

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

TED C. FROME and
DOYLE F. CHILD,

Plaintiffs,

vs.

STATE OF NEVADA,

Defendant.

No. 3866

NO. 3866

FILED: June 10, 1974

EMMA F. GANDOLFO

By Karen D. Mock Clerk
Deputy

FINDINGS OF FACT, CONCLUSIONS OF LAW

JUDGMENT AND DECREE

The above entitled matter came on to be heard this 10th day of June, 1974, before the Honorable John F. Sexton, Third Judicial Court, sitting without a jury. The Plaintiffs were represented in Court by their attorney, George G. Holden, Battle Mountain, Nevada, and the Defendant has filed an answer and letter of disclaimer on interest.

I.

The Court proceeded to examine the evidence and hear the testimony, and being fully advised in the premises find as follows:

That due notice hereof has been given as provided by law, that the State of Nevada has been properly served as provided by the statutes in such cases made and provided, that the State of Nevada has filed an answer as is provided by law and filed along such answer a letter disclaiming any interest in further proceedings in this matter.

II.

The Court further finds that this action is brought pursuant to the provisions set forth NRS 321.331, 321.332, and 321.333.

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III.

The Court finds that the Plaintiffs are the successors in interest to the original patentees herein and that according to the evidence appear to be the owners in fee simple of the said lands hereinafter set forth and described.

The lands involved are found to be what are known as state select lands and that the patents thereto were issued pursuant to an act of the legislature of the State of Nevada dated and approved March 12, 1885,

IV.

The lands referred to herein are those pieces and parcels of land which are described as Parcel II of the Title Insurance policy herein which has been made a part hereof as Plaintiff's Exhibit "A" and which are reflected in those series of patents which are attached hereto and made a part hereof as Plaintiff's Exhibit "B", the same being located in Lander and Eureka Counties, Nevada.

V.

It is further found that there are no pre-emptory rights intervening and that the State of Nevada was entitled to convey said lands pursuant to USRS 2378, 2379 (Act 1841, USCA, 857-859), and that the patents issued herein were issued subsequent to 1887 and are found to be proper on their faces.

CONCLUSIONS OF LAW

The Court having heard the matter and made its Findings of Fact, concludes as follows as a matter of law:

1. That the Plaintiffs herein are the successors in interest to the within and hereinafter described lands.
2. That there were no pre-emptory rights involved herein.

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2.

1 3. That the patents were duly and properly issued
2 as provided by law.

3 4. That the State of Nevada is entitled to issue
4 such patents.

5 5. That said lands are located in both Lander and
6 Eureka Counties and the Court further concludes that the venue
7 of this action lies properly in Lander County.

8 6. That the Plaintiffs are present owners in fee
9 simple and, therefore, are entitled to purchase mineral rights
10 to the said lands as set forth in Chapter 321, NRS.

11 7. Finally the Court concludes that the State of
12 Nevada has disclaimed and disavowed any further interest in
13 these proceedings, and

14 NOW, THEREFORE, enters its Order, Judgment and Decree:
15 IT IS ORDERED, ADJUDGED, DECREED AND DECLARED:

16 That the Plaintiffs, Ted C. Frome and Doyle F. Child
17 herein, are entitled as a matter of law to purchase the mineral
18 rights heretofore reserved to the State of Nevada in the
19 following described state select lands as set forth in Chapter
20 321, Nevada Revised Statutes under the terms and conditions
21 as is provided by the pertinent legislative acts:

22 PARCEL II:

23 Township 26, North, Range 49 East, MDB&M
24 Section 20: NW $\frac{1}{4}$ NE $\frac{1}{4}$; NE $\frac{1}{4}$ NW $\frac{1}{4}$

25 Township 27 North, Range 48 East, MDB&M
26 Section 33: NW $\frac{1}{4}$ SW $\frac{1}{4}$

27 Township 28 North, Range 47 East, MDB&M
28 Section 5: Lots 2, 3 and 4
29 Section 6: NE $\frac{1}{4}$

30 Township 28 North, Range 48 East, MDB&M
31 Section 1: All
32 Section 3: All
Section 5: All
Section 7: All
Section 8: NE $\frac{1}{4}$ NE $\frac{1}{4}$; S $\frac{1}{2}$ S $\frac{1}{2}$
Section 9: All
Section 11: All
Section 12: S $\frac{1}{2}$ SW $\frac{1}{4}$; SW $\frac{1}{4}$ SE $\frac{1}{4}$

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Section 13: All
 Section 14: N $\frac{1}{2}$; SW $\frac{1}{4}$; W $\frac{1}{2}$ SE $\frac{1}{4}$
 Section 15: All
 Section 16: W $\frac{1}{2}$ NE $\frac{1}{4}$; NW $\frac{1}{4}$
 Section 17: All
 Section 18: E $\frac{1}{2}$ E $\frac{1}{2}$; NW $\frac{1}{4}$ NE $\frac{1}{4}$; NE $\frac{1}{4}$ NW $\frac{1}{4}$; Lot 1 (NW $\frac{1}{4}$ NW $\frac{1}{4}$)
 Section 19: NW $\frac{1}{4}$ SE $\frac{1}{4}$
 Section 21: S $\frac{1}{2}$ SE $\frac{1}{4}$
 Section 22: SW $\frac{1}{4}$ SW $\frac{1}{4}$
 Section 23: N $\frac{1}{2}$ NW $\frac{1}{4}$
 Section 24: NE $\frac{1}{4}$ NE $\frac{1}{4}$
 Section 27: SW $\frac{1}{4}$ NW $\frac{1}{4}$
 Section 28: NE $\frac{1}{4}$; E $\frac{1}{2}$ NW $\frac{1}{4}$; SE $\frac{1}{4}$ SW $\frac{1}{4}$; SW $\frac{1}{4}$ SE $\frac{1}{4}$; NE $\frac{1}{4}$ SE $\frac{1}{4}$
 Section 32: SE $\frac{1}{4}$ NE $\frac{1}{4}$; SW $\frac{1}{4}$ SW $\frac{1}{4}$; NE $\frac{1}{4}$ SW $\frac{1}{4}$; NW $\frac{1}{4}$ SE $\frac{1}{4}$
 Section 33: NW $\frac{1}{4}$ NW $\frac{1}{4}$

Township 28 North, Range 49 East, MDB&M

Section 2: S $\frac{1}{2}$ NE $\frac{1}{4}$
 Section 7: All
 Section 19: N $\frac{1}{2}$
 Section 24: NW $\frac{1}{4}$ NW $\frac{1}{4}$
 Section 26: NE $\frac{1}{4}$ NW $\frac{1}{4}$
 Section 28: NW $\frac{1}{4}$ NE $\frac{1}{4}$; NE $\frac{1}{4}$ SE $\frac{1}{4}$
 Section 30: NE $\frac{1}{4}$ NW $\frac{1}{4}$
 Section 32: SE $\frac{1}{4}$ NW $\frac{1}{4}$
 Section 34: NW $\frac{1}{4}$ NW $\frac{1}{4}$
 Section 35: NW $\frac{1}{4}$ SE $\frac{1}{4}$
 Section 36: NW $\frac{1}{4}$ NE $\frac{1}{4}$; N $\frac{1}{2}$ SW $\frac{1}{4}$

Township 29 North, Range 47 East, MDB&M

Section 18: Lots 10, 11 and 12
 Section 32: Lots 2, 3 and 4; NE $\frac{1}{4}$ SE $\frac{1}{4}$

Township 29 North, Range 48 East, MDB&M

Section 3: All

Township 29 North, Range 49 East, MDB&M

Section 36: W $\frac{1}{2}$ NE $\frac{1}{4}$

Township 29 North, Range 50 East, MDB&M

Section 10: SW $\frac{1}{4}$ SE $\frac{1}{4}$
 Section 30: S $\frac{1}{2}$ NE $\frac{1}{4}$; NE $\frac{1}{4}$ SE $\frac{1}{4}$

DONE IN OPEN COURT this 10th June, 1974.

John J. Sexton
 District Judge

THIRD JUDICIAL DISTRICT COURT,
 IN AND FOR COUNTY OF LARSEN,
 STATE OF NEVADA.
 I, the undersigned County Clerk and ex-officio
 Clerk of said District Court, do hereby certify that
 the foregoing is a true and correct copy of the
 original of the same as the same is on file in my
 office and is a true and correct copy of the
 original of the same as the same is on file in my
 office.
 DISTRICT COURT, this 10th day of June 1974.
 EMMA F. GANDOLFO
 County Clerk and ex-officio Clerk of said District Court.
Karen O. Mock Deputy Clerk

RECORDED AT THE REQUEST OF
George G. Holden

on June 27, 1974
 at 20 mins. past 11 A. M.
 in Book 48 of OFFICIAL
 RECORDS, page 400-403 RECORDS
 OF ELIKA COUNTY, NEVADA.
George G. Holden
 Recorder
 No. 58730 Fee 6.00

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FILE NO. 58730

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