

**DOC # 0214756**

03/19/2010

11:28 AM

**Official Record**

Recording requested By  
GOICOECHEA, DIGRAZIA, COYLE & STANTON

**Eureka County - NV**

**Mike Rebaleati - Recorder**

Fee: \$23.00

Page 1 of 10

RPTT:

Recorded By: FES

Book- 498 Page- 0316

APN# 03-582-02

**Mailing Address of Grantee or Other**

**Person Requesting Recording:**

Goicoechea, Di Grazia, Coyle & Stanton, Ltd.

530 Idaho Street

Elko, NV 89801



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**Mail Tax Statements to:**

Name: N/A

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

The undersigned affirms that  
this document does not contain  
a social security number.

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**Title of Document Recorded:**

**DECREE QUIETING TITLE**

MAR 19 2010

1 CASE NO. CV0804-097

2 DEPT. NO. 1

Eureka County Clerk  
BY *[Signature]* Deputy

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7 **IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT**  
8 **OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF EUREKA**  
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10 **DISARM & PROTECT, INC., a Texas**  
11 **corporation,**

12 **Plaintiff,**

13 vs.

**DECREE QUIETING TITLE**

14 **UNION PACIFIC RAILROAD**  
15 **COMPANY, a Delaware Corporation,**  
16 **formerly SOUTHERN PACIFIC**  
17 **TRANSPORTATION COMPANY, a**  
18 **Delaware Corporation, FILIPPO**  
19 **PROIETTE, N.A. WHITMORE, NEVADA**  
20 **ASSOCIATES, INC., a Massachusetts**  
21 **Corporation, J.J. BUCKSKIN, M.C.**  
22 **SMITH, J.W. EBERT, JOHN SWAN,**  
23 **CONNOR DAVIES, and also all other**  
24 **person unknown claiming any Right, Title,**  
25 **Estate, Lien or Interest in the Property**  
26 **described in the Complaint adverse to**  
27 **Plaintiff's Ownership, or any cloud upon**  
28 **Plaintiff's Title thereto, DOES I to X,**  
**inclusive, the Unknown Heirs or Known**  
**Heirs of any Deceased Person named**  
**hereinabove and the whole world,**

**Defendants.**

25 The above entitled cause came on duly and regularly heard on the 19<sup>th</sup> day of  
26 March, 2010, before the above entitled Court, without a jury, no jury having been demanded by  
27 any of the parties hereto; Plaintiff appeared by Attorney GARY E. DI GRAZIA, Esq. of the law  
28 firm of GOICOECHEA, DI GRAZIA, COYLE & STANTON, LTD.; Defendant UNION

1 PACIFIC RAILROAD COMPANY appeared by Attorney MICHAEL W. KEANE, Esq. of the  
2 law firm of WOODBURN AND WEDGE; no other Defendants appeared in the action and their  
3 default was duly and regularly entered for their failure to answer or otherwise appear and file any  
4 pleading or motion herein within the time limited by law, or at all, after having been duly and  
5 regularly served with Summons and Complaint in person or otherwise in the manner approved  
6 by law; evidence and arguments were presented and the matter was submitted;

7 THE COURT HEREBY FINDS AND CONCLUDES AS FOLLOWS:

8 1. Plaintiff brought this action against the above named Defendants, UNION  
9 PACIFIC RAILROAD COMPANY, a Delaware Corporation, formerly SOUTHERN PACIFIC  
10 TRANSPORTATION COMPANY, a Delaware Corporation, FILIPPO PROIETTE, N.A.  
11 WHITMORE, NEVADA ASSOCIATES, INC., a Massachusetts Corporation, J.J. BUCKSKIN,  
12 M.C. SMITH, J.W. EBERT, JOHN SWAN, CONNOR DAVIES, and also all other person  
13 unknown claiming any right, title, estate, lien or interest in the property described in the  
14 Complaint adverse to Plaintiff's ownership, or any cloud upon Plaintiff's title thereto, DOES I to  
15 X, inclusive, the unknown heirs or known heirs of any deceased person named hereinabove and  
16 the whole world; in the real property described in the Complaint and other pleadings herein, or  
17 any part thereof, adverse to Plaintiff's ownership, or any clouds upon Plaintiff's title thereto, and  
18 in rem against the whole world, to quiet, establish and determine the estate and title to, and to  
19 determine any and all adverse claims to and clouds upon, the title to that certain real property  
20 described as follows:

21 A certain parcel of land situate or lying or being in the County of  
22 Eureka, State of Nevada, said parcel being more particularly  
described as follows:

23 Parcel 1

24 Lots 6, 7, 9 and 10 of the Townsite of Palisade according to the map  
25 thereof filed in the office of the County Recorder of Eureka County,  
Nevada, as File Number 13737.

26 EXCEPTING THEREFROM the following described portion of  
27 said land:

28 Commencing at the northeast corner of Lot 9 in Block Number One  
(1) of said Townsite of Palisade, thence west along the north side

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line of said Lot 9, a distance of 95 feet; thence south parallel with the east end line of said Lot 9 to the south side line of said Lot 9 to the southeast corner of said Lot 9; thence north along the east end line of said Lot 9 to the northeast corner of said Lot 9, the place of beginning.

Parcel 2

All those certain lots, pieces on parcel situate in the Town of Palisade as shown on "Map of Palisade" survey dated December, 1908, more specifically described as follows:

- Block A: Lots 1 through 7
- Block B: Lots 1 through 5
- Block C: Lots 1 and 2
- Block D: Lots 1 through 6
- Block E: Lots 1 through 6  
Lots 8 through 16  
Lots 18 through 29
- Block F: Lots 1 through 7  
Lots 10 through 27
- Block G: Lots 1 through 31

Parcel 3

TOWNSHIP 32 NORTH, RANGE 51 EAST, MDB&M

Section 36: SW $\frac{1}{4}$  SW $\frac{1}{4}$

EXCEPTING THEREFROM all lands lying within that certain 400 foot wide strip of land lying along the existing railway lines as reserved by the Central Pacific Railway Company in document recorded January 7, 1931, in Book 21, Page 26, Deed Records, Eureka County, Nevada.

Parcel 4

TOWNSHIP 32 NORTH, RANGE 51 EAST, MDB&M

Section 36: NW $\frac{1}{4}$  SW $\frac{1}{4}$ ; SW $\frac{1}{4}$  NW $\frac{1}{4}$

EXCEPTING THEREFROM all lands lying within the boundaries of the Town of Palisade.

FURTHER EXCEPTING THEREFROM all lands lying within that certain 400 foot wide strip of land lying along the existing railway lines as reserved by the Central Pacific Railway Company in document recorded January 7, 1931, in Book 21, Page 26, Deed Records, Eureka County, Nevada.

FURTHER EXCEPTING THEREFROM those certain lands known as the "Cemetery Lot" conveyed to Eureka County, Nevada, by Deed recorded August 23, 1996, in Book 300, Page 117, Deed Records, Eureka County, Nevada.



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Parcel 5

TOWNSHIP 32 NORTH, RANGE 51 EAST, MDB&M

Section 36: NE¼ NW¼;

EXCEPTING FROM all of the above described parcels of land, any portion lying within the railroad right of ways.

Parcels 1 and 2 are also referenced on Record of Survey of the Town of Palisade, Nevada, for John G. and Frank R. Sexton recorded January 29, 2007, as Document No. 207725, Official Records, Eureka County, Nevada.

APN'S:	003-582-02	003-591-02
	003-581-05	003-591-07
	003-581-07	003-591-04
	003-581-09	003-591-16
	003-584-01	003-592-01
	003-583-02	004-370-21
	003-582-04	004-380-03
	003-581-12	004-370-02

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

3. Summons herein was duly issued within one year of the filing of the Complaint and had been duly and regularly published in the Eureka Sentinel, a newspaper printed and published in the County of Eureka, State of Nevada, being a County where the property is situate, at least once a week for a period of four consecutive weeks, as more fully appears from the Affidavit of Publication on file herein.

4. The Summons in this action contained a description of the property affected by this action, and the Summons was posted in a conspicuous place on the property described in the Complaint within thirty (30) days after the issuance of the Summons, as more particularly appears from the Affidavit of Posting on file herein.

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

1 Summons, and the Order for Publication of Summons and Affidavit of Mailing on file herein.

2 6. All of the provisions of NRS 40.090 and 40.100 have been fully complied with.

3 7. Plaintiff has filed an Affidavit pursuant to NRS 14.040.

4 8. Plaintiff and Defendant Union Pacific Railroad Company, a Delaware  
5 Corporation, have entered into a Stipulation filed herein on February 19, 2010, with respect to  
6 the property which is the subject matter of this Complaint, which this Court hereby approves.

7 And good cause appearing therefor,

8 IT IS HEREBY ORDERED, ADJUDGED, DECLARED AND DECREED AS  
9 FOLLOWS:

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

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

16 A. PARCEL 1:

17 Lots 6, 7, 9 and 10 of Block 1 of the Townsite of Palisade according  
18 to the map thereof filed in the office of the County Recorder of  
19 Eureka County, Nevada, as File Number 13737.

20 EXCEPTING THEREFROM the following described portion of  
21 said land:

22 Commencing at the northeast corner of Lot 9 in Block Number One  
23 (1) of said Townsite of Palisade, thence west along the north side  
24 line of said Lot 9, a distance of 95 feet; thence south parallel with  
25 the east end line of said Lot 9 to the south side line of said Lot 9 to  
26 the southeast corner of said Lot 9; thence north along the east end  
27 line of said Lot 9 to the northeast corner of said Lot 9, the place of  
28 beginning.

29 B. PARCEL 2:

30 All those certain lots, pieces on parcel situate in the Town of  
31 Palisade as shown on "Map of Palisade" survey dated December,  
32 1908, more specifically described as follows:

33 Block A: Lots 1 through 7  
34 Block B: Lots 1 through 5



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Block C: Lots 1 and 2  
Block D: Lots 1 through 6  
Block E: Lots 1 through 6  
          Lots 8 through 16  
          Lots 18 through 29  
Block F: Lots 1 through 7  
          Lots 10 through 27  
Block G: Lots 1 through 31

C. PARCEL 3:

TOWNSHIP 32 NORTH, RANGE 51 EAST, MDB&M

Section 36: E $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$

EXCEPTING THEREFROM any portion lying within that certain 400 foot wide strip of land lying along the existing railway lines as reserved by the Central Pacific Railway Company in document recorded January 7, 1931, in Book 21, Page 26, Deed Records, Eureka County, Nevada.

FURTHER EXCEPTING THEREFROM AND RESERVING an easement to UP providing a right of reasonable access across the property, to the extent necessary to provide ingress and egress to the communication town located on adjacent property.

D. PARCEL 4:

TOWNSHIP 32 NORTH, RANGE 51 EAST, MDB&M

Section 36: NW $\frac{1}{4}$ SW $\frac{1}{4}$ ; SW $\frac{1}{4}$ NW $\frac{1}{4}$

EXCEPTING THEREFROM all lands lying within the boundaries of the Town of Palisade.

FURTHER EXCEPTING THEREFROM that portion of the NW $\frac{1}{4}$ SW $\frac{1}{4}$  and SW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 36, Township 32 North, Range 51 East, MDB&M, lying within that certain 400 foot wide strip of land being a Right of Way granted by the United States of America to the Central Pacific Railway Company pursuant to an Act of Congress dated July 1, 1862 lying along the existing railway line as reserved by the Central Pacific Railway Company in document recorded January 7, 1931 in Book 21, page 26, Deed Records, Eureka County, Nevada and as shown on Record of Survey of the Town of Palisade, Nevada, for John G. and Frank R. Sexton recorded January 9, 2007 as Document No. 207725, Official Records, Eureka County, Nevada, said strip of land being shown on said Record of Survey as a strip of land lying 200 feet on each side of the "centerline of Old S.P.R.R. Rt. of Way" and that strip of land shown on the above described Record of Survey being 200 feet in width lying 100 feet on each side of centerline of the existing S.P.R.R. Right of Way being designated on Bureau of Land Management records as Nev. 043256.

FURTHER EXCEPTING THEREFROM that portion of the

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NW¼SW¼ and SW¼NW¼ of Section 36, Township 32 North, Range 51 East, MDB&M lying within the Right of Way granted by the United States of America to the Western Pacific Railway Company (merged into UP on 06/16/1987) pursuant to an Act of Congress dated March 3, 1875, as evidenced by Map Filing on June 15, 1910, with the U.S. Surveyor General's Office.

FURTHER EXCEPTING THEREFROM that portion of the NW¼SW¼ and SW¼NW¼ of Section 36, Township 32 North, Range 51 East, MDB&M lying within the property described in the deed dated October 17, 1908, from the Eureka and Palisade Railway to the Western Pacific Railway Company, which was recorded October 28, 1908, Book 16, Page 56, Official Records, Eureka County, Nevada.

EXCEPTING FROM the above described strips of land that portion of the 400 foot strip of land described above lying within the NW¼SW¼ of said Section 36 which lies easterly of a line 200 feet distant westerly and parallel to the centerline of the existing S.P.R.R. as shown on said Record of Survey.

FURTHER EXCEPTING THEREFROM those certain lands known as the "Cemetery Lot" conveyed to Eureka County, Nevada, by Deed recorded August 23, 1996, in Book 300, Page 117, Deed Records, Eureka County, Nevada.

E. PARCEL 5:

TOWNSHIP 32 NORTH, RANGE 51 EAST, MDB&M

Section 36: All right, title and interest of Union Pacific Railroad Company in and to that portion of the 400 foot strip land as reserved by the Central Pacific Railway Company in document recorded January 7, 1931 in Book 21, page 26, Deed Records as more fully described in Parcel II of lands to be vested in Union Pacific Railroad Company, said portion to be all that part of said right of way lying westerly of a line 200 feet distant and parallel to the centerline of the existing S.P.R.R. as shown on the above described Record of Survey.

3. That Union Pacific Railroad, a Delaware Corporation, is the owner of, seized in fee simple absolute and in the actual and peaceable possession of that certain real property in the County of Eureka, State of Nevada, more particularly described as follows:

A. PARCEL I:

TOWNSHIP 32 NORTH, RANGE 51 EAST, MDB&M

Section 36: NE¼NW¼  
W½SW¼SW¼

B. PARCEL II:



1 That portion of the NW $\frac{1}{4}$ SW $\frac{1}{4}$  and SW $\frac{1}{4}$ NW $\frac{1}{4}$  and W $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$   
2 of Section 36, Township 32 North, Range 51 East, MDB&M. lying  
3 within that certain 400 foot wide strip of land being a Right of Way  
4 granted by the United States of America to the Central Pacific  
5 Railway Company pursuant to an Act of Congress dated July 1,  
6 1862 lying along the existing railway line as reserved by the Central  
7 Pacific Railway Company in document recorded January 7, 1931 in  
8 Book 21, page 26, Deed Records, Eureka County, Nevada and as  
9 shown on Record of Survey of the Town of Palisade, Nevada, for  
10 John G. and Frank R. Sexton recorded January 9, 2007 as  
11 Document No. 207725, Official Records, Eureka County, Nevada,  
12 said strip of land being shown on said Record of Survey as a strip of  
13 land lying 200 feet on each side of the "centerline of Old S.P.R.R.  
14 Rt. of Way" and that strip of land shown on the above described  
15 Record of Survey being 200 feet in width lying 100 feet on each  
16 side of centerline of the existing S.P.R.R. Right of Way being  
17 designated on Bureau of Land Management records as Nev.  
18 043256.

19 C. PARCEL III:

20 That portion of the NW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 36, Township 32 North,  
21 Range 51 East, MDB&M lying within the property described in the  
22 deed dated October 17, 1908, from the Eureka and Palisade Railway  
23 to the Western Pacific Railway Company, which was recorded  
24 October 28, 1908, Book 16, Page 56, Official Records, Eureka  
25 County, Nevada.

26 EXCEPTING FROM the above described strips of land that portion  
27 of the 400 foot strip of land described above lying within the  
28 NW $\frac{1}{4}$ SW $\frac{1}{4}$  of said Section 36 which lies westerly of a line 200 feet  
distant westerly and parallel to the centerline of the existing  
S.P.R.R. as shown on said Record of Survey.

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

5. Excepting Plaintiff and Defendant Union Pacific Railroad Company, as described  
above, all other Defendants above named, and all persons holding through or under them or any  
of them, and all other persons, and their successors in interest be, and they each hereby are,  
perpetually enjoined and restrained from asserting any right, title, interest, claim, estate or  
possession in, or lien upon, the property, or any part thereof, adverse to the Plaintiff and  
Defendant Union Pacific Railroad Company herein;

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

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DONE IN OPEN COURT and this written Decree signed on the 19<sup>th</sup> day of March, 2010.



**DISTRICT JUDGE, DEPT. 1**

**DRAFT**