

1 Case No. 31-6-95 LC

2 Dept. No. _____

FILED
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CLERK OF DISTRICT COURT
LINCOLN COUNTY, NEVADA

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

8 * * * * *

9 KATHERINE M. DEEVER, Successor Trustee under Declaration of
10 "DEEVER 1968 TRUST" dated March 5, 1968,

11 Plaintiff,

12 vs.

13 UNION PACIFIC RAILROAD COMPANY, a Utah corporation; LINCOLN
14 COUNTY, a political subdivision of the State of Nevada; PRINCE
15 CONSOLIDATED MINING & SMELTING CO., a Utah Corporation; PIOCHE
16 PACIFIC RAILROAD COMPANY; JOHN DOE I through JOHN DOE X; JOHN DOE
17 CORPORATION I through JOHN DOE CORPORATION X; together with each
18 and every one and all of the unknown heirs of each and every one
19 of the above-named Defendants, their last known addresses being
20 Lincoln County, Nevada, unless otherwise stated herein; also all
21 other persons unknown claiming any right, title, estate, lien or
22 interest in the real property described in the complaint adverse
23 to Plaintiff's ownership, or any cloud upon Plaintiff's title
24 thereto,

25 Defendants.

26 LIS PENDENS

NOTICE IS HEREBY GIVEN that an action has been
commenced in the above-entitled Court by the above-named
Plaintiff against the above-named Defendants, which suit is now
pending; that this action is brought for the purpose of removing
clouds upon, and quieting title to, the hereinafter described

LAW OFFICES
GARY D. FAIRMAN
A PROFESSIONAL CORPORATION
488 FIFTH STREET, P.O. BOX 8
ELY, NEVADA 89301
(702) 589-4422

COPY

This 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 Clerks Office, Pioche Nevada.

Whereof, I have hereunto set my hand and affixed the Seal of the Judicial District Court in and for the County of Lincoln, State of Nevada, this 30th day of June 1925

Conie Logan
Clerk

Deputy Clerk

LAW OFFICES
GARY D. FAIRMAN
A PROFESSIONAL CORPORATION
488 FIFTH STREET, P. O. BOX 5
ELY, NEVADA 89301
(702) 896-4488

1 real property belonging to the Plaintiff, situate and being in
2 the County of Lincoln, State of Nevada, and to obtain Judgment by
3 order of the above-entitled Court that said Defendants have no,
4 and that none of said Defendants have any, estate, right, title,
5 interest or lien in or upon said real property, or any part
6 thereof, but that Plaintiff is the owner thereof in fee simple
7 absolute; that the said Defendants, and each of them, their, and
8 each of their, servants, agents, attorneys and employees and all
9 unknown Defendants and all unknown heirs described as such, and
10 each of them, be forever restrained, enjoined and barred from
11 claiming or asserting any estate, right, title, interest, lien,
12 claim or possession in or to said real property or any part
13 thereof adverse to the Plaintiff herein, and for such other and
14 further relief as equity may deem meet and proper in the
15 premises. Said real property is property situate in the County
16 of Lincoln, State of Nevada, and more particularly described on
17 Exhibit "A" attached hereto and made a part hereof.

18 DATED this 22 day of June, 1995.

19 GARY D. FAIRMAN, ESQ.
20 A Professional Corporation
21 Attorney for Plaintiff
22 P.O. Box 5
23 Ely, Nevada 89301

24 
25 _____
26 GARY D. FAIRMAN, ESQ.

EXHIBIT "A"

Real property located in the County of Lincoln, State of Nevada,
and more particularly described as follows:

PARCEL NO. 1:

The Northeast Quarter (NE1/4) of Section 15, Township 1 North, Range 67 E., MDB&M, excepting therefrom the East Half (E 1/2) of the Southeast Quarter (SE1/4) of the Northeast Quarter (NE1/4) of said Section 15,

PARCEL NO. 2:

An easement consisting of a piece or parcel of land in the Northwest quarter of Section Fourteen (14), and the Northeast quarter of Section Fifteen (15), in Township 1 N., R. 67 E., M.D.B. & M., one hundred (100) feet in width, being fifty (50) feet on each side of the center line of the Main Track of the Prince Consolidated Mining & Smelting Company's railway, in the Northeast quarter of Section Fifteen (15) and two hundred (200) feet in width being one hundred (100) feet on each side of the center line of the Main Track and one hundred (100) feet on the north side, and one hundred (100) feet on the south side, and all that portion between the north and south legs of the Wyo track of the Prince Consolidated Mining & Smelting Company's railway, in the Northwest quarter of Section Fourteen (14) as the same is now located and being constructed over upon and across the above mentioned sections, all in Township One N. R. 67 E., M.D.B. & M., more particularly described as follows:

Commencing at a point in the center line of the Main Track of the Prince Consolidated Mining & Smelting Company's railway, where the north and south line between sections fourteen (14) and fifteen (15) crosses same, said point being south one (1) degree, Twenty-four (24) minutes west Fifteen Hundred ninety-six (1596) feet, along the north corner common to said sections, thence North 1 deg. 24 min. East along the north and south line between said sections fourteen (14) and fifteen (15), one hundred and 8\10 (100.8) feet to place of beginning, said point being one hundred (100) feet distant northerly from center line of Main Track of the Prince Consolidated Mining & Smelting Company's railway and normal thereto. Thence easterly one hundred (100) feet distant from and

parallel to center line of said main track, on a taper curve to the left one hundred seventy-two (172) feet, thence South 86 deg. 51 min. East two hundred thirty-seven and $4\frac{10}{100}$ (237.4) feet, thence easterly on a curve to the left with a radius of nine hundred twenty and $87\frac{100}{100}$ (920.87) feet, sixty-one (61) feet, thence North 89 deg. 04 min. East one hundred eight-six and $3\frac{10}{100}$ (186.3) feet, thence northerly on a curve to the left with a radius of seven hundred fifteen and $29\frac{100}{100}$ (715.29) feet, five hundred twelve (512) feet to point on the north line of the Southwest quarter of the Northwest one quarter of Section Fourteen (14), thence easterly on last mentioned line fifty-two (52) feet to the westerly boundary line of the Right of Way of the San Pedro Los Angeles, and Salt Lake Railway, said point being one hundred (100) feet distant from center line of Main Track of San Pedro Los Angeles and Sale Lake Railroad and normal thereto; thence southerly one hundred (100) feet distant from and parallel to center line of S. P. L. A. & S. L. R R., and on the westerly boundary line of the right of way of said Company seven hundred fifty (750) feet to a point one hundred (100) feet distant southerly from center line of south leg of Wyo Track of the Prince Consolidated Mining & Smelting Company's railway and normal thereto. Thence westerly on a curve to the left with a radius of seven hundred sixty-seven and $79\frac{100}{100}$ (767.79) feet, said line being one hundred feet from and parallel to center line of said Wyo Track five hundred sixty-two (562) feet, thence on a curve to the left with a radius of nine hundred twenty and $87\frac{100}{100}$ (920.87) feet, sixty one (61) feet, thence N. 86 deg. 51 min. West two hundred thirty-seven and $4\frac{10}{100}$ (237.4) feet, thence westerly on a taper curve to the right one hundred and seventy two (172) feet to a point on the north and south line between said sections fourteen (14) and fifteen (15), thence northerly along the last described line fifty and $4\frac{10}{100}$ (50.4) feet to a point fifty (50) feet distant southerly from center line of Main Track of the Prince Consolidated Mining & Smelting Company's railway and normal thereto. Thence westerly on a curve to the right with a radius of nine hundred fifty-five and $36\frac{100}{100}$ (955.36) feet, said line being fifty (50) feet from and parallel to center line of said main track six hundred thirty-five (635) feet, thence North 50 deg. 41 min. West fifteen hundred twenty nine and $6\frac{10}{100}$ (1529.6) feet, thence on a curve to the left with a radius of fourteen hundred thirty-two and $69\frac{100}{100}$ (1432.69) feet, five hundred forty (540) feet, thence North 68 deg. 37 min. West three hundred twenty (320) feet to a point on the north line of section fifteen (15), thence easterly on the last described line two hundred seventy-four and $2\frac{10}{100}$ (274.2) feet, thence South 68 deg. 37 min. East sixty-

five (65) feet, thence southerly on a curve to the right with a radius fourteen hundred thirty-two and $69\frac{1}{100}$ (1432.69) feet, five hundred seventy (570) feet, thence South 50 deg. 41 min. East fifteen hundred twenty-nine and $6\frac{1}{10}$ (1529.6) feet, thence on a curve to the left with a radius of nine hundred fifty-five and $36\frac{1}{100}$ (955.36) feet, five hundred sixty seven (567) feet to a point on the north and south line between said section fourteen (14) and fifteen (15), then northerly on last described line fifty and $8\frac{1}{10}$ (50.8) feet to place of beginning containing an area of twelve and $95\frac{1}{100}$ (12.95) acres more or less, and as shown on the plat marked Exhibit "A", hereto attached and made a part hereof.

Said right of way and easement shall include the right of maintaining, preparing and operating said line of railway, together with any and all switches and tracks which it may hereafter construct upon the said right of way, and the right to maintain, construct and prepare any cuts, fills, embankments, culverts, bridges, or other necessary or convenient structures, for the maintenance, construction and operation of said line of railway over said above described property, together with the right to take earth and rock from said above described premises for said purposes aforesaid.

It is understood and agreed that all mineral and mineral bearing earth and rock, contained beneath the surface of the said right of way hereby granted, is hereby reserved to said party of the first part, and in no event shall said party of the second part have the right to mine, remove or extract any of such minerals contained within the said granted right of way, but that the said right of way shall only consist in the right to construct, maintain and operate the said line of railway, as hereinbefore provided.

over and across the surface of the premises above described, and not otherwise.
IN WITNESS WHEREOF said party of the first part has caused these presents to be executed in its corporate name and its corporate seal to be affixed, by its proper officers, the same duly authorized, by resolution of its Board of Directors.

AMALGAMATED PIGCHE MINES & MERCHANTS CORPORATION.
BY T. J. Palmer, President.
R. S. Snow, Treasurer.

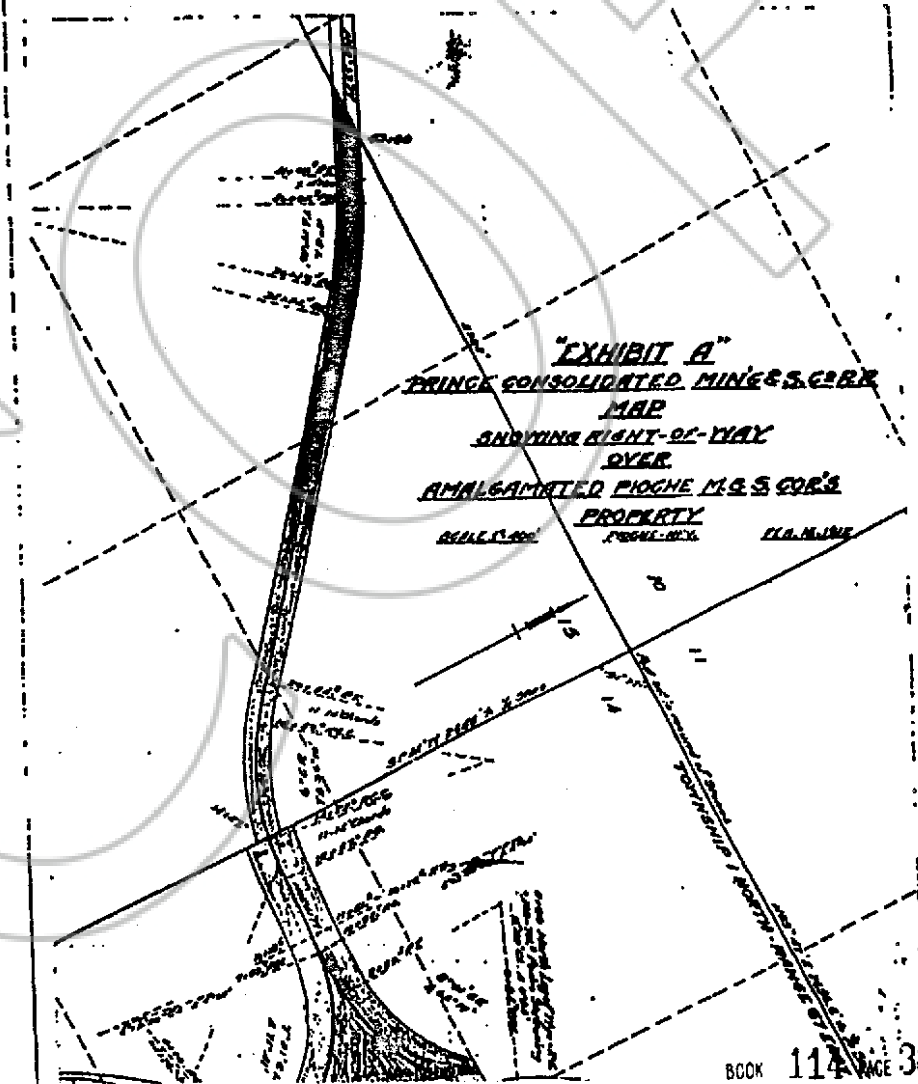
State of New York }
County of New York } no.

On this 24th day of March, 1914, personally appeared before me T. J. Palmer and R. S. Snow, who being by me first duly sworn, did depose and say that they are respectively the President and Treasurer of the Amalgamated Pigche Mines & Merchants Corporation, and that they signed the above and foregoing instrument in the name of said corporation and by authority of a resolution of its Board of Directors, and they and each of them duly acknowledged to me that said corporation executed the same.

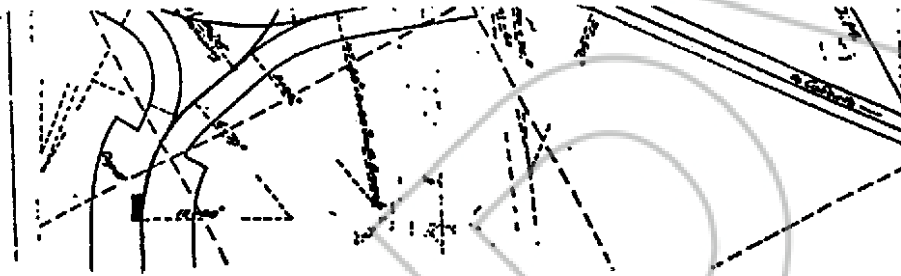
(JEM)

My commission expires March 30, 1915.

Jesse Kyrne, Notary Public.
Bronx Co. No. 1.
Cert. Filed in N. Y. Co. No. 145.



"EXHIBIT A"
BRIDGE CONSOLIDATED MINES & CO. INC.
MAP
SHOWING RIGHT-OF-WAY
OVER
AMALGAMATED PIGCHE M. & S. CO.'S
PROPERTY
SCALE: 1" = 100' PL. N. 1116



COPY

NO. **103679**
FILED AND RECORDED AT REQUEST OF
GARY D. FAIRMAN
JUNE 30, 1995
AT 01 MINUTES PAST 3 O'CLOCK
P.M. IN BOOK 114 OF OFFICIAL
RECORDS, PAGE 381 LINCOLN
COUNTY, NEVADA.
YURIKO SETZER
BY Julie Boucher COUNTY RECORDER, DEPUTY