

✓ Smith & Harmer Ltd
502 N Division St
Carson City NV
89203

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Case No. CV92-07778

Dept. No. 7

FILED

'98 JUL 15 P3:39

BETTY J. LEWIS

T. Prince

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

HERBERT M. DEAN,

Plaintiff,

vs.

JULIAN C. SMITH, JULIAN C.
SMITH, LTD., a Nevada
professional corporation;
DOES 1-10; DOE CORPORATIONS
1-10 and DOE PARTNERSHIPS 1-10,

Defendants.

JUDGMENT

JUDGMENT

THIS COURT having considered the verdict entered by the jury after trial in this matter, and having considered the various post-trial motions, and good cause appearing therefore,

IT IS ORDERED, ADJUDGED AND DECREED, that Plaintiff shall recover from Defendant the sum of One Dollar (\$1.00).

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that the title held by the JULIAN C. SMITH JR. LTD. , DEFINED BENEFIT TRUST in the Property described in Exhibit "A" to this Judgment is held free and clear of any claim or right asserted by HERBERT M. DEAN, or his heirs, successors or assigns. The Lis Pendens filed in this matter on May 13, 1998, attached hereto as Exhibit "B", shall be and hereby is dissolved.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that Defendants shall recover their attorneys' fees from and after May 24, 1994 in the amount of \$16,326.50.

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1 IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that Defendants shall be
2 awarded costs in the amount of \$7,926.01.

3
4 DATED this 15 day of June, 1998.

5
6 *Peter I. Breen*

7 _____
8 DISTRICT JUDGE

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PARCEL NO. 1

Parcel 1, as indicated on that certain Parcel Map recorded in the Douglas County Recorder's Office on January 17, 1980, as Document No. 40689, in Book 180, at page 850, of the Official Records of Douglas County, State of Nevada.

PARCEL NO. 2

A non-exclusive easement for road and utility purposes appurtenant to Parcel No. 1 above, being the South 40 feet of the following described Parcel of land further described as follows:

A parcel of land located in the Southeast 1/4 of the Northeast 1/4 of Section 31, Township 14 North, Range 20 East, M.D.B. & M., in Douglas County, Nevada, further described as follows:

Beginning at the Southwest corner of the Southeast 1/4 of the Northeast 1/4 of said Section 31, from which the Southeast corner of Section 31 bears South 26° 25'34" East, 2963.11 feet; thence along the South line of the said Southeast 1/4 of the Northeast 1/4 of Section 31, South 89° 56'45" East, 389.46 feet; thence North 0° 26'10" East, 1322.00 feet; thence South 89° 58'57" West, 394.91 feet to the Northwest corner of the said Southeast 1/4 of the Northeast 1/4 of Section 31; thence South 0° 12'00" West, 1321.48 feet to the point of beginning.

PARCEL NO. 3

A non-exclusive easement for road and utility purposes appurtenant to Parcel No. 2 above, and also appurtenant to other lands of the Grantors along a parcel of land located in the Southwest 1/4 of the Northeast 1/4 of Section 31, Township 14 North, Range 20 East, M.D.B. & M., in Douglas County, Nevada, further described as follows:

Beginning at the Southwest corner of the Southeast 1/4 of the Northeast 1/4 of said Section 31, from which the Southeast corner of Section 31 bears South 26°25'34" East, 2963.11 feet; thence North 0°12'00" East, 40.00 feet; thence North 89°56'45" West, 1255.81 feet to the East right of way line of the U.S. Highway 395; thence South 0°07'15" East, 40.00 feet; thence South 89°56'45" East, 1255.59 feet to the point of beginning.

Containing 12 acres, more or less.

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JUN 14 1993

JULIAN C. SMITH JR., LTD.

1 Case No. : CV92-07778

2 Dept. No.: 7

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6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR THE COUNTY OF WASHOE

8 HERBERT M. DEAN,
9 Plaintiff,

10 vs.

NOTICE OF PENDENCY
OF ACTION AFFECTING
REAL PROPERTY

11 JULIAN C. SMITH, JR.; JULIAN
12 C. SMITH, JR., LTD., a Nevada
13 professional corporation;
14 DOES 1-10; DOE CORPORATIONS
1-10 and DOE PARTNERSHIPS 1-10,
15 Defendants.

16 COMES NOW plaintiff HERBERT M. DEAN, and provides notice of
17 the pendency of an action affecting the real property which is
18 described in Exhibit 'A'. The object of the action is to impose
19 a constructive trust in favor of the plaintiff on the described
20 real property and obtain an order from the court directing the
21 defendants to reconvey the property to HERBERT M. DEAN.

22 DATED this 13th day of May, 1993.

23
24 *Carl M. Hebert*

25 CARL M. HEBERT, ESQ.
26 Nevada Bar #250
27 448 Hill Street
28 Reno, Nevada 89501
(702) 323-5556

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"B"

All those certain lots, pieces or parcels of land situate in the County of Douglas, State of Nevada, described as follows:

PARCEL NO. 1

A parcel of land situate in the Northeast 1/4 of the Southeast 1/4 of Section 31, Township 14 North, Range 20 East, M.D.B. & M., more particularly described as follows:

Parcel No. 2, as set forth on that certain Parcel Map for HERBERT M. DEAN, filed for record in the office of the County Recorder of Douglas County, Nevada, on January 18, 1980, as Document No. 40689, of Official Records.

Reserving therefrom, a non-exclusive easement for roadway and utility purposes over, under and across said land, as set forth on the here-in-above described Parcel Map, more particularly described as follows:

Beginning at the Northwest corner of Parcel No. 2, as set forth on the Parcel Map set forth here-in-above; thence North $89^{\circ}56'45''$ West, a distance of 200.00 feet, more or less, to a point which bears South $89^{\circ}56'45''$ East, a distance of 194.00 feet from the Northwest corner of Parcel No. 1 here-in-above; thence along a curve to the right through a central angle of $25^{\circ}50'30''$ having a radius of 200.00 feet, an arc distance of 90.20 feet; thence along a reverse curve to the left through a central angle of $25^{\circ}50'30''$ having a radius of 200.00 feet, an arc distance of 90.20 feet; thence South $89^{\circ}56'45''$ East, a distance of 25.63 feet; thence North $0^{\circ}04'23''$ East, a distance of 40.00 feet, to the Point of Beginning.

PARCEL NO. 2

A non-exclusive easement for road and utility purposes appurtenant to Parcel No. 1 above, being the South 40 feet of the following described Parcel of land further described as follows:

A parcel of land located in the Southeast 1/4 of the Northeast 1/4 of Section 31, Township 14 North, Range 20 East, M.D.B. & M., in Douglas County, Nevada, further described as follows:

Beginning at the Southwest corner of the Southeast 1/4 of the Northeast 1/4 of said Section 31, from which the Southeast corner of Section 31 bears South $26^{\circ}25'34''$ East, 2963.11 feet; thence along the South line of the said Southeast 1/4 of the Northeast 1/4 of Section 31, South $89^{\circ}56'45''$ East, 389.46 feet; thence North $0^{\circ}26'10''$ East, 1322.00 feet; thence South $89^{\circ}58'57''$ West, 394.91 feet to the Northwest corner of the said Southeast 1/4 of the Northeast 1/4 of Section 31; thence South $0^{\circ}12'00''$ West, 1321.48 feet to the Point of Beginning.

continued

EXHIBIT

A

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continued .

PARCEL NO. 3

A non-exclusive easement for road and utility purposes appurtenant to Parcel No. 2 above, and also appurtenant to other lands of the Grantors along a parcel of land located in the Southwest 1/4 of the Northeast 1/4 of Section 31, Township 14 North, Range 20 East, M.D.B. & M., in Douglas County, Nevada, further described as follows:

Beginning at the Southwest corner of the Southeast 1/4 of the Northeast 1/4 of said Section 31, from which the Southeast corner of Section 31 bears South 26°25'34" East, 2963.11 feet; thence North 0°12'00" East, 40.00 feet; thence North 89°56'45" West, 1255.81 feet to the East right of way line of the U.S. Highway 395; thence South 0°07'15" East, 40.00 feet; thence South 89°56'45" East, 1255.59 feet to the Point of Beginning.

oOo

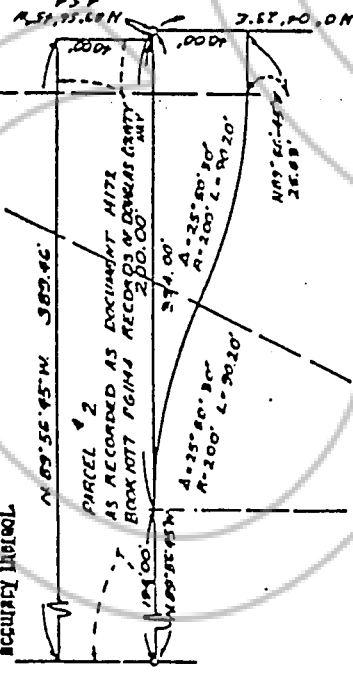
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THE BEARING OF N89°56'45"W SHOWN ALONG THE E-W CENTER LINE OF SECTION 31, ON THE PARCEL MAP RECORDED IN BOOK 85 OF OFFICIAL RECORDS ON PAGE 85, WAS USED AS THE BASIS BEARING SHOWN ON THIS MAP.

Northern Nevada Title Company does not represent this plat as a survey of the land indicated hereon, although believed to be correct, no liability is assumed as to the accuracy thereof.



RE: L M HITE
 DETAIL "A"
 1" = 40'
 N 89° 56' 45" W 2640.00 B.L.M.

JAMES ROLPH III
 N89°56'45"W
 924.23'

FD. 4"x4" POST 1' ABOVE
 GROUND LEAVING 0.50
 E. 1/4 CORNER SECTION
 31

FD. REBAR E.L.Y.
 A/W LINE 03.355

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SURVEYOR'S CERTIFICATE

I, FRANK W. GENTRY, JR., A REGISTERED LAND SURVEYOR IN THE STATE OF NEVADA, CERTIFY THAT:

1. THIS IS A TRUE AND ACCURATE REPRESENTATION OF THE LANDS SURVEYED UNDER MY SUPERVISION AT THE INSTANCE OF, HERBERT M. DEAN
2. THE LANDS SURVEYED LIE WITHIN SECTION 31, T.14N., R.20E., M.D.B. 6M. AND THE SURVEY WAS COMPLETED IN THE MONTH OF JULY, 1979.
3. THIS PLAT COMPLIES WITH THE APPLICABLE STATE STATUTES AND ANY LOCAL ORDINANCES.
4. THE MONUMENTS ARE OF THE CHARACTER SHOWN AND OF SUFFICIENT THE POSITIONS INDICATED.

FRANK W. GENTRY, JR.
 R.L.S. 30111 No. 113
 8-20-79
 DATE



OWNERS CERTIFICATE

THIS IS TO CERTIFY THAT THE UNDERSIGNED HERBERT M. DEAN IS/ ARE THE OWNER(S) OF THE PARCELS SHOWN ON THIS MAP, AND THAT ALL EASEMENTS FOR UTILITY INSTALLATION AND ACCESS AS SHOWN HEREON ARE PERMANENT EASEMENTS FOR THE STATED PURPOSE.

Herbert M. Dean
 HERBERT M. DEAN

NOTARY'S CERTIFICATE

STATE OF NEVADA
 COUNTY OF DOUGLAS } SS
 ON THIS 20th DAY OF August, 1979,
 HERBERT M. DEAN
 DID PERSONALLY APPEAR BEFORE ME
 AND SAY THAT THEY EXECUTED THE FORE-
 GOING CERTIFICATE FREELY AND VOLUNTAR-
 ILY FOR THE USES AND PURPOSES STATED
 THEREIN.

Lisa A. Gehring
 NOTARY PUBLIC



PLANNING COMMISSION CERTIFICATE

I, LISA A. GEHRING, SECRETARY TO THE DOUGLAS COUNTY PLANNING COMMISSION DO HEREBY CERTIFY THAT THIS PARCEL WAS DENIED ON THE 29th DAY OF OCTOBER, 1979 DOUGLAS COUNTY PLANNING COMMISSION APPEARED COUNTY COMMISSIONERS OF DOUGLAS ON THE 20th DECEMBER, 1979 AND APPROVED.

Lisa A. Gehring
 January 17, 1980
 SECRETARY
 LISA A. GEHRING

COUNTY ENGINEER'S CERTIFICATE

I, WARNER C. PHILLIPS, ENGINEER IN AND THE COUNTY OF DOUGLAS, STATE OF NEVADA, HEREBY CERTIFY THAT I HAVE EXAMINED THE MAP AND THAT ALL CONDITIONS, LOCAL ORDINANCES AND OTHER REVIEWING AGENCIES HAVE BEEN COMPLIED WITH.

Warner C. Phillips
 January 17, 1980
 DOUGLAS COUNTY ENGINEER

UTILITY COMPANIES CERTIFICATE

THE EASEMENTS NOTED ON THIS PLAT HAVE BEEN CHECKED AND APPROVED BY:

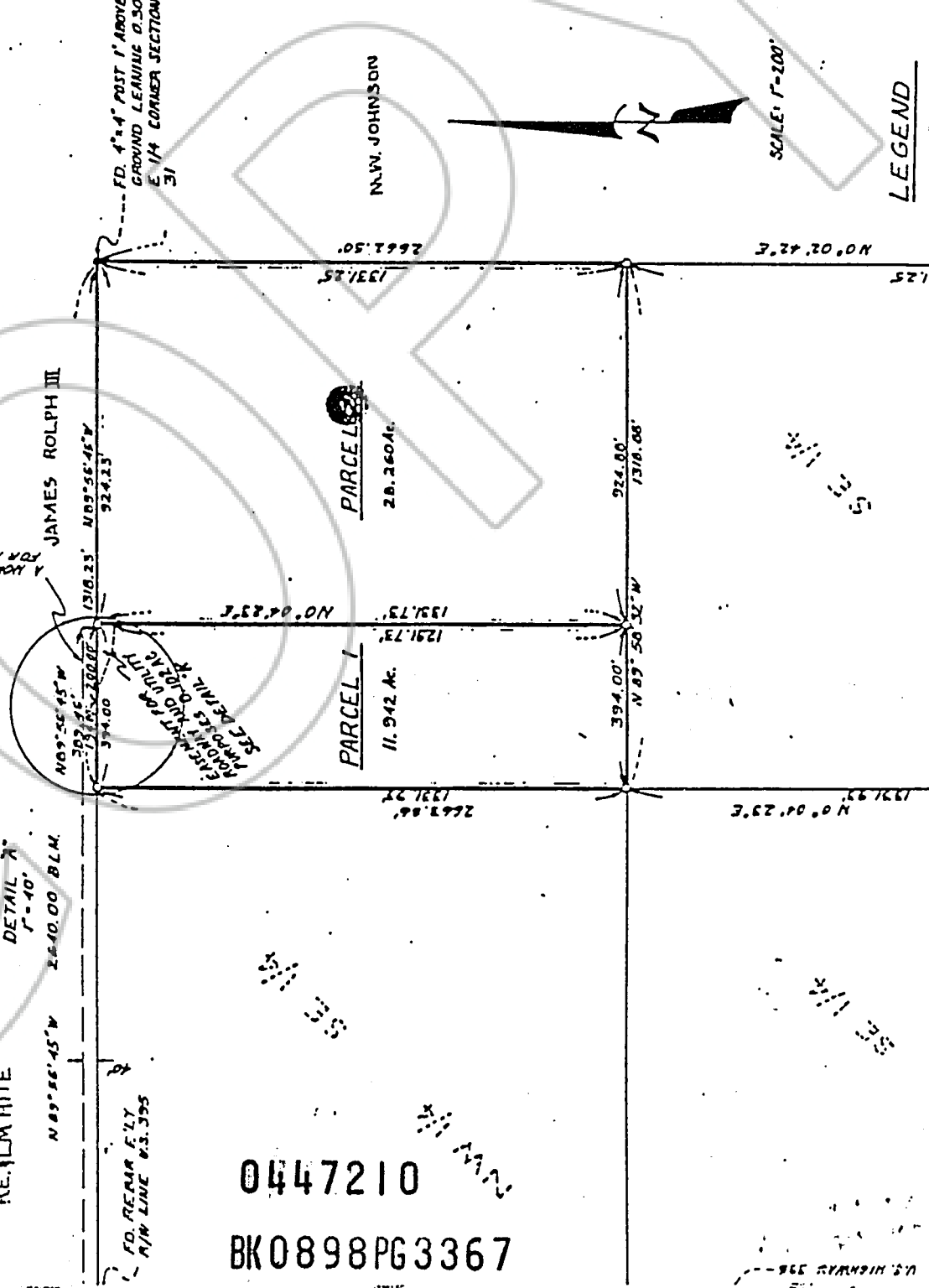
Sierra Pacific Power Co.
 DATE 10-8-79

CONTINENTAL TELEPHONE
 DATE

RECORDER'S CERTIFICATE

FILED THIS 17th DAY OF JANUARY, 1980 AT 1:51 P. M., IN BOOK 180 OF PARCEL MAPS PAGE 850, AT THE REQUEST OF HERBERT M. DEAN

Doc # 40689



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COPY

REQUESTED BY
Smith & Harmer
IN OFFICIAL RECORDS OF
DOUGLAS CO., NEVADA

'98 AUG 17 P2:16

LINDA SLATER
RECORDER

\$14⁰⁰ PAID *K2* DEPUTY

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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.

BETTY J LEWIS AUG - 6 1998

[Redacted] Clerk of the Second Judicial District Court in and for the County of Washoe, State of Nevada.

By *Adriane* Deputy.

SEAL