

EUREKA COUNTY, NV
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MILLER LAW, INC



LISA HOEHNE, CLERK RECORDER

APN # 002-035-07 ~~002-044-07~~

Recording Requested By:

Name Miller Law, Inc

Address 115 West 5th Street Box 7

City/State/Zip Winnemucca, NV 89445

ORDER FOR Quiet Title
(Title of Document)

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

1 Case No. CV 1902-347
2 Dept. No. 1

NO. _____ FILED

3 The undersigned affirms this document
4 DOES contain a Social Security Number.

FEB 22 2020
By Eureka County Clerk

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

8 -oOo-

9 KATHLEEN JOHNSTON,
10 Plaintiff,

11 vs.

ORDER FOR QUIET TITLE

12 LILLIAN C. JOHNSTON,
13 JOHN P. JOHNSTON,
14 JOHN P. JOHNSTON, JR.,
15 ROSEMARY JOHNSTON, and
16 JENNIFER JOHNSTON,
17 Defendants.

18 THIS MATTER having been submitted to the Court on the 22nd day of February, 2020,
19 wherein the Plaintiff, KATHLEEN JOHNSTON, represented by MILLER LAW, INC. and
20 RENDAL B. MILLER, ESQ.; Defendants, LILLIAN C. JOHNSTON, JOHN P. JOHNSTON,
21 JOHN P. JOHNSTON, JR., ROSEMARY JOHNSTON, and JENNIFER JOHNSTON, having been
22 served by publication with the Summons having been published in the Eureka Sentential
23 Newspaper; no Defendant having come forward within the prescribed time and no responsive
24 pleading having been filed; the Plaintiff having filed Default with the Clerk; the Plaintiff,
25 KATHLEEN JOHNSTON, having verified the facts contained in the Amended Verified Complaint
26 for Quiet Title; therefore:

27 THE COURT NOW MAKES ITS FINDINGS OF FACTS AS FOLLOWS:

28 1. The parcel of real property located in Eureka County, Nevada, at issue in this matter
is Assessor Parcel Number 002-035-07 and 002-044-07, and more particularly described as:

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Eureka County Clerk

1 PARCEL 1:

2 Lot 26 of Block 15 of CRESCENT VALLEY RANCH & FARMS,
3 UNIT NO. 1, as per map recorded in said County as File No. 34081.

4 PARCEL 2:

5 Lot 6 of Block 16 of CRESCENT VALLEY RANCH & FARMS,
6 UNIT NO. 3, as per map recorded in said County as File No. 34551.

7 EXCEPTING, any and all oil rights including the right of entry for
8 exploration and production of oil or other hydrocarbons.

9 RESERVING, THEREFROM, a right of way ten feet in
10 width along all boundaries of lot with right of entry upon,
11 over, under, along, across and through said right of way for
12 the purpose of erecting, constructing, operating, repairing
and maintaining pole lines with cross arms for the
transmission of electrical energy, and for telephone lines,
and/or for laying, repairing, operating, and renewing, any
pipe line or lines for water, gas or sewerage, and any
conduits for electric or telephone wires, and reserving the
sole right to convey the rights hereby reserved.

13 2. John P. Johnston and Rosemary Johnston, then husband and wife, purchased the real
14 property from Nevada Title Guaranty Company with the Deed executed on April 23, 1969. The
15 Deed was recorded on July 15, 1969 as document number 49591 in the Eureka County Recorder's
16 Office.

17 3. John P. Johnston and Rosemary Johnston divorced shortly thereafter.

18 4. On December 3, 1975, John P. Johnston executed a Quit Claim Deed that was
19 recorded in the Eureka County Recorder's Office on December 22, 1975, transferring "the property
20 described hereunder" to Lillian Johnston, John P. Johnston's new wife.

21 5. The Deed apparently attempted to transfer the entire property because it made no
22 reference to only transferring John P. Johnston's interest and stated it was transferring "the property
23 described hereunder." The Deed was defective because John P. Johnston co-owned the property
24 with Rosemary Johnston, his first wife, and the Deed did not transfer Rosemary Johnston's interest
25 in the real property.

26 6. On September 11, 1980, a Quit Claim Deed was executed by Lillian C. Johnston
27 and recorded in the Eureka County Recorder's Office on July 25, 1985, transferring the Property
28 to John P. Johnston, Jr.

1 7. Once again, the Deed was defective because it failed to address Rosemary
2 Johnston's possible interest in the property.

3 8. Rosemary Johnston died intestate on January 12, 1985, in the City of Long Beach,
4 County of Los Angeles, State of California.

5 9. John P. Johnston, Jr. died intestate on June 1, 2013 in the City of Mesa, County of
6 Maricopa, State of Arizona.

7 10. Plaintiff has paid all taxes and assessments associated with the Property since the
8 passing of her husband on or about June 2013.

9 11. Plaintiff and her late husband, John P. Johnston, Jr., paid all taxes and assessments
10 on the property from 1985 to 2013 when the properties transferred to John P. Johnston, Jr.

11 12. There are no mortgages secured against the real properties.

12 13. If any of these Findings of Fact should be found to be Conclusions of Law, the
13 Court so concludes.

14 From the foregoing facts, THE COURT CONCLUDES AS A MATTER OF LAW AS
15 FOLLOWS:

16 1. The Court has jurisdiction over the Parties and the cause of action, and to consider
17 and determine the same.

18 2. Plaintiff is entitled to the award of Adverse Possession.

19 3. Plaintiff is entitled to the award of Quiet Title.

20 4. If any of these Conclusions of Law should be found to be Findings of Fact, the Court
21 so finds.

22 NOW, THEREFORE, FINAL JUDGMENT IS ENTERED, AND IT IS HEREBY
23 ORDERED, ADJUDGED AND DECREED:

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1 First. That Plaintiff is hereby granted relief on their Complaint for Quiet Title in
2 accordance with NRS 11.110 through NRS 11.150 and shall take exclusive ownership of the above
3 identified real property immediately and in fee simple.

4 DATED this 22nd day of February, 2020.

5 151 Gary D. Fairman
6 DISTRICT COURT JUDGE

7 Drafted and Submitted by:

8 MILLER LAW, INC.

9 Rendal B. Miller

10 RENDAL B. MILLER, ESQ.
11 Attorney for KATHLEEN JOHNSTON
12 Nevada Bar No. 12257
13 115 West 5th Street, Box 7
14 Winnemucca, Nevada 89445
15 775-623-5000

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26 SEVENTH JUDICIAL DISTRICT COURT
IN AND FOR THE COUNTY OF EUREKA } SS
STATE OF NEVADA
27 I, the Undersigned County Clerk Recorder and Ex-Officio Clerk of the
Seventh Judicial District Court do hereby certify that the foregoing is a true
and correct copy of the original on file in my office.
Witness hand and seal of the Seventh Judicial District Court
28 This 13th day of March 20 20
Eureka County Clerk Recorder and Ex-Officio Court Clerk
By: [Signature] Deputy Clerk Recorder (Seal Affixed)