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JUL 17 1998

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NO.

JAN SHANGLE CLERK

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF BURKEA

JEFFREY A. LYNN, also known as JEFF LYNN,

Plaintiff,

vs.

DANNY SOSSMAN, ERMA SOSSMAN,

JAYE HACKBARTH, DEBBIE HACKBARTH,

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.

The above-entitled cause coming on duly and regularly for

trial this 17 day of July, 1998, before the above-entitled

Court, without a jury, Plaintiff being represented by his 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

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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 his 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 PARCEL I

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

19 Section 23: E½W½NE¼ (APN 05-020-46)

20 PARCEL II

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

22 Section 23: E½E½NE¼ (Parcel #4) (APN 05-020-48)

23 EXCEPTING from both of the above parcels all petro-

24 leum, oil, natural gas and products derived there-

25 from lying in and under said land as reserved by

26 Southern Pacific Land Company in Deed recorded

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

28 TOGETHER with any and all buildings and improvements

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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, as to both of said parcels of property.

II.

The Plaintiff, JEFFREY A. LYNN, also known as JEFF LYNN, is now and by himself and his predecessors in interest, has been

continuously for more than fifteen (15) years next preceding the filing of the Complaint in this action in the actual, exclusive, continuous, uninterrupted, open, notorious, visible, peaceful and adverse possession of said real property, claiming to own and hold the same against the world.

III.

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

IV.

With reference to Parcel I described above, the Court finds that a certain Agreement wherein JEFF LYNN is named as Seller and the Defendants, DANNY SOSSMAN and ERMA SOSSMAN, are named as Buyers, and which Agreement was recorded on November 11, 1996, in Book 303, Page 318, Official Records, Eureka County Recorder's Office, Eureka, Nevada, has been cancelled and is no longer of any force or effect; and said Defendants have no right, title, claim or interest in said property described in Parcel I because of said Agreement.

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2 With reference to Parcel II described above, the Court finds

3 that a certain Contract For Deed wherein JEFF LYNN is named as

4 Seller and the Defendants, JAYE HACKBARTH and DEBBIE HACKBARTH, are

5 named as Purchasers, and which Contract is dated February 11, 1997,

6 and recorded on March 3, 1997, in Book 306, Page 161, Official

7 Records, Eureka County Recorder's Office, Eureka, Nevada, has been

8 cancelled and terminated because of the default of the said Defen-

9 dant purchasers pursuant to a Notice of Default duly given in

10 accordance with the terms of said Contract, and the Defendants have

11 no right, title, claim or interest in said property described in

12 Parcel II because of said Contract For Deed.

13 VI.

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, JEFFREY A. LYNN, also known as JEFF LYNN, is

21 the owner of and entitled to the possession of the above described

22 real property and that the Defendants, nor any of them, nor any

23 other person, have any right, title, interest, lien or other claim

24 in or to the said real property 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, JEFFREY A. LYNN, also known as JEFF

LYNN, 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:

PARCEL I

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

Section 23: E $\frac{1}{2}$ W $\frac{1}{2}$ NE $\frac{1}{4}$  (APN 05-020-46)

PARCEL II

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

Section 23: E $\frac{1}{2}$ E $\frac{1}{2}$ NE $\frac{1}{4}$  (Parcel #4)  
(APN 05-020-48)

EXCEPTING from both of the above parcels all

petroleum, oil, natural gas and products derived

therefrom lying in and under said land as

reserved by Southern Pacific Land Company in

Deed 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 either or both of the above

parcels.

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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, as to both of said parcels of property.

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 his own costs and expenses of this action.

SO ORDERED this 17 day of July, 1998.

*[Signature]*  
DISTRICT JUDGE

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 17th day of July, 1998  
County Clerk and Ex-Officio Court Clerk  
*[Signature]*  
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BOOK 320 PAGE 38  
OFFICIAL RECORDS  
RECORDED AT THE REQUEST OF  
*[Signature]*  
98 JUL 23 PM 1:19  
EUREKA COUNTY, NEVADA  
M.N. REBALZATI, RECORDER  
FILE NO. 170294  
FEES \$13.00