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FILED

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JOAN SHANGLE, CLERK
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1 CASE NO. 3492

2 DEPT. NO.

3 **173843**

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5
6 IN THE SEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

7 IN AND FOR THE COUNTY OF EUREKA

8 F.W. LEWIS, INC., a Nevada
9 corporation,

10 Plaintiff,

11 vs.

**FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND
JUDGMENT QUIETING TITLE TO
PATENTED MINING CLAIMS**

12
13 WILLIS FREDERICK OSTRANDER,
14 JR.; WILLIAM H. SLOCUMB, SR;
15 ROBERT D. FOLENDORF, JR.;
16 GRANT O. SLOCUMB; SARA
17 SLOCUMB LANDER; JEAN
18 OSTRANDER MORSE; JANET ELLIS
19 (aka JANET ELLIS PEREZ);
20 DOROTHY JOHNSON; JOHN L.
21 CARDINALLI; JULIE M. CARD-
22 INALLI; the testate and intestate
23 successors of A.M. HILLHOUSE,
24 deceased and all persons claiming by,
25 through or under such decedent; the
26 testate and intestate successors of
MARTHA GARRETT, deceased and all
persons claiming by, through or under
such decedent; the testate and intestate
successors of E. W. HAMILTON,
deceased and all persons claiming by,
through or under such decedent; the
testate and intestate successors of

BOOK 332 PAGE 463

1
2
3 E. R. DENNISON, deceased and all
4 persons claiming by, through or under
5 such decedent; the testate and intestate
6 successors of T. J. JENKIN, deceased
7 and all persons claiming by, through or
8 under such decedent; the testate and
9 intestate successors of ANDREW
10 JACKSON, deceased and all persons
11 claiming by, through or under such
12 decedent; the testate and intestate
13 successors of SARAH A. JACKSON,
14 deceased and all persons claiming by,
15 through or under such decedent; the
16 testate and intestate successors of
17 HARRY A. JACKSON, deceased and all
18 persons claiming by, through or under
19 such decedent; the testate and intestate
20 successors of BETTY PLATT ELLIS,
21 deceased and all persons claiming by,
22 through or under such decedent; the
23 testate and intestate successors of RUTH
24 JACKSON PLATT, deceased and all
25 persons claiming by, through or under
26 such decedent; the testate and intestate
successors of PAULINE JACKSON
McLAUGHLIN, deceased and all persons
claiming by through or under such
decedent;

1 the testate or intestate successors of
2 MARJORY FOLENDORF, deceased and
3 all persons claiming by, through or under
4 such decedent; the testate and intestate
5 successors of SUSAN OSTRANDER
6 SLOCUMB, deceased and all persons
7 claiming by, through or under such
8 decedent; the testate and intestate
9 successors of M. H. JOSEPH deceased
10 and all persons claiming by, through or
11 under such decedent; the testate and
12 intestate successors of J. E. DUFF
13 deceased and all persons claiming by,
14 through or under such decedent; the
15 testate and intestate successors of CARD,
16 the testate and intestate successors of
17 FRANK and the testate and intestate
18 successors of DePAOLI and such
19 decedents and all persons claiming by,
20 through or under such decedents; CARD,
21 FRANK & DePAOLI, a defunct
22 partnership and all testate and intestate
23 successors of the partners thereto; CARD,
24 FRANK & DePAOLI, a defunct
25 corporation; DOES 1-10 and ABC
26 CORPORATIONS 1-5, inclusive; also
any other persons unknown claiming any
right, title, estate, lien or interest in the
real property described in this Complaint
adverse to Plaintiff's ownership or
asserting any cloud upon Plaintiff's title
thereto,

Defendants.

1 CASE PROCEEDINGS

2 This quiet title action was filed by F.W. Lewis, Inc., a Nevada corporation
3 (hereinafter referred to as "Lewis") on February 12, 1999, in the Seventh Judicial District
4 Court, Eureka County, Nevada. A First Amended Verified Complaint For Quiet Title And
5 Partition was filed on April 29, 1999. The action seeks to quiet title to the fee estate
6 embraced by NINE (9) patented lode mining claims situated in Eureka County, Nevada.
7 The claims are more particularly described as follows:

8

9

	<u>NAME OF CLAIM</u>	<u>PATENT NO.</u>	<u>MINERAL SURVEY NO.</u>
10			
11	1. Blue Bird Lode	3944	135
12	2. Clipper Lode	4454	155
13	3. Golden Rule Lode	3943	132
14	4. Dug Out Lode	6871	260
15	5. Dump Lode	8884	287
16	6. Trail Lode	8432	288
17	7. Volk and Piantoni Lode	6317	283
18	8. Killington Lode	16279	291
19	9. Water Jacket Lode	8639	285

20 These claims shall be referred to hereinafter as the "Claims."

21 A title examination of the Claims disclosed that record title to the Claims is held as
22 follows:

23

		<u>FACTIONAL INTEREST</u>
24	Claim No. 1.	
25	Dorothy Johnson	80.0000%
26	F.W.Lewis, Inc.	8.42%
	Willis Fred Ostrander, Jr.	1.8333%
	Jean Morse	1.8333%
	Grant Slocumb	.1666%

1		Sarah Slocumb Lander	.1666%
2		Janet Ellis Perez	1.4999%
3		Robert Folendorf	4.75%
4		William H. Slocumb, Sr.	1.334%
5	Claim Nos. 2-3.	John & Julie Cardinalli	80.0000%
6		F.W.Lewis, Inc.	8.42%
7		Willis Fred Ostrander, Jr.	1.8333%
8		Jean Morse	1.8333%
9		Grant Slocumb	.1666%
10		Sarah Slocumb Lander	.1666%
11		Janet Ellis Perez	1.4999%
12		Robert Folendorf	4.75%
13		William H. Slocumb, Sr.	1.334%
14	Claim Nos. 4-9.	F.W.Lewis, Inc.	42.09%
15		Willis Fred Ostrander, Jr.	9.1666%
16		Jean Morse	9.1666%
17		Grant Slocumb	.8333%
18		Sarah Slocumb Lander	.8333%
19		Janet Ellis Perez	7.4999%
20		Robert Folendorf	23.75%
21		William H. Slocumb, Sr.	6.666%

16 The above-referenced were parties which held or claimed an interest in the Claims (the
 17 above owners will be hereinafter referred to as "the Title Holders"). In addition, the title
 18 examination reflected possible "*dangling interests*," unreleased leases, or unrecorded or un-
 19 probated estates in the following defaulting Defendants: A.M. HILLHOUSE, MARTHA
 20 GARRETT, E. W. HAMILTON, E. R. DENNISON, T. J. JENKIN, ANDREW
 21 JACKSON, SARAH A. JACKSON, AUSTIN J. JACKSON, SADIE L. JACKSON,
 22 HARRY A. JACKSON, BETTY PLATT ELLIS, RUTH JACKSON PLATT, PAULINE
 23 JACKSON McLAUGHLIN, MARJORY FOLENDORF, SUSAN OSTRANDER
 24 SLOCUMB, M. H. JOSEPH, J. E. DUFF, CARD, FRANK, DePAOLI, CARD, FRANK
 25
 26

1 & DePAOLI, a defunct partnership, CARD, FRANK & DePAOLI, a defunct corporation.

2 Further investigation disclosed that CARD, FRANK & DePAOLI was a defunct
3 Partnership and has no forwarding address.

4 A Notice of Lis Pendens was recorded in Eureka County on April 29, 1999, as
5 Document No. 172195 and filed with the Court on April 29, 1999.

6 An Affidavit for Publication of Summons was filed with the Court on May 3, 1999.
7 The Order for Publication of Summons was issued by the Court on May 5, 1999. The
8 Summons by Publication was published during the period of May 13, 1999 through June 3,
9 1999, in the Eureka Sentinel. A Proof of Publication was filed with the Court on July 6,
10 1999.

11 On May 25, 1999 a Summons for Posting was posted on the Blue Bird Lode, Clipper
12 Lode, Golden Rule Lode, Dug Out Lode, Dump Lode, Trail Lode, Volk and Piantoni Lode,
13 Killington Lode, Water Jacket Lode claims which are contiguous with the patented lode
14 mining claims which compromise the Claims. The Affidavit of Posting Summons on
15 Property was filed with the Court on July 22, 1999.

16 Except for Grant O. Slocumb, Willis Frederick Ostrander, Jr., Jean Ostrander
17 Morse, Janet Ellis (aka Janet Ellis Perez), William H. Slocumb, Sr., Sara Slocumb Lander
18 and Robert D. Folendorf, Jr., the Defendants failed to respond to the Summons by
19 Publication within twenty days of the final day of publication. On September 23, 1999, the
20 Court Clerk entered a default against DOROTHY JOHNSON, JOHN L. CARDINALLI,
21 JULIE M. CARDINALLI, A.M. HILLHOUSE, MARTHA GARRETT, E. W.
22 HAMILTON, E. R. DENNISON, T. J. JENKIN, ANDREW JACKSON, SARAH A.
23 JACKSON, AUSTIN J. JACKSON, SADIE L. JACKSON, HARRY A. JACKSON,
24 BETTY PLATT ELLIS, RUTH JACKSON PLATT, PAULINE JACKSON
25 McLAUGHLIN, MARJORY FOLENDORF, SUSAN OSTRANDER SLOCUMB, M. H.
26

1 JOSEPH, J. E. DUFF, CARD, FRANK, DePAOLI, CARD, FRANK & DePAOLI, a
2 defunct partnership, CARD, FRANK & DePAOLI, a defunct corporation, and also any
3 other persons unknown claiming any right, title, estate, lien, or interest in the Claims.

4 As established in the Affidavit of Richard Kent Thompson submitted to the Court,
5 the Eureka County Treasurer has confirmed that the Title Holders or their predecessors in
6 interest have been assessed for and have paid the property taxes for the Claims for the five
7 years preceding this action.

8 Counsel for Plaintiff has filed with the Court copies of the Deeds by which the
9 Claims were conveyed to the Title Holders.

10 Based upon the pleadings and evidence described above, the Court makes the
11 following Findings of Fact and Conclusions of Law and enters the following Judgment.

12 **FINDINGS OF FACT**

13 1. The subject matter of this action consists of valid, existing patented lode
14 mining claims situated in Eureka County, Nevada. The Claims are more particularly
15 described as follows:

	<u>NAME OF CLAIM</u>	<u>PATENT NO.</u>	<u>MINERAL SURVEY NO.</u>
16			
17			
18	1. Blue Bird Lode	3944	135
19	2. Clipper Lode	4454	155
20	3. Golden Rule Lode	3943	132
21	4. Dug Out Lode	6871	260
22	5. Dump Lode	8884	287
23	6. Trail Lode	8432	288
24	7. Volk and Piantoni Lode	6317	283
25	8. Killington Lode	16279	291
26	9. Water Jacket Lode	8639	285

2. Title is presently held as follows:

FACTIONAL
INTEREST

Claim No. 1.	Dorothy Johnson	80.0000%
	F.W.Lewis, Inc.	8.42%
	Willis Fred Ostrander, Jr.	1.8333%
	Jean Morse	1.8333%
	Grant Slocumb	.1666%
	Sarah Slocumb Lander	.1666%
	Janet Ellis Perez	1.4999%
	Robert Folendorf	4.75%
	William H. Slocumb, Sr.	1.334%
Claim Nos. 2-3.	John & Julie Cardinalli	80.0000%
	F.W.Lewis, Inc.	8.42%
	Willis Fred Ostrander, Jr.	1.8333%
	Jean Morse	1.8333%
	Grant Slocumb	.1666%
	Sarah Slocumb Lander	.1666%
	Janet Ellis Perez	1.4999%
	Robert Folendorf	4.75%
	William H. Slocumb, Sr.	1.334%
Claim Nos. 4-9.	F.W.Lewis, Inc.	42.09%
	Willis Fred Ostrander, Jr.	9.1666%
	Jean Morse	9.1666%
	Grant Slocumb	.8333%
	Sarah Slocumb Lander	.8333%
	Janet Ellis Perez	7.4999%
	Robert Folendorf	23.75%
	William H. Slocumb, Sr.	6.666%

(the above owners will be hereinafter referred to as "the Title Holders").

1 3. The Title Holders and their predecessors in interest have openly and
2 notoriously claimed the Claims for a period of fifty years or more. The Title Holders or
3 their predecessors in interest have paid all property taxes on the claims by Eureka County
4 for the five years preceding this action.

5 4. Plaintiff has complied with all actions required by Nevada law with respect to
6 initiating and prosecuting an action to quiet title based on adverse possession for fifteen
7 years or more.

8 5. Defendants, other than the Title Holders, have failed to file a responsive
9 pleading to Plaintiff's First Amended Complaint within the period allowed by law following
10 publication of Summons.

11 **CONCLUSIONS OF LAW**

12 Based upon the foregoing Findings of Fact, the Court makes the following
13 Conclusions of Law:

14 1. The Court has jurisdiction over the Defendants named herein and over the
15 subject matter of this litigation, consisting of the Claims.

16 2. The Plaintiff and Title Holders have established their right to exclusive
17 ownership and possession of the Claims based upon record title, color of title and open and
18 notorious adverse possession of the Claims for fifteen years or more and payment of
19 property taxes to Eureka County for the five years preceding this action.

20 3. Defendants, other than the title Holders, have no right, title, estate, liens, or
21 interest in the Claims.

22 **JUDGMENT**

23 Based upon the foregoing Findings of Fact, Conclusions of Law, and good cause
24 appearing therefore,

1 **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED AS FOLLOWS:**

2 1. The Title Holders, as detailed below, are adjudged to be, and are hereby
3 declared to be, the sole and exclusive owners of the following described patented lode
4 mining claims situated in Eureka County, Nevada:

	<u>NAME OF CLAIM</u>	<u>PATENT NO.</u>	<u>MINERAL SURVEY NO.</u>
5			
6			
7	1. Blue Bird Lode	3944	135
8	2. Clipper Lode	4454	155
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12	6. Trail Lode	8432	288
13	7. Volk and Piantoni Lode	6317	283
14	8. Killington Lode	16279	291
15	9. Water Jacket Lode	8639	285

16 2. Ownership of the Claims is hereby declared to be held in the following
17 percentages:

		<u>FACTIONAL INTEREST</u>
18	Claim No. 1.	
19	Dorothy Johnson	80.0000%
20	F.W.Lewis, Inc.	8.42%
21	Willis Fred Ostrander, Jr.	1.8333%
22	Jean Morse	1.8333%
23	Grant Slocumb	.1666%
24	Sarah Slocumb Lander	.1666%
25	Janet Ellis Perez	1.4999%
26	Robert Folendorf	4.75%
	William H. Slocumb, Sr.	1.334%
	Claim Nos. 2-3.	
	John & Julie Cardinalli	80.0000%
	F.W.Lewis, Inc.	8.42%

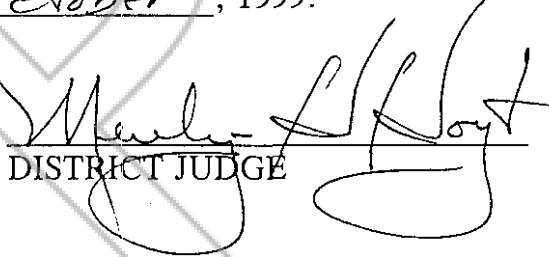
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Willis Fred Ostrander, Jr.	1.8333%
Jean Morse	1.8333%
Grant Slocumb	.1666%
Sarah Slocumb Lander	.1666%
Janet Ellis Perez	1.4999%
Robert Folendorf	4.75%
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Sarah Slocumb Lander	.8333%
Janet Ellis Perez	7.4999%
Robert Folendorf	23.75%
William H. Slocumb, Sr.	6.666%

Claim Nos. 4-9.

3. The rights of all Defendants, other than the Title Holders, in this action with respect to the Claims are hereby declared to be null and void.

DATED this 1st day of October, 1999.


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 11th day of Jan, 2000

Jean Phangale
County Clerk and Ex-Officio Court Clerk

Celia Baumann Deputy Clerk

COPY

BOOK 332 PAGE 463
OFFICIAL RECORDS
RECORDED AT THE REQUEST OF
Richard Thompson, atty
00 FEB 10 PM 1:15

EUREKA COUNTY NEVADA
M.N. REBALEATI, RECORDER
FILE NO. FEES 1800

173843

BOOK 332 PAGE 474