

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

LESTER J. HAYT and S. PAUL FERRIN,

Plaintiffs,

NO. 3748

Filed: June 10 1967

V8.

James H. Bangle Clerk

NEVADA TITLE GUARANTY CO.; LON MORRIS
MAGNUSON RANCH, a copartnership composed
of JOHN C. CARPENTER, JR., and ANDREW J.
MAGNUSON and ITCAINA LIVESTOCK a co-
partnership composed of EARL EDGAR and
H. GORDON LATHROP,

Defendants.

RICHARD C. HUDSON and all other persons, partnerships and corporations unknown claiming any right, title, estate, lien or interest in the real property and Trust Agreement involved in this action adverse to the ownership of, or any cloud upon the title thereto of Defendants MAGNUSON RANCH and ITCAINA LIVE STOCK and the partners thereof,

**Additional Defendants
on Counter Claim.**

JUDGMENT ON MOTION FOR SUMMARY JUDGMENT

VAUGHAN, HULL, McDANIEL & MARFISI
ATTORNEYS AND COUNSELORS
ELKO, NEVADA

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

LESTER J. HAYT and S. PAUL FERRIN,

NO. 2748

Plaintiffs,

) FILED: July 10 1967

vs.

NEVADA TITLE GUARANTY CO., et al,

Defendants.

) Jan Shangle
CLERK

J U D G M E N T

A motion for Summary Judgment on Counter Claim was filed herein by the Counter Claimants and Cross Complainants, JOHN C. CARPENTER, JR. and ANDREW J. MAGNUSON, dba MAGNUSON RANCH, a copartnership and EARL EDGAR and H. GORDON LATHROP, dba ITCAINA LIVESTOCK, a copartnership. That all parties were properly and duly noticed of the hearing on said Motion and said Motion came on regularly to be heard before the above-entitled Court on the 10th day of July, 1967, at the hour of 2:00 o'clock P.M. That said Counter Claimants were represented by their Attorney JOSEPH O. McDANIEL of the firm of VAUGHAN, HULL, McDANIEL & MARFISI of Elko, Nevada; that the Defendant LON MORRIS by and through his Attorney THOMAS A. FOLEY of Las Vegas, Nevada, filed a Consent to the granting of said Motion; and no one appearing on behalf of the Plaintiffs LESTER J. HAYT and S. PAUL FERRIN or on behalf of NEVADA TITLE GUARANTY COMPANY and neither of such parties filing any objections to the said Motion for Summary Judgment and the Court being fully informed of the facts in the law and the matter being submitted,

1 THE COURT HEREBY FINDS THAT the Counter Claimants
2 entered into a MEMORANDUM OF SALE AND ESCROW AND TRUST INSTRUC-
3 TIONS on the 5th day of November, 1963, with one RICHARD C.
4 HUDSON, the same being attached to the Counter Claimants Answer
5 and Counter Claim as Exhibit One. That said MEMORANDUM OF SALE
6 provided for the sale of certain real property situate in the
7 County of Eureka, State of Nevada. That said same parties entered
8 into a Trust Agreement on that same date naming therein as Trus-
9 tee NEVADA TITLE GUARANTY COMPANY, that said Trust Agreement
10 was filed with the NEVADA TITLE GUARANTY COMPANY and assigned
11 Trust No. 102. That a copy of said Trust Agreement was attached
12 to the Plaintiff's Complaint as Exhibit A.

13 THE COURT FURTHER FINDS from the Answers to Interroga-
14 tories propounded to NEVADA TITLE GUARANTY COMPANY that the
15 escrow closed on the 26th day of February, 1964, making the
16 first payment of principal and interest due from said RICHARD C.
17 HUDSON or his assigns on the 26th day of February, 1965. That
18 on the 16th day of April, 1964, the said RICHARD C. HUDSON
19 assigned all of his right, title and interest under the terms
20 of the MEMORANDUM OF SALE and the Trust Agreement, one-half to
21 LON MORRIS, one-fourth to S. PAUL FERRIN, and one-fourth to
22 LESTER J. HAYT.

23 THE COURT FURTHER FINDS that under the terms of the
24 said Trust Agreement there is outstanding and current one Junior
25 Trust Agreement designated by NEVADA TITLE GUARANTY COMPANY as
26 Trust No. 102-2A providing for the sale of Section 19, Township
27 31 North, Range 50 East, M.D.B. & M., wherein the Second Benefici-
28 ary is WARREN K. STEFFEN, II,

1 THE COURT FURTHER FINDS that the Plaintiffs LESTER J.
2 HAYT and S. PAUL FERRIN, and the Defendant and Cross Defendant
3 LON MORRIS are in default under the terms of said MEMORANDUM OF
4 SALE and Trust Agreement in that the principal payment of principal
5 and interest due and payable on the 26th day of February,
6 1965, and on February 26, 1966, and on February 26, 1967, have
7 not been paid. That the Plaintiffs did tender one-fourth each
8 of the first principal payment to the Trustee which was refused.
9 That Notice of Default was given pursuant to the Trust Agreement
10 and GOOD CAUSE APPEARING THEREFORE.

11 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that LESTER
12 J. HAYT, S. PAUL FERRIN and LON MORRIS, as the Assignees of
13 RICHARD C. HUDSON, and as the Second Beneficiary under that certain
14 Trust Agreement dated November 5, 1963 and filed as Trust
15 No. 102 in the Nevada Title Guaranty Company head office, 90
16 Court Street, Reno, Nevada, are in default under the terms of
17 said Trust Agreement and have failed to correct said defaults
18 after due and legal notice.

19 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that all of
20 the right, title, estate and interest of the said LESTER J. HAYT,
21 S. PAUL FERRIN and LON MORRIS have forfeited under the terms of
22 said Trust Agreement and that they and all other persons claiming
23 by and through them, or any of them, and the respective heirs
24 and assigns, have no right, title, interest or estate in and to
25 said Trust Agreement and all property, junior trust agreements,
26 documents and funds now held by the Trustee, Nevada Title
27 Guaranty Company.

28 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Nevada

Title Guaranty Company, convey to the Counter Claimants JOHN C. CARPENTER, JR., and ANDREW J. MAGNUSON, dba MAGNUSON RANCH, a copartnership, and EARL EDGAR and H. GORDON LATHROP, dba ITCAINA LIVESTOCK, a copartnership, as their interest appears, all of the lands held by said Trustee under the terms of said Trust Agreement, save and except, Section 19, Township 31 North, Range 50 East MDB&M, which parcel is to be held in Trust under the terms of said Trust Agreement and Junior Trust Agreements, Trust No. 102-2, 102-2A, and 102-2B, in the Nevada Title Guaranty Company, and all payments received thereunder be paid to Defendants and Counter Claimants as their interest may appear, except for the amounts due the "First Beneficiary" under the terms of said Junior Trust Agreements.

The real property to be reconveyed by the Trustee NEVADA TITLE GUARANTY COMPANY being situate in the County of Eureka, State of Nevada and more particularly described as follows:

PARCEL I
TOWNSHIP 30 NORTH, RANGE 49 EAST, M.D.B.&M.

Section 13: All.
Section 23: All
Section 27: All

TOWNSHIP 30 NORTH, RANGE 50 EAST, M.D.B.&M.

Section 5: All
Section 7: All
Section 17: All
Section 19: All

PARCEL II
TOWNSHIP 31 NORTH, RANGE 50 EAST, M.D.B.&M.

Section 29: All
Section 31: All

Subject to all reservations and restrictions of record.

Together with the tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that all parties pay their own costs and that this Judgment does not foreclose any of the parties hereto from a trial on the issue of damages claimed by any of the parties hereto against one or more of the other parties under the pleadings in this action.

DATED the 10th day of July, 1967.

H. J. Shingleton
DISTRICT JUDGE

STATE OF NEVADA, }
COUNTY OF EUREKA. } ss

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 on Motion for Summary Judgment #2748 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 10th day of July, A. D. 1967

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

By _____, Deputy.

SEAL
Affixed

44875
Joe E. McDaniel
July 10, A. D. 1967
at 05 minutes past 3 P. M.
in Book 19 of OFFICIAL RECORDS
Page 456-461 Recorder of
EUREKA COUNTY, NEVADA
Helen A. McDaniel
Recorder
Fee \$8.00