

HDS38DWN

TYPE OF RECORD: PERMANENT

CATEGORY OF RECORD: DEED [QUIET TITLE]

NAME OF AGENCY OR CONTRACTOR: S.W. HENDERSON, SARAH MCNAMERA
AND FLORA H. INGERSOLL SOLE HEIRS OF MINNIE C. HENDERSON,
A.E. BORSHELL, AS CONSERVATOR OF THE ESTATE OF FLORA H.
INGERSOLL

STREET ADDRESS/PARCEL NAME/SUBDIVISION/PROJECT: LOTS 5 TO 8
OF BLOCK 6 ORIGINAL TOWNSITE

CITY DEPARTMENT: PUBLIC WORKS

YEAR: 1938

EXPIRATION DATE: NONE

DESTRUCTION DATE: NONE

STATE OF COLORADO,
County of Mesa.

)
(ss.
)

IN THE DISTRICT COURT

No. 6103

CITY OF GRAND JUNCTION, a
Municipal Corporation,

Plaintiff,

-VS-

S. W. HENDERSON, SARAH McNAMARA and
FLORA H. INGERSOLL, as sole heirs of
Minnie C. Henderson, Deceased, A. E.
BORSHELL, as Conservator of the Es-
tate of Flora H. Ingersoll, mental
incompetent, and all unknown persons
who claim any interest in and to the
subject matter of this action,

Defendants.

DECREE

The above entitled cause coming on for trial, and having been tried before the Court on this 19th day of February, 1938, one of the juridical days of the October, 1937 Term of said Court, the ~~plaintiff appearing by James K. Greves, its attorney in this action,~~ none of the defendants appearing although each duly summoned, and the default of each and all of the defendants having been taken and entered herein; and upon consideration of the evidence thereupon presented, and of the file and record of this cause, the Court, being sufficiently advised in the premises, now finds:

That this action was commenced by the plaintiff on the 1st day of November, 1937, by filing its complaint in the office of the Clerk of said Court and causing proper summons to the defendants to be issued by said Clerk; that due and sufficient service of said summons, either by personal service or by publication thereof under and in compliance with a proper order of the Court therefor, was made upon each and all of the defendants, including all unknown persons who claim any interest in and to the subject matter of this action, all in manner and form as provided and required by law and the Court's order herein; that the default of each and all of said defendants has since been properly taken and

entered herein, by reason of their failure to appear, answer or otherwise plead to the plaintiff's complaint within the required time after service of said summons, as provided by law, and as shown by the file and record of this cause;

That each and all of the aforesaid proceedings were and are legally sufficient and valid, and are hereby confirmed; and that by such due process in compliance with the law and its order, as aforesaid, the Court acquired and has jurisdiction of each and all of the parties hereto, including any and all unknown persons who claim any interest in and to the subject matter of this action, and of the subject matter hereof;

That at the time when this action was commenced, the plaintiff was, and it has since been and now is the owner in fee simple and in possession of the following real property, situate in Mesa County, Colorado, to-wit; Lots 5 to 8, both inclusive, of Block 6, in the City of Grand Junction;

That if the defendants then claimed and do claim some estate, right, title or interest in or to said property, adverse to the plaintiff, such claims of the defendants were and are without any right or validity whatever, and that none of said defendants has any estate, right, title or interest in or to said property, or any part thereof;

That the defendants, S. W. Henderson, Sarah McNamara and Flora H. Ingersoll, were and are the sole heirs at law of Minnie C. Henderson, who died intestate prior to the commencement of this suit, and that the defendant A. E. Borschell is the duly appointed, qualified and acting conservator of the estate of the defendant, Flora H. Ingersoll, who was adjudged a mental incompetent by the County Court of Mesa County, Colorado, on April 28, 1936;

That each and all of the allegations contained in the plaintiff's complaint have been proven by competent and sufficient evidence, and are true;

The Court concludes from its above stated findings that, as a matter of law, the plaintiff is entitled to a decree quieting its title to said property in it against any and all claims of the defendants, in accordance with the prayer of its complaint; and, therefore,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

That the plaintiff owns in fee simple and has exclusive right of possession of the following described real property situate in Mesa County, Colorado, to-wit:

Lots 5 to 8, both inclusive, of Block 6, in the City of Grand Junction;

That none of the defendants herein, either named or unknown, has any estate, right, title or interest in or to said property, or any part thereof;

That any and all purported clouds upon the plaintiff's title to said property, or any part thereof, caused by or arising from any claim of any of said defendants, are hereby removed and declared to constitute no cloud upon the plaintiff's said title;

That the plaintiff's title to said property, and every part thereof, is forever quieted in it against any and all claims of the defendant, either named or unknown, or of any persons claiming through or under any of them; and

That said defendants, both named and unknown, and any and all persons claiming through or under them, are forever enjoined and debarred from asserting or prosecuting any claim, action or suit for the establishment or recovery of any estate, right, title or interest in or to said property, or any part thereof, adverse to the plaintiff, or its grantees or other successors in interest.

Done by the Court this 19th day of February, 1938.

Strand M. Logan

District Judge.

STATE OF COLORADO,)
 (ss.
County of M e s a.)

I, Joseph Quinn, Clerk of the District Court in and for said County in the State aforesaid, do hereby certify that the within is a true, perfect and complete copy of the Decree dated and entered on the *19th* day of February, A. D. 1938, in that certain action wherein City of Grand Junction, a Municipal Corporation, was plaintiff, and S. W. Henderson, et al., were defendants, as appears in the files and records of this Court.

Witness my hand and the seal of said Court hereto affixed this *19th* day of February, A. D. 1938.

Joseph Quinn
Clerk of the District Court

By *Gladys J. Ross*
Deputy