joint tenancy with right of survivorship, an undivided one-half interest in the following described real and personal property situate in the Counties of Eureka and Lander, State of Nevada:

The following described real property situate in the County of Eureka, State of Nevada, and particularly described as follows:

In T. 21 N., R. 48 E., M.D.B.&M.

Section 10: S $\frac{1}{2}$ SE $\frac{1}{2}$; NW $\frac{1}{2}$ SE $\frac{1}{2}$; NE $\frac{1}{2}$ SW $\frac{1}{2}$
19: SE $\frac{1}{2}$ SW $\frac{1}{2}$; S $\frac{1}{2}$ SE $\frac{1}{2}$
29: N $\frac{1}{2}$ N $\frac{1}{2}$; S $\frac{1}{2}$ NW $\frac{1}{2}$; SW $\frac{1}{2}$ NE $\frac{1}{2}$
30: E $\frac{1}{2}$ NW $\frac{1}{2}$; W $\frac{1}{2}$ NE $\frac{1}{2}$; NW $\frac{1}{2}$ SE $\frac{1}{2}$; SE $\frac{1}{2}$ NE $\frac{1}{2}$

The following described real property situate in the County of Lander, State of Nevada, and particularly described as follows:

In T. 22 N., R. 47 E., M.D.B.&M.

Section 12: S $\frac{1}{2}$ NW $\frac{1}{2}$

Also possessory right to the two more 40 acre lots immediately south and contiguous to the foregoing lots, which property is commonly known and referred to as the "BRACKNEY PLACE".

In T. 22 N., R. 48 E., M.D.B.&M.

Section 17: NW $\frac{1}{4}$ SE $\frac{1}{4}$
21: NW $\frac{1}{4}$ SW $\frac{1}{4}$

In T. 21 N., R. 48 E., M.D.B.&M.

Section 30: NE $\frac{1}{4}$ NE $\frac{1}{4}$

TOGETHER with all of the decedent's interest in and to that certain Desert Land Application heretofore filed with the United States Department of the Interior, for the following described property, situate in the County of Eureka, State of Nevada:

In T. 21 N., R. 48 E., M.D.B.&M.

Section 34: SE $\frac{1}{4}$ NE $\frac{1}{4}$; NE $\frac{1}{4}$ SE $\frac{1}{4}$
35: SW $\frac{1}{4}$ NW $\frac{1}{4}$; N $\frac{1}{2}$ SW $\frac{1}{4}$; NW $\frac{1}{4}$ SE $\frac{1}{4}$

TOGETHER with any and all water, water rights, and rights to the use of water, dams, ditches, canals, pipelines, or any other diversion works, owned by the Joint Tenants and usually or customarily used or enjoyed in connection with the use of any of the properties hereinabove described, including all stock-watering rights, applications to appropriate water, or certificates of appropriation, including, but not limited to the following:

Application No. 9058, represented by Certificate of Appropriation No. 2049;
Application No. 4613, represented by Certificate of Appropriation No. 1656;
Application No. 4758, represented by Certificate of Appropriation No. 1657;
Application No. 7424, represented by Certificate of Appropriation No. 1299;
Application No. 7893, represented by Certificate of Appropriation No. 1655;
Application No. 13674;

TOGETHER with all buildings and improvements and fences situate thereon, and together with all grazing rights, forest rights, and including, but without limitation, all rights to grazing upon the Public Domain under what is commonly known as the TAYLOR GRAZING ACT.

TOGETHER with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof;

The following described personal property;

2200 head of Sheep, more or less, of mixed classifications; together with all increase, additions or substitutions thereto;

150 head of cattle, more or less, and together with all increase, additions and substitutions thereto;

15 head of horses, more or less, including all increase, additions or substitutions thereto;

1 - 1950 Chevrolet Sedan
1 - 1956 Dodge Power Wagon
1 Sheep Camp Wagon
1 Commissary Wagon

TOGETHER with all mowers, rakes, hay, blacksmith tools, and all other machinery and equipment owned by said joint tenants and situate on the above-described property.

TOGETHER with the P.E. Straightaway Brand, as follows: (PE)

TOGETHER with the following earmark: ();

TOGETHER with all of the interest of said joint tenants, if any, in and to the Two E Brand, as follows: (2E);

TOGETHER with the following earmark: ().

TOGETHER with all furniture and household effects of any name or nature, situate in any buildings on any of the above-described property.

The following described real property situated in the Town of Eureka, County of Eureka, State of Nevada, and more particularly described as follows:

All of Lots Numbered 12, 13, 14, 15 and 16, in Block Number 4 of the Town of Eureka, and as laid down and described upon the Official Map of the Town of Eureka, on file in the office of the Eureka County Recorder on the 28th day of January, 1943, or, as such lots may have been re-designated by any subsequent survey, particularly the existing Official Plat of said Town-site of Eureka, County of Eureka, State of Nevada, approved by the United States General Land Office and on file in the office of the Eureka County Recorder, Eureka, Nevada;

TOGETHER with all buildings and improvements situate thereon;

TOGETHER with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof;

TOGETHER with all furniture, furnishings and household effects situate in any buildings situate on said premises.

THE COURT FURTHER FINDS that the said CATHERINE ETCHEVERRY Died in the County of White Pine, State of Nevada, on or about March 6, 1961, and was at the time of her death a resident of the County of Eureka, State of Nevada, and was over the age of twenty-one years.

THE COURT FURTHER FINDS that the said CATHERINE ETCHEVERRY and PETE ETCHEVERRY, or either of them, made no conveyance of said property to any other person whomsoever from and after the date that the above-described property was acquired by them to and including the date of the death of the said CATHERINE ETCHEVERRY.

THE COURT FURTHER FINDS that the estate in joint tenancy created heretofore, involving the above-described property, was terminated upon the death of the said CATHERINE ETCHEVERRY, and that all of the right, title and interest of the said CATHERINE ETCHEVERRY in and to the said property vested in the surviving joint tenant, PETE ETCHEVERRY, upon the death of the above-named deceased.

IT IS THEREFORE HEREBY ORDERED, ADJUDGED AND DECREED:

That said estate in joint tenancy, involving the foregoing described real and personal property was terminated as above set forth, and that all of the right, title and interest of the said CATHERINE ETCHEVERRY in and to said property is vested in the surviving joint tenant, PETE ETCHEVERRY, and that the said PETE ETCHEVERRY became the sole owner of all of the right, title and interest of CATHERINE ETCHEVERRY in and to the above-described real and personal property.

IT IS FURTHER ORDERED that the said surviving joint tenant file for record in the office of the County Recorder of the County of Eureka, State of Nevada, and in the office of the County Recorder of the County of Lander, State of Nevada, a certified copy of this Order and Decree.

DONE IN OPEN COURT the 18th day of September, 1961, and this written Order signed this 22nd day of September, 1961.

JOHN F. SEXTON
DISTRICT JUDGE

STATE OF NEVADA,)
) ss
County of Eureka.)

I, N. J. MORRISON 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 ORDER AND DECREE TERMINATING JOINT TENANCY ESTATE (File #699) as appears 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 office in the Town of Eureka, this 10th day October, A.D., 1961.

(Official Seal)

N. J. Morrison, County Clerk,
And ex-officio Clerk of the District Court, Eureka County.

Recorded at the request of Kenneth L. Mann November 3, A.D., 1961 At 58 minutes past 10 A.M.

Willis A. DePaoli - Recorder.