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ENDORSED  
FILED MAR 29 1957  
R. E. GRAHAM, Clerk  
By ALICE BLATCHLEY DEPUTY

8 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 IN AND FOR THE COUNTY OF SAN JOAQUIN

10 -----  
11 WOODS IRRIGATION CO., a )  
corporation, )  
12 )  
13 Plaintiff, )  
14 vs. )  
15 MARY K. ALLEN, individually and )  
as Executrix of the estate of )  
16 LORIN C. ALLEN, deceased; E. W. AVILA; )  
BERNICE M. AVILA; FRANK W. AVILA; MANUEL )  
17 S. BORBA; MARIA S. BORBA; GIOVANNI CERRI; )  
PIA CERRI; FRANK L. COSTA; HELEN D. )  
18 COSTA; BAROLOMEO DEL CARLO; ITALIA DEL )  
CARLO; MICHELE DEL SOLDATO; GISELLA DEL )  
19 SOLDATO; MARIE PETERS; JOE FAGUNES; )  
LUCY FAGUNES; ANTONIO FERREIRO; MARINA )  
20 FERREIRO; AUDINE ABBOTT GILBERT; ARTHUR )  
HILL GILBERT; CARROLL G. GRUNSKY; MARIE )  
21 GRUNSKY; JOSEPHINE V. JONES; JOHN )  
JURGENSON; CHRISTINE M. JURGENSON; SOL )  
22 D. KLEIN; JACK KLEIN; MANUEL MARTIN, JR.; )  
EUGENIA MATTOS; AUGUST MAZZANTI; LILLIAN )  
23 MAZZANTI; SETTIMO MAZZANTI; ARDUINA )  
MAZZANTI; AMEICO MELLO; MARIAN F. MELLO; )  
24 ALESSIO MENCONI; EMI MENCONI; ALICE )  
ARMAND WOODS, also known as ALICE WOODS )  
25 MCKEE; REGINALD MERRITT; PETER G. OHM; )  
VADA R. OHM; GEORGE R. PATTERSON )  
26 CONSTRUCTION COMPANY, a corporation; )  
JOHN C. PEREIRA; MARIA PERRY, also known )  
27 as MARIA PEREIRA; FRANK R. PERRY; )  
JOSEPH R. PERRY; ADELAIDE L. ARRIAGA; )  
28 MARY RIBEIRO BETTENCOURT; MARIA S. )  
RAMALHO, also known as MARY RAMALHO; )  
29 ANGELINA HOLLER; LAURA RAMALHO; ANTHONY )  
RAMALHO; MARY RAMALHO; FRANK RAMALHO; )  
30 GEORGE RAMALHO; FREDERICK RAMALHO; HARVEY )  
R. RATTO; LAURA JUDITH RATTO; W. P. )  
31 REMONDA; ROBERTS UNION FARM CENTER, )  
INCORPORATED, a corporation; HENRY L. )  
32 RODGERS; HAZEL L. RODGERS; LESTER RODGERS; )  
NORMA RODGERS; MANUEL J. RODGERS, also )

NO. 64456  
DEPT NO. 3

COMPLAINT TO QUIET  
TITLE TO CORPORATE  
STOCK AND FOR  
DECLARATORY RELIEF

1 known as MANUEL RODGERS; J. J. RODGERS; )  
 2 MARY SILVA, also known as MARY F. SILVA; )  
 3 ANTONIO SILVEIRA; MARIA C. SILVEIRA; )  
 4 HAZEL COLNOR WOODS; CARROL G. GRUNSKY; )  
 5 FRANK X. SOUZA; LUCY SOUZA; MILTON W. )  
 6 THORPE; JENNIE A. THORPE; MERVEL L. )  
 7 TREMAIN; FRANCES J. WELCHES; FAIRCHILD )  
 8 SCHOOL DISTRICT, a public corporation; )  
 9 JAOA COELLO PEREIRA; ALICE AZEVEDO )  
 10 PEREIRA; JOE M. VICTORIA; EMILY C. )  
 11 VICTORIA; MARGARET S. WALSH; EDNA B. )  
 12 WILSON; CELIA MARY WOODS DEYOUNG, also )  
 13 known as CELIA MARY WOODS; ELIZABETH W. )  
 14 WOODS; ELLA M. WOODS; EMMA C. NEUMILLER; )  
 15 IRVING NEUMILLER; LENORE NEUMILLER )  
 16 GRAVEM; JOHN NEWTON WILHOIT; JOHN DOES )  
 17 ONE TO FIFTY; )  
 18  
 19 Defendants. )  
 20  
 21

22 I

23 That plaintiff is, and at all times herein mentioned  
 24 was, a corporation duly organized and existing under and by virtue  
 25 of the laws of the State of California. Plaintiff was incorporated  
 26 on the 17th day of December, 1909, for a term of fifty years.  
 27 Plaintiff's corporate existence will cease under the term specified  
 28 in its Articles of Incorporation on the 17th day of December, 1959.

29 II

30 That John Does One to Fifty are sued herein by fictitious  
 31 names pursuant to the Provisions of Section 474 of the Code of  
 32 Civil Procedure. Plaintiff is ignorant as to the true names of  
 33 such defendants, and prays leave to amend this complaint with  
 34 property charging allegations when the true names and capacities  
 35 of such defendants are discovered.

36 III

37 That Mary K. Allen is the duly appointed, qualified and  
 38 acting Executrix of the Estate of Lorin C. Allen, deceased, and  
 39 the legatee under the will of said Lorin C. Allen of the lands  
 40 described as owned by her herein; that John Does One through Five  
 41 are the duly appointed and acting legal representatives of the

1 estates of John Does Six and Seven and John Does Twenty-Five  
2 through Twenty-Seven; that John Does Six through Twenty-Five  
3 are owners of interest in land within the tract described herein;  
4 that at the time of the filing of this complaint the plaintiff  
5 does not know the description, nature or extent of the interest  
6 of said owners in said land.

7 IV

8 Plaintiff was incorporated by four landowners who  
9 constituted plaintiff's original Board of Directors. The purpose  
10 of incorporating the plaintiff was to provide an entity to  
11 operate and maintain an irrigation and drainage system for certain  
12 designated agricultural lands on Roberts Island in the County of  
13 San Joaquin, State of California. The four said incorporators  
14 were E. W. S. Woods, Alice M. Woods, Jessie Lee Wilhoit and Mary  
15 L. Douglass. All of said incorporators were the owners of large  
16 tracts of land proposed to be served by said corporation. Said  
17 tracts of land were divided into two parcels. That designated  
18 the "West Side" was owned by E. W. S. Woods and Alice M. Woods,  
19 who are hereinafter referred to as the "West Side Incorporators."  
20 That designated the "East Side" was owned by Jessie Lee Wilhoit  
21 and Mary L. Douglass, who are hereinafter referred to as the  
22 "East Side Incorporators."

23 V

24 That on the 29th day of September, 1911, the plaintiff  
25 entered into a written agreement with the East Side Incorporators  
26 entitled an "Agreement for Canals" and recorded September 30th,  
27 1911 in Book "G" of Miscellaneous, Vol. 27, page 25, San Joaquin  
28 County Records. In said written agreement the East Side  
29 Incorporators conveyed to plaintiff in perpetuity certain easements  
30 for the construction of irrigation and drainage canals and ditches  
31 across the East Side lands and granted to plaintiff in perpetuity  
32 the right to construct, maintain, police, patrol, operate, extend,

1 widen and repair a series of canals for the purpose of irrigation  
2 and drainage. In said agreement the lands to be served by  
3 irrigation and drainage on the East Side were specifically  
4 described and all of said lands were then owned in fee simple by  
5 said East Side Incorporators. On the 29th day of September, 1911,  
6 the plaintiff and the East Side Incorporators entered into a  
7 second and separate written agreement entitled a "Contract to  
8 Furnish Water: whereby the plaintiff agreed in perpetuity to furnish  
9 water and drainage to the said East Side lands. Said covenant  
10 was expressly made a covenant running with said lands, and was  
11 recorded on the 30th day of September, 1911, in Book "G" of  
12 Miscellaneous, Vol. 27, page 28, San Joaquin County Records.

13 On the 29th day of September, 1911, the plaintiff entered  
14 into a written agreement with the West Side Incorporators entitled  
15 an "Agreement for Canals" identical in its terms with that entered  
16 into with the East Side Incorporators except that the lands  
17 specifically described to be served therein were the West Side  
18 lands. At the time of said execution, all of said West Side lands  
19 so described were owned in fee simple by the West Side Incorporators.  
20 Said agreement was recorded the 30th day of September, 1911, in  
21 Book "G" of Miscellaneous, Vol. 27, page 38, San Joaquin County  
22 Records. On the 29th day of September, 1911, the plaintiff  
23 entered into a second and separate agreement in writing with the  
24 West Side Incorporators entitled a "Contract to Furnish Water"  
25 whereby the plaintiff agreed in perpetuity to furnish water and  
26 drainage to the said West Side lands. Said covenant was  
27 expressly made a covenant running with said lands and was recorded  
28 on the 30th day of September, 1911, in Book "G" of Miscellaneous,  
29 Vol. 27, page 41, San Joaquin County Records.

30 VI

31 That said Contracts to Furnish Water described in Para-  
32 graph III hereof expressly set forth that certain designated por-

1 tions of land described therein were not capable of being irrigated  
2 at the date of the execution of said agreements. That certain of  
3 said lands have since been brought under irrigation and certain  
4 proved not to be capable of irrigation. Attached hereto and  
5 marked "Exhibit A", and incorporated by reference herein, is a  
6 map showing all of the lands which have been irrigated by the  
7 plaintiff. Attached hereto and marked "Exhibit B", and  
8 incorporated by reference herein, is a legal description of the  
9 exterior boundaries of the tract of land irrigated by the plaintiff  
10 since it commenced operations in 1911. Continuously since the  
11 date of said agreements the plaintiff has been irrigating and  
12 draining the lands so described and set forth.

13 VII

14 Plaintiff is a non-profit, mutual water company. All of  
15 its expenses of operation and purchase of equipment have been  
16 paid by the landowners within the boundaries of the tract shown  
17 on "Exhibit A" with the exception of certain sums which have  
18 been received for the drainage of certain lands outside of said  
19 boundaries. That the latter lands have been drained purely on the  
20 basis of individual contracts between plaintiff and the owner of  
21 such land. The Contracts to Furnish Water hereinbefore referred  
22 to provide that the expenses of operation and for the purchase  
23 and replacement of equipment shall be pro rated among the land-  
24 owners within the boundaries served on the basis of acreage with-  
25 in the boundaries served by the plaintiff and that the sums re-  
26 ceived for the drainage and irrigation of lands outside said  
27 boundaries shall be used to reduce said assessment. Since it  
28 commenced operation in 1911, the plaintiff has assessed the land-  
29 owners within the district each year for their pro-rata share of  
30 the expenses of operation and replacement of the system on the  
31 basis of the acreage owned by each landowner. That all of the  
32 assets of the plaintiff consist of its water and drainage system.

1 All of said assets have been purchased by the sums received by  
2 virtue of said assessments against the landowners within said  
3 boundaries.

4 VIII

5 That the Articles of Incorporation of plaintiff provide  
6 that it may issue only on classification of stock consisting of  
7 common stock in the total amount of Ten Thousand and no/100 Dollars  
8 with a par value of One Dollar per share. On the 10th day of  
9 January, 1910, the plaintiff issued its total stock now outstanding  
10 in the following amounts to the following named persons:

11 E. W. S. WOODS -----2,500 Shares  
12 ALICE M. WOODS -----2,500 Shares  
13 JESSIE LEE WILHOIT -----2,500 Shares  
14 MARY L. DOUGLASS -----2,500 Shares

15 Said shares were transferable on the books of the company only by  
16 endorsement and surrender of the certificates. That the stock  
17 journal of the plaintiff shows no transfers or new issues except  
18 those above indicated. That all of said shareholders above named  
19 were landowners of the real property shown on "Exhibit A" herein,  
20 and there were no other owners of land within the said boundaries  
21 served by the plaintiff at the time of the issuance of said shares.

22 IX

23 That it was the intention of the incorporators of plain-  
24 tiff, as shown by the Articles of Incorporation and By Laws of plain-  
25 tiff and the various agreements hereinbefore referred to, that the  
26 capital stock of plaintiff be appurtenant to the lands served with  
27 irrigation and drainage within said boundaries shown on "Exhibit  
28 A" on the basis of one share per acre or fraction thereof. All  
29 of the stock issued by plaintiff was, and is, appurtenant to said  
30 lands on the basis of one share per acre, or fraction thereof, of  
31 the lands within the boundaries served by plaintiff as shown in  
32 "Exhibit A". That said stock certificates are of no value to any

1 person except owners of land within said boundaries.

2 X

3 That in addition to the stock journal now in plaintiff's  
4 possession and referred to in Paragraph VII hereof, plaintiff is  
5 informed and believes and therefore alleges that there was at  
6 one time a stock certificate book relating to the stock issued  
7 in plaintiff corporation. Plaintiff is further informed and  
8 believes and therefore alleges that said stock certificate book  
9 showed certain transfers of stock from the original owners to new  
10 purchasers of land within the boundaries served by plaintiff, and  
11 that said stock was transferred as appurtenant to said land so sold.  
12 That plaintiff does not have possession of said stock certificate  
13 book and the present Board of Directors of plaintiff do not know  
14 its whereabouts, except that plaintiff and its Board of Directors  
15 are informed and believe that said stock certificate book was  
16 unintentionally destroyed approximately 19 years ago. With minor  
17 exceptions amounting to less than one hundred shares of its  
18 capital stock, the plaintiff does not now know the whereabouts of  
19 any of its stock certificates or the identity of the holders of  
20 its capital stock certificates.

21 XI

22 That at the time of the filing of this complaint the  
23 landowners within the boundaries served by plaintiff are as  
24 follows:

25	<u>LANDOWNER</u>	<u>ACREAGE</u>	<u>DESCRIPTION</u>
26	1. Mary K. Allen	244.81 ✓	E $\frac{1}{2}$ of Lot 3 (exc W 20 ft for roadway) and Lots 5 and 6.
27	as Executrix of the Estate of Lorin C. Allen, deceased.		
28	2. E. W. Avila and Bernice M. Avila	32.73 ✓	Portion of Lot 9
29	3. Frank W. Avila	1.095	Portion of Lot 9
30	4. Manuel S. Borba and Maria S. Borba	45.75 ✓	Lot 16
31			
32			

1	5.	Giovanni Cerri and Pia Cerri	37.96	N. 37.96 acres of Lot 23
2				
3	6.	Frank L. Costa and Helen D. Costa	34.82	S. 34.82 acres of Lot 15
4	7.	Barolomeo Del Carlo and Italia Del Carlo	202.73	Portion S. $\frac{1}{2}$ of Sec 26 T1NR5E, Portion S.E. $\frac{1}{4}$ of Sec. 26, T1NR5E
5				
6	8.	Michele Del Soldato and Gisella Del Soldato	64.45	Lot 2 and S. 8.09 acres of Lot 1
7				
8	9.	Marie Peters	39.5	Lot 31
9				
10	10.	Joe Fagundes and Lucy Fagundes	1.	Portion Lot 27
11				
12	11.	Antonio Ferreiro & Marina Ferreiro	18.25	N. 19.25 acres of Lot 27 and S. 0.75 acres of Lot 26, exc. ptn of said N. 19.25 acres sold to Fagundes
13				
14				
15	12.	Audine Abbott Gilbert & Arthur Hill Gilbert	160.	S.W. $\frac{1}{4}$ of Sec 25 T1NR5E
16				
17	13.	Carroll G. Grunsky	36.67	Portion Sec. 13 and 14 T1NR5E
18				
19	14.	Marie Grunsky	400.	Portion Sec. 13 T1NR5E and Portion Sec. 18 T1NR5E
20				
20	15.	Josephine V. Jones	221.15	Lot 14
21				
21	16.	John Jurgenson & Christine M. Jurgenson	160.	Lots 28, 29 and S.E. $\frac{1}{4}$ of Sec. 30, T1NR5E
22				
23	17.	Sol D. Klein & Jack Klein	461.87	Lots 4, 7, 8 and all of Lot 20 exc. 18.57 acres thereof.
24				
25				
26	18.	Manuel Martin, Jr.	30.	S. 30 acres of N. 36.78 acres of Lot 19
27				
27	19.	Eugenia Mattos	83.11	W. $\frac{1}{2}$ of Lot 3
28				
28	20.	August Mazzanti & Lillian Mazzanti, undivided $\frac{1}{2}$ and Settimo Mazzanti & Arduina Mazzanti undivided $\frac{1}{2}$	149.76	Lots 11, 12 & 13 exc. ptn. in roads and canals
29				
30				
31				
31	21.	Ameico Mello & Marian F. Mello	30.	N. 30 acres of Lot 18
32				



1	22.	Alessio Menconi & Eni Menconi	99.	S. 100 acres of Lot 23, less right of ways
2				
3	23.	Alice Armand Woods, also known as Alice Woods McKee	160.	N.W. $\frac{1}{4}$ of Sec 25, T1NR5E
4				
5	24.	Reginald Merritt	20.	S. 20 acres of N. 80 acres of Lot 15
6				
7	25.	Peter G. Ohm & Vada R. Ohm	240.07	Portion of Lot 35
8	26.	George R. Patterson Construction Company a corporation	368.09	Portion Sec. 23, T1NR5E
9				
10	27.	John C. Pereira	99.26	N. 40 acres of Lot 15, S. 20 acres of N. 60 acres of Lot 15, 40 acres constituting a portion of Lot 26, less rights of way
11				
12				
13	28.	Maria Perry, also known as Maria Pereira, life estate with remainder in fee to Frank R. Perry, Joseph R. Perry, Adelaide L. Arriaga, Mary Ribeiro Bettencourt, share and share alike	180.	Lots 37, 38 and 39
14				
15				
16				
17				
18	29.	Maria S. Ramalho, also known as Mary Ramalho, life estate with re- mainder in fee to Angelina Holler, Laura Ramalho, Anthony Ramalho, Mary Ramalho, Frank Ramalho, George Ramalho, Frederick Ramalho, share and share alike	95.79	Lot 24, N. 37.75 acres of Lot 25
19				
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23				
24				
25	30.	Harvey R. Ratto & Laura Judith Ratto	.60	Portion of Lot 21
26	31.	W. P. Remonda	93.63	Lot 21, exc portion sold to Ratto
27				
28	32.	Roberts Union Farm Center, Incorporated, a corporation	2.43	Portion of Lot 9
29				
30	33.	Henry L. Rodgers & Hazel L. Rodgers	182.97	Portion of Sections 31 and 32, T1NR6E
31				
32	34.	Lester Rodgers & Norma Rodgers	55.	N. 40 feet of Lot 32 and Por- tions of Sec. 31 and 32, T1NR6E

1	35.	Manuel J. Rodgers also known as Manuel Rodgers and J. J. Rodgers	96.45	S. 40.27 acres of Lot 19, E. 18.57 acres of 20 and all of Lot 33 exc. E. 40 feet of W. 60 feet Lot 33
2				
3				
4				
5	36.	Mary Silva also known as Mary F. Silva	40.	Portion Lots 25 & 26
6				
7	37.	Antonio Silveira & Maria C. Silveira	99.86	S. 33.22 acres of Lot 18 and N. 6.78 acres of Lot 19 and 34
8				
9	38.	Hazel Colnon Woods, life estate, Carrol G. Grunsky, remainder in fee	305.14	Portion Sections 13, 14, and 23 T1NR5E
10				
11				
12	39.	Frank X. Souza & Lucy Souza	100.	Lot 36
13				
14	40.	Milton W. Thorpe & Jennie A. Thorpe	339.13	Portion Section 24, T1NR5E
15				
16	41.	Mervel L. Tremain, undivided $\frac{1}{2}$ interest, Frances J. Welches, undivided $\frac{1}{2}$ interest	44.89	Lots 10 and 17
17				
18	42.	Fairchild School District, a public corporation	1.87	Portion of S.W. $\frac{1}{4}$ of Sec. 32, T1NR6E
19				
20				
21	43.	Jaoa Coello Pereira & Alice Azevedo Pereira	39.26	Lot 30
22				
23	44.	Joe M. Victoria & Emily C. Victoria	38.70	Lot 32, exc N. 40 feet, also except E. 40 feet of W. 60 feet
24				
25	45.	Margaret S. Walsh	83.97	N. 85 acres of Lot 1, except rights of way
26				
27	46.	Edna B. Wilson	40.	S. 40 acres of Lot 27
28				
29	47.	Celia Mary Woods DeYoung, also known as Celia Mary Woods	340.38	Portions of Section 26, 23, T1NR5E and portions of Section 1, T1SR5E
30				
31	48.	Elizabeth W. Woods	552.39	Portions of Sections 35 and 36, T1NR5E
32				
	49.	Ella M. Woods	160.	N.E. $\frac{1}{4}$ of Sec. 26, T1NR5E

1           That where lot numbers are referred to in the above  
2 descriptions, such numbers and lot refer to those designated on  
3 that certain map recorded with the East Side Contract to Furnish  
4 Water in Book "G" of Miscellaneous, Vol. 27, page 28, San Joaquin  
5 County Records, and are in accordance with the lot numbers shown  
6 on "Exhibit A" attached hereto.

7   XII

8           That all of the present landowners known to plaintiff  
9 within the boundaries served by the plaintiff are those set forth  
10 in Paragraph XI hereof; that such landowners are the true owners  
11 of the capital stock in the plaintiff corporation and are entitled  
12 to the stock certificates evidencing such ownership. Plaintiff  
13 is ready, willing, and able to issue new stock certificates to  
14 such landowners once the cloud on the title of their ownership is  
15 removed; that certain of the said shares of stock by virtue of  
16 being heirs and legatees of the original owners of said certifi-  
17 cates and their transferees. The defendants who are the surviving  
18 heirs and legatees of the original stock certificates or their  
19 transferees are the defendants Hazel Colnon Woods, Celia Woods  
20 DeYoung, Elizabeth W. Woods, Ella M. Woods, Alice Woods McKee,  
21 John Newton Wilhoit, Emma C. Neumiller, Lenore Neumiller Graven  
22 and Irving Neumiller and John Does One to Fifty; that a contro-  
23 versy has arisen between the plaintiff and the present landowners,  
24 and the defendants claiming as heirs and legatees as to the true  
25 ownership of the stock in the plaintiff corporation.

26           WHEREFORE, plaintiff prays judgment as follows:

27           1. That it be declared that the capital stock in the  
28 plaintiff corporation is appurtenant to the lands described and  
29 shown in plaintiff's "Exhibit A", on the basis of one share per  
30 acre or fraction thereof.

31           a. That the title of the present landowners of the real  
32 property within said boundaries be quieted against all adverse

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claims of the heir and legatee defendants herein.

3. That all outstanding stock in the plaintiff corporation be declared to be cancelled and that plaintiff be authorized to issue new stock certificates to the present landowners within the boundaries served by plaintiff.

4. For costs of suit, except against defaulting defendants, and for such other and further relief as to the Court seems proper.

JONES, LANE, WEAVER & DALEY  
By s/ R. B. Daley  
Attorneys for Plaintiff

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STATE OF CALIFORNIA )  
COUNTY OF SAN JOAQUIN ) SS

LOTTIE HAHN, being sworn, says: That she is the Secretary of the Woods Irrigation Co., a corporation, the above-named plaintiff, and is authorized to make this verification for and on behalf of said corporation; that she has read the foregoing Complaint to Quiet Title to Corporate Stock and for Declaratory Relief and knows the contents thereof; that the same is true of her own knowledge, except as to those matters which are therein stated on her information or belief, and as to those matters she believes it to be true.

LOTTIE HAHN

Subscribed and sworn to before me this 27 day of March, 1957.

(SEAL) IRENE TELLAM  
Notary Public in and for the County  
of San Joaquin, State of California

EXHIBIT A

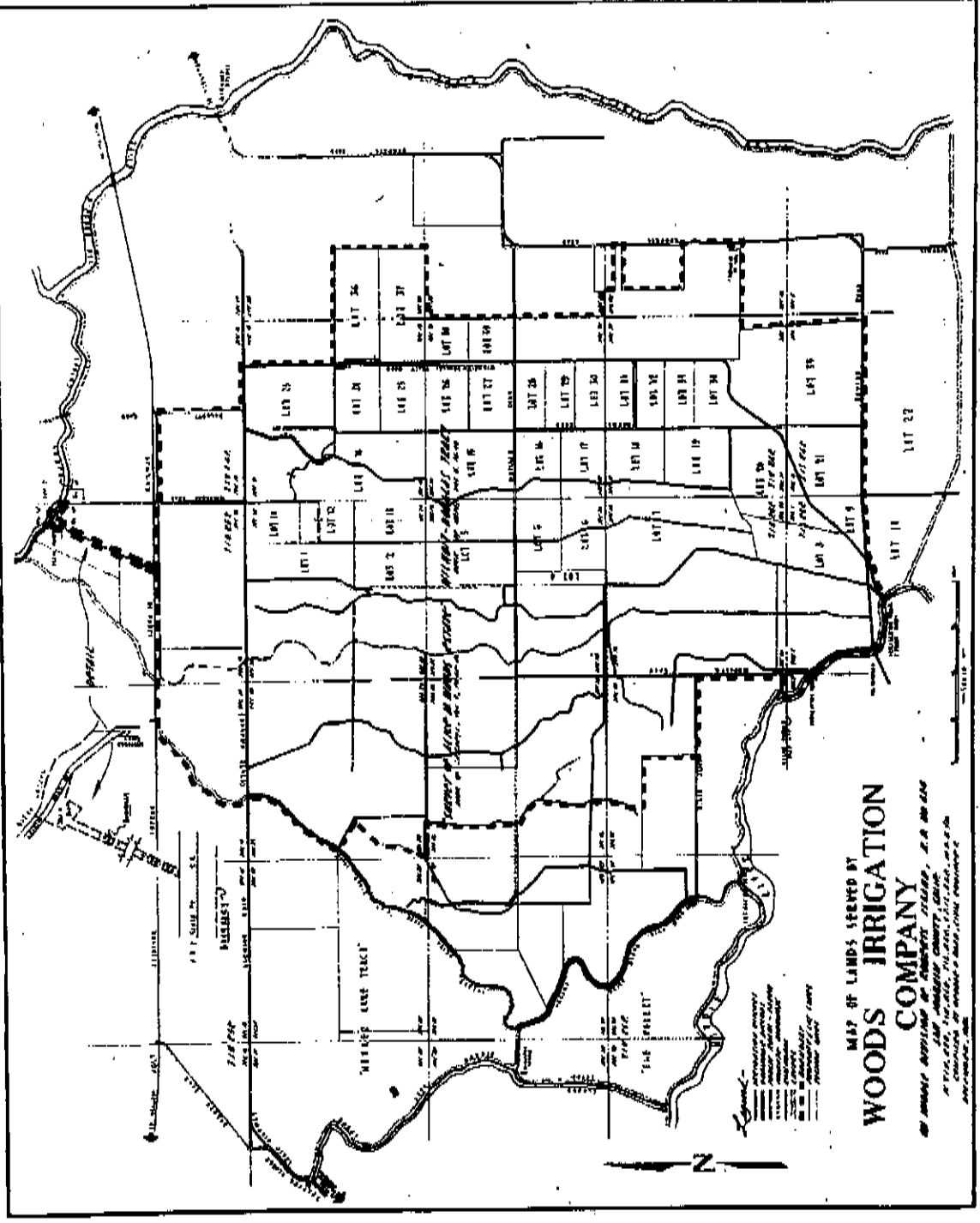


EXHIBIT B

DESCRIPTION

WOODS IRRIGATION COMPANY LAND

A portion of the Middle Division of Roberts Island, Reclamation District No. 524, San Joaquin County, California, being in Sections 12, 13, 14, 23, 24, 25, 26, 35 and 36, T. 1 N., R. 5 E., M. D. B. & M.; Sections 18, 19, 20, 30, 31 and 32, T. 1 N., R. 6 E., M. D. B. & M.; Sections 1 and 2, T. 1 S., R. 5 E., M. D. B. & M. and Section 5, T. 1 S., R. 6 E., M. D. B. & M., bounded as follows, to-wit:

Beginning at the common corner of Sections 19, 20, 29 and 30, T. 1 N., R. 6 E., M. D. B. & M., which said Section corner is the northeast corner of Lot 38 of the Wilhoit-Douglass Tract, as shown upon the map thereof filed in Book of Official Maps and Plats, Volume 5, at page 40, San Joaquin County Records; and running thence from said point of beginning, South along the east boundary of Lot 38 and Lot 39 of said Wilhoit-Douglass Tract, a distance of 2635 feet, more or less, to the southeast corner of said Lot 39; thence South along the east line of the southeast  $\frac{1}{4}$  of Section 30, T. 1 N., R. 6 E., M. D. B. & M., a distance of 2640 feet, more or less, to the common corner of Sections 29, 30, 31 and 32, T. 1 N., R. 6 E., M. D. B. & M.; thence east along the north line of that certain 50 acre parcel of land conveyed to Henry Rodgers, et ux, by Deed recorded in Book of Official Records, Volume 581, at page 448, San Joaquin County Records, a distance of 716 feet, more or less, to the northeast corner of the 50 acre parcel so conveyed; thence South  $0^{\circ} 12'$  East along the east line of the 50 acres so conveyed,

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a distance of 308 feet, more or less, to the northwest corner of the north 5 acres of the North 30 acres of the South 60 acres of the East  $\frac{1}{2}$  of the Northwest  $\frac{1}{4}$  of Section 32, T. 1 N., R. 6 E., M. D. B. & M., as conveyed to Henry Rodgers, et ux, by Deed recorded in Book of Official Records, Volume 581, at page 448; thence East along the north line of the 5 acre parcel so conveyed, 1334 feet, more or less, to the northeast corner thereof; thence south along the east line of the 5 acre parcel so conveyed, 163 feet, more or less, to the southeast corner thereof; thence west along the south line of the 5 acre parcel so conveyed, 1334 feet, more or less, to the southwest corner thereof; thence South  $0^{\circ}$  12' East along the east line of the aforesaid 50 acres as conveyed to Henry Rodgers et ux, and along the east line of that certain 184.35 acre parcel of land conveyed to Henry L. Rodgers et ux by Deed recorded in Book of Official Records, Volume 344, at page 74, San Joaquin County Records, a distance of 1863 feet, more or less, to a corner of the 184.35 acre parcel so conveyed; thence continuing along the boundary line of the said 184.35 acre parcel of land, East 1338 feet to the center of Roberts Road; thence Southerly along the center line of said Roberts Road, 1633 feet to the line between the North  $\frac{1}{2}$  and the South  $\frac{1}{2}$  of the Southwest  $\frac{1}{4}$  of Section 32, T. 1 N., R. 6 E., M. D. B. & M., thence West along the southline of the Fairchild School property as described in Book "A" of Deeds, Volume 138, at page 369, and along the south line of the said 184.35 acre parcel of land as conveyed to Henry L. Rodgers, et ux, a distance of 2538 feet, more or less, to the northeast corner of Lot 35 of the Wilhoit-Douglass Tract aforesaid; thence along the east line



of said Lot 35, South 2° 54' East 3509 feet to the southeast corner thereof, in the center of Howard Road; thence along the center of Howard Road, being the south line of Lots 21 and 35 of the aforesaid Wilhoit-Douglass Tract North 89° 52' West, 3067 feet; thence continuing along the center of Howard Road, being the northerly line of Lot 10 of the aforesaid Wilhoit-Douglass Tract, South 86° 04' West, 1886 feet; thence South 3° 15' East, 38.5 feet; thence South 43° 04' West, 49.6 feet; thence South 63° 22' West, 80.0 feet; thence South 78° 08' West, 684.5 feet; thence South 71° 11' West, 58.0 feet; thence South 58° 26' West, 73.0 feet; thence South 49° 45' West, 140.5 feet; thence South 39° 05' West, 51.0 feet; thence South 4° 59' West, 62.0 feet; thence South 33° 57' West, 123.5 feet, more or less, to the right bank of Old River; thence meandering the right bank of Old River downstream in a general northwesterly direction, 4850 feet, more or less, to its intersection with the north line of Section 2, T. 1 S., R. 5 E., M. D. B. & M., thence East along the north line of said Section 2, a distance of 640 feet, more or less, to the northeast corner of said Section 2; thence along North along the west line of Section 36, T. 1 N., R. 5 E., M. D. B. & M., a distance of 2640 feet, more or less, to the  $\frac{1}{4}$  Section corner common to Section 35 and 36, T. 1 N., R. 5 E., M. D. B. & M.; thence South 89° 58' 20" West along the south line of the north  $\frac{1}{4}$  of Section 35, T. 1 N., R. 5 E., M. D. B. & M., a distance of 2310 feet to the southeast corner of that certain 207.69 acres conveyed to I. N. Robinson, Jr. and Isabelle Smith Robinson, his wife, as community Property, by Grant Deed recorded in Volume 1589, at page 189, San Joaquin County Records;

thence North along the east line of the 207.59 acre parcel of land so conveyed, 1675 feet to the northeast corner thereof; thence South 89° 58' 20" West along the north line of the parcel of land so conveyed, a distance of 1472.6 feet; thence North 396.4 feet to the center line of a drainage canal; thence along the centerline of said drainage canal the following 6 courses and distances: North 15° 15' East, 125 feet; North 19° 05' East, 339 feet; North 3° 45' East, 330 feet; North 1° 40' West, 100 feet; North 9° 00' West, 100 feet; and North 25° 08' West 70 feet, more or less, to a point designated No. 214A on the boundary line between Parcel No. 2 and Parcel No. 3 of the Survey of land of Alice M. Woods Estate, as shown upon the map of said Survey filed in Book of Surveys, Volume 3, at page 46, San Joaquin County Records; thence along the centerline of a drainage canal on the boundary common to said Parcels No. 2 and No. 3 of said Survey, the following 20 courses and distances: North 20° 25' West, 141 feet; North 19° 05' West, 29 feet; North 7° 28' East, 51 feet; North 3° 33' West, 150 feet; North 0° 35' West, 99 feet; North 6° 08' East, 259 feet; North 7° 40' East, 171 feet; North 0° 12' East, 51 feet; North 4° 25' West, 99 feet; North 1° 36' West, 42 feet; North 10° 00' East, 96 feet; North 15° 37' East, 62 feet; North 8° 20' East, 276 feet; North 9° 58' West, 106 feet; North 24° 23' West, 88 feet; North 37° 09' West, 76 feet; North 55° 20' West, 328 feet; North 59° 20' West, 212 feet; North 46° 22' West, 107 feet; and North 33° 33' West, 67.8 feet to a point designated No. 198X on the boundary line between Parcel No. 2 and Parcel No. 3 of the previously mentioned Survey of Alice M. Woods Estate; thence continuing along the center line of said drainage canal, the following

10 courses and distances: North 33° 33' West, 33 feet; North 12° 55' East, 119 feet; North 6° 55' East, 171 feet; North 0° 10' East, 116 feet; North 2° 30' West, 173 feet; North 10° 25' West, 305 feet; North 0° 30' West, 568 feet; North 5° 20' East, 284 feet; North 8° 48' East, 937 feet; and North 88° 54' West, 868 feet to the intersection of the center line of said drainage canal with the center line of a lateral drainage ditch; thence along the center line of said lateral drainage ditch, the following 12 courses and distances: North 2° 00' East, 134 feet; North 9° 10' West, 38 feet; North 36° 40' West, 48 feet; North 57° 45' West, 56 feet; North 33° 15' West, 28 feet; North 15° 00' East, 57 feet; North 29° 00' East, 106 feet; North 18° 40' East, 215 feet; North 55° 20' East, 64 feet; North 22° 10' East, 50 feet; North 8° 45' East, 204 feet; and North 4° 10' East 390 feet; thence North 44° 53' 30" East, 1139.3 feet, more or less, to a point designated #410 on the boundary line between Parcel No. 1 and Parcel No. 2 of the previously mentioned Survey of Alice M. Woods Estate; thence along the boundary line between said Parcel No. 1 and the said Parcel No. 2, North 63° 31' 30" West, 1050 feet to a point designated No. 130A at a corner common to Parcel No. 1 and Parcel No. 2 of the previously mentioned Survey of Alice M. Woods Estate, said point No. 130A being also on the  $\frac{1}{2}$  Section line between the north  $\frac{1}{2}$  and the south  $\frac{1}{2}$  of Section 23, T. 1 N., R. 5 E., M. D. B. & M.; thence running along the center line of the High Ridge Levee, being the northwesterly boundary line of Parcel No. 1 of the previously mentioned Survey of Alice M. Woods Estate, the following 19 courses and distances: North 31° 42' East, 204.6 feet; North 29° 03' East, 180 feet; North 27° 11' East, 180 feet; North 31° 53' East, 140 feet; North 35° 35' East,

160 feet; North 37° 49' East, 140 feet; North 40° 34' East, 470 feet; North 44° 18' East, 150 feet; North 48° 21' East, 150 feet; North 52° 01' East, 390 feet; North 41° 28' East, 60 feet; North 32° 53' East, 110 feet; North 24° 43' East, 100 feet; North 20° 05' East, 140 feet; North 17° 52' East, 120 feet; North 14° 31' East, 100 feet; North 4° 44' East, 90 feet; North 0° 33' West, 230 feet; and North 13° 59' West, 91.5 feet to a point on the north line of Section 23, T. 1 N., R. 6 E., M. D. B. & M., which said point is designated No. 149 on the previously mentioned Survey of Alice M. Woods Estate; thence continuing along the center line of the High Ridge Levee, being the northwesterly boundary line of said Parcel No. 1 of the Survey of Alice M. Woods Estate, the following 25 courses and distances: North 24° 05' West, 260 feet; North 10° 02' West, 190 feet; North 3° 47' East, 100 feet; North 8° 45' East, 250 feet; North 18° 27' East, 80 feet; North 44° 57' East, 60 feet; North 59° 03' East, 190 feet; North 55° 13' East, 60 feet; North 38° 27' East, 70 feet; North 30° 22' East, 220 feet; North 26° 34' East, 130 feet; North 44° 59' East, 70 feet; North 68° 02' East, 80 feet; North 65° 05' East, 100 feet; North 72° 01' East, 70 feet; North 80° 49' East, 190 feet; North 72° 27' East, 150 feet; North 62° 47' East, 50 feet; North 51° 49' East, 70 feet; North 47° 25' East, 300 feet; North 45° 02' East, 350 feet; North 47° 06' East, 100 feet; North 48° 58' East, 300 feet; North 44° 41' East, 175 feet; and North 74° 40' East, 63.6 feet; thence leaving said High Ridge Levee and continuing along the boundary line of the aforesaid Parcel No. 1 of the Survey of Alice M. Woods Estate, North 9.0 feet to the south line of the right-of-way of the Atchison, Topeka and Santa Fe Railroad Co., hereinafter referred to as the Santa Fe Railroad Co.; thence North 89° 57' 30" East along the

south line of the right-of-way of the Santa Fe Railroad Co., being the north line of the aforesaid Parcel No. 1 of the Survey of Alice M. Woods Estate, a distance of 2285.2 feet to the northeast corner of said Parcel No. 1; thence continuing along the south line of the right-of-way of the Santa Fe Railroad Co., said right-of-way line being also the north line of that certain 400 acre parcel of land conveyed to Marie Grunskey by Deed recorded in Book of Official Records, Volume 172, at page 395, San Joaquin County Records, South 89° 59' 30" East, 1008.1 feet; thence continuing along the boundary line of the 400 acre parcel so conveyed, South 0° 00' 30" West, 25 feet; thence continuing along the boundary line of the 400 acre parcel of land so conveyed, South 89° 59' 30" East, 1221.7 feet, more or less, to the southwesterly extension of the northwesterly boundary line of that certain 50 foot strip of land conveyed by E. W. S. Woods et al to Woods Irrigation Company by Deed dated January 10, 1910, and recorded in Book "A" of Deeds, Volume 169, page 543, San Joaquin County Records; thence North 25° 40' 30" East along the said extension of the said northwesterly boundary line of the 50 foot strip so conveyed, a distance of 277.4 feet, more or less, to the north line of the right-of-way of the Santa Fe Railroad Co.; thence North 25° 40' 30" East along the northwesterly line of the 50 foot strip so conveyed, a distance of 2936.6 feet; thence North 51° 48' 00" West, 35.8 feet; thence North 25° 40' 30" East 244 feet, more or less, to the southerly or left bank of Burns Cut-Off; thence easterly upstream along the left bank of said Burns Cut-Off, a distance of 750 feet, more or less, to the east line of Section 13, T. 1 N., R. 5 E., M. D. B. & M.; thence South 0° 09' East along said Section line, 218.7 feet,

more or less, to a steel rod on the northerly boundary line of that certain 106.26 acre parcel of land conveyed to Phil O'Connell, as Trustee, by Deed recorded in Book of Official Records, Volume 768, at Page 48, San Joaquin County Records; from which said steel rod the center line of the main line track of the Santa Fe Railroad Co. bears South 0° 08' East 2383.37 feet; thence running along the northerly boundary line of the 106.26 acre parcel so conveyed, the following five courses and distances: North 28° 58' West, 108 feet; North 40° 33' West 335.0 feet; North 74° 39' West, 223.8 feet; South 33° 32' West, 134.5 feet; and North 51° 48' West, 98.63 feet; thence along the southeasterly line of the herein before mentioned 50 foot strip of land conveyed to Woods Irrigation Co., by Deed recorded in Book "A" of Deeds, Volume 169, Page 543, South 25° 40' 30" West 2901.45 feet, more or less, to the north line of the right-of-way of the Santa Fe Railroad Co.; thence South 25° 40' 30" West along the southwesterly extension of said southeasterly line of the 50 foot strip of land, a distance of 277.4 feet, more or less, to the south line of the right-of-way of the Santa Fe Railroad Co., being also the north line of the herein before mentioned 400 acre parcel of land conveyed to Marie Grunsky by Deed recorded in Book of Official Records, Volume 172, at Page 395; thence South 89° 59' 30" East along the north line of the 400 acre parcel of land so conveyed a distance of 2022.9 feet, more or less, to the east line of Section 13, T. 1 N., R. 5 E., M. D. B. & M.; thence along the east line of said Section 13, South 0° 14' East 35 feet to a point 60 feet west of an iron pipe in the east line of a 45 foot County Road; thence continuing along the north line of the 400 acre parcel

so conveyed, South 89° 59' 30" East 2656.0 feet to an iron pipe 160 feet south of the northeast corner of the southwest  $\frac{1}{4}$  of Section 18, T. 1 N., R. 6 E., M. D. B. & M.; thence South 0° 08' West along the east line of the southwest  $\frac{1}{4}$  of said Section 18, 2478.3 feet to an iron pipe at the southeast corner of the southwest  $\frac{1}{4}$  of said Section 18; thence East along the section line common to Sections 18 and 19, T. 1 N., R. 6 E., M. D. B. & M.; 1320 feet, more or less, to the northeast corner of Lot 23 of the hereinbefore mentioned Wilhoit-Douglass Tract; thence South 0° 01' East along the east line of said Lot 23, 2640 feet to the southeast corner of said Lot 23; thence East along the north line of Lot 36 of said Wilhoit-Douglass Tract, 3301 feet, more or less to the northeast corner of said Lot 36; thence South along the east line of Lots 36 and 37 of said Wilhoit-Douglass Tract, 2641.5 feet, more or less, to the southeast corner of said Lot 37; thence West along the south line of said Lot 37, 1985 feet, more or less, to the point of beginning.

EXCEPT the following described parcel of land.

A portion of Section 13, T. 1 N., R. 5 E., M. D. B. & M., and more particularly described as follows:

Commencing at the intersection of the south line of the right-of-way of the Atchison, Topeka and Santa Fe Railroad with the east line of said Section 13, and running thence North 89° 59' 30" West along the south line of said railroad right-of-way, 2022.9 feet, more or less, to a point on the southwesterly production of the southeasterly line of that certain 50 foot strip of land containing the main drainage canal of the Woods Irrigation Company, as said 50 foot strip of land is described in Deed recorded

in Book "A" of Deeds, Volume 169, at Page 643, San Joaquin County Records, said point being the point of beginning of the herein described parcel of land; thence from said point of beginning, North 89° 59' 30" West along said right-of-way line of the Santa Fe Railroad, 55.4 feet; thence North 25° 40' 30" East, 277.4 feet to the north line of the right-of-way of said Railroad; thence South 89° 59' 30" East along the north line of the right-of-way of said Railroad, 55.4 feet to the southeasterly corner of the aforesaid 50 foot strip of land containing the said main drainage canal; thence South 25° 40' 30" West along the southeasterly line of said 50 foot strip, produced, a distance of 277.4 feet, more or less, to the point of beginning, and containing 0.32 of an acre.



IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF SAN JOAQUIN

WOODS IRRIGATION CO., a  
corporation,  
  
Plaintiff,

vs.

MARY K. ALLEN, individually and  
as Executrix of the estate of  
LORIN C. ALLEN, deceased; E. W. AVILA;  
BERNICE M. AVILA; FRANK W. AVILA; MANUEL  
S. BORBA; MARIA S. BORBA; GIOVANNI CERRI;  
PIA CERRI; FRANK L. COSTA; HELEN D.  
COSTA; BAROLOMEO DEL CARLO; ITALIA DEL  
CARLO; MICHELE DEL SOLDATO; GISELLA DEL  
SOLDATO; MARIE PETERS; JOE FAGUNDES;  
LUCY FAGUNDES; ANTONIO FERREIRO; MARINA  
FERREIRO; AUDINE ABBOTT GILBERT; ARTHUR  
HILL GILBERT; GARROLL G. GRUNSKY; MARIE  
GRUNSKY; JOSEPHINE V. JONES; JOHN  
JURGENSON; CHRISTINE M. JURGENSON; SOL  
D. KLEIN; JACK KLEIN; MANUEL MARTIN, JR.;  
EUGENIA MATTOS; AUGUST MAZZANTI; LILLIAN  
MAZZANTI; SETTIMO MAZZANTI; ARDUINA  
MAZZANTI; AMEICO MELLO; MARIAN F. MELLO;  
ALESSIO MENCONI; EMI MENCONI; ALICE  
ARMAND WOODS, also known as ALICE WOODS  
MCKEE; REGINALD MERRITT; PETER G. OHM;  
VADA R. OHM; GEORGE R. PATTERSON  
CONSTRUCTION COMPANY, a corporation;  
JOHN C. PEREIRA; MARIA PERRY, also known  
as MARTA PEREIRA; FRANK R. PERRY;  
JOSEPH R. PERRY; ADELAIDE L. ARRIAGA;  
MARY RIBEIRO BETTENCOURT; MARIA S.  
RAMALHO, also known as MARY RAMALHO;  
ANGELINA HOLLER; LAURA RAMALHO; ANTHONY  
RAMALHO; MARY RAMALHO; FRANK RAMALHO;  
GEORGE RAMALHO; FREDERICK RAMALHO; HARVEY  
R. RATTO; LAURA JUDITH RATTO; W. P.  
REMONDA; ROBERTS UNION FARM CENTER,  
INCORPORATED, a corporation; HENRY L.  
RODGERS; HAZEL L. RODGERS; LESTER RODGERS;  
NORMA RODGERS; MANUEL J. RODGERS, also  
known as MANUEL RODGERS; J. J. RODGERS;  
MARY SILVA, also known as MARY F. SILVA;  
ANTONIO SILVEIRA; MARY C. SILVEIRA;  
HAZEL COLNON WOODS; CARROL G. GRUNSKY;  
FRANK X. SOUZA; LUCY SOUZA; MILTON W.  
THORPE; JENNIE A. THORPE; MERVEL L.  
TREMMAIN; FRANCES J. WELCHES; FAIRCHILD  
SCHOOL DISTRICT, a public corporation;

SUMMONS

NO. 644576 DEPT. NO. 5

Action brought in the  
Superior Court of the  
State of California,  
in and for the County  
of San Joaquin, and the  
Complaint filed in the  
office of the Clerk of  
said County of San  
Joaquin.

JONES, LANE, WEAVER & DALEY  
Attorneys for Plaintiff

JAOA COELLO PEREIRA; ALICE AZEVEDO )  
PEREIRA; JOE M. VICTORIA; EMILY C. )  
VICTORIA; MARGARET S. WALSH; EDNA B. )  
WILSON; CELIA MARY WOODS DEYOUNG, also )  
known as CELIA MARY WOODS; ELIZABETH W. )  
WOODS; ELLA M. WOODS; EMMA C. NEUMILLER; )  
IRVING NEUMILLER; LENORE NEUMILLER )  
GRAVEM; JOHN NEWTON WILHOIT; JOHN DOES )  
ONE TO FIFTY, )

Defendants. )

THE PEOPLE OF THE STATE OF CALIFORNIA SEND GREETINGS:

To MARY K. ALLEN, individually and as Executrix of the Estate of LORIN C. ALLEN, deceased; E. W. AVILA; BERNICE M. AVILA; FRANK W. AVILA; MANUEL S. BORBA; MARIA S. BORBA; GIOVANNI CERRI; PIA CERRI; FRANK L. COSTA; HELEN D. COSTA; BAROLOMEO DEL CARLO; ITALIA DEL CARLO; MICHELE DEL SOLDATO; GISELLA DEL SOLDATO; MARIE PETERS; JOE FAGUNDES; LUCY FAGUNDES; ANTONIO FERREIRO; MARINA FERREIRO; AUDINE ABBOTT GILBERT; ARTHUR HILL GILBERT; CARROLL G. GRUNSKY; MARIE GRUNSKY; JOSEPHINE V. JONES; JOHN JURGENSON; CHRISTINE M. JURGENSON; SOL D. KLEIN; JACK KLEIN; MANUEL MARTIN, JR.; EUGENIA MATTOS; AUGUST MAZZANTI; LILLIAN MAZZANTI; SETTIMO MAZZANTI; ARDUINA MAZZANTI; AMESICO MELLO; MARIAN F. MELLO; ALESSIO MENCONI; EMI MENCONI; ALICE ARMAND WOODS, also known as ALICE WOODS MCKEE; REGINALD MERRITT; PETER G. OHM; VADA R. OHM; GEORGE R. PATTERSON CONSTRUCTION COMPANY, a corporation; JOHN C. PEREIRA; MARIA PERRY, also known as MARIA PEREIRA; FRANK R. PERRY; JOSEPH R. PERRY; ADELAIDE L. ARRIAGA; MARY RIBEIRO BETTENCOURT; MARIA S. RAMALHO; also known as MARY RAMALHO; ANGELINA HOLLER; LAURA RAMALHO; ANTHONY RAMALHO; MARY RAMALHO; FRANK RAMALHO; GEORGE RAMALHO; FREDERICK RAMALHO; HARVEY R. RATTO; LAURA JUDITH RATTO; W. P. REMONDA; ROBERTS UNION FARM CENTER, INCORPORATED, a corporation; HENRY L. RODGERS; HAZEL L. RODGERS; LESTER RODGERS; NORMA RODGERS; MANUEL J. RODGERS, also known as MANUEL RODGERS; J. J. RODGERS; MARY SILVA, also known as MARY F. SILVA; ANTONIO SILVEIRA; MARIA C. SILVEIRA; HAZEL COLNON WOODS; CARROL G. GRUNSKY; FRANK X. SOUZA; LUCY SOUZA; MILTON W. THORPE; JENNIE A. THORPE; MERVEL L. TREMAIN; FRANCES J. WELCHES; FAIRCHILD SCHOOL DISTRICT, a public corporation; JAOA COELLO PEREIRA; ALICE AZEVEDO PEREIRA; JOE M. VICTORIA; EMILY C. VICTORIA; MARGARET S. WALSH; EDNA B. WILSON; CELIA MARY WOODS DEYOUNG, also known as CELIA MARY WOODS; ELIZABETH W. WOODS; ELLA M. WOODS; EMMA C. NEUMILLER; IRVING NEUMILLER; LENORE NEUMILLER GRAVEM; JOHN NEWTON WILHOIT; JOHN DOES ONE TO FIFTY,

Defendants.

YOU ARE HEREBY DIRECTED to appear and answer to complaint in an action entitled as above, brought against you in the Superior Court of the State of California, in and for the County of San Joaquin, within ten days after the service on you of this summons, if served within this county; or within thirty days if served elsewhere.

AND YOU ARE HEREBY NOTIFIED that unless you appear and

answer as above required, the said plaintiff will take judgment for any money or damages demanded in the complaint, as arising upon contract or will apply to the Court for any other relief demanded in the complaint.

Given under my hand and Seal of  
the Superior Court of the State  
of California; in and for the  
County of San Joaquin this \_\_\_\_\_  
day of MAR 29 1957, 1957.

R. E. GRAHAM, Clerk.

By: ALICE BLATCHLEY  
Deputy Clerk.