

1 No. 784

FILED

'87 OCT 29 P1:23

113555

CLERK KAREN VASQUEZ
DEPUTY *Gudy Smith*

2
3
4
5
6 IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
7 OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF ELKO
8

9 IN THE MATTER OF THE ESTATE OF
10 MARGUERITE McBRIDE, aka
11 MARGUERITE F. McBRIDE, aka
12 MARGUERITE FLORENCE McBRIDE,
DECEASED.

ORDER TO SET ASIDE AN ESTATE
WITHOUT ADMINISTRATION

13 MARTHA J. HOLT, the Petitioner named in the above-
14 entitled matter, having proved to the satisfaction of the
15 Court that the above-named Decedent died intestate on October
16 1, 1987, in Carlin, Nevada, and that at the time of her death,
17 she was a resident of the City of Carlin, County of Elko,
18 State of Nevada, and that Petitioner is a surviving daughter
19 of Decedent, and resides in Cleburne, Texas; that the above-
20 named Decedent left estate consisting of a fractional interest
21 in the mineral rights in and to certain parcels of real
22 property within the Counties of Elko and Eureka, State of
23 Nevada; that the value of such property, hereinafter
24 described, does not exceed the sum of \$25,000.00, and is
25 within the jurisdiction of this Court.

26 That Petitioner has determined that there were no
27 other assets of the above-named Decedent, and therefore
28 requires no administration.

PUCCINELLI & PUCCINELLI
A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW
817 FIRST INTERSTATE BANK BUILDING
P. O. BOX 530
ELKO, NEVADA 89801
(702) 756-7293

BOOK 167 PAGE 326

1 That the heirs-at-law of the above-named Decedent,
2 and their respective relationships and addresses, are as
3 follows:

4	<u>NAME AND ADDRESS</u>	<u>AGE</u>	<u>RELATIONSHIP</u>
5	Martha J. Holt	Adult	Daughter
6	1004 Lynn Court		
	Cleburne, TX 76031		

7 IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that
8 said estate be not administered upon, but that the whole
9 thereof, consisting of a fractional interest in the mineral
10 rights in and to certain parcels of real property within the
11 Counties of Elko and Eureka, State of Nevada, and more
12 particularly described on Exhibit A, attached hereto and
13 incorporated herein by reference, be assigned and set apart to
14 Petitioner, MARTHA J. HOLT, as the surviving daughter of the
15 above-named Decedent, pursuant to the provisions of NRS
16 146.070(2) for the payment of funeral expenses, expenses of
17 last illness, and the administrative costs of these
18 proceedings.

19 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that
20 any property, either real or personal, not now known or
21 discovered, which may belong to the estate of the above-named
22 Decedent, or in which the estate of the above-named Decedent
23 may have any interest or which may be hereafter discovered, be
24 distributed to the above-named MARTHA J. HOLT, as the sole
25 heir-at-law of the Decedent, pursuant to the laws of intestate
26 succession of the State of Nevada.

27 ////

28 ////

////

PUCCINELLI & PUCCINELLI
A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW
277 FIRST INTERSTATE BANK BUILDING
P.O. BOX 830
ELKO, NEVADA 89601

BOOK 167 PAGE 327

1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that a
2 certified copy of this Decree be filed for record in the
3 office of the County Recorder of the Counties of Elko and
4 Eureka, State of Nevada.

5 DONE IN OPEN COURT this 29th day of October, 1987.

6 JES. O. McSABIEL

7 DISTRICT JUDGE

8
9 CERTIFICATION OF COPY

10 STATE OF NEVADA
11 COUNTY OF ELKO

12 I, KAREN VASQUEZ, COUNTY CLERK AND EX-OFFICIO CLERK OF THE
13 DISTRICT COURT OF THE FOURTH DISTRICT OF THE STATE OF NEVADA,
14 IN AND FOR THE COUNTY OF ELKO, DO HEREBY CERTIFY THAT THE
15 ANNEXED IS A FULL TRUE AND CORRECT COPY OF THE INSTRUMENT AS
16 THE SAME APPEARS ON FILE AND OF RECORD IN MY OFFICE.

17 Witness my hand and the seal of said court affixed
18 the 29 day of Oct AD, 19 87.

19 KAREN VASQUEZ

20 County Clerk

21 By Judy Smith

22 Deputy Clerk

23
24
25
26
27
28
SEAL
Affixed

PUCCINELLI & PUCCINELLI
A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW
817 FIRST INTERSTATE BANK BUILDING
P.O. BOX 830
ELKO, NEVADA 89801
(702) 738-7223

BOOK 167 PAGE 328³ -

EXHIBIT A

The property of this Estate consists solely of a five/thirty-second (5/32) interest in fifty percent (50%) of the mineral rights in and to the following property:

All those certain lots, pieces, or parcels of land situate in the Counties of Elko and Eureka, State of Nevada, more particularly described as follows:

TOWNSHIP 32 NORTH, RANGE 51 EAST, M.D.B. & M.

Section 4: SW $\frac{1}{4}$; NW $\frac{1}{4}$ SE $\frac{1}{4}$; Lot 11

TOWNSHIP 32 NORTH, RANGE 52 EAST, M.D.B. & M.

Section 5: SE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 8: E $\frac{1}{4}$ NE $\frac{1}{4}$; NE $\frac{1}{4}$ SE $\frac{1}{4}$; SE $\frac{1}{4}$ SW $\frac{1}{4}$

EXCEPTING therefrom a strip of land 100 feet in width conveyed by GEORGE McINTOSH to WESTERN PACIFIC RAILWAY COMPANY by deed recorded June 25, 1906, in Book 29 of Deeds at page 100, Elko County, Nevada records.

Section 10: SW $\frac{1}{4}$ NE $\frac{1}{4}$

Section 14: SW $\frac{1}{4}$ NW $\frac{1}{4}$; NE $\frac{1}{4}$ SW $\frac{1}{4}$

Section 17: ALL, excepting therefrom, a strip of land 400 feet in width as reserved by CENTRAL PACIFIC RAILWAY COMPANY in Deeds to THOMAS GRIFFIN recorded in Book 23 of Deeds at page 756 and book 38 of Deeds at page 7, Elko County, Nevada, records, and Book 18 of Deeds at page 367, Eureka County, Nevada, records.

FURTHER EXCEPTING therefrom a strip of land 100 feet in width conveyed by THOMAS GRIFFIN, et ux, to WESTERN PACIFIC RAILWAY COMPANY by deed recorded in Book 29 of Deeds at page 98, Elko County, Nevada, records.

FURTHER EXCEPTING therefrom a strip of land 200 feet in width conveyed to WESTERN PACIFIC RAILWAY COMPANY by CENTRAL PACIFIC RAILWAY COMPANY in Deed recorded in Book 31 of Deeds at page 71, Elko County, Nevada, records and Book 16 of Deeds, page 108, Eureka County, Nevada, records.

FURTHER EXCEPTING therefrom a strip of land 50 feet in width conveyed by THOMAS GRIFFIN, et ux, to WESTERN PACIFIC RAILWAY COMPANY by deed recorded in Book 31 of Deeds at page 401, Elko County, Nevada, records.

Section 20: W $\frac{1}{2}$ NW $\frac{1}{4}$; NW $\frac{1}{4}$ SW $\frac{1}{4}$

PUCCINELLI & PUCCINELLI
A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW
217 FIRST HYPERSTATE BANK BUILDING
P. O. BOX 830
ELKO, NEVADA 89801
(702) 738-7203

BOOK 167 PAGE 329 - 4 -

EXCEPTING therefrom a strip of land 400 feet in width over the W1NW1 of said section conveyed by THOMAS GRIFFIN et ux, to CENTRAL PACIFIC RAILWAY COMPANY by deed recorded in Book 27 of Deeds at page 365, Elko County, Nevada, records.

FURTHER EXCEPTING therefrom a strip of land 100 feet in width conveyed by THOMAS GRIFFIN, et ux, to WESTERN PACIFIC RAILWAY COMPANY, recorded in Book 29 of Deeds at page 98, Elko County, Nevada, records.

FURTHER EXCEPTING therefrom three strips of land 50 feet in width conveyed by THOMAS GRIFFIN, et ux, to WESTERN PACIFIC RAILWAY COMPANY by deed recorded in Book 31 of Deeds at page 401, Elko County, Nevada, records.

Section 24: SW1SW1

TOWNSHIP 33 NORTH, RANGE 52 EAST, M.D.B. & M.

Section 25: S1N1; N1SW1

EXCEPTING therefrom a strip of land 100 feet in width lying within the S1NE1 of said Section 25, conveyed by THOMAS GRIFFIN, et ux, to WESTERN PACIFIC RAILWAY COMPANY by deed recorded in Book 29 of Deeds at page 98, Elko County, Nevada, records.

FURTHER EXCEPTING therefrom a strip of land 200 feet in width lying within the S1NW1 of said Section 25, conveyed by THOMAS GRIFFIN, et ux, to WESTERN PACIFIC RAILWAY COMPANY by deed recorded in Book 31 of Deeds at page 401, Elko County, Nevada, records.

FURTHER EXCEPTING therefrom a strip of land 225 feet in width in the S1NW1 of said Section 25, bounded on the Southerly side by the Northerly right of way line of the WESTERN PACIFIC RAILWAY COMPANY; bounded on the Northerly side by a line drawn parallel to said Northerly right of way line and 225 feet distant measured at right angles northerly therefrom; bounded on the west end by the west line of said Section 25 and bounded on the east end by a line drawn at right angles to said northerly right of way line and 1000 feet easterly from said west line of said Section 25 measured on the centerline of said strip together with a strip of land 80 feet in width extending northerly from the northerly boundary line of the parcel described above to the lands of Central Pacific Railway Company, as conveyed by THOMAS GRIFFIN, et ux, to WESTERN PACIFIC RAILWAY COMPANY recorded in Book 33 of Deeds at page 117, Elko County, Nevada, records.

PUCCINELLI & PUCCINELLI
A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW
217 FIRST INTERSTATE BANK BUILDING
P. O. BOX 830
ELKO, NEVADA 89801
(702) 768-7900

BOOK 1 67 PAGE 330

FURTHER EXCEPTING therefrom two parcels of land lying within the S1NW1 of said Section 25 conveyed by THOMAS GRIFFIN to CENTRAL PACIFIC RAILWAY COMPANY recorded in Book 41 of Deeds at page 295, said deed stating that the two parcels contain 2.759 acres.

Section 26: That portion of the SE1 and S1SW1 lying southerly of the southerly boundary line of those parcels conveyed to the WESTERN PACIFIC RAILWAY COMPANY by THOMAS GRIFFIN, et ux, by deed recorded in Book 31 of Deeds at page 401; by WILLIAM GRIFFIN recorded in Book 31 of Deeds at page 458, and southerly of the southerly boundary line of the parcel conveyed by THOMAS GRIFFIN to J. W. PUETT by deed recorded in Book 28 of Deeds at page 459 all Elko County, Nevada, records.

EXCEPTING therefrom those three parcels of land lying in the S1SW1 and W1SE1 of said Section 26 conveyed by THOMAS GRIFFIN, et ux, to WESTERN PACIFIC RAILROAD COMPANY by deeds recorded in Book 40 of Deeds at page 238 and in Book 44 of Deeds at page 233, all Elko County, Nevada, records.

Section 27: That portion of the SE1SE1 lying southerly of that parcel conveyed by THOMAS GRIFFIN, et ux, to WESTERN PACIFIC RAILWAY COMPANY recorded in Book 31 of Deeds at page 401, Elko County, Nevada, records.

EXCEPTING therefrom those two parcels conveyed to the CENTRAL PACIFIC RAILWAY COMPANY by Deeds recorded in Book 35 of Deeds at page 278 and Book 47 of Deeds at page 345, Elko County, Nevada, records, which deeds state that the two parcels contain 1.092 acres.

TOWNSHIP 33 NORTH, RANGE 53 EAST, M.D.B. & M.

Section 20: S1S1

EXCEPTING therefrom a strip of land of varying widths conveyed by THOMAS GRIFFIN, et ux, to CENTRAL PACIFIC RAILWAY COMPANY recorded in Book 27 of Deeds at page 365, Elko County, Nevada, records.

FURTHER EXCEPTING therefrom a strip of land of varying width conveyed by THOMAS GRIFFIN, et ux, to WESTERN PACIFIC RAILWAY COMPANY by deed recorded in Book 29 of Deeds at page 98, Elko County, Nevada, records.

FURTHER EXCEPTING therefrom that parcel, along with all abutters rights, including access rights, conveyed by

PUCCINELLI & PUCCINELLI
A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW
217 FIRST INTERSTATE BANK BUILDING
P. O. BOX 830
ELKO, NEVADA 89801

BOOK 1 67 PAGE 331

ALLEN T. GRIFFIN, et al, to STATE OF NEVADA recorded in Book 69 of Official Records at page 527, Elko County, Nevada, records.

FURTHER EXCEPTING therefrom that portion of the SE1/4 of said Section 20 along with all abutters rights, including access rights, conveyed by ALLEN T. GRIFFIN, recorded in Book 69 of Official Records, page 530, Elko County, Nevada.

Section 28: N1/4NW1/4

EXCEPTING therefrom a strip of land 400 feet in width conveyed by THOMAS GRIFFIN, et ux, to CENTRAL PACIFIC RAILWAY COMPANY recorded in Book 27 of Deeds at page 365, Elko County, Nevada, records.

FURTHER EXCEPTING therefrom a strip of land 200 feet in width conveyed by THOMAS GRIFFIN, et ux, to WESTERN PACIFIC RAILWAY COMPANY recorded in Book 29 of Deeds at page 98, Elko County, Nevada, records.

FURTHER EXCEPTING therefrom all that portion lying northeasterly of the Northerly boundary line of the CENTRAL PACIFIC RAILWAY COMPANY as conveyed by THOMAS GRIFFIN, et ux, to THE PACIFIC FRUIT EXPRESS COMPANY recorded in Book 31 of Deeds at page 615, Elko County, Nevada, records.

Section 29: A11

EXCEPTING therefrom a strip of land 400 feet in width as reserved in deed executed by CENTRAL PACIFIC RAILWAY COMPANY to THOMAS GRIFFIN, recorded in Book 38 of Deeds at page 7, Elko County, Nevada, records.

FURTHER EXCEPTING therefrom that strip of land lying in the N1/4 of Section 29 conveyed by CENTRAL PACIFIC RAILWAY COMPANY to WESTERN PACIFIC RAILWAY COMPANY recorded in Book 31 of Deeds at page 71, Elko County, Nevada, records.

Section 30: Lot 2 (SW1/4NW1/4); Lot 3 (NW1/4SW1/4); SE1/4NW1/4; SW1/4NE1/4; N1/4SE1/4; NE1/4SW1/4.

TOGETHER WITH all improvements situate thereon.

TOGETHER WITH all water, water rights, rights to the use of water, dams, ditches, canals, pipe lines, reservoirs and all other means for the diversion or use of waters appurtenant to the said property or any part thereof, or used or enjoyed in connection therewith, and together with all stock watering rights used or enjoyed in connection with the use of any of said lands, and together with all range rights and grazing

PUCCINELLI & PUCCINELLI
A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW
817 FIRST INTERSTATE BANK BUILDING
P. O. BOX 530
ELKO, NEVADA 89801

BOOK 167 PAGE 332

rights, and in particular, but without limitation thereto, all rights to graze livestock on the public domain under what is known as the Taylor Grazing Act, owned by First Parties or used or enjoyed in connection with any of said property.

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.

RESERVING unto First Parties an undivided one-half interest in and to all of their right, title and interest in and to all coal, oil, gas and other minerals of every kind and nature whatsoever existing upon, beneath the surface of, or within said lands, including the right to the use of so much of the surface of, or within said lands, as may be required in prospecting for, in locating, developing, producing and transporting said coal, oil, gas or minerals and any of their by-products.

RECORDED AT THE REQUEST OF
Puccinelli & Puccinelli
BOOK 167 PAGE 326

87 NOV -3 10:32

OFFICIAL RECORDS
ELKO COUNTY, NEVADA
H.M. REGAL - REC'D
FILE NO. 11355
FEE \$ 12.00

PUCCINELLI & PUCCINELLI BOOK 167 PAGE 326

A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW
217 FIRST INTERSTATE BANK BUILDING
P. O. BOX 530
ELKO, NEVADA 89801
(702) 738-7203