

NO. FILED

APR 9 1996

JOAN SHANGLE, CLERK

BY *Barbara Berry* DEPUTY

IN THE SEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF EUREKA

PENELOPE MARY BARKER and
LAURA E. BARKER,

Plaintiffs,

vs.

ESTATE OF MAE JANACEK, ESTATE OF
CHARLES F. JANACEK, E.W.
WHITING, DOLORES MARDELL ABBOTT,
WEST MAGIC CARE CENTER, INC.,
WILLIAM R. HOLLIFIELD, DON
HAYES, ALICE HAYES; all other
unknown persons, partnerships or
corporations claiming any
rights, title, estate, lien or
an interest in the real property
described in the complaint
adverse to Plaintiff's ownership
or any cloud upon Plaintiff's
title thereto,

Defendants.

The above-entitled action, having come on regularly for
hearing on Friday, April 5, 1996, before the above-entitled court,
upon the verified complaint of the Plaintiff, the stipulation of
the Defendant WILLIAM R. HOLLIFIELD and the default of the
remaining Defendants, ESTATE OF MAE JANACEK, ESTATE OF CHARLES F.

JUDGMENT AND
QUIETING TITLE
DECREE

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161774

1 JANACEK, E.W. WHITING, DOLORES MARDELL ABBOTT, WEST MAGIC CARE

2 CENTER, INC., DON HAYES, ALICE HAYES by reason of their failure to

3 appear, answer, plead or otherwise move in said action within the

4 time permitted by law or at all, after service upon them of the

5 summons and complaint in the manner provided and required by law;

6 the matter having been duly submitted to the court for its decision

7 and judgment: and, the court being fully advised in the premises

8 and being satisfied that the allegations of the complaint are true

9 and that the relief asked for should be granted;

10 NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND

11 DECREED:

12 1. The plaintiff, PENELOPE MARY BARKER, is the legal

13 owner of the following real property, situate in the county of

14 Eureka, State of Nevada, more particularly described as follows:

15 TOWNSHIP 31 NORTH, RANGE 49 EAST, MDB&M

16 Section 19: N $\frac{1}{2}$ S $\frac{1}{2}$ W $\frac{1}{2}$

17 EXCEPTING THEREFROM all petroleum, oil,

18 natural gas, and products derived therefrom,

19 within or underlying said land as reserved by

20 SOUTHERN PACIFIC LAND COMPANY in deed recorded

21 September 24, 1951, in Book 24, Page 168, Deed

22 RECORDS, Eureka County, Nevada.

23 FURTHER EXCEPTING THEREFROM all petroleum,

24 oil, natural gas and products derived

25 therefrom as reserved by ALBERT Z. SHELLEY and

26 HELEN L. SHELLEY in deed recorded June 22,

1973, in Book 45, Page 468, Official Records,

Eureka County, Nevada.

APN: 05-090-05

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1 That the unpaid balance due from the Plaintiff to
 2 the Defendant, ESTATE OF MAE JANACEK, under the Agreement for Sale
 3 of Real Estate for the above-described parcel is \$3,166.84.
 4 That the Notice and Claim of Lien for Nursing Care
 5 Services filed by Defendant, WEST MAGIC CARE CENTER, INC., is
 6 hereby extinguished, declared void and is of no further force and
 7 effect.
 8 That the Plaintiffs, PENNELOPE MARY BARKER and LAURA
 9 E. BARKER, are the legal owners of the following real property,
 10 situate in the County of Eureka, State of Nevada, more particularly
 11 described as follows:
 12 Lot 13, El Cortez Rancho Unit No. 1, located
 13 in the NW¼ of Section 9, Township 29 North,
 14 Range 48 East, MDB&M.
 15 EXCEPTING THEREFROM all petroleum, oil,
 16 natural gas, and products derived therefrom,
 17 within or underlying said land as reserved by
 18 SOUTHERN PACIFIC LAND COMPANY in deed recorded
 19 September 24, 1951, in Book 24, Page 168, Deed
 20 Records, Eureka County, Nevada.
 21 APN: 3-301-20
 22 That the unpaid balance due from the Plaintiffs to
 23 the Defendant, ESTATE OF MAE JANACEK, under the Agreement for Sale
 24 of Real Estate for the parcel described in Paragraph 4 is \$903.19.
 25 That the Plaintiffs are entitled to an offset for
 26 the attorney fees and costs incurred by the Plaintiff in being
 27 required to bring this Quiet Title Action.
 28 That Plaintiffs' title to the real property shall be
 29 forever quieted against all claims or demands of the Defendants

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1 herein above-named as to any right, title, lien or interest in the

2 above-described real property.

3 8. That Defendants herein above-named and any and all

4 persons claiming under them are hereby permanently enjoined and

5 restrained from asserting any claim or interest in or to said real

6 property.

7 9. That the Plaintiffs' are granted their request for

8 attorney fees of \$2,260.00 and costs of suit of \$786.12.

9 10. That the remaining sums due to the ESTATE OF MAE

10 JANACEK after deduction of attorney fees and costs of \$1,023.91

11 (\$4,070.03 less \$3,046.12) should be paid to the Defendant, WEST

12 MAGIC CARE CENTER, INC.

13 Dated this 5th day of April, 1996.

14 DAN L. PAPERZ District Judge

15 SEVENTH JUDICIAL DISTRICT COURT
16 IN AND FOR COUNTY OF EUREKA
17 STATE OF NEVADA

18 I, the Undersigned COUNTY CLERK, and Ex-Officio

19 CLERK of the SEVENTH JUDICIAL DISTRICT COURT do hereby CERTIFY

20 that the foregoing is a full, true and correct copy of the original on file in

21 my office and that I have carefully compared the same with the

22 original

23 DISTRICT COURT this 9th day of April 19 96

24 WITNESS, My Hand and Seal of said

25 County Clerk and Ex-Officio Court Clerk

26 Ray Barber Deputy Clerk

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OFFICIAL RECORDS
RECORDED AT THE REQUEST OF
Lawson M. Coakley
96 APR 11 AM 10:53
EUREKA COUNTY NEVADA
M.N. REBALATI, RECORDER
FILE NO. 161774
FEES 10.00

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