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OFFICIAL RECORD

Requested By:

ALLISON, MACKENZIE,
PAVLAKIS, WRIGHT & FAGAN
Douglas County - NV
Karen Ellison - Recorder

Page: 1 Of 7 Fee: 20.00
BK-0109 PG- 5728 RPTT: 0.00



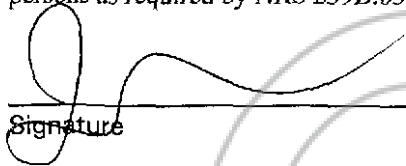
RECORDING REQUESTED BY

✓
WHEN RECORDED MAIL TO
JENNIFER MAHE, ESQ.
ALLISON, MacKENZIE, PAVLAKIS,
WRIGHT & FAGAN, LTD.
402 North Division Street
P.O. Box 646
Carson City, NV 89702

**SPACE ABOVE THIS LINE RESERVED FOR
RECORDER'S USE**

The party executing this document hereby affirms
that this document submitted for recording does
not contain the social security number of any
person or persons pursuant to NRS 239B.030

The party executing this document hereby affirms
that this document submitted for recording does
contain the social security number of a person or
persons as required by NRS 239B.030(2).



Signature

JUDGMENT QUIETING TITLE

1 Case No. 08 CV 0374

2 Dept. No. II

RECEIVED
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DOUGLAS COUNTY
DISTRICT COURT CLERK

2009 JAN 26 PM 2:18

B. SINGER DEPUTY

6 IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR THE COUNTY OF DOUGLAS

9 HELLWINKEL FAMILY LLC,
10 a Nevada limited liability company,

11 Plaintiff,

12 vs.

JUDGMENT QUIETING TITLE

13 MINDEN IMPROVEMENT
14 COMPANY, a Nevada corporation;
15 H.F. DANGBERG LAND AND
16 LIVESTOCK COMPANY, a Nevada
17 corporation; all persons unknown
18 claiming any right, title, estate,
19 lien, or interest in the real property
20 described in the complaint adverse
21 to the HELLWINKEL
22 FAMILY LLC's ownership, or any
23 cloud upon the HELLWINKEL
24 FAMILY LLC's title thereto; and
25 DOES I through X, inclusive,

26 Defendants,

27 This matter having come for hearing before this Court on January 26, 2009, Plaintiff,
28 HELLWINKEL FAMILY LLC, after due notice, appearing by and through its attorney, JENNIFER
29 MAHE ESQ., of ALLISON, MacKENZIE, PAVLAKIS, WRIGHT & FAGAN, LTD., and the Court
30 having taken evidence, and no Defendants appearing; and no persons objecting; the Court having
31 considered the evidence presented, and pleading and papers on file herein; and good cause appearing,
32 the Court finds as follows:

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1 1. Plaintiff, HELLWINKEL FAMILY LLC, is the true and lawful owner of the
2 real property located in the County of Douglas, State of Nevada being Assessor's Parcel Number
3 1320-32-111-006 and more particularly described as follows:

4 Lots 1 and 2, in Block M, on that map or plat filed in the office of the
5 recorder of Douglas County, State of Nevada, on April 5, 1923, as
6 Document No. 136, which said map or plat is entitled "Map of Park
of Minden, Douglas County, Nevada showing alteration of Block M."

7 2. Defendant, H.F. DANGBERG LAND AND LIVESTOCK COMPANY,
8 recorded a deed on August 20, 1910, in Book O of Deeds, Page 163 of the public records of the
9 County of Douglas, State of Nevada, granting Assessors Parcel Number 1320-32-111-006 to C.M.
10 Hemmingson on the condition that intoxicating liquors were never manufactured, sold or otherwise
11 disposed of as a beverage on Assessors Parcel Number 1320-32-111-006 ("Deed Restriction #1").

12 3. Defendant, H.F. DANGBERG LAND AND LIVESTOCK COMPANY,
13 ceased to be in existence on July 1, 1989 at which time the charter of H.F. DANGBERG LAND
14 AND LIVESTOCK COMPANY was permanently revoked.

15 4. The benefit of the Deed Restriction #1 is personal to Defendant, H.F.
16 DANGBERG LAND AND LIVESTOCK COMPANY, and is no longer enforceable as Defendant,
17 H.F. DANGBERG LAND AND LIVESTOCK COMPANY, the party to whom the benefit ran,
18 ceased to exist on July 1, 1989.

19 5. Defendant, MINDEN IMPROVEMENT COMPANY, recorded a deed on
20 April 12, 1923, in Book R of Deeds, Page 371, in the public records of the County of Douglas, State
21 of Nevada, granting Assessors Parcel Number 1320-32-111-006 to C. Christoffersen on the condition
22 that intoxicating liquors were never manufactured, sold or otherwise disposed of as a beverage on
23 Assessors Parcel Number 1320-32-111-006 ("Deed Restriction #2").

24 6. Defendant, MINDEN IMPROVEMENT COMPANY, ceased to exist on May
25 14, 1925 at which time Defendant, MINDEN IMPROVEMENT COMPANY, was dissolved.

26 7. The benefit of Deed Restriction #2 was personal to Defendant, MINDEN
27 IMPROVEMENT COMPANY, providing for reversion to MINDEN IMPROVEMENT
28 COMPANY, its successors or assigns, in the event the restriction was violated, and is no longer

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1 enforceable as Defendant, MINDEN IMPROVEMENT COMPANY, the party to whom the benefit
2 ran, ceased to exist on May 14, 1925.

3 8. Deed Restriction #1 and Deed Restriction #2 are no longer enforceable as the
4 circumstances of the neighborhood surrounding the burdened parcel, Assessors Parcel Number 1320-
5 32-111-006, is now primarily commercial and has changed so fundamentally since imposition of the
6 Deed Restrictions as to thwart the purposes of the Deed Restrictions and cause enforcement of the
7 Deed Restrictions to be inequitable and oppressive while benefitting no individual.

8 9. Deed Restriction #1 and Deed Restriction #2 are no longer enforceable as the
9 Defendants, MINDEN IMPROVEMENT COMPANY and H.F. DANBERG LAND AND
10 LIVESTOCK COMPANY, by and through their officers and shareholders, abandoned or waived the
11 Deed Restrictions by acquiescing in substantial and general violations of the Deed Restrictions.

12 NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED
13 as follows:

14 1. Title is quieted in the name of HELLWINKEL FAMILY LLC, a Nevada
15 limited liability company, to the real property located in the County of Douglas, State of Nevada
16 being Assessor's Parcel Number 1320-32-111-006 and more particularly described as follows:

17 Lots 1 and 2, in Block M, on that map or plat filed in the office of the
18 recorder of Douglas County, State of Nevada, on April 5, 1923, as
19 Document No. 136, which said map or plat is entitled "Map of Park
of Minden, Douglas County, Nevada showing alteration of Block M."

20 Title shall be free and clear of the interests of all persons known or unknown claiming title thereto.


21 2. That the Deed Restrictions prohibiting the manufacture, sale or disposal of
22 intoxicating liquors on Assessors Parcel Number 1320-32-111-006 as recorded in the deed on
23 August 20, 1910, in Book O of Deeds, Page 163 of the public records of the County of Douglas,
24 State of Nevada, granting the real property from Defendant, H.F. DANBERG LAND AND
25 LIVESTOCK COMPANY, to C.M. Hemmingson, as recorded in the deed on April 12, 1923, in
26 Book R of Deeds, Page 371, in the public records of the County of Douglas, State of Nevada,
27 granting the real property from Defendant, MINDEN IMPROVEMENT COMPANY, to C.

28 ///

1 Christoffersen and/or any other similar restrictions of record are no longer enforceable and are of
2 no effect.

3 3. That Defendants, each of them, and all persons, are permanently enjoined
4 from asserting any adverse claim to Plaintiff's title to said property.

5 DONE IN OPEN COURT this 26 day of January, 2009.



DISTRICT JUDGE

10 Submitted By:

11 ALLISON, MacKENZIE, PAVLAKIS,
12 WRIGHT & FAGAN, LTD.
13 402 North Division Street
14 P.O. Box 646
15 Carson City, NV 89702

16 By:

JENNIFER MAHE, ESQ.
Nevada State Bar # 9620
JAMES R. CAVILIA, ESQ.
Nevada State Bar # 3921
Attorneys for Plaintiff,
HELLWINKEL FAMILY LLC

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**NINTH JUDICIAL DISTRICT COURT
COUNTY OF DOUGLAS, STATE OF NEVADA**

**AFFIRMATION
Pursuant to NRS 239B.030**

The undersigned does hereby affirm that the preceding document:

Document does not contain the social security number of any person

-OR-

Document contains the social security number of a person as required by:

A specific state or federal law, to wit:

(State specific state or federal law)

-or-

For the administration of a public program

-or-

For an application for a federal or state grant

-or-

Confidential Family Court Information Sheet
(NRS 125.130, NRS 125.230 and NRS 125B.055)

Date: January 15, 2009.

ALLISON, MacKENZIE, PAVLAKIS,
WRIGHT & FAGAN, LTD.
402 North Division Street
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By: _____

JENNIFER MAHE, ESQ.
Nevada State Bar No. 9620
JAMES R. CAVILIA, ESQ.
Nevada State Bar No. 3921
Attorneys for Plaintiff

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COPY

CERTIFIED COPY

The document to which this certificate is attached is a full, true and correct copy of the original in file and of record in my office.

DATE: 1/28/09

TED THUAN, Clerk of the 9th Judicial District Court of the State of Nevada, in and for the County of Douglas,

By: [Signature] Deputy

