

APN's 1419-14-001-029 + 028

When Recorded Mail to:
Daria E. Raatke
3370 Alpine View Ct.
Chico City, NV 89701

REQUESTED BY
Stewart Title of Douglas County
IN OFFICIAL RECORDS OF
DOUGLAS CO., NEVADA

2004 AUG 23 PM 2:23

WERNER CHRISTEN
RECORDER

\$20⁰⁰ PAID *AS* DEPUTY

ROAD AND UTILITY MAINTENANCE AGREEMENT

We, the undersigned, being the owners of certain parcels of real property in Douglas County, Nevada, as described in Exhibits "A" and "B" attached hereto, hereby agree as follows:

WITNESSETH:

WHEREFORE, the two parcels of real property described above share a private roadway located within the area of land described in "Exhibit "C" attached hereto, which described roadway is located entirely on the lands described in Exhibit "B" attached hereto, and

WHEREAS, it is of mutual benefit to all parties hereto that said roadway be maintained in a proper condition for vehicular use, and

WHEREAS, the parties hereto desire to enter into an agreement to provide for the maintenance of said roadway and the division of costs of said maintenance,

NOW THEREFORE, it is hereby agreed as follows:

1. The parties agree to maintain the asphalt improvement area of the private roadway, with the costs incurred pertaining to said maintenance of the asphalt roadway area split equally between the owners of the parcels described in Exhibits "A" and "B" attached hereto.

2. Decisions regarding maintenance of the asphalt roadway, acceptance of bids, and any other decisions affecting the asphalt improvements contained within the roadway easement area shall be decided by mutual agreement of the property owners of the lands described in Exhibits "A" and "B" attached hereto. If a mutual agreement cannot be negotiated between the property owners regarding the issues of maintenance of the asphalt area, the owner of the *servient tenement* shall have the final decision regarding the maintenance of the asphalt traveled roadway area, and may charge the proportionate share of the costs incurred relating to maintenance of the existing asphalt traveled way to the owner of the lands described in Exhibit "A" attached hereto.

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The owners of lands described in Exhibit "A" attached hereto shall not have the right to alter the asphalt covered area without the mutual consent of the owner of the lands described in Exhibit "B" attached hereto. In the event the owner of the *servient tenement* unilaterally determines that alterations to the asphalt roadway, such as expansion of covered area, change of materials to a product other than asphalt, or other alterations or enhancements to the existing asphalt area are required, then the costs associated with the alterations or enhancements shall be at the sole expense of the owner of the *servient tenement*. The owner of the *servient tenement* shall have exclusive rights regarding the maintenance, construction, installation or alteration of landscaping and other improvements located within the defined easement area, so long as such improvements or landscaping does not interfere with or alter the use of the existing asphalt traveled way, and the owner of the *servient tenement* shall exclusively bear the costs of such maintenance or improvements to the easement area other than the asphalt traveled way.

3. In the event of any excessive wear and tear associated with the use of the asphalt traveled roadway, which may be determined to be related to use by or for heavy construction equipment, a large horse trailer, or uses other than normal vehicular ingress and egress, the party causing the damage shall be responsible for the expense of repairing such determined damages.

4. Due to the fact that the roadway easement area described in Exhibit "C" attached hereto encumbers lands in addition to the existing paved way, which described lands also support plants, trees, brick columns, grass area, and other landscape improvements, the roadway easement as described in Exhibit "C" attached hereto shall be for ingress and egress only.

5. This agreement shall be binding upon the heirs, successors and assigns of the parties hereto, shall be recorded, and shall become a burden and a benefit to the parcels described herein, and shall run with the land.

6. This agreement shall create a contractual relationship between each of the undersigned and each party to the agreement shall have the right to enforce said agreement against each of the parties.

DATED this 20th day of August, 2004

Owner of lands described in Exhibit "A"

Daria E. Radtke, Trustee of the Radtke Revocable Trust Dated March 2, 1993

Daria E. Radtke TTEE
Daria E. Radtke, Trustee

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Owners of lands described in Exhibit "B"

[Signature]

(Name)

Robin Shriver

(Name)



STATE OF NEVADA)

) SS:

COUNTY OF Carson)

On the 20th day of August 2004, personally appeared before me, a

Notary Public,

David L. Shriver and Robin Shriver, who

acknowledged that they executed the above instrument.

Carol Miller

Notary Public



STATE OF NEVADA)

) SS:

COUNTY OF Carson)

On the 20th day of August 2004, personally appeared before me, a

Notary Public,

Dana E. Radtke, who

acknowledged that they executed the above instrument.

Carol Miller

Notary Public

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EXHIBIT "A"
LEGAL DESCRIPTION

Order No.: 040502571

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

All that certain piece or parcel of land situate in the
North 1/2 of Section 14, Township 14 North, Range 19 East,
M.D.B., and more particularly described as follows:

BEGINNING at the Southeast corner of Parcel 85 B as shown
on Parcel Map for D.E. and J.H. FRANK, Document #07758
filed in Book 377, Page 1005; thence through the following
courses:

1. South 00°12'18" East, 365.33 feet;
2. South 89°15'38" West, 291.01 feet;
3. North 01°49'00" West, 381.55 feet;
4. South 54°13'01" East, 42.72 feet;
5. North 88°12'56" East, 40.11 feet;
6. North 33°19'06" East, 22.71 feet;
7. South 87°39'32" East, 173.56 feet;
8. South 89°24'24" East, 41.15 feet to the Point of Beginning.

ASSESSOR'S PARCEL NO. 1419-14-001-029

"IN COMPLIANCE WITH NEVADA REVISED STATUTE 111.312, THE
HEREIN ABOVE LEGAL DESCRIPTION WAS TAKEN FROM INSTRUMENT
RECORDED APRIL 26, 2004, BOOK 0404, PAGE 12486, AS FILE NO.
0611252, RECORDED IN THE OFFICIAL RECORDS OF DOUGLAS
COUNTY, STATE OF NEVADA."

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LEGAL DESCRIPTION

Exhibit "B"

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

All that certain piece or parcel of land situate in the North 1/2 of Section 14, Township 14 North, Range 19 East, M.D.B., and more particularly described as follows:

BEGINNING at the Southeast corner of Parcel 85 B as shown on Parcel Map for D.E. and J.H. FRANK, Document #07758 filed in Book 377, Page 1005; thence through the following courses:

1. North 89°24'24" West, 41.15 feet;
2. North 87°39'32" West, 173.56 feet;
3. South 33°19'06" West, 22.71 feet;
4. South 88°12'56" West, 40.11 feet;
5. North 54°13'01" West, 42.72 feet;
6. North 01°49'00" West, 180.61 feet;
7. North 54°54'08" East, 429.74 feet to the beginning of a curve concave Northeasterly having a radius of 424.99 feet and a radial bearing of South 73°22'47" West.
8. Southeasterly along said curve through a central angle of 24°30'00" and an arc length of 181.72 feet;
9. South 24°57'00" West, 310.97 feet to the Point of Beginning.

Reference is made to Record of Survey for Darin E. Radtke, Trustee, recorded April 26, 2004 in Book 0404, at Page 12485, as Document No. 611251.

Assessor's Parcel No. 1419-14-001-028

"IN COMPLIANCE WITH NEVADA REVISED STATUTE 111.312, THE HEREIN ABOVE LEGAL DESCRIPTION WAS TAKEN FROM INSTRUMENT RECORDED APRIL 26, 2004, BOOK 0404, PAGE 12489, AS FILE NO. 611253, RECORDED IN THE OFFICIAL RECORDS OF DOUGLAS COUNTY, STATE OF NEVADA."

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Exhibit "C"
LEGAL DESCRIPTION
FOR
ACCESS EASEMENT
APN 1419-14-001-020
3370 ALPINE VIEW CT.

The portion of land referred to herein is situate in the State of Nevada, Douglas County, and described as follows:

All that certain piece or parcel of land situate in the North ½ of Section 14, Township 14 North, Range 19 East, M.D.B., and more particularly described as follows:

BEGINNING at a point North 86°20'35" West, 26.83 feet from the Southeast corner of Parcel 85 B as shown on Parcel Map for D.E. and J.H. Frank, Document #07758 filed in Book 377, Page 1005; thence through the following courses;

1. North 86°20'35" West, 14.01 feet;
2. North 22°44'00" East, 107.71 feet;
3. North 60°06'37" West, 7.89 feet;
4. North 22°26'50" East, 19.57 feet;
5. North 32°05'28" East, 40.05 feet to the beginning of a non-tangent curve concave to the west having a radius of 259.29 feet and a radial bearing of South 61°50'41" East;
6. Northerly along said curve through a central angle of 13°09'18" and an arc length of 59.53 feet.
7. North 03°29'09", 12.27 feet to a tangent curve concave to the east having a radius of 70.00 feet;
8. Northerly along said curve through a central angle of 57°24'19" and an arc length of 70.13 feet;
9. North 53°55'10" East, 43.26 feet to the southerly Right-of-Way of Alpine View Ct. and a point on a curve concave Northeasterly having a radius of 525.00 feet and a radial bearing of South 54°00'27" West;
10. Southeasterly along said curve through a central angle of 1°23'00" and an arc length of 10.26 feet;

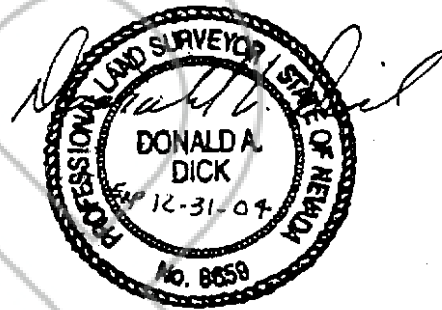
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11. South 24°57'00" West, 332.80 feet to the Point Of Beginning.

The bearing of North 01°49'00" West along the Westerly property line of Parcel 86 as shown on Alpine View Estates Unit No. 3, was used as the basis of bearings for this description.

Prepared by:
Donald A. Dick, PLS
Great Basin Surveying & Mapping
1005 Eagle Ct.
Gardnerville, Nv. 89410



2-06-04

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