

FILED

Case No. 97-CV-0242

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

KINGSBURY CROSSING OWNERS'  
ASSOCIATION, a Nevada  
non-profit corporation,

Plaintiff,

vs.

JUDGMENT QUIETING  
TITLE TO REAL PROPERTY

CAPRI RESORTS, INC., a Nevada  
corporation; BANK OF CALIFORNIA;  
CHASE MANHATTAN BANK; COASTAL  
DEVELOPMENT, INC., an Oregon  
corporation; GEICO FINANCIAL  
SERVICES, INC., a Delaware  
corporation; LITCHFIELD TIMESHARE  
SECURITIES; MERCHANTS MORTGAGE  
& TRUST CORP., a Colorado limited  
liability company; VENTURE  
BLACKSTONE HOLDINGS; also all  
other persons unknown  
claiming any right, title,  
estate, liens or interest in  
the real property described  
in the Complaint adverse  
to ownership of KINGSBURY  
CROSSING OWNERS' ASSOCIATION,  
or any cloud upon KINGSBURY  
CROSSING OWNERS' ASSOCIATION's  
title thereto; and DOES I  
through XX, inclusive,

Defendants.

This matter having come regularly for hearing before  
this Court, Plaintiff, KINGSBURY CROSSING OWNERS' ASSOCIATION, a  
Nevada non-profit corporation, appearing by and through its

ALLISON MacKENZIE,  
-APPTMAN SOUMBENIOTIS  
& RUSSELL, LTD  
402 N. Division Street  
Carson City, NV 89703  
Telephone (702) 687-0202  
Facsimile (702) 882-7518

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1 attorneys, ALLISON, MacKENZIE, HARTMAN, SOUMBENIOTIS & RUSSELL,  
2 LTD., and no Defendants appearing; due notice of which was proved;  
3 and no persons objecting; the Court having considered the  
4 evidence, and the pleadings and papers on file herein; and it  
5 appearing that the allegations of the Verified Complaint To Quiet  
6 Title To Real Property are true, and good cause appearing,

7 NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND  
8 DECREED as follows:

9 1. The Deeds of Trust set forth in Exhibit "A"  
10 attached hereto and incorporated herein by this reference are  
11 declared abandoned, expunged from the record, declared null and  
12 void and are of no further effect, and all rights of the  
13 beneficiaries thereunder and their successors and/or assigns are  
14 hereby terminated.

15 2. Title to the twenty (20) timeshare intervals  
16 referenced in Exhibit "A" attached hereto, is quieted in fee  
17 simple absolute, free and clear of all liens and encumbrances, in  
18 the name of Plaintiff, namely, KINGSBURY CROSSING OWNERS'  
19 ASSOCIATION, a Nevada non-profit corporation, with said parcel of  
20 real property, located in Douglas County, state of Nevada,  
21 Assessor's Parcel Number 07-130-19, being more particularly  
22 described as follows:

23 AN UNDIVIDED TWENTY THREE THOUSAND TWO  
24 HUNDRED THIRTEENTH INTEREST (20/3213th) in  
25 that certain lot, piece or parcel of land  
26 situate in the County of Douglas, State of  
27 Nevada, being a portion of the North 1/2 of  
28 the Northwest 1/4 of Section 26, Township 13  
North, Range 18 East, M.D.B.&M. described as  
follows:

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Parcel 3, as shown on that amended Parcel Map for John E. Michelsen and Walter Cox recorded February 3, 1981, in Book 281 of Official Records, at page 172, Douglas County, Nevada, as document No. 53178, said map being an amended map of Parcels 3 and 4 as shown on that certain map for John E. Michelsen and Walter Cox, recorded February 10, 1978, in Book 278 of Official Records, at page 591, Douglas County, Nevada, as Document No. 17578.

Also excepting from the real property and reserving to grantor, Its successors and assigns, all those certain easements referred to in paragraphs 2.5, 2.6, and 2.7 of said Declaration of Timeshare Use and amendments thereto together with the right to grant said easements to others.

Together with the exclusive right to use and occupy a "Unit" as defined in the Declaration of Timeshare Use recorded February 16, 1983, in Book 283 at Page 1341 as Document No. 76233 of Official Records of the County of Douglas, State of Nevada and amendment to Declaration of Timeshare Use recorded April 20, 1983 in Book 483 at page 1021, Official Records of Douglas County, Nevada as Document No. 78917, and second amendment to Declaration of Timeshare Use recorded July 20, 1983 in Book 783 of Official Records at Page 1688, Douglas County, Nevada, as Document No. 89535, ("Declaration"), during a "Use Period", within the Low season within the "Owner's Use Year", as defined in the Declaration, together with a nonexclusive right to use the common areas as defined in the Declaration.

Subject to all covenants, conditions, restrictions, limitations, easements, rights-of-way of record.

3. Defendants, each of them, and all persons claiming under them, are permanently enjoined from asserting any adverse

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1 claim to Plaintiff's title to the said real property as more  
2 particularly described in paragraphs 1 and 2 above.

3 DONE IN OPEN COURT this 17 day of March,  
4 1998.

5 David R. Gammell  
6 DISTRICT JUDGE

7  
8 Submitted by:

9 ALLISON, MacKENZIE, HARTMAN,  
10 SOUMBENIOTIS & RUSSELL, LTD.  
11 402 North Division Street  
12 P.O. Box 646  
13 Carson City, NV 89702

14 By: Audrey H. Damonte  
15 JOAN C. WRIGHT, ESQ.  
16 AUDREY H. DAMONTE, ESQ.  
17 Nevada State Bar No. 4244  
18 Attorneys for Plaintiffs,  
19 KINGSBURY CROSSING OWNERS'  
20 ASSOCIATION  
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EXHIBIT "A"

Section 1: CAPRI RESORTS, INC.

Ernest, Oliver -- Account No. 47082109

A Deed of Trust recorded in the official records of Douglas County, Nevada, in September, 1984, in Book 0984, Page 0574, and secured by a one three thousand two hundred and thirteenth (1/3213) interest in the real property described in paragraph 2 of the Complaint, was assigned to CAPRI RESORTS, INC., as beneficiary. Said Assignment was recorded in January, 1992, in Book 0192 at Page 2557, in the official records of Douglas County, Nevada.

Section 2: CHASE MANHATTAN BANK

Eberle, Michael/Mary -- Account No. 47084001

A Deed of Trust recorded in the official records of Douglas County, Nevada, in July, 1987, in Book 0787, Page 1204, and secured by a one three thousand two hundred and thirteenth (1/3213) interest in the real property described in paragraph 2 of the Complaint, was assigned to CHASE MANHATTAN BANK, as beneficiary. Said Assignment was recorded in July, 1995, in Book 0795 at Page 4052, in the official records of Douglas County, Nevada.

Morales, Armando/Mary -- Account No. 47074390

A Deed of Trust recorded in the official records of Douglas County, Nevada, in June, 1989, in Book 0689, Page 1715, and secured by a one three thousand two hundred and thirteenth (1/3213) interest in the real property described in paragraph 2 of the Complaint, was assigned to CHASE MANHATTAN BANK, as beneficiary. Said Assignment was recorded in July, 1995, in Book 0795 at Page 4052, in the official records of Douglas County, Nevada.

Pardo, John Dolores -- Account No. 47044338

A Deed of Trust recorded in the official records of Douglas County, Nevada, in March, 1989, in Book 0389, Page 0865, and secured by a one three thousand two hundred and thirteenth (1/3213) interest in the real property described in paragraph 2 of the Complaint, was assigned to CHASE MANHATTAN BANK, as beneficiary. Said Assignment was recorded in July, 1995, in Book 0795 at Page 4052, in the official records of Douglas County, Nevada.

Washington, Eli -- Account No. 47044359

A Deed of Trust recorded in the official records of Douglas County, Nevada, in March, 1989, in Book 0389, Page 4588, and secured by a one three thousand two hundred and thirteenth (1/3213) interest in the real property described in paragraph 2 of the Complaint, was assigned to CHASE MANHATTAN BANK, as beneficiary. Said Assignment was recorded in July, 1995, in Book 0795 at Page 4052, in the official records of Douglas County, Nevada.

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2 Williams, Horace/Dianne P. -- Account No. 47104460

3 A Deed of Trust recorded in the official records of  
4 Douglas County, Nevada, in September, 1989, in Book 0989, Page  
5 0788, and secured by a one three thousand two hundred and  
6 thirteenth (1/3213) interest in the real property described in  
7 paragraph 2 of the Complaint, was assigned to CHASE MANHATTAN  
8 BANK, as beneficiary. Said Assignment was recorded in July, 1995,  
9 in Book 0795 at Page 4052, in the official records of Douglas  
10 County, Nevada.

11 Section 3: COASTAL DEVELOPMENT, INC.

12 Hendricks, David/Eastman, A. -- Account No. 47121149

13 A Deed of Trust recorded in the official records of  
14 Douglas County, Nevada, in November, 1983, in Book 1183, Page  
15 2660, and secured by a one three thousand two hundred and  
16 thirteenth (1/3213) interest in the real property described in  
17 paragraph 2 of the Complaint, was assigned to COASTAL DEVELOPMENT,  
18 INC., as beneficiary. Said Assignment was recorded in December,  
19 1988, in Book 1288 at Page 3271, in the official records of  
20 Douglas County, Nevada.

21 Kosct, G./Reed, K. -- Account No. 47031358

22 A Deed of Trust recorded in the official records of  
23 Douglas County, Nevada, in February, 1984, in Book 0284, Page  
24 1178, and secured by a one three thousand two hundred and  
25 thirteenth (1/3213) interest in the real property described in  
26 paragraph 2 of the Complaint, was assigned to COASTAL DEVELOPMENT,  
27 INC., as beneficiary. Said Assignment was recorded in December,  
28 1988, in Book 1288 at Page 3271, in the official records of  
Douglas County, Nevada.

Browner, Mark /Joy -- Account No. 47033877

A Deed of Trust recorded in the official records of  
Douglas County, Nevada, in April, 1986, in Book 0486, Page 2822,  
and secured by a one three thousand two hundred and thirteenth  
(1/3213) interest in the real property described in paragraph 2  
of the Complaint, was assigned to COASTAL DEVELOPMENT, INC., as  
beneficiary. Said Assignment was recorded in December, 1988, in  
Book 1288 at Page 3271, in the official records of Douglas County,  
Nevada.

Touchet, Gladys -- Account No. 47052695

A Deed of Trust recorded in the official records of  
Douglas County, Nevada, in April, 1985, in Book 0485, Page 1364,  
and secured by a one three thousand two hundred and thirteenth  
(1/3213) interest in the real property described in paragraph 2  
of the Complaint, was assigned to COASTAL DEVELOPMENT, INC., as  
beneficiary. Said Assignment was recorded in December, 1988, in  
Book 1288 at Page 3271, in the official records of Douglas County,  
Nevada.

1                   Schott, Michael/Marcia -- Account No. 47102167

2                   A Deed of Trust recorded in the official records of  
3 Douglas County, Nevada, in September, 1984, in Book 0984, Page  
4 2810, and secured by a one three thousand two hundred and  
5 thirteenth (1/3213) interest in the real property described in  
6 paragraph 2 of the Complaint, was assigned to COASTAL DEVELOPMENT,  
7 INC., as beneficiary. Said Assignment was recorded in December,  
8 1988, in Book 1288 at Page 3271, in the official records of  
9 Douglas County, Nevada.

6                   Section 4: GEICO FINANCIAL SERVICES, INC.

7                   Auld, Fred/Janet -- Account No. 47112335

8                   A Deed of Trust recorded in the official records of  
9 Douglas County, Nevada, in October, 1984, in Book 1084, Page 3623,  
10 and secured by a one three thousand two hundred and thirteenth  
11 (1/3213) interest in the real property described in paragraph 2  
12 of the Complaint, was assigned to GEICO FINANCIAL SERVICES, INC.,  
13 as beneficiary. Said Assignment was recorded in December, 1988,  
14 in Book 1288 at Page 3324, in the official records of Douglas  
15 County, Nevada.

12                   Section 5: LITCHFIELD TIMESHARE SECURITIES

13                   Bey, Carl/Richardson, Judy -- Account No. 47015657

14                   A Deed of Trust recorded in the official records of  
15 Douglas County, Nevada, in November, 1983, in Book 1183, Page  
16 0697, and secured by a one three thousand two hundred and  
17 thirteenth (1/3213) interest in the real property described in  
18 paragraph 2 of the Complaint, was assigned to LITCHFIELD TIMESHARE  
19 SECURITIES, as beneficiary. Said Assignment was recorded in May,  
20 1995, in Book 0595 at Page 2601, in the official records of  
21 Douglas County, Nevada.

19                   Section 6: MERCHANTS MORTGAGE & TRUST CORP.

20                   Coen, Gene/Linda -- Account No. 47113904

21                   A Deed of Trust recorded in the official records of  
22 Douglas County, Nevada, in March, 1987, in Book 0387, Page 1827,  
23 and secured by a one three thousand two hundred and thirteenth  
24 (1/3213) interest in the real property described in paragraph 2  
25 of the Complaint, was assigned to MERCHANTS MORTGAGE & TRUST  
26 CORP., as beneficiary. Said Assignment was recorded in March,  
27 1993, in Book 0393 at Page 1152, in the official records of  
28 Douglas County, Nevada.

25                   Section 7: VENTURE BLACKSTONE HOLDINGS

26                   King, John/Glenice -- Account No. 47061665

27                   A Deed of Trust recorded in the official records of  
28 Douglas County, Nevada, in May, 1984, Book 0584, Page 1730, and  
secured by a one three thousand two hundred and thirteenth  
(1/3213) interest in the real property described in paragraph 2

1 of the Complaint, was assigned to VENTURE BLACKSTONE HOLDINGS, as  
2 beneficiary. Said Assignment was recorded in March, 1996, in Book  
3 0396 at Page 2580, in the official records of Douglas County,  
4 Nevada.

5 Logan, Mary F. -- Account No. 47084398

6 A Deed of Trust recorded in the official records of  
7 Douglas County, Nevada, in July, 1989, Book 0789, Page 1884, and  
8 secured by a one three thousand two hundred and thirteenth  
9 (1/3213) interest in the real property described in paragraph 2  
10 of the Complaint, was assigned to VENTURE BLACKSTONE HOLDINGS, as  
11 beneficiary. Said Assignment was recorded in March, 1996, in Book  
12 0396 at Page 2580, in the official records of Douglas County,  
13 Nevada.

14 Mathat, Jeffery A./Vicki -- Account No. 47094411

15 A Deed of Trust recorded in the official records of  
16 Douglas County, Nevada, in August, 1989, Book 0889, Page 2518, and  
17 secured by a one three thousand two hundred and thirteenth  
18 (1/3213) interest in the real property described in paragraph 2  
19 of the Complaint, was assigned to VENTURE BLACKSTONE HOLDINGS, as  
20 beneficiary. Said Assignment was recorded in March, 1996, in Book  
21 0396 at Page 2580, in the official records of Douglas County,  
22 Nevada.

23 Browner, Mark/Joy -- Account No. 47033877

24 A Deed of Trust recorded in the official records of  
25 Douglas County, Nevada, in February, 1987, in Book 0287, Page  
26 2052, and secured by a one three thousand two hundred and  
27 thirteenth (1/3213) interest in the real property described in  
28 paragraph 2 of the Complaint, was assigned to VENTURE BLACKSTONE  
HOLDINGS, as beneficiary. Said Assignment was recorded in March,  
1996, in Book 0396 at Page 2580, in the official records of  
Douglas County, Nevada.

Tikalaky, Scott/Shelbie -- Account No. 47063457

A Deed of Trust recorded in the official records of  
Douglas County, Nevada, in May, 1986, Book 0586, Page 0747, and  
secured by a one three thousand two hundred and thirteenth  
(1/3213) interest in the real property described in paragraph 2  
of the Complaint, was assigned to VENTURE BLACKSTONE HOLDINGS, as  
beneficiary. Said Assignment was recorded in March, 1996, in Book  
0396 at Page 2580, in the official records of Douglas County,  
Nevada.

Wyatt, Jaclyn -- Account No. 47072774

A Deed of Trust recorded in the official records of  
Douglas County, Nevada, in June, 1985, Book 0685, Page 0261, and  
secured by a one three thousand two hundred and thirteenth  
(1/3213) interest in the real property described in paragraph 2  
of the Complaint, was assigned to VENTURE BLACKSTONE HOLDINGS, as  
beneficiary. Said Assignment was recorded in March, 1996, in Book  
0396 at Page 2580, in the official records of Douglas County,  
Nevada.

COPY

**CERTIFIED COPY**

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

DATE: 3/17/98 **SEAL**  
Clerk of the 9th Judicial District Court  
of the State of Nevada, In and for the County of Douglas,

By [Signature] Deputy

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REQUESTED BY  
Allison Mackenzie et al  
IN OFFICIAL RECORDS OF  
DOUGLAS CO., NEVADA

'98 MAR 17 P2:06

LINDA SLATER  
RECORDER  
\$16.00 PAID \$2 DEPUTY