

DOC # 0232257

12/02/2016

01:45 PM

Official Record

Recording requested By
MAURA MARCIA

Eureka County - NV

Lisa Hoehne - Recorder

Fee: \$23.00

Page 1 of 10

RPTT:

Recorded By: LH

Book- 597 Page- 0366



APN # 005-090-15

Recording Requested By:

Name MAURA MARCIA

Address 1895 2400 East St

City/State/Zip Battle Mountain

Quieting Title
(Title of Document)

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

NO. _____ FILED

OCT 30 2014

Eureka County Clerk
By B. Conley

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Case No.: CV-1211-190
Dept. No. 1

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

MAURA MARCIA,

Plaintiff,

NOTICE OF ENTRY OF ORDER

vs.

BLANCA MARCIA,

Defendant.

PLEASE TAKE NOTICE that on the 17th day of October, 2014, the above-entitled Court, in the above captioned action, made and entered its, **ORDER STRIKING THE DEFENDANT'S CROSS COMPLAINT, ORDER GRANTING MOTION FOR SUMMARY JUDGMENT, and DECREE QUIETING TITLE**, a true copy of which is attached herewith.

Dated this 27th day of October, 2014.

Cavanaugh-Bill Law Offices, LLC
401 Railroad Street, Suite 307
Elko, Nevada 89801

[Signature]
Lorjen K. Cole
Nevada Bar No. 11912

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.

DISTRICT COURT, this 2nd WITNESS My Hand and Seal of said day of December 20 14

County Clerk and Ex-Officio Court Clerk
[Signature] Deputy Clerk

Cavanaugh-Bill Law Offices, LLC
401 Railroad Street, Suite 307
Elko, Nevada 89801
775-753-4357 775-753-4360 (fax)

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Page: 367 Page: 2 of 10

RECEIVED
OCT 30 2014
Eureka County
Clerk & Treasurer

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CERTIFICATE OF SERVICE

Pursuant to Rule 5(b) of the Rules of Civil Procedure, I certify under penalty of perjury that I am an employee of CAVANAUGH-BILL LAW OFFICES, LLC, and that on this date, I caused the foregoing document to be served on all parties to this action by delivering a true copy thereof as follows:

- Faxed
- Hand Delivered
- Regular Mail
- Certified Mail
- Overnight Mail
- E-Mail

Blanca Marcia
9311 Hildreth Ave.
South Gate, CA 90280

DATED this 28th day of October, 2014.


Employee of CB Law Offices

Cavanaugh-Bill Law Offices, LLC
401 Railroad Street, Suite 307
Elko, Nevada 89801
775-753-4357 775-753-4360 (fax)

OCT 17 2014

Eureka County Clerk
By *Juanita Cantrell*

1 CASE NO.: CV-1211-190

2 DEPT.: 1

3 **AFFIRMATION**

4 Pursuant to NRS 239B.030,
5 This document contains no
6 Social Security Numbers

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

9 MAURA MARCIA,
10 Plaintiff,

11 vs.

12 BLANCA MARCIA,
13 Defendant.

**ORDER STRIKING THE
DEFENDANT'S CROSS COMPLAINT,
ORDER GRANTING MOTION FOR
SUMMARY JUDGMENT, and DECREE
QUIETING TITLE**

14 **WHEREAS THIS MATTER** came before the Court upon the Amended Complaint
15 by the above-named Plaintiff on April 25, 2013, in compliance with the Nevada Revised
16 Statutes,

17 **WHEREAS** the Defendant was properly served with the Amended Complaint and
18 Second Summons,

19 **WHEREAS** the Defendant failed to timely respond to the Amended Complaint and
20 a Clerk's Default and Notice of Intent to Take Default were properly filed by the Plaintiff;

21 **WHEREAS** the Plaintiff filed a Prove-Up Affidavit and Decree Quieting Title by
22 Default for the Court's review and signature;

23 **WHEREAS** the Defendant filed a document with the Court titled "Cross Complaint"
24 on August 7, 2013, before the Decree Quieting Title by Default was entered;

25 **WHEREAS** the Court denied the Plaintiff's request to enter the default due to the
26 Defendant filing the "Cross Complaint;"

27 **WHEREAS** the Plaintiff filed a Motion for a More Definite Statement requesting the
28 Defendant to file a more definite statement of the relief she was seeking in the "Cross
Complaint;"

1 **WHEREAS** the Court granted the Plaintiff's motion and gave the Defendant until
2 June 3, 2014 to file a more definite statement;

3 **WHEREAS** the Defendant failed to file a more definite statement;

4 **WHEREAS** the Plaintiff filed a Motion to Strike the Defendant's Cross Complaint
5 and filed a Motion for Summary Judgment on September 15, 2014 requesting the Court grant
6 her request to quiet title to the real property at issue in the Amended Complaint;

7 **WHEREAS** the Defendant failed to respond to the Motion to Strike the Defendant's
8 Cross Complaint and for Summary Judgment;

9 **WHEREAS** the Court hereby strikes the Defendant's Cross Complaint and grants the
10 Plaintiff's motion for summary judgment as there are no issues of material fact and the
11 Plaintiff is entitled to a Decree Quieting Title by matter of law.

12 **GOOD CAUSE APPEARING**, the Court finds as follows:

13 1. That the Plaintiff filed a Verified Complaint seeking to quiet title on
14 November 26, 2011 to that real property more commonly described as follows: T3IN, R49E
15 Sec. 23 NW4 NW4 (Assessor Parcel No. 005-090-15) ("the Property").

16 2. That the Plaintiff filed a Summons on January 14, 2013 that was signed by the
17 clerk on November 26, 2012 which gave the Defendant twenty (20) days to Answer to avoid
18 a judgment by default. Attached to the filed Summons was an Affidavit of Service that
19 Defendant, Blanca Marcia, was personally served with a copy of the Verified Complaint and
20 Summons on January 3, 2013.

21 3. That the Defendant did not Answer the Verified Complaint.

22 4. That the Plaintiff filed a Motion for Leave to File an Amended Complaint on
23 March 13, 2013, which was granted by the Court on March 18, 2013 in an Order filed on that
24 day.

25 5. That the Plaintiff filed an Amended Complaint seeking to quiet title on the
26 Property April 25, 2013.

27 6. That a Second Summons was issued by the clerk of the above entitled Court
28 on April 25, 2013, including therein that Defendant was to respond within ten (10) days of
the service of the Second Summons.

 7. That an application for the Publication of Summons was filed May 3, 2013,

1 resulting in an Order for Publication of Summons filed May 10, 2013.

2 8. Thereafter an affidavit of publication of the summons was filed on July 3,
3 2013 as well as a Certificate of Service showing the Amended Complaint and Second
4 Summons were mailed to the Defendant's last known address evidencing completed
5 publication of service of summons upon the Defendant. According to the law, the summons
6 herein was duly issued and has been duly and regularly published in the Eureka Sentinel, a
7 newspaper printed and published in the County of Eureka, State of Nevada, being the County
8 where the said property is situated at least once a week for a period of four consecutive
9 weeks as more fully appears from the Affidavit of Publication on file herein.

10 9. That an Affidavit of Posting of the Second Summons and Amended Complaint
11 on the Property was accomplished and filed on May 28, 2013.

12 10. That a Notice of Pendency of Action to Quiet Title was properly recorded and
13 filed on May 3, 2013, containing a statement of the object of the action and a particular
14 description of the Property affected hereby.

15 11. That the Plaintiff has submitted payments by the Plaintiff of all real property
16 taxes on the Property for which the quiet title decree is sought for an uninterrupted period of
17 time exceeding five (5) years before the filing of Plaintiff's complaint.

18 12. That the Defendant has been duly and regularly served by publication in the
19 manner as required by law, and that all of the provisions of NRS 40.090 and 40.100 have
20 been fully complied with.

21 13. Accordingly, the Court enters the following findings of fact, conclusions of
22 law, and quiet title decree:

FINDINGS OF FACT

23 1. That Plaintiff is entitled to a Decree Quietening Title.

24 2. That the Plaintiff, Maura Marcia, is the owner in fee-simple of that real
25 property described as follows: T3IN, R49E Sec. 23 NW4 NW4 (Assessor Parcel No. 005-
090-15).

26 3. That the Defendant, and any of the unknown heirs of said Defendant, the
27

1 estates of any said persons who may be deceased, and the assigns of the Defendant, Blanca
2 Marcia, should be forever restrained and enjoined from asserting any claim whatever in and
3 to the above described land and premises.

4 4. Pursuant to Plaintiff's Amended Complaint, Plaintiff is also entitled to this
5 Court's decree of declaratory relief that Plaintiff was the entitled vestee of the Property as
6 a result of a fraudulent transfer that occurred between Plaintiff and her ex-husband, Juan
7 Carlos, deceased, who was acting as his mother, Blanca Marcia's, agent in this illegal
8 transfer wherein on or about August of 2005, Juan Carlos asked Plaintiff for a divorce. Mr.
9 Carlos presented Plaintiff with a document entitled: "Grant, Bargain, and Sale Deed," ("the
10 Deed") which deeded the Property to Mr. Carlos' mother, Defendant for one thousand dollars
11 (\$1,000). Mr. Carlos then told Plaintiff she needed to sign the document in order to receive
12 a divorce. Plaintiff signed the Deed based upon Mr. Carlos' representations, her inability to
13 read English, her distraught emotional condition, and the fact that the Deed looked like a
14 legal document. The Deed demonstrates, on its face, that this was a fraudulent transfer
15 because the one-thousand dollar (\$1,000) sales price is unconscionably low for forty (40)
16 acres of land especially since Plaintiff and Mr. Carlos paid fifteen thousand (\$15,000) for the
17 Property just a year and a half earlier, and the property has likely increased in value.
18 Defendant has never paid Plaintiff for the one thousand dollar (\$1,000) purchase price.
19 Moreover, Defendant's address is stated in the Deed as 1895 2400 E. Street, Battle Mountain,
20 Nevada, which was Plaintiff's address, when in fact Defendant has always resided in
21 California. Plaintiff paid the annual property taxes on the Property for five (5) years prior to
22 initiating this action.

23 CONCLUSIONS OF LAW

24 From the foregoing Findings of Fact, the Court concludes that Plaintiff, Maura
25 Marcia, should be the owner in fee-simple of that certain real property situate in the County
26 of Eureka, State of Nevada described as: T31N, R49E Sec. 23 NW4 NW4 (Assessor Parcel
27 No. 005-090-15) together with any buildings and improvements thereon.

28 DECREE QUIETING TITLE


**NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND
DECREEED** that Maura Marcia, Plaintiff above-named, is the owner in fee-simple absolute

1 of that certain real property situate in the County of Eureka, State of Nevada, described as
2 T3IN, R49E Sec. 23 NW4 NW4 (Assessor Parcel No. 005-090-15) together with any
3 buildings and improvements thereon.

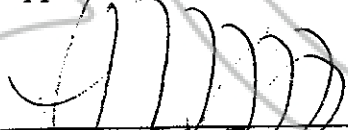
4 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that the Defendant,
5 Blanca Marcia, also, all of the unknown heirs of said above described persons, the estates of
6 any of said persons who may be deceased, and the assigns of any of the above named
7 Defendant, are hereby restrained and enjoined from asserting any right, title, interest, claim,
8 estate or possession in, or lien on said property or any part thereof adverse to that of the
9 Plaintiff, Maura Marcia.

10 **IT IS FURTHER ORDERED** that a Certified Copy of this Decree be recorded in
11 the Office of the Eureka County Recorder and when so recorded will be conclusive evidence
12 of Plaintiff's absolute right, title and interest in and to the subject real property described
13 herein.

14 DATED this 15th day of OCTOBER, 2013.

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17 _____
18 DISTRICT JUDGE

18 Approved as to content and form:

19 
20 _____
21 Loren K. Cole, Esq.
22 Nevada State Bar No.: 11912
23 401 Railroad Street, Ste. 307
24 Elko, Nevada 89801
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26
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NO. _____ FILED

MAY 22 2014

Eureka County Clerk
By *[Signature]*

1 Case No. CV-1211-190

2 Dept No. 2

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

9 * * * * *

10
11 MAURA MARCIA,

12 Plaintiff,

13 vs.

14 BLANCA MARCIA,

15 Defendant.

16
17 ORDER GRANTING PLAINTIFF'S EX
18 PARTE MOTION FOR A MORE
19 DEFINITE STATEMENT

20 Plaintiff filed plaintiff's ex parte motion for a more definite statement
21 (motion) on January 31, 2014; a notice of motion and certificate of service was filed on
22 April 11, 2014 showing service of plaintiff's motion on the defendant on April 8, 2014,
23 there being no opposition on file; plaintiff having filed a second request for review on
24 May 4, 2014, good cause appearing,

25 IT IS HEREBY ORDERED that plaintiff's ex parte motion for a more definite
26 statement is granted.

SEVENTH JUDICIAL DISTRICT COURT
GARY D. FAIRMAN
DISTRICT JUDGE
DEPARTMENT 2
WHITE PINE, LINCOLN AND EUREKA COUNTIES
STATE OF NEVADA



1 IT IS HEREBY FURTHER ORDERED that on or before June 3, 2014,
2 defendant, Blanca Marcia, file a more definite statement of the relief defendant seeks in
3 defendant's cross complaint filed August 2, 2013.

4 DATED this 19th day of May, 2014.

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7 DISTRICT JUDGE

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SEVENTH JUDICIAL DISTRICT COURT
GARY D. FAIRMAN
DISTRICT JUDGE
DEPARTMENT 2
WHITE PINE, LINCOLN AND EUREKA COUNTIES
STATE OF NEVADA

