

NO. _____ FILED

SEP 2 1984

JOAN SHANGLE, CLERK

BY _____ DEPUTY

IN THE SEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF EUREKA

JOSEPH NORMAN REBALATI,

Plaintiff,

vs.

IRENE REBALATI, VIOLET REBALATI

SAVAGE, EDWARD L. SAVAGE, MIRIAM

REBALATI WRIGHT, HAROLD V. WRIGHT,

any and all unknown heirs or

successors of J.B. REBALATI, and

all unknown heirs or successors of

Defendant, and all other persons or

entities unknown claiming any right,

title, estate, lien or interest in

the real property described in the

Complaint adverse to the Plaintiff's

ownership, or any part thereof, or

any cloud upon Plaintiff's title

thereto,

Defendants.

The above action coming on duly for hearing on the 2nd

day of September, 1984 before the above-entitled Court, without a

jury, Plaintiff being represented in court by his attorney, Gary D.

Woodbury; and

It appearing that service of the Summons and Complaint

was had upon the above-named Defendants by publication thereof in

the manner provided by law; and

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1 It further appearing to the court that Plaintiff filed

2 for record in the Office of the County Recorder of the County of

3 Eureka, State of Nevada, a notice of pendency of this action

4 containing a statement of the object of the action and a particular

5 description of the property affected thereby; and

6 It further appearing to the court that a copy of the

7 Summons herein (which Summons contained a description of the real

8 property affected by this action) was posted in a conspicuous place

9 on the property described in the Complaint within thirty days from

10 the issuance of the Summons, as more particularly appears from the

11 Affidavit of Posting on file herein; and

12 It further appearing through documentary and other proof

13 presented to the court that all of facts, things and other matters

14 set forth in Plaintiff's Complaint are true, and the Court hereby

15 makes the following findings of fact:

16 FINDINGS OF FACT

17 1. The following described real property is situate in

18 the County of Eureka, State of Nevada:

19 Lots 4 and 5 in Block 44 of the Town of

20 Eureka, County of Eureka, described on the

21 official Map r Plat of the Townsite of Eureka,

22 approved by the United States General Land

23 Office on November 19, 1937, on file in the

24 Office of the County Recorder of Eureka County

25 at Eureka, Nevada; and a portion of land

26 adjoining Block 44 which is more particularly

27 described as follows:

28 To start from the NW Corner of Block 44 to a

point 48.00' N. 14° 32' W., 28.07' S., 81° 27'

W., 47.85' S., 10° 10' W., 26.31' S., 81° 27' W.

to the point of beginning, together with all

improvements thereon situate.

Together with all and singular the tenements,

hereditaments, improvements and appurtenances

thereunto belonging or in anywise

1 appertaining, and the reversion and
2 reversions, remainder and remainders, rents,
3 issues and profits thereof.

4 That said property is the same property that
5 Plaintiff acquired title to by adverse possession. That Plaintiff
6 purchased the real property from Adair Robinson on May 27, 1965.
7 Through mistake, the deed transferring the property to Plaintiff
8 named Plaintiff's father, J. B. Rebaletti, as the grantee. Both
9 Adair Robinson and J. B. Rebaletti are deceased.

10 That said property has continued to be the separate
11 property of the Plaintiff, and Plaintiff is now and has been
12 continuously for more than five years preceding the filing of the
13 complaint herein in the actual, exclusive, continuous,
14 uninterrupted, open, notorious, visible, peaceful and adverse
15 possession of said real property as required by the provisions of
16 NRS 11.150, claiming to own the same in fee simple absolute against
17 the Defendants and all other persons; and for said period of time
18 has paid all taxes which have been levied or assessed against the
19 said real property.

20 That Defendants Violet Rebaletti Savage, Miriam
21 Rebaletti Wright and Harold V. Wright filed their answer to
22 complaint to Quiet Title alleging that they claim no right, title
23 or interest in the real property subject of this action and
24 requested that Plaintiff's title to the subject real property be
25 quieted to Plaintiff.

26 CONCLUSIONS OF LAW

27 From the foregoing findings of fact, the court concludes
28 that the Plaintiff, JOSEPH NORMAN REBALETTI, as against the
29 Defendants, is owner of and entitled to the possession of the

1 above-described real property, and that the Defendants have no
2 right, title, interest, lien or other claim in or to said real
3 property.

DECREE QUIETING TITLE

4
5 NOW, THEREFORE, the Court having made its findings of
6 fact and conclusions of law, and good cause appearing therefor; IT
7 IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

8 1. That Plaintiff, JOSEPH NORMAN REBALZATI, as against
9 the Defendants in this action, is the owner in fee simple absolute
10 of, and entitled to the possession of the hereinafter described
11 real property, and the Plaintiff's title to said property is hereby
12 quieted, established and settled as against the Defendants or any
13 person claiming under him.

14 2. Neither the Defendants herein named, nor any person
15 or entity holding by, through or under them, have any right, title,
16 interest, estate, lien or other claim in or to the hereinafter
17 described property, or any part thereof, and said Defendants, and
18 all persons claiming through or under them, are hereby enjoined and
19 restrained from claiming or asserting any estate, interest, title,
20 right, lien, claim or possession in or to said real property, or
21 any part thereof, adverse to the Plaintiff herein.

22 3. The real property hereinabove referred to and the
23 title of which is hereby established in the Plaintiff's name is
24 that certain real property situate in the County of Eureka, State
25 of Nevada, more particularly described as follows:

26 Lots 4 and 5 in Block 44 of the Town of
27 Eureka, County of Eureka, described on the
28 official Map r Plat of the Townsite of Eureka,
approved by the United States General Land
Office on November 19, 1937, on file in the

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Office of the County Recorder of Eureka County at Eureka, Nevada; and a portion of land adjoining Block 44 which is more particularly described as follows:

To start from the NW corner of Block 44 to a point 48.00' N. 14° 32' W., 28.07' S., 81° 27' W., 47.85' S., 10° 10' W., 26.31' S., 81° 27' W. to the point of beginning, together with all improvements thereon situated.

Together with all and singular the tenements, hereditaments, improvements and appurtenances therunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

SO ORDERED this 2nd day of September, 1994.

1st Deputy

 DISTRICT JUDGE

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 OFFICIAL RECORDS
 RECORDED AT THE REQUEST OF
Stacy D. Woodbury
 94 SEP - 8 PM 1:15
 EUREKA COUNTY NEVADA
 M.N. REBALCATION RECORDER
 FILE NO. 155126
 FEES \$1100

SEVENTH JUDICIAL DISTRICT COURT, IN AND FOR COUNTY OF EUREKA, STATE OF NEVADA	
} SS	
the Undersigned COUNTY CLERK and Ex-Officio CLERK of the SEVENTH JUDICIAL DISTRICT COURT do hereby CERTIFY that the foregoing is a full, 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 <u>2nd</u> day of <u>Sept</u> , 19 <u>94</u>	
Deputy Clerk	<i>Wm. M. Decker</i>
County Clerk and Ex-Officio Court Clerk	<i>Wm. M. Decker</i>



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