

FILED

No. 5271

31 MAR 31 AID: 58

Agnes Collins
DEPUTY

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

ANGE FREE, also known as ANGE D. FREE, also known as ANGIE FREE,
Plaintiff,

-VS-

DAVID THURMAN and RALPH THURMAN, individually, and as surviving
heirs of LEO E. THURMAN and VIRGINIA THURMAN, his wife, both
Deceased; FIRST DOE; SECOND DOE; THIRD DOE; FOURTH DOE; FIFTH
DOE; together with each and every one and all of the unknown
heirs of each and every one of the above named Defendants,
their last known addresses being Pioche, Lincoln County, Nevada,
unless otherwise stated herein; and also all other persons
unknown, claiming any right, title, estate, lien or interest
in the real property described in the Complaint herein adversely
to the Plaintiff's ownership or any cloud upon the Plaintiff's
title thereto.

Defendants.

DECREE ESTABLISHING TITLE

This cause coming on regularly to be heard on this
31st day of March, 1981, before the above entitled Court, sitting
without a jury, the Honorable MERLYN H. HOYT, District Judge,
presiding; the Plaintiff, ANGE FREE, also known as ANGE D. FREE,
also known as ANGIE FREE, was personally present in Court, being
represented by C. E. HORTON, her Attorney; and Defendants DAVID
THURMAN and RALPH THURMAN having filed an Answer herein and being
represented by JOHN MCGINSEY, their Attorney, and Disclaimer
of Title having been filed herein by RALPH E. THURMAN;

It appearing to the Court that all of the other
Defendants above named have been duly and regularly served with
Summons and Complaint in this action in the manner, form and
period prescribed by law, and the time having expired for all

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1 other Defendants to appear, answer or otherwise plead herein,
2 and none of said Defendants, having appeared within the time
3 allowed therefor, or at all;

4 NOW THEREFORE, IT IS HEREBY ORDERED that the default
5 of all of the other Defendants herein named and all unknown
6 persons and all unknown heirs be, and the same is hereby, entered;

7 And it further appearing that Plaintiff, at the
8 time of filing her Complaint, filed for record in the Office
9 of the County Recorder of Lincoln County, State of Nevada, a
10 notice of the pendency of this action, containing a statement
11 of the object of this action and a particular description of
12 the property affected thereby; and it appearing that Summons
13 herein has been duly and regularly issued and published in The
14 Lincoln County Record in the City of Caliente, County of Lincoln,
15 State of Nevada, the newspaper designated by the above entitled
16 Court, by an Order made and filed herein, as the newspaper most
17 likely to give notice to all persons interested, and being a
18 newspaper of general circulation printed and published in the
19 County of Lincoln, State of Nevada, where said property is situate
20 and being, at least once a week for a period of four (4) successive
21 weeks, as more fully appears from the Affidavit of Publication
22 on file herein;

23 And it further appearing that a copy of the Summons
24 herein, which said Summons contained a description of the property
25 affected by this action, was posted in a conspicuous place on
26 each separate parcel of the property described in said Complaint
27 within thirty (30) days after the issuance of said Summons,
28 as more particularly appears from the Affidavit of Posting on
29 file herein;

30 And it further appearing that a copy of said Summons,
31 attached to a copy of the Complaint herein, was mailed to all
32 of the Defendants (save and except the one having filed Disclaimer

1 of Title herein), with postage thereon fully prepaid, as more
2 fully appears by the Affidavit of Mailing on file herein; that
3 Plaintiff has never made any conveyance of said real property,
4 or any part thereof, or any interest therein, and that there
5 is no subsisting Mortgage, Deed of Trust or other lien upon
6 said described property, or any part thereof;

7 And it further appearing that all of the requirements
8 of the laws of the State of Nevada for service of Summons by
9 publication have been fully complied with, and that none of
10 the Defendants appeared at the time of the trial of said matter
11 except for DAVID THURMAN and RALPH THURMAN being represented by
12 JOHN MCGIMSEY, their Attorney;

13 And it further appearing through documentary and
14 oral proof presented to the Court that all of the facts, statement
15 allegations and matters set forth in Plaintiff's verified Complaint
16 filed herein are true; that Plaintiff now is and by herself and
17 her predecessors in interest have been continuously and for
18 more than fifteen (15) years next immediately preceding the
19 filing of her Complaint herein in the actual, exclusive, continuous
20 uninterrupted, open, notorious, peaceful and adverse possession
21 of said real property, claiming to own the same in fee against
22 the whole world; that Plaintiff and her predecessors in interest
23 have, during the period of five (5) years next preceding the
24 filing of the Complaint herein, paid all taxes of every kind
25 levied or assessed and due against said real property, or any
26 part thereof;

27 NOW, THEREFORE, the Court having fully examined
28 into and determined the legality of Plaintiff's title and of
29 all the titles and claims of all the Defendants and their unknown
30 heirs and all unknown persons and all adverse claims to and
31 estate, interest, right, lien and clouds upon said real property
32 and every part thereof described in said Complaint; that the

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1 Court being fully advised in the premises, and it appearing
2 that Plaintiff is entitled to the relief prayed for;

3 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that
4 Plaintiff is the owner of the hereinafter described property,
5 which is situate and being in the County of Lincoln, State of
6 Nevada.

7 As to any of the unknown heirs of said parties
8 Defendant herein impleaded as such, the same are necessary and
9 proper parties Defendant herein; the name or names and place or
10 places of residence of such heirs, and the name or names and place
11 or places of residence of the heirs or any of the other Defendants
12 herein impleaded, if any of such other Defendants be deceased,
13 and any further description that may be necessary reasonably
14 to identify such heir or heirs, are unknown to the Plaintiff.
15 Diligent search and inquiry have been made by and in behalf
16 of Plaintiff to ascertain the name or names and place or places
17 of residence of such heir or heirs without success, and the
18 same remain unknown to Plaintiff. The last known place of residen
19 of any of said deceased Defendants, whose heirs are unknown,
20 and not herein or in the caption hereof otherwise recited, was
21 Pioche, Nevada. Plaintiff has no knowledge of any further
22 description that may be necessary reasonably to identify any
23 of said deceased persons or their heirs at law. Their respective
24 last known addresses are as set forth in the caption to this
25 action and as herein elsewhere alleged. The findings in this
26 paragraph contained are the result of due and diligent search
27 and inquiry made on behalf of the Plaintiff.

28 That as more fully appears from the Affidavit of
29 Plaintiff on file herein, since the commencement of said action,
30 Plaintiff has neither learned the name or names of any Defendants
31 impleaded herein as unknown heirs, nor received any information
32 indicating a line of search or inquiry which, if properly pursued,

1 might lead to the discovery of such name or names, and that
2 the same still remains and remain unknown to Plaintiff, although
3 diligent search and inquiry had been made by or on behalf of
4 Plaintiff, and resulted in failure to learn such name or names,
5 and that the same are and still remain unknown to Plaintiff;
6 that, as more fully appears from the Affidavit on file herein,
7 none of said Defendants is in the military or naval services
8 of the United States; that all of the allegations contained
9 in Plaintiff's Complaint are true;

10 IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED
11 that Plaintiff is the owner of and seized in fee simple absolute
12 and in the actual and peaceable possession of the real property
13 described in the Complaint herein and of each and every part
14 and parcel thereof; that none of said Defendants, nor any other
15 person or persons has or have any claims, estate, interest,
16 right, title, lien, cloud or possession in or upon the property
17 described in the said Complaint, or any part thereof, adverse
18 to the Plaintiff herein or adverse to said Plaintiff's ownership
19 thereof.

20 IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED
21 that the Defendants above named and all persons holding through
22 or under them or any of them, and all other persons, except
23 the Plaintiff herein and her successors in interest; be, and
24 they and each of them are hereby, perpetually enjoined and restrai
25 ed from asserting any right, title, interest, claim, cloud,
26 estate or possession in or upon the said real property, or any
27 part thereof, adversely to the Plaintiff herein.

28 IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED
29 that those certain documents, alleged in the Complaint on file
30 herein, constitute clouds on the title to the hereinafter describe
31 property and each and all of said documents be, and they are
32 hereby, adjudged to be void and cancelled as of record only insofar

1 as they refer to or affect the property the subject matter of
2 the within actions said documents are as follows:

3 A. That certain Grant, Bargain, Sale Deed executed
4 by RAYMOND B. FREE to LEO E. THURMAN, and which said Deed is of
5 record in the County Recorder's Office of Lincoln County, State
6 of Nevada, in Book 9, Page 422.

7 B. That certain Deed of Correction by RAYMOND B.
8 FREE to LEO E. THURMAN, and which said Deed of Correction is of
9 record in the County Recorder's Office of Lincoln County, State of
10 Nevada, in Book 9, Page 532, recorded April 1, 1974.

11 C. That certain Deed of Trust and Assignment of
12 Rents executed on or about January 27, 1966, by LEO E. THURMAN as
13 trustor and RAYMOND B. FREE was beneficiary, and which said Deed
14 of Trust is of record in the County Recorder's Office of Lincoln
15 County, State of Nevada, in Book 9, Page 423, recorded March 27,
16 1974.

17 D. That certain Notice of Breach and Election to
18 Sell under Deed of Trust executed by RAYMOND B. FREE on or about
19 November 14, 1974, and which said Notice of Breach and Election to
20 Sell under Deed of Trust is of record in the County Recorder's
21 Office of Lincoln County, Nevada, in Book 12, Page 101, recorded
22 November 14, 1974.

23 IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED
24 that said real property herein referred to and described in
25 said Complaint, and whose title is hereby quieted, established
26 and determined in the Plaintiff herein, is situate in the County
27 of Lincoln, State of Nevada, and more particularly described
28 as follows, to-wit:

29 All of Lots Numbered One (1) and two (2) in Block
30 numbered Four and one-half (4 1/2), in the unincor-
31 porated Town of Pioche, County of Lincoln, State of
32 Nevada, as said lots and block are described and
delineated on the official plat of said Town of Pioche,
on file and of record in the office of the County
Recorder in Pioche, Nevada, reference to which said

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plat is hereby made for further particulars, together with any and all improvements situated thereon.

Together with all and singular, the tenements, hereditaments and appurtenances thereunto belonging, and in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

Done in open Court this 31st day of March, 1981.

MERLYN H. HOYT
District Judge

The document to which this certificate is attached is a full, true and correct copy of the original, on file and of record in the County Clerk's Office, Reno, Nevada.

In Witness Whereof, I have hereunto set my hand and affixed the Seal of the Seventh Judicial District Court in and for the County of Lincoln, State of Nevada, this 31st day of March, 1981.

Clerk
Henry G. Wickerson
Deputy Clerk

No. 71920

FILED AND RECORDED AT REQUEST OF
C. E. HORTON
MARCH 31, 1981
AT 10 MINUTES PAST 11 O'CLOCK
A.M. IN BOOK *48* OF OFFICIAL
RECORDS, PAGE *368* LINCOLN
COUNTY, NEVADA.
James H. Schuler
COUNTY RECORDER