

1 CASE NO. CV0403-038
2 DEPARTMENT NO. 2

BOOK 382 PAGE 167-173
OFFICIAL RECORDS
RECORDED AT THE REQUEST OF
Betty J. Tomporowski
2004 JUN -4 AM 11:05
EUREKA COUNTY, NEVADA
M.N. REBALEATI, RECORDER
FILE NO. FEES 20.00

NO. _____
FILED
JUN 4 . 2004
Eureka County Clerk
BY *[Signature]* Deputy

187952

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

BETTY J. TOMPOROWSKI, aka
BETTY TOMPOROSKI,

DECREE QUIETING TITLE

Plaintiff,

vs.

CHARLES RICHARD and FLOY F.
RICHARDS, and all of the unknown
spouses, heirs, personal representatives,
devisees, legatees, successors and assigns
of the foregoing; WILLIAM M. BARR
and RENEE ALLRED BARR, and all of
the unknown spouses, heirs, personal
representatives, devisees, legatees,
successors and assigns of the foregoing;
SECUNTRI, INC., a Nevada
corporation; ASSOCIATES
VENTURES OF NEVADA, INC., a
Nevada corporation; JAMES GALANIS
and any spouse of James Galanis, if any;
FIRST DOE, SECOND DOE, THIRD
DOE, FOURTH DOE COMPANY, a
partnership, and FIFTH DOE, INC., a
corporation; and all other unknown
persons and entities claiming any right,
title, estate, lien or interest in the real
property described in the Complaint
and other pleadings herein, or any part
thereof, adverse to Plaintiff's ownership,
or any cloud upon Plaintiff's title
thereto,

Defendants.

///

1 The above entitled cause came on duly and regularly heard on June 4, 2004, at
2 10:00 a.m., before the above entitled Court, without a jury, no jury having been demanded by
3 any of the parties hereto; Plaintiff appeared by Attorney Robert B. Goicoechea, Esq., of the
4 law firm of Goicoechea, DiGrazia, Coyle & Stanton, Ltd.; no Defendants appeared in the
5 action and their default was duly and regularly entered for their failure to answer or otherwise
6 appear and file any pleading or motion herein within the time limited by law, or at all, after
7 having been duly and regularly served with Summons and Complaint in person or otherwise
8 in the manner approved by law; evidence and arguments were presented and the matter was
9 submitted;

10 THE COURT HEREBY FINDS AND CONCLUDES AS FOLLOWS:

11 **FIRST CLAIM FOR RELIEF**

12 **(N.R.S. 11.150 Quiet Title Action Against James Galanis**
13 **and any Spouse of James Galanis, Associated Ventures of Nevada, Inc.,**
14 **a Nevada corporation and Secuntri, Inc., a Nevada corporation)**

15 1. Plaintiff brought this action against Defendants JAMES GALANIS and any
16 spouse of James Galanis, ASSOCIATED VENTURES OF NEVADA, INC., a Nevada
17 corporation, and SECUNTRI, INC., a Nevada corporation, to quiet title, establish and
18 determine the estate and entitled to and determine any and all adverse claims to and clouds
19 upon the title to that certain real property ("Property") in the County of Eureka, State of
20 Nevada, more particularly described as follows:

21 Lot 4 of Block 10 of Crescent Valley Ranch & Farms, Unit No.1, according to
22 the official map thereof, filed in the Office of the County Recorder of Eureka
23 County, State of Nevada, as File No. 34081.

24 2. In or about 1990, Tomporowski and her deceased husband, William
25 Tomporowski, became the owners of Lot 4 of Block 10 of Crescent Valley Ranch & Farms,
26 Unit No. 1 as tenants in common pursuant to a Deed from James Galanis.

27 3. In the Deed from James Galanis to William or Betty Tomporowski, aka
28 Tomporoski, Mr. Galanis failed to provide whether he was married or a single person; thus a
cloud on the title has arisen questioning the validity of the Deed as to whether or not he was
married at the time and whether his spouse would need to be a grantor on the Deed, and also

1 whether there would be a community or homestead interest in the Property.

2 4. Decedent William Tomporowski's interest in the Property has been set aside by
3 a probate action to Betty Tomporowski.

4 5. Tomporowski has no knowledge of the whereabouts of James Galanis or
5 whether he was married or single at the time of the transfer deed in 1990.

6 6. With regard to Lot 4 of Block 10 of Crescent Valley Ranch & Farms, Unit No.
7 1, on or about June 10, 1970, Defendant Associated Ventures of Nevada, Inc., a Nevada
8 corporation, deeded said lot to Defendant Secuntri, Inc., a Nevada corporation. On the date
9 of the deed, the grantor had no record interest in said land, nor has it acquired any record
10 interest since then.

11 7. Tomporowski has no knowledge of the whereabouts of said two corporations
12 or their successors in interest.

13 8. Plaintiff is the owner of Lot 4 of Block 10 of Crescent Valley Ranch & Farms,
14 Unit No. 1 in fee simple absolute. Plaintiff now is, and Plaintiff's predecessors in interest
15 have been continuously, for more than five years next immediately preceding the filing of
16 this Complaint in actual, exclusive, continuous, uninterrupted, open, notorious, visible,
17 peaceful and adverse possession of Lot 4, claiming to own and hold the same in fee simple
18 absolute against Defendants James Galanis and any spouse of James Galanis, Associated
19 Ventures of Nevada, Inc., a Nevada corporation, and Secuntri, Inc., a Nevada corporation.
20 Plaintiff has for more than five years next immediately preceding the filing of this Complaint
21 paid and tendered all taxes of every kind or assessed or due against Lot 4.

22 **SECOND CLAIM FOR RELIEF**

23 **(N.R.S. 40.090 Quiet Title Against All Claimants, Known and Unknown)**

24 9. Plaintiff brought this action against Defendants, CHARLES RICHARDS and
25 FLOY F. RICHARDS, and all of the unknown spouses, heirs, personal representatives,
26 devisees, legatees, successors and assigns of the foregoing; WILLIAM M. BARR and
27 RENEE ALLRED BARR, and all of the unknown spouses, heirs, personal representatives,
28 devisees, legatees, successors and assigns of the foregoing, SECUNTRI, INC., a Nevada

1 corporation, ASSOCIATED VENTURES OF NEVADA, INC., a Nevada corporation,
2 JAMES GALANIS and any spouse of James Galanis, if any; FIRST DOE, SECOND DOE,
3 THIRD DOE, FOURTH DOE COMPANY, a partnership, and FIFTH DOE, INC., a
4 corporation; and all other unknown persons and entities claiming any right, title, estate, lien
5 or interest adverse to Plaintiff's ownership, or any cloud upon Plaintiff's title thereto, and in
6 rem against the whole world, to quiet, establish and determine the estate and title to, and to
7 determine any and all adverse claims to and clouds upon, the title to that certain real property
8 in the County of Eureka, State of Nevada, more particularly described as follows:

9 Lots 3, 26, 27 and 28 of Block 10 of CRESCENT VALLEY RANCH &
10 FARMS, UNIT NO.1 as per map recorded in said County as file No. 34081.

11 EXCEPTING THEREFROM all petroleum, oil, natural gas and products
12 derived therefrom, within or underlying said land or that may be produced
13 therefrom, and all rights thereto as reserved by Southern Pacific Land
14 Company, in deed recorded September 24, 1951 in Book 24 of Deeds at Page
15 168, Eureka County, Nevada.

16 FURTHER EXCEPTING FROM Lots 27 and 28 any and all oil rights,
17 including the right of entry for exploration and production of oil or other
18 hydrocarbons as reserved by Nevada Title Guaranty, a Nevada corporation, in
19 deed recorded January 29, 1970 in Book 34, Page 243, Official Records,
20 Eureka County, Nevada.

21 FURTHER EXCEPTING FROM Lots 3 and 26 any and all oil rights,
22 including the right of entry for exploration and production of oil or other
23 hydrocarbons as reserved by First American Title Company of Nevada
24 formerly known as Nevada Title Guaranty Company, a Nevada corporation, in
25 deed recorded February 4, 1974 in Book 47, Page 221, Official Records,
26 Eureka County, Nevada.

27 10. With regard to Lots 3 and 26 of Block 10 of CRESCENT VALLEY RANCH
28 & FARMS, UNIT NO. 1, on or about June 10, 1970, Defendant, Associated Ventures of
Nevada, Inc., a Nevada corporation, deeded said lots to Defendant Secuntri, Inc., a Nevada
corporation. On the date of said deed, the grantor had no record interest in said land, nor has
it acquired any record interest at all since then.

11. Tomporowski has no knowledge of the identity or whereabouts of said two
corporations or their successors in interest.

12. On or about April 18, 1973, Defendants William M. Barr and Renee Allred
Barr, his wife, conveyed Lots 27 and 28 of Block 10 of CRESCENT VALLEY RANCH &

1 FARMS, UNIT NO. 1, to Charles Richards and Floy F. Richards, his wife. Said conveyance
2 does not appear of record in the Office of the Eureka County Recorder.

3 13. On or about April 18, 1973, Charles Richards and Floy F. Richards, his wife,
4 conveyed into a deed of trust their interest in said Lots 27 and 28 of Block 10 to Title
5 Insurance & Trust Company as Trustees for William M. Barr and Renee Allred Barr, his
6 wife, as Beneficiaries. A notice of default and election to sell under the terms of said deed of
7 trust was recorded on June 21, 1974, in the official records of Eureka County Recorder's
8 Office. However, no trustee's foreclosure deed, nor any deed of reconveyance has been
9 recorded.

10 14. Tomporowski has no knowledge of the identity or whereabouts of William M.
11 Barr, Renee Allred Barr, Charles Richards or Floy F. Richards nor any knowledge of the
12 whereabouts of the heirs or personal representatives of said Defendants.

13 15. Plaintiff is the owner of Lots 3, 26, 27 and 28 of Block 10 of CRESCENT
14 VALLEY RANCH & FARMS, UNIT NO.1 as per map recorded in said County as file No.
15 34081 in fee simple absolute. Plaintiff now is, and Plaintiff and Plaintiff's predecessors in
16 interest have been continuously for more than fifteen years next immediately preceding the
17 filing of this Complaint, in continuous, open, notorious, and adverse possession of Lots 3, 26,
18 27 and 28, claiming to own and hold the same in fee simple absolute against the Defendants
19 and the whole world. Plaintiff, and Plaintiff's predecessors in interest, have, for more than
20 five years next immediately preceding the filing of this Complaint, paid or tendered all taxes
21 of every kind levied or assessed or due against the Property or any part thereof.

22 16. Plaintiff, within ten (10) days of filing the Complaint herein, filed for record in
23 the Office of the County Recorder of the County of Eureka, State of Nevada, a notice of the
24 pendency of this action containing a statement of the object of the action, and a particular
25 description of the Property affected thereby.

26 17. Summons herein was duly issued within one year of the filing of the Complaint
27 and had been duly and regularly published in the Eureka Sentinel, a newspaper printed and
28 published in the County of Eureka, State of Nevada, being a 'County where the Property is

1 situate, at least once a week for a period of four consecutive weeks, as more fully appears
2 from the Affidavit of Publication on file herein.

3 18. The Summons in this action contained a description of the Property affected by
4 this action, and the Summons was posted in a conspicuous place on each parcel of property
5 described in the Complaint within thirty days after the issuance of the Summons, as more
6 particularly appears from the Affidavit of Posting on file herein.

7 19. All Defendants not personally served have been duly and regularly served by
8 publication and mailing in the manner provided by law, and by the Order for Publication of
9 Summons on file herein, which Order was made pursuant to Affidavit of Publication of
10 Summons, and the Order for Publication of Summons and Affidavit of Mailing on file
11 herein.

12 20. All of the provisions of N.R.S. 40.090 and 40.100 have been fully complied
13 with.

14 21. Plaintiff has filed an Affidavit pursuant to N.R.S. 14.040.

15 22. All of the facts, things and matters set forth in Plaintiff's Complaint are true.

16 23. Plaintiff is the owner of the Property in fee simple absolute.

17 AND GOOD CAUSE APPEARING THEREFOR,

18 IT IS HEREBY ORDERED, ADJUDGED, DECLARED AND DECREED AS
19 FOLLOWS:

20 1. That each and every Defendant herein was duly and regularly served with
21 Summons and Complaint in person or otherwise, as required by law, and full jurisdiction to
22 hear and determine this cause and to make and enter this Decree was and is vested in this
23 Court;

24 2. That Plaintiff is the owner of, seized in fee simple absolute and in the actual
25 and peaceable possession of that certain real property in the County of Eureka, State of
26 Nevada, more particularly described as follows:

27 Lot 4 of Block 10 of Crescent Valley Ranch & Farms, Unit No.1, according to
28 the official map thereof, filed in the Office of the County Recorder of Eureka
County, State of Nevada, as File No. 34081.

1 Lots 3, 26, 27 and 28 of Block 10 of CRESCENT VALLEY RANCH &
2 FARMS, UNIT NO.1 as per map recorded in said County as file No. 34081.

3 EXCEPTING THEREFROM all petroleum, oil, natural gas and products
4 derived therefrom, within or underlying said land or that may be produced
5 therefrom, and all rights thereto as reserved by Southern Pacific Land
6 Company, in deed recorded September 24, 1951 in Book 24 of Deeds at Page
7 168, Eureka County, Nevada.

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9 including the right of entry for exploration and production of oil or other
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11 deed recorded January 29, 1970 in Book 34, Page 243, Official Records,
12 Eureka County, Nevada.

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14 including the right of entry for exploration and production of oil or other
15 hydrocarbons as reserved by First American Title Company of Nevada
16 formerly known as Nevada Title Guaranty Company, a Nevada corporation, in
17 deed recorded February 4, 1974 in Book 47, Page 221, Official Records,
18 Eureka County, Nevada.

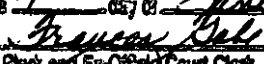
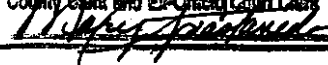
19 3. That none of the Defendants, nor any other person or persons, has or have any
20 right, title, interest or estate in, or lien upon, the Property, or any part thereof;

21 4. That Defendants above named, and all persons holding through or under them
22 or any of them, and all other persons, except Plaintiff herein and its successors in interest be,
23 and they each hereby are, perpetually enjoined and restrained from asserting any right, title,
24 interest, claim, estate or possession in, or lien upon, the Property, or any part thereof, adverse
25 to the Plaintiff herein;

26 5. That Plaintiff forthwith record a certified copy of this Decree in the Office of
27 the Eureka County Recorder.

28 DONE IN OPEN COURT and this written Decree signed on June 4, 2004.


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 <u>4th</u> day of <u>June</u> 20 <u>04</u>	
 County Clerk and Ex-Officio Court Clerk	
 Deputy Clerk	

187952

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