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FILED FOR RECORDING
AT THE REQUEST OF

Gary D. Fairman

2005 SEP 23 AM 10 08

LINCOLN COUNTY RECORDER
FEE 17.00 DEP *an*
LESLIE BOUCHER

APN 004-041-04

RECORDING REQUESTED BY:

GARY D. FAIRMAN, ESQ.
P.O. Box 151105
Ely, Nevada 89301

LIS PENDENS

COPY

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FILED

Case No. CV 0839005 2005 AUG 30 P 3: 40

COOPER HOGAN
CLERK
CHogan

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

* * * * *

MARGUERITE L. SMALLWOOD, TRUSTEE OF THE MARGUERITE L. SMALLWOOD
TRUST, DATED JUNE 7, 1995,

Plaintiff,

vs.

DAVID L. SMALLWOOD, Deceased, last place of residence, Lincoln
County, State of Nevada; GARLAND W. BALLENTINE and JANICE R.
BALLENTINE, husband and wife, as joint tenants, last place of
residence, Lincoln County, Nevada; PREFERRED ESCROW SERVICE, a
Nevada Corporation; WAYNE E. FAGAN and LENA M. FAGAN, husband and
wife, as joint tenants, last place of residence, Lincoln County,
Nevada; and STEWART TITLE OF NORTHEASTERN NEVADA, formerly known
as FRONTIER TITLE COMPANY; DOE I through DOE X; 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 Lincoln County, Nevada, unless otherwise stated herein;
also all other persons unknown claiming any right, title, estate,
lien or interest in the real property described in the complaint
adverse to Plaintiff's ownership, or any cloud upon Plaintiff's,
title thereto,

Defendants.

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

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

18 PARCEL 1:

19 Commencing at the Southwest (SW) corner of the
20 Northeast Quarter (N1/4) of the Southwest Quarter
21 (SW1/4) of Section 5, Township 7 South, Range 61
22 East, M.D.B.&M., thence running due East along
23 the South line of said Northeast Quarter (NE1/4)
24 of Southwest Quarter (SW1/4) a distance of 910
25 feet more or less to the West line of Maine
26 Street at the Northeast (NE) corner of Lot 1,
Block 46, Alamo Townsite on file in the Office
of the County Recorder of said Lincoln County;
running thence North 1°23' West along the West
side of Main Street and the projection thereof
a distance of 685 feet, thence South 88°37' West
a distance of 200 feet, to the true point of
beginning; thence North 1°23' West a distance of
218.78 feet, thence due West a distance of 100

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feet, thence South 1°23' East a distance of 220.67 feet, thence North 88°37' East a distance of 100 feet to the point of beginning.

PARCEL 2:

A non-exclusive easement 45 feet wide for a roadway and utilities, the center line of which is described as follows: Commencing at a point in the West line of said Main Street and the projection thereof a distance of 662.50 feet bearing North 1°23' West from said Northeast (NE) corner of Lot 1, Block 46; running thence South 88°37' West a distance of 300 feet to the point of ending.

DATED this 29 day of August, 2005.

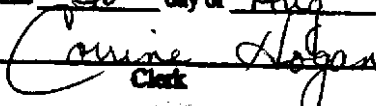
GARY D. FAIRMAN, ESQ.
A Professional Corporation
Attorney for Plaintiff
P.O. Box 151105
Ely, Nevada 89315



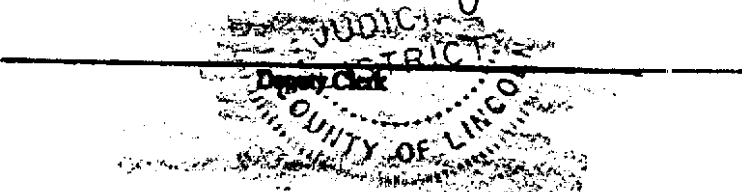
GARY D. FAIRMAN, ESQ.

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, Pione 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, Nevada, this 30th day of Aug 2005



Clerk


Seal of the County of Lincoln, Nevada, featuring the text 'SEVENTH JUDICIAL DISTRICT COURT' and 'COUNTY OF LINCOLN, NEVADA'.