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OFFICIAL RECORDS

Requested By:
SMITH & HARMER

DOUGLAS COUNTY RECORDERS
Karen Ellison - Recorder

Page: 1 of 4 Fee: \$ 17.00

Bk: 0213 Pg: 6225



Deputy: sd

APN _____

APN _____

APN _____

FOR RECORDER'S USE ONLY

ORDER APPROVING SETTLEMENT
STIPULATION FOR AGRICULTURAL EASEMENT

TITLE OF DOCUMENT

I, the undersigned, hereby affirm that the attached document, including any exhibits, hereby submitted for recording does not contain personal information of any person or persons. (NRS 239B.030)

I, the undersigned, hereby affirm that the attached document, including any exhibits, hereby submitted for recording does contain personal information of any person or persons as required by law. State specific law: _____

Signature

Julian C. Smith, Jr/Attorney

Print Name & Title

WHEN RECORDED MAIL TO:

Smith and Harmer, Ltd.

✓ 502 North Division Street

Carson City, NV 89703

RECEIVED

JAN - 9 2013

DOUGLAS COUNTY DISTRICT COURT CLERK

FILED

2013 JAN 16 PM 2:32

TED THUAN CLERK

BY: GREGORY DEPUTY

1 Case No. 12 CV 0057

2 Dept. No. II

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

F. Heise Land and Live Stock,
a Nevada Corporation,
Plaintiff,

ORDER APPROVING
SETTLEMENT STIPULATION
FOR AGRICULTURAL
EASEMENT

vs.

Steve White, in his individual
capacity and as general partner
of Churia Holstein Limited
Partnership; Churia Holstein
Limited Partnership; Does 1-10;
Blue Corporations 1-10; and
Black Partnerships 1-10,
Defendants.

Upon Stipulation of the parties wherein Defendants
through their attorney accepted all four proposed items of a
settlement from Plaintiff sent on July 18, 2011, which set
forth four issues for settlement of the dispute against
Defendants at that time.

IT IS HEREBY ORDERED:

1. The agricultural easement shall be continuous for
the life of Defendant Steve White. The easement area shall be
for that portion of the Plaintiff's land that sits between the
surveyed boundary line between Plaintiff's and Defendants'

1 respective properties and the "EXISTING FENCE" as reflected on
 2 Document #791020 recorded with the Douglas County Recorder
 3 ("Easement Area") as reflected on Exhibit A to the Settlement
 4 Stipulation of the parties, being an illustrative reference to
 5 the Easement Area. Upon the death of Steve White, the
 6 agricultural easement shall expire, and Heise or its successor
 7 in interest shall be entitled to retake exclusive possession
 8 of the Easement Area.
 9

10 2. Any replacement monuments installed on the boundary
 11 line will not be intentionally destroyed by Defendants.
 12

13 3. Plaintiff's land is described in Document #422476,
 14 and Defendants' land is described in Document #393472, both
 15 recorded with the Douglas County Recorder.
 16

17 4. There will remain at least five feet of clear space
 18 to the east of the existing fence so as to provide Plaintiff
 19 with continued unobstructed access for ditch and fence
 20 maintenance.
 21

22 5. The fence depicted on Document #791020 recorded with
 23 the Douglas County Recorder remains in its current location.
 24 Defendants agree to indemnify and hold Plaintiff harmless for
 25 any incidents related to Defendants' use of Plaintiff's
 26 property to the east of the fence.
 27

28 6. The existing fence will not be damaged by
 Defendants, including, but not limited to, piling dirt onto
 the fence.

1 IT IS HEREBY FURTHER ORDERED the lawsuit is dismissed
2 with prejudice, each party to bear their own costs and
3 attorney's fees.

4 IT IS HEREBY FURTHER ORDERED this Order Approving
5 Settlement Stipulation and Agricultural Easement shall be
6 recorded with the Douglas County Recorder.
7

8 SO ORDERED this 16 day of February, 2013.

9
10 
11 DISTRICT JUDGE

12
13
14
15
16 **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.

17
18 DATE February 15, 2013
19 TED THРАН Clerk of the 9th Judicial District Court
20 of the State of Nevada, in and for the County of Douglas,
21 By W. H. [unclear] Deputy

22
23
24
25 Submitted By:
26 Julian C. Smith, Jr.
27 State Bar #821
28 Smith and Harmer, Ltd.
502 North Division Street
Carson City, Nevada 89703
Attorney for Defendants