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**RECORDING REQUESTED BY AND
MAIL TO:**

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REQUESTED BY
Rowe + Hales
IN OFFICIAL RECORDS OF
DOUGLAS CO., NEVADA

2004 JUL -9 PM 3: 54

WERNER CHRISTEN
RECORDER

25⁰⁰ PAID kJ DEPUTY

**AMENDED ORDER QUIETING TITLE
NUNC PRO TUNC**

COOPER

0618413

BK0704 PG03937

1 CASE NO. 03-CV-0323
2 DEPT. NO. II 2004 JUN 23 PM 2:12

RECEIVED
JUN 23 2004
DOUGLAS COUNTY
DISTRICT COURT CLERK

DAYLORD
TERRY
BY _____

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

8 KIRK B. LEDBETTER AND DEBRA K.
9 LEDBETTER, husband and wife,

AMENDED JUDGMENT QUIETING TITLE
NUNC PRO TUNC

10 Petitioners,

11 vs.

12 THE STATE OF NEVADA, and ANY
13 AND ALL PERSONS UNKNOWN
14 CLAIMING ANY LEGAL OR EQUITABLE
15 RIGHT, TITLE, ESTATE OR LIEN OR
16 INTEREST IN THE PROPERTY
17 DESCRIBED IN THE PETITION; and
18 DOES 1-10, inclusive,

19 Respondents.

20 **THIS MATTER** is brought on before the Court on the Verified
21 Petition filed November 24, 2003, and the First Amended Verified
22 Petition filed on February 18, 2004, by KIRK B. LEDBETTER and DEBRA K.
23 LEDBETTER, husband and wife ("Petitioners"). Petitioners have
24 requested that this Court enter a judgment quieting title as to the
25 area of land located on Petitioners' property located above 6,223 feet
26 elevation, Lake Tahoe datum, the boundary line of Lake Tahoe as
27 established by the Legislature when it enacted NRS 321.595.

28 The Court notes that a disclaimer by the Nevada Division of
State Lands, duly executed by Pamela Wilcox, State Land Registrar and

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1 George H. Taylor, Esq., Deputy Attorney General, was filed on April
2 19, 2004. Therein, the State of Nevada advised the Court that it did
3 not intend to claim any portion of the Petitioners' land above the
4 elevation of 6,223 feet. The Nevada State Land Registrar conceded it
5 had no claim, legal interest, lien, encumbrance or other matter
6 affecting the title to the area identified in the Petition as the
7 "beach area", particularly described in Exhibit "B" to the Petition.

8
9 Exhibit "B" to the First Amended Verified Petition is a copy of
10 the metes and bounds survey conducted by Turner and Associates, Inc.
11 on behalf of the Petitioners. It describes an area on Petitioners'
12 property above 6,223 feet elevation containing 0.36 acres, more or
13 less. Attached as Exhibit "C" to the Petition is the litigation
14 guarantee issued by Stewart Title Guaranty Company relating to the
15 "beach area" located on Petitioners' property. Therein, in Schedule
16 C, Stewart Title Guaranty Company notified Petitioners that the only
17 entity to be notified of Petitioners' request for a judgment quieting
18 title to the beach area was the State of Nevada.

19 The Court further notes that Petitioners have properly filed and
20 recorded a notice of the pendency of this action as required by NRS
21 40.110.

22 Based upon the above and foregoing, the First Amended Verified
23 Petition on file herein, the disclaimer of the Nevada Division of
24 State Lands, and good cause appearing:
25

26 **IT IS HEREBY FOUND, CONCLUDED AND ORDERED:**

27 1. The Court finds as a matter of fact, and concludes as a
28 matter of law, that Petitioners are the owners of all of that land

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1 commonly known as Douglas County, Nevada Assessor's Parcel No. 1418-
2 34-201-004; also commonly known as 1220 Highway 50, Zephyr Cove,
3 Nevada, 89448. Petitioners' property is further described in Exhibit
4 "A" hereto which is a metes and bounds legal description of
5 Petitioners' property.

6 2. The Court finds as a matter of fact, and concludes as a
7 matter of law, that the Nevada Legislature has determined that the
8 boundary of Lake Tahoe is permanently established at 6,223 feet
9 elevation, Lake Tahoe datum by NRS 321.595.

10 3. The Court finds as a matter of fact, and concludes as a
11 matter of law, that any of the Petitioners' property located above
12 6,223 feet elevation, Lake Tahoe datum, was converted to private
13 property by the action of the Legislature.

14 4. The Court finds as a matter of fact, and concludes as a
15 matter of law, that a due and proper disclaimer of any interest in the
16 area above 6,223 feet elevation, Lake Tahoe datum, located on
17 Petitioners' property, has been disclaimed by the Nevada Division of
18 State Lands by and through its State Land Registrar.

19 5. The Court finds as a matter of fact, and concludes as a
20 matter of law, that the State of Nevada was the only entity to be
21 notified of Petitioners' request for a judgment quieting title to the
22 "beach area" on Petitioners' property located above 6,223 feet
23 elevation, Lake Tahoe datum.

24 6. The Court concludes as a matter of law that it has
25 jurisdiction over the Petitioners and the State of Nevada, Nevada
26 Division of State Lands.
27
28

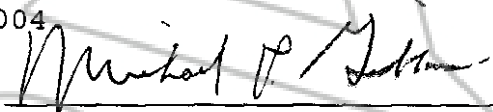
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1 clear of any claim of interest, encumbrance, lien or right whatsoever
2 in the State of Nevada, Nevada Division of State Lands.


3 This is an Judgment *nunc pro tunc* correcting the previous
4 Judgment entered on June 8, 2004, by including the exhibits
5 inadvertently not attached to the Judgment entered June 8, 2004.

6 DATED this 23 day of June, 2004.

7 

8 MICHAEL P. GIBBONS
9 DISTRICT COURT JUDGE

10 Submitted by:
11 ROWE & HALES, LLP

12 

13 MICHAEL SMILEY ROWE
14 Nevada Bar Number 1374
15 P.O. Box 2080
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EXHIBIT

"A"

EXHIBIT "A"

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LEGAL DESCRIPTION

Order No.: 030503592

The land referred to herein is situated in the State of Nevada, County of DOUGLAS, described as follows:

Beginning at a point on the East boundary line of Lot Two (2), Section 34, Township 14 North, Range 18 East, M.D.B.&M., said point being South 0°31' West 982.075 feet from the Northeast corner of said Lot Two (2); thence North 89°53' West 1480 feet, more or less, to the Meander Line of Lake Tahoe; thence South 29°00' East, following said Meander Line 148.80 feet; thence South 89°53' East 1410 feet, more or less to the East boundary line of said Lot Two (2); thence North 0°31' East 130 feet to the place of beginning.

Excepting any portion of the above described property lying within the bed of Lake Tahoe below the line of natural ordinary high water and also excepting any artificial accretions to the land waterward of the line of natural ordinary high water or, if lake level has been artificially lowered, excepting any portion lying below an elevation of 6,223.00 feet, Lake Tahoe Datum established by NRS 321.595.

Excepting therefrom the portion of the property beginning at a point on the East boundary line of Lot 2, Section 34, Township 14 North, Range 18 East, M.D.B.&M., said point being South 0°31' West 982.075 feet from the Northwest corner of said Lot 2; thence North 89°53' West along the North line of the original parcel; said parcel being more fully described in that certain deed recorded in Book "S" of Deeds, page 365, records of Douglas County, Nevada, a distance of 498.80 feet, more or less, to a point on the Easterly right of way line of U.S. Highway No. 50; thence Southerly along said Easterly right of way line to a point on the South line of the aforementioned original parcel; thence South 89°53' East, along said South line a distance of 462.67 feet, more or less, to the East boundary line of said Lot 2; thence North 0°31' East a distance of 130 feet to the Point of Beginning.

Also excepting therefrom all that portion of said land conveyed to the State of Nevada for Highway purposes 80 feet in width, by Deed September 18, 1934, and recorded September 19, 1934 in Book T of Deeds, Page 553, Douglas County, Nevada records.

Continued on next page

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LEGAL DESCRIPTION - continued
Order No.:030503592

Assessors Parcel No. 1418-34-201-004

Reference is hereby made to that certain Record of Survey for Eugene White, recorded June 11, 1998 in Book 698, Page 2640, as Document No. 441751, Official Records.

"IN COMPLIANCE WITH NEVADA REVISED STATUTE 111.312, THE HEREIN ABOVE LEGAL DESCRIPTION WAS TAKEN FROM INSTRUMENT RECORDED FEBRUARY 10, 1999, BOOK 0299, PAGE 2262, AS FILE NO. 0460877, RECORDED IN THE OFFICIAL RECORDS OF DOUGLAS COUNTY, STATE OF NEVADA."

Further excepting any portion of the above described property lying within the bed of Lake Tahoe below the line of natural ordinary high water and also excepting any artificial accretions to the land waterward of the line of natural ordinary high water or, if lake level has been artificially lowered, excepting any portion lying below an elevation of 6,223.00 feet, Lake Tahoe Datum established by NRS 321.595.

EXHIBIT

"B"

EXHIBIT "B"

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03321
October 22, 2003

DESCRIPTION
APN 1418-34-201-004

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

All that portion of Section 34, Township 14 North, Range 18 East, M.D.M., more particularly described as follows:

Beginning at the Southwest corner of that certain parcel of land as described in a Grant Deed filed for record on February 10, 1999 as Document Number 0460877, a point on the Meander Line of Lake Tahoe;

thence North $89^{\circ}48'33''$ West 127.50 feet, more or less, to a point on the approximate Low Water Line of Lake Tahoe at elevation 6223.0, Lake Tahoe Datum;

thence along the approximate Low Water Line the following courses:

North $16^{\circ}31'00''$ West 23.3 feet;

North $33^{\circ}47'46''$ West 20.5 feet;

North $26^{\circ}58'33''$ West 28.6 feet;

North $09^{\circ}05'30''$ West 29.7 feet;

And North $25^{\circ}23'52''$ West 41.6 feet;

thence South $89^{\circ}49'00''$ East 107.9 feet, more or less, to the Meander Line;

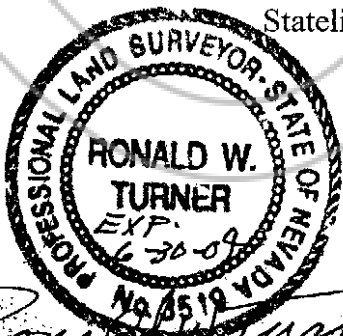
thence along the Meander Line South $29^{\circ}00'00''$ East 150.75 feet to the Point of Beginning.

Containing 0.36 acres, more or less.

The Basis of Bearing for this description is that Record of Survey filed for record as Document Number 441751.

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



Ronald W. Turner
10/22/03



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COPY

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.

SEAL

DATE:

6/24/04
Clerk of the 9th Judicial District Court
of the State of Nevada, in and for the County of Douglas,

By

[Signature]

Deputy

0618413

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