



DISTRICT JUDGE
DEPARTMENT I
WHITE PINE, LINCOLN AND EUREKA COUNTIES
STATE OF NEVADA

Case No. 3372

Dept. 1

MAY 19 1995

JOAN SHANGLE, CLERK

BY *Joan Shangle* DEPUTY

IN THE SEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF EUREKA

* * * * *

DEBORAH BAUER, also known as
DEBORAH BAUER PEARSON,

Plaintiff,

-VS-

PAUL A. PEARSON, a single man,
CAESAR J. REGUSCI, JR. and
DEBORAH REGUSCI, husband and
wife, et. al.,

Defendants.

ORDER

Plaintiff, DEBORAH BAUER, by and through her counsel, HY
FORGERON, ESQ., filed a complaint to Quiet Title, Partition Real
Property, Award Damages and other Relief on December 20, 1994.
Defendant, PAUL A. PEARSON, caused to be filed a document on January
27, 1995, which Plaintiff's counsel accepted as an Answer to the
complaint. Plaintiff subsequently filed Motion for Judgment on the
Pleadings on March 16, 1995. The Court heard oral argument on said
motion on May 5, 1995, and now rules on the motion.
Plaintiff and Defendant originally entered into a Contract
of Purchase and Sale whereby they bought property in Eureka County.
The deed to said property, executed on July 24, 1991, lists

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NO.

FILED



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Plaintiff and Defendant as "husband and wife." Plaintiff contends the parties were never legally married and any reference to such on the deed should be stricken. Defendant never denied such in his Answer. Thus, it does not appear anywhere in the pleadings that there is a dispute as to their marital status. The Court strikes the reference of "husband and wife" between Plaintiff and Defendant in the deed dated July 24, 1991.

Plaintiff next seeks rescission of a second deed that sellers executed in favor of Defendant only. This second Deed was executed on February 21, 1992, subsequent to the July 24 deed (hereinafter, "first deed"). The second deed excludes any reference to Plaintiff and purports to supersede the first deed. However, Plaintiff did not sign the second Deed and, therefore, gave up no rights with respect to said property.

Defendant apparently states that he had an oral agreement with Plaintiff, whereby she would give up her rights in the property if Defendant allowed her to live on the property for a period of time. Any alleged agreement between the parties does not constitute a legal defense regarding this property. The statute of Frauds, as codified by NRS 111.205 and NRS 111.210, requires agreements involving real property to be in writing. Therefore, any alleged oral agreement between the parties is in violation of the statute of Frauds and does not justify giving credence to the second deed. The Court grants Plaintiff's request for rescission of the second deed. Lastly, Plaintiff requests the Court to quiet title to said property. Plaintiff alleges there are clouds on title, of

1 which a default has been filed against all named defendants other
2 than Defendant Pearson. It appears that Defendant has no objection
3 to removing these clouds on title. Furthermore, removing these
4 clouds on title would not prejudice Defendant in any way and would
5 actually be beneficial. The court grants Plaintiff's request to
6 quiet title to said property.

7 Good cause appearing, therefore;

8 IT IS HEREBY ORDERED that Plaintiff's Motion for Judgment

9 on the Pleadings is GRANTED.

10 DATED this 15 day of May, 1995.

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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 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 15 day of May, 1995
County Clerk and Ex-Officio Court Clerk
Deputy Clerk

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OFFICIAL RECORDS
RECORDED AT THE REQUEST OF
M. M. REBALEATI, RECORDER
95 JUL 20 AM 11:22
By Johnson, E.S.

EUREKA COUNTY NEVADA
FILE NO. FEES
-3rd and last- 9.00

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