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Case No. 31368

FILED

Dept. No. I

NO. _____

'94 MAR 22 P2:11

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DALEY

IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR DOUGLAS COUNTY

MALCOLM LEPAS,

Plaintiffs,

DECREE QUIETING TITLE.

vs.

RESOLUTION TRUST CORPORATION and any and all other persons unknown, claiming any right, title, estate, lien or interest in the subject property described in the Complaint adverse to Plaintiff's ownership or any cloud upon Plaintiff's title thereto.

Defendants.

This cause having come on to be heard before the Court sitting without a jury on the 22nd day of March, 1994, and Plaintiff having appeared by and through his counsel, EDWARD BERNARD, the Defendants, RESOLUTION TRUST CORPORATION and all other persons unknown, claiming any right, title, estate, lien or interest in the subject property described in the Complaint, having been served herein by publication in the Record Courier and the Defendants, and each of them, having failed to answer or otherwise plead in the time allowed by law, the Plaintiff having heretofore entered the default of said Defendants, the Court

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1 finds that said Defendants, and each of them, so served has
2 failed to file an answer within the statutory time.

3 Plaintiff having introduced evidence, both oral and
4 documentary, and rested, and Defendants having introduced no
5 evidence, and said cause having been submitted to the Court for
6 its decision and judgment, and the Court having been advised in
7 the premises finds:

8 That the Defendants, RESOLUTION TRUST CORPORATION, and all
9 other persons unknown, claiming any right, title, estate, lien
10 or interest in the subject property described in the Complaint,
11 have been served with Summons and Complaint in the form and
12 manner as provided by law; that all the material allegations set
13 forth in Plaintiff's Complaint are true as alleged; that
14 Plaintiff is the successor of all that certain real property
15 situate in Douglas County, State of Nevada, as set forth in the
16 Complaint, and said Plaintiff and his predecessors in interest,
17 have paid all taxes levied and assessed against said property
18 that have been due.

19 Plaintiff executed a Note and Deed of Trust in favor of
20 Sierra Savings and Loan Association, a Nevada Corporation on
21 June 2, 1986. This Note and Deed of Trust was subsequently
22 assigned to the Resolution Trust Corporation. Plaintiff made
23 all payments on said Note and Deed of Trust and retired the
24 obligation thereon. Defendant has failed and refused to
25 authorize the Trustee, Sierra Land Title, to reconvey the Deed
26 of Trust to the Plaintiff.

27 / / /
28 / / /

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333308

1 Plaintiff sold the property to Flora-Dell Gunter on or
2 about December 16, 1992. Prior to the sale, Plaintiff was
3 unable to obtain a release of the Deed of Trust due to the
4 Defendant's failure to authorize the Trustee to reconvey the
5 Deed of Trust. Western Title Corporation of Carson City,
6 Nevada, is presently holding funds as security until such time
7 as the Plaintiff obtains a reconveyance of the Deed of Trust.

8 That a copy of the Summons with legal description, was
9 posted on the parcel of land described in the Complaint by
10 December 8, 1993.

11 That the Defendants named in the Complaint have not had nor
12 now have any right, title or interest whatsoever to said land
13 and premises or parcels therein.

14 WHEREFORE, the Court finds that the Defendants, and each of
15 them, have failed to file an answer within the statutory time;
16 that Defendants, and each of them have no interest whatsoever to
17 the real property described in the Complaint and that the
18 Plaintiff herein is the owner of the real property described in
19 the Complaint.

20 **CONCLUSIONS OF LAW**

21 That the Plaintiff is entitled to judgment against said
22 Defendant, RESOLUTION TRUST CORPORATION, named in the Complaint,
23 quieting title to the land and each and every parcel thereof, as
24 described in the Complaint on file herein.

25 **DECREE QUIETING TITLE**

26 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED
27 that Defendant, RESOLUTION TRUST CORPORATION, is decreed to have
28 no interest in the real property herein, and is forever barred

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from asserting any claim whatsoever in or to said real property adverse to Plaintiff. Said real property is situate in Douglas County, State of Nevada and described as follows:

Lot 7, as shown on the Map of IDLE ACRES SUBDIVISION, filed in the office of the County Recorder of Douglas County, Nevada, on April 5, 1960, in Book 01, Page 65, as File No. 15812. Assessor's Parcel No. 21-132-24.

DATED: March 22, 1994.

David R. Gamble

DAVID R. GAMBLE, District Judge



GERTIFIED COPY

The document to which this certificate is attached is a full, true and correct copy of the original on file and of record in my office.

REQUESTED BY
WESTERN TITLE COMPANY, INC.

IN OFFICIAL RECORDS OF
DOUGLAS CO., NEVADA

DATE: *March 22, 1994*
David R. Gamble
Clerk of the Judicial District Court
of the State of Nevada, in and for the County of Douglas.

'94 MAR 25 P12:16

David R. Gamble
Deputy

SUZANNE BLAUDREAU
RECORDER
\$10.00 PAID *Ke* DEPUTY

SEAL 333308

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