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RECORDER

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JUDGMENT

(Title of Document)

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IN THE NINTH JUDICIAL DISTRICT COURT

IN AND FOR THE COUNTY OF DOUGLAS, STATE OF NEVADA

PEGGY R. PEAK, TRUSTEE of
THE PEGGY R. PEAK TRUST,
dated August 27, 1992,

Plaintiff,

Case No.: 01-CV0171

JUDGMENT

vs.

MYRA N. TAYLOR, an individual,
ROBERT C. ABRAMS and JOHN C. ABRAMS,
as Trustees of the Robert C. Abrams
Survivor's Trust, dated
September 29, 1989, DOES I
through DOES III,

Defendants.

This cause came on regularly for trial on August 13, 2003, in
Department 1 of the above-entitled court, the Honorable David R.
Gamble, Judge, presiding, sitting without a jury. Plaintiff Peggy
R. Peak, Trustee of the Peggy R. Peak Trust, dated August 27,
1992, appeared in person and through counsel, Thomas J. Hall,
Esq.; and Defendants Robert C. Abrams and John C. Abrams, as
Trustees of the Robert C. Abrams Survivor's Trust, dated September

1 29, 1989, appeared in person and through counsel, Richard Glasson,
2 Esq. Oral and documentary evidence was presented by both parties.
3 The Court viewed the premises. The cause was argued and submitted
4 for decision. An oral decision was rendered by the Court. The
5 transcript of the oral decision has been lodged with the Clerk of
6 the Court. Findings of Fact and Conclusions of Law have been
7 entered.
8

9 NOW, THEREFORE, IT IS ADJUDGED, ORDERED AND DECREED that:

10 1. Peggy R. Peak, Trustee of the Peggy R. Peak Trust, dated
11 August 27, 1992, is the sole owner of the title in fee simple,
12 entered to the following real property to wit:
13

14 **PARCEL 1:**

15 Lot 16, in Block F, as shown on that certain map entitled
16 Amended Map of Zephyr Cove Property, filed for record in the
17 office of the County Recorder of Douglas County, State of
18 Nevada, on August 5, 1929, as Document 241.

18 APN 1318-10-310-016

19 **PARCEL 2:**

20 All that certain lot, piece of parcel of land situated in the
21 County of Douglas, State of Nevada, and further described by
22 metes and bounds as follows, to-wit:

23 BEGINNING at the Southwest corner of Lot 16, Block F, and
24 continuing due South, on the same straight line which is the
25 Western boundary line of Lot 16, as shown on Zephyr Cove
26 Property's Amended Map which was filed for record with the
27 Recorder of Douglas County, Nevada, August 5, 1929, as
28 Document 241, to the North boundary line of U.S. Highway 50,
approximately 35 feet more or less; thence East along the
North boundary line of Highway 50, 100 feet more or less, to
the point due South of the Southeast corner of Lot 16; thence
North approximately 35 feet, more or less, to the Southeast
corner of Lot 16; thence West along the South boundary line
of Lot 16 to the point of beginning.

1 APN 1318-10-310-025

2 **PARCEL 3:**

3 All that portion of the Northeast 1/4 of the Southeast 1/4 of
4 Section 9, Township 13 North, Range 18 East, M.D.B. & M., in
5 Douglas County, Nevada, and further described by metes and
6 bounds, as follows, to wit:

7 BEGINNING at the Northeast corner of said parcel on the East
8 boundary of said Section 9, which point is the Southeast
9 corner of the parcel conveyed by Gertrude S. Church to W. H.
10 Moffat by a deed dated May 10, 1930, recorded in Book T of
11 Deeds, Page 116, official records of Douglas County, Nevada,
12 which point of beginning is further described as bearing
13 South 0° 05' 40" East, a distance of 453.23 feet from the 1/2
14 inch pipe used by the Zephyr Cove Properties Subdivision for
15 the North meander corner between Sections 9 and 10; thence
16 South 0° 05' 40" East, along the East boundary of said
17 Section 9, a distance of 32.56 feet to a point on the left or
18 Northerly forty (40) foot right-of-way line of State Highway
19 Route 3 (U. S. 50); thence, from a tangent which bears South
20 87° 09' 51" West, curving to the left along said right-of-way
21 line with a radius of 540 feet through an angle of 10° 00'
22 14", an arc distance of 94.28 feet to a point on the East
23 property line of that certain parcel conveyed by Gertrude S.
24 Church to Carl F. Johnson by a deed dated November 12, 1928,
25 recorded in Book S of Deeds, Page 504, official records of
26 Douglas County, Nevada; thence North along said property
27 line, a distance of 45.39 feet to a point which is the
28 Southwest corner of the aforesaid parcel conveyed by Gertrude
S. Church to W.H. Moffat by deed dated May 10, 1930, recorded
in Book T of Deeds, Page 116, official records of Douglas
County, Nevada; thence East along said property line, a
distance of 93.23 feet to the point of beginning.

Parcels 2 and 3, being more fully shown on that certain
Record of Survey recorded November 20, 1952, in the office of
the Douglas County Recorder as Document 8764.

APN 1318-09-701-004

2. Defendants JOHN C. ABRAMS and ROBERT C. ABRAMS, as
Trustees of the Robert C. Abrams Survivor's Trust, dated September
29, 1989, are the owners of the real property situated at 682 Old
Lincoln Highway, Zephyr Cove, Douglas County, Nevada and more

1 particularly described as follows (the "Abrams Property"):

2 A parcel of land situated in and being a portion of Lot 15 in
3 BLOCK F of Zephyr Cove Property as delineated on that certain
4 map entitled Amended Map of Zephyr Cove Property, Section 10,
5 Township 13 North, Range 18 East, M.D.B. & M., according to
6 the official map, filed in the office of the County Recorder
7 of Douglas County, State of Nevada, on August 5, 1929, being
8 a portion of the Southeast 1/4 of Section 10, Township 13
9 North, Range 18 East, M.D.B. & M., and being more particularly
10 described as follows:

11 Parcel 2 as set forth on that certain Jones Parcel Map filed
12 for record in the office of the County Recorder of Douglas
13 County, Nevada, on November 19, 1979 as Document 38838,
14 including those lands as reflected in the Record of Survey
15 for Myra N. Taylor filed for record with the Douglas County
16 Recorder on November 15, 1994 in Book 1194, at Page 2208, as
17 Document 350659, which depicts boundary measurements of said
18 land.

19 APN 1318-10-310-024

20 3. The properties owned by Peggy R. Peak, Trustee,
21 described in paragraph 1 above, are dominant parcels and are
22 benefited by both a 1947 Grant and a 1947 Reservation of a right-
23 of-way 15 feet wide along Old Lincoln Highway, both created
24 January 6, 1947. The location of the easement and right-of-way is
25 more particularly described and set forth in Exhibit A, attached
26 hereto and incorporated herein by this reference.

27 4. The properties owned by Peggy R. Peak, Trustee,
28 described in paragraph 1 above, are also the dominant parcels and
29 are benefited by an easement granted October 28, 1975, recorded
30 October 30, 1975, in Book 1075, at Page 1268, as Document 85199,
31 Douglas County Records, for access, ingress, egress and utilities;
32 however, the legal description set forth in said document was in

1 error and should be reformed to be identical to and in common with
2 the legal description set forth in the 1947 Grant and the 1947
3 Reservation, as more particularly described and set forth in
4 Exhibit A, attached hereto and incorporated herein by this
5 reference, which together formed one Easement initially created
6 January 6, 1947 (the "Easement").
7

8 5. The real property owned by Defendants Robert C. Abrams
9 and John C. Abrams, as Trustees of the Robert C. Abrams Survivor's
10 Trust, dated September 29, 1989, described above in paragraph 2,
11 is the servient parcel and is burdened by the Easement described
12 in paragraphs 3 and 4 of this Judgment.
13

14 6. Plaintiff Peggy R. Peak, Trustee of the Peggy R. Peak
15 Trust, dated August 27, 1992, is entitled to Judgment against the
16 Defendants Robert C. Abrams and John C. Abrams, as Trustees of the
17 Robert C. Abrams Survivor's Trust, dated September 29, 1989, for
18 damages in recovering real property acquired through the wrongful
19 conduct of the Defendants and in clarifying or removing clouds
20 from her title to the Easement in the amount of \$47,296.00, plus
21 interest at the lawful rate thereon from February 14, 2002.
22

23 6. Plaintiff shall have and recover her costs from
24 Defendants.

25 Dated this 15 day of March, 2004.

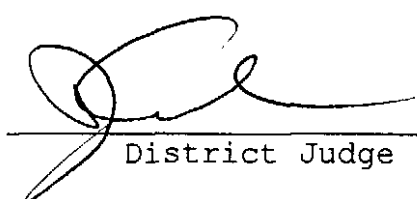
26
27
28

District Judge

Exhibit "A"

Legal Description

All that certain parcel of land lying in the County of Douglas, State of Nevada, being a part of the community of Zephyr Cove at Lake Tahoe, being a portion of Section 10, Township 13 North, Range 18 East, M.D.M., and further being a portion of that Record of Survey for Myra N. Taylor, recorded in the office of the Douglas County Recorder on November 15, 1994, in Book No. 1194, at Page No. 2208, as Document No. 350659, and being more particularly described as follows:

Commencing at the southwest corner of said Record of Survey; thence, along the westerly line thereof, North 0°05'40" West 12.94 feet to the TRUE POINT OF BEGINNING for this description; thence, continuing along said westerly line, North 0°05'40" West 17.23 feet; thence, leaving said westerly line, South 60°35'40" East 14.87 feet to the southwesterly corner of that certain residential structure known as 682 Old Lincoln Highway; thence, along the southerly line of said structure, South 84°35'40" East 36.00 feet to the southeasterly corner thereof; thence North 86°24'20" East 51.47 feet to the easterly line of said Record of Survey, being a point distant thereon and southerly 8.83 feet from the southeast corner of Lot 15, Block F, Amended Map of Zephyr Cove Property, Inc., recorded August 5, 1929, as Document No. 241, Douglas County, Nevada Records; thence, along said easterly line, South 0°05'40" East 15.03 feet; thence, leaving said easterly line, South 86°24'20" West 51.73 feet; thence, along a line parallel with and 15.00 feet southerly at right angles from the southerly line of said residential structure, North 84°35'40" West 40.37 feet; thence North 60°35'40" West 9.57 feet to the TRUE POINT OF BEGINNING.

The above described parcel of land contains an area of 1,530.22 square feet, or 0.04 acres, more or less.

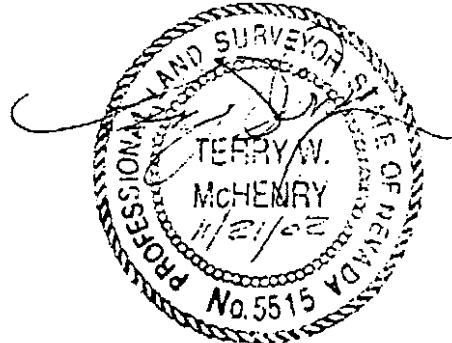
The BASIS OF BEARINGS for the above described parcel of land is the westerly line of that Record of Survey for Myra N. Taylor, recorded in the office of the Douglas County Recorder on November 15, 1994, in Book No. 1194, at Page No. 2208, as Document No. 350659, being North 0°05'40" West.

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: 3/19/04
By: [Signature] Clerk of the 5th Judicial District Court of the State of Nevada, in and for the County of Douglas,

Deputy



Exp: 12/31/03

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