

Manner

K20326

No. 18117. Dept. No. 7.

Superior Court

San Francisco, - - California.

VICTOR TRAVERSO,

Plaintiff

vs.

ALL PERSONS ETC.,

Defendant s.

Dated Nov. 17 '09

J U D G M E N T .

*Recorded at the request of
Victor Traverso*

NOV 17 1909
at 3:02 min. past 10 A.M.
Liber. 341 (10078) *Alvarez 174*

JEREMIAH V. COFFEY
AND

EDWARD I. COFFEY

Attorneys for Plaintiff.

557 Mills Building, San Francisco, California

1654 grand and

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1 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN AND FOR THE
2 CITY AND COUNTY OF SAN FRANCISCO.

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4 VICTOR TRAVERSO,)
5 Plaintiff,)
6 VS.)
7 ALL PERSONS CLAIMING ANY INTER-)
8 EST IN, OR LIEN UPON, THE REAL)
9 PROPERTY HEREIN DESCRIBED, OR)
Defendants.)
.....)

J U D G M E N T .

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11 This cause came on regularly for trial before the
12 Court, on the 10th day of November, 1909, a trial by jury having
13 been duly waived, JEREMIAH V. COFFEY and EDWARD I. COFFEY appeared
14 as counsel for the plaintiff, and PERCY V. LONG, ESQ., as counsel
15 for the defendant the City and County of San Francisco. No other
16 person having answered the complaint or made any appearance herein,
17 the default of all defendants for not appearing has been duly
18 entered according to law. And the Court, having heard the evidence
19 adduced in support of the pleadings, and having examined the
20 records and files herein, now finds the following facts:

21 FIRST: That no judgment has ever been entered, or
22 complaint filed, in any other action, relative to the property
23 hereinafter described or any parcel or part thereof, authorized
24 by that certain Act of the Legislature of the State of California,
25 entitled, "An Act to Provide for the Establishment and Quieting
26 of Title to Real Property in Case of the Loss or Destruction of
Public Records," approved June 16th., 1906.

27 SECOND: That on the 5th day of August, 1909, the
28 plaintiff filed his verified complaint herein, and filed therewith
29 his affidavit fully and explicitly setting forth and showing all
30 facts and matters required by the act aforesaid; and at the time

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filed and recorded in the office of the Recorder of the City and County of San Francisco, State of California, a notice of the pendency of said action, containing the names of the parties, the object of the action and a particular description of the property affected thereby.

That the said notice was recorded in the manner prescribed by the aforesaid act, and that the plaintiff has in every way complied with the provisions of said act. That thereupon summons was issued in said action in due form of law, and that the said summons, with all memoranda required by the aforesaid act appended thereto, was published according to law and the order of this Court, once a week for a period of two months commencing on the 7th day of August, 1909, and ending on the 9th day of October, 1909, in "THE RECORDER", a newspaper of general circulation printed and published in said City and County; and that more than three months have elapsed since the first publication of the said summons. That a copy of said summons with a copy of said memoranda appended thereto, was, within fifteen days after the first publication of said summons, posted according to law in a conspicuous place on each and all of the parcels of real property described in said complaint and affidavit hereinafter described; that said affidavit does not disclose the names of any person or persons, other than the plaintiff herein, who claims or may claim an interest in, or lien upon, the property aforesaid and no other person or persons have appeared herein, and accordingly no personal service was had or given in the premises, except as hereinabove set forth.

THIRD: That on the 13th and 19th days of April, 1906, the public records in the office of the County Recorder of the City and County of San Francisco, State of California, were, in a material part, destroyed by fire; and that in and by said fire real property records affecting plaintiff's title

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1 to the aforesaid property, and constituting a part of plaintiff's
2 record title thereto, were destroyed.

3 FOURTH: That at the time of the commencement of this
4 action plaintiff was, ever since has been, and is now, the
5 owner in fee simple of, and in the actual, open, notorious,
6 peaceable, exclusive and adverse possession of, and claims and
7 has an estate of inheritance in, all of that certain parcel
8 of real property described in said complaint, summons and
9 notice of action, situated in the City and County of San
10 Francisco, State of California, and particularly described as
11 follows, to-wit:

12 COMMENCING at a point on the Easterly line of Dupont
13 Street, distant thereon Twenty-three (23) feet and Six (6) inches
14 Southerly from the Southerly line of Greenwich Street, running
15 thence Southerly and along said Easterly line of Dupont Street
16 Twenty-one (21) feet and Eight (8) inches; thence at a right angle
17 Easterly Seventy (70) feet; thence at a right angle Northerly
18 Twenty-one (21) feet and Eight (8) inches; thence at a right
19 angle Westerly Seventy (70) feet to the Easterly line of Dupont
20 Street and the point of commencement.

21 Being a portion of 50 Vara Lot No. 482.

22 FIFTH: That the plaintiff by himself and his
23 predecessors in interest, have been in the actual, exclusive and
24 adverse possession of all of the aforesaid property continuously
25 for more than twenty years immediately prior to the commencement
26 of this action, claiming to own the same in fee simple, against
27 the whole world; and have paid all taxes levied or assessed
28 against the said property during said period. The plaintiff's
29 title to all of said real property is an absolute fee; and that
30 his interest therein is present, perpetual, vested, sole and entire.

 SIXTH: That there are no subsisting mortgages, deeds
of trust or other liens upon the said property, or any part

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1 thereof; and that no other person has or claims any interest
2 in, or lien upon, any of said property, adversely to plaintiff.

3 SEVENTH: That all of the allegations and statements
4 contained in the aforesaid affidavit are true and sustained by
5 the evidence.

6 And as conclusions of law from the foregoing facts,
7 the Court hereby finds, and it is hereby ascertained, determined,
8 adjudged and decreed:

9 That the plaintiff was at the time of the
10 commencement of this action, ever since has been, and is now,
11 the true and lawful owner in fee simple, and in the actual and
12 peaceable possession of all of the real property hereinabove
13 described, and that this action is properly brought under the
14 aforesaid act.

15 That there are no subsisting mortgages, deeds of
16 trust or other liens on said property or any parcel or part
17 thereof, and that no person other than the plaintiff, has or
18 may have any estate, right, title, interest or claim in or to
19 said property, or any parcel or part thereof, either legal or
20 equitable, present or future, vested or contingent, or consisting
21 of a mortgage or a lien of any description.

22 The Court further finds that the defendant, the City
23 and County of San Francisco, filed an appearance in the above
24 entitled action and that it makes no claim to any of the property
25 described herein, and further finds that the said defendant, the
26 City and County of San Francisco, has not any right, title, claim
27 or interest in or to said real property or any part thereof.

28 That the plaintiff is entitled to judgment
29 establishing and quieting his title to all of the aforesaid
30 real property, and his said title to all of said property in fee
simple absolute is hereby established and quieted against all
the world, free and clear of all mortgages or liens of any
kind; and all other persons are hereby perpetually enjoined

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and estopped from asserting or setting up any estate, right, title, interest or claim in or to said property or any parcel or part thereof.

And it is hereby ordered that judgment be entered accordingly.

County Clerk—Judgment Dept Blank, Form No 23

H. I. Mulcrevy.

STATE OF CALIFORNIA }
City and County of San Francisco } SS.

I, _____ County Clerk, of the City and County of San Francisco, State of California, and ex-officio Clerk of the Superior Court, in and for said City and County.

HEREBY CERTIFY, the foregoing to be a full, true and correct Copy of the Original

DECREE ESTABLISHING TITLE

in the above entitled cause, filed in my office on the _____ day of _____ A. D. 19____

ATTEST my hand and Seal of said Court, this _____ day of _____ 19____

H. I. Mulcrevy.

Clerk

By _____

[Handwritten Signature]

Deputy Clerk

Neal Pub. Co. 3926

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