

1 No. 3711
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11616-1

CLERK AREN VASQUEZ

RECEIVED *Ken James*

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7 IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
8 OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF ELKO
9

10 In the Matter of the Estate of
11 DOROTHY E. GRIFFIN, also known as
12 DOROTHY GRIFFIN,
13 Deceased.

ORDER TO SET ASIDE AN
ESTATE WITHOUT
ADMINISTRATION, PURSUANT
TO NRS 146.070

14 JEANNE W. MULCAHY, also known as ROSALTA MULCAHY,
15 filed herein on January 14, 1988, her Petition to Set Aside An
16 Estate Without Administration, Pursuant to NRS 146.070; the Clerk
17 of the Court gave her Notice of Hearing of the same for February
18 9, 1988 at 9:30 A.M.; the same came on regularly to be heard; the
19 Petitioner appeared by and through her Attorney, STEWART R.
20 WILSON, ESQ., of the law firm of WILSON and BARROWS, LTD.; no
21 person appeared in opposition; evidence was introduced and
22 arguments presented in support of the Petition; the same was
23 submitted; ACCORDINGLY,

24 THE COURT HEREBY FINDS AND CONCLUDES AS FOLLOWS:

- 25 1. Due and legal notice of the filing and hearing of
26 the Petition was given;
27 2. All averments in the Petition are true and correct;
28

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ATTORNEYS AT LAW
P. O. BOX 369
ELKO, NEVADA 89801-0369

BOOK 172 PAGE 363

1 3. Petitioner is the surviving sister of DOROTHY E.
2 GRIFFIN, also known as DOROTHY GRIFFIN, Deceased, and her heir
3 and sole devisee and legatee and sole claimant to her estate
4 herein.

5 4. Decedent died on August 28, 1987 at Elko, Nevada.
6 She left a Will dated December 10, 1958, which was duly filed
7 with the Clerk of the above Court on or about August 28, 1987.
8 Same has never been offered for probate.

9 5. Decedent died leaving an estate in the Counties of
10 Elko and Eureka, State of Nevada, in and to the following real
11 property:

12 A 20/32 undivided mineral interest in an undivided
13 1/2 interest (being a 5/16 interest) in the following
lands:

14 See Exhibit A attached hereto and made
15 a part hereof.

16 6. The property described in Paragraph 5 above was the
17 separate property of Decedent.

18 7. There were no liens and encumbrances upon the
19 property at the date of Decedent's death.

20 8. There have been no mining operations or oil
21 drilling upon any of the above properties. The rentals paid by
22 the Lessee annually upon the leases described in Exhibit A are
23 \$400.92. The gross value of the property did not exceed
24 \$25,000.00 as of Decedent's death, and estimated to have a value
25 of \$400.92.

26 9. The debts of Decedent so far as known to Petitioner
27 are none.
28

1 10. The names, ages, relationships and addresses of
2 the heirs, devisees and legatees are as follows as of date of
3 Decedent's death:

4	NAME	AGE	RELATIONSHIP	ADDRESS
5	JEANNE W. MULCAHY, also known as			
6	ROSALTA MULCAHY	Adult	Sister	1945 Elmcrest Dr. Reno, NV 89508

7 WHEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED
8 THAT:

9 The property of this Estate, including the Lessor's
10 interest in certain oil and gas leases set forth in Exhibit A
11 hereinafter described, should not be administered upon but rather
12 the same hereby is assigned and set aside unto JEANNE W. MULCAHY,
13 surviving sister and sole claimant, as of Decedent's death,
14 August 28, 1987.

15 DONE IN OPEN COURT on the 8th day of February, 1988,
16 and the written order signed this 17th day of February, 1988.

JOS. O. MCDANIEL

DISTRICT JUDGE

17
18 **SEAL**
CERTIFICATION OF COPY
19 **STATE OF NEVADA**
County of ELKASS

20 I, KAREN VASQUEZ, COUNTY CLERK AND EX-OFFICIO CLERK OF THE
21 DISTRICT COURT OF THE FOURTH DISTRICT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF ELKASS DO HEREBY CERTIFY THAT THE
ABOVE IS A TRUE AND CORRECT COPY OF THE INSTRUMENT AS
THE SAME APPEARS ON FILE AND OF RECORD IN MY OFFICE.

22 Witness my hand and the seal of said court attired
23 the 17th day of Feb, A.D. 19 88.
24 By KAREN VASQUEZ County Clerk
By [Signature] Deputy Clerk

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ATTORNEYS AT LAW
P. O. BOX 300
ELKO, NEVADA 89801-0300

3.
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EXHIBIT A

DESCRIPTION

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

TOWNSHIP 2 NORTH, RANGE 51 EAST, N.D.B.&M.

Section 11: SW1/4; NE1/4; Lot 11

TOWNSHIP 2 NORTH, RANGE 52 EAST, N.D.B.&M.

Section 5: SE1/4
Section 17: E1/4; NE1/4; SE1/4

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: SW1/4
Section 11: SW1/4; NE1/4
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 28 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: NW1/4; NE1/4

EXCEPTING therefrom a strip of land 400 feet in width over the NW1/4 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

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conveyed by THOMAS CRIFFIN, 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 CRIFFIN, et ux, to WESTERN PACIFIC RAILWAY COMPANY by deed recorded in Book 31 of Deeds at page 401, Elko County, Nevada, records.

Section 25, T14N, R12E

TOWNSHIP 14 NORTH, RANGE 12 EAST, N.D.B.M.

Section 25, T14N, R12E

EXCEPTING therefrom a strip of land 100 feet in width lying within the 1/4th of said Section 25, conveyed by THOMAS CRIFFIN, 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 1/4th of said Section 25, conveyed by THOMAS CRIFFIN, 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 1/4th 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 westerly from said west line of said Section 25 measured on the centerline of said strip together with a strip of land 40 feet in width extending northerly from the northerly boundary line of the parcel described above to the lands of Central Pacific Railway Company, -- conveyed by THOMAS CRIFFIN, et ux, to WESTERN PACIFIC RAILWAY COMPANY recorded in Book 33 of Deeds at page 117, Elko County, Nevada, records.

FURTHER EXCEPTING therefrom two parcels of land lying within the 1/4th of said Section 25 conveyed by THOMAS CRIFFIN to CENTRAL PACIFIC RAILWAY COMPANY recorded in Book 33 of Deeds at page 295, said deed stating that the two parcels contain 2.759 acres.

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TOWNSHIP 31 NORTH, RANGE 52 EAST, M.D.B.&M. (cont)

Section 26: That portion of the SE $\frac{1}{4}$ and S $\frac{1}{2}$ SW $\frac{1}{4}$ 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. M. FUATT 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 SE $\frac{1}{4}$ and W $\frac{1}{2}$ SW $\frac{1}{4}$ 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 218 and in Book 44 of Deeds at page 233, all Elko County, Nevada, records.

Section 27: That portion of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ 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 347, Elko County, Nevada, records, which deeds state that the two parcels contain 1.052 acres.

TOWNSHIP 31 NORTH, RANGE 53 EAST, M.D.B.&M.

Section 20: S $\frac{1}{2}$ SW $\frac{1}{4}$

EXCEPTING therefrom a strip of land of varying 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 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 ebberters rights, including access rights, conveyed by 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 SE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 20 along with all ebberters rights, including access rights, conveyed by ALLEN T. GRIFFIN, recorded in Book 69 of Official Records, page 530, Elko County, Nevada.

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TOWNSHIP 13 NORTH, RANGE 13 EAST, N.D.B.&M. (cont)

Section 28: N1/2W1/2

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 64, 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: All

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 N1/2 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 (SW1/4); Lot 3 (NW1/4); SE1/4; SW1/4; N1/2; NE1/4

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Subject to the following oil and gas leases:

A. Dorothy Griffin to Gulf Oil Corporation dated June 30, 1982 to the following:

Parcel I:

Township 32 North, Range 52 East, MDB&M

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 24: SW $\frac{1}{4}$ SW $\frac{1}{4}$

Parcel II:

Township 33 North, Range 53 East, MDB&M

Section 29: All (subject to certain exceptions)

The foregoing lease bears No. 3-10798-0 and Memorandum thereof was recorded in Book 419, Official Records, Page 163, Records, Elko County Recorder's Office, Elko, Nevada.

B. Dorothy Griffin to Gulf Oil Corporation dated July 14, 1982 to the following:

Township 33 North, Range 52 East, MDB&M

Section 25: N $\frac{1}{4}$ SW $\frac{1}{4}$ S $\frac{1}{4}$ N $\frac{1}{4}$ (subject to certain exceptions)

The foregoing lease bears No. W 811520 and Memorandum thereof was recorded in Book 413, Official Records, Page 657, Records, Elko County Recorder's Office, Elko, Nevada.

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RECORDED AT THE REQUEST OF
Wilson & Barrows Ltd
BOOK 172 PAGE 363

'88 FEB 19 AM 31

OFFICE OF THE COUNTY CLERK
ELKO COUNTY, NEVADA
FILE NO. **116184**
FEE \$ 12.00

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