

COPY

1 Case No. 3228

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

APR 21 1989

JOAN SHANGLE, CLERK  
BY M. Elliott DEPUTY

12710:5

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

9 JOHN A. ASCHE, )  
10 Plaintiff, )  
11 vs. )  
12 JOSEPHINE L. ASCHE, )  
13 Defendant. )

14  
15 FINDINGS OF FACT, CONCLUSIONS OF LAW,  
16 AND DECREE OF DIVORCE

17 This cause came on regularly to be heard before the  
18 Court, sitting without a jury, the HONORABLE MERLYN H. HOYT, Dis-  
19 trict Judge, presiding. The Plaintiff appeared in person and  
20 was represented by JOHNSON W. LLOYD, ESQ., of Eureka, Nevada; the  
21 Defendant did not personally appear but had heretofore duly filed  
22 her Waiver and Appearance herein, waiving time to answer or other-  
23 wise plead and consented to her default being entered herein and  
24 said default having been duly and regularly entered, testimony  
25 and evidence was introduced and the case was submitted to the  
26 Court for decision and thereupon pursuant to the foregoing, the

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1 Court makes, adopts and decides the following:

2 FINDINGS OF FACT

3 That all of the allegations of Plaintiff's complaint  
4 are true.

5 That the Court has jurisdiction over the parties and  
6 the cause of action, and to hear and determine the same.

7 CONCLUSIONS OF LAW

8 That the Plaintiff is entitled to the relief hereinafter  
9 granted.

10 DECREE OF DIVORCE

11 By reason of the premises, IT IS HEREBY ORDERED, ADJUDGED  
12 AND DECREED:

13 That the Plaintiff be, and he is hereby granted an  
14 absolute decree of divorce from the Defendant upon the statutory  
15 grounds of incompatibility.

16 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the  
17 Defendant be and she is hereby awarded the care, custody and  
18 control of the minor child of Plaintiff and Defendant, to-wit:  
19 AARON ASCHE, aged 15 years, with the right of Defendant to visit  
20 said minor child at all reasonable times and places.

21 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the  
22 Plaintiff pay to the Defendant as an allowance for the care, sup-  
23 port and maintenance of said minor child the sum of \$300.00 monthly,  
24 commencing on the 1<sup>st</sup> day of May, 1989, and pay-  
25 able each and every calendar month thereafter during the minority  
26 of said minor child.

1 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the  
2 Plaintiff shall take out and maintain a policy of health insurance  
3 for the protection of said minor child, to be effective during the  
4 minority of said minor child.

5 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the  
6 property heretofore belonging to Plaintiff and Defendant and  
7 settled by agreement between the parties is awarded to the Plain-  
8 tiff. That said property is described as follows, to-wit:

9 All that certain real property situ-  
10 ate in the County of Eureka, State of  
11 Nevada, more particularly described as  
12 follows:

13 Lot 1 of Parcel D as shown on that cer-  
14 tain Parcel Map and Record of Survey  
15 for Earl Rasmussen, filed in the Office  
16 of the County Recorder of Eureka County,  
17 Nevada, on October 8, 1981, as File No.  
18 82267 located in a portion of the EL/2  
19 of Section 17, Township 20 North, Range  
20 53 East, M.D.M.

21 EXCEPTING THEREFROM all the oil and gas  
22 in and under said land, reserved by the  
23 United States of America in Patent,  
24 recorded April 15, 1966, in Book 10,  
25 Page 331, Official Records, Eureka  
26 County, Nevada.

Together with all buildings and improve-  
ments thereon.

21 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the  
22 settlement agreement heretofore made and entered into between  
23 Plaintiff and Defendant is hereby approved and made a part of the  
24 Decree of Divorce.

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DONE in open Court this 21 day of April.

1989.

51 Merlyn H. Hoyt  
MERLYN H. HOYT  
District Judge

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APR 21 1989

JOAN SHANGLE, CLERK  
BY M. Elliott DEPUTY

1 SETTLEMENT AGREEMENT

2 THIS AGREEMENT entered into this 21<sup>st</sup> day of April,  
3 1989 between JOHN A. ASCHE of Eureka Nevada, FIRST PARTY and  
4 JOSEPHINE L. ASCHE of Oakdale, California, SECOND PARTY;

5 W I T N E S S E T H :

6 THAT WHEREAS unfortunate differences have arisen  
7 between the Parties hereto, that makes a divorce a possibility,  
8 and

9 WHEREAS, it is the desire of the Parties to settle all  
10 matters concerned with property and with the care, custody and  
11 control of AARON ASCHE, the minor child of FIRST PARTY and SECOND  
12 PARTY, and also as the allowance to be paid SECOND PARTY by FIRST  
13 PARTY, for the support and maintenance of said minor child, the  
14 Parties hereto do covenant and agree with each other as follows,  
15 to-wit:

16 IT IS AGREED AND UNDERSTOOD that the certain real pro-  
17 perty situated in Eureka County, Nevada and being paid for by  
18 FIRST PARTY, shall be and the same shall become the sole and  
19 separate property of FIRST PARTY; said property is described as  
20 follows, to-wit:

21 All that certain real property situ-  
22 ate in the County of Eureka, State of  
23 Nevada, more particularly described as  
follows:

24 Lot 1 of Parcel D as shown on that cer-  
25 tain Parcel Map and Record of Survey  
for Earl Rasmussen, filed in the Office  
of the County Recorder of Eureka County,  
26 Nevada, on October 8, 1981, as File No.  
82267 located in a portion of the EL/2

1 of Section 17, Township 20 North, Range  
2 53 East, M.D.M.

3 EXCEPTING THEREFROM all the oil and gas  
4 in and under said land, reserved by the  
5 United States of America in Patent,  
6 recorded April 15, 1966, in Book 10,  
7 Page 331, Official Records, Eureka  
8 County, Nevada.

9 Together with all buildings and improve-  
10 ments thereon.

11 THAT the care, custody and control of AARON ASCHE shall  
12 be awarded to SECOND PARTY with FIRST PARTY to have the right of  
13 visitation at all reasonable times and places.

14 THAT the FIRST PARTY shall pay to SECOND PARTY the sum  
15 of THREE HUNDRED (\$300.00) DOLLARS monthly, commencing with the  
16 1<sup>st</sup> day of May, 1989, for the care, support and maintenance  
17 of AARON ASCHE, the minor child of FIRST PARTY and SECOND PARTY,  
18 and to continue each and every calendar month during the minority  
19 of said minor child.

20 THAT FIRST PARTY will take out and maintain a suitable  
21 health and accident policy for the protection of said minor child,  
22 and to continue during the minority of said minor child.

23 IN WITNESS WHEREOF the Parties have hereunto set their  
24 hands the day and year first above in this Agreement written.

25 John A. Asche

26 JOHN A. ASCHE, First Party

Josephine L. Asche

-2- JOSEPHINE L. ASCHE, Second Party

1 STATE OF NEVADA )  
2 : ss.  
3 County of Eureka )

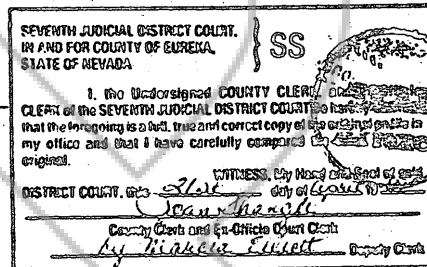
4 On this 21<sup>st</sup> day of April, 1989, before me, the  
5 undersigned, a Notary Public in and for the County of Eureka,  
6 State of Nevada, duly commissioned and sworn, personally appeared  
7 JOHN A. ASCHE, known to me to be the person whose name is sub-  
8 scribed to the within instrument, and who acknowledged to me that  
9 he executed the same freely and voluntarily and for the uses and  
10 purposes therein mentioned.

11 1st Carolyn B. Lane  
12 NOTARY PUBLIC  
13 Seely

14 STATE OF CALIFORNIA )  
15 County of Stanislaus ss.

16 On this 24<sup>th</sup> day of March, 1989, before me, the  
17 undersigned, a Notary Public in and for the County of Stanislaus  
18 State of California, duly commissioned and sworn, personally  
19 appeared JOSEPHINE L. ASCHE, known to me to be the person whose  
20 name is subscribed to the within instrument, and who acknowledged  
21 to me that she executed the same freely and voluntarily and for  
22 the uses and purposes therein mentioned.

23 Joanne Maynard  
24 NOTARY PUBLIC  
25  
26



RECORDED AT THE REQUEST OF

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*John Asche*  
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OFFICIAL RECORD  
CLERK COUNTY OF YAZDA  
FILE NO. 12710-5

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