

NR
Airport

APPROVED OCT. 3, 2002 ITEM #43
DOUGLAS COUNTY COMMISSIONERS

**Agreement to terminate Monolith Enterprises, Inc.
Airport Lease Agreement**

FILED
2002.274

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This agreement to terminate the airport real property lease agreement is made on October 3, 2002, between Douglas County, by the Douglas County Board of Commissioners, ("Landlord"), whose address is Post Office Box 218, Minden, Nevada 89423 and Monolith Enterprises, Inc., ("Tenant"), whose address is 1329 Highway 395, Suite 19, Gardnerville, Nevada 89410. *[Signature]* DEPUTY

Recitals

This amendment of lease is made with reference to the following facts and objectives:

- A. Landlord entered into a lease agreement with an effective date of January 1, 1999, with Tenant, Monolith Enterprises, Inc., to lease a parcel on P-51 Court. The lease is recorded as document 0456093 in book 1298, page 2177.
- B. On May 6, 1999, the lease agreement was amended to increase the size of the parcel and the amount of monthly rent. The amendment is recorded as document 0469041 in book 0599, page 5660.
- C. On December 16, 1999, the lease was amended to increase the initial one-year option to terminate to a two-year option and change the construction time requirement from one year to two years. The amendment is recorded as document 0483035, in book 1299, pages 3776 to 3779.
- D. On May 4, 2000, the lease was amended to allow Monolith Enterprises Inc., to develop and implement a commercial condominium leasehold plan for the project. The third amendment is recorded as document 0491730, in book 0500, pages 2346-7.
- E. The Tenant is assigning, except for some common area, half its lease to existing leasehold tenants and the remaining half to a new tenant, the tenant and owners of the leasehold units agree to cancel and expunge the Covenants, Conditions, and Restrictions of Mustang Business Center to eliminate the leasehold common-interest community. The purpose of this agreement is to terminate the lease to the remaining roadway access and common parking area so that the property will revert to the county.

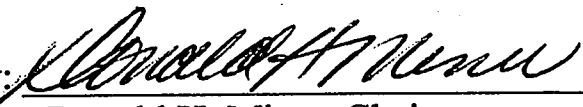
The Landlord and Tenant agree to terminate the unassigned portion of the lease as amended.

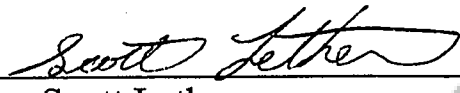
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Landlord
Douglas County

Tenant
Monolith Enterprises, Inc.

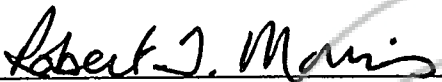
By: 
Donald H. Miner, Chairman
Douglas County Commissioners

By: 
Scott Lether
Monolith Enterprises, Inc

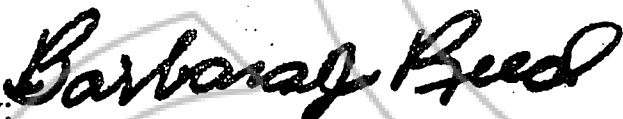
Recommended for approval
and approved as to content

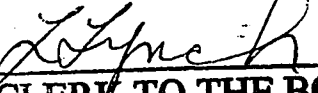
By: 
Jim Braswell
Operational Services Director

Approved as to form:

By: 
Robert T. Morris
Chief Deputy District Attorney

Attest:

By: 
Barbara Reed, Clerk

BY: 
CLERK TO THE BOARD

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DESCRIPTION

A parcel of land located within a portion of the East one-half (E½) of Section 8, Township 13 North, Range 20 East, Mount Diablo Meridian, Douglas County, Nevada, described as follows:

COMMENCING at Airport Control Monument No. 2, as shown on that Amended Record of Survey No. 14 for Douglas County, as recorded in Book 488, at Page 239, as Document No. 175533;

thence North 09°52'50" East, 1,547.40 feet;
thence North 00°13'06" West, 669.32 feet;
thence South 89°58'45" West, 542.26 feet to a point on the easterly right-of-way line of P-51 Court;

thence along said right-of-way line North 00°01'15" West, 92.00 feet;
thence North 89°58'45" East, 200.00 feet to **THE POINT OF BEGINNING**;

thence North 00°01'15" West, 140.00 feet;
thence South 89°58'45" West, 200.00 feet to a point on said easterly right-of-way line of P-51 Court;

thence along said right-of-way line North 00°01'15" West, 50.00 feet;
thence North 89°58'45" East, 200.00 feet;
thence North 00°01'15" West, 140.00 feet;
thence North 89°58'45" East, 79.00 feet
thence South 00°01'15" East, 330.00 feet;
thence South 89°58'45" West, 79.00 feet to **THE POINT OF BEGINNING**,
containing 36,070 square feet, more or less.

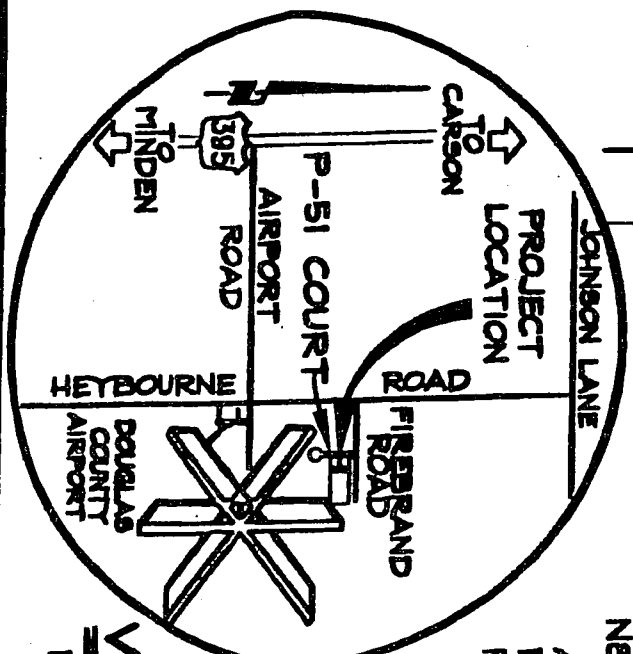
The Basis of Bearing of this description is North 00°01'15" West, the bearing of the centerline of P-51 Court, as shown on that Record of Survey for Minden Air Corp., recorded in Book 1198, at Page 9, Document No. 483175, Official Records of Douglas County, Nevada.

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

Prepared By: R.O. ANDERSON ENGINEERING, INC.
P.O. Box 2229
Minden, Nevada 89423



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BK 1002 PG 06747



VICINITY MAP
NOT TO SCALE

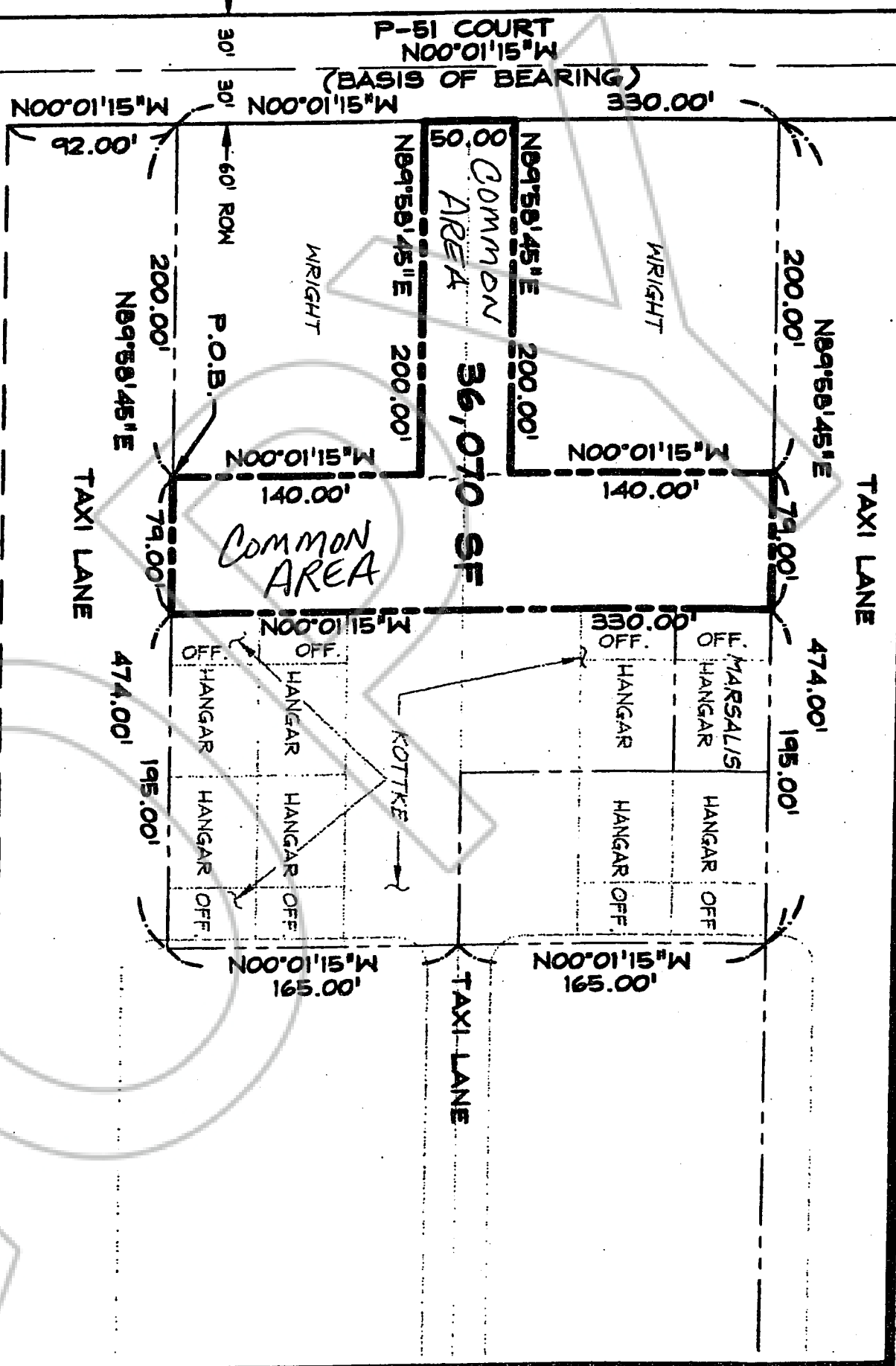
AIRPORT CONTROL MONUMENT #2 AS PER AMENDED RECORD OF SURVEY #14 FOR DOUGLAS COUNTY, DOC. #175533

BASIS OF BEARING

N00°01'15"W. THE CENTERLINE OF P-51 COURT, AS SHOWN ON THAT RECORD OF SURVEY FOR MINDEN AIR CORP. RECORDED IN BOOK 1198 OF OFFICIAL RECORDS, AT PAGE 9, AS DOCUMENT NO. 483175, DOUGLAS COUNTY, NEVADA.

N89°58'45"E 542.26'

SCALE:
1"=100'



EXHIBIT

A PORTION OF SECTION 8, T.13N.,
R.20E., M.D.M., DOUGLAS COUNTY,
NEVADA

Anderson
ENGINEERING INC

1603 ESMERALDA AVENUE / POST OFFICE BOX 2229
MINDEN, NEVADA 89423

PHONE: (775) 782-2322 / FAX: (775) 782-7084
WEB SITE: WWW.ROANDERSON.COM

731-06

09/20/02

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1900-1128

SECOND AMENDMENT TO
FIRST AMENDED DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS
OF MUSTANG BUSINESS CENTER
CANCELING AND EXPUNGING SAID DECLARATION

THIS SECOND AMENDMENT to the First Amended Declaration of Covenants, Conditions and Restriction of Mustang Business Center, is made this 23 Day of September, 2002, by the undersigned, and is made with reference to the following facts:

1. The First Amended Declaration of Covenants, Conditions and Restrictions of Mustang Business Center ("Declaration") was recorded in Douglas County, State of Nevada, as Document No. 492345, in Book 500, at Page 4100-1128 on the 19th day of May, 2001.

2. The undersigned are the owners of all the units covered by said Declaration.

3. Pursuant to paragraph 9.02 (c), the Declaration can be amended by the owners entitled to cast at least fifty-one percent (51%) of the number of votes entitled to be cast, pursuant to Section 3.03 of the Declaration. The undersigned constitute all of the owners of the units covered by said Declaration.

NOW, THEREFORE, the undersigned certify and declare the this Second Amendment to the First Amended Declaration of Covenants, Conditions and Restrictions for Mustang Business Center amends said Declaration as follows:

Said Declaration and any prior Declaration are hereby cancelled and expunged in there entirety so that the real properties described on Exhibit "A", attached hereto, are no longer encumbered by the same.

IN WITNESS WHERE OF, the undersigned have executed this Amendment on the day and year hereinafter written.

DATED: This 23rd day of September, 2002.

MONOLITH ENTERPRISES, INC.:

By Scott Lether
SCOTT LETHER

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DATED: This 25 day of September, 2002.

By *Bernie Jackson*
BERNIE JACKSON,
Owner of Units 403 and 404:

DATED: This 25 day of September, 2002.

By *John Marsalis*
JOHN MARSALIS
Owner of Unit No. 402

DATED: This _____ day of _____, 2002.

By _____
DENNIS KOTTKE
Owner of Unit Nos. 301, 302, 303
and 304 and 401

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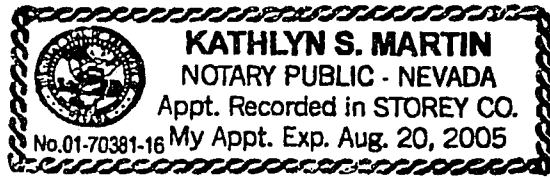
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ACKNOWLEDGMENT

STATE OF NEVADA)
) ss.
COUNTY OF DOUGLAS)

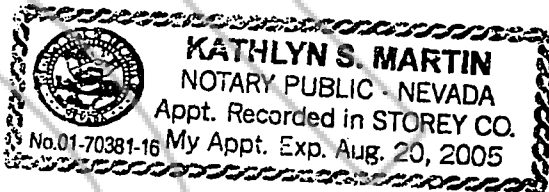


On the 23 day of September, 2002, personally appeared before me, a Notary Public, in and for said County and State, SCOTT LETHER, known to me to be the person described in and who executed the foregoing instrument, who acknowledged to me that he executed the same, freely and voluntarily and for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State above-named, the day and year in this certificate first above written.

Kathlyn S. Martin
NOTARY PUBLIC

STATE OF NEVADA)
) ss.
COUNTY OF DOUGLAS)



On the 25 day of September, 2002, personally appeared before me, a Notary Public, in and for said County and State, BERNIE JACKSON, known to me to be the person described in and who executed the foregoing instrument, who acknowledged to me that he executed the same, freely and voluntarily and for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State above-named, the day and year in this certificate first above written.

Kathlyn S. Martin
NOTARY PUBLIC

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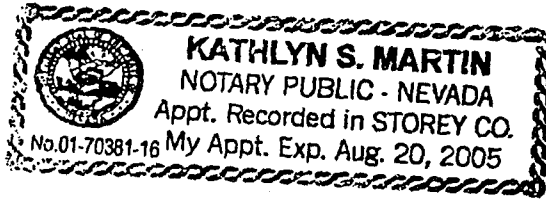
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ACKNOWLEDGMENT

STATE OF NEVADA)
) ss.
COUNTY OF DOUGLAS)

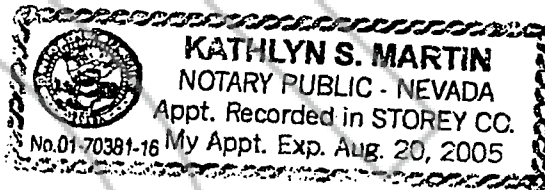


On the 25 day of September, 2002, personally appeared before me, a Notary Public, in and for said County and State, JOHN MARSALIS, known to me to be the person described in and who executed the foregoing instrument, who acknowledged to me that he executed the same, freely and voluntarily and for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State above-named, the day and year in this certificate first above written.

Kathlyn S. Martin
NOTARY PUBLIC

STATE OF NEVADA)
) ss.
COUNTY OF DOUGLAS)



On the 26 day of September, 2002, personally appeared before me, a Notary Public, in and for said County and State, DENNIS KOTTKE, known to me to be the person described in and who executed the foregoing instrument, who acknowledged to me that he executed the same, freely and voluntarily and for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State above-named, the day and year in this certificate first above written.

Kathlyn S. Martin
NOTARY PUBLIC

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COPY

REQUESTED BY
DOUGLAS COUNTY
IN OFFICIAL RECORDS OF
DOUGLAS CO. NEVADA

2002 OCT -1 AM 8: 54

LINDA SLATER
RECORDER

\$ 0 PAID K2 DEPUTY

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COPIES

REQUESTED BY
DOUGLAS COUNTY
IN OFFICIAL RECORDS OF
DOUGLAS CO., NEVADA

2002 OCT 16 AM 9:48

LINDA SLATER
RECORDER

\$ PAID DEPUTY

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CERTIFIED COPY

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

DATE: October 15, 2002
B. REED Clerk of the 9th Judicial District Court
of the State of Nevada, in and for the County of Douglas.

By [Signature] Deputy

SEAL

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887 5035 500170