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Official Record
Recording requested By
ELLAREE MARILUCH

Eureka County - NV
Mike Rebaleati - Recorder
Fee: \$18.00 Page 1 of 5
RPTT: Recorded By: FES
Book- 531 Page- 0137

APN# 001-125-01

Recording Requested by:

Name Ellaree Mariluch

Address P O. Box 771

City/State/Zip Eureka, NV 89316



AFFADAVIT OF SEPARATE PROPERTY TRANSFER
(Title of Document)

This page added to provide additional information required by NRS 111.312 Sections 1-2.
(Additional recording fee applies)

This cover page must be typed or printed.

**AFFIDAVIT
OF
SEPARATE PROPERTY TRANSFER**

STATE OF NEVADA,)
) SS.
COUNTY OF ELKO.)

Ellaree Damele Mariluch hereby solemnly swears, deposes, says under oath, and declares under penalties of perjury that the following assertions are true:

1. The facts hereinafter set forth are known to me to be true of my own personal knowledge, and I am competent to testify to all matters stated herein and would so testify if I appeared in any court as a witness in the above entitled matter.

2. I am the daughter of Marjorie K. Damele, identified below, and the grandniece of Adeline M. Kelley, identified below.

3. On March 31, 1986, Marjorie K. Damele, as Trustee of the Estate of her aunt, Adeline M. Kelley, signed, acknowledged and recorded a deed (the "Deed") conveying Lots 1-5 of Block 24, Town of Eureka, Nevada (the "Property") to herself and her six following named children (the "Children"), as joint tenants with the right of survivorship:

- a. Bernard Damele, aka Bernard Robert Damele, aka Bernard R. Damele;
- b. Peter Damele, aka Peter J. Damele;
- c. Tom Damele, aka Thomas G. Damele;

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- d. Margaret Damele Myers;
- e. Carolyn Damele Fierce;
- f. Ellaree Damele Callaghan, aka Ellaree Damele Callaghan, aka Ellen Marie Mariluch, now known as Ellaree Damele Mariluch.

4. The Deed was recorded on March 31, 1986, as File No. 102247, in Book 143, Official Records, Page 212, Eureka County Recorder's Office, Eureka, Nevada.

5. Neither Marjorie K. Damele, nor any of the six Children (all 7 being the "Grantees") gave or paid any consideration for the conveyance of the Deed of the Property.

6. Rather, the Property was conveyed to Marjorie K. Damele and the Children as a devise by Adeline M. Kelley and a gift by Marjorie K. Damele.

7. At the time of the Deed (and continuing to the present time), Nevada law provided the following exception to the general rule that all assets acquired by a spouse during marriage is the community property of both spouses:

"All property of [a spouse]. . . acquired [during the marriage]. . . by gift, bequest, devise, descent . . . is [his or] her separate property." NRS 123.130.

8. At the time of the Deed on March 31, 1986, the marital status of the Grantees was as follows:

- a. Marjorie K. Damele was a widow. Her late husband, Peter J. Damele, died on January 12, 1970;

- b. Bernard Damele was a single man;
- c. Peter Damele was a single man;
- d. Tom Damele was a single man;
- e. Margaret Damele Myers was married to Michael Meyers;
- f. Carolyn Damele Fierce was married to Frank Fierce; and
- g. Ellaree Damele Callaghan was married to Dan Callaghan.

9. As a result of Nevada separate property law, NRS 123.130, and the above facts, all Grantees acquired title to the Property under the Deed as their separate property.

10. In addition, when Ellaree Damele Mariluch, then Ellaree Callaghan, was divorced from Dan Callaghan, on May 15, 1989, Dan Callaghan acknowledged and agreed that the Property was not the community property of himself and his then wife, Ellaree Callaghan. (See Property Settlement and Child Custody Agreement dated March 23, 1989, and recorded on May 14, 1996, as File No. 161898 in Book 294, Official Records, Page 575 in the Office of the Eureka County Recorder, Eureka, Nevada at Article II, final paragraph on Page 4 of the Agreement).

[signature on following page]



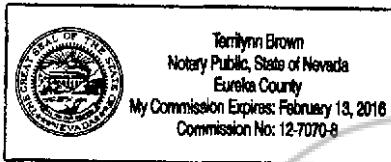
State of Nevada
County of Eureka

Ellaree Damele Mariluch
Ellaree Damele Mariluch

SWORN AND SUBSCRIBED TO
before me this 27 day of
April, 2012, by
Ellaree Damele Mariluch.****

Judy Brown
NOTARY PUBLIC

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