

OFFICIAL RECORD

Requested By:

STEWART TITLE OF DOUGLAS

COUNTY

Douglas County - NV

Werner Christen - Recorder

Page: 1 Of 7 Fee: 20.00

BK-0106 PG-10876 RPTT: 0.00



APN(s): 1220-10-601-003

APN# 1220-11-001-040

Recording At The Request Of and
After Recording Return To:

Jeffrey K. Rahbeck, Esq.

P.O. Box 435

Zephyr Cove, NV 89448

MEMORANDUM RESTRICTING USE OF PROPERTY

THIS MEMORANDUM RESTRICTING USE OF PROPERTY ("Memorandum") is made and is effective as of the 27th day of Jan, 2006, by and between PERI ENTERPRISES, LLC, a Nevada limited liability company ("PERI") in favor of and for the benefit of BARTON HEALTHCARE SYSTEM, a California public benefit corporation qualified to do business in the State of Nevada as BARTON MEMORIAL HOSPITAL ("BARTON").

RECITALS

a. PERI and BARTON entered into a Land Purchase Agreement whereby BARTON has acquired the real property described on Exhibit "A", attached hereto and incorporated herein from PERI. Paragraph 10(k) of the Land Purchase Agreement required PERI to record a Deed Restriction restricting the use of properties owned by PERI in the general vicinity of the real properties described on Exhibit "A" attached hereto.

b. The purpose of this Memorandum is to memorialize and to make a public record of PERI's obligations enumerated herein and in the Land Purchase Agreement. The real properties that are the subject of this Memorandum are described in Exhibit "B", attached hereto and incorporated herein.

NOW, THEREFORE, in consideration of the promises and covenants contained herein and in the Land Purchase Agreement, and for other good and valuable consideration, receipt and sufficiency of which PERI hereby acknowledges, PERI hereby agrees in favor of BARTON and BARTON's successors and assigns as follows:

AGREEMENTS

1. Restricting Use of Property. PERI hereby agrees that the real properties hereby described on Exhibit "B" attached hereto and incorporated herein will not be used or owned by any person or entity for the purpose of operating any X-Ray/MRI/Diagnostic Testing Facility, Medical Laboratory Facility, Rural Hospital, or any medical facility as that term is defined in NRS 449.0151, as from time to time amended.

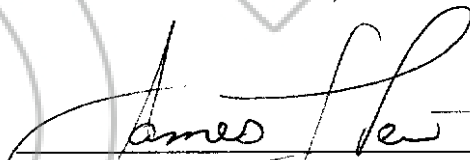
2. Covenants Running With the Land. The obligations of PERI, as set forth in this Memorandum, shall constitute covenants running with the land and equitable servitudes, which will burden the PERI property described on Exhibit "B", attached hereto, as servient tenements and benefit the real properties described on Exhibit "A", attached hereto, as the dominant tenement.


3. Successors and Assigns. This Memorandum is binding upon and shall inure to the benefit of the successors and assigns in the ownership of the real properties described in Exhibits "A" and "B" attached hereto.

4. Counterparts. This Memorandum may be executed in multiple counterparts, each of which shall be deemed an original and all of which together shall constitute one and the same instrument.

IN WITNESS WHEREOF, the parties hereto have executed this Memorandum as of the date first above-written.

PERI ENTERPRISES, LLC


By: James J. Peri.
Managing Member
BARTON HEALTHCARE SYSTEM


By: David J. Peri
Managing Member



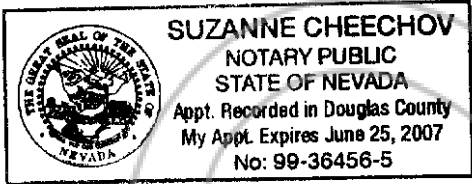
ACKNOWLEDGMENT

STATE OF NEVADA)
) ss.
COUNTY OF DOUGLAS)

On the 27th day of JAN. 2006, personally appeared before me, a Notary Public, in and for said County and State, DAVID J. Peri of PERI ENTERPRISES, LLC, known to me to be the person described in and who executed the foregoing instrument, who acknowledged to me that he executed the same, freely and voluntarily and for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State above-named, the day and year in this certificate first above written.

Suzanne Cheechov
NOTARY PUBLIC



ACKNOWLEDGMENT

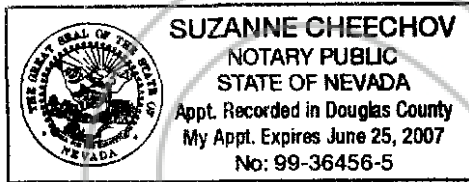
STATE OF NEVADA)
) ss.
COUNTY OF DOUGLAS)

On the 30th day of Jan 2006, personally appeared before me, a Notary Public, in and for said County and State, JAMES J. PERI of BARTON HEALTHCARE SYSTEM, a California public benefit corporation, known to me to be the person described in and who executed the foregoing instrument, who acknowledged to me that he executed the same, freely and voluntarily and for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State above-named, the day and year in this certificate first above written.

Suzanne Cheechov

NOTARY PUBLIC



**EXHIBIT "A"
LEGAL DESCRIPTION**

Order No.: 050102176

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

A parcel of land located within a portion of the East one-half (E 1/2) of Section 10 and the West one-half (W 1/2) of Section 11, Township 12 North, Range 20 East, Mount Diablo Meridian, more particularly described as follows:

Commencing at the west corner of A.P.N. 25-160-44 as shown on the Record of Survey for B.D.B. Enterprises, LLC filed for record January 22, 1998 in the office of Recorder, Douglas County, Nevada as Document No. 430943, said point also falling on the east right-of-way line of U.S. Highway 395, a found 5/8" rebar with aluminum cap PLS 3519, the POINT OF BEGINNING.

thence along the boundary of said A.P.N. 25-160-44, North 29°02'43" East, 1421.26 feet;
thence South 44°45'21" East, 401.58 feet;
thence along the arc of a curve to the right having a radius of 947.50 feet, central angle of 90°00'00", arc length of 1488.33 feet, and chord bearing and distance of South 00°14'39" West, 1339.97 feet;
thence South 45°14'39" West, 367.34 feet;
thence along the arc of a curve to the right having a radius of 50.00 feet, central angle of 90°00'00", arc length of 78.54 feet, and chord bearing and distance of North 89°45'21" West, 70.71 feet to a point on said east right-of-way line of U.S. Highway 395;
thence along said east right of way line of U.S. Highway 395, North 44°45'21" West, 902.60 feet to the POINT OF BEGINNING.

Reference is made to Record of Survey, recorded October 19, 2005, in Book 1005, Page 8587, Document No. 658211.

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"IN COMPLIANCE WITH NEVADA REVISED STATUTE 111.312, THE HEREIN ABOVE LEGAL DESCRIPTION WAS TAKEN FROM INSTRUMENT RECORDED OCTOBER 19, 2005, BOOK 1005, PAGE 8582, AS FILE NO. 658210, RECORDED IN THE OFFICIAL RECORDS OF DOUGLAS COUNTY, STATE OF NEVADA."



EXHIBIT "B"

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**DESCRIPTION
ADJUSTED PARCEL 3
(A.P.N. 1220-11-002-004)**

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

A parcel of land located within a portion of the East one-half (E1/2) of Section 10 and portions of Section 11, Township 12 North, Range 20 East, Mount Diablo Meridian, more particularly described as follows:

Commencing at the west corner of A.P.N. 25-160-44 as shown on the Record of Survey for B.D.B. Enterprises, LLC filed for record January 22, 1998 in the office of Recorder, Douglas County, Nevada as Document No. 430943, said point also falling on the east right-of-way line of U.S. Highway 395, a found 5/8" rebar with aluminum cap PLS 3519;

thence along the boundary of said A.P.N. 25-160-44, North 29°02'43" East, 1421.26 feet to the POINT OF BEGINNING;

thence continuing along said boundary of A.P.N. 25-160-44 the following courses:

North 29°02'43" East, 697.97 feet;
South 52°40'39" East, 86.89 feet;
South 52°09'40" East, 402.85 feet;
South 31°08'01" East, 250.16 feet;
South 89°20'25" East, 59.37 feet;
South 89°10'02" East, 1105.69 feet;
South 00°58'02" West, 752.93 feet;
South 63°01'56" East, 315.82 feet;
North 89°22'09" East, 99.27 feet;
South 08°53'38" East, 67.05 feet;
South 69°28'45" East, 545.55 feet;

South 32°54'43" East, 378.32 feet to the northeast corner of A.P.N. 25-160-20 as shown on said Record of Survey;

thence along the boundary of said A.P.N. 25-160-20 the following courses:

South 32°54'43" East, 86.96 feet;
South 25°16'19" East, 292.24 feet;
South 31°47'50" East, 204.50 feet;
South 88°36'58" West, 829.82 feet to the southwest corner of said A.P.N.

25-160-20;

thence along the boundary of said A.P.N. 25-160-44 the following courses:

North 89°25'51" West, 370.00 feet;

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South 84°38'26" West, 999.99 feet;
South 88°06'25" West, 774.42 feet to a point on the northeasterly right-of-way line of Pinenut Road;
thence along said right-of-way of Pinenut Road the following courses:
North 44°45'21" West, 379.75 feet;
South 45°14'39" West, 218.25 feet;
Along the arc of a curve to the right having a radius of 34.80 feet, central angle of 25°10'08", arc length of 15.29 feet, and chord bearing and distance of South 57°49'43" West, 15.16 feet to a point on said east right-of-way line of U.S. Highway 395;
thence along said east right-of-way line of U.S. Highway 395, North 44°45'21" West, 64.20 feet;
thence along the arc of a curve to the left, non-tangent to the preceding course, having a radius of 50.00 feet, central angle of 90°00'00", arc length of 78.54 feet, and chord bearing and distance of South 89°45'21" East, 70.71 feet;
thence North 45°14'39" East, 367.34 feet;
thence along the arc of a curve to the left having a radius of 947.50 feet, central angle of 90°00'00", arc length of 1488.33 feet, and chord bearing and distance of North 00°14'39" East, 1339.97 feet;
thence North 44°45'21" West, 401.58 feet to the POINT OF BEGINNING, containing 110.46 acres, more or less.

The Basis of Bearing of this description is South 44°45'21" East, the east right-of-way of U.S. Highway 395 as shown on the Record of Survey for Jacobsen Family Survivors/Residual Trust filed for record May 11, 2000 in said office of Recorder as Document No. 491782 in said office of Recorder.

Note: Refer this description to your title company before incorporating into any legal document.

Prepared By: R.O. ANDERSON ENGINEERING, INC.
P.O. Box 2229
Minden, Nevada 89423

