

1 Filed January 11, 1978 No. 4991

2 _____, Clerk

3 By Wanda Bowe, Deputy

4 IN THE SEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF
5 NEVADA, IN AND FOR THE COUNTY OF LINCOLN

6 * * * * *

7 D. C. DAY,

8 Plaintiff.

9 -vs-

10 CURTIS ERWIN and the heirs of
11 CURTIS ERWIN, GEORGE H. TRACY
12 and the heirs of GEORGE H.
13 TRACY, THELMA JO TRACY, WESLEY
14 KOYEN, EVA H. KOYEN, JAY SAGER,
15 PATRICIA SAGERS, ROBERT W.
16 KOYEN, NORMA KOYEN, GARY AHL-
17 STROM, ELSIE AHLSTROM, TEMPIUTE
18 MINING CO., a Nevada Corpora-
19 tion, GENERAL RESOURCES CORP.,
20 SILVER HAWK INC., RON REYNOLDS
and also all other persons
known or unknown claiming any
right, title, estate, lien or
interest in the real property
described in Plaintiff's Com-
plaint adverse to Plaintiff's
ownership or any cloud upon
Plaintiff's title thereto.

21 Defendants.

AMENDED JUDGMENT OF DISMISSAL
AND PARTIAL SUMMARY JUDGMENT

22 Application having been made to the Court by C. E.
23 HORTON, Attorney for Plaintiff above named, that the Judgment of
24 Dismissal and Partial Summary Judgment heretofore entered herein
25 under date of January 6, 1978 be amended, and the Court having con-
26 sidered such application, and upon good cause appearing therefor;

27 IT IS HEREBY ORDERED that said application be, and it
28 is hereby, granted, and said Judgment of Dismissal and Partial Sum-
29 mary Judgment is hereby amended to read as follows:

30 Plaintiff's Motion to Dismiss and Motion for Partial
31 Summary Judgment having been submitted to the Court for decision
32 pursuant to Order heretofore entered that said Motions stand sub-

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ATTORNEY AT LAW
AULTMAN STREET
P.O. BOX 1280
LINCOLN, NEVADA 89301
289-4431

BOOK

23 PAGE 565

1 nited on the Points and Authorities heretofore filed herein by the
 2 above named parties, and the Court having considered the pleadings,
 3 Affidavits and said Points and Authorities, and the Court thereto-
 4 fore having heard oral argument, and the matter now standing sub-
 5 mitted, and the Court having found that there is no genuine issue
 6 as to any material fact and that Plaintiff is entitled to a Judg-
 7 ment of Dismissal and Partial Summary Judgment as a matter of law,
 8 and the Court having heretofore entered its Order granting Plain-
 9 tiff's Motion to Dismiss and Motion for Partial Summary Judgment,
 10 and the Court now having concluded that Plaintiff is entitled to
 11 Judgment as a matter of law, and upon good cause appearing there-
 12 for:

13 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Plain-
 14 tiff's Motion to Dismiss and Plaintiff's Motion for Partial Summary
 15 Judgment be, and it is hereby, entered in favor of Plaintiff in
 16 regard to that certain parcel of land situate and being in the
 17 County of Lincoln, State of Nevada, particularly described as fol-
 18 lows:

19 NW 1/4 of Section 35, TOWNSHIP 3 S, RANGE
 20 55 E., M.D.B. & M.

21 IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED
 22 that Plaintiff, J. C. DAY, is the owner of and seized in fee simple
 23 absolute and in the actual and peaceable possession of the above
 24 described parcel of land; that none of said Defendants, nor any
 25 other person or persons has or have any claims, estate, interest,
 26 right, title, lien, cloud or possession in or upon said above des-
 27 cribed parcel of land, or any part thereof, adverse to the Plain-
 28 tiff herein or adverse to said Plaintiff's ownership thereof.

29 IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED
 30 that the Defendants above named, and all persons holding through
 31 or under them or any of them, and all other persons, except the
 32 Plaintiff herein and his successors in interest, be, and they and

1 each of them are hereby, perpetually enjoined and restrained from
2 asserting any right, title, interest, claim, cloud, estate or
3 possession in or upon the said above described parcel of land, or
4 any part thereof, adversely to the Plaintiff herein.

5 IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED
6 that said parcel of land hereinabove referred to and described in
7 said Complaint, and whose title is hereby quieted, established and
8 determined in the Plaintiff herein, is situate and being in Lincoln
9 County, Nevada, and more particularly described as follows, to-wit:

10 NW 1/4 of SECTION 36, TOWNSHIP 3 S, RANGE
11 55 E., M.D.B. & M.

12 Dated this 10th day of January, 1978.

13
14 Wm. A. Hart
15 District Judge
16
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23

24 **61138**

25 No. 61138
26 FILED AND RECORDED AT REQUEST OF
27 C. E. Horton
28 Jan. 11, 1978
29 AT 15 MINUTES PAST 2 O'CLOCK
30 P. M. IN BOOK 23 OF OFFICIAL
31 RECORDS, PAGE 565 LINCOLN
32 COUNTY, NEVADA
Levin B. ...
COUNTY RECORDER

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