

APR 2-810-01
2-010-08

1 WHEN RECORDED MAIL TO:
2 SIERRA PACIFIC POWER COMPANY
3 P.O. Box 10100
4 Reno, NV 89520

NO TAX DUE—EASEMENT

NO TAX DUE—EASEMENT

CORRECTIVE RIGHT-OF-WAY AGREEMENT, GRANT OF EASEMENT

AND QUITCLAIM OF EASEMENT

5 THIS AGREEMENT, made and entered into this 18th day of
6 August, 1994, by and between SIERRA PACIFIC POWER COMPANY
7 (hereinafter "SIERRA PACIFIC") and CONTINENTAL TELEPHONE COMPANY
8 (hereinafter "CONTINENTAL") and HEAVENLY VALLEY, LIMITED
9 PARTNERSHIP, a Nevada Limited Partnership, by HEAVENLY CORPORATION,
10 a Delaware Corporation, General Partner (hereinafter "HEAVENLY").

W I T N E S S E T H:

11 WHEREAS, HEAVENLY's predecessor in title, The Kent
12 Corporation, previously granted to SIERRA PACIFIC and the
13 California Interstate Telephone Company that certain right-of-way
14 grant recorded in the Official Records of Douglas County as
15 Document No. 39724, recorded December 29, 1967, in Book 56,
16 commencing at Page 358 of the Official Records of said County; and

17 WHEREAS,, it is the desire of all parties hereto to correct
18 and reestablish said right-of-way grant, and to extinguish the
19 right-of-way granted by HEAVENLY's predecessor in title;

20 NOW, THEREFORE, the parties hereto do hereby agree as follows:

I

EASEMENT CONVEYANCE

21 For and in consideration of the sum of ONE DOLLAR (\$1.00),
22 receipt whereof is hereby acknowledged, HEAVENLY does hereby grant
23 to SIERRA PACIFIC and CONTINENTAL, their successors and assigns, an
24 easement and right-of-way (the "Easement") with right, privilege
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SCARPELLO & ALLING, LTD.
ATTORNEYS AT LAW

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TELEPHONE (702) 588-6676

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BK 4152 PG 0158

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BK4152PG0159

1 and authority to construct, operate, and maintain an electric power
2 line and a telephone line, together with a right to install,
3 inspect, repair, and replace thereon poles, crossarms, wires,
4 cables, communication equipment, guys, anchors, fixtures, and other
5 appurtenances, upon and across the following described lands and
6 premises, situated in the County of Douglas, State of Nevada, to-
7 wit:

8 A portion of the South one-half (S1/2) of Section 30, T.13N,
9 R.19E Mount Diablo Base and Meridian, Douglas County, Nevada.

10 An easement 10.0 feet in width lying 5.0 feet on each side of
11 the following described centerline:

12 COMMENCING at the South 1/16 corner of said Section 30
13 designated by a found 3/4" iron pipe with aluminum cap stamped
14 R.L.S. 3519;

15 Thence North 89°51'46" East 93.84 feet along the South
16 1/16 line of said Section 30;

17 Thence North 02°40'08" West 10.0 feet to the TRUE POINT
18 OF BEGINNING;

19 Thence continuing North 02°40'08" West 151.19 feet;

20 Thence North 41°39'41" West 219.83 feet;

21 Thence North 21°51'12" West 129.15 feet;

22 Thence North 09°23'54" East 179.58 feet;

23 Thence North 46°27'38" East 164.85 feet;

24 Thence North 42°35'13" East 137.45 feet to a point on the
25 Westerly right-of-way of Quaking Aspen Lane (40.0 feet wide
26 roadway).

27 Excepting that portion lying within the NE1/4, NE1/4, SW1/4 of
28 said Section 30.

Also, with the right to install guy and anchor facilities at
the angle pole locations, said guy and anchor facilities to extend
not more than 25.0 feet from poles so supported.

SIERRA PACIFIC and CONTINENTAL, their contractors, agents, and
employees shall have the right of ingress and egress from the
Easement and the electric power line and communication lines
thereon for the exercise of the rights herein granted, with the
specific understanding that said parties shall be responsible for

1 any damage to groomed snowpack or to personal property or
2 improvements suffered by HEAVENLY, or its successor in interest, by
3 reason of such ingress and egress or the construction maintenance
4 or repair of said lines. The Grantees herein shall have the right,
5 from time to time, to increase or decrease the size and number of
6 poles, wires, and appurtenances, which may be installed in or upon
7 the Easement, and to cut and remove brush and timber which may
8 interfere with the operation of said lines.

9 HEAVENLY reserves the right to relocate the Easement at its
10 own expense.

11 II

12 EXTINGUISHMENT OF PRIOR EASEMENT

13 CONTINENTAL TELEPHONE, as successor in interest to California
14 Interstate Company, and SIERRA PACIFIC do hereby quitclaim and
15 surrender unto HEAVENLY, its heirs, successors and assigns, the
16 right-of-way previously granted in that certain instrument
17 previously recorded in the Official Records of Douglas County as
18 Document No. 39724 on the 29th day of December, 1967, in Book 56,
19 commencing at Page 358, more particularly described as follows:

20 The following portion of the centerline legal description of
21 said right-of-way grant is in error and noted as follows:

22 BEGINNING at a point in the Northwest one-quarter of the
23 Southeast one-quarter (NW1/4 SE1/4) of said Section 30, from
24 which point the South one-quarter corner thereof bears South
25 2°30' West 1325.0 feet, more or less;

26 Thence North 51°10'35" West 175.93 feet;
27 Thence North 69°29'05" West 140.11 feet;
28 Thence North 21°39'35" West 125.39 feet;
Thence North 08°41'25" East 179.39 feet;
Thence North 49°30'55" East 161.95 feet;
Thence North 38°33'10" East 327.00 feet.

27 ///
28 ///
///

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BK 4152 PG 0160

1 IN WITNESS WHERETO, the parties hereto have set their hands
2 the day and year first above written.

3 SIERRA PACIFIC POWER COMPANY

4 By Reeve T. Fagg, Jr.
5 Its Reeve T. Fagg, Jr., Vice President,
6 Utility Services

7 CONTINENTAL TELEPHONE COMPANY

8 By James F. Miles
9 Its PRESIDENT
10 JAMES F. MILES

11 HEAVENLY VALLEY, LIMITED PARTNERSHIP
12 a Nevada Limited Partnership

13 By: HEAVENLY CORPORATION, a Delaware
14 Corporation, General Partner

15 By Dennis J. Harmon
16 DENNIS J. HARMON
17 Chief Executive Officer

18 STATE OF NEVADA)
19) ss.
20 COUNTY OF WASHOE)

21 This instrument was acknowledged before me on July 5, 1994,
22 1994, by REEVE T. FAGG, JR., as Vice President, Utility Services of SIERRA
23 PACIFIC POWER COMPANY.

24 Stephen H. Butler
25 Notary Public
26 STEPHEN H. BUTLER
27 Notary Public - State of Nevada
28 Appointment Recorded in Washoe County
MY APPOINTMENT EXPIRES OCT. 25, 1997

29 STATE OF NEVADA)
30) ss.
31 COUNTY OF)

32 This instrument was acknowledged before me on _____,
33 1994, by _____, as _____ of CONTINENTAL
34 TELEPHONE COMPANY.

35 SEE ATTACHED ACKNOWLEDGEMENT CERTIFICATE

36 Notary Public
37 PAUL W. PFOTENHAUER
38 Notary Public - State of Nevada
39 Appointment Recorded in Douglas County
40 MY APPOINTMENT EXPIRES FEB. 25, 1997

41 STATE OF NEVADA)
42) ss.
43 COUNTY OF DOUGLAS)

44 This instrument was acknowledged before me on August 7, 1994,
45 1994, by DENNIS HARMON, as Chief Executive Officer of HEAVENLY
46 CORPORATION, a Delaware Corporation, General Partner, by HEAVENLY
47 VALLEY, LIMITED PARTNERSHIP, a Nevada Limited Partnership.

48 Paul W. Pfotenhauer
Notary Public

drc\agat\HVSPPCT.np

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BK 4152PG0161

STATE OF CALIFORNIA

COUNTY OF SAN BERNARDINO

ss. ALL PURPOSE CERTIFICATE

On this 20TH day of JULY 1994, before me,
the undersigned, a Notary Public in and for said County and State, personally appeared

JAMES F. MILES

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument, the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

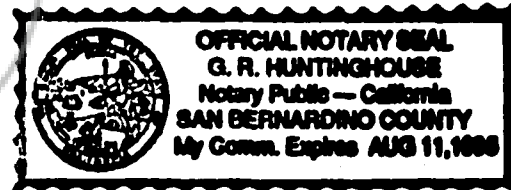
WITNESS my hand and official seal.

Printed by Administrative Services—Victorville

G. R. Huntinghouse
Notary's Signature

GSN-1899

ATTACHED TO "CORRECTIVE
RIGHT OF WAY AGREEMENT,
GRANT OF EASEMENT & QUITCLAIM
OF EASEMENT" BETWEEN
SIERRA PACIFIC POWER COMPANY,
CONTINENTAL TELEPHONE CO.
(CURRENTLY CONTEL OF CALIF.)
& HEAVENLY CORPORATION.



FOR NOTARY SEAL OR STAMP

BK4152PG0162

1833422

OFFICIAL RECORDS
WASHOE CO., NEVADA
RECORD REQUESTED BY

SPPC

'94 SEP 15 P2:18

JOE MELCHER
COUNTY RECORDER

FEE 11.00 DEP CS

350389

BK1194PG1584

REQUESTED BY
Sierra Pacific Power
IN OFFICIAL RECORDS OF
DOUGLAS CO., NEVADA

'94 NOV -9 M1:07

SUZANNE BEAUDREAU
RECORDER

\$ 11.00 PAID Ka DEPUTY

CS 11.00