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FILED

1 CASE NO.: 01-CV-0016

2 DEPT NO.: II

NO. \_\_\_\_\_

MAR 01 2002

'02 MAR -1 P3:11

DOUGLAS COUNTY  
DISTRICT COURT CLERK

BARBARA REED  
CLERK

~~BY WILLIAMS~~ DEPUTY

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

**AMENDED JUDGMENT QUIETING TITLE**

10 JUDITH ANN VOLLMER, EDWARD A.)  
11 FLANDERS and DORIS H. FLANDERS,) )  
12 as Trustees of the FLANDERS) )  
13 FAMILY TRUST, Dated November 2,) )  
14 1989, JACQUELINE F. CASE, as) )  
15 Trustee of the JACQUELINE F. CASE) )  
16 Revocable Trust, Dated November) )  
17 29, 1993, STEVEN LEE CASE, JR.) )  
18 and ROBERT SCOTT CASE, ) )

15 Plaintiffs,) )

16 vs. ) )

17 JOHN DUNN, NORMAN and MYRTLE) )  
18 DeVAUX, JOHN and MARION HARVEY,) )  
19 ZEPHYR COVE PROPERTIES, INC., a) )  
20 Nevada Corporation and Any and) )  
21 All Persons Unknown Claiming Any) )  
22 Legal or Equitable Right, Title,) )  
23 Estate or Lien or Interest in the) )  
24 Property Described in the) )  
25 Complaint and DOES 1 Through 100,) )  
26 Inclusive, ) )

22 Defendants.) )

24 Judgment was originally entered on the 19<sup>th</sup> day of April, 2001, and  
25 subsequent thereto, Plaintiffs, by and through their attorneys, Alling  
26 & Jillson, Ltd., filed a Motion to Amend Judgment to Correct Clerical  
27 Errors, and good cause appearing therefor,

28 **THIS COURT HEREBY FINDS AS FOLLOWS:**

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Plaintiffs JUDITH ANN VOLLMER, EDWARD A. FLANDERS and DORIS H. FLANDERS, as Trustees of the FLANDERS FAMILY TRUST, Dated November 2, 1989, JACQUELINE F. CASE, as Trustee of the JACQUELINE F. CASE Revocable Trust, Dated November 29, 1993, STEVEN LEE CASE, JR. and ROBERT SCOTT CASE, filed their Complaint on January 23, 2001.

The default of all Defendants other than Defendant ZEPHYR COVE PROPERTIES, INC., a Nevada Corporation, was entered by this Court on March 20, 2001.

A stipulation between Plaintiffs and Defendant ZEPHYR COVE PROPERTIES, INC., a Nevada Corporation, was filed with the Court on April 2, 2001.

Plaintiffs are collectively the owners in fee, possession and control of Douglas County APN 05-113-040 and APN 05-113-050 (the "Parcels").

NRS §321.595 states that the boundary between the bed of Lake Tahoe, owned by the State of Nevada in its sovereign capacity, and adjacent lands is established as a line whose elevation is 6,223 feet, Lake Tahoe Datum.

The issue before the Court in this case is the ownership of the lands lying between the lakeward boundary of the Parcels and the line 6,223 feet in elevation, Lake Tahoe Datum (the land to be called the "Strip")<sup>1</sup>. The court, having reviewed the Complaint filed in this

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<sup>1</sup> The legal description for the Strip in front of APN 05-113-04 is:  
All that real property situate in the County of Douglas, State of Nevada, more particularly described as follows:  
All that portion of Section 9, Township 13 North, Range 18 East, M.D.M., more particularly described as follows:  
Commencing at the northeasterly corner of Lot 6 Zephyr Cove Properties Amended No. 2 which lies on the southerly right-of-way line of Lake Shore Blvd;  
thence along the southeasterly line of said Lot 6 S 20°02'00" W, 123.30 feet to the Point of Beginning;

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1 action, all papers and pleadings on file herein, and having entered the  
2 default of all Defendants other than ZEPHYR COVE PROPERTIES, INC., a  
3 Nevada Corporation, and based upon the Stipulation between Plaintiffs  
4 and Defendant ZEPHYR COVE PROPERTIES, INC., and good cause appearing  
5 therefor,

6 **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED** as follows:

7 1. Plaintiffs collectively own in fee simple, except for any secured  
8 indebtedness created by Plaintiffs, the Strip, and are entitled to  
9 the quiet and peaceful possession of the Strip, such that the  
10 lakeward boundary of Douglas County APN 05-113-040 and 05-113-050  
11 shall extend to 6,223 feet, Lake Tahoe Datum. The collective

12 \_\_\_\_\_  
13 thence along said southeasterly line and the extension thereof,  
14 S 20°02'00" W, 73.54 feet, more or less, to the point of approximate Low Water, elevation equal to 6223 feet, mean sea level,  
15 of Lake Tahoe, Nevada;  
16 thence along said approximate Low Water elevation line N 45°54'26" W, 91.77 feet,  
17 more or less,  
18 thence N 26°00'00" E, 70.50 feet, more or less;  
19 thence S 46°00'00" E, 83.68 feet to the Point of Beginning.

20 Containing 0.14 acres, more or less.

21 The legal description for the Strip in front of APN 05-113-04 is:

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

23 All that portion of Section 9, Township 13 North, Range 18 East, M.D.M., more particularly described as follows:

24 Commencing at the northwesterly corner of Lot 7 Zephyr Cove Properties Amended No. 2 which lies on the southerly right-of-  
25 way line of Lake Shore Blvd;

26 thence along the westerly line of said Lot 7 S 35°00'00" W, 135.60 feet to the Point of Beginning;

27 thence, S 46°00'00" E, 72.42 feet;

28 thence S 26°00'00" W, 70.50 feet, more or less, to the point of approximate Low Water, elevation equal to 6223 feet,  
mean sea level, of Lake Tahoe, Nevada;

thence along said approximate Low Water line N 45°54'26" W, 83.61 feet, more or less, to the point of the  
southwesterly extension of the westerly line of said Lot 7;

thence along said westerly line N 35°00'00" E, 67.78 feet, more or less, to the Point of Beginning.

Containing 0.12 acres, more or less.

The Basis of Bearing for this description is identical to Amended Map of Zephyr Cove Properties Subdivision No. 2 recorded  
as Document No. 00267.

The above-mentioned approximate Low Water elevation is referenced from that legal description recorded as Document No.  
0507672, Douglas County, Nevada Records.

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1 legal description for the Parcels, including the Strip, shall  
2 appear as follows:

3 **DESCRIPTION**

4 **Adjusted A.P.N. 0000-05-113-04:**

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

7 All that portion of Section 9, Township 13 North, Range 18 East,  
8 M.D.M., more particularly described as follows:

9 Beginning at the northwesterly corner of Lot 6 Zephyr Cove  
10 Properties Amended No. 2 which lies on the southerly right-of-way  
11 line of Lake Shore Blvd;

12 thence along said right-of-way line S36°30'00" E, 64.00 feet  
13 to the most easterly corner of said Lot 6;

14 thence along the southeasterly line of said Lot 6 and the  
15 extension thereof,

16 S 20°02'00" W, 196.84 feet, more or less, to the point of  
17 approximate Low Water, elevation equal to 6223 feet, mean sea  
18 level, of Lake Tahoe, Nevada;

19 thence along said approximate Low Water line N 45°54'26" W,  
20 91.77 feet, more or less;

21 thence N 26°00'00" E, 148.58 feet, more or less;

22 thence N 36°30'00" W, 62.54 feet;

23 thence N 35°00'00" E, 50.00 feet;

24 thence S 36°30'00" E, 65.00 feet to the Point of Beginning.

25 Containing 0.41 acres, more or less.

26 The Basis of Bearing for this description is identical to the  
27 Amended Map for Zephyr Cove Properties No. 2, recorded as Document  
28 No. 00267.

The above-mentioned approximate Low Water elevation is referenced  
from that legal description recorded as Document No. 0507672,  
Douglas County, Nevada Records.

3 **DESCRIPTION**

4 **Adjusted A.P.N. 0000-05-113-05:**

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

7 All that portion of Section 9, Township 13 North, Range 18 East,  
8 M.D.M., more particularly described as follows:

9 Commencing at the northwesterly corner of Lot 7 of Zephyr Cove  
10 Properties Amended No. 2 which lies on the southerly right-of-way  
11 line of Lake Shore Blvd;

12 thence S 35°00'00" W, 50.00 feet to the Point of Beginning;

13 thence S 36°30'00" E, 62.54 feet;

14 thence S 26°00'00" W, 148.58 feet, more or less, to the point  
15 of approximate Low Water, elevation equal to 6223 feet, mean sea  
16 level, of Lake Tahoe, Nevada;



1           thence along said approximate Low Water line N 45°54'26" W,  
2           83.61 feet, more or less, to the point of the southwesterly  
3           extension of the westerly line of said Lot 7;

4           thence along said westerly line N 35°00'00" E, 153.38 feet,  
5           more or less, to the Point of Beginning.

6           Containing 0.24 acres, more or less.

7           The Basis of Bearing for this description is identical to the  
8           Amended Map for Zephyr Cove Properties No. 2, recorded as Document  
9           No. 00267.

10           The above-mentioned approximate Low Water elevation is referenced  
11           from that legal description recorded as Document No. 0507672,  
12           Douglas County, Nevada Records.

- 13           2. That Plaintiffs JUDITH ANN VOLLMER, EDWARD A. FLANDERS and DORIS  
14           H. FLANDERS, as Trustees of the FLANDERS FAMILY TRUST, Dated  
15           November 2, 1989, JACQUELINE F. CASE, as Trustee of the JACQUELINE  
16           F. CASE Revocable Trust, Dated November 29, 1993, STEVEN LEE CASE,  
17           JR. and ROBERT SCOTT CASE, shall collectively own the above-  
18           described properties free of any claims by Defendants or anyone  
19           claiming through them.
- 20           3. That Defendants, and each of them, and all persons claiming under  
21           them, are permanently enjoined from asserting any adverse claim to  
22           Plaintiffs' title to the above-described property, including the  
23           Strip.

24           DATED:

*March 1<sup>st</sup> 2002*

*/s/*  
\_\_\_\_\_  
Michael P. Gibbons  
DISTRICT COURT JUDGE

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1 DATED this 27<sup>th</sup> day of February, 2002.

2 Submitted by:

3 ALLING & JILLSON, LTD.

4  
5 By: 

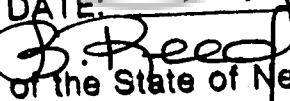
6 RONALD D. ALLING, ESQ., #0129  
7 Attorneys for Plaintiffs  
8 Post Office Box 3390  
9 Lake Tahoe, NV 89449  
10 (775) 588-6676


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23 **CERTIFIED COPY**

24 The document to which this certificate is attached is a  
25 full, true and correct copy of the original on file and of  
26 record in my office.

**SEAL**

26 DATE: March 1, 2001

27  Clerk of the 9th Judicial District Court  
of the State of Nevada, In and for the County of Douglas,

28 By  Deputy

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COPY

REQUESTED BY  
Alling + Jillson Ltd  
IN OFFICIAL RECORDS OF  
DOUGLAS CO., NEVADA

2002 MAR 18 PM 4:44

LINDA SLATER  
RECORDER

\$20<sup>00</sup> PAID KJ DEPUTY

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