

NO. FILED

JUL 22 1996

JOAN SHANGLE, CLERK

BY *Mark J. [Signature]* DEPUTY

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF

THE STATE OF NEVADA, IN AND FOR THE COUNTY OF EUREKA

BETH L. ROBBINS.

Plaintiff,

vs.

THOMAS E. THOMAS, JOHN DOE,
JANE DOE, JOHN DOE CORPORATION,
and all unknown spouses, heirs
or successors of any or all of
the above named Defendants 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.

FINDINGS OF FACT AND
CONCLUSIONS OF LAW AND
DECREE QUIETING TITLE

The above-entitled cause coming on duly and regularly for
trial this 17th day of July, 1996, before the above-entitled
Court, without a jury, Plaintiff being represented in Court by her
attorney, ROSS P. EARDLEY, of Elko, Elko County, Nevada;
IT APPEARING that all of the Defendants have failed to
answer, plead, appear or file any pleading or motion within the
time provided by law, or at all, after having been duly and regu-
larly served with Summons and Complaint in the manner provided by

1 law, and the default of the said Defendants, and each of them,

2 having been duly entered;

3 IT FURTHER APPEARING that Plaintiff, at the time of filing

4 her Complaint herein, filed for record in the office of the County
5 Recorder of the County of Eureka, State of Nevada, a notice of the
6 pendency of this action containing a statement of the object of the
7 action and a particular description of the property affected

8 thereby;

9 IT FURTHER APPEARING that Summons herein has been duly and

10 regularly published in the EUREKA SENTINEL, a newspaper printed and
11 published in the City of Eureka, County of Eureka, State of Nevada,
12 being the County where the said property is situated, at least once
13 a week for a period of four consecutive weeks, as more fully

14 appears from the Affidavit of Publication on file herein; that a

15 copy of the Summons herein (which Summons contained a description
16 of the real property affected by this action) was posted in a

17 conspicuous place on each separate parcel of the property described
18 in the Complaint within thirty days from the issuance of said

19 Summons, as more particularly appears from the Affidavit of Posting
20 on file herein; that all Defendants not personally served have been
21 duly and regularly served by publication and mailing and in the

22 manner required by the Order for Publication of Summons on file

23 herein, as more fully appears from the Affidavit for Publication of
24 Summons and Order for Publication of Summons and Affidavit of

25 Mailing on file herein; that all of the provisions of Sections

26 40.090 and 40.100, NRS, have been fully complied with;

27 That as more fully appears from the Affidavit of ROSS P.

28 EARDLEY, Attorney for Plaintiff, on file herein, since the com-

1 commencement of this action, Plaintiff has neither learned the name or
2 names of any Defendants impleaded herein as unknown Defendants, nor
3 received any information indicating a line of search or inquiry
4 which, if properly pursued, might lead to the discovery of such
5 name or names, and that the same still remain unknown to Plaintiff,
6 although diligent search and inquiry have been made by or in behalf
7 of Plaintiff, and resulted in failure to learn such name or names,
8 and that the same are still unknown to Plaintiff.
9 IT FURTHER APPEARING through documentary and oral proof
10 presented to the Court that all of the facts, things and matters
11 set forth in Plaintiff's Complaint are true and the Court hereby
12 finds as follows:

13 FINDINGS OF FACT

14 I.

15 That the following described real property is situate in the
16 County of Eureka, State of Nevada:

17 TOWNSHIP 31 NORTH, RANGE 48 EAST, MDB&M.

18 Section 5: SW¼NE¼

19 EXCEPTING THEREFROM all petroleum, oil, natural gas
20 and products derived therefrom, within or underlying
21 said land or that may be produced therefrom, and all
22 rights thereto, as reserved by Southern Pacific Land
23 Company, in Deed to H.J. Buchenau and Elsie
24 Buchenau, recorded September 24, 1951, in Book 24,
25 Page 168, Deed Records, Eureka County, Nevada.

26 TOGETHER with any and all buildings and improvements
27 situate on said property.

28 TOGETHER with the tenements, hereditaments and
appurtenances thereunto belonging or in anywise
appertaining, and the reversion and reversions,
remainder and remainders, rents, issues and profits
thereof.

1 The Plaintiff, BETH L. ROBBINS, is now and by herself and
 2 her predecessors in interest, has been continuously for more than
 3 fifteen (15) years next preceding the filing of the Complaint in
 4 this action in the actual, exclusive, continuous, uninterrupted,
 5 open, notorious, visible, peaceful and adverse possession of said
 6 real property, claiming to own and hold the same against the world.

7 III.

8 Plaintiff and/or her predecessors in interest have for more
 9 than five (5) years next preceding the filing of the Complaint in
 10 this action paid all taxes of every kind levied or assessed or due
 11 against the said real property or appurtenances thereto, or any
 12 part thereof.

13 IV.

14 That the Defendants named herein, nor any of them, nor any
 15 other persons, have any right, title, estate, lien or other inter-
 16 est whatsoever in, to or upon said real property, or any portion
 17 thereof, superior to the Plaintiff.

18 CONCLUSIONS OF LAW

19 From the foregoing Findings of Fact, the Court concludes
 20 that the Plaintiff, BETH L. ROBBINS, is the owner of and entitled
 21 to the possession of the above described real property and that the
 22 Defendants, nor any of them, nor any other person, have any right,
 23 title, interest, lien or other claim in or to the said real prop-
 24 erty above described.

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DECREE QUIETING TITLE

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

1. That the Plaintiff, BETH L. ROBBINS, is the owner in fee simple absolute of the hereinafter described real property and is entitled to the possession thereof; and that the Plaintiff's title to said real property is hereby quieted, established and settled as against any and all persons and against the whole world.

That the real property hereinabove referred to and the title to which is hereby established and quieted in the name of the Plaintiff as set forth above, is that certain real property situate in the County of Eureka, State of Nevada, and more particularly described as follows, to-wit:

TOWNSHIP 31 NORTH, RANGE 48 EAST, MDB&M.

Section 5: SW1NE1 (APN 5-010-06)

EXCEPTING THEREFROM all petroleum, oil, natural gas and products derived therefrom, within or underlying said land or that may be produced therefrom, and all rights thereto, as reserved by Southern Pacific Land Company, in Deed to H.J. Buchenau and Elsie Buchenau, recorded September 24, 1951, in Book 24, Page 168, Deed Records, Eureka County, Nevada.

TOGETHER with any and all buildings and improve-
ments situate on said property.

TOGETHER with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

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BOOK 299 PAGE 281

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BOOK 299 PAGE 276
OFFICIAL RECORDS
RECORDED AT THE REQUEST OF
96 JUL 29 AM 9:12
EUREKA COUNTY NEVADA
M.N. REBALCATTI, RECORDER
FILE NO.
FEES 12.00

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 _____ day of _____ 1996
County Clerk and Ex-Officio Court Clerk

DISTRICT JUDGE

151 DAN K. PAPER

SO ORDERED this 17th day of July, 1996.

action.

2. That none of the Defendants herein named, nor any of
them, nor any of the unknown Defendants, nor any other person or
persons, nor anyone holding by, through or under them, has or have
any right, title, interest, estate, lien or other claim in or to
the above described real property, or any part thereof, and said
Defendants, and each of them, and all persons claiming through or
under them, hereby are perpetually enjoined, restrained and barred
from claiming or asserting any estate, interest, title, right,
lien, claim or possession in or to said real property, or any part
thereof, adverse to the Plaintiff herein.
3. Plaintiff shall bear her own costs and expenses of this
action.