

1 Case No. 96-CV-0294

2 Dept. No. 2

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BY **J. THALER** DEPUTY

7 IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
8  
9 IN AND FOR THE COUNTY OF DOUGLAS

10 LAURA RAYCRAFT, THOMAS  
11 WILLIAM RAYCRAFT, MARY  
12 RAYCRAFT BOWERSOX, LAURA  
13 RAYCRAFT NORGORD, ELIZABETH  
14 RAYCRAFT PADGHAM, MARSHA  
15 RAYCRAFT PAULSON, RICHARD  
16 HENRY RAYCRAFT, WILLIAM  
17 HARRY RAYCRAFT, THOMAS  
18 RICHARD RAYCRAFT, LORINE  
19 MARGARET RAYCRAFT, DONALD  
20 FREDRICK HELLWINKLE, ROBERT  
21 D. HELLWINKLE, DONNA J.  
22 HELLWINKLE, DANNY HELLWINKLE,

23 Plaintiffs,

24 C. REX CLEARY and RUSSELL C.  
25 CLEARY,

26 Plaintiffs in Intervention,

27 v.

**ORDER GRANTING INTERVENTION  
BY PLAINTIFFS IN INTERVENTION  
C. REX CLEARY AND RUSSELL C.  
CLEARY; ORDER AND DECREE QUIETING  
TITLE, CONVEYING PORTION OF  
PROPERTY IN EXCHANGE FOR  
GRANT OF EASEMENT, AND  
ADJUSTING BOUNDARY LINES**

28 HOMER J. RAYCRAFT, JR.,  
29 HOMER J. RAYCRAFT, SR.,  
30 HOWARD J. RAYCRAFT, SR.,  
31 H. J. RAYCRAFT, JR.,  
32 MARILYN COX, MARILYN COX,  
33 W. TEMPLE STEWART, HELEN  
34 STEWART, JOHN RAYCRAFT,  
35 R. F. RAYCRAFT, GEORGE E.  
36 RAYCRAFT, HOMER J. RAYCRAFT,  
37 JR., and all persons unknown  
claiming any right, title,  
estate, lien, or interest in  
the property described in

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1 the Complaint adverse to  
2 Plaintiffs' title, or any  
3 cloud on Plaintiff's title  
4 thereto.

5 Defendants.

---

6 HOMER J. RAYCRAFT, JR.,

7 Counterclaimant,

8 v.

9 LAURA RAYCRAFT, THOMAS  
10 WILLIAM RAYCRAFT, MARY  
11 RAYCRAFT BOWERSOX, LAURA  
12 RAYCRAFT NORGORD, ELIZABETH  
13 RAYCRAFT PADGHAM, MARSHA  
14 RAYCRAFT PAULSON, RICHARD  
15 HENRY RAYCRAFT, WILLIAM  
16 HARRY RAYCRAFT, THOMAS  
17 RICHARD RAYCRAFT, LORINE  
18 MARGARET RAYCRAFT, DONALD  
19 FREDRICK HELLWINKLE, ROBERT  
20 D. HELLWINKLE, DONNA J.  
21 HELLWINKLE, DANNY HELLWINKLE,

22 Counterdefendants.

---

23 INTERVENTION GRANTED

24 THIS CAUSE came before the above-entitled Court for hearing  
25 on the 2<sup>nd</sup> day of August, 1999, pursuant to trial setting and  
26 notice regularly given and upon the Stipulation for Entry of  
27 Order Granting Intervention by Plaintiffs in Intervention C. Rex  
28 Cleary and Russell C. Cleary. Present in Court were Plaintiffs/  
Counterdefendants' spokesperson Darrell Armuth, and Plaintiffs'  
attorneys, Walther, Key, Maupin, Oats, Cox, Klaich & LeGoy, and  
Rick R. Hsu, Esq.; Defendant/Counterclaimant Homer J. Raycraft,  
Jr., together with his attorney, Louis S. Test, Esq., of the law  
firm of Hoffman, Test, Guinan & Collier; and prospective

Sheerin, Walsh  
& Keele  
1692 County Road  
Minden, NV 89423

Phone: 782-9781  
or 882-6269  
FAX: 782-2970

1 Plaintiff in Intervention C. Rex Cleary, together with George M.  
2 Keele, Esq., of the law firm of Sheerin, Walsh & Keele, counsel  
3 to prospective Plaintiffs in Intervention C. Rex Cleary and  
4 Russell C. Cleary. After reviewing all of the pleadings,  
5 documents, and records on file herein, receiving representations  
6 of counsel, and good cause appearing therefor, the Court finds as  
7 follows:

8  
9 FINDINGS OF FACT

10 1. Plaintiffs above named filed the Complaint to quiet  
11 title on October 23, 1996, seeking to quiet title as to the legal  
12 interests held by certain named Plaintiffs and Defendants, to the  
13 exclusion of all other parties and persons unknown who may claim  
14 any legal or equitable right, title, estate, lien, or interest in  
15 the real property located in Genoa, Douglas County, Nevada,  
16 identified as Assessor's Parcel No. 17-081-02 and more  
17 particularly described as:

18 All that portion of Block Number One (1) marked upon  
19 the map of the Town of Genoa as vacant and described  
20 thus:

21 Beginning at the N.W. Corner of Lot Number Nine (9) in  
22 said Block One and running thence in a Northerly  
23 direction 550 feet to the N.W. Corner of the S.E. 1/4  
24 of the N.E. 1/4 of Sec. 9, T. 13 N., R. 19 E., thence  
25 in an easterly direction to the N.W. corner of Lot One  
26 in said Block One, thence in a South-easterly direction  
27 along the westerly lines of Lots 1, 2, 3, 4, 5, 6, 7,  
28 and 8 to the South-west corner of said Lot 8; thence in  
a South-easterly direction to the North-west corner of  
Lot 21 in said Block; thence in a South-westerly  
directly along the West Lines of Lots 21, 20, 19, 18  
and 17 to the North-east corner of Lot 9 in said Block;  
thence in a North-westerly direction along the North  
line of said Lot 9 to the place of beginning; said  
description being as set forth in the Trustees Deed to  
the Genoa Flume Company.

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1 Said real property shall sometimes hereinafter be referred  
2 to as the "Raycraft parcel."

3 2. In accordance with NRS 40.090(3) and NRS 14.010, a  
4 Notice of Lis Pendens was filed on October 23, 1996, with the  
5 Court in this action and a certified copy thereof was recorded  
6 with the Douglas County Recorder shortly thereafter. An Amended  
7 Notice of Lis Pendens was filed November 8, 1996, with the Court  
8 in this action and a certified copy thereof was recorded with the  
9 Douglas County Recorder shortly thereafter which clarifies that  
10 the "map" identified in the legal description of the Raycraft  
11 Parcel is the "map of the Town of Genoa."  
12

13 3. Twelve summonses were issued on October 23, 1996,  
14 consisting of an original Summons for each named Defendant.  
15 Summons was posted on the Raycraft parcel within thirty (30) days  
16 of issuance, namely: on November 17, 1996, in accordance with NRS  
17 40.100(2), as reflected by the Affidavit of Posting on file.

18 4. Summonses were served by publication pursuant to Orders  
19 of this Court filed November 4, 1996, January 21, 1997, and  
20 February 27, 1997, and in compliance with NRCP 4 upon named  
21 Defendants HOMER J. RAYCRAFT, SR., HOWARD J. RAYCRAFT, SR.,  
22 MARILYN COX, the other named Defendant also known as MARILYN COX,  
23 W. TEMPLE STEWART, HELEN STEWART, JOHN RAYCRAFT, R.F. RAYCRAFT,  
24 GEO. E. RAYCRAFT, and all persons unknown claiming any legal or  
25 equitable right, title, estate, lien, or interest in the Raycraft  
26 Parcel. Default was entered on July 16, 1998, by this Court  
27 against Defendants HOMER J. RAYCRAFT, SR., HOWARD J. RAYCRAFT,

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1 SR., MARILYN COX, the other named Defendant also known as MARILYN  
2 COX, W. TEMPLE STEWART, HELEN STEWART, JOHN RAYCRAFT, R.F.  
3 RAYCRAFT, GEO. E. RAYCRAFT, and all persons unknown claiming any  
4 legal or equitable right, title, estate, lien, or interest in the  
5 Raycraft parcel.

6 5. Defendant HOMER J. RAYCRAFT, JR., also known as  
7 Defendant H.J. RAYCRAFT, JR. (hereinafter "Defendant HOMER J.  
8 RAYCRAFT, JR."), was served summons and is the only Defendant to  
9 appear in this action. Defendant HOMER J. RAYCRAFT, JR. admits in  
10 his Answer and Counterclaim filed July 14, 1998, all relevant  
11 allegations of the Plaintiffs pertaining to quieting title to the  
12 Raycraft parcel and agrees that title should be quieted in the  
13 manner set forth in the Complaint.

14 6. Prospective Plaintiffs in Intervention C. Rex Cleary  
15 and Russell C. Cleary are the successors in interest to Defendant  
16 MARILYN COX and, as such, they are now sole owners of a parcel of  
17 real property (hereinafter referred to as the "Cox parcel")  
18 referred to in paragraph 19 of the Verified Complaint to Quiet  
19 Title filed in this case on October 23, 1996.

20 7. As a consequence of their present ownership of the Cox  
21 parcel referred to hereinabove, prospective Plaintiffs in  
22 Intervention C. Rex Cleary and Russell C. Cleary are necessary if  
23 not indispensable parties to this action.

24 8. Paragraph 19 of the Verified Complaint in this case  
25 alleges that Defendant MARILYN COX ". . . has granted the owners  
26  
27

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1 of the Real Property more particularly described below [i.e. the  
2 Raycraft parcel] an easement across her real property."

3 9. Prospective Plaintiffs in Intervention C. Rex Cleary  
4 and Russell C. Cleary, as successors in interest to Marilyn Cox  
5 in ownership of the Cox parcel, are bound by the terms of an  
6 Irrevocable Offer of Grant of Easement (a copy of which was  
7 attached to the Stipulation as Exhibit A) recorded as Document  
8 #220488 in the official records of Douglas County, Nevada, on  
9 February 21, 1990, and re-recorded as Document #235646, at Book  
10 990, page 4426, on September 28, 1990, in the official records of  
11 Douglas County, Nevada (hereinafter the "Irrevocable Offer").

12 10. Paragraph 2 of the Irrevocable Offer reads as follows:  
13 "Raycraft shall convey to Cox certain real property consisting of  
14 11,000 square feet, more or less, which real property is  
15 described on Exhibit D hereto and incorporated herein by this  
16 reference." This requirement, set forth in paragraph 2 of the  
17 Irrevocable Offer, is expressly conditioned upon Homer J.  
18 Raycraft, a Defendant herein, being able to convey to Cox or her  
19 successors or assigns unclouded title to the referenced 11,000  
20 square feet of his premises within 25 years of the date of the  
21 Irrevocable Offer.  
22

23 11. Upon its face, the Irrevocable Offer purports to expire  
24 and to be of no further force or effect if Raycraft is unable to  
25 convey unclouded title to the referenced 11,000-square-foot  
26 parcel of real property within 25 years after the date of the  
27 Irrevocable Offer.  
28

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1 12. It, thus, appears from the face of the Irrevocable  
2 Offer that the Irrevocable Offer bears directly upon the outcome  
3 of this quiet title action.

4 13. Moreover, contingent upon the successful completion of  
5 the condition set forth in paragraph 2 of the Irrevocable Offer,  
6 and subject to the exercise of discretion by Cox and her  
7 successors in interest in detailing the route of the easement--  
8 which has now been exercised by Plaintiffs in Intervention and  
9 which is described by metes and bounds on the legal description  
10 attached hereto and made a part hereof as Exhibit A and attached  
11 hereto, depicted as the 30-foot-wide easement on the draft Record  
12 of Survey, a copy of which is attached hereto and made a part  
13 hereof as Exhibit B--Cox and her successors in interest have a  
14 duty, enjoined upon them in the Irrevocable Offer, to convey to  
15 Raycraft and his successors in interest an easement for utilities  
16 and services and for ingress and egress 30 feet in width  
17 extending from Genoa Street through the Cox parcel and to the  
18 Raycraft parcel.  
19

20 14. The prospective Plaintiffs in Intervention C. Rex  
21 Cleary and Russell C. Cleary are both ready and willing to grant  
22 to Raycraft, or his successors in interest, the referenced 30-  
23 foot-wide easement for utilities and services and for ingress and  
24 egress; however, they are only willing to do so as a *quid pro quo*  
25 to the satisfaction of the conditions set forth in the  
26 Irrevocable Offer, including without limitation the conveyance to  
27 the prospective Plaintiffs in Intervention of the 11,000-square-

1 foot portion of the Raycraft parcel by Raycraft and his co-  
2 tenants, their successors and assigns.

3 15. Attached hereto as Exhibit C and made a part hereof by  
4 this reference is an unsigned Grant of Easement which will be  
5 executed and acknowledged by Clearys forthwith following entry of  
6 this Order and Decree and which will convey to the grantees named  
7 therein, their heirs, their successors and assigns, the easement  
8 illustrated on Exhibit B hereto and described by metes and bounds  
9 on Exhibit A hereto.

10  
11 16. Because all three existing Cleary parcels (as described  
12 on Exhibit D to the Stipulation) will be incrementally enlarged  
13 upon conveyance to the prospective Plaintiffs in Intervention by  
14 Raycraft, his successors and assigns, or by Court order, of the  
15 11,000-square-foot portion of the Raycraft parcel (which portion  
16 is described by metes and bounds on Exhibit D attached hereto and  
17 made a part hereof, by this reference), it will be necessary to  
18 prepare and to record in the official records of Douglas County,  
19 Nevada, a record of survey which reflects that incremental  
20 enlargement of and change in configuration of each of the three  
21 Cleary parcels and corresponding diminution in and change to the  
22 Raycraft parcel, as more fully reflected on Exhibit B hereto.

23  
24 17. Moreover, because of the prospective location of the  
25 30-foot-wide easement; to ensure that each of the resulting  
26 Cleary parcels will be a minimum of one acre in size after  
27 incremental additions to and reconfiguration of each and to  
28 ensure that dwelling sites, wells, and septic systems including

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1 leach fields will fit on each resulting parcel in accordance with  
2 local zoning ordinances; it is necessary or beneficial to  
3 reconfigure the three Cleary parcels and the resulting Raycraft  
4 parcel so that they will hereafter be defined in the manner set  
5 forth in Exhibit B hereto.

6 18. Furthermore, it appears that by reconfiguring the  
7 Cleary parcels as reflected in Exhibit B hereto, an apple orchard  
8 with associated surface water rights will be located entirely  
9 upon the prospective new Parcel 2, also identified on said  
10 Exhibit B.

11 19. Immediately upon entry of this Decree and Order  
12 quieting title to the Raycraft parcel in those people entitled to  
13 ownership thereof, the owners of the Raycraft parcel will be able  
14 to convey, or to be bound by their Stipulation authorizing this  
15 Court by this Decree and Order to convey, to Clearys the 11,000-  
16 square-foot portion of the Raycraft parcel described on Exhibit D  
17 hereto.

18 20. In exchange for the conveyance by Court order to the  
19 Clearys of the referenced 11,000-square-foot portion of the  
20 Raycraft parcel, the Clearys, have agreed to convey to the  
21 Plaintiffs the 30-foot-wide easement described on Exhibit A  
22 hereto.

23 21. All of the named parties hereto have stipulated that  
24 the Court may by order decree that the three Cleary parcels and  
25 the Raycraft parcel shall hereafter be deemed to be configured as  
26 reflected in Exhibit B hereto and to be benefited and burdened by

27 reflected in Exhibit B hereto and to be benefited and burdened by

28 reflected in Exhibit B hereto and to be benefited and burdened by

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1 the 30-foot-wide easement visually depicted on Exhibit B and  
2 described by metes and bounds on Exhibit A.

3 22. The Plaintiffs and the Defendants have requested that  
4 the Court bifurcate its hearing in this matter, granting the  
5 intervention requested by the Plaintiffs in Intervention but  
6 reserving to a later time any determination to be made concerning  
7 the claims set forth in the Counterclaim, in the event the  
8 Counterclaimant and the Counterdefendants are unable to achieve a  
9 stipulated settlement as to that aspect of this case. The  
10 Plaintiffs in Intervention do not object to such a bifurcation.

11 23. The Plaintiffs are all related, either by blood or by  
12 marriage.

13 24. To minimize contention among family members, it may  
14 become necessary or desirable to partition the Raycraft parcel by  
15 judicial decree.

16  
17 CONCLUSIONS OF LAW

18 1. Plaintiffs in Intervention C. Rex Cleary and Russell C.  
19 Cleary as necessary if not indispensable parties to this action,  
20 are entitled to intervene as Plaintiffs in Intervention as their  
21 interests appear.

22 2. Title to the Raycraft parcel should be quieted in favor  
23 of the named Plaintiffs claiming an interest in the Raycraft  
24 parcel and Defendant HOMER J. RAYCRAFT, JR., in the fractional  
25 interests set forth herein, and against all other parties and  
26 persons unknown claiming any legal or equitable right, title,  
27 estate, lien, or interest in the Raycraft parcel.

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1           3.    The Court has jurisdiction to order the boundaries of  
2 the Raycraft parcel and of the three Cleary parcels to be  
3 adjusted as reflected in Exhibit B attached hereto and as more  
4 fully detailed in the metes and bounds descriptions to which  
5 reference is hereinafter made.

6           4.    The Court also has jurisdiction to allow the pleadings  
7 to be amended to state a claim for partition of the Raycraft  
8 parcel in this action.

9  
10           NOW, THEREFORE, pursuant to the Stipulation of the parties  
11 and the evidence of record, and based upon these findings of fact  
12 and conclusions of law, IT IS HEREBY ORDERED as follows:

13           A.    C. Rex Cleary and Russell C. Cleary are hereby granted  
14 leave to intervene in this action as Plaintiffs in Intervention.

15           B.    Title shall be and is hereby quieted on, in and to the  
16 real property located in Genoa, Douglas County, Nevada,  
17 identified as Assessor's Parcel No. 17-081-02 and more  
18 particularly described as:

19           All that portion of Block Number One (1) marked upon  
20 the map of the Town of Genoa as vacant and described  
21 thus:

22           Beginning at the N.W. Corner of Lot Number Nine (9) in  
23 said Block One and running thence in a Northerly  
24 direction 550 feet to the N.W. Corner of the S.E. 1/4  
25 of the N.E. 1/4 of Sec. 9, T. 13 N., R. 19 E., thence  
26 in an easterly direction to the N.W. corner of Lot One  
27 in said Block One, thence in a South-easterly direction  
along the westerly lines of Lots 1, 2, 3, 4, 5, 6, 7,  
and 8 to the South-west corner of said Lot 8; thence in  
a South-easterly direction to the North-west corner of  
Lot 21 in said Block; thence in a South-westerly  
directly along the West Lines of Lots 21, 20, 19, 18  
and 17 to the North-east corner of Lot 9 in said Block;  
thence in a North-westerly direction along the North  
line of said Lot 9 to the place of beginning; said

1 description being as set forth in the Trustees Deed to  
2 the Genoa Flume Company.

3 C. Fee simple title to the real property described in  
4 the preceding paragraph of this Order shall be and is hereby  
5 quieted in favor of the named Plaintiffs identified below  
6 and Defendant HOMER J. RAYCRAFT, JR., and their heirs,  
7 successors and assigns as tenants in common, and against all  
8 other parties and all persons unknown claiming any legal or  
9 equitable right, title, estate, lien, or interest in said  
10 real property in a manner such that each party identified  
11 below shall have an undivided interest in said real property  
12 in the following amounts:  
13

14	DANNY HELLWINKLE	one-sixth (1/6)
15	ROBERT D. HELLWINKLE	one-twelfth (1/12)
16	DONNA J. HELLWINKLE	one-twelfth (1/12)
17	MARY RAYCRAFT BOWERSOX	one-twenty-fourth (1/24)
18	LAURA RAYCRAFT	one-twenty-fourth (1/24)
19	ELIZABETH RAYCRAFT PADGHAM	one-twenty-fourth (1/24)
20	MARSHA RAYCRAFT PAULSON	one-twenty-fourth (1/24)
21	WILLIAM HARRY RAYCRAFT	one-eighteenth (1/18)
22	THOMAS RICHARD RAYCRAFT	one-eighteenth (1/18)
23	LORINE MARGARET RAYCRAFT	one-eighteen (1/18)
24	HOMER J. RAYCRAFT, JR.	one-third (1/3)

25 D. C. Rex Cleary and Russell C. Cleary shall forthwith  
26 execute a Deed of Easement in the form attached hereto as Exhibit  
27

28 C and tender that deed to counsel for Plaintiffs for recordation

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1 in favor of the above-named Plaintiffs and Defendant HOMER J.  
2 RAYCRAFT, JR. in the undivided fractional interests shown in the  
3 preceding paragraph of this Order.

4 E. The new boundaries of Douglas County, Nevada,  
5 Assessor's Parcel No. 17-081-20 shall hereafter be as set forth  
6 on Exhibit E attached hereto and made a part hereof by this  
7 reference.

8 F. The new boundaries of Douglas County, Nevada,  
9 Assessor's Parcel No. 17-081-21 shall hereafter be as set forth  
10 on Exhibit F attached hereto and made a part hereof by this  
11 reference.

12 G. The new boundaries of Douglas County, Nevada,  
13 Assessor's Parcel No. 17-081-22 shall hereafter be as set forth  
14 on Exhibit G attached hereto and made a part hereof by this  
15 reference.

16 H. The new boundaries of Douglas County, Nevada,  
17 Assessor's Parcel No. 17-081-02 shall hereafter be as set forth  
18 on Exhibit H attached hereto and made a part hereof by this  
19 reference.

20 I. Fee simple title to the three (3) parcels of real  
21 property known as Douglas County, Nevada, Assessor's Parcels Nos.  
22 17-081-20, 17-081-21, and 17-081-22 as described on Exhibits E, F  
23 and G hereto, respectively, is hereby vested in C. Rex Cleary, a  
24 married man as his sole and separate property, as to an undivided  
25 75% interest and in Russell C. Cleary, a married man as his sole  
26  
27

1 and separate property, as to an undivided 25% interest, and to  
2 their heirs and assigns forever, as tenants in common.

3 J. Fee simple title to the parcel of real property known  
4 as Douglas County, Nevada, Assessor's Parcel No. 17-081-02 as  
5 described on Exhibit H attached hereto (i.e. Raycraft New Parcel  
6 following lot line adjustment effected by the instant Order and  
7 Decree) is hereby vested in the individuals named in ordering  
8 paragraph C, page 12, of this Order and Decree and in their heirs  
9 and assigns forever.

10  
11 K. A certified copy of this Decree and Order shall be  
12 filed of record in the Official Records of Douglas County,  
13 Nevada, not later than August 6, 1999.

14 L. The deed of easement being executed by Clearys must be  
15 recorded by Plaintiffs' counsel as the next official Douglas  
16 County document recorded following the recordation of a certified  
17 copy of the instant Decree and Order.

18 M. An original of the Record of Survey attached hereto and  
19 made a part hereof as Exhibit B shall be filed in the Official  
20 Records of Douglas County, Nevada, pursuant to this Decree and  
21 Order, except that no owner will be required to execute the  
22 Owner's Certificate thereon and the instant Decree and Order of  
23 this Court will be deemed a sufficient certification by all  
24 owners of the real property described on Exhibits E, F, G, and H  
25 hereto to satisfy the requirement that the owners of record  
26 certify to the five (5) items set forth on the Owner's  
27 Certificate.  
28



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N. The Court retains jurisdiction as to all matters involving the Counterclaim in this case and grants the remaining parties to this action leave to file an amended complaint or an amended counterclaim to seek partitioning of the Raycraft parcel should such an action facilitate the final resolution of this case. Any amended pleadings must be filed herein not later than September 24, 1999. If, not later than Friday, October 1, 1999, at 12:00 noon, either HOMER J. RAYCRAFT, JR., or any Plaintiff contacts the Court's assistant, Ursula McManus, and requests a trial setting, then on October 4, 1999, at 10:00 a.m., the Court will conduct a conference call with Mr. Hsu and Mr. Test to determine what issues must be tried and to fix a date for trial of any remaining issues in this case.

DATED 8/2/99

*Michael P. Gilman*  
DISTRICT JUDGE

**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 8/2/99 **SEAL'**  
*Breed* Clerk of the 9th Judicial District Court  
of the State of Nevada, In and for the County of Douglas,

By *J. Thaler* Deputy

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**CLEARY / RAYCRAFT  
PRIVATE ACCESS AND PUBLIC UTILITY EASEMENT  
LEGAL DESCRIPTION**

July 29, 1999

A strip of land 30 feet wide for private access and public utility easement purposes located within a portion of the Southeast one-quarter of the Northeast one-quarter of Section 9, Township 13 North, Range 19 East, MDM, Douglas County, Nevada, being more particularly described as follows:

BEGINNING at a 1/2" iron pipe at the Southwesterly corner of Adjusted Parcel 3 as recorded in Book 290 at Page 3128, Document No. 220488 of the Douglas County Recorder's Office, said iron pipe bears S. 71°57'48" W., 1132.99 feet from the North one-sixteenth corner of Sections 9 and 10, Township 13 North, Range 19 East, MDM, being a PK nail as per from the preliminary BLM Township plat and field notes of a re-survey by Dukleth and Parrish in 1985-6;  
thence N. 18°55'10" E., along the Westerly line of said Adjusted Parcel 3, 30.09 feet;  
thence S. 66°37'37" E., 303.25 feet to a point on the Easterly line of said Adjusted Parcel 3;  
thence S. 18°50'58" W., along said Easterly line, 30.09 feet to the Southeasterly corner thereof;  
thence N. 66°37'37" W., along the Southerly line of said Adjusted Parcel 3, 303.29 feet to the POINT OF BEGINNING.

Containing 9098 square feet more or less.

**Basis of Bearing**

The North line of the South one-half of the Northeast one-quarter of Section 9 as taken from the preliminary BLM Township plat and field notes of a portion of T. 13 N., R. 19 E., MDM, re-surveyed by D.L. Dukleth and J.S. Parrish in 1985-6, (N. 89°36'20" E.).



*COOPY*

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GRANT OF EASEMENT

THIS INDENTURE, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 1999, by and between CHARLES REXTON CLEARY, Trustee of the Barbara Perkins Cleary Trust Agreement dated June 5, 1998, hereinafter referred to as Grantor, and HOMER J. RAYCRAFT, a \_\_\_\_\_, hereinafter referred to as Grantee.

W I T N E S S E T H:

That for and in consideration of the sum of One Dollar (\$1.00), lawful money of the United States of America, and other good and valuable consideration, Grantor hereby grants to Grantee, his successors and assigns, a private easement for services, utilities and pedestrian and two-axle vehicular ingress and egress and for such reasonable ingress and egress as may eventually be necessary to support construction of a single-family dwelling, or dwellings, upon the dominant tenement, within the easement area more fully described on Exhibit A, attached hereto and made a part hereof by this reference (hereinafter referred to as "the easement"), across, over, and upon the real property situate in the County of Douglas, State of Nevada, which is more fully described on Exhibit B and Exhibit C, attached hereto and made a part hereof by this reference for the benefit of the parcels of real property situate in the County of Douglas, State of Nevada, which are more fully described on Exhibit C and Exhibit D, attached hereto and incorporated herein by this reference. It is understood and agreed that subject to obtaining proper zoning and all other applicable approvals and entitlements, the owners of the parcels described on Exhibit C

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and Exhibit D, and their successors in interest, may ultimately subdivide the Exhibit C and Exhibit D parcels into similar lots, each of which would also be entitled to the benefits and each of which would also be subject to the same duties pertaining to the easement herein granted as would the current parcels comprising Exhibit C and Exhibit D.

Grantor agrees that Grantor and Grantor's heirs, successors and assigns will neither construct nor allow to be constructed any buildings, structures, or trees upon, over, or under the easement, now or hereafter except that the easement may be improved and used for street, road, landscape, or driveway purposes, insofar as such use does not interfere with its use by Grantee, its heirs, successors and assigns or by Grantor, its heirs, successors and assigns, for the purposes for which the easement is granted.

The easement herein granted shall run with the land and shall bind and inure to the benefit of the respective heirs, personal representatives, successors and assigns of the parties hereto.

\_\_\_\_\_  
CHARLES REXTON CLEARY

STATE OF NEVADA        )  
                              :    ss.  
COUNTY OF DOUGLAS    )

\_\_\_\_\_ This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 1999, by CHARLES REXTON CLEARY.

\_\_\_\_\_  
NOTARY PUBLIC

0474053

Send tax statements to:  
HOMER J. RAYCRAFT

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When recorded, return to:  
Sheerin, Walsh & Keele  
1692 County Road  
Minden NV 89423

COPY

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BK0899PG1473

**CLEARY / RAYCRAFT  
PRIVATE ACCESS AND PUBLIC UTILITY EASEMENT  
LEGAL DESCRIPTION**

July 29, 1999

A strip of land 30 feet wide for private access and public utility easement purposes located within a portion of the Southeast one-quarter of the Northeast one-quarter of Section 9, Township 13 North, Range 19 East, MDM, Douglas County, Nevada, being more particularly described as follows:

BEGINNING at a 1/2" iron pipe at the Southwesterly corner of Adjusted Parcel 3 as recorded in Book 290 at Page 3128, Document No. 220488 of the Douglas County Recorder's Office, said iron pipe bears S. 71°57'48" W., 1132.99 feet from the North one-sixteenth corner of Sections 9 and 10, Township 13 North, Range 19 East, MDM, being a PK nail as per from the preliminary BLM Township plat and field notes of a re-survey by Dukleth and Parrish in 1985-6;  
thence N. 18°55'10" E., along the Westerly line of said Adjusted Parcel 3, 30.09 feet;  
thence S. 66°37'37" E., 303.25 feet to a point on the Easterly line of said Adjusted Parcel 3;  
thence S. 18°50'58" W., along said Easterly line, 30.09 feet to the Southeasterly corner thereof;  
thence N. 66°37'37" W., along the Southerly line of said Adjusted Parcel 3, 303.29 feet to the POINT OF BEGINNING.

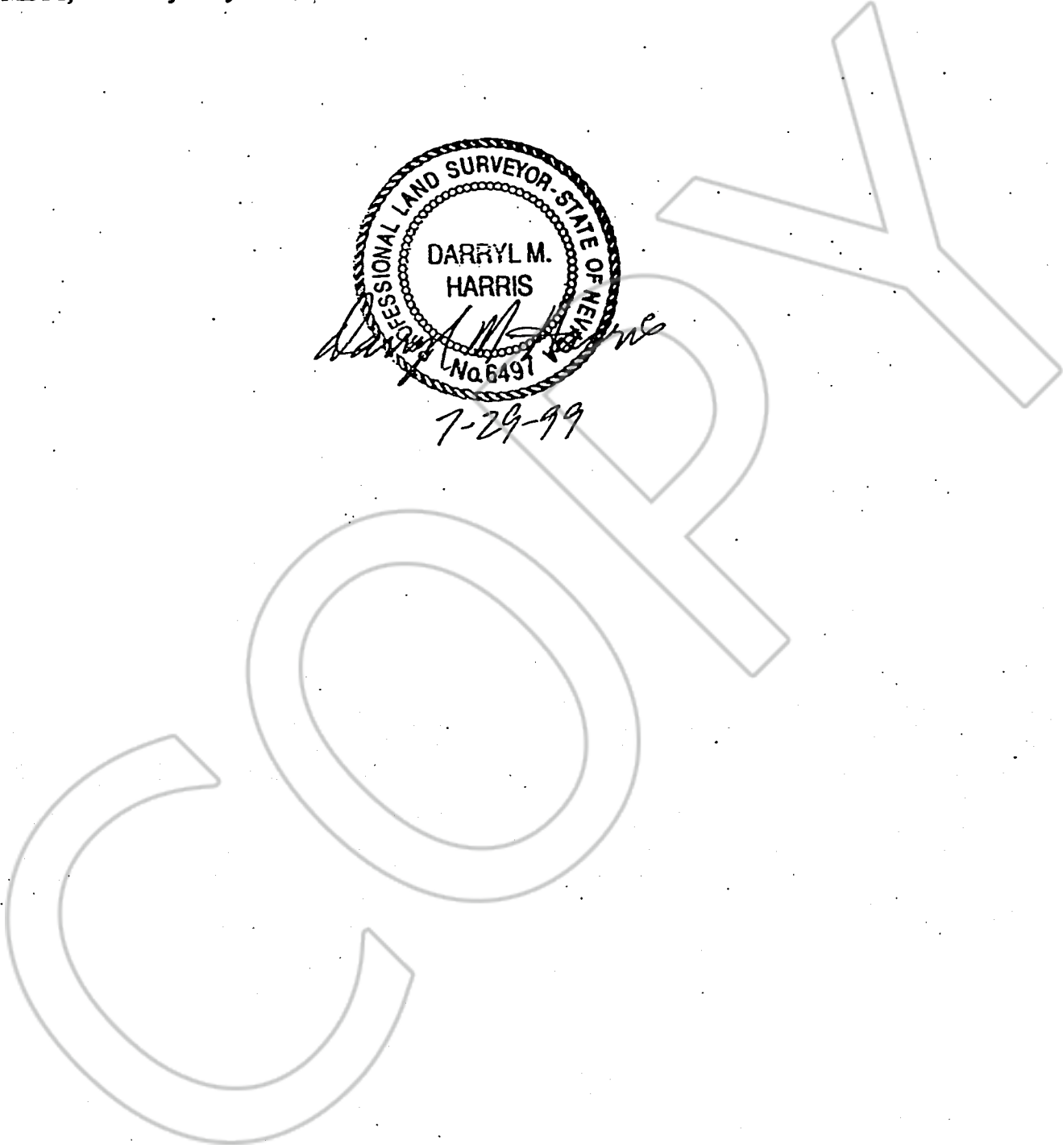
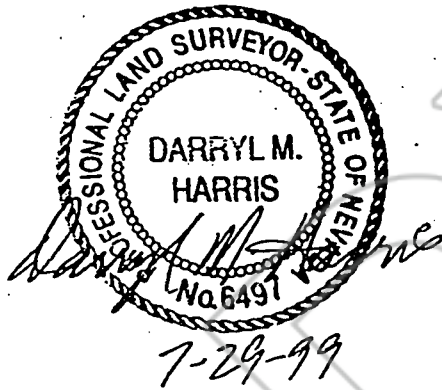
Containing 9098 square feet more or less.

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**Basis of Bearing**

The North line of the South one-half of the Northeast one-quarter of Section 9 as taken from the preliminary BLM Township plat and field notes of a portion of T. 13 N., R. 19 E., MDM, re-surveyed by D.L. Dukleth and J.S. Parrish in 1985-6, (N. 89°36'20" E.).



0474053

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EXHIBIT B

**CLEARY  
NEW PARCEL 2  
LOT LINE ADJUSTMENT  
LEGAL DESCRIPTION**

July 29, 1999

A parcel of land located within a portion of the Southeast one-quarter of the Northeast one-quarter of Section 9, Township 13 North, Range 19 East, MDM, Douglas County, Nevada, being more particularly described as follows:

BEGINNING at the Southeasterly corner of Parcel 3 as recorded in Book 290 at Page 3128, Document No. 220488 of the Douglas County Recorder's Office, said corner bears S.  $59^{\circ}28'19''$  W., 927.48 feet from the North one-sixteenth corner of Sections 9 and 10, Township 13 North, Range 19 East, MDM, being a PK nail as per the preliminary BLM Township plat and field notes of the re-survey by Dukleth and Parrish in 1985-6;

thence N.  $66^{\circ}37'37''$  W., along the Southerly line of said Parcel 3, 69.60 feet;

thence N.  $23^{\circ}22'23''$  E., 30.00 feet;

thence N.  $23^{\circ}09'08''$  W., 86.26 feet;

thence N.  $10^{\circ}36'53''$  E., 77.38 feet;

thence N.  $15^{\circ}38'19''$  W., 81.77 feet;

thence N.  $16^{\circ}00'44''$  E., 118.22 feet to a point on the Southerly line of Parcel 1 as recorded in book 1090 at page 1387, Document No. 236275 of the Douglas County Recorder's Office being a 5/8" rebar and plastic cap stamped PLS 6200;

thence N.  $82^{\circ}27'42''$  E., along said Southerly line, 54.01 feet to a 5/8" rebar and plastic cap stamped PLS 6200;

---

thence S.  $68^{\circ}33'47''$  E., continuing along said Southerly line, 22.70 feet to a 5/8" rebar and plastic cap stamped PLS 6200;

thence S.  $54^{\circ}07'56''$  E., continuing along said Southerly line, 16.81 feet to a 5/8" rebar and plastic cap stamped PLS 6200;

thence S.  $12^{\circ}52'40''$  E., continuing along said Southerly line, 35.37 feet to a 5/8" rebar and plastic cap stamped PLS 6200;

thence S.  $80^{\circ}12'46''$  E., 83.28 feet to a point on the Easterly line of said Parcel 1;

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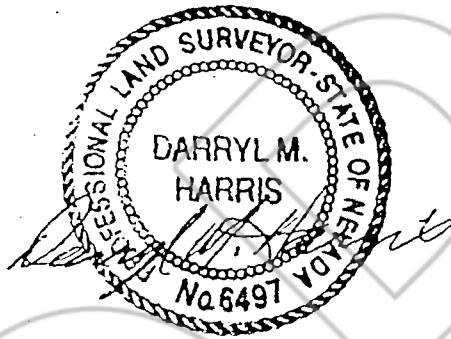
thence S. 18°50'58" W., along said Easterly line , 362.64 to the POINT OF BEGINNING.

Containing 51966 square feet more or less.

Assessor's Parcel No. 17-081-21

Basis of Bearing

The North line of the South one-half of the Northeast one-quarter of Section 9 as taken from the preliminary BLM Township plat and field notes of a portion of T. 13 N., R. 19 E., MDM, re-surveyed by D.L. Dukleth and J.S. Parrish in 1985-6, (N. 89°36'20" E.).



7-29-99

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EXHIBIT C  
CLEARY  
NEW PARCEL 3  
LOT LINE ADJUSTMENT  
LEGAL DESCRIPTION

July 29, 1999

A parcel of land located within a portion of the Southeast one-quarter of the Northeast one-quarter of Section 9, Township 13 North, Range 19 East, MDM, Douglas County, Nevada, being more particularly described as follows:

BEGINNING at a 1/2" iron pipe at the Southwesterly corner of Adjusted Parcel 3 as recorded in Book 290 at Page 3128, Document No. 220488 of the Douglas County Recorder's Office, said iron pipe bears S. 71°57'48" W., 1132.99 feet from the North one-sixteenth corner of Sections 9 and 10, Township 13 North, Range 19 East, MDM, being a PK nail as per the preliminary BLM Township plat and field notes of the re-survey by Dukleth and Parrish in 1985-6;

thence N. 18°55'10" E., along the Westerly line of said Adjusted Parcel 3, 98.37 feet;

thence N. 00°23'40" W., 165.61 feet;

thence S. 66°33'15" E., 174.20 feet;

thence S. 16°00'44" W., 21.23 feet;

thence S. 15°38'19" E., 81.77 feet;

thence S. 10°36'53" W., 77.38 feet;

thence S. 23°09'08" E., 86.26 feet;

thence S. 23°22'23" W., 30.00 feet to a point on the Southerly line of said Adjusted Parcel 3;

thence N. 66°37'37" W., along said Southerly line, 233.69 feet to the POINT OF BEGINNING.

Containing 48163 square feet more or less.

Assessor's Parcel No. 17-081-22

**Basis of Bearing**

The North line of the South one-half of the Northeast one-quarter of Section 9 as taken from the preliminary BLM Township plat and field notes of a portion of T. 13 N., R. 19 E., M.D.M., re-surveyed by D.L. Dukleth and J.S. Parrish in 1985-6, (N. 89°36'20" E.).

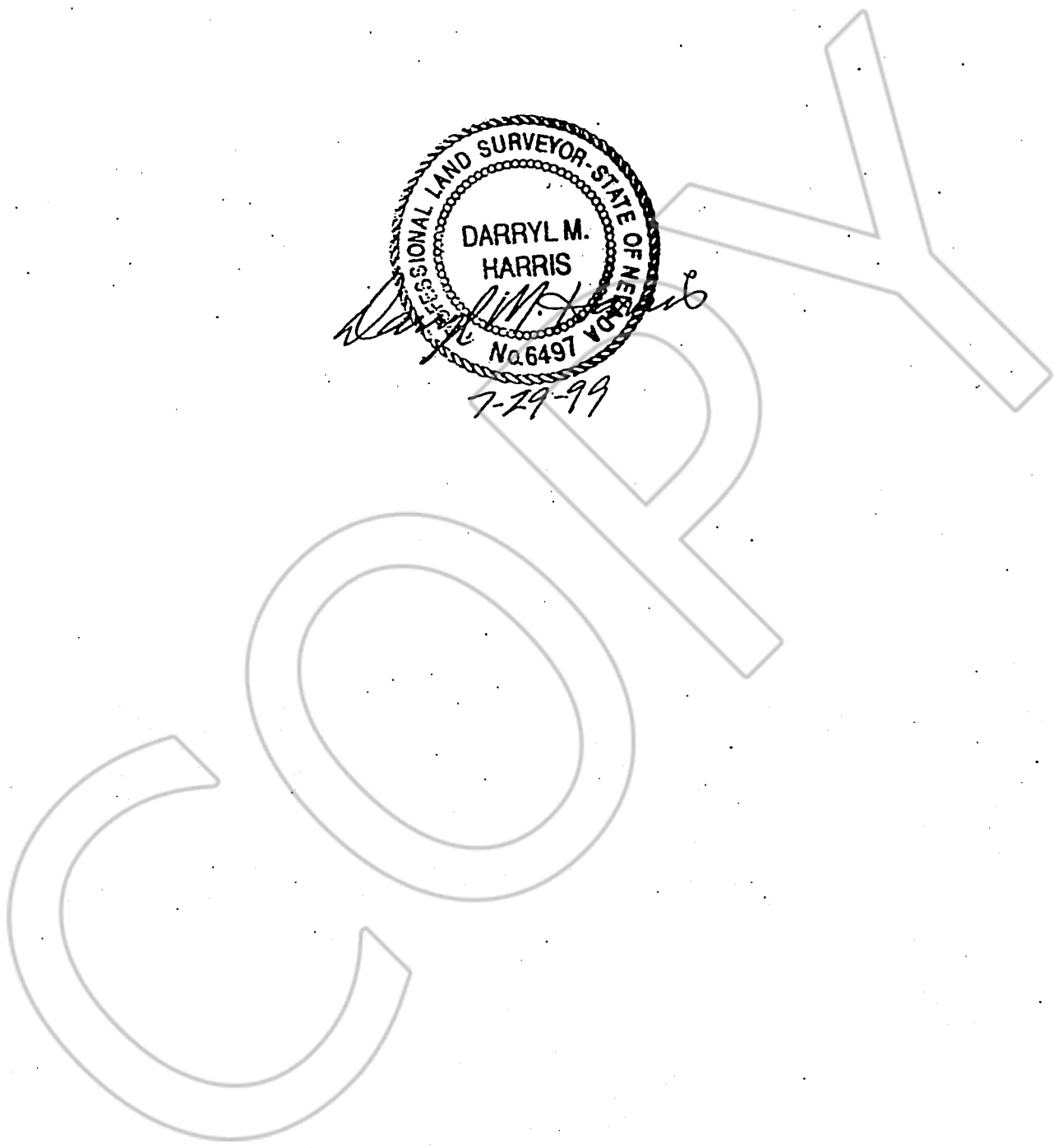
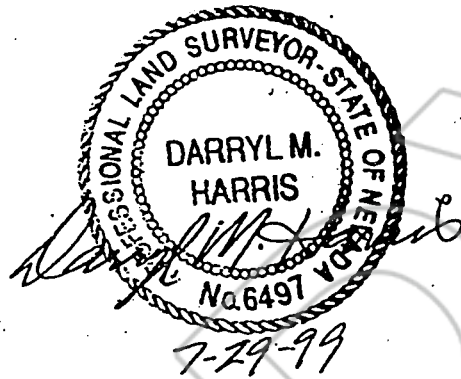


EXHIBIT D  
RAYCRAFT  
NEW PARCEL  
LOT LINE ADJUSTMENT  
LEGAL DESCRIPTION

July 29, 1999

A parcel of land located within a portion of the Southeast one-quarter of the Northeast one-quarter of Section 9, Township 13 North, Range 19 East, MDM, Douglas County, Nevada, being more particularly described as follows:

BEGINNING at the Northeast one-sixteenth corner of said Section 9, as per the preliminary BLM Township plat and field notes of a re-survey by Dukleth and Parrish in 1985-6;

thence N. 89°36'20" E., along the North line of the South one-half of the Northeast one-quarter of said Section 9 being the original Town of Genoa boundary line, 264.20 feet;

thence S. 00°23'40" E., 250.55 feet to a point on the Westerly line of the Cleary parcel as recorded in Book 790 at Page 1942, Document No. 230230 of the Douglas County Recorder's Office;

thence S. 18°55'10" W., along said Westerly line, 98.37 feet to a ½" iron pipe;

thence S. 66°37'37" E., along the Southerly line of said Cleary parcel, 53.26 feet to a ¾" iron pipe;

thence S. 19°41'17" W., 269.63 feet to a 1 ½" iron pipe;

thence N. 66°37'37" W., 209.59 feet;

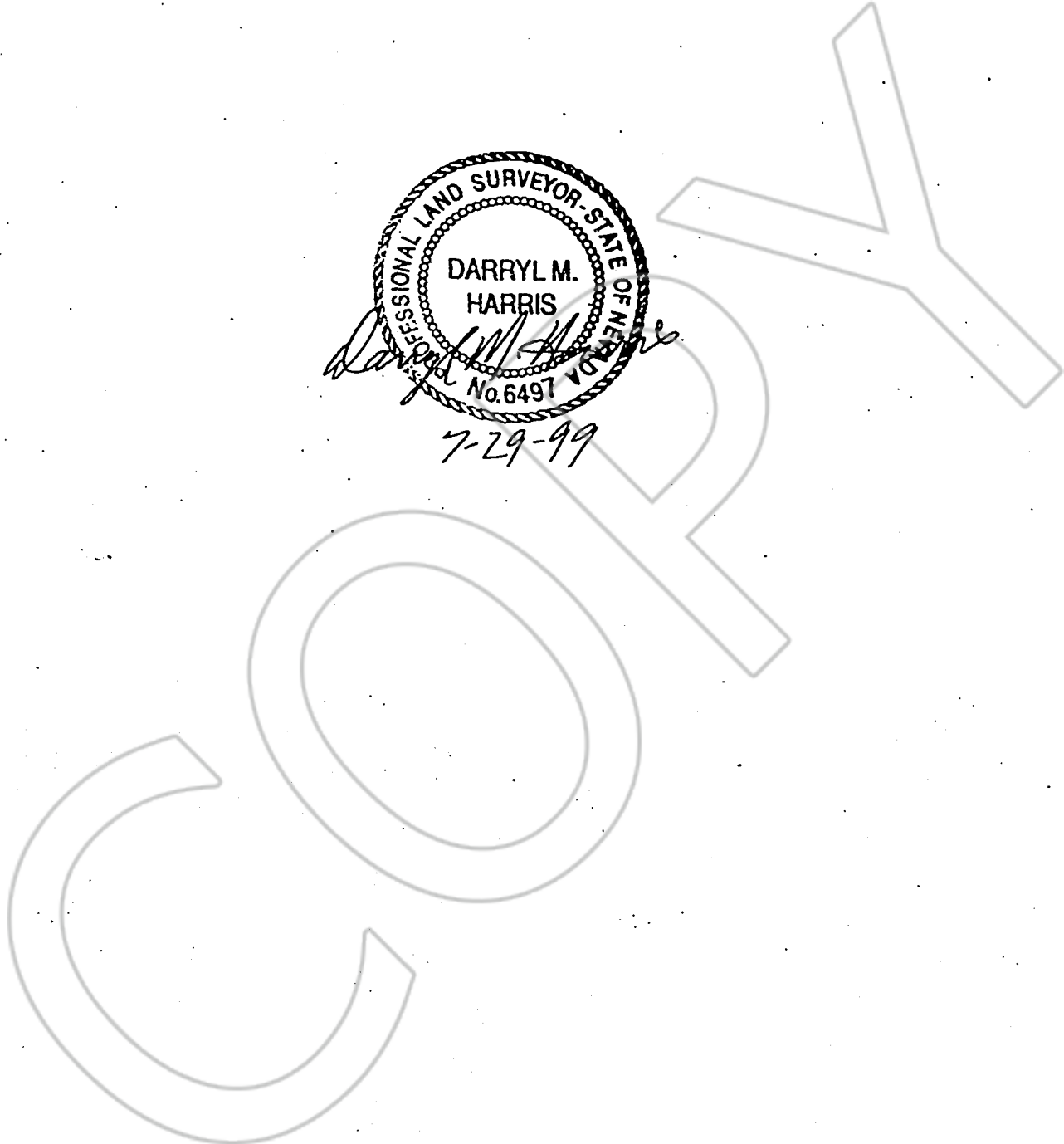
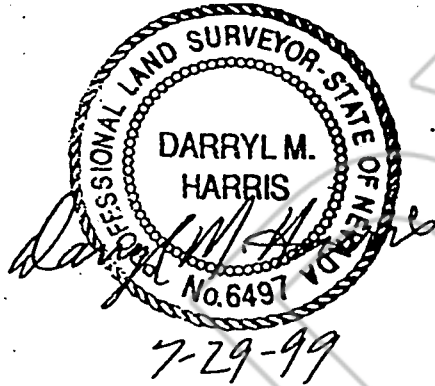
thence N. 00°02'01" E., 533.63 feet to the POINT OF BEGINNING.

Containing 3.381 acres more or less.

Assessor's Parcel No. 17-081-02

**Basis of Bearing**

The North line of the South one-half of the Northeast one-quarter of Section 9 as taken from the preliminary BLM Township plat and field notes of a portion of T. 13 N., R. 19 E., MDM, re-surveyed by D.L. Dukleth and J.S. Parrish in 1985-6, (N. 89°36'20" E.).



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**RAYCRAFT / CLEARY  
ADJUSTMENT PORTION  
LEGAL DESCRIPTION**

July 29, 1999

A parcel of land located within a portion of the Southeast one-quarter of the Northeast one-quarter of Section 9, Township 13 North, Range 19 East, MDM, Douglas County, Nevada, being more particularly described as follows:

BEGINNING at a point being the intersection of the North line of the South one-half of the Northeast one-quarter of said Section 9 and the Westerly line of Parcel 1 as recorded in Book 1090 at Page 1387, Document No. 236275, of the Douglas County Recorder's Office, said point bears S. 89°36'20" W., 959.36 feet from the North one-sixteenth corner of Sections 9 and 10, Township 13 North, Range 19 East, MDM, being a PK nail as per the preliminary BLM Township plat and field notes of a re-survey by Dukleth and Parrish in 1985-6;

thence S. 18°55'10" W., along the said Westerly line of Parcel 1 and the Westerly line of Parcels 2 and 3, as recorded in Book 790 at Page 1926, Document No. 230225 and in Book 790 at Page 1942, Document No. 230230 respectively, 265.49 feet;

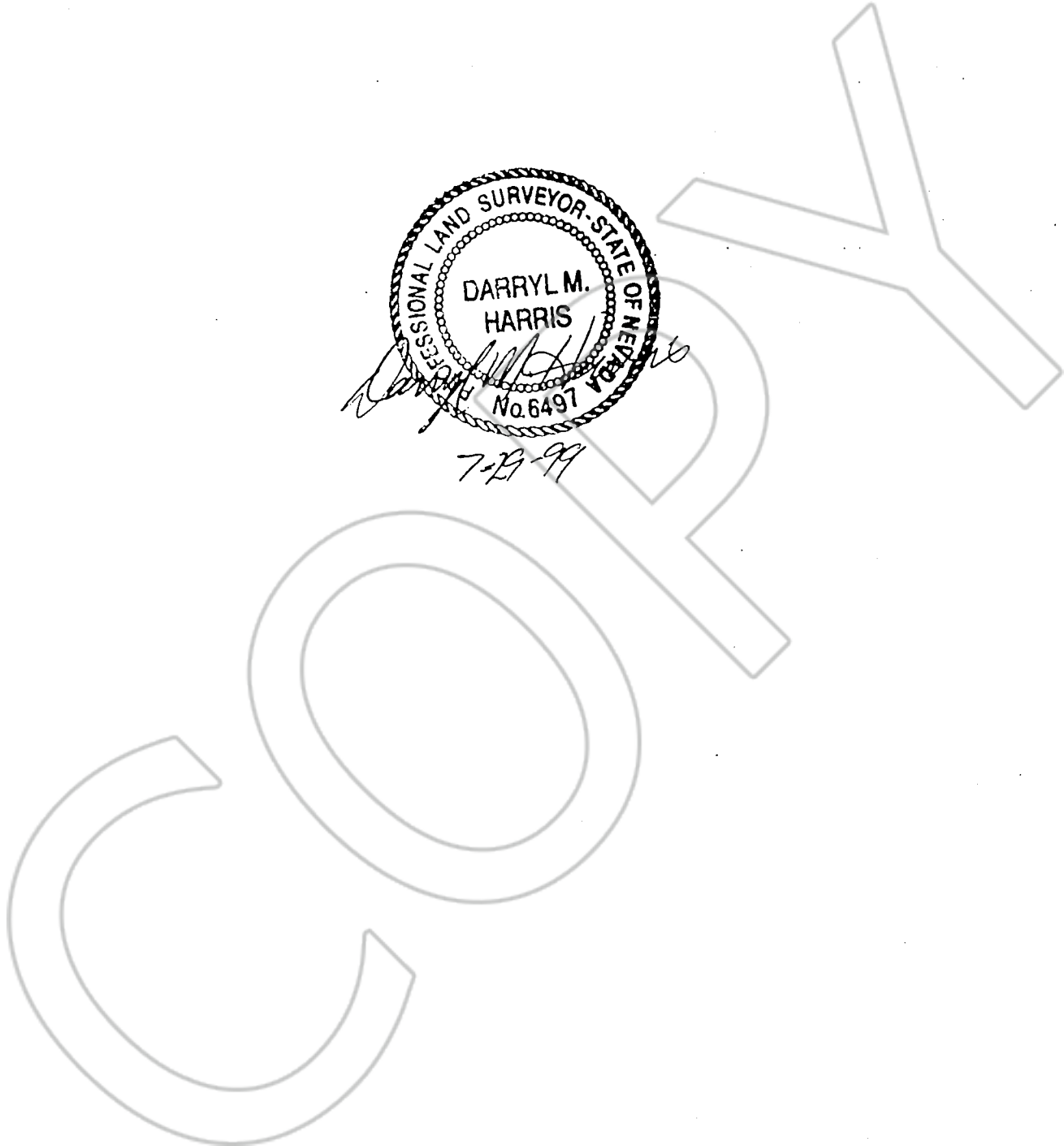
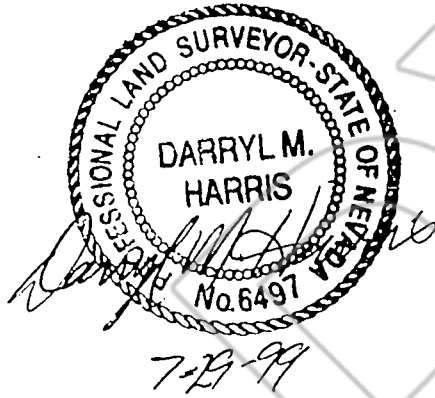
thence N. 00°23'40" W., 250.55 feet to a point on said North line of the South one-half of the Northeast one-quarter of Section 9, also being the original Town of Genoa boundary line;

thence N. 89°36'20" E., along said North line, 87.81 feet to the POINT OF BEGINNING.

Containing 11000 square feet more or less.

**Basis of Bearing**

The North line of the South one-half of the Northeast one-quarter of Section 9 as taken from the preliminary BLM Township plat and field notes of a portion of T. 13 N., R. 19 E., MDM, re-surveyed by D.L. Dukleth and J.S. Parrish in 1985-6, (N. 89°36'20" E.).



COPY

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**CLEARY  
NEW PARCEL 1  
LOT LINE ADJUSTMENT  
LEGAL DESCRIPTION**

July 29, 1999

A parcel of land located within a portion of the Southeast one-quarter of the Northeast one-quarter of Section 9, Township 13 North, Range 19 East, MDM, Douglas County, Nevada, being more particularly described as follows:

BEGINNING at a 5/8" rebar and plastic cap stamped PLS 6200 at the Northeasterly corner of Parcel 1 as recorded in Book 1090 at Page 1387, Document No. 236275 of the Douglas County Recorder's Office, said point bears S. 87°40'30" W., 647.58 feet from the North one-sixteenth corner of Sections 9 and 10, Township 13 North, Range 19 East, MDM, being a found PK nail as per the preliminary BLM Township plat and field notes of the re-survey by Dukleth and Parrish in 1985-6;

thence S. 18°50'58" W., along the Easterly line of said Parcel 1, 107.42 feet;

thence N. 80°12'46" W., 83.28 feet to a point on the Southerly line of said Parcel 1, being a 5/8" rebar and plastic cap stamped PLS 6200;

thence N. 12°52'40" W., along said Southerly line, 35.37 feet to a 5/8" rebar and plastic cap stamped PLS 6200;

thence N. 54°07'56" W., continuing along said Southerly line, 16.81 feet to a 5/8" rebar and plastic cap stamped PLS 6200;

thence N. 68°33'47" W., continuing along said Southerly line, 22.70 feet to a 5/8" rebar and plastic cap stamped PLS 6200;

thence S. 82°27'42" W., continuing along said Southerly line, 54.01 feet to a 5/8" rebar and plastic cap stamped PLS 6200;

thence S. 16°00'44" W., 96.99 feet to a point on said Southerly line;

thence N. 66°33'15" W., along said Southerly line, 174.20 feet;

thence N. 00°23'40" W., 84.94 feet to a point on the North line of the South one-half of the Northeast one-quarter of said Section 9 and the original Town of Genoa boundary line;

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thence N. 89°36'20" E., along said North line, 87.81 feet to a point on the  
Westerly line of said Parcel 1;

thence N. 19°13'37" E., along said Westerly line, 6.50 feet to a 1/2" rebar;

thence N. 64°48'30" E., along the Northerly line of said Parcel 1, 86.03 to a 1/2"  
rebar;

thence S. 89°02'10" E., continuing along said Northerly line, 151.07 feet to 3/4"  
iron pipe;

thence S. 04°09'37" W., continuing along said Northerly line, 38.74 feet to a point  
on the above mentioned North line of the South one-half of the Northeast one-quarter of  
said Section 9;

thence N. 89°36'20" E., along said North line, 27.04 feet;

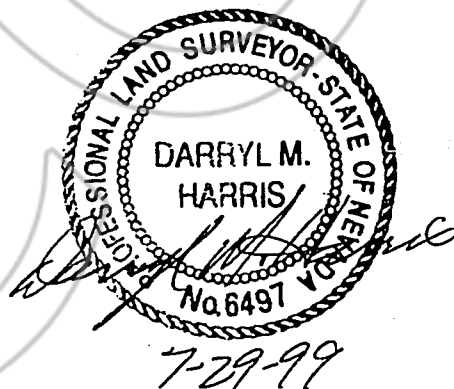
thence S. 69°24'47" E., along the Northerly line of said Parcel 1, 60.93 feet to the  
POINT OF BEGINNING.

Containing 47558 square feet more or less.

Assessor's Parcel No. 17-081-20

Basis of Bearing

The North line of the South one-half of the Northeast one-quarter of Section 9 as  
taken from the preliminary BLM Township plat and field notes of a portion of T. 13 N.,  
R. 19 E., MDM, re-surveyed by D.L. Dukleth and J.S. Parrish in 1985-6,  
(N. 89°36'20" E.).



COPY

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BK0899PG1488

**CLEARY  
NEW PARCEL 2  
LOT LINE ADJUSTMENT  
LEGAL DESCRIPTION**

July 29, 1999

A parcel of land located within a portion of the Southeast one-quarter of the Northeast one-quarter of Section 9, Township 13 North, Range 19 East, MDM, Douglas County, Nevada, being more particularly described as follows:

BEGINNING at the Southeasterly corner of Parcel 3 as recorded in Book 290 at Page 3128, Document No. 220488 of the Douglas County Recorder's Office, said corner bears S. 59°28'19" W., 927.48 feet from the North one-sixteenth corner of Sections 9 and 10, Township 13 North, Range 19 East, MDM, being a PK nail as per the preliminary BLM Township plat and field notes of the re-survey by Dukleth and Parrish in 1985-6;

thence N. 66°37'37" W., along the Southerly line of said Parcel 3, 69.60 feet;

thence N. 23°22'23" E., 30.00 feet;

thence N. 23°09'08" W., 86.26 feet;

thence N. 10°36'53" E., 77.38 feet;

thence N. 15°38'19" W., 81.77 feet;

thence N. 16°00'44" E., 118.22 feet to a point on the Southerly line of Parcel 1 as recorded in book 1090 at page 1387, Document No. 236275 of the Douglas County Recorder's Office being a 5/8" rebar and plastic cap stamped PLS 6200;

thence N. 82°27'42" E., along said Southerly line, 54.01 feet to a 5/8" rebar and plastic cap stamped PLS 6200;

thence S. 68°33'47" E., continuing along said Southerly line, 22.70 feet to a 5/8" rebar and plastic cap stamped PLS 6200;

thence S. 54°07'56" E., continuing along said Southerly line, 16.81 feet to a 5/8" rebar and plastic cap stamped PLS 6200;

thence S. 12°52'40" E., continuing along said Southerly line, 35.37 feet to a 5/8" rebar and plastic cap stamped PLS 6200;

thence S. 80°12'46" E., 83.28 feet to a point on the Easterly line of said Parcel 1;

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**BK0899PG1489**



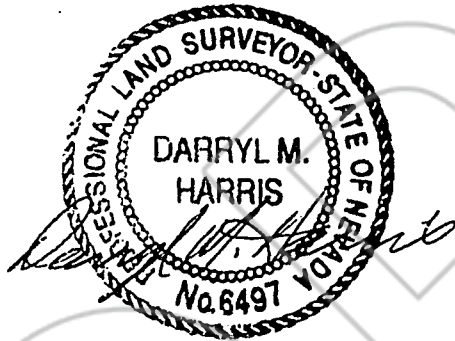
thence S. 18°50'58" W., along said Easterly line , 362.64 to the POINT OF BEGINNING.

Containing 51966 square feet more or less.

Assessor's Parcel No. 17-081-21

**Basis of Bearing**

The North line of the South one-half of the Northeast one-quarter of Section 9 as taken from the preliminary BLM Township plat and field notes of a portion of T. 13 N., R. 19 E., MDM, re-surveyed by D.L. Dukleth and J.S. Parrish in 1985-6, (N. 89°36'20" E.).



7-29-99

COPY

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**CLEARY  
NEW PARCEL 3  
LOT LINE ADJUSTMENT  
LEGAL DESCRIPTION**

July 29, 1999

A parcel of land located within a portion of the Southeast one-quarter of the Northeast one-quarter of Section 9, Township 13 North, Range 19 East, MDM, Douglas County, Nevada, being more particularly described as follows:

BEGINNING at a 1/2" iron pipe at the Southwesterly corner of Adjusted Parcel 3 as recorded in Book 290 at Page 3128, Document No. 220488 of the Douglas County Recorder's Office, said iron pipe bears S. 71°57'48" W., 1132.99 feet from the North one-sixteenth corner of Sections 9 and 10, Township 13 North, Range 19 East, MDM, being a PK nail as per the preliminary BLM Township plat and field notes of the re-survey by Dukleth and Parrish in 1985-6;

thence N. 18°55'10" E., along the Westerly line of said Adjusted Parcel 3, 98.37 feet;

thence N. 00°23'40" W., 165.61 feet;

thence S. 66°33'15" E., 174.20 feet;

thence S. 16°00'44" W., 21.23 feet;

thence S. 15°38'19" E., 81.77 feet;

thence S. 10°36'53" W., 77.38 feet;

thence S. 23°09'08" E., 86.26 feet;

thence S. 23°22'23" W., 30.00 feet to a point on the Southerly line of said Adjusted Parcel 3;

thence N. 66°37'37" W., along said Southerly line, 233.69 feet to the POINT OF BEGINNING.

Containing 48163 square feet more or less.

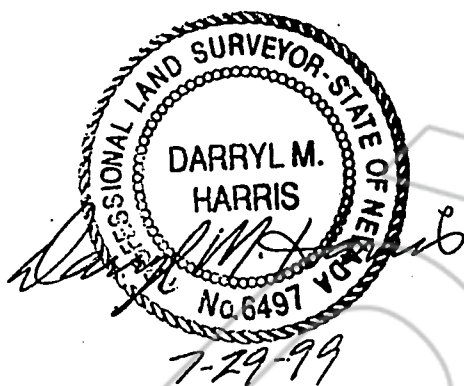
Assessor's Parcel No. 17-081-22

0474053

BK0899PG1492

**Basis of Bearing**

The North line of the South one-half of the Northeast one-quarter of Section 9 as taken from the preliminary BLM Township plat and field notes of a portion of T. 13 N., R. 19 E., M.D.M., re-surveyed by D.L. Dukleth and J.S. Parrish in 1985-6, (N. 89°36'20" E.).



COPY

0474053  
BK0899PG1494

**RAYCRAFT  
NEW PARCEL  
LOT LINE ADJUSTMENT  
LEGAL DESCRIPTION**

July 29, 1999

A parcel of land located within a portion of the Southeast one-quarter of the Northeast one-quarter of Section 9, Township 13 North, Range 19 East, MDM, Douglas County, Nevada, being more particularly described as follows:

BEGINNING at the Northeast one-sixteenth corner of said Section 9, as per the preliminary BLM Township plat and field notes of a re-survey by Dukleth and Parrish in 1985-6;

thence N. 89°36'20" E., along the North line of the South one-half of the Northeast one-quarter of said Section 9 being the original Town of Genoa boundary line, 264.20 feet;

thence S. 00°23'40" E., 250.55 feet to a point on the Westerly line of the Cleary parcel as recorded in Book 790 at Page 1942, Document No. 230230 of the Douglas County Recorder's Office;

thence S. 18°55'10" W., along said Westerly line, 98.37 feet to a ½" iron pipe;

thence S. 66°37'37" E., along the Southerly line of said Cleary parcel, 53.26 feet to a ¾" iron pipe;

thence S. 19°41'17" W., 269.63 feet to a 1 ½" iron pipe;

thence N. 66°37'37" W., 209.59 feet;

thence N. 00°02'01" E., 533.63 feet to the POINT OF BEGINNING.

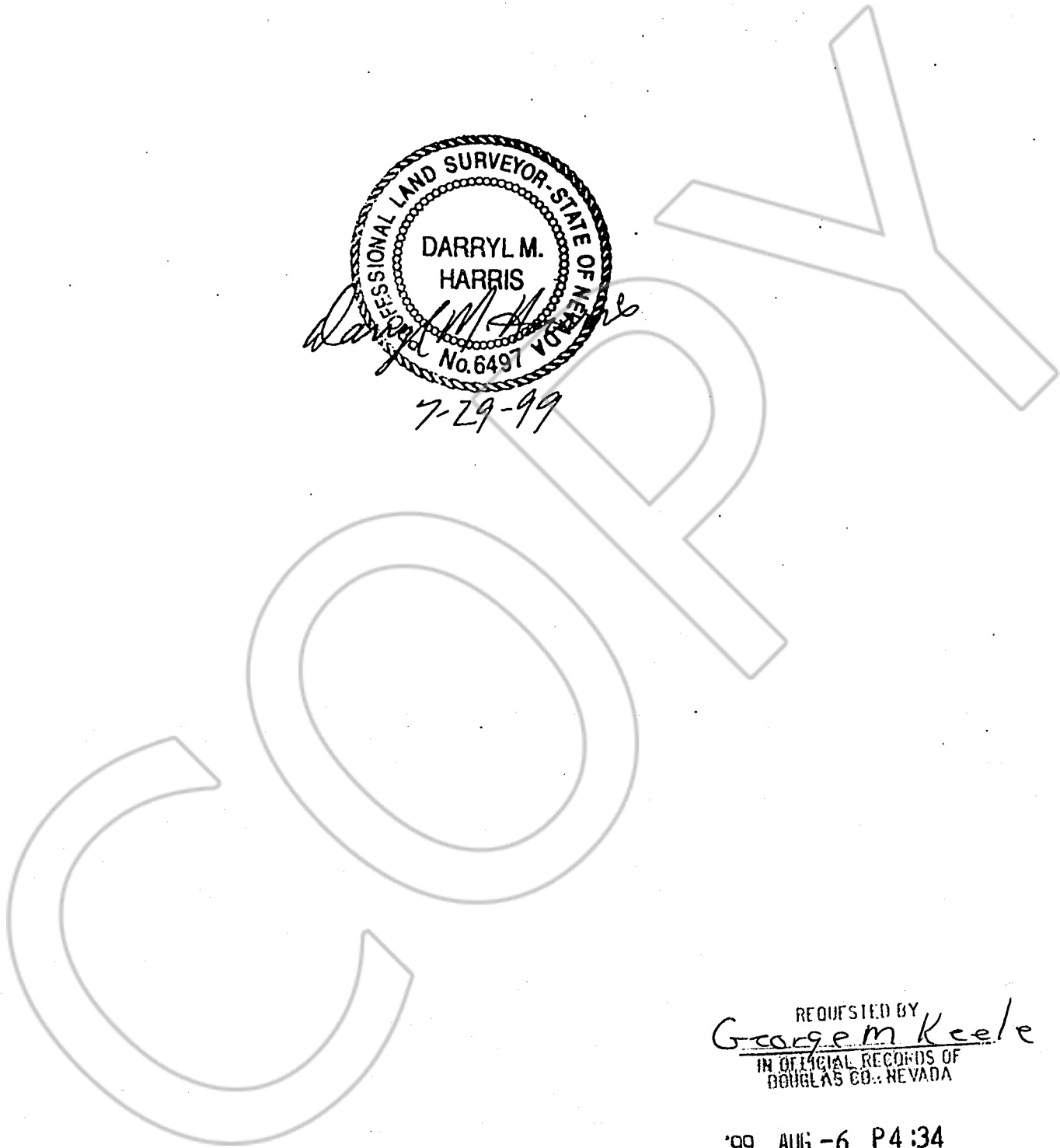
Containing 3.381 acres more or less.

Assessor's Parcel No. 17-081-02

**0474053  
BK0899PG1495**

**Basis of Bearing**

The North line of the South one-half of the Northeast one-quarter of Section 9 as taken from the preliminary BLM Township plat and field notes of a portion of T. 13 N., R. 19 E., MDM, re-surveyed by D.L. Dukleth and J.S. Parrish in 1985-6, (N. 89°36'20" E.).



REQUESTED BY  
*Gargem Keele*  
IN OFFICIAL RECORDS OF  
DOUGLAS CO., NEVADA

'99 AUG -6 P4:34

0474053  
Page 2 of 2

LINDA SLATER  
RECORDER  
53 PAID *K2* DEPUTY