

1 Case No. P-8652

2 Dept. No. I

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R.P.T.T. \$ # 8

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IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

7

IN AND FOR THE COUNTY OF DOUGLAS

8

9

IN THE MATTER OF THE

10

BARTELS FAMILY TRUST

SUCCESSOR CO-TRUSTEE'S  
DEED

11

RAYMOND HERMAN BARTELS,  
ARTHUR JOHN BARTELS and  
ERNESTINE MARIE DUNLAP,

12

Trustees.

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Deed made January 21, 1999, between MARSHALL BARTELS, Successor Co-Trustee of the BARTELS FAMILY TRUST dated March 11, 1961, herein referred to as Successor Co-Trustee, and WILLIAM SCOTT BARTELS and ERNEST BRUCE BARTELS, herein referred to as Grantees.

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In consideration of Ten Dollars (\$10) paid to Successor Co-Trustee, by Grantee, the receipt of which is acknowledged, Successor Co-Trustee, MARSHALL BARTELS, hereby conveys to Grantees, WILLIAM SCOTT BARTELS and ERNEST BRUCE BARTELS, as tenants in common, the following real property:

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The land referred to herein is situated in the State of Nevada, County of Douglas, described as A.P.N. 17-180-29 as more fully set forth on attached "Exhibit E"; A.P.N. 17-180-04 as more fully set forth on attached "Exhibit F"; A.P.N. 17-180-10 as more fully set forth on attached "Exhibit G," together with all water rights appurtenant thereto as more specifically set forth on attached "Exhibit I," together with all appurtenances thereto, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof, and all the estate, right, title, interest, property,

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JAMES M. O'REILLY  
317 SOUTH SIXTH STREET  
LAS VEGAS, NV 89101  
(702) 477-7517

1463 HIGHWAY 395 NORTH  
GARDNERVILLE, NV 89410  
(775) 782-3647

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1 possession, claim, and demand whatsoever, both in law and equity, which ERNEST BARTELS, SR.,  
2 the trustor, had in his lifetime and at the time of his death, and which Successor Co-Trustee has, by  
3 virtue of the BARTELS FAMILY TRUST dated March 11, 1961, or otherwise, of, in, and to the  
4 above-granted premises, and every part and parcel thereof, with the appurtenances.

5 To have and to hold all of the above-granted premises, together with the appurtenances, and  
6 every part thereof, to Grantees, their heirs and assigns forever.

7 Successor Co-Trustee, for himself, his heirs, executors, and administrators, agrees with  
8 Grantees that he is lawfully the Successor Co-Trustee of the BARTELS FAMILY TRUST dated  
9 March 11, 1961, and has the power to convey as aforesaid. Successor Co-Trustee further covenants  
10 that he has in all respects made this conveyance pursuant to the authority granted by the BARTELS  
11 FAMILY TRUST dated March 11, 1961, and that he had not done or suffered any act since he  
12 became Successor Co-Trustee as aforesaid whereby the above-granted premises, or any part thereof,  
13 now are, or at any time hereafter, shall or may be impeached, charged, or encumbered in any manner  
14 whatsoever.

15 IN WITNESS WHEREOF, the Successor Co-Trustee has executed this deed at Gardnerville,  
16 Nevada, the day and year first above written.

17   
18 MARSHALL BARTELS, Successor Co-Trustee of  
19 the BARTELS FAMILY TRUST dated March 11,  
20 1961.

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

3 On this 21st day of January, 1999, before me, the undersigned, a Notary Public, personally  
4 appeared MARSHALL BARTELS, known to me to be the person described in and who executed  
5 the foregoing instrument, and he acknowledged to me that he executed the same freely and  
6 voluntarily, and for the uses and purposes therein mentioned.

7 IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day  
8 and year first above written.

*Cynthia Lippertz*  
Notary Public  
CYNTHIA LIPPERTZ  
Notary Public - State of Nevada  
Appointment Recorded in Douglas County  
MY APPOINTMENT EXPIRES FEB. 12, 1999

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11 When Recorded Mail To:  
12 Mr. William Scott Bartels and Mr. Ernest Bruce Bartels  
13 1768 Foothill Road  
14 Gardnerville, Nevada 89410

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JAMES M. O'REILLY  
317 SOUTH SIXTH STREET  
LAS VEGAS, NV 89101  
(702) 477-7517  
  
1463 HIGHWAY 395 NORTH  
GARDNERVILLE, NV 89410  
(775) 782-3647

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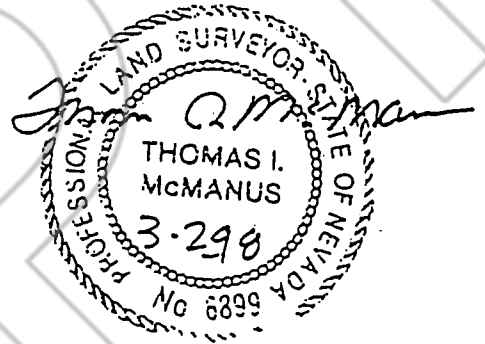
Legal Description  
A.P.N. 17-180-29

A parcel of land located within portions of Sections 22 and 27,  
Township 13 North, Range 19 East, Mount Diablo Meridian, Douglas  
County, Nevada, described as follows:

Parcel 2 as shown on the Parcel Map LDA 97-006 for Bartels Family  
Trust, recorded in Book 198 at Page 621 as Document No. 429879.

Note: Refer this description to your title company  
before incorporating into any legal document.

Prepared By: R.O. ANDERSON ENGINEERING, INC.  
P.O. Box 2294  
Minden, Nevada 89423



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EXHIBIT  
E

Legal Description  
A.P.N. 17-180-04

A parcel of land located within a portion of the SE¼ of the NE¼ of Section 28, Township 13 North, Range 19 East, Mount Diablo Meridian, Douglas County, Nevada, described as follows:

BEGINNING at the BLM Brass Cap at the one-quarter corner common to Sections 27 and 28, T.13N., R.19E., M.D.M. as shown on the Record of Survey for Bartel's Family Trust as recorded in Book 797 at Page 728 as Document No. 416575;

thence North 89°45'05" West, 629.22 feet to the easterly right-of-way of Kingsbury Grade, State Route 207;  
thence along said right-of-way North 14°40'19" West, 243.77 feet;

thence along the arc of a curve to the left having a delta angle of 70°56'20", radius of 700.00 feet and an arc length of 866.68 feet;

thence leaving said right-of-way line, non-tangent to the preceding curve, North 00°10'10" East, 573.51 feet;

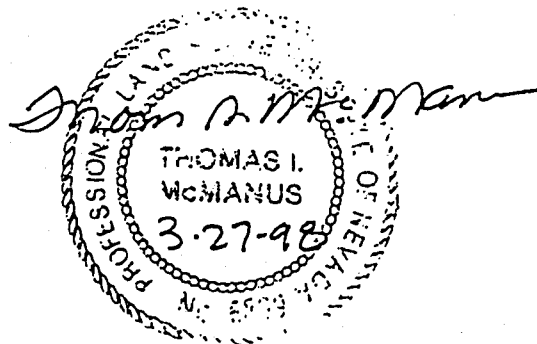
thence South 89°21'30" East, 1315.62 feet;

thence South 00°06'42" West, 1317.87 feet to the POINT OF BEGINNING, containing 31.04 acres, more or less.

The Basis of Bearing of this description is the Muller Lane right-of-way per State of Nevada Highway Department as recorded in Deed to State of Nevada in Book X, at Page 511.

Note: Refer this description to your title company before incorporating into any legal document.

Prepared By: R.O. ANDERSON ENGINEERING, INC.  
P.O. Box 2294  
Minden, Nevada 89423



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EXHIBIT

F

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Legal Description  
A.P.N. 17-180-10

A parcel of land located within a portion of the SE¼ of the NE¼ of Section 28, Township 13 North, Range 19 East, Mount Diablo Meridian, Douglas County, Nevada, described as follows:

Commencing at the BLM Brass Cap at the one-quarter corner common to Sections 27 and 28, T.13N., R.19E., M.D.M. as shown on the Record of Survey for Bartel's Family Trust as recorded in Book 797 at Page 728 as Document No. 416575;

thence North 89°45'05" West, 1043.19 feet to the Westerly right-of-way of Kingsbury Grade, State Route 207, the POINT OF BEGINNING;

thence continuing North 89°45'05" West, 273.72 feet;

thence North 00°10'10" East, 350.84 feet to the Southerly right-of-way line of said Kingsbury Grade;

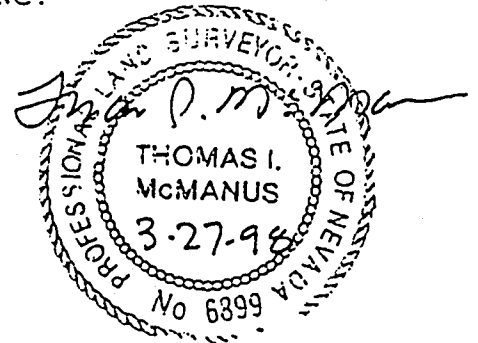
thence along said right-of-way line along a curve to the right, non-tangent to the preceding course, having a delta angle of 65°17'02", radius of 300.00 feet and an arc length of 341.83 feet;

thence South 14°40'49" East, 137.12 feet to the POINT OF BEGINNING, containing 1.62 acres, more or less.

The Basis of Bearing of this description is the Muller Lane right-of-way per State of Nevada Highway Department as recorded in Deed to State of Nevada in Book X, at Page 511.

Note: Refer this description to your title company before incorporating into any legal document.

Prepared By: R.O. ANDERSON ENGINEERING, INC.  
P.O. Box 2294  
Minden, Nevada 89423



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EXHIBIT

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RESTRICTIVE COVENANTS

These Restrictive Covenants are made and entered into this 6<sup>th</sup> day of April, 1998, by BARTELS FAMILY TRUST (hereinafter referred to as "Owner").

RECITALS:

A. Owner owns six (6) parcels of real property in Douglas County, Nevada, as specifically set forth on two parcel maps described as follows:

(1) That certain Parcel Map for Bartels Family Trust filed in the Office of the Douglas County Recorder on January 8, 1998, recorded in Book 198 of Official Records at Page 621, Document No. 429879.

(2) That certain Parcel Map for Bartels Family Trust filed in the Office of the Douglas County Recorder on January 8, 1998, recorded in Book 198 of Official Records at Page 622, Document No. 429880.

B. All of the above referred to six parcels have water rights appurtenant to them, described as follows:

Parcel Map 429879

(1) Parcel 1. A portion of Proof of Appropriation 02622, as determined "In the Matter of the Determination of the Relative Rights in and to the Waters of Daggett Creek and its Tributaries in Douglas County, State of Nevada", Case No. 4178 filed February 13, 1974, being 1.676 acres of water rights, together with a pro rata rate of diversion. Supplemental thereto is a portion of Permit 20250, Certificate 5923, being appurtenant to 6.5 acres, together with a pro rata rate of diversion of .1371 cfs.

(2) Parcel 2. A portion of Proof of Appropriation 02622, as determined "In the Matter of the Determination of the Relative Rights in and to the Waters of Daggett Creek and its Tributaries in Douglas County, State of Nevada", Case No. 4178 filed February 13, 1974, being 5.987 acres of water rights, together with a pro rata rate of diversion. Supplemental thereto is a portion of Permit 20250, Certificate 5923, being appurtenant to 8.5 acres, together with a pro rata rate of diversion of .1793 cfs.

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(3) Parcel 3. A portion of Proof of Appropriation 02622, as determined "In the Matter of the Determination of the Relative Rights in and to the Waters of Daggett Creek and its Tributaries in Douglas County, State of Nevada", Case No. 4178 filed February 13, 1974, being .981 acres of water rights, together with a pro rata rate of diversion. Supplemental thereto is a portion of Permit 20250, Certificate 5923, being appurtenant to 0.6 acres, together with a pro rata rate of diversion of .0126 cfs.

Parcel Map 429880

(1) Parcel 1. A portion of Proof of Appropriation 02622, as determined "In the Matter of the Determination of the Relative Rights in and to the Waters of Daggett Creek and its Tributaries in Douglas County, State of Nevada", Case No. 4178 filed February 13, 1974, being 24.175 acres of water rights, together with a pro rata rate of diversion. Supplemental thereto is a portion of Permit 20250, Certificate 5923, being appurtenant to 23.3 acres, together with a pro rata rate of diversion of .4915 cfs.

(2) Parcel 2. A portion of Proof of Appropriation 02622, as determined "In the Matter of the Determination of the Relative Rights in and to the Waters of Daggett Creek and its Tributaries in Douglas County, State of Nevada", Case No. 4178 filed February 13, 1974, being 24.451 acres of water rights, together with a pro rata rate of diversion. Supplemental thereto is a portion of Permit 20250, Certificate 5923, being appurtenant to 23.4 acres, together with a pro rata rate of diversion of .5147 cfs.

(3) Parcel 3. A portion of Proof of Appropriation 02622, as determined "In the Matter of the Determination of the Relative Rights in and to the Waters of Daggett Creek and its Tributaries in Douglas County, State of Nevada", Case No. 4178 filed February 13, 1974, being 21.638 acres of water rights, together with a pro rata rate of diversion. Supplemental thereto is a portion of Permit 20250, Certificate 5923, being appurtenant to 26.0 acres, together with a pro rata rate of diversion of .5485 cfs.

C. Owner knows that at some unknown time in the future, the parcels will be owned by parties other than Owner. Owner wants to ensure that each prospective lot owner is assured a correct amount or volume of water. Taking into account that the

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three parcels of real property west of Foothill Road (State Highway 206) are not currently being irrigated by Daggett Creek water or by supplemental permitted ground water.

Based upon the above, the undersigned do hereby covenant as follows:

1. Rotation Schedule. The rotation schedule will start at 6:00 a.m. on April 1st of each year, with

(a) Parcel 3 (Parcel Map 429880, APN 17-180-33) commencing the rotation cycle by receiving all of the waters of Daggett Creek for five (5) consecutive days, ending at 6:00 a.m. on the fifth (5th) day.

(b) Parcel 2 (Parcel Map 429880, APN 17-180-32) to receive all of the waters of Daggett Creek for five (5) consecutive days, ending at 6:00 a.m. on the fifth (5th) day.

(c) Parcel 1 (Parcel Map 429880, APN 17-180-31) to receive all of the waters of Daggett Creek for five (5) consecutive days, ending at 6:00 a.m. on the fifth (5th) day.

(d) Parcel 1 (Parcel Map 429879, APN 17-180-28) to receive all of the waters of Daggett Creek for four (4) consecutive hours, ending at 10:00 a.m. on the same day.

(e) Parcel 2 (Parcel Map 429879, APN 17-180-29) to receive all of the waters of Daggett Creek for four (4) consecutive hours, ending at 10:00 a.m. on the same day.

(f) Parcel 3 (Parcel Map 429879, APN 17-180-30) to receive all of the waters of Daggett Creek for four (4) consecutive hours, ending at 10:00 a.m. on the same day.

2. Supplemental Well. Appurtenant to the six parcels is supplemental ground water right, Permit 20250, Certificate 5923. The supplemental well may be used by any parcel owner when he is actually irrigating pursuant to the Rotation Schedule set forth in paragraph 1 above. The parcel owners shall pay all power bills in direct relationship

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to actual pumping time. Further, the parties will pay all repair and maintenance bills regarding the pump, well and related facilities in direct proportion to their actual use.

3. Alterations. Alterations to these Restrictive Covenants may be made by agreement of a two-thirds majority of the parcel owners. Notwithstanding formal changes to these Restrictive Covenants, the parties are free to rotate water use among themselves, but only to the extent that such agreements does not injure any other parcel owner.

4. Duration of Restrictive Covenants. The duration of these Restrictive Covenants shall extend for a period of twenty-five (25) years unless modified or altered in accordance with paragraph 3.

5. Nothing herein is intended to be in violation of Nevada water law or the Daggett Creek Decree. Historic customs and practices established and used on Daggett Creek waters are unaffected by these Restrictive Covenants.

6. Enforcement. Any party to these Restrictive Covenants may utilize any remedy in law or in equity to enforce the terms and conditions set forth herein.

BARTELS FAMILY TRUST

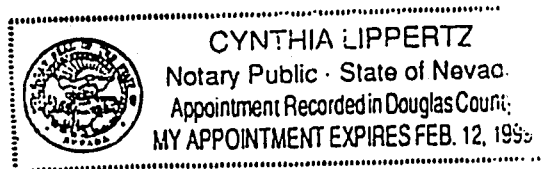
By Marshall Bartels TTEE

State of Nevada.

Douglas  
County of Washoe.

This instrument was acknowledged before me on April 6, 1998, by Marshall Bartels, Trustee of Bartels Family Trust.

Cynthia Lippertz  
Notarial Officer  
My commission expires: 2/12/99



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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.

DATE: April 7, 1998  
D. Reel Clerk of the District Court  
of the State of Nevada, in and for the County of Douglas,

By Sheppard Deputy

**SEAL**

REQUESTED BY  
James M O'Reilly  
IN OFFICIAL RECORDS OF  
DOUGLAS CO., NEVADA

'98 APR -9 P2:46

LINDA SLATER  
RECORDER  
\$21 PAID ka DEPUTY

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REQUESTED BY  
James O'Reilly  
IN OFFICIAL RECORDS OF  
DOUGLAS CO., NEVADA

'99 JAN 25 P2:25

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LINDA SLATER  
RECORDER

\$ 18.00 PAID K2 DEPUTY

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