

2004 SEP 13 PM 1:12

RECORDING REQUESTED BY)
& WHEN RECORDED MAIL TO:)
Incline Partners, L.L.C.)
P.O. Box 6800)
Incline Village, NV 89450)

WERNER CHRISTEN
RECORDER

\$ 23.00 PAID *[Signature]* DEPUTY

040700510

Space above for Recorder's Use

DECLARATION OF OWNERSHIP

THIS DECLARATION OF OWNERSHIP (hereinafter "Declaration") is made on September __, 2004 by Smith and Smith, LLC, a Nevada limited liability company, and James H. Lundy and Jo Lynne Lundy, husband and wife as joint tenants (hereinafter "Owners").

RECITALS

A. The Owners own certain real property situated in the County of Douglas, State of Nevada, which are more particularly described on Exhibit A attached hereto and incorporated herein by reference. Such real property is further described as Adjusted Parcels A, B and C in the Plat Map attached hereto and incorporated herein by reference as Exhibit "B" (individually a "Parcel" and collectively the "Parcels").

B. On or about January 2, 1929 previous owners of the Parcels granted to the State of Nevada a right of way across the Parcels for the purpose of establishment of a state highway ("Clear Creek Highway"), which instrument was recorded January 16, 1929 in Book S of Deeds, Page 517, Douglas County, Nevada records. Said right of way is shown on the Plat Map attached hereto as Exhibit B as a 25 foot wide private access and public utility easement for the benefit of Adjusted Parcel A and Adjusted Parcel B.

C. On October 21, 1957, at a Regular Meeting of the Board of Directors of the Department of Highways of the State of Nevada, the Board unanimously approved the abandonment of the road and right of way known as Clear Creek Highway, including the portion of said road which crosses the Parcels. A copy of the Minutes of such meeting are attached hereto and incorporated herein by reference as Exhibit "C".

DECLARATION

The Owners hereby accept the abandonment by the State of Nevada and affirm the ownership of that portion of the Clear Creek Highway crossing the Parcels, with said ownership as apportioned on the Plat Map attached hereto as Exhibit B.

[SIGNATURES APPEAR ON NEXT PAGE]

THIS DOCUMENT IS RECORDED AS AN ACCOMMODATION ONLY and without liability for the consideration therefor, or as to the validity or sufficiency of said instrument, or for the effect of such recording on the title of the property involved.

IN WITNESS WHEREOF, the parties to this Declaration have executed this Declaration on the date first above written.

Owner of Adjusted Parcels A and B:

Smith and Smith, LLC, a Nevada limited liability company

By: *Cole S. Smith*
COLE S. SMITH

Title: *Operating Manager*

Owner of Adjusted Parcel C:

James H. Lundy and Jo Lynne Lundy, husband and wife as joint tenants

James H. Lundy
James H. Lundy

Jo Lynne Lundy
Jo Lynne Lundy

State of Nevada
County of Douglas

This instrument was acknowledged before me on
September 10, 2004 by Cole S. Smith, James H. Lundy
and Jo Lynne Lundy.



Laurel S. Ballou
Notary

LEGAL DESCRIPTION

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

ADJUSTED PARCEL A

DESCRIPTION OF ALL THAT LOT, PIECE, OR PARCEL OF LAND BEING KNOWN AS ADJUSTED PARCEL A, REFLECTING A BOUNDARY LINE ADJUSTMENT BETWEEN ASSESSOR'S PARCEL NUMBERS 1419-05-000-001 AND 1419-05-000-002 AND 1419-05-000-003, DOUGLAS COUNTY, NEVADA, SAID LOT BEING A PORTION OF THE S 1/2 NW 1/4 OF SECTION 5, T.14N., R.19E., M.D.B.& M., DOUGLAS COUNTY, NEVADA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PORTION EASTERLY OF U.S. 50:

COMMENCING AT THE NW CORNER OF THE S 1/2 NW 1/4 SECTION 5, T.14N., R.19E., M.D.B.& M.; THENCE N. 88° 41' 30" E., 781.21 FEET TO THE TRUE POINT OF BEGINNING; THENCE N. 88° 41' 30" E., 864.98 FEET; THENCE ON A CURVE TO THE RIGHT WITH RADIUS OF 295.00 FEET; CENTRAL ANGLE OF 105° 16' 22" AND ARC LENGTH OF 542.02 FEET; THENCE S. 87° 03' 34" W., 103.65 FEET; THENCE ON A CURVE TO THE LEFT WITH RADIUS OF 280.00 FEET, CENTRAL ANGLE OF 79° 33' 20" AND ARC LENGTH OF 388.78 FEET; THENCE S. 07° 30' 14" W., 144.42 FEET; THENCE ON A CURVE TO THE RIGHT WITH RADIUS OF 300.00 FEET, CENTRAL ANGLE OF 115° 06' 43" AND ARC LENGTH OF 602.73 FEET; THENCE N. 57° 23' 03" W., 156.51 FEET; THENCE ON A CURVE TO THE LEFT WITH RADIUS OF 850.00 FEET, CENTRAL ANGLE OF 48° 31' 32" AND ARC LENGTH OF 719.90 FEET; THENCE N. 06° 19' 25" E., 282.52 FEET TO THE TRUE POINT OF BEGINNING.

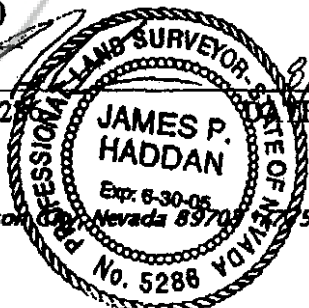
PORTION WESTERLY OF U.S. 50:

COMMENCING AT THE NW CORNER OF THE S 1/2 NW 1/4 SECTION 5, T.14N., R.19E., M.D.B.& M., SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE N. 88° 41' 30" E., 419.02 FEET; THENCE ON A CURVE TO THE RIGHT WITH RADIUS OF 550.00 FEET, CENTRAL ANGLE OF 99° 53' 11" AND ARC LENGTH OF 958.84 FEET; THENCE N. 00° 22' 45" W., 723.51 TO THE TRUE POINT OF BEGINNING (NO STRUCTURES ARE ALLOWED ON PARCEL 2).

CONTAINING 19.56 ACRES MORE OR LESS.

BASIS OF BEARINGS: THE NORTH LINE OF THE SOUTH 1/2 OF THE NORTHWEST 1/4 OF SECTION 5, T.14N., R.19E., M.D.B.& M., PER BLM PLAT FILED ON JULY 29, 1997. (BEARING: S. 88° 41' 30" W.)

JAMES P. HADDAN, P.L.S. 5288



8/21/03

206 South Minnesota Street * Carson

883-6595 * FAX (775) 883-6582

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LEGAL DESCRIPTION

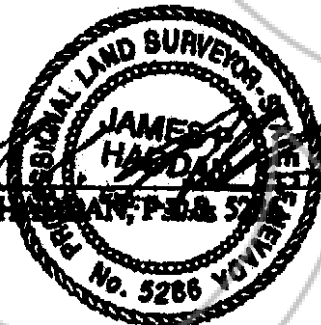
ADJUSTED PARCEL B

DESCRIPTION OF ALL THAT LOT, PIECE, OR PARCEL OF LAND BEING KNOWN AS ADJUSTED PARCEL B, REFLECTING A BOUNDARY LINE ADJUSTMENT BETWEEN ASSESSOR'S PARCEL NUMBERS 1419-05-000-001 AND 1419-05-000-002 AND 1419-05-000-003, DOUGLAS COUNTY, NEVADA, SAID LOT BEING A PORTION OF THE S½ NW¼ OF SECTION 5, T.14N., R.19E., M.D.B.& M., DOUGLAS COUNTY, NEVADA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NW CORNER OF THE S½ NW¼ SECTION 5, T.14N., R.19E., M.D.B.& M.; THENCE N. 88° 41' 30" E., 1646.19 FEET TO THE TRUE POINT OF BEGINNING; THENCE N. 88° 41' 30" E., 979.51 FEET; THENCE S. 00° 27' 43" E., 826.53 FEET; THENCE N. 84° 02' 46" W., 1262.17 FEET; THENCE S. 29° 45' 03" W., 603.10 FEET; THENCE S. 74° 27' 55" W., 159.82 FEET; THENCE N. 57° 23' 03" W., 459.61 FEET; THENCE ON A CURVE TO THE LEFT WITH RADIUS OF 300.00 FEET, CENTRAL ANGLE OF 115° 06' 43" AND ARC LENGTH OF 602.73 FEET; THENCE N. 07° 30' 14" E., 144.42 FEET; THENCE ON A CURVE TO THE RIGHT WITH RADIUS OF 280.00 FEET, CENTRAL ANGLE OF 79° 33' 20" AND ARC LENGTH OF 388.78 FEET; THENCE N. 87° 03' 34" E., 103.65 FEET; THENCE ON A CURVE TO THE LEFT WITH RADIUS OF 295.00 FEET, CENTRAL ANGLE OF 105° 16' 22" AND ARC LENGTH OF 542.02 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 25.64 ACRES MORE OR LESS.

BASIS OF BEARINGS: THE NORTH LINE OF THE SOUTH ½ OF THE NORTHWEST ¼ OF SECTION 5, T.14N., R.19E., M.D.B.& M., PER BLM PLAT FILED ON JULY 29, 1997. (BEARING: S. 88° 41' 30" W.)



JAMES P. HAGGAN, P.L.S. & S.

8/20/03
DATE

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LEGAL DESCRIPTION

ADJUSTED PARCEL C

Description of all that lot, piece, or parcel of land being known as Adjusted Parcel C, reflecting a Boundary Line Adjustment between Assessor's Parcel Numbers 1419-05-000-001 and 1419-05-000-002 and 1419-05-000-003, Douglas County, Nevada, said lot being a portion of the South 1/2 of the Northwest 1/4 of Section 5, Township 14 North, Range 19 East, M.D.B.&M., Douglas County, Nevada and being more particularly described as follows:

Commencing at the Northwest corner of the South 1/2 of the Northwest 1/4 of Section 5, Township 14 North, Range 19 East, M.D.B.&M.; thence South $00^{\circ}22'45''$ East, 1026.61 feet to the True Point of Beginning; thence on a curve to the left with radius of 850.00 feet, central angle of $29^{\circ}05'58''$ and arc length of 431.70 feet; thence South $57^{\circ}23'03''$ East, 156.51 feet; thence South $57^{\circ}23'03''$ East, 459.61 feet; thence North $74^{\circ}27'55''$ East, 159.82 feet; thence North $29^{\circ}45'03''$ East, 603.10 feet; thence South $84^{\circ}02'46''$ East, 1262.17 feet; thence South $00^{\circ}27'43''$ East, 525.00 feet; thence South $88^{\circ}43'43''$ West, 2627.63 feet; thence North $00^{\circ}22'45''$ West, 323.25 feet to the True Point of Beginning.

Basis of Bearings: the North line of the South 1/2 of the Northwest 1/4 of Section 5, Township 14 North, Range 19 East, M.D.B.&M., per BLM plat filed on July 29, 1997 (Bearing: South $88^{\circ}41'30''$ West).

A portion of APN 1419-05-000-003

"IN COMPLIANCE WITH NEVADA REVISED STATUTE 111.312, THE HEREIN ABOVE LEGAL DESCRIPTION WAS TAKEN FROM INSTRUMENT RECORDED 9-11-03, BOOK 0903, PAGE 5929, AS FILE NO. 589673, RECORDED IN THE OFFICIAL RECORDS OF DOUGLAS COUNTY, STATE OF NEVADA."

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Exhibit C
BOARD MINUTES
(ATTACHED)

COPY

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REGULAR MEETING

October 21, 1957

This Regular Meeting of the Board of Directors of the Department of Highways was held in the offices of the Department in the State Office Building, Carson City, Nevada, at 1:30 P.M. on the above date.

PRESENT:

Honorable Harvey Dickerson	Director
Peter Merialdo	Director
H. D. Mills	State Highway Engineer
John Bawden	Advance Planning Engineer
Stanley D. Sundeen	Secretary

ABSENT:

Honorable Charles H. Russell	Chairman
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ORDER OF BUSINESS

At the designated time of 1:30 P.M., the following bids were opened and read for furnishing aerial photographs and maps (Aerial Survey) in Washoe County, from near the north city limits of Reno to Panther Valley, along U. S. 395, Project No. F-003-2(3).

Packard Muir & Train.	9,488.00
St. Maurice-Helmkamp-Musser, Inc.	14,415.00
Cartographers, Inc.	14,668.00

While the bids were being checked, State Highway Engineer Mills presented to the Board and recommended approval and execution of the following agreement:

1. Project Agreement for Nevada Federal-aid Project F-002-1 (11), from 1/2 mile east of Spooners Summit to junction U.S. Route 395 (Clear Creek), in Douglas and Ormsby Counties, in the amount of \$63,022.00, awarded to J. Kenneth Thayer dba Thayer Construction Company, on October 3, 1957.

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Director Dickerson moved the recommendation of the State Highway Engineer be accepted and the project agreement approved and executed. The motion was seconded by Acting Chairman Merialdo and so ordered.

State Highway Engineer Mills presented to the Board and recommended approval and execution of the following contract, advising that a satisfactory bond had been furnished:

Contract No. 1004, between one-half mile east of Spooners Summit and junction U. S. Highway 395 (Clear Creek), Douglas and Ormsby Counties, to install standard steel guard rail on portion of this project, awarded to J. Kenneth Thayne, dba Thayne Construction Co., on October 3, 1957.

Director Dickerson moved the recommendation of the State Highway Engineer be accepted and the contract approved and executed. The motion was seconded by Acting Chairman Merialdo and so ordered.

State Highway Engineer Mills advised the Board that Highway Contract No. 971 for the construction of a portion of the highway system on new alignment from one-quarter of a mile east of Spooners junction to a junction with U. S. Route No. 395, was now complete, that the necessity for retaining the old road (Clear Creek Highway) no longer exists and recommends that said road and right of way be abandoned, except for that portion from the junction of U. S. Highway 395 to a point opposite the intake to the Indian Service water diversion box on Clear Creek near the mouth of Clear Creek Canyon at approximate Highway Engineer's Station 430+00±.

Director Merialdo moved the recommendation of the State Highway Engineer be accepted and the abandonment of the Old Clear Creek Highway be approved and adopted. The motion was seconded by Director Dickerson and passed unanimously.

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All bids having been checked as listed herein, State Highway Engineer Mills presented to the Board and recommended that Aerial Survey Contract No. 8 be awarded to Packard, Muir and Train, Inc., on their bid in the amount of \$9,482.00.

Director Dickerson moved the recommendation of the State Highway Engineer be accepted and the contract awarded. The motion was seconded by Acting Chairman Merialdo and so ordered.

There being no further business, the meeting adjourned in regular order subject to the Call of the Chair.

CHARLES H. RUSSELL
Chairman - Board of Directors

HARVEY DICKERSON
Director

PETER MERIALDO
Director

TANLEY D. SUNDEEN
Secretary

READ, SIGNED AND APPROVED AS WRITTEN HEREIN.

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