

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

HERBERT BOTWIN,
Plaintiff,

vs.

ROLLAN SWANSON, husband,
ELEONORA SWANSON, wife;
HAL R. JENSEN, husband
and DOROTHY JENSEN, WIFE:

Defendants.

No. 28464

NO. 28464
FILED

JAN 15, 1976

JOAN SHANGLE,
CLERK

By: *Angela Evans*
Deputy

DECLARATORY JUDGMENT

This cause came on regularly for trial before the Court sitting without a jury on October 9, 1975, with JOHN P. DAVIS appearing as attorney for the Plaintiff, and HY FORGERON appearing as attorney for the Defendants, HAL R. JENSEN and DOROTHY JENSEN, and the Court having heard the testimony and having examined the proofs offered by the respective parties, and having filed herein its Findings of Fact and Conclusions of Law, and having directed that judgment be entered in accordance therewith;

NOW, THEREFORE, by reason of said law and findings:

IT IS ORDERED, ADJUDGED, and DECREED over as between the parties to the action:

1. That plaintiff Herbert Botwin is the owner of an undivided one-twelfth (1/12) interest in those certain unpatented mining claims situate in the Diamond Mining District, County of Eureka, State of Nevada, and more particularly described as follows:

to wit:

- The Neutron No. 1 (Book 9, Page 423, Eureka County, Nevada).
- The Neutron No. 2 (Book 9, Page 424, Eureka County, Nevada).
- The Neutron No. 3 (Book 9, Page 425, Eureka County, Nevada).

1 as a tenant in common with defendants Rollan Swanson, Eleonora
2 Swanson, Hal R. Jensen and Dorothy Jensen.

3 2. That the parties hereto are the owners of the
4 following percentage interests:

- 5 Herbert Botwin -- 33 1/3%
- 6 Rollan Swanson and Eleonora Swanson -- 33 1/3%
- 7 Hal R. Jensen and Dorothy Jensen -- 33 1/3%

8 in those certain unpatented mining claims situate in the Diamond
9 Mining District, County of Eureka, State of Nevada, and more
10 particularly described as follows, to wit:

- 11 The Neutron No. 4 (Book 47, Page 146, Eureka County,
12 Nevada).
- 13 The Neutron No. 5 (Book 47, Page 147, Eureka County,
14 Nevada).
- 15 The Neutron No. 6 (Book 47, Page 148, Eureka County,
16 Nevada).

17 and in that certain patented mining claim situate in the County
18 of Eureka, State of Nevada, and more particularly described as
19 follows, to wit:

20 "Curts and Keller" Patent number 2268 (1876) dated
21 May 7, 1877, as Mineral Survey Number 38 and being
22 situate in Section 26, Township 22 North, Range 54
23 East, M.D.B. & M., Eureka County, Nevada, and
24 containing 20.66 acres, more or less,

25 as tenants in common.

26 FURTHER that Plaintiff have judgment against the Defendants
27 for the Plaintiff's cost of suit taxed at ONE HUNDRED TWENTY NINE
28 DOLLARS and SIXTY CENTS (\$129.60).

29 DATED January 13th, 1976.

Stanley A. Smith
District Court Judge

30 Prepared
31 by:
32

JOHN P. DAVIS
ATTORNEY AT LAW
P. O. BOX 727
MINDEN, NEVADA 89423
OFF. (702) 782-4622

STATE OF NEVADA,
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 DECLARATORY JUDGMENT 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 15th day of January, A. D. 1976.



JOAN SHANGLE County Clerk
And ex-officio Clerk of the District Court, Eureka County.

By Angela Evans, Deputy

RECORDED AT THE REQUEST OF John P. Davis
on February 6, 19 76, at 05 mins. past 3 P.M. In
Book 53 of OFFICIAL RECORDS, page 589-591 RECORDS OF
EUREKA COUNTY, NEVADA. WILLIS A. DePAOLI Recorder
File No. 60889 Fee \$ 5.00

BOOK 53 PAGE 591