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Case No. 3224

NO. \_\_\_\_\_

FILED

APR 10 1989

JOAN SHANGLE, CLERK  
BY M. Elliott DEPUTY

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

PIETRINA G. ZUMWALT, TILTON B.  
ZUMWALT, CRYSTAL J. DeMASTERS,  
and GORDON W. ZUMWALT,  
Plaintiffs,  
vs.

RUBY AND DUNDERBERG CONSOLI-  
DATED MINING COMPANY OF NEVADA,  
THOMAS DIXON, VICTOR BORGNA,  
VICTOR E. BORGNA, ESTELLE M.  
BORGNA, CHRIS ZUMWALT and  
PIETRINA D. ZUMWALT, and the  
Heirs at Law of CHRISTOPHER C.  
ZUMWALT, Deceased, EUREKA  
COUNTY, HILDA CARDINALLI and  
JOHN L. CARDINALLI, DOES 1 to  
50, and all other persons  
known or unknown, claiming any  
right, title, estate, lien or  
interest in the real property  
described in this Complaint  
adverse to Plaintiffs' owner-  
ship, or any cloud upon  
Plaintiffs' title thereto.  
Defendants.

JUDGMENT AND DECREE

This cause coming on regularly to be heard this 5th  
day of April, 1989, before the above-entitled Court, upon the  
Complaint herein duly filed, with a copy of the Summons attached;  
and service has been made on all Defendants in this action by  
publication in the Eureka Sentinel, a newspaper of general cir-  
culation, printed and published in the City of Eureka, County of

BOOK 1 26 PAGE 070

1 of Eureka, State of Nevada, for four consecutive weeks, due proof  
2 thereof being on file with the Clerk hereof.

3 It appearing to said Court from the evidence taken in  
4 open court that all of the material allegations of the Complaint  
5 are sustained by testimony free from all legal objections or  
6 exceptions as to its competency, admissibility, and sufficiency.

7 And it further appearing to the satisfaction of this  
8 Court that a Notice Lis Pendens in said action has been duly  
9 filed in the Office of the Recorder of Eureka County, Nevada;  
10 that a copy of the Summons in this action, describing the pro-  
11 perty as mentioned in the Complaint, has been regularly and duly  
12 posted on the parcel of land as described in the Complaint; that  
13 prior to the filing of this Complaint, Plaintiffs and their pre-  
14 decessors in interest have paid all taxes of every kind levied or  
15 assessed and due against the property as mentioned in the  
16 Complaint for more than five years last past; that Plaintiffs,  
17 and their predecessors in interest, have been in the actual and  
18 exclusive and adverse possession of said property described in  
19 the Complaint for more than fifteen years prior to the filing of  
20 said Complaint; and that all and each of the Defendants in this  
21 action have been duly and regularly served with process by publi-  
22 cation in the manner required by law.

23 And the Court being thus fully advised, now finds in  
24 favor of the Plaintiffs as follows:

25 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the  
26 Plaintiffs were, at the time of the commencement of this action,  
27 and now is the owner absolutely in fee simple of the premises  
28

1 hereinafter described, and their right and interest in said pre-  
2 mises as such owner in fee simple is hereby declared and  
3 established of record.

4 IT IS FURTHER ORDERED AND DECREED that the Defendants,  
5 their successors and assigns, and all other persons or entities  
6 known or unknown, claiming any right, title, estate, lien or  
7 interest in the real property described in the Complaint on file  
8 herein adverse to Plaintiff's ownership, or any cloud upon  
9 Plaintiff's title thereto, and all persons claiming under them  
10 subsequent to the filing of the notice of the pendency of this  
11 action be, and they are hereby forever barred from any and all  
12 claim of right or title to the said premises, or lien thereon, or  
13 any part thereof; that the following is a particular description  
14 of the lands affected by this Judgment and Decree, to-wit:

15 A certain parcel of land situated on the  
16 NORTHEAST corner of Block 32, Eureka Township,  
17 Eureka, Nevada, WEST 2 SW 4, Section 13, TOWN-  
SHIP 19 NORTH, RANGE 53 EAST, M.D.B.&M.; and  
more particularly described as follows:

18 Beginning at a brass monument marking the  
19 NORTHEAST corner of Block 32 and proceeding:  
20 THENCE SOUTH 82 Degrees 30 Minutes WEST, a  
21 distance of 100 feet; THENCE SOUTH 08 Degrees  
22 30 Minutes EAST, a distance of 50 feet; THENCE  
23 NORTH 82 Degrees 30 Minutes EAST, a distance  
24 of 15 feet; THENCE SOUTH 08 Degrees 30 Minutes  
25 EAST, a distance of 33 feet; THENCE NORTH 82  
26 Degrees 30 Minutes EAST, a distance of 85  
27 feet; THENCE NORTH 08 Degrees 30 Minutes WEST,  
28 a distance of 83 feet to the point of beginning.

DATED this 5th day of April, 1989.

SEVENTH JUDICIAL DISTRICT COURT,  
IN AND FOR COUNTY OF EUREKA,  
STATE OF NEVADA

} SS

I, the Undersigned COUNTY CLERK, and Ex-Officio  
CLERK of the SEVENTH JUDICIAL DISTRICT COURT do hereby CERTIFY  
that the foregoing is a true and correct copy of the original on file in  
my office and that I have carefully compared the same with the  
original.

WITNESS My Hand and Seal of said  
DISTRICT COURT, this 10th day of April 19 89

County Clerk and Ex-Officio Court Clerk

by M. Elliott Deputy Clerk

by Merlin H. Hoyt  
DISTRICT JUDGE

BOOK 196 PAGE 072



RECORDED AT THE REQUEST OF

BOOK PAGE  
196 73

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OFFICIAL RECORDS  
EUREKA COUNTY, NEVADA  
H.M. REBALEATI, RECORDER

FILE NO. FEE \$ 8.00

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