

File No. 39765

BOOK 4 PAGE 082

STATE OF NEVADA, } ss
COUNTY OF EUREKA.

I, Joan Shangle 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 & Decree - No. 710 Estate of J.E.F. Gibellinas 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 16 day of April, A. D. 1964.

Joan Shangle County Clerk,
And ex-officio Clerk of the District Court, Eureka County.

By , Deputy.



Eureka Sentinel Print.

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

In the Matter of the Estate
of JOSEPHINE E. FLORIO GIBELLINI,
Deceased

No. 710

*Filed April 16, 1964
Jan. Shange, Clerk*

FINDINGS OF FACT, CONCLUSIONS OF LAW
JUDGMENT AND DECREE

This matter having been submitted upon written briefs, the Court now makes its findings of fact, conclusions of law, decree, and judgment. Upon all of the papers, pleadings and proceedings heretofore had in this action, and being fully advised in the premises, the Court makes the following

FINDINGS OF FACT

1. The Decedent above-named was a resident of the Town of Eureka, County of Eureka, State of Nevada, and she passed away at East Ely, County of White Pine, State of Nevada, on November 29, 1962.

2. Said Decedent died intestate leaving her husband, LOUIS GIBELLINI, and her two adult daughters, SHARON LEA GIBELLINI and JANELLE Y. ETCHEVERRY, as her sole heirs-at-law.

3. Petitioner, ALICE AIMEE FLORIO, is a sister of the Decedent and a resident of the Town of Eureka, County of Eureka, State of Nevada.

4. On August 2, 1948, Decedent and Petitioner, as tenants in common, acquired fee title to the following described property, all situate in the Town of Eureka, County of Eureka, State of Nevada:

1 Lots Seven and Eight in Block Six; Lots Eight, Nine,
2 and Ten in Block Fourteen, Lots Three in Block Thirty-
3 Five; Also all that portion of Lot Seven in Block
4 Fourteen, which is more particularly described as fol-
5 lows: Beginning at the SW corner of Lot Seven in
6 Block Fourteen, thence N. 80°58'E. a distance of
7 54.56 ft. to the SE corner of Lot Seven, thence N.
8 14°43' W. along the East end line of Lot Seven, a dis-
9 tance of 13 ft., thence S. 80°58' W. parallel with the
10 South side line of Lot Seven to a point on the West
11 end line of Lot Seven, thence S. 10°58' E. along the
12 West end line of Lot Seven, a distance of 13 ft. to
13 the SW corner of Lot Seven, the place of beginning.

14 hereinafter called "said property," by virtue of the deed of
15 JUDGE W. R. REYNOLDS, Trustee of said Eureka Townsite.

16 5. Said Trustee's Deed contains no language of sur-
17 vivorship or joint tenancy.

18 Upon the basis of the foregoing findings of fact,
19 after due deliberation, and being fully advised in the premises,
20 the Court draws the following

21 CONCLUSIONS OF LAW

22 1. Said Trustee's Deed created a tenancy in common
23 and not a joint tenancy in said property.

24 2. Decedent's interest in said property descended
25 to her heirs-at-law according to the law of intestate succes-
26 sion.

27 THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND
28 DECREED that:

29 1. Petitioner's Petition for termination of interest
30 of joint tenant be, and the same hereby is, denied, on the
31 ground that the tenure is that of tenancy in common and not
32 that of joint tenancy;

33 2. That each of the aforesaid heirs-at-law holds
34 title to an undivided one-sixth (1/6) interest in and to said
35 property as tenants in common with Petitioner; and

36 3. Petitioner holds title to an undivided one-half

(1/2) interest in and to said property as a tenant in common
with said heirs-at-law.

DATED this 14th day of April, 1964.

John F. Searles
DISTRICT JUDGE

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Filed for record at the request of Joan Shangle
April 23, 1964, at 46 minutes past 2 P. M. Recorded in
Book 4 of Official Records, page 82-85, Records of EUREKA
COUNTY, NEVADA.
Fee: \$ 3.05 Willie A. Lee Paul, Recorder.