

WHEN RECORDED RETURN TO:  
✓ Scott J. Heaton, Esq.  
P.O. Box 605  
Carson City, NV 89702

RIGHT OF WAY GRANT

THIS INDENTURE, made and entered into this 4th day of December, 2000, by and between DONALD ODELL ASHURST and PHYLLIS ALVINA ASHURST, as Grantors and Co-Trustees under the P & D FAMILY TRUST AGREEMENT dated July 9, 1998, and their successors (hereinafter called "Grantor"), and DONALD ODELL ASHURST and PHYLLIS ALVINA ASHURST, as Grantors and Co-Trustees under the P & D FAMILY TRUST AGREEMENT dated July 9, 1998, and their successors (hereinafter called the "Grantee").

RECITALS:

WHEREAS, Grantor is the owner of certain real property more particularly described in Exhibit "A", attached hereto and by this reference incorporated herein; and

WHEREAS, Grantee is the owner of certain real property more particularly described in Exhibit "B", attached hereto and by this reference incorporated herein; and

WHEREAS, Grantor is desirous of granting a right of way to Grantee pursuant to the terms and agreements set forth below.

NOW, THEREFORE, the parties covenant and agree as follows:

1. That for and in consideration of the sum of ONE DOLLAR (\$1.00), lawful money of the United States of America, this day in hand paid by the Grantee to the Grantor, receipt of which is hereby acknowledged, and other consideration, and subject to all the terms and conditions hereof, the Grantor hereby grants and gives to the Grantee, its successors and assigns, the right, privilege and authority to construct, erect, alter, improve,

repair, operate and maintain underground sewer facilities and pipeline, together with any and all necessary or convenient appurtenances connected therewith, across, over and upon the lands and premises, as described in Exhibit "C", attached hereto and made a part hereof.

2. That the Grantee, its successors and assigns, shall at all times have ingress to and egress from said land for the purpose of constructing, repairing, renewing, altering, changing, patrolling and operating said sewer facilities and pipeline.

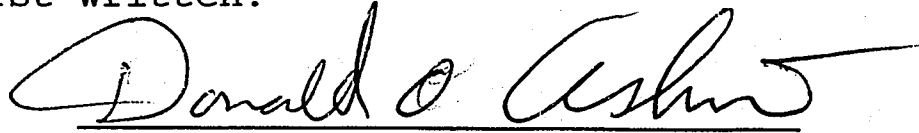
3. That the Grantee, its successors and assigns, will at all times save and hold harmless the Grantor, its heirs, successors and assigns, of and from any and all loss, damage or liability they may suffer or sustain by reason of any injury or damage to the person or property of another, caused by negligent construction, maintenance or operation of said sewer facilities and pipeline.

4. That the Grantee, its successors and assigns, shall have the right to remove or clear, and keep clear, any and all trees, underbrush, structures or any other obstruction upon said right of way.

5. Grantor shall retain all rights to use Grantor's property which are not inconsistent with, and do not unreasonably interfere with, the rights of the Grantee to use and enjoy the right of way herein granted.

6. Nothing contained in this Right of Way Grant, express or implied, is intended to confer upon any person, other than the parties hereto and their respective successors and assigns, any rights or remedies under or by reason of this Right of Way Grant.

IN WITNESS WHEREOF, Grantor has executed these presents  
the day and year hereinabove first written.



DONALD ODELL ASHURST, Grantor  
and Co-Trustee under the P & D  
FAMILY TRUST AGREEMENT dated  
July 9, 1998



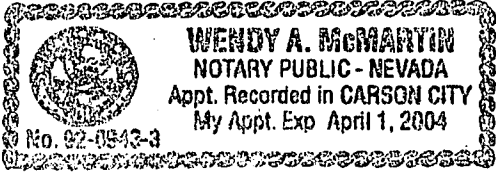
PHYLLIS ALVINA ASHURST, Grantor  
and Co-Trustee under the P & D  
FAMILY TRUST AGREEMENT dated  
July 9, 1998

COPY

STATE OF NEVADA )  
 ) SS.  
CARSON CITY )

On December 4, 2000, personally appeared before me, a Notary Public, DONALD ODELL ASHURST and PHYLLIS ALVINA ASHURST, Grantors and Co-Trustees under the P & D FAMILY TRUST AGREEMENT dated July 9, 1998, who acknowledged to me that they executed the above instrument.

Wendy A. McMartyin  
Notary Public



COPY

Exhibit A

All that real property situate in the County of Douglas, State of Nevada, described as follows:

Being a portion of the Northeast quarter of the Southeast quarter of Section 10, Township 12 North, Range 20 East, M.D.B. & M., further described as:

COMMENCING at a point on the Southwesterly U.S. Highway 395 right-of-way line, which bears South 45°32' East, a distance of 200.20 feet from the Southeast corner of the PHIL S. McADAM property as the same is described in Deed recorded in Book Z of Deeds, Page 463, Douglas County, Nevada Records, THE TRUE POINT OF BEGINNING;

thence South 44°28' West, a distance of 130.00 feet;

thence South 45°32' East, a distance of 326.10 feet;

thence North 44°28' East, a distance of 128.95 feet to a point on the Southwesterly right-of-way line of U.S. Highway 395;

thence Northwestery along the said Southwesterly right-of-way line to the POINT OF BEGINNING.

EXCEPTING THEREFROM the parcel conveyed to Jan R. Thran and Yvonne F. Thran by Deed recorded March 15, 1960, in Book 1 of Official Records of Douglas County, Nevada, Page 575, as Document No. 15719. The exception being more fully described as follows:

BEGINNING at a point at the Northeastery corner of the parcel on the Westerly right-of-way line of U.S. Highway 395, said point being South 45°32' East, a distance of 200.00 feet from the Southeast corner of the Phil S. McAdam property as the same is described and recorded in Book Z, Page 463, Douglas County Records; said point being further described as bearing South 4°13'55" West, a distance of 3,523.26 feet from the section corner common to Sections 2, 3, 10 and 11, Township 12 North, Range 20 East;

thence South 45°32' East along the said Westerly Highway right-of-way line, a distance of 151.00 feet to a point;

thence South 44°28' West, a distance of 130.00 feet to a point;

thence North 45°32' West, a distance of 151.00 feet to a point;

thence North 44°28' East, a distance of 130.00 feet to the POINT OF BEGINNING.

Assessor's Parcel Number: 1220-10-701-007

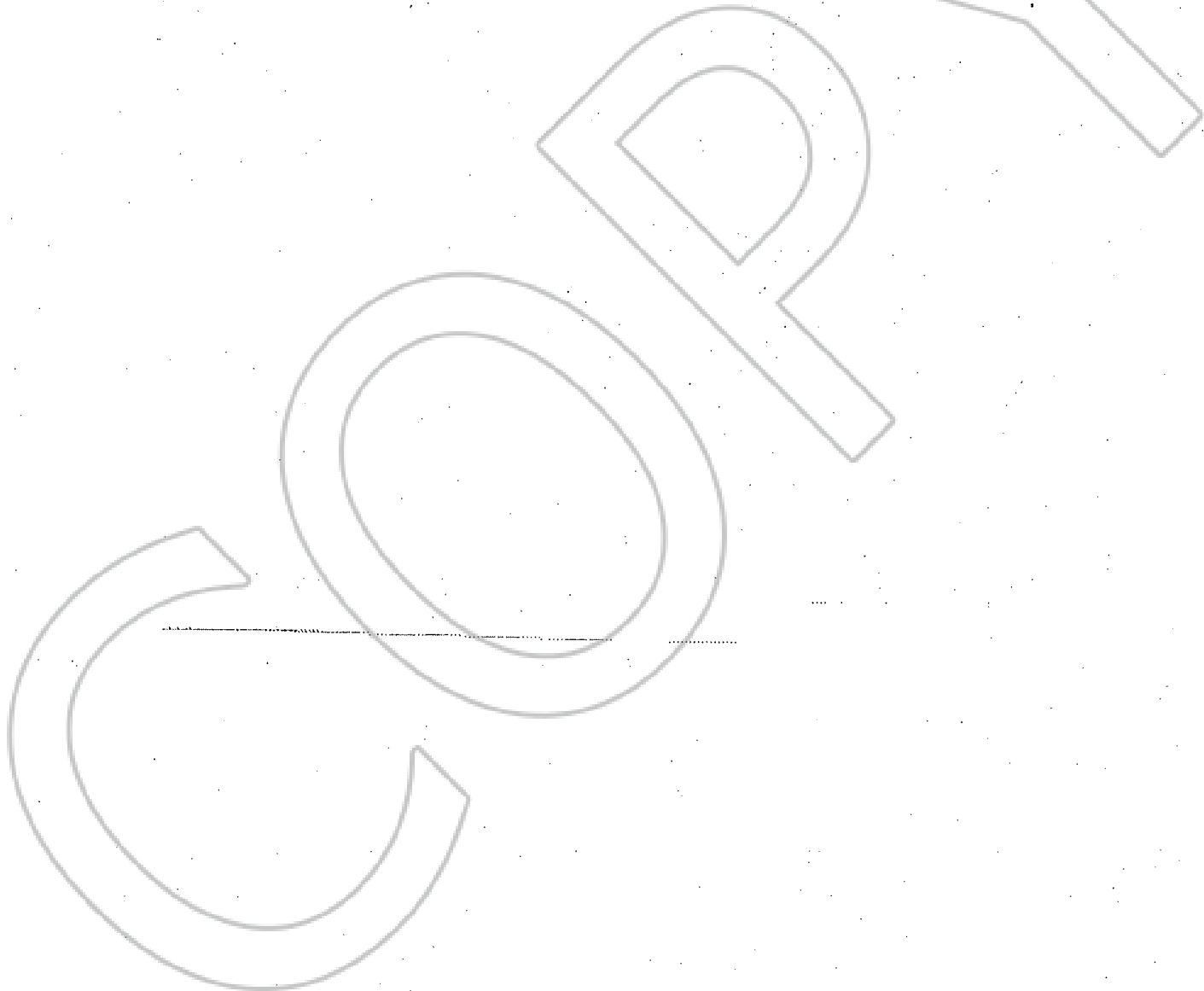
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EXHIBIT "B"

A Portion of the Northeast 1/4 of the Southeast 1/4 of Section 10, Township 12 North, Range 20 East, M.D.B. & M., described as follows:

Beginning at a point at the Northeasterly corner of the parcel on the Westerly right of way line of U.S. Highway No. 395, said point being South 45°32' East a distance of 200.00 feet from the Southeast corner of the Phil S. McAdam property as the same is described and recorded in Book Z, Page 463, Douglas County Records; said point being further described as bearing South 4°13'55" West a distance of 3623.26 feet from the section corner common to Sections 2, 3, 10 and 11, Township 12 North, Range 20 East; thence South 45°32' East along the said Westerly highway right of way line a distance of 151.00 feet to a point; thence South 44°28' West a distance of 130.00 feet to a point; thence North 45°32' West a distance of 151.00 to a point; thence North 44°28' East a distance of 130.00 feet to the point of beginning. Assessor's Parcel No. 27-210-03. New 1220-10-701-006



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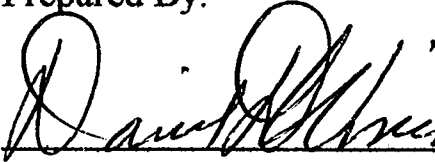
EXHIBIT "C"

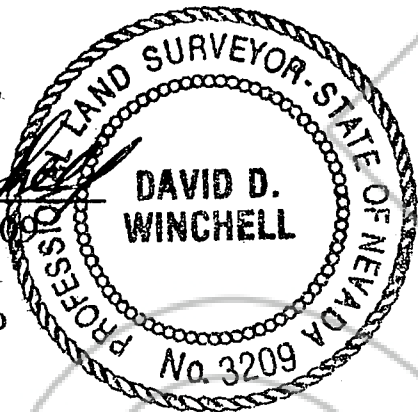
**LEGAL DESCRIPTION**

That portion of the Northeast ¼ of the Southeast ¼ of Section 10, Township 12 North, Range 20 East, M.D.B. & M. in the County of Douglas, being more particularly described as follows:

The Northwesterly 10.00 feet of that Parcel of Land described in that certain Grant, Bargain and Sale Deed, recorded in Book 1299 at Pages 4951 and 4952 as Document No. 483424 of the Official Records of said Douglas County.

Prepared By:

  
David D. Winchell, PLS 3209



Dated: 11/27/2000

REQUESTED BY  
Scott J. Heaton Esq  
IN OFFICIAL RECORDS OF  
DOUGLAS CO., NEVADA

2000 DEC 27 AM 10:39

LINDA SLATER  
RECORDER

\$13<sup>00</sup> PAID Kg DEPUTY

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