

Case No. 97-CV-0124 RECEIVED

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DOUGLAS COUNTY  
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BY J. THALER DEPUTY

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

DONALD W. QUALLS and  
A. LYNN QUALLS,

Plaintiffs,

vs.

DEFAULT JUDGMENT  
QUIETING TITLE

JACK BAKER; NOEL SCHULTZ;  
URSULA WHITE; J.B.R., INC.;  
also all other persons unknown  
claiming any right, title,  
estate, liens or interest in  
the real property described in  
the Complaint adverse to the  
DONALD W. AND A. LYNN QUALLS  
ownership, or any cloud upon  
DONALD W. and A. LYNN QUALLS  
title thereto; and DOES I  
through XX,, inclusive,

Defendants.

THIS MATTER having come regularly for hearing before  
this Court, Plaintiffs, DONALD W. QUALLS and A. LYNN QUALLS,  
appearing by and through their attorney, SONIA E. TAGGART, ESQ.,  
of ALLISON, MacKENZIE, HARTMAN, SOUMBENIOTIS & RUSSELL, LTD., and  
no Defendants appearing; due notice of which was proved; and no  
persons objecting; the Court having considered the evidence, and  
the pleadings and papers on file herein; it appearing that the

1 allegations of the Verified Complaint to Quiet Title are true; and  
2 good cause appearing, makes the following Findings of Facts,  
3 Conclusions of Law and Judgments.

4 FINDINGS OF FACT

5 1. On June 25, 1974, a Corporation Grant Deed was  
6 executed by ENVIRONMENTAL COMMUNITIES OF NEVADA INC. (hereinafter  
7 "ECN") to CAL WESTERN SAVINGS AND LOAN ASSOCIATION, a California  
8 corporation, for the purchase of certain real property, located  
9 in Douglas County, referenced herein as Lot 37 more particularly  
10 described as follows:

11 Lot 37, as shown on the Official Map of  
12 RIDGEVIEW ESTATES, filed for recording the  
13 office of the County Recorder of Douglas  
14 County, Nevada, on December 27, 1972, as  
15 Document No. 63503.

16 Said Corporation Grant Deed was recorded on June 27, 1974.

17 2. On June 25, 1974, a Grant Deed was executed by CAL  
18 WESTERN SAVINGS AND LOAN ASSOCIATION, a California corporation,  
19 to ENVIRONMENTAL COMMUNITIES INC., a California corporation  
20 (hereinafter "ECC"), for the purchase of property, which included  
21 Lot 37. Said Grant Deed was recorded on June 27, 1974.

22 3. On November 20, 1974, ECN entered into an  
23 "Agreement for Sale of Property Ridgeview Estates" ("Sales  
24 Agreement") with Defendant, JACK BAKER, for Lot 37. Said Sales  
25 Agreement was recorded on December 26, 1974.

26 4. At the time the Sales Agreement between ECN and  
27 JACK BAKER was executed, ECN did not have an interest in the  
28 property.

5. On June 6, 1975, a Grant, Bargain, Sale Deed was  
executed by ECC to SIERRA LAND TITLE CORPORATION (hereinafter

1 "SLTC"), for the purchase of real property, which included Lot 37.  
2 Said Grant, Bargain, Sale Deed was recorded on June 11, 1975.

3 6. On January 12, 1976, JACK BAKER executed a  
4 "Contract of Sale of Real Property" to GORDON R. PAGE and MARJORIE  
5 E. PAGE for the purchase of Lot 37. Said Contract of Sale was  
6 recorded on March 1, 1976.

7 7. On July 6, 1976, GORDON R. PAGE and MARJORIE E.  
8 PAGE executed an "Assignment of Agreement" to JACK BAKER, KENNETH  
9 HERRIN, MERLE HERRIN, CHERYL DAVIS, GRACE GEISSLER, WILLIAM E.  
10 MILLIGAN, NOEL SCHULTZ, URSULA WHITE, CAROL HAMRICK, TRINETTE  
11 THOMPSON, MARILYN MORVAY, HOWARD RUEDY and JACK LAWRY for all of  
12 their interest in the January 12, 1976 "Contract of Sale of Real  
13 Property," on Lot 37. Said Assignment of Agreement was recorded  
14 on August 18, 1976.

15 8. On March 9, 1978, KENNETH HERRIN, MERLE HERRIN,  
16 CHERYL DAVIS, CAROL HAMRICK, TRINETTE THOMPSON and JACK LAWRY  
17 executed an "Assignment of Agreement" to J.B.R., INC., a Nevada  
18 corporation, for all of their interest in the January 12, 1976  
19 "Contract of Sale of Real Property," on Lot 37. Said Assignment  
20 of Agreement was recorded on March 30, 1978.

21 9. On June 23, 1987, SLTC, a Nevada corporation formed  
22 in 1971, executed a "Grant, Bargain, Sale Deed" to SLTC, a Nevada  
23 corporation formed in 1986, for the purchase of real property,  
24 which included Lot 37. Said Grant, Bargain, Sale Deed was  
25 recorded on June 23, 1987.

26 10. On November 10, 1987, SLTC, a Nevada corporation  
27 formed 1986, executed an "Grant, Bargain and Sale Deed" to JACK

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1 BAKER, an unmarried man, of Lot 37. Said grant was recorded on  
2 November 30, 1987.

3 11. On November 10, 1987, JACK BAKER, executed a  
4 "Grant, Bargain and Sale Deed" to ROY L. DEERING and CHRISTINE D.  
5 DEERING, husband and wife, of Lot 37. Said grant was recorded on  
6 November 30, 1987.

7 12. On March 12, 1991, ROY L. and CHRISTINE DEERING,  
8 husband and wife, executed an "Grant, Bargain, Sale Deed" to  
9 Plaintiffs, DONALD W. and A. LYNN QUALLS, husband and wife, of Lot  
10 37. Said Grant, Bargain, Sale Deed was recorded on March 15,  
11 1991.

12 13. On September 19, 1996, Plaintiffs executed a  
13 "Grant, Bargain and Sale Deed" to JOE G. JOHNSTON and LILLIAN  
14 JOHNSTON (the "JOHNSTONS"), husband and wife as joint tenants, of  
15 Lot 37. Said Grant, Bargain and Sale Deed was recorded on  
16 September 26, 1996.

17 14. Plaintiffs and their predecessors in interest have  
18 exercised control and have occupied Lot 37 hereof openly and  
19 continuously for in excess of fifteen (15) years.

20 15. Plaintiffs and their predecessors in interest have  
21 paid the taxes on Lot 37 hereof for in excess of five (5) years.

22 16. On or about June 10, 1997, Defendant, MARILYN  
23 MORVAY, duly executed a Quit Claim Deed to Plaintiffs.

24 17. On or about June 18, 1997, Defendant, HOWARD RUEDY,  
25 executed a Quit Claim Deed to Plaintiffs.

26 18. On or about June 19, 1997, Defendant, WILLIAM E.  
27 MILLIGAN, duly executed a Quit Claim Deed to Plaintiffs.

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1 19. On or about January 24, 1998, Defendant, GRACE  
2 GEISSLER, duly executed a Quit Claim Deed to Plaintiffs.

3 CONCLUSIONS OF LAW

4 1. Title to Lot 37 is lawfully held in JOE G. JOHNSTON  
5 and LILLIAN JOHNSTON, husband and wife as joint tenants, are  
6 successors in interest to Plaintiffs.

7 2. No person received any interest in Lot 37 as a  
8 result of the chain of instruments stemming from the Sales  
9 Agreement signed by ECN.

10 3. JOE G. JOHNSTON and LILLIAN JOHNSTON, as successors  
11 in interest to Plaintiffs, are entitled to have title granted in  
12 them by reason of NRS 40.090, et seq.

13 4. Plaintiffs will be immediately and irreparably  
14 harmed by any Defendant asserting any adverse claim to Plaintiffs'  
15 title.

16 5. Plaintiffs have no adequate remedy at law.

17 6. The Agreement for Sale of Property Ridgeview Estate  
18 to BAKER recorded on December 26, 1974 with the County Clerk of  
19 Douglas County, state of Nevada, in Book 1274 at Page 710 as File  
20 No. 77102, the Contract of Sale of Real Property to GORDON R. and  
21 MARJORIE E. PAGE recorded on March 1, 1976 with the County Clerk  
22 of Douglas County, state of Nevada, in Book 376 at Page 004 as  
23 File No. 87547, the Assignment of Agreement to JACK BAKER, KENNETH  
24 HERRIN, MERLE HERRIN, CHERYL DAVIS, GRACE GEISSLER, WILLIAM E.  
25 MILLIGAN, NOEL SCHULTZ, URSULA WHITE, CAROL HAMRICK, TRINETTE  
26 THOMPSON, MARILYN MORVAY, HOWARD RUEDY and JACK LAWRY recorded on  
27 August 18, 1976 with the County Clerk of Douglas County, state of  
28 Nevada, in Book 876 at Page 838 as File No. 02561, and the

1 Assignment of Agreement to J.B.R., INC. recorded on March 30, 1978  
2 with the County Clerk of Douglas County, state of Nevada, in Book  
3 378 at Page 2108 as File No. 19118, constitute clouds on  
4 Plaintiffs' title and said instruments were not and are not valid  
5 conveyances of interests in Lot 37 and constitute clouds upon the  
6 title.

7 NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND  
8 DECREED as follows:

9 1. Title to the following real property situated in  
10 Douglas County, Nevada is quieted in the name of JOE G. JOHNSTON  
11 and LILLIAN JOHNSTON, husband and wife as joint tenants:

12 Lot 37, as shown on the Official Map of  
13 RIDGEVIEW ESTATES, filed for recording the  
14 office of the County Recorder of Douglas  
County, Nevada, on December 27, 1972, as  
Document No. 63503.

15 2. That Defendants, each of them, and all person  
16 claiming under them, are permanently enjoined from asserting any  
17 adverse claim to the JOHNSTONS' title to said property or the  
18 JOHNSTONS' interest in said property for any reason;

19 3. That effect of the "Agreement for Sale of Property  
20 Ridgeview Estates" entered into by ECN and Defendant, JACK BAKER,  
21 recorded on December 26, 1974, with the County Clerk of Douglas  
22 County, state of Nevada, in Book 1274 at Page 710 as File No.  
23 77102 and any interest represented by it, is hereby expunged from  
24 the record and is hereby declared null and void;

25 4. That the "Contract of Sale" to GORDON R. and  
26 MARJORIE E. PAGE recorded on March 1, 1976 with the County Clerk  
27 of Douglas County, state of Nevada, in Book 376 at Page 004 as  
28 File No. 87547, and any interest represented by it, is hereby

1 expunged from the record and is hereby declared null and void;

2 5. That the "Assignment of Agreement" to JACK BAKER,  
3 KENNETH HERRIN, MERLE HERRIN, CHERYL DAVIS, GRACE GEISSLER,  
4 WILLIAM E. MILLIGAN, NOEL SCHULTZ, URSULA WHITE, CAROL HAMRICK,  
5 TRINETTE THOMPSON, MARILYN MORVAY, HOWARD RUEDY and JACK LAWRY  
6 recorded on August 18, 1976 with the County Clerk of Douglas  
7 County, state of Nevada, in Book 876 at Page 838 as File No.  
8 02561, and any interest represented by it, is hereby expunged from  
9 the record and is hereby declared null and void; and

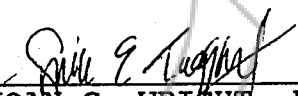
10 6. That the "Assignment of Agreement" to J.B.R., Inc.  
11 recorded on March 30, 1978 with the County Clerk of Douglas  
12 County, state of Nevada, in Book 378 at Page 2108 as File No.  
13 19118, and any interest represented by it, is hereby expunged from  
14 the record and is hereby declared null and void.

15 DONE IN OPEN COURT this 23 day of March,  
16 1998.

17   
18 \_\_\_\_\_  
19 DISTRICT JUDGE

20 Submitted by:

21 ALLISON, MACKENZIE, HARTMAN,  
22 SOUMBENIOTIS & RUSSELL, LTD.  
23 402 North Division Street  
24 P.O. Box 646  
25 Carson City, NV 89702

26 By:   
27 \_\_\_\_\_  
28 JOAN C. WRIGHT, ESQ.  
SONIA E. TAGGART, ESQ.  
Attorneys for Plaintiffs



COPY

**CERTIFIED 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.

DATE: 3/24/98 **SEAL**  
B. [Signature] Clerk of the 9th Judicial District Court  
of the State of Nevada, In and for the County of Douglas,

By [Signature] Deputy

REQUESTED BY  
Allison et als  
IN OFFICIAL RECORDS OF  
DOUGLAS CO., NEVADA

'98 MAR 30 P2:21

LINDA SLATER  
RECORDER  
\$ 14.00 PAID 12 DEPUTY

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