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LINCOLN COUNTY RESURDED

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LESLIE BOUGHER

ORDER QUIETING TITLE

Case No. 58-12-98LC
Department NO.

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2031 AUG 22 A II: 18

CONNECTED COUNTY CLERK

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IN THE SEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF LINCOLN

ROCKY MOUNTAIN COMPANY, a Utah Limited Partnership,

Plaintiff,

vs.

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MEADOW VALLEY LAND AND CATTLE CO., a general partnership, MEADOW VALLEY PROPERTIES, a Nevada general partnership, MEADOW VALLEY PROPERTIES, LTD., MEADOW VALLEY PROPERTIES, M.A. WOOD COMPANIES, a corporation, MEADOW VALLEY CORPORATION, EAGLE BONDING AND INSURANCE BROKERS, as agent for CAL-FARM INSURANCE COMPANY, BARCLAYS MORTGAGE CORP., a California corporation, FIRST CAYMAN BANK, LTD., FURST HOLDING CORP., a California corporation, THE GRANT CORPORATION, THE GRANT COMPANY, FRESH-PARK MARKETING CORP. C.V.S. FINANCIAL SAVINGS, C.V.S. FINANCIAL, INC. RAINBOW ASSOCIATES, a California Limited Partnership or any interest they may have conveyed on merger with PEPPERMILL CASINOS, INC., a Nevada Corporation, LINCOLN COUNTY ASSESSOR'S OFFICE by and through LINCOLN COUNTY, a political subdivision of the State of Nevada, GREAT WEST SAVINGS And LOAN, LAND TITLE OF NEVADA, a Nevada corporation, EUGENE S. ALKANA, FIRST AMERICAN TITLE

INSURANCE CO., a California corporation, DOE COMPANIES 1-5, DOE CORPORATIONS 1-5, DOE PARTNERSHIPS 1-5, DOE LIMITED LIABILITY COMPANIES 1-5, DOES 1-5 and all other persons unknown claiming any right, title, estate, lien or interest in the real property of plaintiffs, adverse to the plaintiffs' ownership or any cloud upon plaintiffs' title to the following described properties: That portion of the SW4 of the NE4 (and that portion of the NW4) of the SE4 of Section 25, T.4S., R.66E., MDB&M, more particularly described as follows: Parcel 1,2,3 and 4 of that certain parcel map for Meadow Valley Properties recorded March 27, 1984 in the Office of the County Recorder of Lincoln County, Nevada in Book A of Plats, page 228 as File No. 79735, Lincoln County, Nevada records; together with an easement for access and utility purposes is described as follows: Also including a parcel or strip of land forty (40) feet in total width being twenty (20) feet on each side of the surveyed center line of a road and utility easement from State Highway Engineer's Station 421 + 67.07 on the center line of Nevada State Highway right of way No. 55 FAS Route 633 (Project S=633(2)) to the five acre parcel described in the above paragraphs; said center line is more fully described as follows: Beginning at Highway Engineer's Station 421+67.07 on the centerline of said Nevada State Highway Right of Way; thence along the center line of said Road and Utility Easement South 66°14' East, a distance of 283.35 feet to a point on a tangent curve; thence continuing along said easement center line being a curve to the right with a radius of 1,000.00 feet, through an angle 4°49' and an are distance of 84.07 feet to appoint of tangency; thence continuing along said

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center line South 6°24' East a distance of 227.15 feet to a point on a tangent curve; thence continuing along said center line being a curve to the right with a radius of 100.0 feet, through an arc angle of 50°28'30" an arc distance of 88.10 feet to a point of tangency; thence continuing along said center line South 10°55'30" East, a distance of 38.44 feet to a point on a tangent curve; thence continuing along said center line being a curve to the right with a radius of 50.00 feet, through an angle of 72°45'30" and an arc distance of 63.49 feet to a point of tangency; thence continuing along said easement center line South 61°49' West a distance of 150.17 feet; except the interest in the portion of said land conveyed to County of Lincoln, State of Nevada, by Deed recorded January 6, 1975 in Book 12 of Official Records, at page 441; excepting from the entire of the above described any and all rights of way heretofore granted by the Grantors herein or their predecessors in interest to the Union Pacific Railroad Co., and its predecessors in interest and to the State of Nevada for highway purposes which said rights of way are on file and of record in the Office of the County Recorder of said Lincoln County, Nevada, Assessor's Parcel #13-140-08; these parcels of real property also levied upon under Assessor's Parcel #9-012-76, 9-012-77 and 9-012-75,

Defendants.

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FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER QUIETING TITLE AND DECLARATORY JUDGMENT

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This cause came on for hearing the 22nd day of August,
2003; plaintiff personally appearing through it's
representative and plaintiff's attorney MICHAEL F. MACKEDON, of
the law firm of MACKEDON, McCORMICK & KING, A Professional
Corporation; the Court has heard proof of the allegations of
the Complaint and has required the representative of plaintiff,
a corporation, to be examined, under oath, respecting ownership
and possession of the real property described in the Complaint
TO Quiet Title to Real Property and For Declaratory Relief; the
Court finds as follows:

FINDINGS OF FACT

As and for findings of fact, the Court funds:

- That the Court has previously considered and ruled as to the only defendant named in this action answering plaintiff's Complaint;
- 2. That the defendants herein named were properly served with Summons in this matter and that no named defendant, other than the defendant previously heard by this Court, has appeared or answered in opposition to the Complaint filed by plaintiff;
- 3. That the default of all other defendants against whom plaintiff seeks declaratory judgment should be duly and regularly entered on the record of this proceeding;

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- 4. Plaintiff acquired title to the real property described in this action by way of Quitclaim Deed executed by GEORGE R. SANT, Trustee, et al. which Quitclaim Deed was recorded March 26, 1997, in Book 127, Page 127, as document #108703, Official Records of Lincoln County.
 - 5. Plaintiff owns the described property in fee simple;
- 6. Plaintiff and plaintiff's predecessors in interest have paid all taxes of every kind levied and assessed and due against the property;
- 7. Plaintiff and plaintiff's predecessors in interest have occupied the described property to the exclusion of all others and have been in actual, open, exclusive and adverse possession of the described property continuously for more than 15 years from the date of filing the Complaint in this action and have owned the same in fee throughout that time;
- 8. Title to the described property, including all tenements, hereditaments, appurtenances, water and water rights, ditches and ditch rights should be quieted in favor of plaintiff and against all defendants, known and unknown;
- 9. That several unreleased and/or fugitive recorded Deeds of Trust and other documents as described in plaintiff's Complaint affect title to the real property described herein.

10. That the Promissory Notes or indebtedness for which the Deeds of Trust are security had maturity dates which appear to be shorter than five (5) years from the date of making or no maturity date can be ascertained from the record, although all persons who may have had a beneficial interest in said deeds of trust were served by plaintiff as to this action and have failed to respond.

- 11. That no Notice of Default or claim or demand for payment has ever been filed in the records of Lincoln County, Nevada, since the dates the obligations were made and the Deeds of Trust were recorded.
- 12. That the named beneficiaries in the Deeds of Trust, certain defendants herein, never undertook any action to enforce the collection of any obligations or to protect or defend the collateral described in their respective Deeds of Trust by payment of delinquent liens, taxes and charges, and/or failed to prosecute or otherwise pursue their rights of enforcement or foreclosure for a period of more than ten (10) years from the maturity date of the Promissory Notes which they secured and therefore, pursuant to N.R.S. 106.240 said obligations represented by the Deeds of Trust are presumptively satisfied.

13. That the statute of limitations for the collection of monies due on a Promissory Note or Lease in the State of Nevada is six (6) years and more than fifteen (15) years and in some cases twenty (20) years have passed without any demand or claim for payment having been made on the Promissory Notes and/or underlying Leases and that many of the named beneficiaries under the Deeds of Trust, payees on the Promissory Notes and/or Leases no longer exists de jure or de facto as viable business organizations.

14. That the mining claims referred to in the June 6, 1979 Quitclaim deed from Mark A. Wood and Nella B. Wood to MEADOW VALLEY LAND AND CATTLE Company, a General Partnership is a fugitive document as there is no public record recorded in the office of the Lincoln County Recorder or in the United States Bureau of Land Management, Nevada State Office, nor physical evidence of staked claims on the property and the real property described herein was not subject to location under the General Mining Law;

15. That three (3) Contracts of Sale were recorded, all on December 30, 1983 wherein MEADOW VALLEY PROPERTIES, LTD. was the Seller and THE GRANT CORPORATION, FRESH-PACK MARKETING CORPORATION and C.V.S. FINANCIAL, INC. are the Buyers, and that MEADOW VALLEY PROPERTIES, LTD was at the time of the recording

of these documents, not a titled owner to the real property,
making the Contracts fugitive documents affecting title to the
real property;

16. That certain improvements are situate upon the property that have been previously categorized by the Lincoln County Assessor as personal property and that said improvements should be declared to be improvements appurtenant to the real property.

CONCLUSIONS OF LAW

Based upon the findings of fact set forth above, the Court makes the following conclusions of law:

- That no defendant against whom plaintiff seeks declaratory relief, although having been duly served with Summons, as responded to plaintiff's Complaint.
- 2. Plaintiffs are the owner in fee simple as to the property described in the Complaint and are entitled to the quiet and peaceful possession of that certain parcel of land situate in the County of Lincoln, State of Nevada, more particularly described hereinafter;
- 3. Plaintiff's title to said property, including all tenements, hereditaments, appurtenances, water and water rights, ditches and ditch rights should be quieted against any and all claims or demands of any person claiming under the

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named defendants to any estate, right, title, lien or interest in the described real property;

- 4. That defendants and any person claiming under said defendants are permanently enjoined and restrained from asserting any claim or interest in or to the above-described real property or any part thereof;
- 5. That the Promissory Notes secured by Deeds of Trust acting as a cloud upon the title to the subject real property be declared and be deemed to be released as to said real property and of no further force and effect.
- 6. That the Quitclaim Deed dated June 6, 1979 and recorded in the office of the Lincoln County Recorder between MARK A. WOOD and NELLA B. WOOD and MEADOW VALLEY LAND AND CATTLE COMPANY, a General Partnership, and the three (3) Contracts of Sale dated December 30, 1983 be declared to be a fugitive document and of no further force and effect.
- 7. That the three (3) Contracts of Sale recorded, all on December 30, 1983 in the office of the Lincoln County Recorder wherein MEADOW VALLEY PROPERTIES, LTD. was the Seller and THE GRANT CORPORATION, FRESH-PACK MARKETING COPORATION and C.V.S. FINANCIAL, INC. are the Buyers, be declared to be fugitive documents and of no further force and effect as to this real property.

8. That the Grant, Bargain & Sale Deed recorded January
3, 1986 in the office of the Lincoln County Recorder wherein
MEADOW VALLEY PROPERTIES M.A. WOODS COMPANIES, a corporation
purported to convey title to MEADOW VALLEY CORPORATION be
declared to be a fugitive document and of no further force and
effect as to this real property.

ORDER

Based upon the findings of fact and conclusions of law the Court enters the following Order:

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that plaintiff is the owner, in fee simple and is entitled to the quiet and peaceful possession of that certain parcel of land situate in the County of Lincoln, State of Nevada, more particularly described as follows:

That portion of the SW4 of the NE4 (and that portion of the NW%) of the SE% of Section 25, T.4S., R.66E., MDB&M, more particularly described as follows: Parcel 1,2,3 and 4 of that certain parcel map for Meadow Valley Properties recorded March 27, 1984 in the Office of the County Recorder of Lincoln County, Nevada in Book A of Plats, page 228 as File No. 79735, Lincoln County, Nevada records; together with an easement for access and utility purposes is described as follows: Also including a parcel or strip of land forty (40) feet in total width being twenty (20) feet on each side of the surveyed center line of \boldsymbol{a} road and utility easement from State Highway Engineer's Station 421 + 67.07 on

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the center line of Nevada State Highway right of way No. 55 FAS Route 633 (Project S-633(2)) to the five acre parcel described in the above paragraphs; said center line is more fully described as follows: Beginning at Highway Engineer's Station 421+67.07 on the centerline of said Nevada State Highway Right of Way; thence along the center line of said Road and Utility Easement South 66°14' East, a distance of 283.35 feet to a point on a tangent curve; thence continuing along said easement center line being a curve to the right with a radius of 1,000.00 feet, through an angle 4°49' and an arc distance of 84.07 feet to appoint of tangency; thence continuing along said center line South 6°24' East a distance of 227.15 feet to a point on a tangent curve; thence continuing along said center line being a curve to the right with a radius of 100.0 feet, through an ard angle of 50°28'30" an ard distance of 88.10 feet to a point of tangency; thence continuing along said center line South 10°55'30" East, a distance of 38.44 feet to a point on a tangent curve; thence continuing along said center line being a curve to the right with a radius of 50.00 feet, through an angle of 72°45'30" and an arc distance of 63.49 feet to a point of tangency; thence continuing along said easement center line South 61°49' West a distance of 150.17 feet; except the interest in the portion of said land conveyed to County of Lincoln, State of Nevada, by Deed recorded January 6, 1975 in Book 12 of Official Records, at page 441; excepting from the entire of the above described any and all rights of way heretofore granted by the Grantors herein or their predecessors in interest to the Union Pacific Railroad Co., and its predecessors in interest and to the

State of Nevada for highway purposes which said rights of way are on file and of record in the Office of the County Recorder of said Lincoln County, Nevada,

Assessor's Parcel #13-140-08; these parcels of real property also levied upon under Assessor's Parcel #9-012-76, 9-012-77 and 9-012-75

TOGETHER WITH all tenements, hereditaments, appurtenances, water and water rights, ditches and ditch rights appurtenance thereto.

and,

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that
plaintiff's title to the above described real property is
hereby forever quieted against any and all claims or demands of
any person claiming under the defendants named herein to any
estate, right, title, lien or interest in the described real
property, and

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the defendants and any person claiming under said defendants are permanently enjoined and restrained from asserting any claim or interest in or to the above-described real property or any part thereof, and

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the following documents affecting title to the real property described above be declared null and void and of no further

force and effect or as fugitive documents without force and effect, as to the title of the real property:

A Quitclaim Deed dated June 6, 1979, executed by Mark
 Wood and Nella B. Wood to MEADOW VALLEY LAND AND CATTLE
 COMPANY, a General Partnership recorded in the office of the
 Lincoln County Recorder under File #64612;

2. A Deed of Trust dated July 21, 1983 recorded in the office of the Lincoln County Recorder wherein MEADOW VALLEY PROPERTIES, a Nevada General Partnership is Trustor and EAGLE BONDING AND INSURANCE BROKERS as agent for CAL-FARM INSURANCE COMPANY are Beneficiaries which document was originally recorded under File No. 78235, Lincoln County records and was re-recorded on March 2, 1984 under File No. 79614, Lincoln County Official Records, purportedly to correct the legal description of the property encumbered. The trustee under this Deed of Trust was substituted by recordation of a Substitution of Trustee recorded September 19, 1984 under File No. 88165, Lincoln County records and the beneficial interest in the Deed of Trust was then assigned to BARCLAYS MORTGAGE CORPORATOIN, a California Corporation under File 81319 Lincoln County Official Records;

3. A Deed of Trust recorded under File No. 78799 on July 21, 1983 in the office of the Lincoln County Recorder, wherein

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MEADOW VALLEY PROPERTIES, a Nevada General Partnership is

Trustor and FIRST CAYMAN BANK, LTD., is beneficiary. The Deed

of Trust was re-recorded February 9, 1984 under File 79528;

4. A Deed of Trust recorded October 7, 1983 under File
No. 78799, Lincoln County Recorders wherein MFADOW VALLEY
PROPERTIES, a Nevada General Partnership is Trustor and
BARCLAYS MORTGAGE CORPORATION, a California Corporation is
Beneficiary. The beneficial interest under this Deed of Trust
was assigned by assignment recorded in the office of the
Lincoln County Recorder on October 7, 1983 under File No. 78800
to FURST HOLDING CORPORATION, a California Corporation. The
beneficial interest was again assigned by assignment recorded
in the office of the Lincoln County Recorder on October 7, 1983
under File No. 79417 to EAGLE BONDING AND INSURANCE BROKERS,
INC., as Trustee for CAL-FARM INSURANCE COMPANY. The Deed of
Trust was then re-recorded on March 2, 1964 under File No.
79615, Lincoln County Records.

5. A Deed of Trust recorded October 28, 1983 under File
No. 78865 in the office of the Lincoln County Recorder wherein
MEADOW VALLEY PROPERTIES, a Nevada General partnership was
Trustor and BARCLAYS MORTGAGE COPORATION, a California
Corporation is Beneficiary. The beneficial interest under this
Deed of Trust was assigned by assignment recorded in the office

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of the Lincoln County Recorder on October 28, 1983 under File No. 78800 to FURST HOLDING CORPORAITON, a California Corporation. The beneficial interest under the Deed of Trust was assigned again by assignment recorded in the office of the Lincoln County Recorder on July 23, 1984 under File No. 79418 to EAGLE BONDING AND INSURANCE BROEKRS, INC., as Trustees for CAL-FARM INSURANCE COMPANY. A substitution of Trustee was recorded in the office of the Lincoln County Recorder on September 19, 1984 under File No. 81166. This Deed of Trust was re-recorded on March 2, 1984 under File No. 79616 Lincoln County Records.

6. The following Contracts of Sale are declared to be fugitive documents of no force and effect as to the real property described herein:

a) A Contract of Sale recorded in the office of the Lincoln County Recorder on December-30, 1983 under File No. 79233 wherein MEADOW VALLEY PROPERTIES, LTD. is the Seller and THE GRANT COPROATION is the Buyer;

b) A Contract of Sale recorded in the office of the Lincoln County Recorder on December 30, 1983 under File No.

79243 wherein MEADOW VALLEY PROPERTIES, LTD. is the Seller and FRESH-PACK MARKETING CORPORATION is the Buyer;

- 7. A Deed of Trust recorded February 9, 1984 under File No. 79531, Lincoln County Records wherein THE GRANT COMPANY is Trustor and MEADOW VALLEY PROPERTIES, LTD is the Beneficiary. The beneficial interest under said Deed of Trust was assigned to GREAT WEST SAVINGS AND LOAN by assignment recorded in the office of the Lincoln County Recorder on February 13, 1985 under File No. 82137;
- 8. A Deed of Trust recorded February 9, 1984 under File No. 79532 wherein THE GRANT COMPANY is Trustor and MEADOW VALLEY PROFPRTIES, LTD. is Beneficiary. The beneficial interest under said Deed of Trust was assigned to GREAT WEST SAVINGS AND LOAN by assignment recorded in the office of the Lincoln County Recorder on February 13, 1985 under File No. 82138.
- 9. A Deed of Trust recorded February 9, 1984 under File
 No. 79533 wherein FRESH-PACK MARKETING CORP. is the Trustor and
 MEADOW VALLEY PROPERTIES, LTD is the Beneficiary. The
 beneficial interest under said Deed of Trust was assigned to
 GREAT WEST ASVINGS AND LOAN by assignment recorded in the

office of the Lincoln County Recorder on February 13, 1985 under File NO. 82135;

10. A Deed of Trust recorded in the office of the Lincoln County Recorder on the 9th day of February, 1984 under File NO. 79534 wherein FRESH-PACK MARKETING, CORP. Is the Trustor and MEADOW VALLEY PROPERTIES, LTD. is the beneficiary. The beneficial interest under said Deed of Trust was assigned to GREAT WEST SAVINGS AND LOAN by assignment recorded in the office of the Lincoln County Recorder on February 13, 1985 under File No. 82138.

11. A Deed of Trust recorded in the office of the Lincoln County Recorder on the 9th day of February, 1984 under File No. 79535 wherein RAINBOW ASSOCIATES, a California Limited Partnership is Trustor and MEADOW VALEY PROPERTIES, LTD is the Beneficiary. The beneficial interest under said Deed of Trust was assigned to GREAT WEST SAVINGS AND LOAN by assignment recorded in the office of the Lincoln County Recorder on February 13, 1985 under File, No. 82134.

12. A Deed of Trust recorded in the office of the Lincoln County Recorder on the 9th day of February, 1984 under File NO. 79536 wherein RAINBOW ASSOCIATES, a California Limited Partnership is Trustor and MEADOW VALLEY PROPERTIES is Beneficiary. The beneficial interest under said Deed of Trust

was assigned to GREAT WEST SAVINGS AND LOAN by assignment recorded in the office of the Lincoln County Recorder on February 13, 1985 under File No. 82133.

13. The following document is a fugitive document and is declared to be of no force and effect as to the real property described herein: A Grant, Bargain & Sale Deed recorded in the office of the Lincoln County Recorder on January 3, 1986 under File No. 79819 wherein MEADOW VALLEY PROPERTIES M.A. WOODS COMPANIES, a corporation purported to convey title to MEADOW VALLEY CORPORATION, and

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the improvements situated upon the real property, which are permanent improvements thereto, be declared to be appurtenances to the real property and no longer categorized as personal property under Lincoln County Assessor's Personal Property numbers 09-012-76, 09-012-77, 09-012-75.

DATED: This 22 day of August, 2003.

DISTRICT JUDGE

DISTRICT JUDGE.
This document to which this certificate is attached is a full, true and correct
copy of the original, on file and record in the County Clerks Office, Pioche
Nevada.

In witness whereof, I have hereunto set my hand and affixed the Seal of the Seventh Judicial District Court or and for the County of Lincoln, State of Nevaria, this day of the County of Lincoln, State of Circle County of Lincoln, State of Circle C

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