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CLERK, U. S. DISTRICT COURT
DISTRICT OF NEVADA
BY _____ DEPUTY

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

CV. R-78-154-BRT

ZEPHYR COVE PROPERTIES, INC.,
a Nevada corporation,

Plaintiff,

vs.

THE UNITED STATES OF AMERICA,
ZEPHYR HEIGHTS SUBDIVISION,
et al.,

Defendants.

FINDINGS OF FACT
CONCLUSION OF LAW AND
JUDGMENT

This matter came regularly before this Court on the 13th day of November, 1980, Plaintiff appearing personally and through its counsel, F. THOMAS ECK, III, the Defendant, THE UNITED STATES appearing through the office of the U.S. Attorney, SHIRLEY SMITH, Deputy, Defendant ZEPHYR HEIGHTS SUBDIVISION, INC., attended the hearing through its President, ROY HALL. Having heard the testimony of the parties and after hearing all evidence and all documents on file herein and good cause appearing this Court finds as follows.

FINDINGS OF FACT

1. That at all times pertinent herein Plaintiffs were the fee owners of the following described property:

A tract of land situate in the County of Douglas, State of Nevada, being in the SW 1/4 of Section 10, Township 13 North, Range 18 East, M.D.B. & M., more particularly described as follows:

1 COMMENCING at the section corner common
2 to Sections 9, 10, 15 and 16; thence
3 North 23°01'34" East 1269.21 feet to a
4 point on a road, said point being the
5 northeast corner of Lot 18, Block F,
6 as shown on the map of ZEPHYR HEIGHTS
7 NO. 5 SUBDIVISION, filed on June 7,
8 1955, Douglas County, Nevada, records;
9 thence north 23°37' East a distance of
10 23.67 feet to the true point of beginning;
11 thence North 23°37' East 16.33 feet;
12 thence on a curve to the right, the
13 tangent of which bears North 66°23'
14 West, having a radius of 4.88 feet
15 through a central angle of 106°33'30"
16 for an arc distance of 9.07 feet;
17 thence North 40°10'30" East 55.97
18 feet; thence on a curve to the right
19 having a radius of 5.00 feet through
20 a central angle of 61°35' for an arc
21 distance of 5.37 feet; thence South
22 78°14'30" East 65.18 feet; thence
23 along a curve to the right having a
24 radius of 50.00 feet through a
25 central angle of 34°08'30" for an
26 arc distance of 29.79 feet; thence
27 South 44°06' East 44.79 feet; thence
28 on a curve to the right having a
29 radius of 25.00 feet through a central
30 angle of 79°50' for an arc distance of
31 34.83 feet; thence South 35°44' West
32 84.93 feet; thence on a curve to the
right having a radius of 50.00 feet
through a central angle of 75°16' for
an arc distance of 65.68 feet; thence
north 69°00' West 17.00 feet; thence
on a curve to the right having a radius
of 50.00 feet through a central angle
of 57°40' for an arc distance of
50.32 feet; thence North 11°20' West a
distance of 69.45 feet to the true point
of beginning; containing .512 acres,
more or less.

23 ALSO COMMENCING at the section corner
24 common to Sections 9, 10, 15 and 16;
25 thence North 23°01'34" East 1269.21
26 feet to a point on a road, said point
27 being the northeast corner of Lot 18,
28 Block F, as shown on the map of ZEPHYR
29 HEIGHTS NO. 5 SUBDIVISION, filed on
30 June 7, 1955, Douglas County, Nevada,
31 records; thence North 23°37' East 40.00
32 feet; thence North 66°23' West a distance
of 43.97 feet to the true point of begin-
ing; thence North 66°23' West 68.21 feet;
thence North 34°37' West 35.33 feet;
thence North 67°23' East 83.78 feet;
thence South 65°00' East 76.64 feet to
a point on a curve, the center of which
bears South 28°07'35" East 30.00 feet;
thence along said curve to the left,
the tangent of which bears South

1 61°52'25" West, having a radius of
2 30.00 feet through a central angle of
3 21°41'55" for an arc distance of 11.36
4 feet; thence South 40°10'30" West 58.91
5 feet; thence along a curve to the right,
6 having a radius of 15.00 feet through
7 a central angle of 73°26'30" for an
8 arc distance of 19.23 feet to the true
9 point of beginning; containing 0.172
10 acre, more or less.

11 SUBJECT to the pipeline and water
12 storage tank easements granted to the
13 ZEPHYR COVE WATER CO., INC., by instru-
14 ment dated October 3, 1962, recorded in
15 Book Fourteen of Official Records as
16 Document No. 21063, records of Douglas
17 County, Nevada.

18 AND SUBJECT to a right of way for a tele-
19 phone line and rights incidental and
20 appurtenant thereto granted to the United
21 States of America, by document recorded
22 March 31, 1932, in Book T of Deeds,
23 page 289, Douglas County, Nevada, records,
24 as the same may affect the within
25 described premises.

26 AND SUBJECT to the easements and rights
27 thereunder in the lands herein described
28 granted to the said Grantee by the "Right
29 of Way Deed and Lookout Site Deed" dated
30 March 4, 1932, recorded in Book T, page
31 300, records of Douglas County, Nevada.

32 II

That there no deeds from the chain of title from
Plaintiff or any of its predecessors in interest that divested
the Plaintiffs from the aforescribed property.

III

That the Defendant, THE UNITED STATES, acquired an
easement over said property for utilization of said
property as a fire lookout station.

IV

That the Defendant, THE UNITED STATES, or its designees,
consistent with the Grant of Easement by the Plaintiffs herein
have utilized said property for the purposes described in said
easement which use has been continuous since the original Grant
of Easement.

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CONCLUSIONS OF LAW

Plaintiffs are fee simple owners of the aforescribed property subject to the Grant of Easement to Defendant, THE UNITED STATES.

JUDGMENT

Based on the foregoing, IT IS HEREBY ORDERED, ADJUDGED AND DECREED,

That title to the aforescribed property is hereby quieted and Plaintiffs are adjudged as having fee simple ownership of said described property subject to the easement of THE UNITED STATES.

DATED this 13th day of February, 1981.

BRUCE R. THOMPSON
DISTRICT JUDGE

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CERTIFIED TO BE A TRUE COPY
CAROL C. FITZGERALD, Clerk
United States District Court
By Phelia Riley
Deputy Clerk

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MARIE A. RABEL
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