

1 CASE NO. 95-CV-0208

2 DEPT. NO. I

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

9 GARDNERVILLE RANCHOS GENERAL  
10 IMPROVEMENT DISTRICT, a duly  
11 formed General Improvement  
12 District pursuant to NRS 318,

11 Plaintiff,

12 vs.

13 JOHN DOE, JANE DOE, RICHARD  
14 DOE, AND JOHN DOE COMPANY, a  
15 corporation, also all of the  
16 unknown heirs of each of the  
17 foregoing defendants who may  
18 be deceased; and also all  
19 other persons unknown claiming  
20 any right, title, state, or  
21 lien in the real property  
22 described in the Complaint  
23 adverse to the Plaintiff's  
24 ownership, or any cloud upon  
25 Plaintiff's title thereto,

20 Defendants.

**JUDGMENT AND DECREE  
QUIETING TITLE AND  
GRANTING DECLARATORY  
RELIEF**

22 This matter came on before the Court on the 11th day of  
23 December, 1995 on the Petition of the GARDNERVILLE RANCHOS GENERAL  
24 IMPROVEMENT DISTRICT to quiet title to Lot 728, and further  
25 petitioning this Court to declare that the ordinances creating the  
26 District and granting to it its powers, and NRS 318.010 et. seq.  
27 "General Improvement District", allow the GARDNERVILLE RANCHOS  
28 GENERAL IMPROVEMENT DISTRICT to sell Lot 728 and use the proceeds

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MICHAEL SMILEY ROWE  
Attorney at Law  
P. O. Box 2080 • Minden, NV 89423  
(702) 782-8141

MICHAEL SMILEY ROWE  
Attorney at Law  
P. O. Box 2080 • Minden, NV 89423  
(702) 782-8141

1 generated from such sale for the improvement of other open space  
2 areas owned by the District.

3 Present in Court was MICHAEL SMILEY ROWE, ESQ., general  
4 counsel to GARDNERVILLE RANCHOS GENERAL IMPROVEMENT DISTRICT,  
5 together with the Trustees of the District, its General Manager,  
6 and members of the public. No counsel appeared representing a  
7 party in opposition to the District's Petition, and only one  
8 letter was received by counsel for the GARDNERVILLE RANCHOS  
9 GENERAL IMPROVEMENT DISTRICT in opposition to the District's  
10 Petition.

11 Evidence and testimony was taken at the trial conducted in  
12 this matter pursuant to NRS 40.110, after which the Court has  
13 determined to grant the Petition in all respects. Based upon the  
14 above and foregoing, and good cause appearing, the Court hereby  
15 finds, concludes and enters its Judgement as follows:

16 FINDINGS OF FACT

17 1. The Court finds that due and proper notice has been  
18 given to all parties who might be concerned with regard to the  
19 Complaint to Quiet Title and for Declaratory Relief. Proof to the  
20 satisfaction of the Court has been adduced which allows the Court  
21 to find that a copy of the Complaint and Summons, together with a  
22 cover letter from the District's counsel dated September 14, 1995,  
23 was mailed to all property owners (1,812) who owned property  
24 within one quarter mile of the boundaries of Lot 728. Counsel's  
25 letter explained the content of the Complaint to Quiet Title and  
26 for Declaratory Relief.

27 Further, the District conducted three public hearings at its  
28 regular monthly business meetings in October, November and

1 December, 1995. No one appeared at any of the District's General  
2 Meetings in opposition to the District's Complaint.

3 The District caused notice of the hearing conducted on  
4 December 11, 1995, to be sent to the same property owners who  
5 received the copy of the Summons and Complaint and counsel's  
6 letter.

7 On August 22, 1995, within thirty (30) days after the  
8 issuance of Summons in this matter, Lot 728 was properly posted  
9 with a copy of the Summons and legal description in three  
10 conspicuous places on Lot 728.

11 A full, true and correct copy of the Summons issued in this  
12 matter was published for four consecutive weeks on October 28th,  
13 November 4th, November 11th and November 18, 1995. No one filed  
14 an answer within twenty (20) days succeeding the last day of  
15 publication.

16 Lis Pendens was properly recorded in this matter with the  
17 office of the Douglas County Recorder, which notice of pendency of  
18 the action may be found at Book 895, Page 3201, Document No.  
19 368680.

20 Based upon the above and foregoing, the Court finds that due  
21 and proper notice has been given to all those concerned regarding  
22 the Complaint to Quiet Title and for Declaratory Relief.

23 2. The Court finds that no one has filed opposition with  
24 this Court to the relief requested by the GARDNERVILLE RANCHOS  
25 GENERAL IMPROVEMENT DISTRICT, save and except for one letter  
26 received by counsel which was filed with the Court on December 11,  
27 1995.

28 3. The Court finds that there are no conflicting claims to

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MICHAEL SMILEY ROWE  
Attorney at Law  
P. O. Box 2080 • Minden, NV 89423  
(702) 782-8141

1 the claims of the GARDNERVILLE RANCHOS GENERAL IMPROVEMENT  
2 DISTRICT to the property commonly known as Lot 728 of Unit No. 6  
3 of the GARDNERVILLE RANCHOS GENERAL IMPROVEMENT DISTRICT. Said  
4 Lot may be further known as Assessor's Parcel No. 29-174-14. A  
5 specific legal description of Lot 728 is attached hereto as  
6 Exhibit "A" and incorporated herein as if set forth in full.

7 4. The Court finds that the GARDNERVILLE RANCHOS GENERAL  
8 IMPROVEMENT DISTRICT owns Lot 728, in fee simple title, without  
9 claim from any other person or entity.

10 5. The Court finds that it is within the power of the  
11 GARDNERVILLE RANCHOS GENERAL IMPROVEMENT DISTRICT, as is set forth  
12 in its enabling ordinances, and in NRS 318.010 et. seq. "General  
13 Improvement Districts", to sell Lot 728 to the highest bidder, and  
14 to use the proceeds generated therefrom for the purposes of  
15 improving or maintaining other open space areas owned by the  
16 District.

17 6. The Court finds that the designation of "Public Park" is  
18 a designation which is not consistent with the intended and  
19 proposed Douglas County recreation plan developed pursuant to the  
20 provisions of NRS 278.010 to 278.630, inclusive, and the Court  
21 finds that the use of Lot 728 as a public park would not be in  
22 conformity with such recreation plan. Received in evidence was a  
23 letter from Scott Morgan, Director of the Douglas County Parks and  
24 Recreation Department, setting forth the determination of that  
25 Department that Douglas County, Nevada has no plans for a park at  
26 the site of Lot 728, nor is Lot 728 considered for any proposed  
27 expansion within the Douglas County Park system.

28 7. The Court finds that the GARDNERVILLE RANCHOS GENERAL

MICHAEL SMILEY ROWE  
Attorney at Law  
P. O. Box 2080 • Minden, NV 89423  
(702) 782-8141

1 IMPROVEMENT DISTRICT, and its counsel and staff, have made  
2 diligent search and inquiry to ascertain the names and places of  
3 residents of the unknown and fictitiously named Defendants, or  
4 their heirs. The Court finds that the above-named Defendants are  
5 unknown to the District and to the Court.

6 8. The Court finds that the confusion caused by the  
7 labelling of Lot 728 as a "Public Park" by the developer of Unit  
8 No. 6 of the GARDNERVILLE RANCHOS, shall be removed.

9 9. The Court finds that the only document constituting a  
10 controversy between the GARDNERVILLE RANCHOS GENERAL IMPROVEMENT  
11 DISTRICT is Sheet 4 of the Final Map of Unit No. 6 of the  
12 GARDNERVILLE RANCHOS GENERAL IMPROVEMENT DISTRICT whereon it is  
13 designated that Lot 728 shall be a "Public Park". The Court finds  
14 that this designation shall be removed.

15 CONCLUSIONS OF LAW

16 1. The Court concludes as a matter of law that all  
17 applicable requirements of NRS 40.010 through NRS 40.130 have been  
18 met by the GARDNERVILLE RANCHOS GENERAL IMPROVEMENT DISTRICT, and  
19 that entry of a Judgment and Decree of this Court quieting title  
20 to Lot 728 in the GARDNERVILLE RANCHOS GENERAL IMPROVEMENT  
21 DISTRICT is appropriate in the circumstances.

22 2. The Court concludes as a matter of law that the  
23 GARDNERVILLE RANCHOS GENERAL IMPROVEMENT DISTRICT, and no other  
24 person or entity, has legal title to Lot 728, in fee, further  
25 described in Exhibit "A" hereto.

26 3. The Court concludes as a matter of law that no claim  
27 exists in any person or entity as a result of the designation of  
28 "open space" on Sheet 4 of the Final Map for Unit No. 6 of the

MICHAEL SMILEY ROWE  
Attorney at Law  
P. O. Box 2080 • Minden, NV 89423  
(702) 782-8141

1 GARDNERVILLE RANCHOS, and after proper notice, all such claims are  
2 extinguished.

3 4. The Court concludes as a matter of law that this  
4 Judgment is conclusive against all persons, and that title is  
5 quieted in the GARDNERVILLE RANCHOS GENERAL IMPROVEMENT DISTRICT.

6 5. The Court declares, pursuant to NRS 30.010 et. seq.  
7 "Uniform Declaratory Judgment Act", that the GARDNERVILLE RANCHOS  
8 GENERAL IMPROVEMENT DISTRICT may sell Lot 728 to the highest  
9 bidder by whichever means the Board of Trustees of the District  
10 deems appropriate, and use the proceeds therefrom to improve or  
11 maintain other open space areas within the District. The Court  
12 specifically declares that the GARDNERVILLE RANCHOS GENERAL  
13 IMPROVEMENT DISTRICT has the powers to sell those lots delineated  
14 within Exhibit "4", introduced into evidence at the hearing on  
15 December 11, 1995, and may sell such of its property as the Board  
16 of Trustees deems appropriate.

17 6. The Court declares and construes the applicable  
18 ordinances and statutes to allow the GARDNERVILLE RANCHOS GENERAL  
19 IMPROVEMENT DISTRICT the powers to sell Lot 728, and use the  
20 proceeds therefrom solely for the purposes of other open space  
21 area improvement or maintenance.

22 JUDGMENT AND DECREE

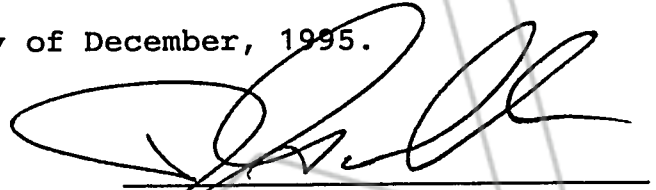
23 1. It is the Order, Judgment and Decree of this Court that  
24 title to Lot 728, further described in Exhibit "A" hereto, shall  
25 be conclusively determined to be in the name of the GARDNERVILLE  
26 RANCHOS GENERAL IMPROVEMENT DISTRICT, in fee.

27 2. It is the order, Judgment and Decree of this Court that  
28 it is within the powers granted or implied to the GARDNERVILLE

1 RANCHOS GENERAL IMPROVEMENT DISTRICT to sell Lot 728 free of any  
2 adverse claim by any party, and to use the proceeds generated  
3 therefrom for the improvement or maintenance of other open space  
4 areas owned by GARDNERVILLE RANCHOS GENERAL IMPROVEMENT DISTRICT.

5 LET JUDGMENT BE ENTERED ACCORDINGLY.

6 DATED: this 11 day of December, 1995.



7  
8 DAVID R. GAMBLE  
9 DISTRICT COURT JUDGE

10  
11 SUBMITTED BY:  
12 MICHAEL SMILEY ROWE, ESQ.  
13 Nevada State Bar No. 1374  
14 1638 Esmeralda Ave.  
15 P. O. Box 2080  
16 Minden, Nevada 89423  
17 (702) 782-8141

18 Attorney for Plaintiff  
19 GARDNERVILLE RANCHOS GENERAL  
20 IMPROVEMENT DISTRICT  
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MICHAEL SMILEY ROWE  
Attorney at Law  
P. O. Box 2080 • Minden, NV 89423  
(702) 782-8141

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EXHIBIT "A"

DESCRIPTION

All that certain lot, piece or parcel of land situate in the County of Douglas, State of Nevada, described as follows:

Lot 728, as shown on the map of GARDNERVILLE RANCHOS UNIT NO. 6, filed for record in the Office of the County Recorder of Douglas County, Nevada, on May 29, 1973, in Book 573, Page 1026, as File No. 66512.

Assessors Parcel No. 29-174-14

**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:

*July 7, 1998*

**SEAL**

*B. Reed* Clerk of the 5th Judicial District Court of the State of Nevada, in and for the County of Douglas,

By

*Heppell*

Deputy

MICHAEL SMILEY ROWE  
Attorney at Law  
P. O. Box 2080 • Minden, NV 89423  
(702) 782-8141

REQUESTED BY  
Northern Nevada Title Company  
IN OFFICIAL RECORDS OF  
DOUGLAS CO., NEVADA

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LINDA SLATER  
RECORDER

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