

APN: Portion of 1319-15-000-025

DOC # 802068  
05/08/2012 03:53PM Deputy: SG  
OFFICIAL RECORD  
Requested By:  
Stewart Vacation Ownership  
Douglas County - NV  
Karen Ellison - Recorder  
Page: 1 of 3 Fee: \$41.00  
BK-512 PG-1907 RPTT: 0.00

RECORDING REQUESTED BY  
Stewart Vacation Ownership  
7065 Indiana Avenue, #310  
Riverside, CA 92506

WHEN RECORDED MAIL TO:  
Kim Schwarcz  
22 Seawolf Passage  
Corte Madera, CA 94925



188742 / 40099

RECORDERS USE ONLY

### AFFIDAVIT-DEATH OF TRUSTEE

STATE OF CALIFORNIA

ss.

COUNTY OF MARIN

Kim Schwarcz, of legal age, being duly sworn, deposes and says

That **Herbert Richard Phillips, Jr.**, the decedent mentioned in the attached Certificate of Death, is the same person as **H. Richard Phillips** named as one of the Trustees of that certain Declaration of Trust dated **December 7, 1999** and designated the **H. Richard Phillips, Jr. Living Trust** and restated on **January 16, 2008** and designated the **Trust for Rita Russ** in Deed recorded **October 1, 2004** as Document No. **0625616** in Book **1004** at Page **208**.

In accordance with the above referenced trust, **Kim Schwarcz** shall act as Trustee of said trust on the death of **H. Richard Phillips, Jr.**

Kim Schwarcz is filing this Affidavit with the Douglas County Recorder to establish the succession of Kim Schwarcz, as acting trustee pursuant to the aforesaid trust. The trust estate includes an interest in real property located in Douglas County, State of Nevada, which is more fully described in **Exhibit "A"** attached hereto and incorporated herein by reference.

Dated: <sup>MAY 2, 2012</sup> April 20, 2012 <sup>KS</sup>

*Kim Schwarcz*  
Kim Schwarcz

STATE OF California )  
 )ss.  
COUNTY OF Marin )

SUBSCRIBED AND SWORN TO (OR AFFIRMED) BEFORE ME Howard Salkin  
NOTARY PUBLIC ON THIS 2ND DAY OF MAY 2012, BY **Kim Schwarcz**,  
PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON  WHO  
APPEARED BEFORE ME.

SIGNATURE Howard Salkin (SEAL)  
NOTARY PUBLIC

NOTARY EXPIRATION DATE: 7/12/15

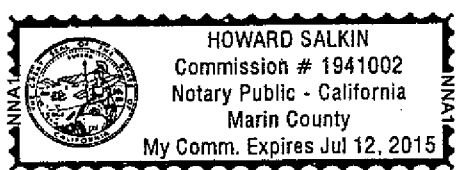




Exhibit "A"

LEGAL DESCRIPTION  
FOR  
DAVID WALLEY'S RESORT

The land referred to herein is situated in the

**State of Nevada**

**County of Douglas**

and is described as follows:

**An undivided 1/1989th interest** in and to all that real property situate in the County of Douglas, State of Nevada, described as follows:

**PARCEL E-1** of the Final Subdivision Map LDA #98-05 for DAVID WALLEY'S RESORT, a Commercial Subdivision, filed for record with the Douglas County Recorder on October 19, 2000, in Book 1000, at Page 3464, as Document No. 0501638, and by Certificate of Amendment recorded November 3, 2000, in Book 1100, at Page 467, as Document No. 0502689, Official Records of Douglas County, Nevada.

Together with a permanent non-exclusive easement for utilities and access, for the benefit of **Parcel E-1**, as set forth in Quitclaim Deed recorded September 17, 1998, in Book 998, at Page 3250, as Document No. 0449574, Official Records, Douglas County, Nevada.

Together with those easements appurtenant thereto and such easements and use rights described in the Declaration of Time Share Covenants, Conditions and Restrictions for David Walley's Resort recorded September 23, 1998, as Document No. 0449993, and as amended by Document Nos. 0466255, 0485265, 0489957, 0509920 and 0521436, and subject to said Declaration; with the exclusive right to use said interest for **One Use Period** within a **"ONE-BEDROOM UNIT"** **Each Year** in accordance with said Declaration.

Together with a perpetual non-exclusive easement of use and enjoyment in, to and throughout the Common Area and a perpetual non-exclusive easement for parking and pedestrian and vehicular access, ingress and egress as set forth in Access Easement and Relocation recorded on May 26, 2006, in Book 0506 at Page 10729, as Document No. 0676008; and Access Easement recorded on July 26, 2006, in Book 0706 at Page 9371, as Document No. 0680633, all of Official Records, Douglas County, Nevada.

**Inventory No.: 17-025-32-01**

**A Portion of APN: 1319-15-000-015**

CERTIFICATION OF VITAL RECORD

COUNTY OF MARIN

SAN RAFAEL, CALIFORNIA



BK 512 PG-1909

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CERTIFICATE OF DEATH

3201021001011

Form with sections: DECEDENT'S PERSONAL DATA, USUAL RESIDENCE, INFORMANT, SPOUSERSHIP AND PARENT INFORMATION, FUNERAL DIRECTORY - LOCAL REGISTRAR, PLACE OF DEATH, CAUSE OF DEATH, PHYSICIAN'S CERTIFICATION, CORONER'S USE ONLY. Includes fields for name, date of birth, social security number, cause of death, and certifier information.

CERTIFIED COPY OF VITAL RECORDS STATE OF CALIFORNIA, COUNTY OF MARIN



\*000236785\*



DATE ISSUED JAN 17 2012 BY [Signature] Deputy

This copy is not valid unless prepared on an engraved border displaying the seal, date of issuance and the original signature of the Deputy.