

**DOC # 0210944**

11/13/2007

08:50 AM

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Book- 0466 Page- 0111

APN# 01-122-01

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0210944

QUIET TITLE

(Title of Document)

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(Additional recording fee applies)

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NO.

FILED

OCT 19 2007

Eureka County Clerk

BY Gladys M. Cantel Deputy

CASE NO. CV-0707-091

Dept. I

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

WALTER D. SMITH, as Trustee of the  
Walter D. Smith Trust, a Living Revocable  
Trust; STEVEN D. SMITH; JULIE M.  
SMITH and MICHAEL P. SANSINENA,

Plaintiffs,

vs.

FINDINGS OF FACT; CONCLUSIONS  
OF LAW AND DECREE OF  
QUIET TITLE

EUREKA LIVESTOCK COMPANY, a  
co-partnership comprised of SAM  
RUDNICK and FILBERT ETCHEVERRY;  
the spouse of SAM RUDNICK; the heirs,  
successors and assigns of SAM RUDNICK;  
the spouse of FILBERT ETCHEVERRY;  
JIM ETCHEVERRY, individually and in  
his capacity as heir to FILBERT  
ETCHEVERRY; the spouse and children  
of JIM ETCHEVERRY; the heirs, successors  
and assigns of FILBERT ETCHEVERRY;  
MICHAEL ETCHEVERRY, individually,  
in his capacity as heir to FILBERT  
ETCHEVERRY, and as a co-partner in  
EUREKA LIVESTOCK COMPANY;  
the heirs, successors and assigns of  
MICHAEL ETCHEVERRY; the spouse  
of MICHAEL ETCHEVERRY; LEON  
SANSINENA; the spouse of LEON  
SANSINENA; the children of LEON  
SANSINENA; all other persons unknown,  
claiming any right, title, interest or estate  
in and to Lots 1, 2, 3, 4, 5 and 6, Block 54,  
Town of Eureka or patented mining claims,  
situate in the County of Eureka, known as  
"Stella" and "Seventy-Six (76)",  
Defendants.

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 19<sup>th</sup> day of October 2007

County Clerk and Ex-Officio Court Clerk

Gladys M. Cantel

Deputy Clerk



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1 The above-entitled action came regularly for hearing before this Court, sitting without a jury,  
2 and the Court having heard testimony and examined the evidence presented by the Plaintiffs and the  
3 Defendants not having filed a response or otherwise appeared, and their default having been duly  
4 entered, the Court now makes the following Findings of Fact, Conclusions of Law, Judgement and  
5 Decree:

6 **FINDINGS OF FACT**

7 1. That Plaintiffs, WALTER D. SMITH, as Trustee of the Walter D. Smith Trust, a  
8 Living Revocable Trust; STEVEN D. SMITH; JULIE M. SMITH and MICHAEL P. SANSINENA,  
9 have been in actual possession of the real property more particularly described as:

10 **PARCEL 1:**

11 Lots 1, 2, 3, 4, 5 and 6, Block 54, in the Town of Eureka, according to the official  
12 map thereof, filed in the Office of the County Recorder of Eureka County, State of  
Nevada.

13 EXCEPTING THEREFROM all uranium, thorium of any other material which is or  
14 may be determined to be peculiarly essential to the production of fissionable  
15 materials, whether or not of commercial value, lying in and under said land, as  
reserved by the UNITED STATES OF AMERICA, in patent recorded December 19,  
1947, Book 23, Page 226, Deed Records, Eureka County, Nevada.

16 TOGETHER WITH any and all buildings and improvements situate thereon.

17 TOGETHER WITH the tenements, hereditament and appurtenances thereunto  
18 belonging or in anywise appertaining, the reversion and reversions, remainder and  
remainders, rents, issues and profits thereof.

19 APN: 001-122-01.

20 **PARCEL 2:**

21 Two patented mining claims situate in the County of Eureka, State of Nevada, known  
22 as and named "Stella" and "Seventy-Six (76)".

23 TOGETHER WITH any and all improvements situate thereon, and all water rights  
24 and any other rights held in connection therewith.

24 APN: 009-230-03, formerly 410-000-79.

25 2. That Plaintiffs have owned the property since prior to 1990, and they and their  
26 ancestors have paid all taxes accrued during that time; neither EUREKA LIVESTOCK COMPANY  
27 nor any of the other named Defendants has ever paid any of the taxes.

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1           3.       Defendants are identified as follows:

2           a.       EUREKA LIVESTOCK COMPANY was a co-partnership comprised of SAM  
3 RUDNICK, OSCAR RUDNICK and FILBERT ETCHEVERRY. OSCAR RUDNICK conveyed  
4 his interest in EUREKA LIVESTOCK COMPANY to FILBERT ETCHEVERRY and MICHAEL  
5 ETCHEVERRY. The remaining Defendants are unknown children, spouses and successors; the only  
6 identified descendent is JIM ETCHEVERRY.

7           b.       LEON SANSINENA acquired a twenty-five percent (25%) interest in the  
8 herein described property from his mother, MARY LOUISE SANSINENA. By Deed dated June 1,  
9 1990, LEON SANSINENA conveyed his interest to "Lots 1 and 6, Block 54, of the Town of Eureka,  
10 State of Nevada", and to the "two patented mining claims 'Seventy-Six (76)' and 'Stella'". He  
11 inadvertently failed to include Lots 2, 3, 4 and 5 of Block 54.

12           4.       On or about January 23, 1950, JOHN LAXAGUE conveyed to EUREKA  
13 LIVESTOCK COMPANY certain properties located in Elko, Eureka, White Pine and Nye Counties,  
14 Nevada. Lots 1 - 6, inclusive, in Block 54, Eureka Townsite, and two lode mining claims in Eureka  
15 Mining District, being identified as "Seventy-Six (76)" and "Stella", the properties claimed herein,  
16 were inadvertently included within that Deed.

17           5.       By Deed dated April 5, 1961, JOHN LAXAGUE conveyed to PETE SANSINENA,  
18 Plaintiffs' predecessor in interest, "Lots 1, 2, 3, 4, 5 and 6, Block 54, of the Town of Eureka, State  
19 of Nevada" and "patented mining claims 'Seventy-Six (76)' and 'Stella';" Petitioners and their  
20 predecessors have exerted ownership under color of title since that date.

21           6.       As is shown by the evidence admitted in this action, Petitioners and their predecessors  
22 have paid all ad valorem taxes associated therewith for the requisite period of time.

23           7.       No Parcel Map has ever been recorded, and there has never been a lawful division  
24 of the property.

25       **CONCLUSIONS OF LAW**

26           1.       That Plaintiffs, WALTER D. SMITH, as Trustee of the Walter D. Smith Trust, a  
27 Living Revocable Trust; STEVEN D. SMITH; JULIE M. SMITH and MICHAEL P. SANSINENA,  
28 have been in, and met all requirements at law for the actual, exclusive and adverse possession of the

1 afore described lands for the required period of time; and have paid all taxes, charges, levies and  
2 assessments required by law to be paid relative to said lands for the required period of time.

3 2. That Defendants, EUREKA LIVESTOCK COMPANY, a co-partnership comprised  
4 of SAM RUDNICK and FILBERT ETCHEVERRY, the spouse of SAM RUDNICK, the heirs,  
5 successors and assigns of SAM RUDNICK, the spouse of FILBERT ETCHEVERRY, JIM  
6 ETCHEVERRY, individually and in his capacity as heir to FILBERT ETCHEVERRY, the spouse  
7 and children of JIM ETCHEVERRY, the heirs, successors and assigns of FILBERT  
8 ETCHEVERRY, MICHAEL ETCHEVERRY, individually, in his capacity as heir to FILBERT  
9 ETCHEVERRY, and as a co-partner in EUREKA LIVESTOCK COMPANY, the heirs, successors  
10 and assigns of MICHAEL ETCHEVERRY, the spouse of MICHAEL ETCHEVERRY, LEON  
11 SANSINENA, the spouse of LEON SANSINENA, the children of LEON SANSINENA, and all  
12 other persons unknown, claiming any right, title, interest or estate in and to Lots 1, 2, 3, 4, 5 and 6,  
13 Block 54, Town of Eureka or patented mining claims, situate in the County of Eureka, known as  
14 "Stella" and "Seventy-Six (76)", abandoned or relinquished their claim, if any, to the aforesaid  
15 property; and Defendants named as all other persons or entities unknown claiming any right, title,  
16 estate, lien or interest in the real property described in the Complaint adverse to ownership or any  
17 cloud upon Plaintiffs' title thereto, have no claim whatsoever to said Plaintiff's ownership, nor have  
18 they any cloud upon Plaintiffs' title thereto.

19 3. That Plaintiffs, WALTER D. SMITH, as Trustee of the Walter D. Smith Trust, a  
20 Living Revocable Trust; STEVEN D. SMITH; JULIE M. SMITH and MICHAEL P. SANSINENA,  
21 have fully complied with requirements of law and are entitled to a judgement and decree quieting  
22 title in them to the following described lands:

23 PARCEL 1:

24 Lots 1, 2, 3, 4, 5 and 6, Block 54, in the Town of Eureka, according to the official  
25 map thereof, filed in the Office of the County Recorder of Eureka County, State of  
Nevada.

26 EXCEPTING THEREFROM all uranium, thorium of any other material which is or  
27 may be determined to be peculiarly essential to the production of fissionable  
28 materials, whether or not of commercial value, lying in and under said land, as  
reserved by the UNITED STATES OF AMERICA, in patent recorded December 19,  
1947, Book 23, Page 226, Deed Records, Eureka County, Nevada.

1 TOGETHER WITH any and all buildings and improvements situate thereon.

2 TOGETHER WITH the tenements, hereditament and appurtenances thereunto  
3 belonging or in anywise appertaining, the reversion and reversions, remainder and  
remainders, rents, issues and profits thereof.

4 APN: 001-122-01.

5 PARCEL 2:

6 Two patented mining claims situate in the County of Eureka, State of Nevada, known  
7 as and named "Stella" and "Seventy-Six (76)".

8 TOGETHER WITH any and all improvements situate thereon, and all water rights  
and any other rights held in connection therewith.

9 APN: 009-230-03, formerly 410-000-79.

10 JUDGEMENT AND DECREE OF QUIET TITLE

11 The Court having made its Findings of Fact and Conclusions of Law in this matter, now  
12 therefore adjudges and decrees as follows:

13 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Plaintiffs, WALTER D.  
14 SMITH, as Trustee of the Walter D. Smith Trust, a Living Revocable Trust; STEVEN D. SMITH;  
15 JULIE M. SMITH and MICHAEL P. SANSINENA, own in fee simple and are entitled to the quiet  
16 and peaceful possession of all that real property described as follows:

17 PARCEL 1:

18 Lots 1, 2, 3, 4, 5 and 6, Block 54, in the Town of Eureka, according to the official  
19 map thereof, filed in the Office of the County Recorder of Eureka County, State of  
Nevada.

20 EXCEPTING THEREFROM all uranium, thorium of any other material which is or  
21 may be determined to be peculiarly essential to the production of fissionable  
22 materials, whether or not of commercial value, lying in and under said land, as  
reserved by the UNITED STATES OF AMERICA, in patent recorded December 19,  
1947, Book 23, Page 226, Deed Records, Eureka County, Nevada.

23 TOGETHER WITH any and all buildings and improvements situate thereon.

24 TOGETHER WITH the tenements, hereditament and appurtenances thereunto  
25 belonging or in anywise appertaining, the reversion and reversions, remainder and  
remainders, rents, issues and profits thereof.

26 APN: 001-122-01.

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1 PARCEL 2:

2 Two patented mining claims situate in the County of Eureka, State of Nevada, known  
3 as and named "Stella" and "Seventy-Six (76)".

4 TOGETHER WITH any and all improvements situate thereon, and all water rights  
5 and any other rights held in connection therewith.

6 APN: 009-230-03, formerly 410-000-79.

7 IT IS FURTHER DECREED that any and all claim to said property, if any, by Defendants  
8 EUREKA LIVESTOCK COMPANY, a co-partnership comprised of SAM RUDNICK and  
9 FILBERT ETCHEVERRY, the spouse of SAM RUDNICK, the heirs, successors and assigns of  
10 SAM RUDNICK, the spouse of FILBERT ETCHEVERRY, JIM ETCHEVERRY, individually and  
11 in his capacity as heir to FILBERT ETCHEVERRY, the spouse and children of JIM  
12 ETCHEVERRY, the heirs, successors and assigns of FILBERT ETCHEVERRY, MICHAEL  
13 ETCHEVERRY, individually, in his capacity as heir to FILBERT ETCHEVERRY, and as a co-  
14 partner in EUREKA LIVESTOCK COMPANY, the heirs, successors and assigns of MICHAEL  
15 ETCHEVERRY, the spouse of MICHAEL ETCHEVERRY, LEON SANSINENA, the spouse of  
16 LEON SANSINENA, the children of LEON SANSINENA, and all other persons unknown, claiming  
17 any right, title, interest or estate in and to Lots 1, 2, 3, 4, 5 and 6, Block 54, Town of Eureka or  
18 patented mining claims, situate in the County of Eureka, known as "Stella" and "Seventy-Six (76)",  
19 are hereby extinguished, and Defendants, named in this paragraph, have no estate, right, title, lien  
20 or interest in or to the above-described property or any part thereof.

21 DONE THIS DAY IN OPEN COURT, the 19 day of October, 2007.

22  
23 1515 Dobrescu  
24 DISTRICT JUDGE  
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