

A. P. No. 1220-08-812-011
No. 15607-FCL

R.P.T.T. \$ 2,484.30

When recorded mail to:

KIMBALL FAMILY TRUST
1329 HWY 395, STE 10 PMB #317
GARDNERVILLE, NV 89410-7327

Mail tax statements to:

SAME AS ABOVE




**AFFIRMATION PURSUANT TO
NRS 111.312(1)(2) AND 239B.030(4)**

X Pursuant to NRS 239B.030, the undersigned, hereby affirm(s) that the below document, including any exhibits, hereby submitted for recording does not contain the social security number of any person or persons.

-OR-

The undersigned, hereby affirm(s) that this document, including any exhibits, hereby submitted for recording does contain the social security number of a person or persons as required by the following: _____.



Signature

Agent WESTERN TITLE CO

JOY M. TAGHIOF

Print Signature

Title FORECLOSURE OFFICER

TRUSTEE'S DEED

THIS INDENTURE, made and entered into on May 6, 2008, by and between WESTERN TITLE COMPANY, INC., a Nevada corporation, as Trustee, party of the first part, and JEFFREY JOYCE, Trustee of the KIMBALL FAMILY TRUST AS AMENDED AND RESTATED dated February 14, 2001, party of the second part, whose address is: 1329 HWY 395, STE10, PMB #317 GARDNERVILLE, NV.

W I T N E S S E T H :

WHEREAS, DENNIS CLARK and NANCY CLARK, husband and wife, executed a Promissory Note payable to the order of JEFFREY JOYCE, Trustee of the KIMBALL FAMILY TRUST AS AMENDED AND RESTATED dated February 14, 2001, as to an undivided \$250,000.00 (44.6429%) interest; WALLACE D. BENTON and CLARA MAY BENTON, Trustees of the BENTON FAMILY TRUST dated October 18, 1993, as to an undivided \$180,000.00 (32.1428%) interest; THOMAS EDWARD DOWER and GAYLE DOWER, husband and wife as joint tenants, as to an undivided \$70,000.00 (12.5000%) interest; DONALD WILLIAM PENFIELD and LINDA JOYCE PENFIELD, Trustees of the DONALD W. PENFIELD FAMILY TRUST dated May 2, 1995, as to an undivided \$60,000.00 (10.7143%) interest, in the principal sum of \$560,000.00, and bearing interest, and as security for the payment of said Promissory Note said DENNIS CLARK and NANCY CLARK, husband and wife, as Trustor, executed a certain Deed of Trust to STEWART TITLE OF DOUGLAS COUNTY, a Nevada corporation, Trustee for JEFFREY JOYCE, Trustee of the KIMBALL FAMILY TRUST AS AMENDED AND RESTATED dated February 14, 2001, as to an undivided \$250,000.00 (44.6429%) interest; WALLACE D. BENTON and CLARA MAY BENTON, Trustees of the BENTON FAMILY TRUST dated October 18, 1993, as to an undivided \$180,000.00 (32.1428%) interest; THOMAS EDWARD DOWER and GAYLE DOWER, husband and wife as joint tenants, as to an undivided \$70,000.00 (12.5000%) interest; DONALD WILLIAM PENFIELD and LINDA JOYCE PENFIELD, Trustees of the DONALD W. PENFIELD FAMILY TRUST dated May 2, 1995, as to an undivided \$60,000.00 (10.7143%) interest, Beneficiary, which Deed of Trust was dated May 5, 2006, and was recorded May 12, 2006, as Document No. 0674798, Official Records, Douglas County, Nevada; and

WHEREAS, WESTERN TITLE COMPANY, INC., a Nevada corporation, was substituted as Trustee under said Deed of Trust in the place and stead of STEWART TITLE OF DOUGLAS COUNTY, by document recorded December 27, 2007, as Document No. 715293, Official Records, Douglas County, Nevada; and

WHEREAS, a breach of the obligation for which such transfer in trust as security was made occurred in that default was made in the failure to pay the installment of principal and interest due on June 12, 2007, and in the failure to pay each payment of principal and interest that thereafter became due; and

WHEREAS, JEFFREY JOYCE, Trustee of the KIMBALL FAMILY TRUST AS AMENDED AND RESTATED dated February 14, 2001; WALLACE D. BENTON and CLARA MAY BENTON, Trustees of the BENTON FAMILY TRUST dated October 18, 1993; THOMAS EDWARD



DOWER and GAYLE DOWER, husband and wife as joint tenants; DONALD WILLIAM PENFIELD and LINDA JOYCE PENFIELD, Trustees of the DONALD W. PENFIELD FAMILY TRUST dated May 2, 1995; executed and acknowledged a Notice of Default and Election To Sell the property described in said Deed of Trust to satisfy said indebtedness, and said Notice of Default and Election To Sell was recorded December 27, 2007, as Document No. 715294, Official Records, Douglas County, Nevada; and

WHEREAS, on December 27, 2007, a copy of said Notice of Default and Election To Sell was mailed by certified mail to the then owner of the property hereinafter described and to all other parties entitled by law to such notice; and

WHEREAS, JEFFREY JOYCE, Trustee of the KIMBALL FAMILY TRUST AS AMENDED AND RESTATED, dated February 14, 2001, is the successor in interest to WALLACE D. BENTON and CLARA MAY BENTON, Trustees of the BENTON FAMILY TRUST dated October 18, 1993; THOMAS EDWARD DOWER and GAYLE DOWER, husband and wife as joint tenants; DONALD WILLIAM PENFIELD and LINDA JOYCE PENFIELD, Trustees of the DONALD W. PENFIELD FAMILY TRUST dated May 2, 1995, as evidenced by that certain Assignment of Interest recorded March 26, 2008, as Document No. 720284 in the Official Records, Douglas County, Nevada; and

WHEREAS, by direction of JEFFREY JOYCE, Trustee of the KIMBALL FAMILY TRUST AS AMENDED AND RESTATED dated February 14, 2001, the said WESTERN TITLE COMPANY, INC., Trustee, gave due and legal notice in each and every manner required by said Deed of Trust and provided by law that it would on the 6th day of May, 2008, at the hour of 11:00 o'clock A.M., sell at the Douglas County Courthouse, located at the 1625 8th Street, in Minden, Nevada, at public auction to the highest cash bidder in lawful money of the United States of America, the realty described in said Deed of Trust to satisfy the indebtedness due under said Deed of Trust and the Promissory Note secured by it; that said Notice of Sale was recorded April 10, 2008, as Document No. 721150, Official Records, Douglas County, Nevada; that said Notice of Sale was published in the Reno Gazette Journal, in its issues dated April 9, 2008, April 16, and April 23, 2008, and said Notice of Sale was posted in three public places, namely, at the Douglas County Administration Building, the Douglas County Clerk and the Douglas County Sheriff's office, in Minden, Nevada, on April 10, 2008; and



WHEREAS, on April 1, 2008, a copy of said Notice of Sale was mailed by certified mail to the then owner of the property hereinafter described and to all other parties entitled by law to such notice; and

WHEREAS, at the time and place so set for said sale said party of the second part did bid the sum of SIX HUNDRED THIRTY-SIX THOUSAND SEVEN HUNDRED SIXTY-TWO AND 22/100 DOLLARS (\$636,762.22) for said property, and said sum was the highest and best bid therefor;

NOW, THEREFORE, for and in consideration of the said sum of \$636,762.22, the said party of the first part, as Trustee, under and by virtue of the authority vested in it by said Deed of Trust, does hereby grant, bargain, sell and convey, without warranty, unto the party of the second part, and to, his heirs, successor and assigns, all that certain real property situate in the County of Douglas, State of Nevada, that is described as follows:

Lot 10 in Block A as set forth on Final Subdivision Map, Planned Unit Development, PD 03-011 for ROCKY TERRACE filed in the office of the County Recorder of Douglas County, State of Nevada, on November 30, 2005, in Book 1105, Page 12654, Document No. 661875.

TOGETHER WITH the improvements thereon, and all and singular the tenements, hereditaments and appurtenances thereunto belonging or appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD the said premises, together with the appurtenances, unto the said party of the second part, and to his heirs, successors and assigns forever.

IN WITNESS WHEREOF, the party of the first part has caused this conveyance to be executed the day and year first above written.

WESTERN TITLE COMPANY, INC.

By: 
JOY M. TAGHIOF
FORECLOSURE OFFICER

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STATE OF NEVADA)
) ss
COUNTY OF WASHOE)

This instrument was acknowledged before me on
5-13, 2008, by Jay M. TASHIUF as
FORECLOSURE OFFICER for WESTERN TITLE COMPANY, INC.

Diane Perez
Notary Public

