

Recording Requested By

1999-15728 LPM

When recorded mail to:

Bank of America, NT & SA

P.O. Box 2240

Brea CA 92822

Loan Number: 0290114487

Attention: Brock Piper

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**MODIFICATION OF DEED OF TRUST AND PARTIAL RECONVEYANCE**

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**THIS AGREEMENT**, made this 19th day of July, 1999 between Donald A. Toussau, an unmarried person and , Who are Married To Each Other, the Trustor in the Deed of Trust mentioned below, Equitable Deed Company, as Trustee under said Deed of Trust; Bank of America, National Trust and Savings Association, as the present Owner and Holder of the indebtedness secured thereby:

**WITNESSETH**

**WHEREAS**, Trustor executed a Deed of Trust dated March 8, 1984, describing property situated in the County of Douglas County, State of Nevada as follows:

**EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF**

for the purpose of securing an indebtedness of \$50,000.00 to Beneficiary or order, which Deed of Trust was recorded March 13, 1984, Instrument No. 98063, in Book 384, Page 1004, in Official Records of Douglas County, State of Nevada.

**WHEREAS**, the description as contained in said Deed of Trust is no longer the true and correct description of the property which the parties did convey to said Trustee as security thereunder. The property to be described in said Deed of Trust is set forth below, and the parties hereto now desire to amend said Deed of Trust to conform to the new description of the property.

**NOW THEREFORE**, in consideration of the foregoing and other valuable consideration, the parties do hereby amend and modify said Deed of Trust by deleting therefrom the entire description of real property set forth therein and substituting in place thereof the description of the real property intended to be set forth therein:

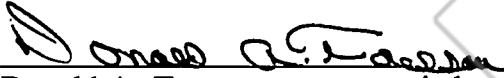
EXHIBIT "B" ATTACHED HERETO AND MADE A PART HEREOF

TRUSTOR hereby grants to said Trustee the real property last herein above described, in trust, with Power of Sale, for the purpose and under all of the provisions contained in said Deed of Trust, to the same effect as if said real property last herein above described had been originally therein; and trustee hereby conveys to the person legally entitled thereto the real property first above described, which is not included within the last above described real property.

EXCEPT as hereby modified, said Deed of Trust shall remain in full force and effect. This agreement shall inure to the benefit of and be binding upon the parties hereto and the person representatives and successors in interest of each of them.

IN WITNESS WHEREOF, the parties have executed this instrument.


TRUSTORS:

  
Donald A. Toussau, an unmarried person

TRUSTEE: EQUITABLE DEED COMPANY AS SUCCESSOR IN INTEREST TO  
NEBACO, INC.

BY:   
Brock Piper, Assistant Secretary

BENEFICIARY: BANK OF AMERICA, NT & SA formerly KNOWN AS NEVADA  
NATIONAL BANK

BY:   
Brock Piper, Vice President

## LEGAL DESCRIPTION

All that certain lot, piece or parcel of land situate in the County of Douglas, State of Nevada, described as follows:

That portion of the Northwest quarter of the Northwest quarter of Section 3, and that portion of the East 1/2 of the Northeast quarter of Section 4, Township 12 North, Range 19 East, M.D.M.; particularly described as follows:

BEGINNING at the Section corner common to said Sections 3 and 4 in said Township and Range and to Sections 33 and 34 in Township 13 North, Range 19 East, M.D.M.; thence East along the North line of said Section 3 a distance of 6.71 feet more or less, to a point on a curve in the Westerly right of way line of F.A.S. 554 Highway (Foothill Road) as described in the deed to the State of Nevada, recorded August 22, 1951, in Book Z of Deeds at page 543, Douglas County, Nevada, records; thence along a curve to the left having a radius of 2040.00 feet through a central angle of  $07^{\circ}45'12''$ , an arc distance of 276.06 feet; thence tangent to said curve South  $18^{\circ}39'00''$  East along said Westerly right of way line a distance of 1103.64 feet to a point on the center North 1/16 line of said Section 3; thence South  $89^{\circ}59'08''$  West along said 1/16 line a distance of 434.79 feet to the North 1/16 corner common to said Sections 3 and 4; thence South  $00^{\circ}09'00''$  West along the Section line common to Sections 3 and 4 a distance of 495.00 feet; thence leaving said Section line South  $89^{\circ}47'30''$  West a distance of 936.70 to a point on a curve in the Easterly right of way line of State Highway Route 19 (Kingsbury Grade), from which point the center bears North  $81^{\circ}52'33''$  East a distance of 1125.00 feet; said right of way being described in that certain Decree of Distribution recorded July 20, 1967, in Book 51 of Official Records at page 438, Douglas County, Nevada, records; thence Northerly along said Easterly right of way line the following (8) eight courses and distances as follows: (1) along said curve to the right through an angle of  $07^{\circ}04'27''$  an arc distance of 138.90 feet; (2) thence tangent to said curve North  $01^{\circ}03'00''$  East a distance of 344.78 feet; (3) thence along a radial line South  $88^{\circ}16'00''$  East a distance of 75.00; (4) thence along a curve to the left having a radius of 1000.00 feet through a central angle of  $14^{\circ}16'00''$ , an arc distance of 249.00 feet; (5) thence tangent to said curve North  $13^{\circ}13'00''$  West a distance of 217.69 feet to the beginning of a tangent curve to the right having a radius of 750.00 feet, and a central angle of  $23^{\circ}55'00''$ ; thence Northerly along said curve an arc distance of 313.07 feet; thence tangent to said curve North  $10^{\circ}42'00''$  East a distance of 300.20 feet to the beginning of a tangent curve to the left, having a radius of 1150.00 feet and a central angle of

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11°31'02"; thence Northerly along said curve an arc distance of 231.16 feet more or less, to a point in the Northerly line of Section 4; thence South 89°57'00" East along said Section line a distance of 880.53 feet to the point of beginning.

Assessment Parcel No. 19-032-01-0

Subject to the following condition as set forth in those deeds to Donald a. Toussau, a single man recorded December 3, 1971 in Book 94 of Official Records at pages 167 and 169, Douglas County, Nevada as Document Nos. 55747 and 55748:

Creek water emerging from Taylor Canyon and crossing described property may not be piped or enclosed but left natural and open for esthetic purposes. Amount of creek water past used for orchard and yard will remain as water right.



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EXHIBIT "B"

All that certain lot, piece or parcel of land situate in the County of Douglas, State of Nevada, described as follows:

A parcel of land located within the Northeast one-quarter of Section 4, and the Northwest one-quarter of Section 3, both in Township 12 North, Range 19 East, M.D.B. & M., Douglas County, Nevada, being more particularly described as follows:

BEGINNING at a point on the Northerly line of said Section 4, said point bears N. 89°55'14" W., 600.44 feet from the Northeast corner of said Section 4, being a G.L.O. brass cap;

thence S. 00°04'46" W., 450.00 feet;

thence S. 10°03'39" W., 483.42 feet;

thence N. 86°58'42" E., 430.00 feet;

thence N. 71°15'56" E., 518.00 feet to a point on the Westerly right-of-way line of Foothill Road as recorded in Book Z of Deeds, Page 543, of the Douglas County Recorder's Office;

thence S. 18°44'04" E., along said Westerly right-of-way line, 617.75 feet to the Northeast corner of Parcel C as shown on the Murray G. Alstott and James C. Dykes Parcel Map Document No. 14673 of the Douglas County Recorder's Office;

thence N. 89°52'22" W., along the North line of Parcel C and Parcel B of said Parcel Map, 436.31 feet to the Northwest corner of said Parcel B;

thence S. 00°09'00" W., along the West line of Parcel B and Parcel A of said Parcel Map, 1059.73 feet to the Southwest corner of the Toussau Parcel as recorded on Document No. 81388 of the Douglas County Recorder's Office;

thence S. 89°47'04" W., along the South line of said Toussau Parcel, 685.18 feet to a point on the Easterly right-of-way line of State Route 207 (Kingsbury Grade);

thence along said Easterly right-of-way line the following 8 courses:

1) 806.21 feet along the arc of a curve to the right having a central angle of 14°07'14" and a radius of 1123.34 feet, (chord bears N. 19°27'36" W., 789.02 feet);

2) N. 01°06'01" E., 345.43 feet;

3) S. 89°02'06" E., 75.00 feet;

4) 249.17 feet along the arc of a curve to the left having a central angle of 14°09'15" and a radius of 1008.62 feet, (chord bears N. 06°06'43" W., 248.53 feet);

5) N. 13°11'20" W., 215.02 feet;

6) 315.69 feet along the arc of a curve to the right having a central angle of 23°45'28" and a radius of 761.34 feet, (chord bears N. 01°18'36" W., 313.43 feet);

7) N. 10°34'08" E., 300.25 feet;

8) 231.88 feet along the arc of a curve to the left having a central angle of 11°33'10" and a radius of 1150.00 feet, (chord bears N. 04°47'33" E., 231.48 feet), to a point on said Northerly line of Section 4;

thence S. 89°55'14" E., along said Northerly line, 280.48 feet to the POINT OF BEGINNING.

Reference is made to Record of Survey recorded May 11, 1994 in Book 594, Page 1835, (Continued)

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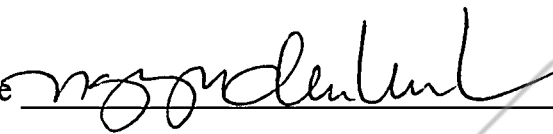
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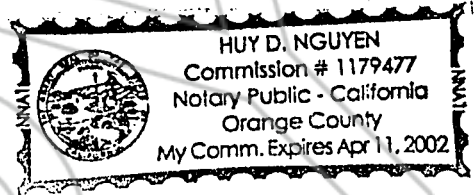
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STATE OF CALIFORNIA )  
COUNTY OF ORANGE )SS

On July 19, 1999, before me, the undersigned, a Notary Public in and for said State, personally appeared Brock Piper, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name is/are subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity and that by his/her/their signature(s) on the instrument, the person(s), or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

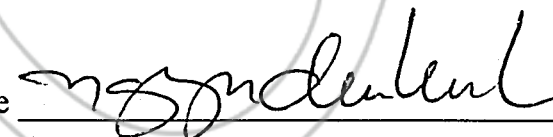
Signature 

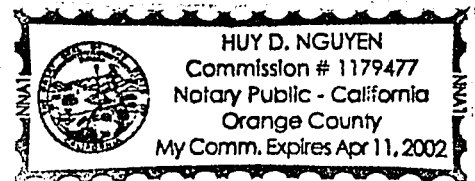


STATE OF CALIFORNIA )  
COUNTY OF Orange )SS

On July 19, 1999, before me, the undersigned, a Notary Public in and for said State, personally appeared Brock Piper, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name is/are subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity and that by his/her/their signature(s) on the instrument, the person(s), or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Signature 



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1 **ACKNOWLEDGMENT**

2 STATE OF NEVADA )  
3 : ss.  
4 COUNTY OF DOUGLAS )

5 On this 20<sup>th</sup> day of July, 1999, personally appeared before me, a Notary Public in and for said  
6 County and State, DONALD A. TOUSSAU, known to me to be the person described herein and who  
7 executed the within instrument.

8   
9 NOTARY PUBLIC



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24 **FIRST AMERICAN TITLE CO.**  
25 **IN OFFICIAL RECORDS OF**  
26 **DOUGLAS CO., NEVADA**

27 '99 JUL 21 P3:57

28 LINDA SLATER  
RECORDER  
\$17.00 PAID 12 DEPUTY

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