

1 No. 3710  
2 Dept. No. 1

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CLERK KAREN VASQUEZ

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

10 In the Matter of the Estate of  
11 ALLEN THOMAS GRIFFIN, also known as  
12 ALLEN T. GRIFFIN,  
13 Deceased.

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

14 JEANNE W. MULCAHY filed herein on January 14, 1988, her  
15 Petition to Set Aside An Estate Without Administration, Pursuant  
16 to NRS 146.070; the Clerk of the Court gave her Notice of Hearing  
17 of the same for February 8, 1988 at 9:00 A.M.; the same came on  
18 regularly to be heard; the Petitioner appeared by and through her  
19 Attorney, STEWART R. WILSON, ESQ., of the law firm of WILSON and  
20 BARROWS, LTD.; no person appeared in opposition; evidence was  
21 introduced and arguments presented in support of the Petition;  
22 the same was submitted; ACCORDINGLY,

23 THE COURT HEREBY FINDS AND CONCLUDES AS FOLLOWS:

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

27  
28  
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ATTORNEYS AT LAW  
P. O. BOX 209  
ELKO, NEVADA 89801-0209

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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. DOROTHY E. GRIFFIN was the  
4 surviving wife of the above-named Decedent and his heir and sole  
5 devisee and legatee.

6           4. Decedent died on January 8, 1982 at Jack Creek,  
7 Nevada. He left a Will dated December 10, 1958, which was duly  
8 filed with the Clerk of the above Court on or about January 12,  
9 1982. Same has never been offered for probate.

10           DOROTHY E. GRIFFIN survived her husband but died on  
11 August 28, 1987 in Elko, Nevada.

12           5. Decedent died leaving an estate in the Counties of  
13 Elko and Eureka, State of Nevada, in and to the following real  
14 property:

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

17           See Exhibit A attached hereto and made  
18 a part hereof.

19           6. Decedent's interest in the property was an  
20 undivided one-half community interest with DOROTHY E. GRIFFIN,  
21 his surviving wife.

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

24           8. As of Decedent's death, there were no known  
25 minerals in the above described land, no mining operation  
26 thereupon, nor any mineral leases outstanding. The gross value  
27 of the property did not exceed \$25,000.00 and is estimated to  
28 have only a nominal value of not more than \$100.00.

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2.  
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1 9. The debts of Decedent so far as known to Petitioner  
2 are none.

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

6 NAME	AGE	RELATIONSHIP	ADDRESS
7 DOROTHY E. GRIFFIN	Adult	Wife	Jack Creek, NV

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

10 1. The property of this estate hereinafter described  
11 should not be administered upon, but rather the community  
12 property interest of Decedent therein (an undivided one-half  
13 interest) be, and the same hereby is, assigned and set aside unto  
14 DOROTHY E. GRIFFIN as the surviving wife and sole claimant as of  
15 the date of Decedent's death, January 8, 1982, all for record  
16 purposes.

17 A 20/32 undivided mineral interest in an undivided  
18 1/2 interest (being a 5/16 interest) in the following  
lands:

19 See Exhibit A attached hereto and made  
20 a part hereof.

21 DOROTHY E. GRIFFIN'S undivided community property  
22 one-half interest in the above described property be, and the  
23 same hereby is, confirmed unto her as of January 8, 1982, all for  
24 record purposes.

1 DONE IN OPEN COURT on the 8th day of February, 1988,  
2 and the written Order signed this 17th day of February, 1988.

3 **JOS. O. MCDANIEL**

4 **DISTRICT JUDGE**

5 0288A27

6 **SEAL**

7 **CERTIFICATION OF *affixed***

8 **STATE OF NEVADA**

9 **COUNTY OF ELKO**

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

15 Witness my hand and the seal of said court affixed

16 the 17th day of Feb, A.D. 1988.

17 **KAREN VASQUEZ**

18 **County Clerk**

19 By *Lisa J. ...* Deputy Clerk.

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**WILSON AND BARNOWS, L<sup>ts</sup>**  
**ATTORNEYS AT LAW**  
**P. O. BOX 200**  
**ELKO, NEVADA 89601-0200**

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EXHIBIT A.

DESCRIPTION

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 6: E $\frac{1}{2}$ 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 16: SW $\frac{1}{4}$ NE $\frac{1}{4}$ ; 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 $\frac{1}{2}$ NE $\frac{1}{4}$ ; NW $\frac{1}{4}$ SW $\frac{1}{4}$

EXCEPTING therefrom a strip of land 400 feet in width over the W $\frac{1}{2}$ NE $\frac{1}{4}$  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

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: SW<sup>1</sup>SW<sup>4</sup>

TOWNSHIP 13 NORTH, RANGE 52 EAST, N.D.B.M.

Section 25: S<sup>1</sup>N<sup>4</sup>; N<sup>1</sup>SW<sup>4</sup>

EXCEPTING therefrom a strip of land 100 feet in width lying within the S<sup>1</sup>N<sup>4</sup> 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 S<sup>1</sup>N<sup>4</sup> 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 S<sup>1</sup>N<sup>4</sup> 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.

FURTHER EXCEPTING therefrom two parcels of land lying within the S<sup>1</sup>N<sup>4</sup> 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.

TOWNSHIP 33 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. 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 S $\frac{1}{2}$ SW $\frac{1}{4}$  and W $\frac{1}{2}$ SE $\frac{1}{4}$  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 238 and in Book 44 of Deeds at page 233, all Elko County, Nevada, records.

Section 27: That portion of the SE $\frac{1}{4}$ SE $\frac{1}{4}$  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 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: S $\frac{1}{2}$ SE $\frac{1}{4}$

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 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 $\frac{1}{4}$ SE $\frac{1}{4}$  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.

TOWNSHIP 33 NORTH, RANGE 53 EAST, M.D.B.M. (cont)

Section 28: N1/4

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

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RECORDED AT THE REQUEST OF

*Wilson & Barrows, Att*

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OFFICIAL RECORDS  
CLERK OF COUNTY OF NEVADA  
H.W. BROWN, CLERK  
FILE NO. 1820  
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