

32356 Legal
IN THE SUPERIOR
COURT FOR THE
STATE OF ALASKA
FOURTH JUDICIAL
DISTRICT

NATIONAL BANK OF
ALASKA, on behalf
of the General Public,
Plaintiff,
vs.
GARY LUNDGREN,
and all other persons
or entities or parties

unknown claiming a
right, title, estate,
lien, or interest in the
real estate described
in the Complaint.
In this action,
Defendants:

Case No. 4FA-87-515 Civil
NOTICE OF PUBLICATION

To: All persons or entities
or parties unknown claiming a
right, title, estate, lien, or in-
terest in the real property
described in the Complaint in
this action.

You are hereby notified that
National Bank of Alaska on
behalf of the general public
has filed a complaint in the
Superior Court, Fourth Judi-
cial District, State of Alaska,
Case No. 4FA-87-515 Civil. The
complaint is to obtain a
prescriptive user easement for
the general public on the prop-
erty described in the com-
plaint which is commonly re-
ferred to as a roadway called
Pacific Place.

If you claim any interest in
this roadway or the real prop-
erty underlying this roadway
or specifically the property
described in the complaint,
you must file an answer to the
complaint in the Superior
Court for the State of Alaska,
Fourth Judicial District, 604
Barnette Street immediately
and no later than 30 days
from the last date of publica-
tion of this notice in the
Fairbanks Daily News-Miner.
Your failure to file an answer
will cut off forever your right
or claim in and/or to the prop-
erty described in the com-
plaint except as a member of
the general public.

DATED this 25th day of
March, 1987.

STALEY, DeLISIO,
COOK & SHERRY, INC.
Attorneys for Plaintiffs

By: Charles D. Silvey

Date of First Publication:
March 27, 1987

Date of Last Publication:
April 17, 1987

DECLARATION OF
SERVICE BY MAIL

I am a citizen of the United
States and a resident of
Fairbanks, Alaska. I am over
the age of eighteen years and
not a party to the above ac-
tion. On this date I served a
copy of the foregoing docu-
ment on:

Gary Lundgren
2623 Second Ave.
Seattle, Washington 98121
by placing a true and correct
copy in a sealed envelope with
postage thereon fully prepaid,
in the United States mail. I
declare under penalty that the
foregoing is true and correct.

DATED this 25th day of
March, 1987.

Kim Smithson

COMPLAINT FOR
DECLARATION OF
PUBLIC RIGHT-OF-WAY
AND TO QUIET WAY

Plaintiff, by and through its
attorneys, Staley, DeLisio,
Cook & Sherry, Inc., and for
its complaint, states:

1. National Bank of Alaska
is a national banking associa-
tion, fully authorized by law to
bring this action, and is the
owner of certain real estate
adjacent to a sixty foot road-
way easement and road known
as Pacific Place, off Peger
Road, located in the Southeast
Quarter of the Southeast Quar-
ter of Section 17, Township 1
South, Range 1 West,
Fairbanks Meridian, Records
of the Fairbanks Recording
District, Fourth Judicial Dis-
trict, State of Alaska.

2. Pacific Place is located in
the Fairbanks Recording Dis-
trict, Fourth Judicial District,
State of Alaska and is more
particularly described as:

That certain portion of the
Southeast Quarter (SE 1/4) of
the Southeast Quarter (SE 1/4)
of Section 17, Township 1
South, Range 1 West,
Fairbanks Meridian, Fairbanks
Recording District, State of
Alaska, which is described as
follows:

From the Southeast corner
of said SE 1/4 SE 1/4 proceed
thence North 00°08' West
along the East line thereof a
distance of 868.71 ft. to the
Northeasterly corner of that
certain tract described in the
deed recorded at Vol. 84 Pg.
371 Fairbanks Recorders Dis-
trict and the True Point of
Beginning;

thence proceed South 89°52'
West at right angles to said
Section line a distance of
242.58 ft. thence North
88°51'37" West a distance of
90.02 ft. to a point that is 2.00
ft. North of the Southwest
corner of that certain tract
described at Book 225 Pg. 53
Fairbanks Recorders District;
thence North 89°21'10" West
a distance of 293.58 ft. to a
point that is 6.00 ft. North of
the Southwest corner of that
certain tract described in the
deed recorded at Book 440 Pg.
539 Fairbanks Recorders Dis-
trict; thence North 00°08'
West a distance of 24.00 ft. to
the Southeast corner of that
certain tract described in the
deed recorded at Book 142 Pg.

144 Fairbanks Recorders Dis-
trict; Thence South 89°52'
West a distance of 268.00 ft.;
thence South 00°08' East a
distance of 60.00 ft.; thence
North 89°52' East a distance
of 60.00 ft. to the Northwest
corner of that certain tract
described in the deed recorded
at Book 245 Pg. 465; thence
South 89°01'54" East a dis-
tance of 208.04 ft. to a point
that is 4.00 ft. South of the
Northeast corner thereof and
34.00 ft. South of the North-
west corner of that certain
tract described in the deed
recorded at Vol. 84 Pg. 371
Fairbanks Recorders District;
thence South 88°59'15" East
a distance of 200.04 ft.; thence
South 87°50'56" East a dis-
tance of 426.47 ft. to a point
on the East line of said Sec-
tion 17; thence North 00°08'
West along said line a dis-
tance of 55.00 ft. to the True
Point of Beginning.

3. Attached hereto and incor-
porated by reference herein as
Ex. A is a survey showing the
as-built location of Pacific
Place.

4. The public has used Pacif-
ic Place, described in para-
graph 2 herein, (and the sixty-
foot roadway easement) as a
public right-of-way
continuously, openly,
notoriously and with hostility
since approximately 1950, to
the present time a period of
ten or more years, which is
sufficient to establish a public
right-of-way under the
provisions of AS 09.10.030.

5. The defendant named
above may claim some ad-
verse right, title or interest in
said premises described in
Paragraph 2, the exact nature
of which is not now known to
plaintiff, but which is inferior,
subordinate, and subject to the
public's right of ingress and
egress over said property.

6. Other unknown claimants
may claim an adverse interest
in the possession use or title
to the property described in
Paragraph 2, which interests,
if any, are inferior, subordi-
nate, and subject to the
public's right of ingress and
egress over said property.

7. By reason of said facts,
plaintiff is entitled to have
prescriptive public user to the
premises described in Para-
graph 2 herein, quieted against
all adverse claims of the de-
fendants and other unknown
defendant or claimants, and to
have a permanent injunction:
a) barring defendant and all
others from asserting any
right, title, claim or ownership
in said premises in conflict
with said easement, b)
prohibiting any use of the
described premises by defend-
ant or others that is incom-
patible with said easement,
and c) enjoining defendant and
others from disturbing the
public's peaceful use and en-
joyment of said roadway
easement.

WHEREFORE, Plaintiff
prays:

1. For an order declaring
the property described in pa-
ragraph 2 herein to be subject
to a public road and right-of-
way easement in perpetuity.

2. For a permanent injunc-
tion: a) barring defendant and
all others from asserting any
right, title, claim or ownership
in said premises in conflict
with said easement, b)
prohibiting any use of the
premises by defendant and all
others that is incompatible
with said easement, and c)
enjoining defendant and all
others from disturbing the
public's peaceful use and en-
joyment of said roadway
easement.

3. For an award of costs
and attorney's fees against de-
fendant and all others
resisting this complaint, for
having had to bring this
action.

4. For such other and fur-
ther relief as the court deems
just.

RESPECTFULLY SUBMIT-
TED this 20th day of March,
1987.

STALEY, DeLISIO,
COOK & SHERRY, INC.
Attorneys for Plaintiffs
By: Charles D. Silvey
PUBLISH: March 27, April 3,
10, 17, 1987

QUIET Title Action - Road.