

APN# 1121-06-000 & 1121-09-000-001

Recording Requested by/Mail to:

Name: Day R. Williams, Esq.

Address: 1601 Fairview Drive, Suite C

City/State/Zip: Carson City, NV 89701

Mail Tax Statements to:

Name: Rocky Neil Boice, Sr.

Address: 54 China Springs

City/State/Zip: Gardnerville, NV 89410



KAREN ELLISON, RECORDER

ORDER TO QUIET TITLE

Title of Document (required)

------(Only use if applicable)-----

The undersigned hereby affirms that the document submitted for recording
DOES contain personal information as required by law: (check applicable)

Affidavit of Death – NRS 440.380(1)(A) & NRS 40.525(5)

Judgment – NRS 17.150(4)

Military Discharge – NRS 419.020(2)

Day R. Williams

Signature

Day R. Williams

Printed Name

This document is being (re-)recorded to correct document # _____, and is correcting

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JUL 30 2020

Douglas County
District Court Clerk

NO. 2020-CV-00077

FILED August 18, 2020

BOBBIE R. WILLIAMS

CLERK OF COURT

BY [Signature]
DEPUTY

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5 **ROCKY NEIL BOICE, SR.**

6 The undersigned affirms that this document
contains nobody's social security number.

7 IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

8 IN AND FOR DOUGLAS COUNTY

9 * * *

10 **ROCKY NEIL BOICE, SR.,**
Plaintiff,
11 v.

Case No. 2020 CV 00077
Dept. No. I

12 **HEIRS OF GUY WOFFORD AND**
DOES I THROUGH X,
13 Defendants.

14
15 **ORDER TO QUIET TITLE**

16 Plaintiff **ROCKY NEIL BOICE, SR.**, a resident of Douglas County, Nevada, through his
17 counsel, Day R. Williams, Attorney at Law, has moved under NRCP 12© for judgment on the
18 pleadings as to his Amended Complaint to Quiet Title. The Court has held a hearing, as required
19 under NRS Chapter 40.

20
21 *Procedural History*

22 Plaintiff Rocky Neil Boice Sr. ("Boice") filed a Complaint to Quiet Title (NRS
23 CHAPTER 40) on April 3, 2020. The Clerk of the Court issued a Summons. Boice recorded a
24 Notice of Lis Pendens and filed a copy with the Court. On May 7, 2020 Boice filed a Motion for
25 Extension and Leave to Serve Defendant by Publication. On May 7, 2020 the Court entered an
26 Order Granting Motion for Extension and Leave to Serve Defendant by Publication. On May 12,

1 2020 Boice filed a Withdrawal of Motion for Extension and Leave to Serve Defendant by
2 Publication.

3 On May 21, 2020 Boice filed an Amended Complaint to Quiet Title (NRS Chapter 40).
4 Boice recorded a Revised Notice of Lis Pendens and filed a copy thereof with the Court on May
5 21, 2020. On May 27, 2020 Boice filed a Motion for Extension and Leave to Serve Summons on
6 Amended Complaint by Publication. On May 27, 2020 the Court entered an Order Granting
7 Motion for Extension and Leave to Serve Summons on Amended Complaint by Publication.
8 On May 21, 2020 the Clerk issued a Summons on Amended Complaint.

9 On June 30, 2020 Boice filed the Summons on Amended Complaint with the Proof and
10 Statement of Publication through *The Record-Courier*. On July 17, 2020 Boice filed an
11 Application to Enter Default. The Clerk of the Court entered a Default on July 17, 2020.

12 Boice has filed an Affidavit of Posting, as required under NRS 40.100(2).
13

14 *Substance of the Amended Complaint to Quiet Title*

15 The AMENDED COMPLAINT TO QUIET TITLE (NRS Chapter 40) alleged as follows:

16 1. Plaintiff ROCKY NEIL BOICE, SR. is a resident of Douglas County, Nevada. He
17 is not a debtor in bankruptcy.

18 2. Defendants HEIRS OF GUY WOFFORD may claim the title to the real estate.

19 3. Plaintiff does not know the true names and capacities of defendants sued herein
20 as DOES I through X, inclusive, and therefore sues these defendants by such fictitious names.
21 Plaintiff will amend this complaint to allege their true names and capacities when ascertained.

22 4. Plaintiff is informed and believes and thereon allege that, at all times herein
23 mentioned, each of the defendants sued herein was the agent and employee of each of the
24 remaining defendants and was at all times acting within the purpose and scope of such agency
25 and employment.

26 5. On December 5, 1974 the United States of America granted a fee simple patent
27
28

1 interest in real estate in Douglas County, Nevada to the Heirs of Guy Wofford, with the
2 exception of a right-of-way to the United States for ditches and canals.

3 6. The real estate in question is as follows:

4 An undivided 1/3 interest in the following land: Mount Diablo Meridian, Nevada,
5 T. 11 N., R. 21 E., sec. 6, lots 6, 7, E1/2 SW1/4; containing 154.25 acres; and

6 An undivided 1/2 interest in the following described land: Mount Diablo Meridian,
7 Nevada, T. 11 N., R. 21 E., sec. 5, SW1/4; sec. 6, SE1/4.

8 7. This real estate is close to the China Spring Youth Camp. The parcels are Douglas
9 County, Nevada Assessor designation (APN) 1121-06-000, Parcels 323, 324, and 1121-09-000-
10 001, Parcel 325.

11 8. Plaintiff resides at the real estate located at 54 China Spring, Gardnerville,
12 Nevada 89410.

13 9. Plaintiff has resided at 54 China Spring since 1995. He has actually and
14 continuously occupied the premises under a claim of title, exclusive of any other right, but not
15 founded upon a written instrument, or a judgment or decree. For this period of 25 years, Plaintiff
16 has paid all taxes, state, county and municipal, which may have been levied and assessed against
17 the land for the period mentioned. Plaintiff has improved the land by placing outbuildings, shops,
18 and a mobile home on the real estate.

19 10. Under NRS 11.130 and NRS 11.140, Plaintiff claims ownership of the property by
20 adverse possession.

21 11. Defendants have no legal or equitable right, claim, or interest in said property.

22 12. Plaintiff is ONLY claiming the undivided 1/3 and 1/2 interests from the United
23 States' fee simple patent.

24 13. Plaintiff ROCKY NEIL BOICE, SR. therefore seeks a declaration that the title to
25 the subject properties is vested in Plaintiff ROCKY NEIL BOICE, SR. alone and that the
26 Defendants, and each of them, be declared to have no estate, right, title or interest in the subject
27

1 property and that said defendants, and each of them, be forever enjoined from asserting any
2 estate, right, title or interest in the subject property adverse to Plaintiff herein.

3 With the Amended Complaint to Quiet Title, Plaintiff Boice filed the following exhibits:

- 4 1. United States Department of the Interior, Office of the Solicitor, Office of the
5 Examiner of Inheritance, Order Determining Heirs, February 5, 1969.
- 6 2. United States of America fee patent, Patent Number 27-75-0039, Reno, Nevada,
7 December 5, 1974.
- 8 3. Douglas County, Nevada Map Legend for 1121-06-000.
- 9 4. Google Earth view of 54 China Spring, Gardnerville, Nevada.
- 10 5. Map showing the three parcels, 323, 324, and 325.

11
12 *Motion for Judgment on the Pleadings*

13 Nevada Rule of Civil Procedure 12(c) provides as follows: "Motion for Judgment on the
14 Pleadings. After the pleadings are closed—but early enough not to delay trial—a party may
15 move for judgment on the pleadings."

16 Plaintiff has served Defendant. He has filed a Notice of Lis Pendens with the Douglas
17 County Recorder. Plaintiff has filed an Affidavit of Posting, as required by NRS 40.100(2). The
18 affidavit to unknown heirs is filed herein under NRS 14.040(3) with the Declaration of Day R.
19 Williams. The Court must hold a hearing on the evidence in order to issue judgment. Quiet title
20 may not be obtained through a default judgment. NRS 40.110. Plaintiff understands that he may
21 not recover costs because the defendants did not file an answer. NRS 40.020.

22
23 *Order*

24 Good cause appearing, IT IS ORDERED as follows:

25 IT IS DECLARED AND DETERMINED that Plaintiff ROCKY NEIL BOICE, SR. is the
26 rightful holder of fee title to the real estate named in Plaintiff's Amended Complaint to Quiet
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1 Title and that Defendants herein, and each of them, are hereby declared to have no estate, right,
2 title or interest in said property, namely,

3 An undivided 1/3 interest in the following land: Mount Diablo Meridian, Nevada, T. 11
4 N., R. 21 E., sec. 6, lots 6, 7, E1/2 SW1/4; containing 154.25 acres; and

5 An undivided 1/2 interest in the following described land: Mount Diablo Meridian,
6 Nevada, T. 11 N., R. 21 E., sec. 5, SW1/4; sec. 6, SE1/4. The parcels are Douglas County,
7 Nevada Assessor designation (APN) 1121-06-000, Parcels 323, 324, and 1121-09-000-001,
8 Parcel 325.

9 Defendants, and each of them, are forever enjoined from claiming any estate, right, title
10 or interest in the subject property.

11 DATED this 18 day of ^{August}~~July~~, 2020.

12
13 
14 DISTRICT JUDGE

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CERTIFIED COPY

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

DATE 8/24/2020

BOBBIE R. WILLIAMS Clerk of Court
of the State of Nevada, in and for the County of Douglas,

By AW Deputy