

OFFICIAL RECORD

Requested By:

ANDERSON ENGINEERING

APN: portions of 1319-15-000-024  
When recorded, return to:  
WALLEY'S PARTNERS LIMITED  
PARTNERSHIP  
✓ P.O. Box 158  
Genoa, NV 89411  
RPTT: Exempt

Douglas County - NV  
Werner Christen - Recorder

Page: 1 Of 13 Fee: 26.00  
BK-0706 PG- 9371 RPTT: 0.00



ACCESS EASEMENT

THIS INDENTURE, made this 25<sup>th</sup> day of JULY, 2006,

by and between WALLEY'S PARTNERS LIMITED PARTNERSHIP, a Nevada limited partnership, hereinafter referred to as "GRANTOR," and WALLEY'S PARTNERS LIMITED PARTNERSHIP, a Nevada limited partnership, and WALLEY'S PROPERTY OWNERS ASSOCIATION, a Nevada non-profit corporation, hereinafter referred to as "GRANTEES."

WITNESSETH:

That the capitalized terms used herein shall as the context dictates have the meanings set forth in the Declaration of Time Share Covenants, Conditions and Restrictions for David Walley's Resort recorded as Document 0521436 at Book 0801, Page 6980 of the Official Records of Douglas County, Nevada, as amended from time to time (the "Declaration");

That GRANTOR, in consideration of TEN DOLLARS (\$10.00), lawful money of the United States, and other good and valuable consideration to it in hand paid by the GRANTEES, the receipt of which is hereby acknowledged, does by these presents grant, bargain, and sell to the GRANTEES, and to their successors and assigns forever, including every Owner which shall, together with their respective guests, lessees and invitees, during Owner's properly

reserved Use Period, have a perpetual non-exclusive easement of use and enjoyment in, to and throughout the Common Area and a perpetual non-exclusive easement for utilities, parking and pedestrian and vehicular access, ingress, egress and support over and through that certain portion of the Exhibit "B" Property in the areas relocated to and more particularly described in Exhibit "A" attached hereto and incorporated herein by this specific reference (the "Access and Parking Easement Area").

Additionally, GRANTOR by these presents grants, bargains, and sells to the GRANTEES, and to their successors and assigns forever, including every Owner which shall, together with their respective guests, lessees and invitees, during Owner's properly reserved Use Period, have a perpetual non-exclusive easement of use and enjoyment in, to and throughout the Common Area and a perpetual non-exclusive easement for Pedestrian access, ingress, egress and support over that certain portion of the Exhibit "B" Property in the areas relocated to and more particularly described and shown on Exhibit "C" attached hereto and incorporated herein by this specific reference (the "Pedestrian Access Easement").

Additionally, GRANTOR by these presents grants, bargains, and sells to the GRANTEES, and to their successors and assigns forever, including every Owner which shall, together with their respective guests, lessees and invitees, have a perpetual non-exclusive easement of use and enjoyment in, to and throughout the Common Area and a perpetual non-exclusive easement for public utilities over that certain portion of the Exhibit "B" Property in the areas relocated to and more particularly described and shown in Exhibit "D" attached hereto and incorporated herein by this specific reference (the "Public Utility Easement").

GRANTOR reserves for itself and its designees, a perpetual non-exclusive easement for utilities, parking and pedestrian and vehicular access, ingress, egress and support on, over, along, across, through the above described easements and the Project.

All non-exclusive easements, specifically including the Access and Parking Easement, the Pedestrian Access Easement and the Utility Easement shall run with the land, shall be appurtenant to and pass with title to each Time Share, shall burden the Exhibit "B" Property, shall be easements in gross benefitting all present and future Owners in perpetuity, and shall be subject to the following rights and restrictions.

- (A) GRANTOR's right to improve the Exhibit "B" Property and to change and relocate any established easement or right of way for utilities, parking, access, ingress, egress or support from time to time. Any change or relocation shall be subject to the consent of the Board of Directors of the Association which shall not be unreasonably withheld, so long as the Owners and their guests, lessees and invitees continue to enjoy the Access Easement granted pursuant to Paragraph 2.8 of the Declaration without interruption or material interference.
- (B) The right of the Board of Directors of the Association to adopt, amend and enforce the Rules and Regulations.
- (C) The right of the Board of Directors of the Association to limit the number of guests.

- (D) The right of the Association to suspend the right of an Owner to use the Recreational Facilities or other Common Area facilities for any period during which any assessment against the Owner remains unpaid.
- (E) The right of the Association to borrow money to improve, repair or maintain the Property.
- (F) The right of the Association to assign, rent, license or otherwise designate and control use of Common Area.

Said easements shall specifically benefit any and all lots on the east side of Foothill Road created by Record of Survey for David Walley's Resort pursuant to the Final Subdivision Map LDA #98-05 for David Walley's Resort being a Commercial Subdivision, recorded October 19, 2000 in Book 1000 at Page 3464 as Document No. 501638, as thereafter amended, to create Parcels E-1 and F through P and as such as are located or relocated from time to time by Record of Survey pursuant to said Commercial Subdivision.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversion or reversions, remainder or remainders, rents, issues or profits thereof.

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**EXHIBIT 'A'**  
**DESCRIPTION**  
**ACCESS & PARKING EASEMENT**  
**(Over A.P.N. 1319-22-000-018)**

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

A strip of land for access and parking area purposes located within a portion of the West one-half of the Southeast one-quarter (W $\frac{1}{2}$ SE $\frac{1}{4}$ ) of Section 15, Township 13 North, Range 19 East, Mount Diablo Meridian, more particularly described as follows:

Commencing at the one-quarter corner common to Sections 15 and 22, T.13N., R.19E., M.D.M., a found 1985 BLM brass cap as shown on the Final Subdivision Map No. 98-05 for David Walley's Resort, a commercial subdivision, recorded October 19, 2000 in the office of Recorder, Douglas County, Nevada as Document No. 501638;

thence North 62°58'41" East, 700.91 feet to a point on the northerly terminus of an existing access and parking area easement recorded in said office of Recorder in Book 0801, at Page 6980, the POINT OF BEGINNING;

thence leaving said easement, along the arc of a curve to the right, non-tangent to the preceding course, having a radius of 216.00 feet, central angle of 21°10'47", arc length of 79.85 feet, and chord bearing and distance of North 11°57'07" East, 79.39 feet;

thence along the arc of a reverse curve having a radius of 184.00 feet, central angle of 29°14'42", arc length of 93.92 feet, and chord bearing and distance of North 07°55'10" East, 92.90 feet;

thence along the arc of a compound curve having a radius of 2.00 feet, central angle of 90°56'40", arc length of 3.17 feet, and chord bearing and distance of North 52°10'31" West, 2.85 feet;

thence South 82°21'09" West, 15.98 feet;

thence North 07°38'51" West, 94.48 feet;

thence North 13°50'00" West, 20.39 feet;

thence South 73°36'54" West, 4.63 feet;

thence along the arc of a curve to the right, non-tangent to the preceding course, having a radius of 238.50, central angle of 07°43'25", arc length of 32.15 feet, and chord bearing and distance of North 12°36'16" West, 32.13 feet;

thence South 83°12'26" West, 7.78 feet;

thence North 06°47'34" West, 15.33 feet;

thence North 83°12'26" East, 7.75 feet;

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thence along the arc of a curve to the right, non-tangent to the preceding course, having a radius of 238.50 feet, central angle of  $03^{\circ}09'13''$ , arc length of 13.13 feet, and chord bearing and distance of North  $03^{\circ}28'53''$  West, 13.13 feet;

thence North  $02^{\circ}14'10''$  West, 4.97 feet;

thence North  $87^{\circ}45'50''$  East, 18.08 feet;

thence North  $00^{\circ}14'05''$  West, 55.75 feet;

thence South  $89^{\circ}08'00''$  West, 18.51 feet;

thence along the arc of a curve to the left, non-tangent to the preceding course, having a radius of 339.00 feet, central angle of  $09^{\circ}30'06''$ , arc length of 56.22 feet, and chord bearing and distance of North  $04^{\circ}36'12''$  West, 56.15 feet;

thence South  $68^{\circ}35'29''$  West, 9.78 feet;

thence North  $21^{\circ}24'31''$  West, 9.26 feet;

thence North  $19^{\circ}27'23''$  West, 4.23 feet;

thence North  $70^{\circ}32'37''$  East, 5.30 feet;

thence North  $78^{\circ}25'54''$  East, 6.81 feet;

thence along the arc of a curve to the left, non-tangent to the preceding course, having a radius of 339.00 feet, central angle of  $29^{\circ}33'02''$ , arc length of 174.84 feet, and chord bearing and distance of North  $26^{\circ}13'11''$  West, 172.91 feet;

thence North  $49^{\circ}56'05''$  East, 18.00 feet;

thence along the arc of a curve to the left, non-tangent to the preceding course, having a radius of 357.00 feet, central angle of  $07^{\circ}12'39''$ , arc length of 44.93 feet, and chord bearing and distance of North  $44^{\circ}33'13''$  West, 44.90 feet;

thence along the arc of a compound curve having a radius of 50.00 feet, central angle of  $107^{\circ}09'49''$ , arc length of 93.52 feet, and chord bearing and distance of South  $78^{\circ}15'34''$  West, 80.47 feet to a pint on the easterly right-of-way line of Foothill Road as shown on said Final Subdivision Map;

thence along said easterly right-of-way line of Foothill Road, North  $25^{\circ}40'29''$  West, 76.41 feet;

thence leaving said easterly right-of-way line of Foothill Road, North  $64^{\circ}19'31''$  East, 16.23 feet;

thence South  $89^{\circ}17'04''$  East, 36.54 feet;

thence along the arc of a curve to the right, non-tangent to the preceding course, having a radius of 100.50 feet, central angle of  $30^{\circ}24'35''$ , arc length of 53.34 feet, and chord bearing and distance of South  $88^{\circ}03'15''$  East, 52.72 feet;

thence North  $18^{\circ}17'27''$  East, 15.50 feet;

thence along the arc of a curve to the right, non-tangent to the preceding course, having a radius of 116.00 feet, central angle of  $24^{\circ}07'10''$ , arc length of 48.83 feet, and chord bearing and distance of South  $60^{\circ}38'15''$  East, 48.47 feet;

thence along the arc of a compound curve having a radius of 419.00 feet, central angle of  $48^{\circ}20'35''$ , arc length of 353.53 feet, and chord bearing and distance of South  $24^{\circ}24'23''$  East, 343.13 feet;

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thence South  $00^{\circ}14'05''$  East, 52.58 feet;  
thence along the arc of a curve to the left having a radius of 185.85 feet, central angle of  $15^{\circ}36'31''$ , arc length of 50.63 feet, and chord bearing and distance South  $07^{\circ}26'36''$  East, 50.47 feet;  
thence South  $11^{\circ}05'45''$  East, 25.02 feet;  
thence North  $78^{\circ}54'15''$  East, 23.46 feet to the northwest corner of Adjusted Parcel G as shown on the Record of Survey to Support a Boundary Line Adjustment for Walley's Partners Ltd. Partnership filed for record September 20, 2002 in said office of Recorder as Document No. 552536;  
thence along the westerly line of said Adjusted Parcel G, South  $01^{\circ}21'44''$  West, 203.97 feet to the southwest corner of said Adjusted Parcel G;  
thence South  $37^{\circ}21'09''$  West, 2.20 feet;  
thence South  $52^{\circ}38'51''$  East, 41.95 feet;  
thence along the arc of a curve to the right having a radius of 87.00 feet, central angle of  $40^{\circ}03'04''$ , arc length of 60.82 feet, and chord bearing and distance of South  $32^{\circ}37'19''$  East, 59.58 feet to a point on said northerly terminus of an existing access and parking area easement;  
thence along said northerly terminus of an existing access and parking area easement the following three courses:  
North  $88^{\circ}38'16''$  West, 7.92 feet;  
South  $01^{\circ}21'44''$  West, 4.50 feet;  
North  $88^{\circ}38'16''$  West, 144.65 feet to the POINT OF BEGINNING containing 66,215 square feet, more or less.

The basis of bearing for this description is North  $00^{\circ}03'48''$  West, the North-South centerline of Section 15, T.13N., R.19E., M.D.M. as shown on the Record of Survey for David Walley's Resort, a commercial subdivision, filed for record April 29, 2002 in said office of Recorder as Document No. 540898.

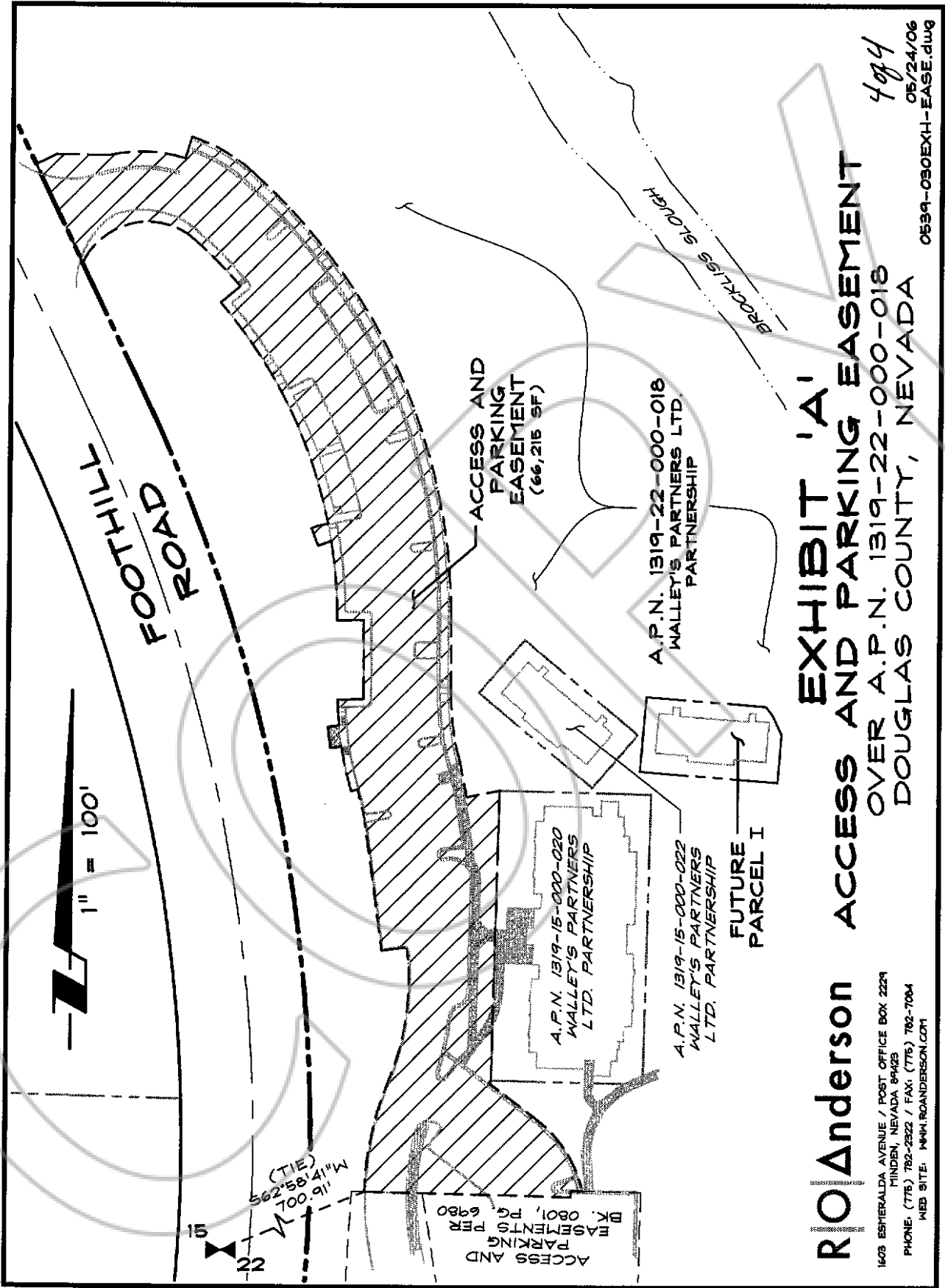
Note: Refer this description to your title company before incorporating into any legal document.

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

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**ROAnderson ACCESS AND PARKING EASEMENT**  
**EXHIBIT 'A'**  
**OVER A.P.N. 1319-22-000-018**  
**DOUGLAS COUNTY, NEVADA**

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1603 ESMERALDA AVENUE / POST OFFICE BOX 2229  
 MINDEN, NEVADA 89423  
 PHONE: (775) 782-2322 / FAX: (775) 782-7084  
 WEB SITE: WWW.ROANDERSON.COM

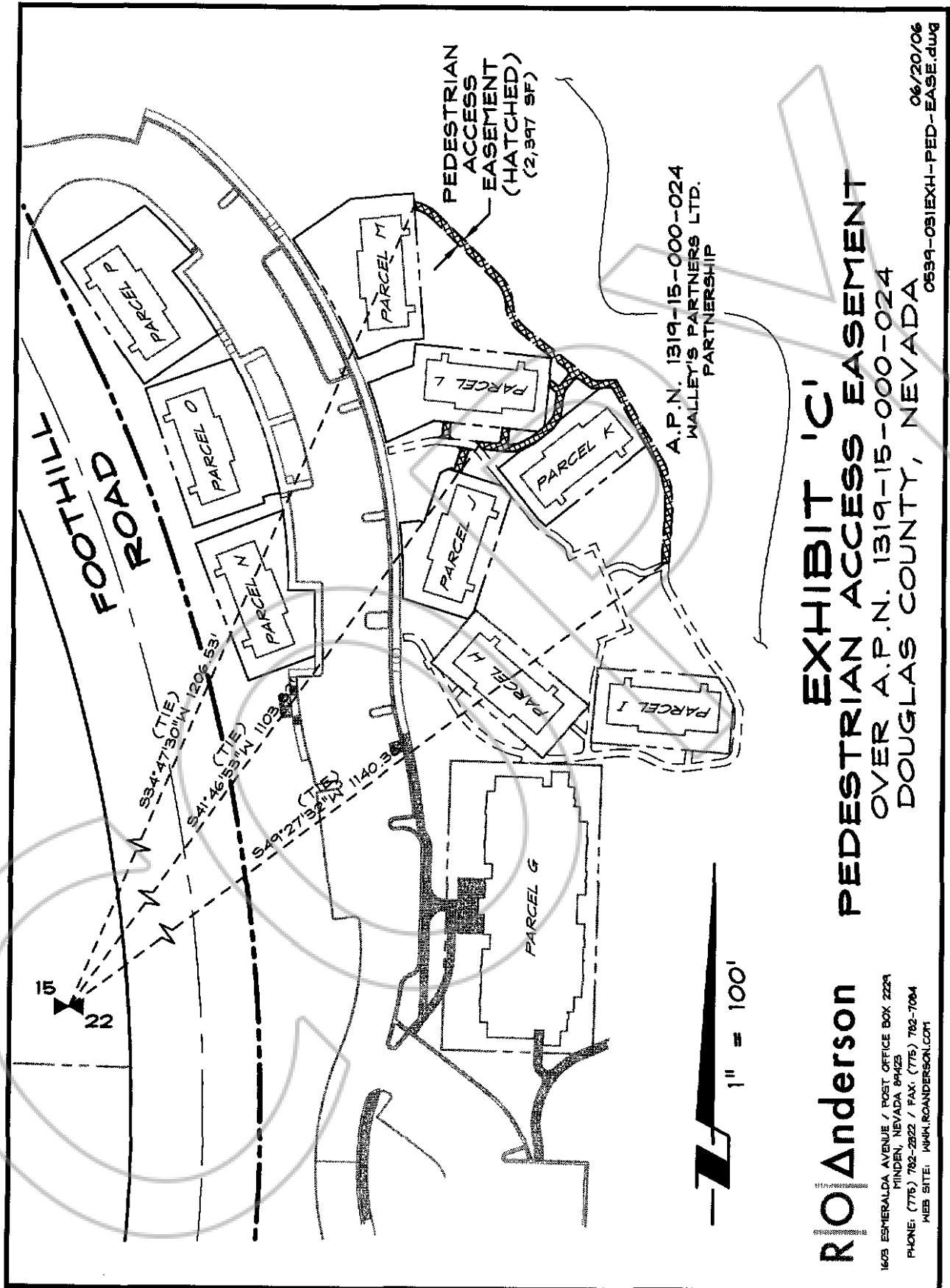
EXHIBIT "B"

The "Exhibit B Property" as defined in the Declaration of Time Share Covenants, Conditions and Restrictions for David Walley's Resort recorded as Document 0521436 at Book 0801, Page 6980 of Official Records of Douglas County, Nevada.

COOPY

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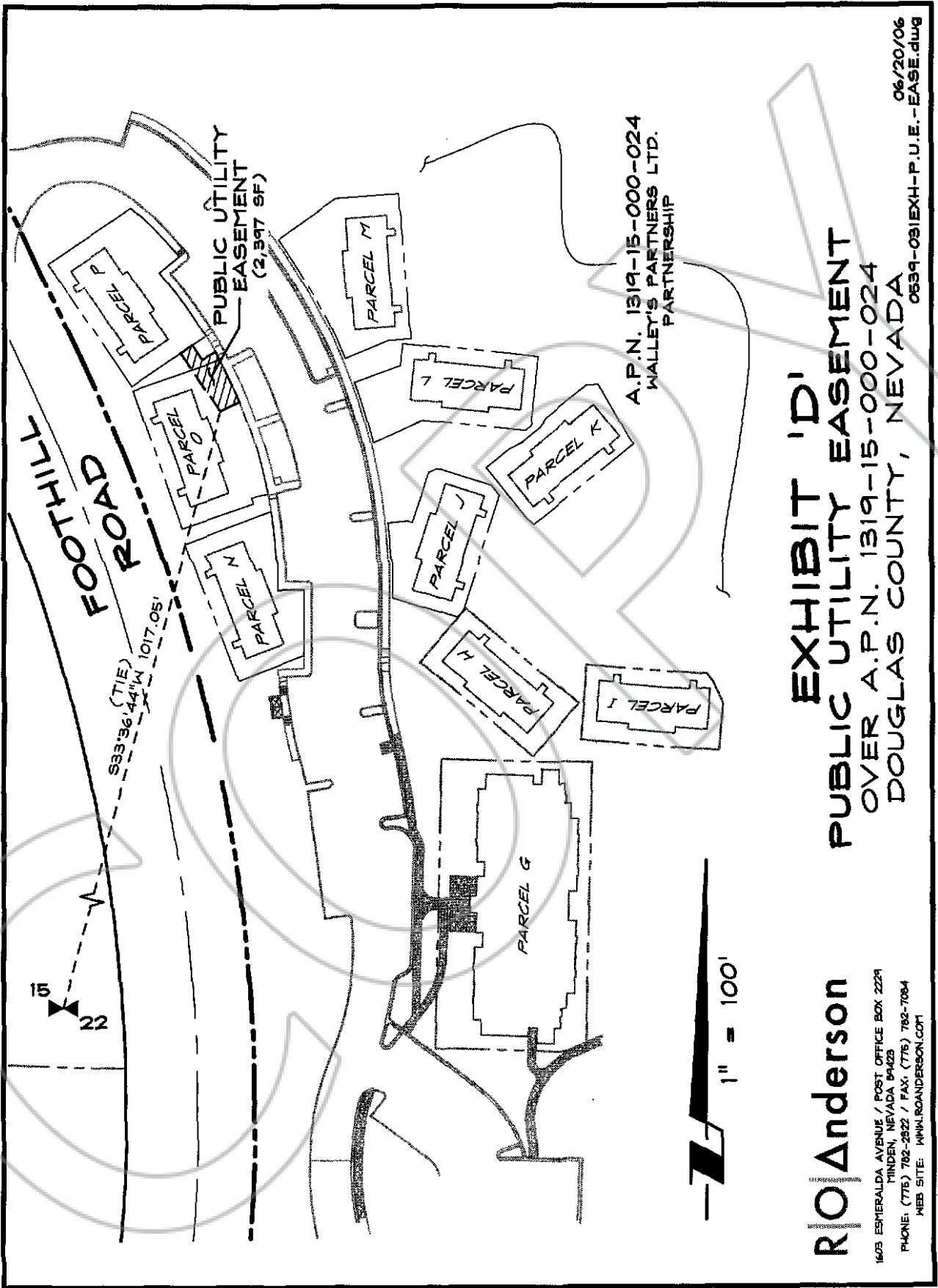


**EXHIBIT 'C'**  
**PEDESTRIAN ACCESS EASEMENT**  
 OVER A.P.N. 1319-15-000-024  
 DOUGLAS COUNTY, NEVADA

**ROAnderson**

1623 EMERALDA AVENUE / POST OFFICE BOX 2224  
 HINDEN, NEVADA 89425  
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 WEB SITE: [WWW.ROANDERSON.COM](http://WWW.ROANDERSON.COM)

06/20/06  
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A.P.N. 1319-15-000-024  
 WALLEY'S PARTNERS LTD.  
 PARTNERSHIP

**EXHIBIT 'D'**  
**PUBLIC UTILITY EASEMENT**  
**OVER A.P.N. 1319-15-000-024**  
**DOUGLAS COUNTY, NEVADA**

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