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H. CHAFFIN

1 Action No. 13457
2 Dept No. 1

RECEIVED
AUG 26 1983

6 IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR THE COUNTY OF DOUGLAS

9 NEV-PINES ASSOC., A Partnership,
10 by ROBERT E. TOUT, as a general
11 partner and individually,
12 Plaintiffs,

11 vs.

JUDGMENT BY CONSENT

12 HEAVENLY VALLEY, a Nevada
13 Partnership; and WILLIAM D.
14 KILLEBREW, as a general partner
15 and individually, and DOES I-V,
16 Corporations, Partnerships, Other
17 Entities or individuals unknown
18 at this time,
19 Defendants.

18 Pursuant to agreement of the parties as signified by
19 the signature of their attorneys as signed below, and

20 WHEREAS, Plaintiff, Nev-Pines Assoc., is the owner of
21 all or part of the NW 1/4 NW 1/4 and the SW 1/4 NW 1/4 of
22 Section 30, Township 13 North, Range 19 East, M.D.B. & M.,
23 Douglas County, Nevada, and

24 WHEREAS Plaintiff, Nev-Pines Assoc., filed this action
25 claiming that they had a roadway right for the purpose of
26 ingress and egress to their real estate over an old logging
27 road and further claimed that Defendant, Heavenly Valley,
28 blocked this roadway right, and

29 WHEREAS, such old logging road was partially located on
30 real estate owned by Defendant, Heavenly Valley, known as
31 Heavenly Valley's Boulder Parking Lot and Heavenly Valley's
32

1 Boulder Ski Lodge Site, further described respectively as Ex-
2 hibit "A1" and "A2", attached hereto, and

3 WHEREAS, Defendant, Heavenly Valley, has executed a
4 Grant of Appurtenant Easement to Plaintiff, a copy of which
5 is attached hereto as Exhibit "A", in settlement of this li-
6 tigation,

7 NOW THEREFORE, it is hereby ordered as follows:

8 1. Segment 1 and Segment 2 as defined in the Grant of
9 Appurtenant Easement attached hereto as Exhibit "A" are a
10 substitution for and an extinguishment of part of an old log-
11 ging road that in 1962 began at the west end of Benjamin
12 Drive and is shown as line 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and
13 11, located in a portion of the NE 1/4 NW 1/4, Section 30,
14 Township 13 North, Range 19 East, M.D.B. & M., as shown on
15 Exhibit "A" attached hereto. Any party, including Plain-
16 tiff, that has a right to use the old south logging road,
17 shown as line 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11, derived
18 from that grant deed recorded March 21, 1960, in Book 1,
19 page 614, Official Records of Douglas County, Nevada, may use
20 Segment 1 and Segment 2 as described in the Grant of Appurte-
21 nant Easement, attached hereto, to get from point 1 to point
22 11 as shown on Exhibit "AA" attached hereto.

23 2. Plaintiff has no claim at the date of this Judgment
24 by Consent to any property right in the real estate describ-
25 ed in Exhibit "A1" and "A2", except the Grant of Appurtenant
26 Easement shown as Exhibit "A" attached hereto.

27 3. The above cause of action and all counterclaims are
28 hereby dismissed with prejudice, each party paying its own
29 costs and attorney fees.

30 4. The financial information furnished to the Clerk of
31 the above Court by Heavenly Valley under a protection order
32

1 to remain sealed shall be returned by the clerk to Heavenly
2 Valley.

3 5. All exhibits may be returned to the parties who in-
4 troduced such exhibits.

5 Dated this 23rd day of August, 1983.

6
7
8 Howard D. McFadden
District Judge

9 APPROVED AS TO FORM AND CONTENT

10 George W. Abbott
11 GEORGE W. ABBOTT
12 ATTORNEY FOR PLAINTIFFS
13 Nev-Pines Assoc. and Robert E. Tout

14 Gary A. Sheerin
15 GARY A. SHEERIN
16 ATTORNEY FOR DEFENDANT

17 Thomas J. Hall
18 THOMAS J. HALL
ATTORNEY FOR DEFENDANT

19 CERTIFIED COPY

20 The document to which this certificate is attached is a
21 full, true and correct copy of the original on file and of
22 record in my office.

23 DATE: Nov. 15, 1983 **SEAL'**

24 Bernard Clerk of the 9th Judicial District Court
of the State of Nevada, in and for the County of Douglas.

25 By Dorinda Kucode Deputy

GRANT OF APPURTENANT EASEMENT

HEAVENLY VALLEY, a Nevada partnership, acting by and through William David Killebrew, a general partner, Post Office Box 2180, Stateline, Nevada 89449, for a valuable consideration, receipt of which is acknowledged, hereby grants and conveys to NEV-PINES ASSOCIATES, a partnership and ROBERT E. TOUT, a general partner thereof, Grantee, Post Office Box 1849, Zephyr Cove, Nevada 89448, the following:

PARCEL 1: A nonexclusive unimpeded easement for vehicular and pedestrian ingress and egress twenty-five (25) feet in width, located twelve and one-half (12.5) feet on each side of a centerline described as follows:

SEGMENT 2:

Beginning at the Southerly terminus of Segment 1, said point of beginning being South 32°30'00" West, 650.00 feet from the Southerly end of the centerline of Benjamin Drive as delineated on the Official Map of Kingsbury Estates, Unit No. 2, Official Records of Douglas County, Nevada; thence South 32°30'00" West, 20.00 feet to the beginning of a tangent curve to the left with a central angle of 47°00'00" and a radius of 200 feet; thence along said curve an arc distance of 164.06 feet; thence tangent to said curve South 14°30'00" East, 130 feet to the Southerly terminus of Segment 2.

It is the intent of this description that the road improvements and utilities, as they existed on July 1, 1983, are contained within the easement boundaries.

SEGMENT 3:

Beginning at the Southerly terminus of Segment 2 and that certain easement described in Book 875, Page 948, recorded August 22, 1975, in the Official Records of Douglas County, Nevada; thence along the following courses:

South 14°30'00" East 22.00 feet;
South 13°28'37" West 160.60 feet;
South 39°07'15" West 140.84 feet;
South 88°46'26" West 148.40 feet;
South 19°42'18" West 165.31 feet;
North 88°39'11" West 134.85 feet;
North 69°44'20" West 148.08 feet;
North 86°14'54" West 122.00 feet,

more or less, to a point on the East line of the West one-half of the Northwest one-quarter of said Section 30 and the Westerly terminus of Segment 3.

It is the intent of this description that the road improvements and utilities, as they existed on July 1, 1983, are contained within the easement boundaries.

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The Grantor reserves the right to use in common with Grantee, from time to time, the herein described easement, but such use shall not interfere with uninterrupted ingress and egress by Grantee.

The duty to maintain this easement, including the cost of snow removal, shall be borne by the parties in proportion to their respective use as it may exist from time to time.

PARCEL 2: A nonexclusive unimpeded easement for vehicular and pedestrian ingress and egress twenty-five (25) feet in width, located twelve and one-half (12.5) feet on each side of a centerline described as follows:

SEGMENT 1:

Beginning at the Southerly end of the centerline of Benjamin Drive as delineated on the Official Map of Kingsbury Estates, Unit No. 2, Official Records of Douglas County, Nevada; thence along the following courses:

South 32°30'00" West 47.00 feet;
South 49°30'00" West 138.00 feet;
South 64°45'00" West 138.00 feet;
South 28°45'00" East 87.00 feet;
South 03°15'00" East 80.00 feet;
South 19°15'00" West 134.00 feet;
South 51°14'39" West 123.67 feet,

to the Southerly terminus of Segment 1.

It is the intent of this description that the Westerly edge of the twenty-five (25) foot wide easement conform to the Westerly edge of the pavement for the Boulder Parking Area as such existed on July 1, 1983.

The Grantor reserves the right to use in common with Grantee, from time to time, the herein described easement, but such use shall not interfere with uninterrupted ingress and egress by Grantee.

The duty to maintain and keep open this easement shall be borne by Heavenly Valley.

Heavenly Valley, Grantor, however, reserves the right to relocate this twenty-five (25) foot easement defined as Segment 1 herein at its own expense so long as Grantee always has a twenty-five (25) foot easement to get from the southwest end of Benjamin Drive to the east end of the easement described as Parcel 1 above, provided that relocation shall be done only

After not less than thirty (30) days written notice to Grantee of the intention to relocate. This notice shall include the route of relocation and the new location shall in no event be unreasonably circuitous across the parking lot.

The above easement is for the benefit of and appurtenant to that land, or any portion thereof, located in Douglas County, Nevada, and described as follows:

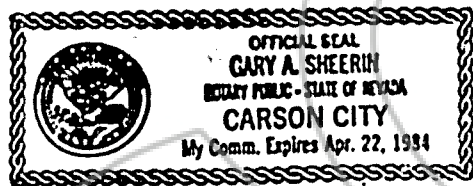
All those certain lots, pieces or parcels of land situate in the County of Douglas, State of Nevada, and being portions of the West 1/2 of the Northwest 1/4 of Section 30, Township 13 North, Range 19 East, M.D.B. & M., more particularly described as follows:

Parcel A, Parcel B, Parcel C and Parcel D as set forth on that Parcel Map for NEV-PINES ASSOC., recorded December 19, 1980, in Book 1280 of Official Records at Page 1327, Douglas County, Nevada.

This grant of easement replaces that grant of easement between the same parties hereto dated April 9, 1983, and recorded as Document No. 078994, Book 483, Page 1240, Official Records of Douglas County, Nevada.

These easements and the conditions and covenants herein contained shall inure to and be binding on the heirs, successors and assigns of the parties hereto.

Dated this 28th day of July, 1983.



HEAVENLY VALLEY, a Nevada partnership

by [Signature]
WILLIAM DAVID KILLEBREW,
a general partner

STATE OF NEVADA)
 : ss
CARSON CITY)

On July 28, 1983, personally appeared before me, a Notary Public, WILLIAM DAVID KILLEBREW, who acknowledged that he executed the above instrument.

[Signature]
Notary Public

When Recorded Mail To:

A parcel of land situate in Section 30, T13N, R19E, MDB&M more particularly described as follows:

COMMENCING at the North 1/4 corner of Section 30; thence South $14^{\circ} 11' 07''$ East 732.28 feet to the True Point of Beginning; thence continuing South $78^{\circ} 59' 04''$ West 84.93 feet; thence North $67^{\circ} 33' 10''$ West 175.33 feet; thence South $71^{\circ} 39' 10''$ ^{WEST} East 235.64 feet; thence North $39^{\circ} 29' 14''$ West 89.41 feet; thence North $81^{\circ} 32' 57''$ West 120.05 feet; thence North $32^{\circ} 30' 00''$ East 69.35 feet; thence North $02^{\circ} 57' 48''$ West 245.73 feet; thence North $48^{\circ} 26' 50''$ East 256.20 feet; thence South $85^{\circ} 27' 24''$ East 52.20 feet; thence South $47^{\circ} 44' 35''$ East 274.26 feet; thence South $56^{\circ} 06' 19''$ East 146.28 feet; thence South $11^{\circ} 00' 56''$ East 271.89 feet to the True Point of Beginning.

Said parcel having an area of 5.425 acres.

LEGAL DESCRIPTION

BOULDER LODGE SITE

A Parcel of land lying wholly within the Northeast one-quarter of the Northwest one-quarter of Section 30, Township 19 East, M.D.B. & M. and being further described as follows:

Commencing at the North one-quarter corner of Section 30; thence South 21° 32' 56" West 788.52 feet to the POINT OF BEGINNING; thence along the boundary the following courses:

North 39° 29' 14" West 89.41 feet;
North 81° 32' 57" West 79.00 feet;
North 81° 32' 57" West 41.05 feet;
South 32° 30' 00" West 116.14 feet;

to the beginning of a curve to the left, having a central angle of 47° 00' 00", a radius of 170 feet and an arc length of 139.45 feet to the beginning of a tangent to said curve; thence

South 14° 30' 00" East 130.0 feet;
North 79° 22' 36" East 118.50 feet;
North 57° 21' 21" East 158.00 feet;
North 21° 29' 21" East 153.36 feet;
North 21° 29' 21" East 58.71 feet;
South 71° 39' 10" West 105.92 feet;

to the POINT OF BEGINNING and containing an area of 1.94 acres more or less.

Note: Refer this description to your title company before incorporating into any legal document.

Prepared by: Jones and Turner, Inc.
Engineering Surveying Planning
P.O. Box 5067
Stateline, Nevada 89449

REQUESTED BY
DOUGLAS COUNTY TITLE
IN OFFICIAL RECORDS OF
DOUGLAS CO. NEVADA
*12.00 pd.
1983 NOV 15 PM 12:17

SUZANNE BEAUDREAU
RECORDER

090939

Exhibit "A.2" *Betty Hendon*
Dep. *Dep.* BOOK 1183 PAGE 1394