

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.)

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 1st 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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JOAN SHANGLE, CLERK

BY M. Elliott DEPUTY

SETTLEMENT AGREEMENT

1
2 THIS AGREEMENT entered into this 12th day of May,
3 1989 between JOHN A. ASCHE of Eureka Nevada, FIRST PARTY and
4 JOSEPHINE L. ASCHE of Oakdale, California, SECOND PARTY;

5 WITNESSETH:

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
24 follows:

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

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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 1st day of July, 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)

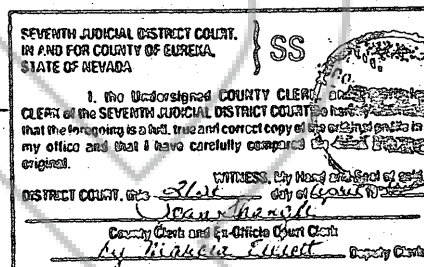
4 On this 21st day of April, 1989, before me, the
5 undersigned, a Notary Public in and for the County of Eureka,
6 State of Nevada, duly commissioned and sworn, personally appeared
7 JOHN A. ASCHE, known to me to be the person whose name is sub-
8 scribed to the within instrument, and who acknowledged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

11 /s/ Carolyn B. Lane
12 NOTARY PUBLIC
13 Secretary

14 STATE OF CALIFORNIA)
15 County of Stanislaus ss.

16 On this 24th 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
EUREKA COUNTY, CALIFORNIA
FILE NO. 127105

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