

FORCLOSURE NO. B55953JCF

WHEN RECORDED MAIL TO:

JOSEPH S. LODATO  
3350 Fairchild Court  
Gardnerville, Nevada 89410

**TRUSTEE'S DEED**

THIS INDENTURE, made and entered into on the 7th day of FEBRUARY 1994, by and between WESTERN TITLE COMPANY, INC., a Nevada corporation, as Trustee, party of the first party, and

JOSEPH S. LODATO, AN UNMARRIED MAN  
party of the second part, whose address is:

3350 Fairchild Court, Gardnerville, Nevada 89410

**W I T N E S S E T H:**

WHEREAS, DAVID WITHAM, A MARRIED MAN AS HIS SOLE AND SEPARATE PROPERTY  
executed a Promissory Note payable to the order of JOSEPH S. LODATO,

AN UNMARRIED MAN  
in the principal sum of \$210,000.00\*\*\*\*\*, and bearing interest, and as security for the payment of said Promissory Note, said

DAVID WITHAM, A MARRIED MAN AS HIS SOLE AND SEPARATE PROPERTY.  
as Trustor, executed a certain Deed of Trust to PACIFIC TITLE COMPANY \*\*  
as Trustee for JOSEPH S. LODATO

as Beneficiary, which Deed of Trust was dated AUGUST 24, 1992, and was recorded on AUGUST 27, 1992, in Book 892, page 4662, Document No. 286972, Official Records, of DOUGLAS County, Nevada; and

\*\* Western Title Company, Inc., was substituted as Trustee by substitution recorded on September 20, 1993 in Book 0993, at page 3400, as Document No. 317962, Douglas County, Nevada records.

WHEREAS, a breach of the obligation for which such transfer in trust as security was made occurred in that default was made in the failure to pay the balance of the installment of principal and interest due on AUGUST 27, 1993, and in the failure to pay each payment of principal and interest that thereafter became due together with attorney's fees, foreclosure fees and costs; and

WHEREAS, JOSEPH S. LODATO

executed and acknowledged a Notice of Default and Election to Sell the

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property described in said Deed of Trust to satisfy said indebtedness, and said Notice of Default and Election to Sell was recorded on September 20, 1993 \_\_\_\_\_, in Book 993, page 3401, as Document No. 317963 \_\_\_\_\_, Official Records of DOUGLAS County, Nevada; and

WHEREAS, on SEPTEMBER 22, 1993, a copy of said Notice of Default and Election to Sell was mailed by certified mail to the then owner of the property hereinafter described and to all other parties entitled by law to such notice; and

WHEREAS, by direction of

the said WESTERN TITLE COMPANY, INC., Trustee, gave due and legal notice in each and every manner required by said Deed of Trust and provided by law that it would on the 4th day of FEBRUARY 1994, at the hour of ELEVEN o'clock A.M. sell at the office of WESTERN TITLE COMPANY, INC., 1626 Highway 395, Minden, NV, at public auction to the highest cash bidder in lawful money of the United States of America, the realty described in said Deed of Trust to satisfy the indebtedness due under said Deed of Trust and the Promissory Note secured by it; that said Notice of Sale was published in the Record-Courier, in its issues dated January 13, 1994, January 20, 1994 and January 27, 1994

and said Notice of Sale was posted in three public places in East Fork Township, namely, at the lobby of the United States Post Office, Minden, Nevada, at the entrance of the Douglas County Courthouse, 1625 8th Street, Minden, Nevada and at the entrance of the Douglas County Administration Bldg, 1616 8th Street, Minden, Nevada, on JANUARY 11, 1994; and

WHEREAS, on the 11th day of JANUARY 1994, a copy of said Notice of Sale was mailed by registered mail to the then owner of the property hereinafter described and to all other parties entitled by law to such notice; and

WHEREAS, at the time and place so set for said sale said party of the second part did bid the sum of \$ 241,547.58 for said property, and said sum was the highest and best bid therefor;

NOW THEREFORE, for and in consideration of the said sum of \$ 241,547.58\*\*\*\*, the said party of the first part, as Trustee, under and by virtue of the authority vested in it by said Deed of Trust, does hereby grant, bargain, sell and convey, without warranty, unto the party of the second part, and to its successors and assigns forever, all that certain real property situate in the County of DOUGLAS, State of Nevada, that is described as follows:

SEE ATTACHED EXHIBIT "A" FOR LEGAL DESCRIPTION

TOGETHER WITH the improvements thereon, and all and singular the tenements, hereditaments and appurtenances thereunto belonging or appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

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## LEGAL DESCRIPTION

A parcel of land situated within Sections 17, 18 & 19 of T.10N., R.22E., M.D.B.&M., Douglas County, Nevada and more particularly described as follows:

Commencing at the Southeast corner of Section 18, T.10N., R.22E., M.D.B.&M., said corner being marked by a 1940 U.S.G.L.O. brass cap and being the true point of beginning; thence  $S0^{\circ}17'49''W$  along the one sixteenth section line a distance of 1319.45 feet to the North one sixteenth section corner between Sections 19 & 20 of said township and range; thence  $S89^{\circ}06'16''W$  along the one sixteenth section line a distance of 471.16 feet to a point on the Easterly right-of-way line of U.S. Hwy 395; thence  $N4^{\circ}28'44''W$  along said right-of-way line a distance of 1720.87 feet; thence  $N4^{\circ}29'17''W$  along said right-of-way line a distance of 157.51 feet; thence  $N85^{\circ}33'13''E$  along said right-of-way line a distance of 24.86 feet; thence  $N4^{\circ}26'47''W$  along said right-of-way line a distance of 81.41 feet to a point on a curve; thence along a curve to the left with a tangent bearing of  $N4^{\circ}26'47''W$ , through a central angle of  $0^{\circ}09'34''$ , with a radius of 10,100 feet and an arc distance of 28.13 feet; thence leaving said right-of-way  $N89^{\circ}48'51''E$  a distance of 606.27 feet; thence  $N0^{\circ}11'09''W$  a distance of 658.94 feet; thence  $S88^{\circ}56'18''E$  a distance of 953.80 feet; thence  $S0^{\circ}05'51''E$  a distance of 27.65 feet to a point on the Westerly right-of-way line of Olympus Drive; thence  $S0^{\circ}05'51''E$  along said right-of-way line a distance of 382.86 feet to a point on a cul-de-sac; thence around said cul-de-sac on a curve with a tangent bearing of  $S59^{\circ}54'09''W$ , through a central angle of  $150^{\circ}00'00''$ , with a radius of 50.00 feet and an arc distance of 130.90 feet to a point on the Easterly line of a private easement twenty feet in width; thence  $S0^{\circ}05'51''E$  along the Easterly line of said easement a distance of 156.37 feet; thence  $N88^{\circ}52'17''W$  a distance of 325.88 feet; thence  $S0^{\circ}06'59''E$  a distance of 659.10 feet to a point on the South line of Section 17 of said township and range; thence  $N88^{\circ}53'23''W$  along the southerly line of said section a distance of 651.13 feet to the true point of beginning. Said parcel containing 49.43 acres, more or less.

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