

APN# 1219-10-002-063



KAREN ELLISON, RECORDER

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Amended Judgment Quieting Title and Order of Dismissal

Title of Document (required)

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1 Case No. 15-CV-0246

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Douglas County
District Court Clerk

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BOBBIE R. WILLIAMS
CLERK

M. BIAGGINI DEPUTY

5
6 IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR THE COUNTY OF DOUGLAS
8

9 SIERRA COUNTRY ESTATES HOMEOWNERS
10 ASSOCIATION

11 Plaintiff,

**AMENDED JUDGMENT
QUIETING TITLE**

12 vs.

AND

ORDER OF DISMISSAL

13 JEFFREY S. WASS, an individual; JEFFREY S.
14 WASS and JODI P. WASS as Co-Trustees of JEFF
15 AND JODI WASS FAMILY TRUST dated February
16 8, 2008; MICHAEL R. McALLISTER, as Trustee of
17 the MICHAEL R. McALLISTER 2000 TRUST
18 AGREEMENT dated March 29, 2000; and DOES 1-
19 10, inclusive,

20 Defendants.

21 This matter comes before this Court pursuant to the "Stipulation for Amended Judgment
22 Quieting Title and for Order of Dismissal with Prejudice" dated June 14, 2016, executed by the parties
23 and filed herein. The following agreed facts are accepted and approved by the Court as set forth in said
24 stipulation and in the record on file herein. The conclusions and judgment of the Court based thereon
25 are as follows:

26 A. Defendants own certain real property commonly known as 261 Sierra Country Circle,
27 Gardnerville, Nevada, bearing Douglas County Assessor's Parcel Number 1219-10-002-063 (formally
28 APN 1219-10-002-062) (hereinafter, the "Property"), which is subject to that certain "Deed of

Law Office of Kelly R. Chase

P.O. Box 2800, Minden, NV 89423

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1 Conservation Easement and Covenant Restricting Transfer of Water Rights” recorded on March 28,
2 1996, as Document No. 384281, in Book 0396 at Page 4710, Douglas County Official Records, and was
3 re-recorded April 30, 1996 as Document No. 386602. The Property is more particularly described in
4 **Exhibit A** attached hereto and incorporated herein by reference.

5 B. Plaintiff was formed on or about December 30, 2008, by the homeowners and was
6 judicially recognized by the Ninth Judicial District Court in and for the County of Douglas on or about
7 August, 2011 under NRS Chapter 116 as a common interest property homeowner’s association
8 pertaining to that certain subdivision and Planned Unit Development known as “Sierra Country Estates”
9 (the “**Subdivision**”) as approved by Douglas County on or about February 22, 1993. The first Final
10 Map for Phase 1 of the Subdivision was recorded March 28, 1996, as Document No. 384282, in Book
11 0396 at Page 4735, Douglas County Official Records. The second Final Map for Phase 2 was recorded
12 on or about January 27, 2000, as Document No. 485130, in Book 0100 at Page 4088, Douglas County
13 Official Records.

14 C. The Subdivision is subject to that certain document entitled “Declaration of Covenants,
15 Conditions and Restrictions for Sierra Country Estates Subdivision”, recorded March 28, 1996, as
16 Document No. 384279, in Book 0396 at Page 4658, Douglas County Official Records and re-recorded
17 April 30, 1996, as Document No. 386600, in Book 0496, at Page 5764, Official Records. The CC&R’s
18 were amended by Document No. 485306 recorded January 28, 2000, in Book 0100, at Page 4565,
19 Official Records; and by Document No. 510837 recorded March 22, 2001, in Book 0301, at Page 5459,
20 Official Records (hereinafter, collectively the “**CC&Rs**”).

21 D. Plaintiff filed the within action on September 25, 2015, (the “**Action**”), wherein Plaintiff
22 asserted, among other things, certain rights and privileges to enter Defendants’ Property for purposes
23 of maintaining certain landscaping and other improvements for the benefit of the association.
24 Defendants dispute the claims and assert they have clear title to the Property.

25 E. As part of filing the Action, Plaintiff also caused to be filed a “Notice of Pendency of
26 Action (Lis Pendens)” which was recorded on October 6, 2015, as Document 2015-870727, Douglas
27 County Official Records.

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1 F. On May 16 and 17, 2016, the parties executed the "Settlement Agreement, Release and
2 Satisfaction of All Claims" (the "**Settlement**") that resolved the dispute between the parties, and agreed
3 to certain terms, facts and conclusions that are included herein for purposes of entering a judgment
4 quieting title of Defendants' Property and to stipulate to dismissal of the Action with prejudice as set
5 forth herein.

6 G. As part of the Settlement, Defendants' granted to Plaintiff a revocable license to access
7 certain areas of the Property to maintain and repair Plaintiff's improvements, and Plaintiff agreed to
8 clear title to Defendants' Property as set forth herein.

9 On the basis of the foregoing and the Stipulations of the parties filed herein, and good cause
10 appearing,

11 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the request of the parties to
12 quiet title to Defendants' Property as identified in Exhibit A, attached hereto and incorporated herein,
13 located in Douglas County, State of Nevada (the "Property") is hereby GRANTED.

14 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Court hereby enters
15 judgment quieting title of the subject Property from application of that instrument entitled "Declaration
16 of Covenants, Conditions and Restrictions for Sierra Country Estates Subdivision", recorded March 28,
17 1996, as Document No. 384279, in Book 0396 at Page 4658, Douglas County Official Records and re-
18 recorded April 30, 1996, as Document No. 386600, in Book 0496, at Page 5764, Official Records ; and
19 as amended by Document No. 485306 recorded January 28, 2000, in Book 0100, at Page 4565, Official
20 Records; and by Document No. 510837 recorded March 22, 2001, in Book 0301, at Page 5459, Official
21 Records, and that the referenced CC&Rs as amended are hereby extinguished and expunged from the
22 title of and shall have no further force or effect as to Defendants' Property as described in Exhibit A.

23 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that upon the recording of this
24 judgment, the Notice of Pendency of Action (Lis Pendens) filed herein and recorded October 6, 2015,
25 as Document 2015-870727, Official Records of the Douglas County Recorder, shall be and is hereby
26 expunged and of no further force or effect.

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1 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that subsequent to the entry and
2 recording of this judgment, this Action shall be dismissed with prejudice.

3 DATED this 22 day of June, 2016.

4
5 
6 DISTRICT COURT JUDGE

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8
9 SUBMITTED BY:
10 Kelly R. Chase
11 P.O. Box 2800
12 Minden NV 89423
13 (775) 782-3099
14 Attorney for Defendants

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EXHIBIT A

LEGAL DESCRIPTION

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

A Parcel of Land located within a portion of Section 10, Township 12 North, Range 19 East, Mount Diablo Meridian, Douglas County, Nevada, described as follows:

Parcel "B" Remainder as shown on the Final Map for Sierra Country Estates, Phase 2 filed for record January 27, 2000 in the Office of Recorder, Douglas County, Nevada as Document No. 485130.

Together with:

Remainder Parcel "A" as shown on the Final Map for Sierra Country Estates, Phase 1 filed for record March 28, 1996, in the office of Recorder as Document No. 384282.

Douglas County APN 1219-10-002-063 (formally 1219-10-002-062)

[In compliance with NRS 111.312, the hereinabove legal description was taken from an instrument recorded on November 24, 2010, in Book 1110, at Page 5674, as Document No. 774432, Official Records of Douglas County, Nevada.]

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 June 22, 2016
BOBBIE R. WILLIAMS, Clerk of Court
of the State of Nevada, in and for the County of Douglas,
By M. Bragg Deputy

**EXHIBIT A
LEGAL DESCRIPTION**