

HERMAN G. HERBIG, ESQ.
P.O. BOX 879
MINDEN, NV 89423

AGREEMENT AND RESTRICTIVE COVENANT

1 THIS AGREEMENT AND RESTRICTIVE COVENANT was made and entered into
2 on this 18th day of September, 1995 by and between the FAMILY
3 SUPPORT COUNCIL OF DOUGLAS COUNTY, INC. a Nevada not for profit
4 corporation and the CARSON VALLEY COMMUNITY FOOD CLOSET, INC. a
5 Nevada not for profit corporation.
6

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

8 WHEREAS the FAMILY SUPPORT COUNCIL OF DOUGLAS COUNTY, INC.,
9 (hereinafter the FAMILY SUPPORT COUNCIL) is desirous of operating
10 a facility in Douglas County, State of Nevada to provide charitable
11 services to the communities in Douglas County, including but not
12 limited to the relief of victims of physical and mental abuse,
13 shelter, crisis counseling, parenting education classes, family
14 stress management, support groups, information referral, community
15 education, court appointed special advocates, family wellness,
16 victims mediation and other charitable and philanthropic programs;
17 and

18 WHEREAS the CARSON VALLEY COMMUNITY FOOD CLOSET, INC.,
19 (hereinafter the CARSON VALLEY COMMUNITY FOOD CLOSET) is desirous
20 of operating a facility in Douglas County, State of Nevada to
21 provide assistance to families in Douglas County who are in need of
22 food and clothing on a temporary or ongoing basis; and

23 WHEREAS the FAMILY SUPPORT COUNCIL and the CARSON VALLEY
24 COMMUNITY FOOD CLOSET have joined together in a venture in which
25 both entities have received a \$140,000 community development block
26 grant from the State of Nevada for the purpose of constructing a
27 facility in which to conduct their respective operations; and
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1 WHEREAS the FAMILY SUPPORT COUNCIL and the CARSON VALLEY
2 COMMUNITY FOOD CLOSET have also received a gift of real property as
3 described in the Grant, Bargain and Sale Deed dated July 20, 1995
4 and attached hereto as Exhibit A to advance their goals, aims and
5 operations in Douglas County; and

6 WHEREAS, given the respective and mutual interests of the
7 parties hereto, it is necessary for the FAMILY SUPPORT COUNCIL and
8 the CARSON VALLEY COMMUNITY FOOD CLOSET to define and provide for
9 the disposition of the aforesaid real property and improvements
10 thereon should either entity, or both entities, cease to exist;

11 NOW, THEREFORE, IN CONSIDERATION of the mutual promises,
12 covenants and agreements hereinafter contained, the parties hereto
13 agree as follows:

14 1. The FAMILY SUPPORT COUNCIL and the CARSON VALLEY COMMUNITY
15 FOOD CLOSET shall each hold and separately own those buildings
16 or structures and improvements therein specifically identified
17 as the FAMILY SUPPORT COUNCIL offices (of approximately 3,000
18 square feet) and CARSON VALLEY COMMUNITY FOOD CLOSET OFFICES
19 (of approximately 2,160 square feet) respectively until such
20 time as either entity, by vote by their respective governing
21 boards, or by operation of law or by cessation of operations,
22 shall cease to exist or shall cease to provide services.

23 2. The FAMILY SUPPORT COUNCIL and the CARSON VALLEY COMMUNITY
24 FOOD CLOSET shall hold the aforesaid real property as tenants
25 in common with each entity having an equal interest in the
26 property. However, under no circumstances, other than those
27 stated herein, does this agreement and restrictive covenant
28 confer upon either party the right to hold, occupy, encumber

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1 or in any way interfere with the other party's building,
2 structure or offices.

3 3. Upon dissolution of either corporation, the surviving
4 corporation shall accede to the dissolved corporation's
5 interest in the aforesaid real property and improvements made
6 thereon. The surviving corporation shall continue to use the
7 aforesaid real property and improvements thereon for a
8 charitable purpose as defined in 26 U.S.C. 501 et seq. and
9 which purpose and services are of a quasi-public nature. The
10 surviving corporation may convey, sell or lease its interest
11 in any or all of the real property and improvements thereon to
12 an entity which is organized for a charitable purpose as
13 defined in 26 U.S.C. 501 et seq. and which provides charitable
14 services which are of a quasi-public or public nature. Any
15 entity so receiving an interest in the aforesaid real property
16 or improvements shall be bound by the terms of this agreement.

17 4. Upon dissolution of any surviving corporation, and under
18 circumstances where there is no successor in interest to use
19 the real property and improvements thereon for a charitable
20 purpose or charitable services which are of a quasi-public or
21 public nature, whether or not such dissolution is simultaneous
22 with that of any other party to this agreement, the aforesaid
23 real property and all improvements thereon shall revert to
24 Douglas County, a political subdivision of the State of Nevada
25 for use in accord with a charitable purpose.

26 5. It is intended by the FAMILY SUPPORT COUNCIL and the CARSON
27 VALLEY COMMUNITY FOOD CLOSET that this agreement and
28 restrictive covenant shall constitute a covenant running with

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1 the land and that is shall so bind all successors in interest
2 in the real property and improvements thereon, requiring each
3 and every successor in interest to use the aforesaid real
4 property and improvements thereon in accord with a charitable
5 purpose, which purpose is are of a quasi-public or public
6 nature.

7 IN WITNESS WHEREOF we have hereunto set our hands this 18th day of
8 September, 1995.

9 FAMILY SUPPORT COUNCIL OF
10 DOUGLAS COUNTY, INC.

CARSON VALLEY COMMUNITY FOOD
CLOSET, INC.

11 Beverly Johnson
12 BEVERLY JOHNSON, President

13 Julian Larrouy
14 JULIAN LARROUY, President

15 Ted Thran
16 TED THRAN, Treasurer

17 Gail Makley
18 GAIL MAKLEY, Treasurer

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1 STATE OF NEVADA)
) ss.
2 DOUGLAS COUNTY)

3 On this 18th day of September, 1995, personally appeared before me
4 BEVERLY JOHNSON in her official capacity as President of the FAMILY
5 SUPPORT COUNCIL OF DOUGLAS COUNTY, INC., a Nevada non-profit
6 corporation, known to me, or proven to me as such by satisfactory
7 evidence, who acknowledged that she executed the within instrument
8 freely, voluntarily and for the purposes stated therein.

9 *Joanne E. Hallert*
10 NOTARY PUBLIC



11 STATE OF NEVADA)
) ss.
12 DOUGLAS COUNTY)

13 On this 18th day of September, 1995, personally appeared before me
14 TED THРАН JOHNSON in his official capacity as Treasurer of the
15 FAMILY SUPPORT COUNCIL OF DOUGLAS COUNTY, INC., a Nevada non-profit
16 corporation, known to me, or proven to me as such by satisfactory
17 evidence, who acknowledged that he executed the within instrument
18 freely, voluntarily and for the purposes stated therein.

19 *Michelle L. Godde*
20 NOTARY PUBLIC



21 STATE OF NEVADA)
) ss.
22 DOUGLAS COUNTY)

23 On this 18th day of September, 1995, personally appeared before me
24 JULIAN LARROUY in his official capacity as President of the CARSON
25 VALLEY COMMUNITY FOOD CLOSET, INC., a Nevada non-profit
26 corporation, known to me, or proven to me as such by satisfactory
27 evidence, who acknowledged that he executed the within instrument
28 freely, voluntarily and for the purposes stated therein.

29 *Michelle L. Godde*
30 NOTARY PUBLIC



1 STATE OF NEVADA)
) ss.
2 DOUGLAS COUNTY)

3 On this 18th day of September, 1995, personally appeared before me
4 GAIL MAKLEY in her official capacity as Treasurer of the CARSON
5 VALLEY COMMUNITY FOOD CLOSET, INC., a Nevada non-profit
6 corporation, known to me, or proven to me as such by satisfactory
7 evidence, who acknowledged that she executed the within instrument
8 freely, voluntarily and for the purposes stated therein.

9
10 Michelle L. Godde
11 NOTARY PUBLIC

 MICHELLE L. GODDE
Notary Public - State of Nevada
Appointment Recorded in County of Douglas
MY APPOINTMENT EXPIRES APR. 27, 1998

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1 RETURN RECORDED DEED TO:
2 ANDREW MACKENZIE, ESQ.
3 ALLISON, MACKENZIE, HARTMAN,
4 SOUMBENIOTIS & RUSSELL, LTD.
5 402 North Division Street
6 Carson City, NV 89703
7 APN: 25-144-08

CARSON VALLEY
COMMUNITY FOOD CLOSET
P.O. Box 2911
Gardnerville, NV 89410
and FAMILY SUPPORT
COUNCIL OF DOUGLAS COUNTY
P.O. Box 810
Minden, NV 89423

8 R.P.T.T. \$ 46⁸⁰

GRANT, BARGAIN AND SALE DEED

9 THIS INDENTURE, made this 20th day of July,
10 1995, by and between HUSSMAN LAND & LIVESTOCK COMPANY, a Nevada
11 corporation, and CARSON VALLEY COMMUNITY FOOD CLOSET, a nonprofit
12 Nevada corporation, of P.O. Box 2911, Gardnerville, Nevada 89410,
13 as to an undivided one-half (1/2) interest, and FAMILY SUPPORT
14 COUNCIL OF DOUGLAS COUNTY, a nonprofit Nevada corporation, of P.O.
15 Box 810, Minden, Nevada 89423, as to an undivided one-half (1/2)
16 interest, grantees.

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

18 That the grantor, in consideration of the sum of Ten
19 Dollars (\$10.00), lawful money of the United States, and other
20 good and valuable consideration to it in hand paid by the
21 grantees, the receipt whereof is hereby acknowledged, does by
22 these presents grant, bargain, and sell to the grantees, and to
23 their successors and assigns, all that certain lot, piece, or
24 parcel of land situated in the county of Douglas, state of Nevada,
and more particularly described as follows:

25 (See, Exhibit "A" attached hereto and
26 incorporated herein by this reference.)

27 TOGETHER WITH all and singular the tenements,
28 hereditaments, and appurtenances thereunto belonging or in anywise

LAW OFFICES

ALLISON MACKENZIE,
HARTMAN, SOUMBENIOTIS
& RUSSELL, LTD.
402 N. Division Street
Carson City, NV 89703

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appertaining, and the reversion and reversions, remainder or remainders, rents, issues, and profits thereof.

TO HAVE AND TO HOLD all and singular the premises, together with the appurtenances, unto the said grantees and to their successors and assigns forever.

IN WITNESS WHEREOF, the grantor has executed this conveyance the day and year first above written.

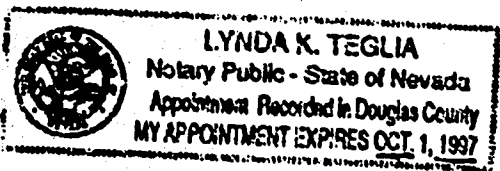
HUSSMAN LAND & LIVESTOCK COMPANY,
a Nevada corporation

By: David A. Hussman
DAVID A. HUSSMAN, President

STATE OF NEVADA)
 : ss.
)

On July 20, 1995, personally appeared before me, a notary public, DAVID A. HUSSMAN, personally known (or proved) to me to be the person whose name is subscribed to the foregoing instrument, who acknowledged to me that he is the President of HUSSMAN LAND & LIVESTOCK COMPANY, a Nevada corporation, and who further acknowledged to me that he executed the foregoing Grant, Bargain and Sale Deed on behalf of said corporation.

Lynda K. Teglia
NOTARY PUBLIC



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EXHIBIT "A"

All that certain parcel of real property situate in the county of Douglas, state of Nevada, more particularly described as follows:

LEGAL DESCRIPTION
for
Carson Valley Community Food Closet

All that certain lot, piece, parcel or portion of land situate, lying and being within the northeast 1/4 of the southwest 1/4 of Section 4, Township 12 North, Range 20 East, M.D.M., Douglas County, Nevada and more particularly described as follows:

Commencing at the northeast corner of that certain parcel of land as described in Book 774 at page 818 of Official Records of Douglas County, Nevada; thence along the easterly line of said parcel

South 01°53'16" West a distance of 50.03 feet to the southwest corner of that certain road right-of-way parcel as described in Book 587 at page 1555, Official Records of Douglas County, Nevada which point is the TRUE POINT OF BEGINNING; thence along the southerly line of said right-of-way parcel

North 89°57'09" East a distance of 170.00 feet; thence leaving said line

South 00°02'51" East a distance of 190.00 feet; thence

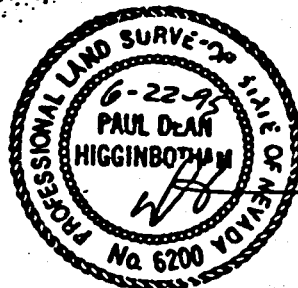
South 89°57'09" West a distance of 175.97 feet; thence

North 01°45'05" East a distance of 190.09 feet to the TRUE POINT OF BEGINNING and containing 32,909 square feet more or less.

Subject to an irrigation easement 10.00 feet in width lying adjacent to, parallel with and easterly of the westerly line of the above described parcel.

The basis of Bearing of this description is the southerly line of Waterloo Lane which bears North 89°57'09" East as shown on the official plat of Sunset Park Subdivision filed for record in Book 687 at page 763 as document number 155926, Official Records of Douglas County, Nevada.

Revised : June 22, 1995
By: Paul "Dean" Higginbotham
HIGG-N-SONS INC
Professional Land Surveyors
P. O. Box 425
Gardnerville, NV 89410
(702) 782-7444



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HIGG-N-SONS INC File 1500CR Page 1
Carson Valley Community Food Closet

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COPY

REQUESTED BY
Julian Harrow / Allison et al
IN OFFICIAL RECORDS OF
DOUGLAS CO., NEVADA

95 SEP 29 P4 51

LINDA SLATER
RECORDER

PAID 10.00 DEPUTY

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COPY

REQUESTED BY
Herman Herbig
IN OFFICIAL RECORDS OF
DOUGLAS CO., NEVADA

'96 SEP 16 12:43

LINDA SLATER
RECORDER

\$17⁰⁰ PAID ka DEPUTY

Certified Copy

The foregoing instrument is a full, true, and correct copy of the original on file in the office of the County Recorder of Douglas County, State of Nevada.

Witnessed my hand this 6th day of

September 1996

By: Daniela Krenn Deputy Recorder

SEAL

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