

A.P.N. 05-111-04
05-111-05

WHEN RECORDED MAIL TO:

J. Richard Barnard
c/o Barnard Vogler & Co.
100 W. Liberty St, 11th floor
Reno, Nevada 89501

WITH A COPY TO:

Willard T. Wylie
400 Grandview
Vacaville, California 95688

**SHARED USE AND
DRIVEWAY MAINTENANCE AGREEMENT**

THIS SHARED USE AND DRIVEWAY MAINTENANCE AGREEMENT ("Agreement") is made this 10 day of December 2001, by and between WILLARD T. WYLIE AND MERRILL M. WYLIE, as Co-Trustees of the WYLIE FAMILY TRUST dated June 18, 1998 ("Wylie") and J. RICHARD BARNARD and ANN B. BARNARD, husband and wife ("Barnard"), with regard to the following:

RECITALS:

- A. Wylie is the owner of that certain parcel of real property situated in the County of Douglas, State of Nevada, more particularly described as follows ("Parcel 1"):**

Parcel 2 as shown upon that certain Parcel map of V. V. Smith filed for record on September 6, 1974 in Book 974 of Official Records at Page 110, Douglas County, Nevada as Document 75181, being portions of Lots 3 and 8 in Block H as shown in the Amended map of Subdivision No. 2, Zephyr Cove Properties, Inc., filed in the Office of the County Recorder of Douglas County, Nevada. (APN # 05-111-04)

- B. Barnard is the owner of that certain parcel of real property situated in the County of Douglas, State of Nevada, more particularly described as follows ("Parcel 2"):**

A portion of Lot 3, Block H, Amended map of Subdivision No. 2, Zephyr Cove Properties, Inc., more particularly described as follows: Parcel 3 as shown on the Parcel map for V. V. Smith, filed in the Office of the Douglas County Recorder on September, 6, 1976, as file No. 75181. (APN # 05-111-05)

- C. A shared driveway exists between Parcel 1 and Parcel 2 (the "Parcels") and has been used by Wylie and Barnard (the "Parties"), and by their predecessors in interest.**

D. Barnard recently purchased Parcel 2 and is the successor in interest to title from Susan Shay, Trustee of the Susan Shay Trust dated November 18, 1999 (herein "Shay"). Barnard desires to set forth the understanding for the use and maintenance of the driveway in this Agreement.

E. Wylie also desires to set forth the understanding for the use and maintenance of the driveway in this Agreement.

NOW THEREFORE, in consideration of the mutual covenants, conditions and promises set forth below, Barnard and Wylie agree as follows:

1. Use Agreement. Wylie grants to Barnard the right to perpetual non-exclusive continued use of the shaded portion of the driveway as described on Exhibit "A" and shown on Exhibit "B" attached hereto and incorporated herein.
2. Repair and Maintenance of the Driveway. Wylie and Barnard shall equally share all reasonable and necessary maintenance, repair and replacement costs for the shaded portion of the driveway shown on Exhibit "B". All maintenance, replacement and repairs shall be consistent with the historic manner in which the driveway has been previously maintained.
3. Other Maintenance. All other costs related to repair, or replacement costs of the driveway shall be the sole responsibility of the owner of the parcel upon which that portion of the driveway is located.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and year first above written.

Willard T. Wylie
WILLARD T. WYLIE

Co-Trustee of the Wylie Family Trust

Merrill M. Wylie
MERRILL M. WYLIE

Co-Trustee of the Wylie Family Trust

J. Richard Barnard
J. RICHARD BARNARD

Ann B. Barnard
ANN B. BARNARD

December 7, 2001
01061

EXHIBIT "A"

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

All that portion of Lots 3 and 8, Block II, of the Amended Map of Subdivision No.2 of Zephyr Cove Properties Inc., Document No. 00267, more particularly as follows:

Beginning at the most Southerly corner of said Lot 8;
thence North $80^{\circ}32'00''$ West 4.32 feet;
thence North $28^{\circ}55'10''$ East 17.08 feet;
thence North $01^{\circ}25'10''$ East 40.03 feet;
thence North $88^{\circ}53'36''$ East 12.63 feet;
thence South $03^{\circ}08'06''$ East 40.15 feet;
thence South $04^{\circ}51'25''$ West 8.08 feet;
thence North $36^{\circ}30'00''$ West 5.13 feet;
thence South $53^{\circ}30'00''$ West 20.00 feet to the Point of Beginning.

Containing 751 square feet, more or less.

The Basis of Bearing for this description is the above referenced Amended Map of Subdivision No.2 of Zephyr Cove Properties Inc., Document No. 00267.

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

Prepared by: Turner & Associates, Inc.
Land Surveying
P.O. Box 5067
Stateline, NV 89449



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CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

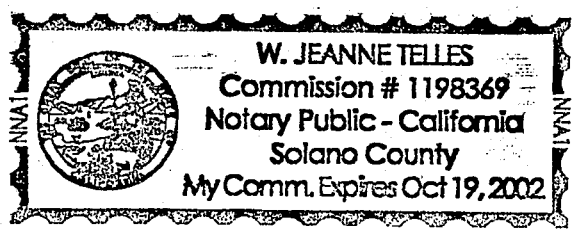
County of Solano

} ss.

On 12/10/01, before me, W. Jeanne Telles, Notary Public
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared Willard T. Wylie + Merrill M. Wylie
Name(s) of Signer(s)

- personally known to me
- proved to me on the basis of satisfactory evidence



Comm. Exp. 10/19/02

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

W. Jeanne Telles
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Shared Use + Driveway Maintenance Agreement

Document Date: 12/10/01 Number of Pages: 4

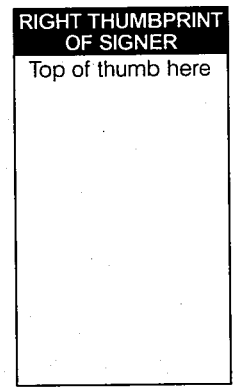
Signer(s) Other Than Named Above: J. Richard Barnard, Ann A. Barnard

Capacity(ies) Claimed by Signer

Signer's Name: Willard T. Wylie + Merrill M. Wylie

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____

Signer Is Representing: selfes



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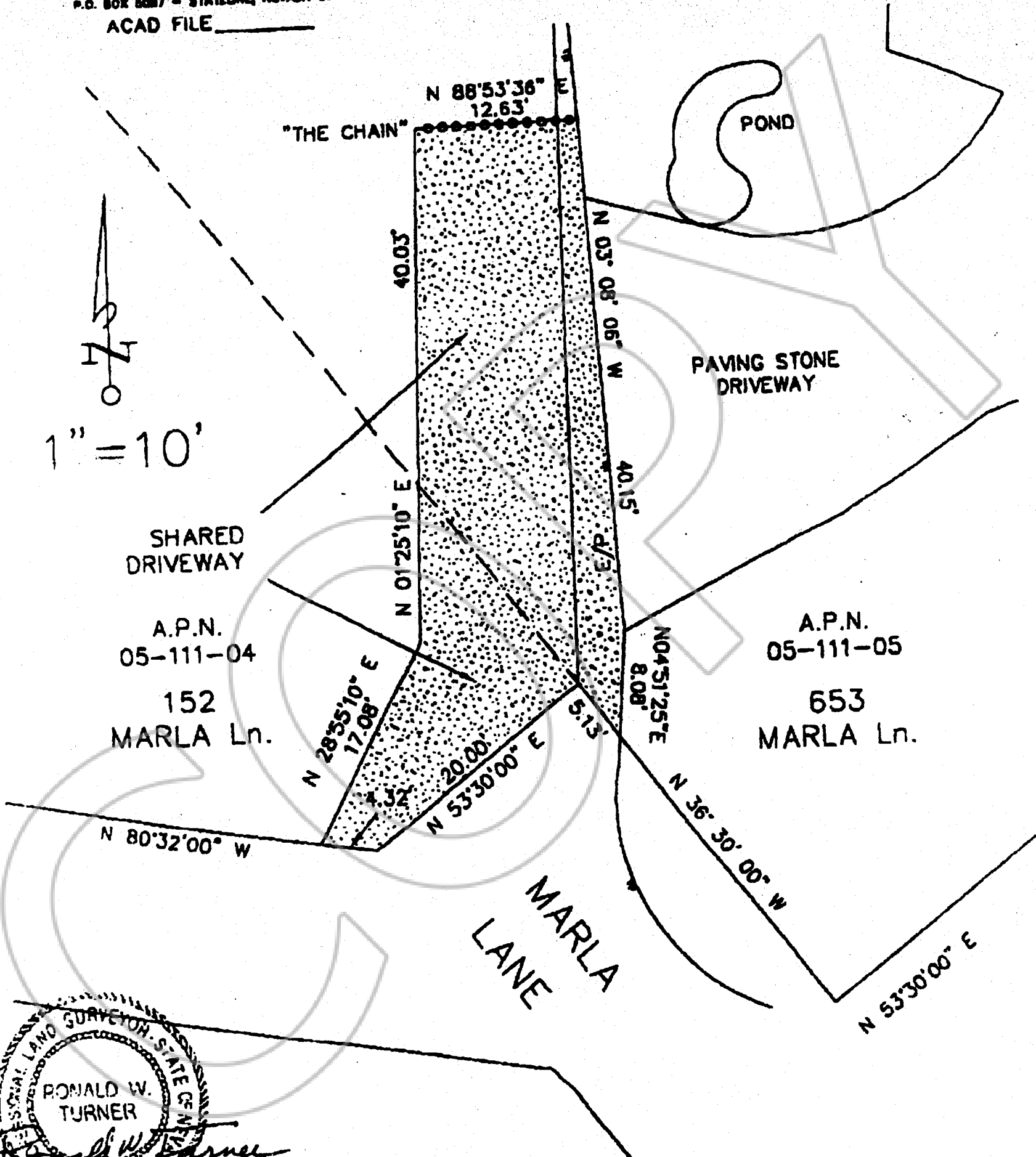
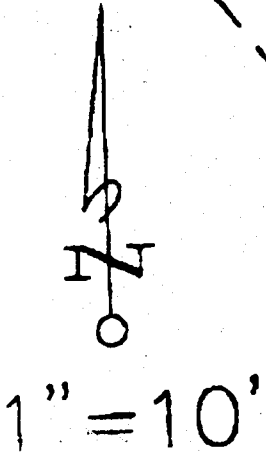


TURNER & ASSOCIATES, INC.

LAND SURVEYING

(702) 696-3658
KJER CENTER - KINGSBURY GRADE
P.O. BOX 8087 - STATELINE, NEVADA 89448
ACAD FILE _____

DATE 7 DEC '01 JOB No. 01061
PROJECT SHARED DRIVEWAY
BY [Signature] PAGE 1 OF 1
A.P.N.s 05-111-04 & 05-11-05
DOUGLAS COUNTY, NEVADA



Professional Land Surveyor - State of Nevada
RONALD W. TURNER
[Signature]
No. 3519
12/07/01

EXHIBIT "B"

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COPY

REQUESTED BY
FIRST AMERICAN TITLE CO.

IN OFFICIAL RECORDS OF
DOUGLAS CO., NEVADA

2002 JAN 25 AM 11:07

LINDA SLATER
RECORDER

\$ 20.00 PAID PL DEPUTY

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