LINCOLN COUNTY, NV

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**APN#** 005-231-38 and 005-231-39

### STIPULATION AND ORDER FOR JUDGMENT

### **QUIETING TITLE AND REFORMING**

# **INSTRUMENT**

# **Type of Document**

(Example: Declaration of Homestead, Quit Claim Deed, etc.)

# **Recording Requested by:**

Maurice Wood PLLC

#### Return to:

Name Maurice Wood PLLC

Address 8250 West Charleston Blvd. Ste. 100

City/State/ZIP Las Vegas, Nevada 89117

This document does not contain the personal information

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BRITTANY WOOD, ESO. Nevada Bar No. 7562 ELIZABETH E. ARONSON, ESQ.

Nevada Bar No. 14472

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Attorneys for Plaintiffs, JAMES SELMAN and CHRISTOPHER BARTON

# DISTRICT COURT

### LINCOLN COUNTY, NEVADA

**JAMES** individual: SELMAN, an and CHRISTOPHER BARTON, an individual,

Plaintiffs.

VS.

ORASA WILLIAMS, individual: THANJIRA FARRINGTON, an individual: DEBRA WILLIAMS, an individual; WENDY MATTOS, an individual; BENJAMIN RAMOS, an individual; ROBERT GONZALEZ, individual and THE UNKNOWN HEIRS OF GEORGE WILLIAMS,

Defendants.

CASE NO. CV0802122

FILED

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LISA C. LLCYD

LINCOLN COUNTY CLERK

STIPULATION AND ORDER FOR JUDGMENT QUIETING TITLE AND REFORMING INSTRUMENT

It is hereby stipulated and agreed, by and between Plaintiffs James Selman and Christopher Barton (collectively, "Plaintiffs"), by and through their counsel of record, the law firm of MAURICE WOOD; and Defendants Orasa Williams, Thanjira Farrington, Benjamin Ramos, Robert Gonzalez, and Wendy Mattos (collectively, "Stipulating Defendants") as follows:

Plaintiff Christopher Barton ("Barton") is an individual residing in Nevada and is the record title owner of real property located in Lincoln County, Nevada, with the following legal description:

> PARCEL 3A OF THE GEORGE R. WILLIAMS TRUST PARCEL MAP RECORDED IN BOOK C/150 OF THE LINCOLN COUNTY RECORDS

APN: 005-231-38 ("Parcel A").

(8754-286)

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2. Plaintiff James Selman ("Selman") is an individual residing in Nevada and is the record title owner of real property located in Lincoln County, Nevada, commonly known as 1281 Meadow Lane, Pioche, NV 89043, with the following legal description:

> PARCEL 3B OF THE GEORGE R. WILLIAMS TRUST PARCEL MAP RECORDED IN BOOK C/150 OF THE LINCOLN **COUNTY RECORDS**

APN: 005-231-39 ("Parcel B").

3. Parcel A and Parcel B were created in 2005 from a division of a larger parcel of real property in Lincoln County Nevada with the following legal description:

> The NW 1/4 of the SW 1/4 of the SW 1/4 of Section 34: T5N, R67E. M.D.B. & M. being more particularly described as follows:

> Beginning at a point (I) from which the Southwest corner of Section 34, T5N, R67E, M.D.B. & M. bears S O 45'36" E, a distance of 660.32 feet more or less; thence N O 47'10" W, a distance of 660.32 feet more or less, to the Northwest corner (2); thence N 89 41'07" E, a distance of 674.12 feet more or less, to the Northeast corner (3); thence S O 47'09" E, a distance of 661.27 feet more or less, to the Southeast corner (4); thence S 89 45'56" W, a distance of 674.13 feet more or less, to the point of beginning.

"Parent Parcel Property")

- This action concerns the same title issue in Parcel A and Parcel B (collectively, "Subject Property").
- 5. On or about December 15, 1987, George R. Williams ("George") purchased the Subject Property, acquiring title by way of a Grant Bargain and Sale Deed, recorded in the official records for Lincoln County, Nevada as Instrument Number 88138.
- 6. On or about May 26, 1998, George conveyed his interest in the Parent Parcel Property to George R. Williams, as Trustee of the George R. Williams Revocable Living Trust; Dtd. 3-17-98 ("Williams Trust").
- 7. The Grant Deed conveying George's interest in the Parent Parcel Property to the Williams Trust was recorded in the official records for Lincoln County, Nevada on May 26, 1998 as Instrument Number 111006 ("1998 Deed").
  - George intended to convey all of his individual interest in the Parent Parcel Property

to the Williams Trust.

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9. The 1998 Deed conveyed title to the Parent Parcel Property as follows:

GEORGE R. WILLIAMS, AS TO AN UNDIVIDED 1/3 INTEREST HEREBY GRANT(S), SELL(S), CONVEY(S) AND ASSIGN(S) TO: GEORGE R. WILLIAMS, AS TRUSTÉE OF THE GEÒRGE R. WILLIAMS REVOCABLE LIVING TRUST DTD. 3-17-98, ALL OF HIS/HER/THEIR RIGHT, TITLE AND INTEREST IN THE PROPERTY DESCRIBED IN "EXHIBIT A"

(emphasis added).

- 10. The 1998 Deed contained a mistake, error, or omission, creating a potential ambiguity as to whether George conveyed all of his interest in the Parent Parcel Property to the Williams Trust or whether George only conveyed 1/3 of his interest and maintained an individual 2/3 interest in the Parent Parcel Property.
- 11. On December 13, 2005, a Parcel Map dividing the Parent Parcel Property into three separate parcels was recorded in the official records for Lincoln County, Nevada, as Instrument Number 125637 in Book C, page 150 of Plats ("Parcel Split Map").
- 12. As a result of the Parcel Split Map, the Subject Property (Parcel A and Parcel B) was created.
- 13. The Parcel Split Map acknowledged that title to the Parent Parcel Property was vested, in its entirety, in the Williams Trust.
- 14. The owner's acknowledgment on the Parcel Split Map, executed by George as Trustee, demonstrates that George intended to convey all of his interest in the Parent Parcel Property to the Williams Trust through the 1998 Deed.
- 15. The Parcel Split Map demonstrates George's belief that title was solely vested in the Williams Trust and that George did not intend nor believe that he maintained any individual interest the Subject Property.
  - 16. On May 25, 2017, George passed away.
  - 17. No probate was opened for George.
  - 18. At the time of his passing, George was the trustee of the Williams Trust.
  - 19. On April 9, 2018, a Certificate of Incumbency, Affidavit of the Incumbent Trustee

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for the Williams Trust was recorded in the official records of Lincoln County, Nevada as Instrument Number 2018-154085 ("Certificate of Incumbency").

- 20. The Certificate of Incumbency represented that the Williams Trust's assets included the Subject Property.
- 21. The Certificate of Incumbency demonstrates the parties' belief and intent that George intended to transfer his entire individual interest in the Subject Property to the Williams Trust.
- 22. On February 23, 2021, a Quitclaim Deed conveying Parcel A from the Williams Trust to George's surviving spouse, Orasa, was recorded in the official records of Lincoln County, Nevada as Instrument Number 2021-159645.
- 23. On February 23, 2021, a Quitclaim Deed conveying Parcel B from the Williams Trust to George's surviving spouse, Orasa, was recorded in the official records of Lincoln County, Nevada as Instrument Number 2021-159646.
- 24. The Quitclaim Deeds from the Trust to Orasa demonstrate the parties' belief that George intended to convey all of his individual interest in the Subject Property to the Williams Trust.
- 25. The Quitclaim Deeds demonstrate Orasa's belief that George did not intend to maintain any individual interest in the Subject Property that she may have been entitled to as an heir upon his death.
- 26. With the recording and execution of the Quitclaim Deeds, the parties intended that fee simple title to the entire Subject Property would be transferred from the Williams Trust to Orașa as an individual.
- 27. On March 11 2021, Barton purchased Parcel A from Orasa, acquiring title by Grant Bargain Sale Deed, recorded in the official records of Lincoln, County, Nevada as Instrument Number 2021-159712 ("Barton Deed").
- 28. With the recording of the Barton Deed, the parties intended that the undivided fee simple title to Parcel A would be transferred to Barton.
  - 29. In or around March of 2021, Selman purchased Parcel B from Orasa, acquiring title

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by Grant Bargain Sale Deed, recorded in the official records of Lincoln County, Nevada on April 1, 2021, as Instrument Number 2021-159811 ("Selman Deed").

- 30. With the recording of the Selman Deed, the parties intended that the undivided fee simple title to Parcel B would be transferred to Selman.
- 31. Selman was recently informed by a lender that it could not fund a loan to be secured by Parcel B because the lender was unable to obtain a lender's title insurance policy as a result of the ambiguity in the title of the Subject Property as a result of the 1998 Deed.
- 32. The lender is concerned that a title issue was created because the 1998 Deed may be interpreted to have only conveyed 1/3 of George's interest to the Trust and that George, as an individual, still maintains the remaining 2/3 interest in the Subject Property.
- 33. The Lincoln County Assessor informed Plaintiffs' agent that the Assessor records do not reflect that George has any remaining interest in the Subject Property.
- 34. The Lincoln County Assessor's records reflect the parties' intent and belief that George conveyed all of his interest in the Subject Property to the Williams Trust via the 1998 Deed and that undivided fee simple title to Parcel A and Parcel B be vested solely in Barton and Selman, respectively.
- 35. Following Barton's purchase of Parcel A, Barton has: (a) exclusively and continuously possessed Parcel A; and (b) paid all expenses to maintain and improve Parcel A including paying all property taxes.
- 36: Following Selman's purchase of Parcel B, Selman has: (a) exclusively and continuously possessed Parcel B and (b) paid all expenses to maintain and improve Parcel B including paying all property taxes.
- 37. Stipulating Defendants stipulate that an order may be entered reforming the 1998 Deed to vest George's entire interest in the Parent Parcel Property to the Williams Trust.
- 38. Stipulating Defendants stipulate that an order may be entered declaring that George's individual interest in the Subject Property was conveyed in its entirety to the Williams Trust.

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Stipulating Defendants stipulate that an order may be entered declaring that Barton

8250 West Charleston Blvd., Suite 100 Las Vegas, Nevada 89117 Tel: (702) 463-7616 Fax: (702) 463-6224 MAURICE WOOD

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Stipulating Defendants stipulate that an order may be entered declaring that Barton

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MAURICE WOC 50 West Charteston Blvd., S Las Vegas, Nevada 891: (702) 463-7616 Fax: (702)	

#### **ORDER**

Upon the stipulation between Plaintiffs and Defendants Orasa Williams, Thanjira Farrington, Benjamin Ramos, Robert Gonzalez, and Wendy Mattos, and good cause appearing therefore, it is hereby ORDERED, ADJUDGED AND DECREED as follows:

- 1. Judgment is hereby entered in favor of Plaintiffs, Christopher Barton and James Selman, with respect to Plaintiffs' quiet title, declaratory relief, and reformation claims.
- 2. The Court hereby finds that Plaintiff Christopher Barton is the current record owner in undivided fee simple title of real property located in Lincoln County, Nevada, with the following legal description:

PARCEL 3A OF THE GEORGE R. WILLIAMS TRUST PARCEL MAP RECORDED IN BOOK C/150 OF THE LINCOLN COUNTY RECORDS

APN: 005-231-38 ("Parcel A").

3. The Court further finds that Plaintiff James Selman is the current record owner in undivided fee simple title of real property located in Lincoln County, Nevada, commonly known as 1281 Meadow Lane, Pioche, NV 89043, with the following legal description:

PARCEL 3B OF THE GEORGE R. WILLIAMS TRUST PARCEL MAP RECORDED IN BOOK C/150 OF THE LINCOLN COUNTY RECORDS

APN: 005-231-39 ("Parcel B").

4. The Court further finds Parcel A and Parcel B (collectively, "Subject Property") were created in 2005 from a division of a larger parcel of real property in Lincoln County, Nevada, with the following legal description:

The NW 1/4 of the SW 1/4 of the SW 1/4 of Section 34; T5N, R67E, M.D.B. & M. being more particularly described as follows:

Beginning at a point (I) from which the Southwest corner of Section 34, T5N, R67E, M.D.B. & M. bears S O 45'36" E, a distance of 660.32 feet more or less; thence N O 47'10" W, a distance of 660.32 feet more or less, to the Northwest corner (2); thence N 89 41'07" E, a distance of 674.12 feet more or less, to the Northeast corner (3); thence S O 47'09" E, a distance of 661.27 feet more or less, to the Southeast corner (4); thence S 89 45'56" W, a distance of 674.13 feet more or less, to the point of beginning.

("Parent Parcel Property").

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- 5. The Court further orders that the Grant Deed recorded on May 26, 1998, in the Official Records of Lincoln County, Nevada as Instrument Number 111006 shall be reformed to vest fee simple title to the Parent Parcel Property in its entirety to George R. Williams, as Trustee of the George R. Williams Revocable Living Trust; Dtd. 3-17-98.
- 6. The Court further finds that Orasa Williams, Thanjira Farrington, Benjamin Ramos, Robert Gonzalez, and Wendy Mattos have no right, title interest, or estate in Parcel A or Parcel B.
- 7. All other claims and causes of action asserted in this action against the Stipulating Defendants shall be and are hereby dismissed in their entirety, with prejudice, with each party to bear their own attorney's fees and costs.

DATED this 13 day of 7 2022.

Submitted by:

MAURICE WOOD

BRITTANY WOOD (BAR NO. 007562)

ELIZABETH E. ARONSON (BAR NO. 14472)

3250 W. Charleston Blvd., Ste 100

as Vegas, Nevada 89117

Attorneys for Plaintiffs Christopher Barton

and James Selman

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## STATE OF NEVADA DECLARATION OF VALUE

1. Assessor Parcel Number(s)	^
a. 005-231-38 and 005-231-39	
b	
C.	\ \
d.	\ \
2. Type of Property:	\ \
a. Vacant Land b. Single Fam. Res.	FOR RECORDERS OPTIONAL USE ONLY
c. Condo/Twnhse d. 2-4 Plex	Book Page:
	Date of Recording:
g. Agricultural h. Mobile Home	Notes:
Other	
3.a. Total Value/Sales Price of Property	\$
b. Deed in Lieu of Foreclosure Only (value of proper	ty( )
c. Transfer Tax Value:	\$ 0
d. Real Property Transfer Tax Due	\$ 0
4. If Exemption Claimed:	
a. Transfer Tax Exemption per NRS 375.090, Sec	· · · · · · · · · · · · · · · · · · ·
b. Explain Reason for Exemption: Recorded to c	
005-231-39. Transfer tax collected on 2021-15	9712 and 2021-159811
5. Partial Interest: Percentage being transferred: 100	%
The undersigned declares and acknowledges, under per	nalty of perjury, pursuant to NRS 375.060
and NRS 375.110, that the information provided is con	rect to the best of their information and belief,
and can be supported by documentation if called upon	to substantiate the information provided herein.
Furthermore, the parties agree that disallowance of any	
additional tax due, may result in a penalty of 10% of th	
to NRS 375.030, the Buyer and Seller shall be jointly a	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
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Signature Brittany Wood	Capacity: Attorney
Signature	Capacity:
SELLER (GRANTOR) INFORMATION	BUYER (GRANTEE) INFORMATION
(REQUIRED)	(REQUIRED)
Print Name: Orasa Williams et al. see attached list	Print Name: Christopher Barton et al See attached
Address: 8734 Jefferson Ave	Address: 8755 Rancho Destino Rd
City: La Mesa	City: Las Vegas
State: CA Zip: 97947	State: NV Zip: 89123
<b>COMPANY/PERSON REQUESTING RECORDIN</b>	NG (Required if not seller or buyer)
Print Name: Maurice Wood PLLC	Escrow # 8754-286
Address: 8250 W. Charleston Blvd. Ste. 100	
City: Las Vegas	State: NV Zip: 89117

AS A PUBLIC RECORD THIS FORM MAY BE RECORDED/MICROFILMED

#### ADDITIONAL GRANTORS:

BENJAMIN RAMOS 14109 Meadow Ridge Lane Rosharon, TX 77583

WENDY MATTOS 710 N 200 W Hurricane, UT 84737

THANJIRA FARRINGTON 8734 Jefferson Ave La Mesa CA 91941

ROBERT GONZALEZ 3560 Carnation Circle Seal Beach, CA 90740

Debra Williams 10313 SW 69<sup>th</sup> Ave. Tigard OR 97223-9103

Seventh Judicial District Court Clerk of Court P.O. Box 90 Pioche, Nevada 89043

ADDITIONAL GRANTEE: JAMES SELMAN HC10 BOX 21 PIOCHE NV 89043