

Richard Whitney
1800 Highway 50
Glenbrook, NV 89413

A G R E E M E N T

WHEREAS on September 1, 1971 title to the following described property situated in the County of Douglas, State of Nevada Beginning at a point on the Westerly right of way line of Nevada State Highway, U.S. Rt. 50 from which the Section corner common to Sections 14, 15, 22 and 23 Township 14 North, Range 18 East, M.D.B.&M., more particularly described in Exhibit "A" attached hereto and made a part hereof and comprising one (1) page was vested in Hilton B. Atherton, Jr. and Donna V. Atherton, husband and wife as joint tenants with right of survivorship, their heirs and assigns, hereinafter referred to as ATHERTON, as to an undivided one-half interest and Richard G. Whitney, a single man, his heirs and assigns, hereinafter referred to as WHITNEY, as to an undivided one-half interest;

and WHEREAS the above property described in Exhibit "A" bears a restriction which requires that the parcel or parcels of land described herein may not be split until after December 29, 1979 unless signatures are obtained from all parties owning six parcels affected by the restrictions filed by Nellie R. Sweetland, more particularly described in Exhibit "B" and attached hereto and made a part hereof and comprising two (2) pages;

THEREFOR it is mutually agreed by the undersigned that title to the property described in Exhibit "A" attached hereto and hereafter referred to herein as PROPERTY is vested in ATHERTON and WHITNEY in accordance with their expressed desires as follows;

ARTICLE I. Total consideration paid for PROPERTY in the amount of \$110,000.00 includes a Cash Payment of \$25,000.00 of which ATHERTON paid \$12,500.00 and WHITNEY paid \$12,500.00 and a deed of trust in favor of Paul W. Diggle, a married man, in the amount of \$85,000.00 payable \$700.00 monthly including interest at 7 1/2% per annum all due and payable in 20 years from September 1, 1971 to which "accelerated payments of \$7,000.00 or more in multiples thereof may be made on any anniversary date", said deed of trust payments and accelerated payments shall be made one-half by ATHERTON and one-half by WHITNEY until paid in full.

ARTICLE II. The above mentioned "one-half undivided interest" vested in ATHERTON shall comprise the Portion of the PROPERTY more particularly described in Exhibit "C" attached hereto and made a part hereof and comprising one (1) page. The above mentioned "one-half undivided interest" vested in WHITNEY shall comprise that Portion of the PROPERTY more particularly described in Exhibit "D" attached hereto and made a part hereof and comprising one (1) page. It is the intent of both ATHERTON and WHITNEY to hold and enjoy for their benefit and the benefit of their heirs and assigns their respective Portions of the PROPERTY described above and ATHERTON and WHITNEY agree to Record said respective Portions as separately owned Parcels of Land by December 31, 1979 in the Office of the Douglas County Recorder.

ARTICLE III. Payment of any and all taxes assessed to PROPERTY shall be made one-half by ATHERTON and one-half by WHITNEY, this proportion to be terminated upon Recordation on December 31, 1979 per Article II above.

ARTICLE IV. Responsibility shall be incurred and payment shall be made for any and all assessments, connection, maintenance and operation and/or other charges levied against PROPERTY as a part of Douglas County Sanitary Sewer Project 71-1 one-half by ATHERTON and one-half by WHITNEY, it being the intent of each to construct one residence on their respective Portions as described in Article II. In the event that either ATHERTON or WHITNEY construct more than one residence on the Portion of land represented by their respective undivided interest as described in Article II and as a result incur additional charges therefor, the party constructing additional residence and creating said additional charges shall pay said additional charges.

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ARTICLE V. The Portions of the PROPERTY described herein as Exhibit "C" and Exhibit "D" may be altered at any time prior to December 31, 1979 upon the written consent of both ATHERTON and WHITNEY, their heirs or assigns.

ARTICLE VI. ATHERTON and WHITNEY shall have the first rights to acquire the Portions of PROPERTY described herein as Exhibit "C" and Exhibit "D" should either party decide to sell their Portion.

Agreed to:

ATHERTON

WHITNEY

Hilton B. Atherton, Jr.
Hilton B. Atherton, Jr.

Richard G. Whitney
Richard G. Whitney

Donna V. Atherton
Donna V. Atherton

All those certain lots, pieces or parcels of land situate in the County of Clark, State of Nevada, described as follows:

*Your
Dad
of
mat*

Lot E, Parcel 1: Beginning at a point in the Westerly right-of-way line of the Nevada State Highway, U. S. Route 50, from which the Section corner common to Sections 14, 15, 22 and 23, Township 14 North, Range 18 East, M.D.B.&M., bears South $39^{\circ}59'10.9''$ East a distance of 2451.746 feet, and running thence North $89^{\circ}38'49.7''$ West a distance of 1075.759 feet; thence South $60^{\circ}00'00''$ West a distance of 72.091 feet, to an intersection with the government meander line of Lake Tahoe, as adjusted by survey; (From this point the Section corner common to Sections 14, 15, 22 and 23, Township 14 North, Range 18 East, M.D.B.&M. bears South $55^{\circ}43'46''$ East a distance of 3283.781 feet); thence North $46^{\circ}47'40.8''$ West along said meander line a distance of 184.332 feet to the adjusted position of meander point No. 4; thence North $83^{\circ}49'44.4''$ West along said meander line a distance of 109.137 feet to its intersection with the Northerly boundary of the said South half of Lot 3; thence South $89^{\circ}38'49.7''$ East along the Northerly boundary of the said South half of Lot 3 a distance of 1355.803 feet to a point in the Westerly right-of-way line of the Nevada State Highway, U. S. Route 50; thence South $22^{\circ}42'19''$ East along said highway right-of-way line a distance of 94.962 feet; thence South $69^{\circ}58'51.4''$ West along said highway right-of-way line a distance of 14.974 feet; thence from a tangent whose bearing is South $19^{\circ}57'51.1''$ East curving to the right along said highway right-of-way line with a radius of 1295.00 feet, through a central angle of $0^{\circ}20'57.6''$ for an arc length of 7.896 feet, to the point of beginning.

Lot F, Parcel 2: Beginning at the Northeast corner of the South half of Lot 3, Township 14 North, Range 18 East, M.D.B.&M., which is also the Northeast corner of Lot F, Parcel 2, herein described from which point the Section corner common to Sections 14, 15, 22 and 23, Township 14 North, Range 18 East, M.D.B.&M. bears South $33^{\circ}40'33.2''$ East a distance of 2375.587 feet, and running thence South $0^{\circ}14'31.4''$ East along the 1/16 section line which is the Easterly boundary of the said South half of Lot 3, a distance of 100.005 feet; thence North $89^{\circ}38'49.7''$ West a distance of 53.086 feet to a point in the Easterly right-of-way

line of the Nevada State Highway U. S. Route 50; thence from a tangent whose bearing is North $16^{\circ}55'08.4''$ West curving to the left along said highway right-of-way line with a radius of 1490.00 feet, through a central angle of $3^{\circ}02'02.1''$ for an arc length of 78.898 feet; thence North $22^{\circ}40'49''$ West along said highway right-of-way line a distance of 27.004 feet to an intersection with the Northerly boundary of said South half of Lot 3; thence South $89^{\circ}38'49.7''$ East along the Northerly boundary of said South half of Lot 3 a distance of 88.025 feet to the POINT OF BEGINNING.

DECLARATION OF RESTRICTIONS

This declaration made this 29th day of December, 1954, by Nellie R. Sweetland, also sometimes known as Nellie Sweetland, a single person, of Piedmont, California,

W I T N E S S E T H:

WHEREAS, said declarant is the owner of the following described land situate in Douglas County, State of Nevada:

All of the S $\frac{1}{2}$ of Lot 3, in Sec. 15, T. 14 N., R. 18 E., M. D. B. & M., County of Douglas, State of Nevada.

Excepting therefrom that portion of the right-of-way heretofore deeded to the State of Nevada for highway purposes, and that portion of said highway right-of-way which lies within the S $\frac{1}{2}$ of said Lot 3, and which traverses through and along the easterly portion of the S $\frac{1}{2}$ of said Lot 3.

and,

WHEREAS said declarant and owner of said land intends to divide said land into six parcels and to convey one of such parcels to each of her six children, and

WHEREAS said declarant desires to impose upon said land and each and every part thereof, uniform restrictions which are intended as a part of a general plan, and for the benefit of each parcel of said land, and said declarant further desires that such uniform restrictions shall inure to and pass with said land and each parcel thereof.

NOW, THEREFORE, the said declarant hereby declares that the above described land and each and every part or parcel thereof is held by her and shall be conveyed subject to the following conditions, restrictions and covenants, to-wit:

1. These conditions, restrictions and covenants shall be considered as covenants running with the land and shall bind the declarant, her heirs, executors and administrators, and all future assigns of said land, or any part or parcel thereof, for and during the period ending December 29, 1979; provided, however, that such conditions, restrictions and covenants or any of them may be changed, supplemented or abolished in any or all particulars by the recordation in the office of the County Recorder of Douglas County, Nevada, a revocation of, amendments to, or a supplemental declaration of restrictions for said land duly executed and acknowledged by all the then owners of said land.

2. The conditions, restrictions and covenants herein contained, shall bind and inure to the benefit of, and be enforceable by, declarant, her heirs, executors and administrators and all future assigns, or by the owner or owners of any part or parcel of said land. Any owner or owners of any part or parcel of said land may institute and prosecute any proceeding at law or in equity against declarant, or any person, firm, or corporation, violating or threatening to violate, any of the conditions, restrictions or covenants herein contained. Any such action may be maintained for the purpose of preventing a violation, or to recover damages for a violation, or for both such purposes. The failure of declarant, her successors or assigns, or of any owner of any part or parcel of said land to enforce any of the conditions, restrictions or covenants herein contained shall in no wise be deemed a waiver of right to enforce such conditions, restrictions or covenants thereafter. Nothing herein contained shall be construed as preventing the application of any remedy given by law against a nuisance, public or private. The remedy herein provided shall be in addition to any other remedy or remedies now or hereinafter provided by law.

Nellie R. Sweetland

Nellie R. Sweetland

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3. Any invalidation, in whole or in part, of any condition, restriction or covenant herein contained by the judgment or order of any court of competent jurisdiction shall in no way affect the validity of the remaining conditions, restrictions and covenants, and said remaining conditions, restrictions and covenants shall continue and remain in full force and effect. Any condition, restriction or covenant so invalidated shall be deemed separable from the remaining conditions, restrictions and covenants herein set forth.

4. The six parcels of said land as conveyed by the declarant to her six children shall not thereafter be divided or subdivided into any smaller parts or parcels and any such division or subdivision sold or conveyed without the unanimous consent of all the then owners of all the parts or parcels of said land covered by this declaration of restrictions. Provided, however, that the restriction against subdivision and sale or conveyance without unanimous consent contained in this paragraph shall not apply to any sale, transfer or conveyance by any child of the declarant to his or her child or children of a portion or portions of the parcel conveyed to such child of the declarant.

5. Each part or parcel of said land shall be used for private residence purposes exclusively and shall not be used or occupied for flats, apartments, or multiple rental units. Provided, however, that this paragraph shall not be construed to prevent the rental of any residence or guest house on any parcel or part thereof for limited periods of time.

6. No part or parcel of said land shall be used or occupied for trade, business or manufacture of any kind whatever, nor shall any part or parcel of said land be used for any community, organizational, civic, school or church purpose without the unanimous consent of the owners of all of the land covered by this declaration of restrictions.

IN WITNESS WHEREOF the undersigned has executed this Declaration of Restrictions the day and year first above written.

Nellie R. Sweetland

STATE OF CALIFORNIA)
CITY AND COUNTY OF SAN FRANCISCO) SS.

On this 29th day of December, 1954, personally appeared before me, the undersigned, a Notary Public in and for said County of San Francisco, Nellie R. Sweetland, known to me to be the person described in and who executed the foregoing instrument, who acknowledged to me that she executed the same freely and voluntarily, and for the uses and purposes therein mentioned.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official Seal at my office in the County of San Francisco, the day and year in this Certificate first above written.

(Notarial Seal)

Mary H. Baker
Notary Public in and for the City and County of San Francisco, State of California.

My Commission Expires: October 19, 1956.

Filed For Record at request of Richard R. Hanna December 30, 1954, at 16 min. past 1 o'clock P. M. Recorded in Book 3 Miscellaneous Page 555 Douglas County, Nevada Records.

ARTHUR H. JOHNSON
COUNTY RECORDER

#10089 COMPARED

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"EXHIBIT "C"

All the land situate in the County of Douglas, State of Nevada, described as follows: Beginning at a point in the Westerly right-of-way line of the Nevada State Highway, U.S. Route 50, from which the Section corner common to Sections 14, 15, 22 and 23, Township 14 North, Range 18 East, M.D.B.&M., bears S39 59 11E 2451.75', and running thence N89 38 50W 1075.76'; thence S60 00 00W 72.09', to an intersection with the government meander line of Lake Tahoe, as adjusted by survey; (From this point the Section corner common to Sections 14, 15, 22 and 23, Township 14 North, Range 18 East, M.D.B.&M. bears S55 43 46E 3283.78'): thence N46 47 41W along said meander line a distance of 75.00'; thence leaving said meander line N70 24 23E 103.84'; thence S89 38 50E 1090.75' to a point in the Westerly right-of-way line of the Nevada State Highway, U.S. Route 50; thence S22 42 19E along said highway right-of-way line a distance of 40.62'; thence S69 58 51W along said highway right-of-way line a distance of 14.974'; thence from a tangent whose bearing is S19 57 51E curving to the right along said highway right-of-way line with a radius of 1295.00 feet, through a central angle of 00 20 58 for an arc length of 7.896 feet, to the point of beginning.

ALSO: The southerly fifty feet of the following described Parcel: Beginning at the Northeast corner of the South half of Lot 3, Township 14 North, Range 18 East, M.D.B.&M., which is also the Northeast corner of this Parcel from which the Section corner common to Sections 14, 15, 22 and 23, Township 14 North, Range 18 East, M.D.B.&M. bears S33 40 33E 2375.59', and running thence S00 14 31E along the 1/16 section line which is the Easterly boundary of the said South half of Lot 3, a distance of 100.01'; thence N89 38 50W 53.09' to a point in the Easterly right-of-way line of the Nevada State Highway U.S. Route 50; thence from a tangent whose bearing is N16 55 08W curving to the left along said highway right-of-way line with a radius of 1490.00 feet, through a central angle of 03 02 02 for an arc length of 78.90'; thence N22 40 49W along said highway right-of-way line a distance of 27.00' to an intersection with the Northerly boundary of said South half of Lot 3; thence South 89 38 50 EAST along the Northerly boundary of said South half of Lot 3 a distance of 88.03' to the POINT OF BEGINNING.

Setback at right angles to the government meander line of Lake Tahoe shall be 55.00 feet. Side setback on Northerly boundary shall be 10.00 feet and on Southerly boundary shall be 10.00 feet.

20 foot easement for ingress and egress to PROPERTY described in EXHIBIT "A" herein shall follow the existing dirt road running the long dimension of the PROPERTY, or may be altered by mutual agreement by ATHERTON and WHITNEY, their heirs or assigns. Said 20 foot easement shall continue beyond its currently (September 1971) established easterly terminus near Sierra Pacific Power Pole #96487 (shown on map Record of Survey for Nellie R. Sweetland prepared September 1, 1955 by John B. Chattin R.C.E.334 NV as S.P.P.Co. Pole #3394, #1073) the following approximate courses: S89 38 50E 330'; and S55E 80' to the vicinity of State Highway right-of-way monument opposite Hwy. Sta. 484+55.34, it being the intent in the future to construct an access roadway for ingress and egress with proper curvature and less than a 12.5% gradient to connect with the existing asphalt driveway within the State Highway right-of-way above mentioned.

EXHIBIT "D"

All the land situate in the County of Douglas, State of Nevada, described as follows: Commencing at a point on the government meander line of Lake Tahoe, as adjusted by survey, from which the Section corner common to Sections 14, 15, 22 and 23 Township 14 North, Range 18 East, M.D.B.&M. bears S55 43 46E 3283.78 feet; thence along said meander line N46 47 41W 75.00' to the TRUE POINT OF BEGINNING; thence continuing along said meander line N46 47 41W 109.33' to the adjusted position of meander point No. 4; thence N83 49 44W along said meander line a distance of 109.14' to its intersection with the Northerly boundary of the said South half of Lot 3; thence S89 38 50E along the Northerly boundary of the Said South half of Lot 3 a distance of 1355.80' to a point in the Westerly right-of-way line of the Nevada State Highway, U.S. Route 50; thence S22 42 19E along said highway right-of-way line a distance of 54.34'; thence leaving said highway right-of-way line N89 38 50W 1090.75'; thence S70 24 23W 103.84' to a point on the government meander line of Lake Tahoe and the true point of beginning.

ALSO: The northerly fifty feet of the following described Parcel: Beginning at the Northeast corner of the South half of Lot 3, Township 14 North, Range 18 East, M.D.B.&M., which is also the Northeast corner of this Parcel from which the Section corner common to Sections 14, 15, 22 and 23, Township 14 North, Range 18 East, M.D.B.&M. bears S33 40 33E 2375.59', and running thence S00 14 31E along the 1/16 section line which is the Easterly boundary of the said South half of Lot 3, a distance of 100.01'; thence N89 38 50W 53.09' to a point in the Easterly right-of-way line of the Nevada State Highway U.S. Route 50; thence from a tangent whose bearing is N16 55 08W curving to the left along said highway right-of-way line with a radius of 1490.00 feet, through a central angle of 03 02 02 for an arc length of 78.90'; thence N22 40 49W along said highway right-of-way line a distance of 27.00' to an intersection with the Northerly boundary of said South half of Lot 3; thence South 89 38 50 East along the Northerly boundary of said South half of Lot 3 a distance of 88.03' to the POINT OF BEGINNING.

Setback at right angles to the government meander line of Lake Tahoe shall be 40.00 feet. Side setback on the Southerly boundary shall be 10.00 feet and on Northerly boundary shall be 10.00 feet.

20 foot easement for ingress and egress to PROPERTY described in EXHIBIT "A" herein shall follow the existing dirt road running the long dimension of the PROPERTY, or may be altered by mutual agreement by ATHERTON and WHITNEY, their heirs or assigns. Said 20 foot easement shall continue beyond its currently (September, 1971) established easterly terminus near Sierra Pacific Power Pole #96487 (shown on map Record of Survey for Nellie R. Sweetland prepared September 1, 1955 by John B. Chattin R.C.E.334 NV as S.P.P.Co Pole #3394, #1073) the following approximate courses: S89 38 50E 330'; and S55E 80' to the vicinity of State Highway right-of-way monument opposite Hwy. Sta. 484+55.34, it being the intent in the future to construct an access roadway for ingress and egress with proper curvature and less than a 12.5% gradient to connect with the existing asphalt driveway within the State Highway right-of-way above mentioned.

REQUESTED BY
Richard Whitney
 IN OFFICIAL RECORDS OF
 DOUGLAS CO. NEVADA
 #9.00 per
 1979 FEB -5 AM 11:35

MARIE A. RADEL
 RECORDER
Donna Juchter
 (Dep.)
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