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DOC # 0639700
03/22/2005 09:30 AM Deputy: KLJ

OFFICIAL RECORD

Requested By:
WALLACE E ADAMS

Assessor's Parcel Number: APN001319-02-000-001

Recording Requested By:

Name: Wallace E Adams

Address: Box 315

City/State/Zip: GENOA NEVADA 89411

Real Property Transfer Tax: _____

Douglas County - NV
Werner Christen - Recorder
Page: 1 Of 7 Fee: 20.00
BK-0305 PG- 9435 RPIT: 0.00



ORDER GRANTING PRESCRIPTIVE EASEMENT
(Title of Document)

This page added to provide additional information required by NRS 111.312 Sections 1-2. (Additional recording fee applies)

This cover page must be typed or legibly hand printed.

Case No. 04-CV-0278

RECEIVED

Dept. No. II

MAR 22 2005

CLERK OF DISTRICT COURT

2005 MAR 22 AM 9:17

BARBARA RICE
CLERK

B. PHENIX

IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF DOUGLAS

1999 WALLACE E. ADAMS REVOCABLE
TRUST DATED SEPTEMBER 13, 1999,

Plaintiff,

vs

ORDER GRANTING PRESCRIPTIVE
EASEMENT

DAVID Y. CANTWELL and DAVID Y.
CANTWELL TRUST, LAWRENCE L. REECE
and LAWRENCE L. REECE TRUST,
CHARLES E. GRIFFITHS, DEBRA
CHRYSTAL, MARK and KRISTA WYMAN,
FRANK SETTLEMAYER & SONS, INC.,
ROBERT D. and ADRIAN L. LYELLS, SUSAN
T. VILARDI TRUSTEE, LONNIT L. and
RENAE S. PERKINS, SUZY BOLDING,
DEFENDANT DOES I-IV,

Defendants.

MARK AND KRISTA WYMAN,

Counter-Claimants.

vs.

1999 WALLACE E. ADAMS REVOCABLE
TRUST dated September 3, 1999,

Counter-Defendant,

MARK AND KRISTA WYMAN,

Cross-Claimants,

vs.

DAVID Y. CANTWELL, et al,

Cross-Defendants.



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BK- 0305
PG- 9436

1 This matter came on for hearing before the undersigned Court, pursuant to Plaintiff's Motion for Pre-
2 Trial Conference. The following were present, either represented by counsel or *in pro per*:

3 Christopher MacKenzie, Esq., attorney for Frank Settlemyer North LLC, successor in interest to
4 Frank Settlemyer & Sons Inc.;

5 Kim Kamholz, individual, representing Mark and Krista Wyman and the Wyman Trust;

6 J. D. Sullivan, Esq., attorney for David Y. Cantwell and David Y. Cantwell Trust;

7 William C. Davis, Jr., Esq., representing Jill Brandon, under contract to purchase Plaintiff's interest;

8 Charles E. Griffiths, individual, representing himself and Debra Chrystal; and Ross E. de Lipkau,
9 Esq., representing Plaintiff.

10 It appearing to the Court and the Court so finds that all Defendants were personally served, or
11 accepted service of process.

12 The Court further finds, without opposition, that Plaintiff, and its predecessors in interest, through
13 and via their access to Plaintiff's property from 1852 to the present, have established the right to a
14 prescriptive easement.

15 The prescriptive easement created by this Order is limited to the historic use by Plaintiff and its
16 predecessors in interest. That right shall commence on Genoa Lane and terminating at the southeast corner
17 of Plaintiff's real property, assigned APN No.1319-02-000-001 by the Douglas County Assessor. Usage of
18 the prescriptive easement shall be limited to inspection of the real property owned by Plaintiff; inspection
19 of real property appurtenances; moving cattle to and from Genoa Lane to and from the real property;
20 inspection of cattle; irrigation of real property; repairs to fences on real property; hunting on real property;
21 and other uses consistent with the historical agricultural uses of the real property owned by Plaintiff.

22 This prescriptive easement is described as follows:

23 Refer to Exhibit "A" attached hereto.

24 That any claims of Plaintiff to any of the segments, not described in Exhibit "A" are hereby eliminated
25 by this Order.

26 The Counterclaim and Cross-Claim filed by Mark and Krista Wyman are unaffected by this Order.

27 Each party to bear its own costs and fees.



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PG- 9437

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IT IS SO ORDERED this 21 day of March, 2005.

Michael P. Gibbons
DISTRICT JUDGE

ORIGINAL

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: March 22, 2005

of the State of Nevada, Judicial District Court
for the County of Douglas,

By [Signature] Deputy

SEAL



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PG- 9438

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ADAMS ACCESS EASEMENT

Legal Description

March 15, 2005

A strip of land located within Section 11, the North one-half of Section 14, and the South one-half of Section 2. Township 13 North, Range 19 East, MDB&M, Douglas County, Nevada, being more particularly described as follows:

BEGINNING at the one-quarter corner between said Sections 2 and 11, being a 5/8" rebar and cap RLS 3090 as per Record of Survey, Document No. 220782 and Map of Division into Large Parcels, Document No. 499064 of the Douglas County Recorder's Office;

thence S. 00°35'26" E., 3176.98 feet to a 5/8" rebar and cap RLS 3090;

thence S. 24°17'46" E., 94.44 feet;

thence S. 05°15'29" E., 221.95 feet;

thence S. 00°45'12" E., 2087.98 feet to the Northerly right-of-way line of Genoa Lane;

thence N. 89°32'23" W., along said Northerly right-of-way line, 60.01 feet;

thence N. 00°45'12" W., 2086.71 feet;

thence N. 05°15'29" W., 319.86 feet to a point on the Northerly line of Adjusted Parcel 13 as shown on the Record of Survey to Support a Boundary Line Adjustment for Frank Settlemeyer & Sons, Inc. and The Pivot Limited Partnership, Document No. 344297 of the Douglas County Recorder's Office;

thence N. 0°35'26" W., along a line being 30 feet Westerly of Parcels 3 and 5 of said Record of Survey, Document No. 344297, 3166.32 feet to a point on the North line of said Section 11 being the North line of Parcel A of said Record of Survey, Document No. 220782 and the South line of Adjusted Parcel 2 as shown on the Record of Survey to Support a Boundary Line Adjustment for Little Mondeaux Limousin Corporation, Document No. 467384 of the Douglas County Recorder's Office;

EXHIBIT A



thence along said North line of said Section 11 being the South line said Adjusted Parcel 2, S. 89°58'18" W., 393.25 feet to the Southwest corner of said Adjusted Parcel 2;
thence along the Westerly line of said Adjusted Parcel 2, N. 00°23'04" W., 2,645.23 feet to the Northwest corner of said Adjusted Parcel 2;
thence along the Northerly line of said Adjusted Parcel 2, N. 89°59'10" E., 423.25;
thence S. 00°23'04" W., 50.00 feet;
thence S. 89°59'10" W., 373.25 feet;
thence S. 00°23'04" E., 2,545.22 feet;
thence N. 89°58'18" E., 373.25 feet to a point on the Easterly line of said Adjusted Parcel 2;
thence along said Easterly line, S. 00°23'04" E., 50.00 feet to the POINT OF BEGINNING.

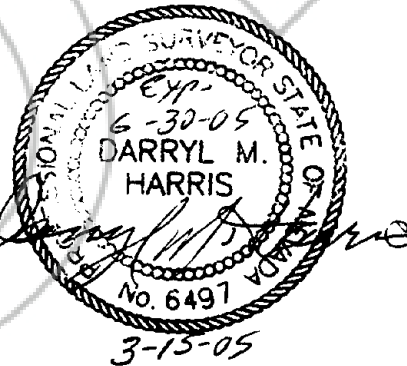
Contains 9.350 acres more or less

Basis of Bearing:

North Line of Parcel A as shown on the Record of Survey and Boundary Line Adjustment for R. Bruce and Susan T. Braun, Document No. 220782 of the Douglas County Recorder's Office. (N.89°58'18"W.)

PREPARED BY:

Darryl M. Harris, P.L.S. # 6497
Resource Concepts, Inc.
P.O. Box 11796
212 Elks Point Road, Suite 443
Zephyr Cove, NV 89448
(775) 588-7500



AREA/LOT. SUMMARY
 PRINT INVERSE DATA ? : Y
 SET #[s] : 314
 SET #314 ADAMS ACCESS EASE. (NEW TOTAL

FROM	BEARING/ANGLE	DISTANCE	TO	NORTH	EAST	ELEV
		5/8"RB	2247	102569.0809	148699.0253	4.86
2247	SE 00 35'26.2"	3176.98	2367	99392.2744	148731.7734	10.09
			5/8"RB			
2367	SE 24 17'45.5"	94.44	3654	99306.2013	148770.6296	
			EASE.			
3654	SE 05 15'28.8"	221.95	2425	99085.1875	148790.9690	4729.33
			EASE.			
2425	SE 00 45'12.3"	2087.98	2428	96997.3869	148818.4248	4729.33
			EASE.			
2428	NW 89 32'22.7"	60.01	2429	96997.8691	148758.4132	4729.33
			EASE.			
2429	NW 00 45'12.3"	2086.71	2426	99084.3985	148730.9742	4729.33
			EASE.			
2426	NW 05 15'28.8"	319.86	2424	99402.9117	148701.6622	4729.33
			EASE.			
2424	NW 00 35'26.2"	3166.32	3644	102569.0661	148669.0238	
			EASE.			
3644	SW 89 58'18.4"	393.25	3646	102568.8724	148275.7753	
			EASE.			
3646	NW 00 23'03.5"	2645.23	3647	105214.0438	148258.0322	
			EASE.			
3647	NE 89 59'10.0"	423.25	1030	105214.1465	148681.2822	
1030	SE 00 23'03.6"	50.00	3651	105164.1466	148681.6176	
			EASE.			
3651	SW 89 59'10.0"	373.25	3650	105164.0560	148308.3687	
			EASE.			
3650	SE 00 23'03.5"	2545.22	3649	102618.8969	148325.4409	
			EASE.			
3649	NE 89 58'18.4"	373.25	3648	102619.0807	148698.6899	
			EASE.			
3648	SE 00 23'03.6"	50.00	2247	102569.0809	148699.0253	4.86
			5/8"RB			

PERIMETER 18067.6922 AREA (sq ft) 407269.549 AREA (acres) 9.350

SET #[s] :
 PRINT OPTIONS: : S

