

APN # 1320-29-510-024

Escrow # 2414661-RT

DOC # 793879  
12/09/2011 09:09AM Deputy: PK  
OFFICIAL RECORD  
Requested By:  
First American Title Reno  
Douglas County - NV  
Karen Ellison - Recorder  
Page: 1 of 9 Fee: \$22.00  
BK-1211 PG-1706 RPTT: 0.00



Recording Requested by:



*First American  
Title Company*

*5310 Kietzke Lane, Ste 100  
Reno, NV 89511*

~~PARTIAL RELEASE OF MEMORANDUM OF AGREEMENT~~  
(Title of Document)

this document is being re-recorded to add the legal

DOC # 793868  
12/08/2011 04:03PM Deputy: GB  
OFFICIAL RECORD  
Requested By:  
First American Title Reno  
Douglas County - NV  
Karen Ellison - Recorder  
Page: 1 of 6 Fee: \$19.00  
BK-1211 PG-1540 RPTT: 0.00

APN: 1320-29-510-024

**RECORDING REQUESTED BY,  
AND WHEN RECORDED MAIL TO:**  
Wells Fargo Bank, National Association  
333 Market Street, 17th Floor  
MAC #A0119-170/Tom Farber  
San Francisco, CA 94105

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

2414661-RT

(Space Above For Recorder's Use)

**PARTIAL RELEASE OF MEMORANDUM OF AGREEMENT**

THIS PARTIAL RELEASE OF MEMORANDUM OF AGREEMENT ("Release") is effective as of December 7, 2011, by and between WELLS FARGO BANK, NATIONAL ASSOCIATION ("Wells Fargo") and FRANCISCO A. TORRES, JR. and SAMANTHA M. BIAS (collectively, "Buyer"), with reference to the following facts and is as follows:

**RECITALS:**

A. Wells Fargo entered into that certain Settlement Agreement dated July 27, 2011 (the "Agreement") with Leo A. Hanly, an individual, Brian L. Hanley, an individual, Donald I. Hanly, an individual, Syncon Homes, a Nevada corporation, Monterra 270, LLC, a Nevada limited liability company, Hanser Investments, LLC, a Nevada limited liability company, and Valley Vista 7, LLC, a Nevada limited liability company (collectively, the "Borrower Parties"), which Agreement is evidenced by that certain Memorandum of Agreement dated October 24, 2011 and recorded on October 27, 2011 as Document No. 791546 in the Official Records of the County Recorder of Douglas County, Nevada (the "Memorandum").

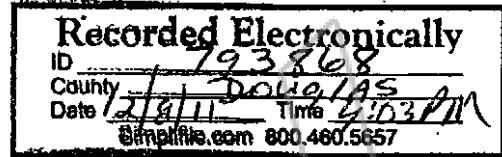
B. Buyer is in escrow to purchase that certain improved real property commonly known as 1128 Monterra Drive, Minden, Nevada 89423, more particularly described in Exhibit A attached hereto and incorporated herein by reference (the "Property"), which Property (along with other real property) is subject to the terms and conditions of the Agreement as evidenced by the Memorandum.

C. Wells Fargo (i) held a beneficial interest in a deed of trust (the "Wells Fargo Deed of Trust") encumbering certain real property located in the vicinity of the Property (the "Wells Fargo Deed of Trust Property") that is encumbered by certain covenants, conditions and restrictions that also encumber the Property (collectively, the "CC&Rs") and (ii) assigned of record its beneficial interest in the Wells Fargo Deed of Trust to ATC Realty Sixteen, Inc., a California corporation and a wholly owned subsidiary of Wells Fargo ("ATC").



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AND WHEN RECORDED MAIL TO:**  
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MAC #A0119-170/Tom Farber  
San Francisco, CA 94105



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**RECITALS:**

A. Wells Fargo entered into that certain Settlement Agreement dated July 27, 2011 (the "Agreement") with Leo A. Hanly, an individual, Brian L. Hanley, an individual, Donald I. Hanly, an individual, Syncon Homes, a Nevada corporation, Monterra 270, LLC, a Nevada limited liability company, Hanser Investments, LLC, a Nevada limited liability company, and Valley Vista 7, LLC, a Nevada limited liability company (collectively, the "Borrower Parties"), which Agreement is evidenced by that certain Memorandum of Agreement dated October 24, 2011 and recorded on October 27, 2011 as Document No. 791546 in the Official Records of the County Recorder of Douglas County, Nevada (the "Memorandum").

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D. Buyer desires that Wells Fargo release the Property from the Agreement evidenced by the Memorandum in exchange for Buyer's acknowledgment that all or a portion of the Wells Fargo Deed of Trust Property may be de-annexed from the CC&Rs, and ATC has joined in this Release to evidence its consent to Wells Fargo entering into this Release.

NOW, THEREFORE, for valuable consideration, the receipt of which is hereby acknowledged, the parties agree as follows:

1. Wells Fargo hereby releases the Property from the Memorandum and the underlying Agreement in exchange for Buyer's acknowledgment set forth herein below.

2. Buyer hereby acknowledges that Wells Fargo and ATC have put Buyer on notice that the Wells Fargo Deed of Trust Property may be de-annexed from the CC&Rs.

3. This Release is intended only to release the Property from the Memorandum and the underlying Agreement. No other real property encumbered by the Memorandum shall be released therefrom, nor shall this Release be deemed to otherwise modify, amend or otherwise effect the terms and conditions of the Memorandum or of the Agreement.

4. This Release shall be binding upon, and its benefits shall inure to, the parties and their respective successors and assigns.

5. This Release may be executed in any number of counterparts, each of which shall be an original and all of which when taken together shall be deemed one and the same document.

IN WITNESS WHEREOF, the parties hereto have executed this Release as of the day and year first above written.

**WELLS FARGO:**

WELLS FARGO BANK, NATIONAL ASSOCIATION

Date: December 7, 2011

By: [Signature]  
Name: STEPHEN MILLET  
Its: VP

Date: December 7, 2011

By: [Signature]  
Name: TAMARA POOL  
Its: AVP

*Signatures continue on next page.*



**ATC:**

ATC REALTY SIXTEEN, INC., a California corporation

Date: December 7, 2011

By: [Signature]  
Name: RAY GALACK  
Its: AVP

Date: December 7, 2011

By: [Signature]  
Name: THOMAS FARBER  
Its: ASST VP

**BUYER:**

Date: \_\_\_\_\_, 2011

\_\_\_\_\_  
Francisco A. Torres, Jr.

Date: \_\_\_\_\_, 2011

\_\_\_\_\_  
Samantha M. Bias



**ATC:**

ATC REALTY SIXTEEN, INC., a California corporation

Date: December 7, 2011

By: [Signature]  
Name: RAZ PALACK  
Its: AVP

Date: December 7, 2011

By: [Signature]  
Name: THOMAS FARBER  
Its: ASST VP

**BUYER:**

Date: 12-8-, 2011

[Signature]  
Francisco A. Torres, Jr.

Date: 12-8, 2011

[Signature]  
Samantha M. Bias



STATE OF CALIFORNIA )  
 )  
COUNTY OF SAN FRANCISCO )

On December 7, 2011, before me, NARIN OUK, a Notary Public, personally appeared STEPHEN MILLER AND TARAK P. PATEL who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

N. Ouk  
Signature of Notary



STATE OF CALIFORNIA )  
 )  
COUNTY OF SAN FRANCISCO )

On December 7, 2011, before me, NARIN OUK, a Notary Public, personally appeared RAY PALACK AND THOMAS FERBER who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

N. Ouk  
Signature of Notary





STATE OF NEVADA )  
 )  
COUNTY OF Douglas )

This instrument was acknowledged before me on 12/8, 2011, by  
Francisco A. Torres, Jr..

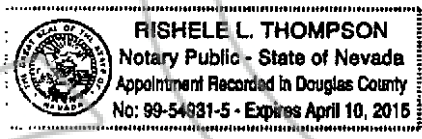


Rishelle L. Thompson  
Notary Public  
My Commission Expires: 4/10/15



STATE OF NEVADA )  
 )  
COUNTY OF Douglas )

This instrument was acknowledged before me on 12/8, 2011, by  
Samantha M. Bias.



Rishelle L. Thompson  
Notary Public  
My Commission Expires: 4/10/15





**EXHIBIT 'A'**

**LOT 111 IN BLOCK J, AS SET FORTH ON THE FINAL SUBDIVISION MAP FOR MONTERRA  
PHASE I RECORDED IN THE OFFICE OF THE DOUGLAS COUNTY RECORDER, STATE OF  
NEVADA, ON AUGUST 24, 2005 IN BOOK 0805, PAGE 11150 AS DOCUMENT NO. 653145  
OF OFFICIAL RECORDS.**

