

MAY 16 2003

81807

CASE NO. CV 0303-0.

DEPT. 1

Eureka County Clerk
BY *[Signature]* Deputy

**IN THE TENTH JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA IN AND FOR THE COUNTY OF EUREKA**

ART GALE and LANCES GALE,
husband and wife,

Plaintiffs,

vs.

EDGAR SADLAR, RANK ROMANO,
and also all other persons unknown claiming
any right, title, estate, or interest in the
property described in the complaint For Quiet
Title Action adverse to Plaintiffs' ownership,
or any cloud upon Plaintiffs' title thereto,
Does I to X, inclusive, unknown heirs or
known heirs of any deceased person named
hereinabove and the whole world,

Defendants.

**FINDINGS OF FACT, CONCLUSIONS
OF LAW, ORDER, JUDGMENT AND
DECREE**

This cause having come on regularly to be heard before the Court on its uncontested
calendar this 16th day of May, 2003, at the hour of 10 a.m. of said day, and all Defendants having
failed to answer or otherwise plead in the time allowed by law, the Court finds that said Defendants
so served are adjudged to be in default.

FINDINGS OF FACT

Plaintiffs having introduced documentary evidence, and no evidence being introduced
on behalf of Defendant. Said cause having been submitted to the Court for its decision and
judgment, and the Court having been fully advised in the premises, this Court hereby finds the
following:

1. Plaintiffs filed a duly verified Complaint on the 10th day of March, 2003.

1 2. Plaintiffs diligently searched but were unable to determine the address or
2 names of any of the named Defendants herein, and due and legal notice of this action has been given
3 to the aforementioned named Defendants by publication of service of process. An Affidavit
4 regarding publication is on file herein and shows that publication ended on April 15, 2003 and that
5 said publication occurred at least once a week for four consecutive weeks.

6 3. The remaining unknown Defendants have received due and legal notice of this
7 action by publication of service of process. An Affidavit regarding publication is on file herein and
8 shows that publication ended on April 15, 2003, and that said publication occurred at least once a
9 week for four consecutive weeks.

10 4. Pursuant to NRS 40.100, a copy of the summons was duly posted on the
11 parcel of real property described in the Summons and Complaint known as:

12 TOWNSHIP 23 NORTH, RANGE 52 EAST, M.D.B.&M.

13 Section . An undivided one-half interest in and to the
14 SW1/4NE1/4 and the SE1/4NW1/4

15 *EXCEPTING THEREFROM* an undivided one-half interest in and to
16 all oil, gas, or oil or gas, situate, lying or being under the surface
17 of said lands as reserved in deed of THOMAS O. BATH, as Executor
18 of the Estate of ANGELO C. FLORIO, Deceased, recorded June 23,
19 1954 in Book 24, Page 356, Deed Records, Eureka County, Nevada.

20 *FURTHER EXCEPTING THEREFROM* an undivided one-half
21 interest in and to all oil, gas and mineral rights on or beneath said
22 land, conveyed to L. KENNETH COUNTRYMAN, et al, by deed
23 recorded December 16, 1977, in Book 62, Page 225, Official
24 Records, Eureka County, Nevada.

25 5. A copy of the Affidavit of Posting is filed herein and states that the Summons
26 were posted on the subject property on the 24th day of March, 2003, within 30 days of the filing of
27 the Complaint. An Affidavit of Mailing is filed herein and states that the Summons and Complaint
28 were mailed on the 25th day of March, 2003 to the following addresses:

Edgar Sadlar
c/o General Delivery
Eureka, NV 89316

Frank Romano
c/o General Delivery
Eureka, NV 89316

1 6. Pursuant to NRS 40.090, the Plaintiffs recorded a Notice of Pendency of this
2 action with the Eureka County Recorder in Book 359 Page No. 219, Eureka County, Nevada, and
3 that such was accomplished on March 10, 2003, within 10 days of the filing of the Complaint.

4 7. From the commencement of this action, none of the Defendants, named or
5 unnamed, have answered or otherwise appeared in this action, and the time for answering or
6 otherwise appearing in this action has passed. Such Defendants are thus in default.

7 8. The Plaintiffs acquired a fee interest in the subject property as a result of a
8 Grant, Bargain and Sale deed from **RICHARD GARDNER** and **DENISE GARDNER**, husband
9 and wife, to **ART GALE** and **FRANCES GALE**, husband and wife, as community property with
10 rights of survivorship and not as tenants in common, dated September 20, 1999 and recorded on
11 October 12, 1999, in Book 330, Page 59, Eureka County Recorder, File No. 173092, and which Deed
12 was corrected by that same Deed of Correction recorded on December 10, 1999 in Book 331, Page
13 508, Eureka County Recorder, File No. 173561 because of an erroneous legal description in the prior
14 deed.

15 9. The Plaintiffs and their predecessors in interest have been in actual, exclusive
16 and adverse possession said property continuously for more than fifteen years prior to the filing
17 of the Complaint and he paid taxes assessed and due against the property during the five year
18 period preceding the filing of the Complaint;

19 10. The Plaintiffs have filed an Affidavit stating that Plaintiffs did not know at the
20 commencement of this action and since have not acquired information as to the unknown heirs of
21 the Defendants.

22 11. The Defendants named in the Complaint have not had, nor now have, any
23 right, title or interest whatsoever to said land and premises or parcels therein.

24 CONCLUSIONS OF LAW

25 Based upon the aforementioned findings of fact, this Court concludes the following:

26 1. That due and legal notice of this action has been given to the named and
27 unnamed Defendants by publication of service of process, mailing and posting of summons upon the
28 subject property.

1 2. Her notice of the pendency of this action was recorded by the County
2 Recorder, Eureka County Nevada.

3 3. I named and unnamed Defendants have failed to answer the Complaint or
4 appear in this action and are in default.

5 4. Plaintiffs acquired a fee interest in the subject property as a result of a Grant,
6 Bargain and Sale Deed in **RICHARD GARDNER** and **DENISE GARDNER**, husband and wife,
7 to **ART GALE** and **FRANCES GALE**, husband and wife, as community property with rights of
8 survivorship and not as tenants in common, dated September 20, 1999 and recorded on October 12,
9 1999, in Book 330, Page 59, Eureka County Recorder, File No. 173092, and which Deed was
10 corrected by that certain deed of Correction recorded on December 10, 1999 in Book 331, Page 508,
11 Eureka County Recorder File No. 173561 because of an erroneous legal description in the prior
12 deed. Further, Plaintiffs have acquired ownership of the property by virtue of actual, exclusive and
13 adverse possession of the property, by Plaintiffs and their predecessors, for over fifteen (15) years
14 prior to the filing of the complaint and payment of all taxes of every kind during the period of 5
15 years next preceding the filing of the Complaint.

16 5. Plaintiffs are entitled to a judgment against the Defendants, named and
17 unnamed, in the Complaint, quieting title to the land, and each and every parcel thereof described
18 as follows, to wit:

19 TOWNSHIP 23 NORTH, RANGE 52 EAST, M.D.B. & M.

20 Section An undivided one-half interest in and to the
21 SW1/4NE1/4 and the SE1/4NW1/4

22 *EXCEPTING THEREFROM* an undivided one-half interest in and to
23 all oil and gas, or oil or gas, situate, lying or being under the surface
24 of said lands reserved in deed of THOMAS O. BATH, as Executor
25 of the Estate of ANGELO C. FLORIO, Deceased, recorded June 23,
26 1954 in Book 24, Page 356, Deed Records, Eureka County, Nevada.

27 *FURTHER EXCEPTING THEREFROM* an undivided one-half
28 interest in and to all oil, gas and mineral rights on or beneath said
29 land, conveyed to L. KENNETH COUNTRYMAN, et al, by deed
30 recorded December 16, 1977, in Book 62, Page 225, Official
31 Records, Eureka County, Nevada.

ORDER, JUDGMENT AND DECREE

1 The aboe-entitled Court, having made its decision by its findings of fact and
2 conclusions of law as hinabove set forth and made a part hereof, and good cause appearing,

3 IT IS HEBY ORDERED, ADJUDGED AND DECREED:

4 1. T the Plaintiffs, **ART GALE** and **FRANCES GALE**, husband and wife,
5 are adjudged to be, and hereby declared to be, the owners in fee of all right, title and interest in
6 and to the subject popes described as follows:

7 TOWNSP 23 NORTH, RANGE 52 EAST, M.D.B.&M.

8 Section. An undivided one-half interest in and to the
9 SW1/4NE1/4 and the SE1/4NW1/4

10 *EXCEPIG THEREFROM* an undivided one-half interest in and to
11 all oil aras, or oil or gas, situate, lying or being under the surface
12 of said lias reserved in deed of THOMAS O. BATH, as Executor
of the Est of ANGELO C. FLORIO, Deceased, recorded June 23,
1954 in ok 24, Page 356, Deed Records, Eureka County, Nevada.

13 *FURTH EXCEPTING THEREFROM* an undivided one-half
14 interest and to all oil, gas and mineral rights on or beneath said
land, coxyed to L. KENNETH COUNTRYMAN, et al, by deed
15 recorded December 16, 1977, in Book 62, Page 225, Official
Recordsureka County, Nevada.

16 2. it the default by Defendants, and each of them, be and the same is hereby
17 entered.

18 3. Defendants, and each of them, named and unnamed, and their unknown
19 heirs, and any person or ity claiming by, through or under said Defendants, have no right, title or
20 interest in the subject perty, and are forever barred from asserting any claim whatsoever in or to
21 the said real property arise to Plaintiffs and are restrained and enjoined from any claim thereto or
22 enjoyment thereof.

23 DATE is 15th day of MAY, 2003.

24
25 
DISTRICT JUDGE

26 /////

27 /////

28 /////

1 Submng attorney has personally read the proposed Findings of Fact, Conclusions
2 of Law, Order, Judgm and Decree and approves the same as representing the request to the Court
3 by the party in this act..

4 DATE his 28th day of April, 2003.

5 MARVEL & KUMP, LTD.
6 217 Idaho Street
7 Elko, NV 89801

8 John E. Marvel
9 JOHN E. MARVEL, Nevada Bar No. 328
10 Attorney for Plaintiffs

21
22
23
24
25
26 BOOK 361 PAGE 250
27 OFFICIAL RECORDS
28 RECORDED AT THE REQUEST
Francis Sale
2003 MAY 16 PM 3:1

EUREKA COUNTY NEVAD
M.N. REBALEATI, RECORD
FILE NO. FEES 00

181807

BOOK 361 PAGE 25

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 16 day of May 2003

Francis Sale
County Clerk and Ex-Officio Court Clerk
11 Deputy Clerk

MARVEL & KUMP, LTD.
Attorneys at Law
217 Idaho Street
Elko, Nevada 89801
(775) 738-9881