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Doc Number: **0830869**

09/19/2013 11:30 AM

OFFICIAL RECORDS

Requested By
THOMAS J HALL

DOUGLAS COUNTY RECORDERS
Karen Ellison - Recorder

Page: 1 Of 12 Fee: \$ 25.00
Bk: 0913 Pg: 4147



Assessor's Parcel Number: 1418-34-201-004

Recording Requested By:

Name: Thomas J. Hall, Esq.
Address: Post Office Box 3948
City/State/Zip: Reno, NV 89505

Mail Tax Statements to:

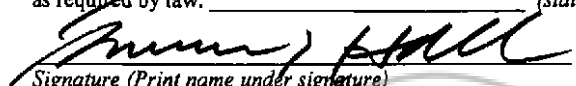
Name: Kirk B. & Debra K. Ledbetter
Address: Post Office Box 769
City/State/Zip: Zephyr Cove, NV 89448

Please complete Affirmation Statement below:

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

-OR-

I the undersigned hereby affirm that this document submitted for recording contains the social security number of a person or persons as required by law: _____ (state specific law)


Signature (Print name under signature)

Attorney-at-Law
Title

Thomas J. Hall, Esq.

SECOND AMENDED JUDGMENT QUIETING TITLE

(Title of Document)

If legal description is a metes & bounds description furnish the following information:

Legal description obtained from: _____ (Document Title), Book: _____ Page: _____
Document # _____ recorded _____ (Date) in the Douglas County Recorders Office.

-OR-

If Surveyor, please provide name and address:

Turner & Associates, Inc.
Land Surveying
Post Office Box 5067
Stateline, NV 89449

This page added to provide additional information required by NRS 111.312 Sections 1-4.

(Additional recording fees apply)

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Case No.: 03-CV-0323

FILED

Dept. No.: II

2013 AUG 30 PM 1:42

TED THIRAN
CLERK
BY: *[Signature]* DEPUTY

RECEIVED
AUG 30 2013
DOUGLAS COUNTY
DISTRICT COURT CLERK

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

KIRK B. LEDBETTER and DEBRA
K. LEDBETTER, husband and wife,

Petitioners,

vs.

**SECOND AMENDED JUDGMENT
QUIETING TITLE**

THE STATE OF NEVADA, and ANY AND
ALL PERSONS UNKNOWN CLAIMING ANY
LEGAL OR EQUITABLE RIGHT, TITLE,
ESTATE OR LIEN OR INTEREST IN THE
PROPERTY DESCRIBED IN THE PETITION;
and DOES 1 through 10, inclusive,

Respondents.

This cause has been submitted to the Court upon the motion of the Plaintiffs, Kirk B. Ledbetter and Debra K. Ledbetter, to correct the Amended Judgment Quieting Title (the "Amended Judgment") entered in this case on June 23, 2004, and specifically to correct the legal description contained therein for the subject property pursuant to NRCP 60(a).

The Court, having reviewed the pleadings in the case, and being fully advised in the premises, hereby FINDS, DETERMINES AND CONCLUDES as follows:

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I. Findings of Fact and Conclusions of Law.

1. The Court has jurisdiction over this matter.

2. The Court is satisfied that the allegations of the Motion are true and correct.

3. Petitioners are the owners of real property located in Douglas County, Nevada, with a street address of 1220 Highway 50, Zephyr Cove, Nevada, 89448, Assessor's Parcel No. 1418-34-201-004, (the "Property").

4. On November 24, 2003, the Petitioners filed a Verified Petition and subsequently on February 18, 2004, filed a First Amended Verified Petition seeking to quiet title to the Property. The Property included an area of land lakeward from the Meander Line of Lake Tahoe to the State of Nevada boundary of Lake Tahoe located at 6,223 feet elevation, Lake Tahoe datum, established by the Nevada State Legislature in NRS 321.595 (the "Lakefront Parcel" or "Beach Area"). The Beach Area was more particularly described in Exhibit B to the Amended Judgment *nunc pro tunc* to June 8, 2004 (the "Amended Judgment").

5. NRS 321.595 provides:

NRS 321.595 Boundary between bed of Lake Tahoe and adjacent lands. The boundary between the bed of Lake Tahoe, owned by the State of Nevada in its sovereign capacity, and adjacent lands owned by others or by the State in any other capacity, is established as a line whose elevation is 6,223 feet, Lake Tahoe datum.

1 6. On June 23, 2004, this Court entered the Amended
2 Judgment, which quieted title to the Property, including the
3 Beach Area, in favor of the Petitioners as described therein.

4 7. Subsequently, upon further investigation and surveying
5 review, it is clear that Exhibit B of the Amended Judgment
6 contains an incorrect legal description of the Beach Area, and
7 does not include all of the real property owned by Petitioners
8 extending lakeward to the State of Nevada boundary line of Lake
9 Tahoe at 6223 feet, Lake Tahoe datum.

11 8. NRCP 60(a) states as follows:

12 Rule 60. Relief from judgment or order.

13 (a) Clerical mistakes. Clerical mistakes in judgments,
14 orders or other parts of the record and errors therein
15 arising from oversight or omission may be corrected by
16 the court at any time of its own initiative or on the
17 motion of any party and after such notice, if any, as
18 the court orders. During the pendency of an appeal,
such mistakes may be so corrected before the appeal is
docketed in the appellate court, and thereafter while
the appeal is pending may be so corrected with leave of
the appellate court. [Emphasis added.]

19 9. A clerical error is a mistake in writing or copying. It
20 is a mistake or omission by a clerk, counsel, judge or printer
21 which is not the result of the exercise of the judicial function
22 and cannot reasonably be attributed to the exercise of the
23 judicial consideration or discretion. Pickett v. Comanche
24 Constr., 108 Nev. 422, 428, 836 P.2d 42 (1992). A clerical error
25 is a "failure to make the written conclusion of law and judgment
26 truly speak the determination which had been made." Frontier Ins.
27

28

1 Serv. v. State, Comm'r Ins., 109 Nev. 231, 239, 849 P.2d 328
2 (1993).

3 10. Clerical errors may be corrected by the Court at any
4 time on its own motion or on the motion of any party under Rule
5 60(a). Frontier Ins. Serv. v. State, Comm'r. Ins., 109 Nev. 231,
6 239, 849 P.2d 328 (1993); In re Humboldt River Sys., 11 Nev. 244,
7 248, 362 P.2d 265 (1961).

9 11. The inclusion of the incorrect legal description in the
10 2004 Amended Decree arose from oversight or omission and was a
11 mistake or omission not the result of the judicial function. As
12 such, the incorrect legal description in the Amended Decree may
13 be properly corrected by the Court at any time upon the motion of
14 Petitioners.

16 11. The Petitioners are entitled to a correction of the
17 legal description of the Beach Area subject to the quiet title
18 action in this case.

19 **II. Judgment and Decree.**


20 NOW, THEREFORE, AND FOR GOOD CAUSE APPEARING, IT IS HEREBY
21 ORDERED, ADJUDGED AND DECREED that Kirk B. Ledbetter and Debra K.
22 Ledbetter are awarded judgment in their favor and the legal
23 description of the Beach Area in Exhibit B of the 2004 Amended
24 Judgment shall be corrected as described in Exhibit A and as
25 depicted in Exhibit B, attached hereto.

27 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the
28 correction of the legal description in Revised Exhibit B

1 described herein shall not otherwise materially modify the
2 substantive provisions of the Amended Decree.

3 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that a certified
4 copy of this Second Amended Judgment Quieting Title shall be
5 recorded in the official records of Douglas County by
6 Petitioners, and from and after said recording, the Property
7 shall be known and described as set forth herein above for all
8 purposes.
9

10 DATED this 29 day of August, 2013.

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13 
14 Michael Gibbons,
15 District Judge

16 Submitted by:
17 LAW OFFICES OF THOMAS J. HALL

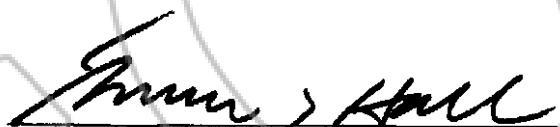
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19 
20 Thomas J. Hall, Esq.
21 Nevada State Bar No. 675
22 305 South Arlington Avenue
23 Post Office Box 3948
24 Reno, Nevada 89505
25 Telephone: (775)348-7011
26 Facsimile: (775)348-7211
27
28 Attorney for Petitioners

EXHIBIT LIST

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EXHIBIT A: Corrected Legal Description of Beach Area.

EXHIBIT B: Corrected Depiction of Beach Area.

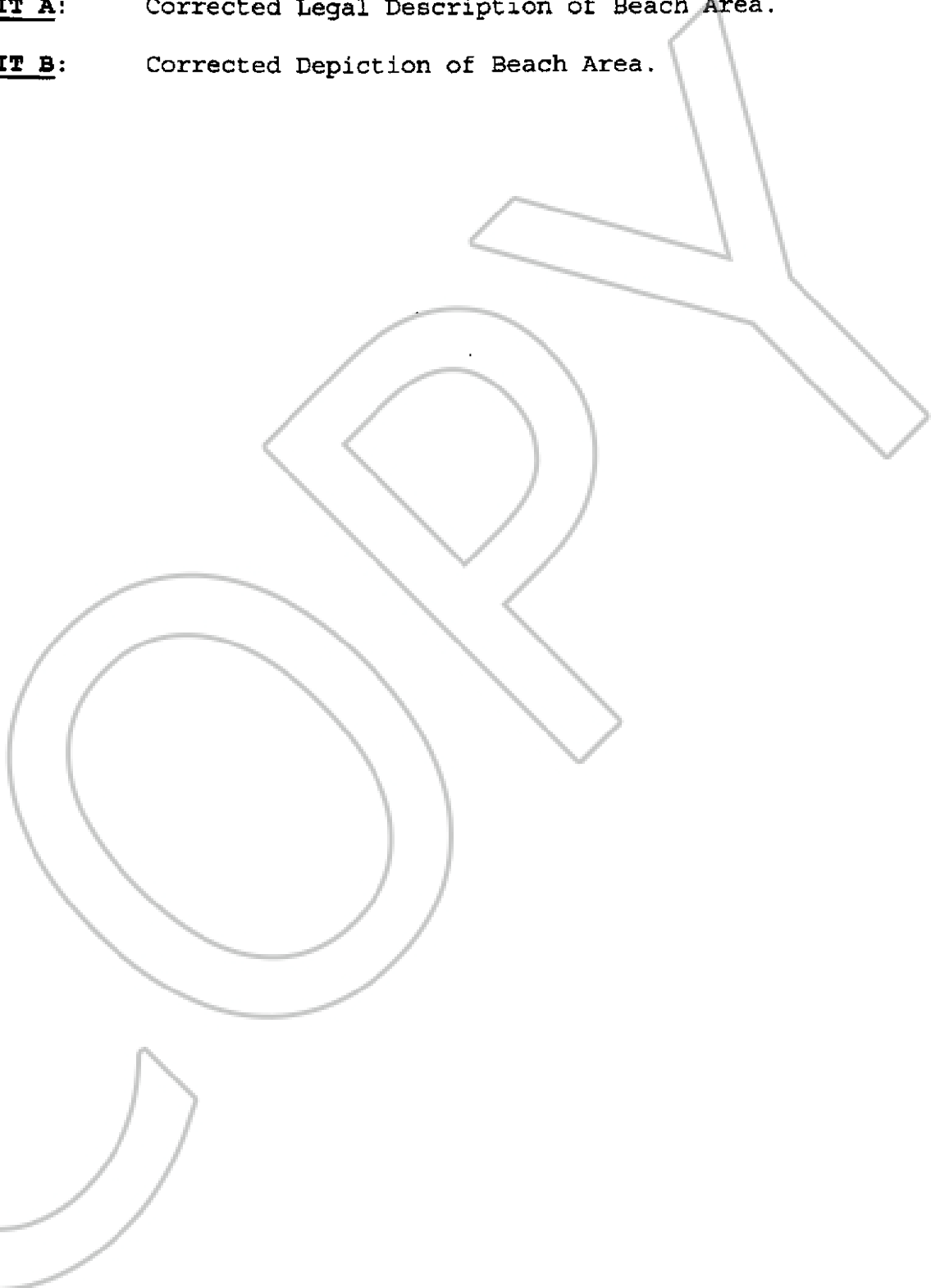


EXHIBIT A

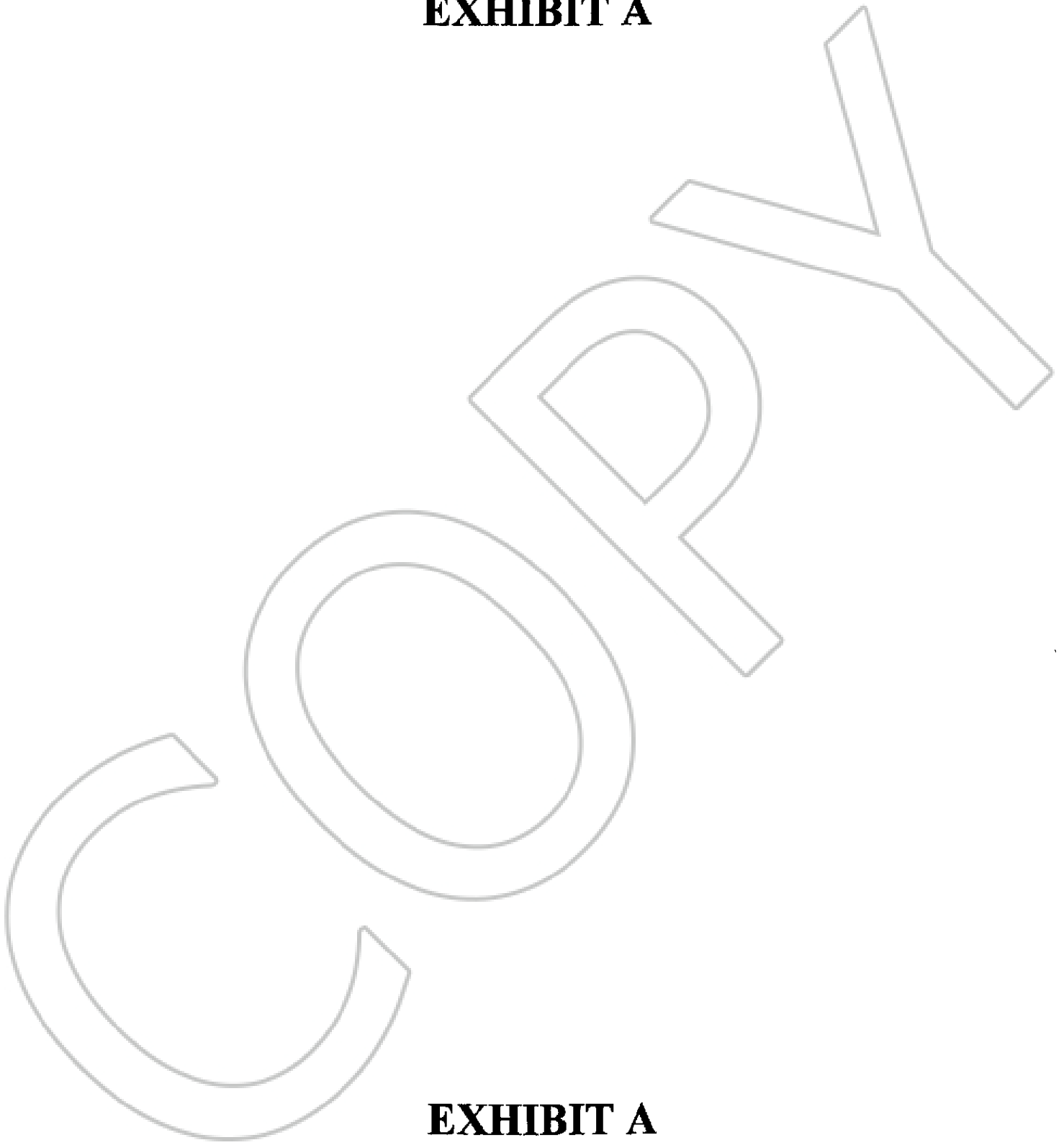


EXHIBIT A

May 7, 2013
13038

DESCRIPTION

All that real property situate in the County of Douglas, State of Nevada, described as follows:

Beginning at the Northwesterly corner of the Parcel of land described in that Grant, Bargain and Sale Deed recorded on February 10, 1999, in Book 299, at Page 2262, as Document 0460877, Douglas County Records;

thence South 29°00'00" East along the Meander Line of Lake Tahoe 148.80 feet to the Southwest corner of said Parcel;

thence leaving said Parcel North 89°53'00" West 166.5 feet more or less to a point on the approximate Low-Water Line of Lake Tahoe, elevation 6223.0 feet, Lake Tahoe Datum;

thence Northerly along said approximate Low-Water Line the following 9 courses:

- North 28°40'13" West 2.20 feet;
- North 53°53'12" East 21.87 feet;
- North 27°27'26" West 28.00 feet;
- North 46°11'27" West 13.81 feet;
- North 47°13'05" West 18.30 feet;
- North 47°37'59" West 16.93 feet;
- North 00°30'45" East 17.77 feet;
- North 27°49'50" West 30.16 feet;
- North 06°28'37" West 12.67 feet;

thence leaving said approximate Low-Water Line South 89°53'00" East 141.9 feet more or less to the Point of Beginning.

Containing 19,278 square feet, more or less.

The Basis of Bearing for the description is the above referenced Grant, Bargain and Sale Deed.

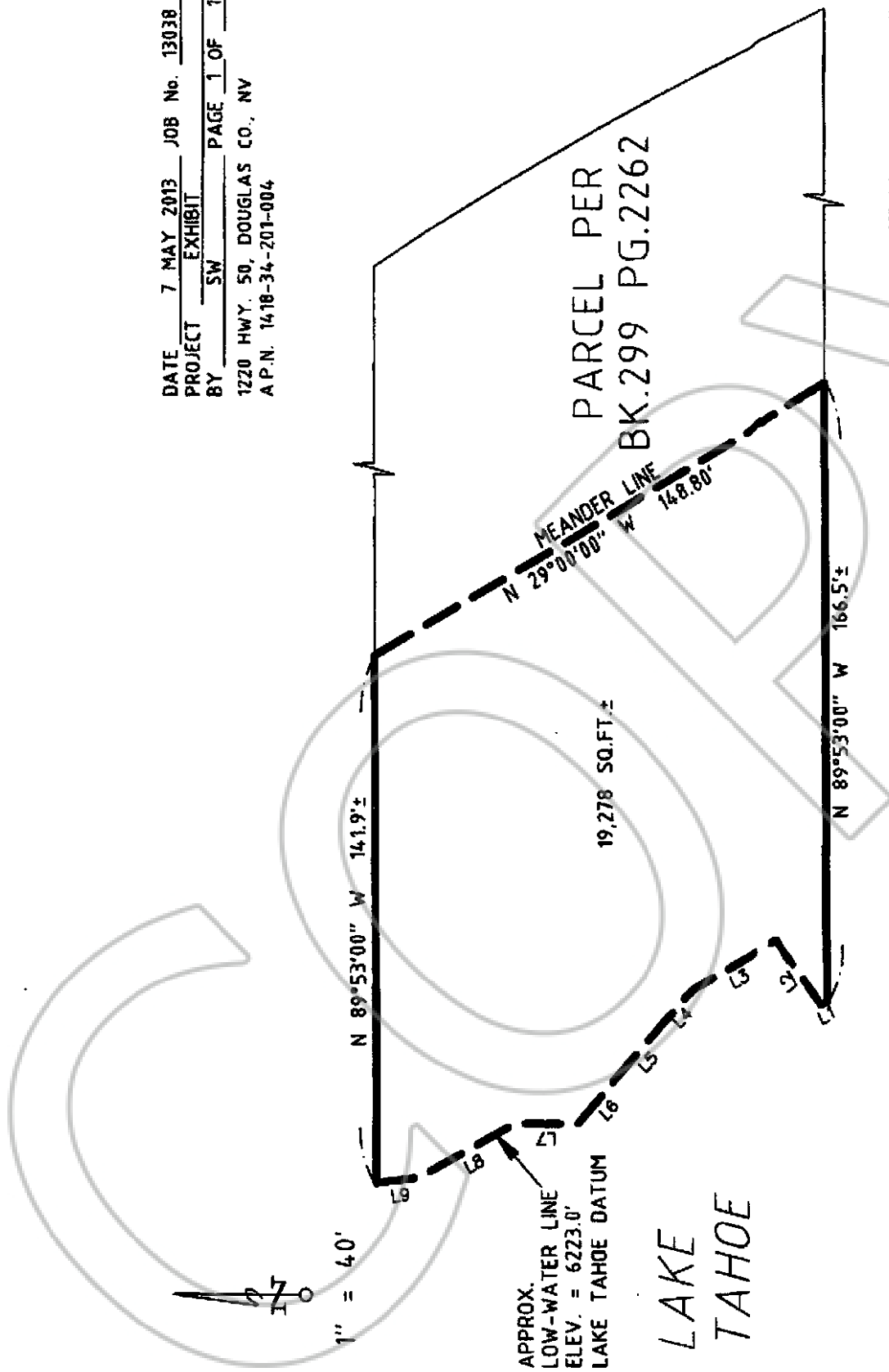
Prepared by: Turner & Associates, Inc.
Land Surveying
P.O. Box 5067
Stateline, NV 89449

EXHIBIT B

COPY

EXHIBIT B

DATE 7 MAY 2013 JOB No. 13038
 PROJECT EXHIBIT
 BY SW PAGE 1 OF 1
 1220 HWY. 50, DOUGLAS CO., NV
 A.P.N. 1418-34-201-004



LINE	BEARING	DISTANCE
L1	N 28°40'13" W	2.20'
L2	N 53°53'12" E	21.87'
L3	N 27°27'26" W	28.00'
L4	N 46°11'27" W	13.81'
L5	N 47°13'05" W	18.30'
L6	N 47°37'59" W	16.93'
L7	N 00°30'45" E	17.77'
L8	N 27°49'50" W	30.16'
L9	N 06°28'37" W	12.67'

TURNER & ASSOCIATES, INC.
 LAND SURVEYING
 CITY 302-4409
 348 DORLA COURT, SUITE 303
 DENVER, CO., NEVADA
 P.O. BOX 5147 - STATELINE, NEVADA 89449
 PROJECT FILE 13038

APPROX.
 LOW-WATER LINE
 ELEV. = 6223.0'
 LAKE TAHOE DATUM

LAKE
 TAHOE

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 September 6, 2013

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

By [Signature] Deputy