

DOUGLAS COUNTY APN 1319-30-310-020 and  
APN 1319-30-310-026



KAREN ELLISON, RECORDER

RECORDING REQUESTED BY:

Whitebark HOA  
c/o Bill Sweeney  
New Valley Real Estate Management, Inc.  
1664 Highway 395 N. Suite 106  
Minden, NV 89423-4322

**GRANT OF EASEMENT FOR LIMITED COMMON ELEMENT**

(Only use if applicable)

The undersigned hereby affirms that the document submitted for recording contains personal information as required by law: (check applicable)

\_\_\_\_\_ Affidavit of Death – NRS 440.380(1)(A) & NRS 40.525(5)

\_\_\_\_\_ Judgment – NRS 17.150(4)

\_\_\_\_\_ Military Discharge – NRS 419.020(2)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

This document is being (re-)recorded to correct document # \_\_\_\_\_, and is correcting

\_\_\_\_\_  
\_\_\_\_\_

**GRANT OF EASEMENT FOR  
LIMITED COMMON ELEMENT**

THIS INDENTURE WITNESSETH: That for valuable consideration, receipt of which is hereby acknowledged, the **Whitebark Homeowners Association, Inc.**, a Nevada nonprofit corporation (hereinafter, "**Grantor**"), does hereby grant and convey to **Donald William Broton, Jr. and Tonianne French**, husband and wife (hereinafter, "**Grantee**"), the following described easement for a "Limited Common Element" for the purposes described herein and subject to the terms and conditions set forth herein.

The consideration contained in this instrument is based on the following factual recitals which constitute a material part of this agreement:

WHEREAS the original Declaration of Covenants, Conditions, and Restrictions for White Bark Townhouses, was recorded on September 7, 2001, as Document No. 522371, Official Records of Douglas County, Nevada,

WHEREAS the original declaration was amended and restated in its entirety by that instrument entitled "First Amended and Restated Declaration of Covenants, Conditions, and Restrictions of Whitebark Homeowners Association" recorded on September 25, 2001, as Document No. 0523471, in Book 901, at Page 5878, Official Records of Douglas County, Nevada (hereinafter, the "**Declaration**");

WHEREAS the "First Amendment to Amended and Restated Declaration of Covenants, Conditions, and Restrictions of White Bark Townhomes, a Planned Community" was recorded on October 1, 2001, as Document No. 524094, in Book 1001, at Page 0130, Official Records of Douglas County, Nevada;

WHEREAS the White Bark Townhouses subdivision and the subject real property therein is now governed by the "Whitebark Homeowner's Association, Inc.", a Nevada domestic non-profit corporation (hereinafter, the "**Association**");

WHEREAS the "Second Amendment to Amended and Restated Declaration of Covenants, Conditions, and Restrictions of White Bark Townhomes" was recorded on August 17, 2017, as Document No. 2017-902845, Official Records of Douglas County, Nevada, wherein an easement for a "Limited Common Element" was duly approved by the Association members pursuant to Section 2.4 and Article 16 of the Declaration and granted to and for the benefit of Grantees' property as described herein;

WHEREAS Association members Donald William Broton, Jr. and Tonianne French, husband and wife as joint tenants, are the owners of that certain portion of the White Bark Townhomes subdivision commonly known as Lot 7 and located at 1610 Needle Peak Road, Douglas County,

Nevada, more specifically described in **Exhibit A**, attached hereto and incorporated herein by reference (hereinafter, the "**Broton Property**"); and.

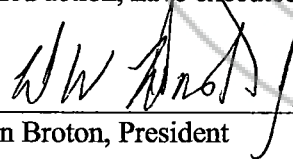
WHEREAS the Community Development Department of Douglas County, State of Nevada, has required a separate easement deed be recorded for the Limited Common Element as a condition of obtaining a building or other development permit on the Grantees' parcel.

NOW, THEREFORE, the Association as Grantor hereby grants to Donald William Broton, Jr. and Tonianne French, an irrevocable, exclusive easement appurtenant to the Broton Property for use as a Limited Common Area (hereinafter, the "**LCA**") for that area of real property within Lot 13 of the Common Area of the Association, which LCA is specifically described in **Exhibit B** and depicted in **Exhibit C**, which exhibits are incorporated herein by reference.

The easement for the LCA shall be limited for use as a boulder/rock retaining wall and site stabilization as depicted in Exhibit C, and for no other use. Such use and right to occupy the LCA as defined is conditioned on the maintenance of the LCA area and the retaining wall/stabilization improvements, by the owner of the dominant parcel (the Broton Property) in perpetuity. Should the owner of the dominant parcel fail to maintain the LCA as required, the Association shall have the right to incur all reasonable expenses to maintain the LCA and to assess such costs to the owner and record a lien therefor as described in the Declaration. Further, the indemnity obligations of an owner set forth in Section 3.21 of the Declaration shall expressly apply to the LCA as a part of the Common Elements.

The within easement for the above described LCA shall run with the land in perpetuity for the benefit of the Broton Property as the "Dominant Estate" (Exhibit A) subject to the obligations and limitations described above, and as a burden to that area of real property within Lot 13 of the Common Area of the Association as the "Servient Estate" (Exhibits B and C), and each owner of the said properties, their heirs, assigns, successors and representatives.

IN WITNESS WHEREOF, the undersigned President and Secretary of the Board of Directors of the Whitebark Homeowner's Association, Inc., a Nevada nonprofit corporation, under duly authorized action, have executed this instrument as of the date first set forth above.

By:   
Don Broton, President

By: Signed in Counterpart  
Scott Lord, Secretary

[NOTARY ACKNOWLEDGMENTS ON NEXT PAGE]

Nevada, more specifically described in **Exhibit A**, attached hereto and incorporated herein by reference (hereinafter, the "**Broton Property**"); and.

WHEREAS the Community Development Department of Douglas County, State of Nevada, has required a separate easement deed be recorded for the Limited Common Element as a condition of obtaining a building or other development permit on the Grantees' parcel.

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IN WITNESS WHEREOF, the undersigned President and Secretary of the Board of Directors of the Whitebark Homeowner's Association, Inc., a Nevada nonprofit corporation, under duly authorized action, have executed this instrument as of the date first set forth above.

By: Signed in counter part  
Don Broton, President

By: [Signature]  
Scott Lord, Secretary

[NOTARY ACKNOWLEDGMENTS ON NEXT PAGE]



STATE OF NEVADA        )  
  ) ss:  
COUNTY OF DOUGLAS    )

On \_\_\_\_\_, 2017, before me, a notary public, personally appeared **Don Broton**, personally known (or proved) to me to be the person whose name is subscribed to the above instrument, who acknowledged to me that he is the President of the Board of Directors of the Whitebark Homeowner's Association, Inc., and who further acknowledged that he executed the foregoing instrument on behalf of said association for the uses and purposes therein stated.

\_\_\_\_\_  
Notary Public

*CALIFORNIA*  
STATE OF NEVADA        )  
  ) ss:  
*Los Angeles*  
COUNTY OF DOUGLAS    )

On 10/24, 2017, before me, a notary public, personally appeared **Scott Lord**, personally known (or proved) to me to be the person whose name is subscribed to the above instrument, who acknowledged to me that he is the Secretary of the Board of Directors of the Whitebark Homeowner's Association, Inc., and who further acknowledged that he executed the foregoing instrument on behalf of said association for the uses and purposes therein stated.

*Brad Beilinson*  
\_\_\_\_\_  
Notary Public



October 13, 2017  
16218

## Exhibit A

### DESCRIPTION Adjusted Lot 7

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

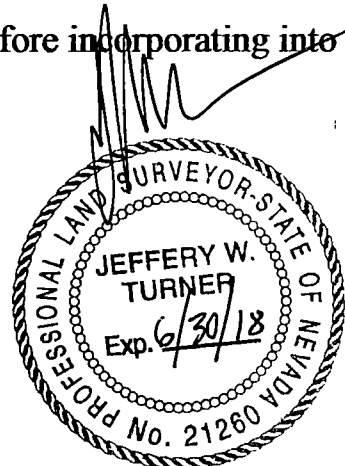
All that portion of Lot 7 Whitebark Townhouses Subdivision filed for record as Document Number 522371 and that portion of Lot 13 of said Whitebark Townhouses, more particularly described as follows:

Beginning at a point which bears South  $06^{\circ}30'07''$  East 10.00 feet from the Northwest corner of said Lot 10;  
thence North  $83^{\circ}29'53''$  East 67.43 feet;  
thence along a curve concave to the East with a radius of 345.50 feet, a central angle of  $01^{\circ}29'55''$ , and an arc length of 9.04 feet, the chord of said curve bears South  $01^{\circ}45'50''$  East 9.04 feet;  
thence along a curve concave to the West with a radius of 482.50 feet, a central angle of  $03^{\circ}37'59''$ , and an arc length of 30.59 feet, the chord of said curve bears South  $0^{\circ}41'48''$  East 30.59 feet;  
thence along a curve concave to the East with a radius of 167.50 feet, a central angle of  $10^{\circ}23'20''$ , and an arc length of 30.37 feet, the chord of said curve bears South  $04^{\circ}04'28''$  East 30.33 feet;  
thence South  $66^{\circ}06'41''$  West 65.29 feet;  
thence North  $06^{\circ}30'07''$  West 89.25 feet to the Point of Beginning.

The Basis of Bearing for this description is the above reference Whitebark Townhouses Subdivision.

Note: Refer this document to your title company before incorporating into any legal document.

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





October 13, 2017  
16218

## Exhibit B

### DESCRIPTION

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

All that portion of Adjusted Lot 13 per that Boundary Line Adjustment Grant, Bargain, Sale Deed, filed for record as Document Number 559964, more particularly described as follows:

Beginning at the Westerly corner of Adjusted Lot 7 per said Boundary Line Adjustment Grant, Bargain, Sale Deed,

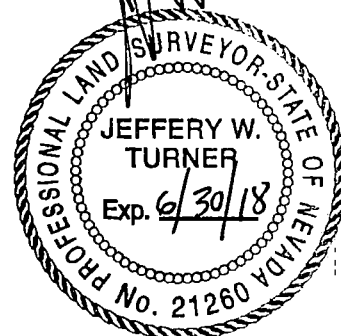
thence South 33°38'57" East 68.43 feet;  
thence North 73°54'26" East 16.97 feet;  
thence South 34°54'07" East 7.57 feet;  
thence South 52°10'12" West 1.83 feet;  
thence South 89°52'21" West 26.62 feet;  
thence North 37°39'45" West 14.39 feet;  
thence North 64°05'27" West 13.00 feet;  
thence North 30°52'48" West 28.02 feet;  
thence North 08°58'47" West 15.81 feet;  
thence North 13°22'34" East 30.55 feet;  
thence North 83°07'31" East 14.76 feet;  
thence North 08°10'30" East 26.43 feet;  
thence South 43°33'47" East 10.38 feet;  
thence South 15°47'22" West 34.31 feet;  
thence South 06°28'52" East 3.83 feet  
thence South 58°23'34" West 19.84 feet to the Point of Beginning.

Containing 1,575 square feet. More or less.

The Basis of Bearing for this description is the Whitebark Townhouses Subdivision, filed for record as Document Number 522371.

Note: Refer this document to your title company before incorporating into any legal document.

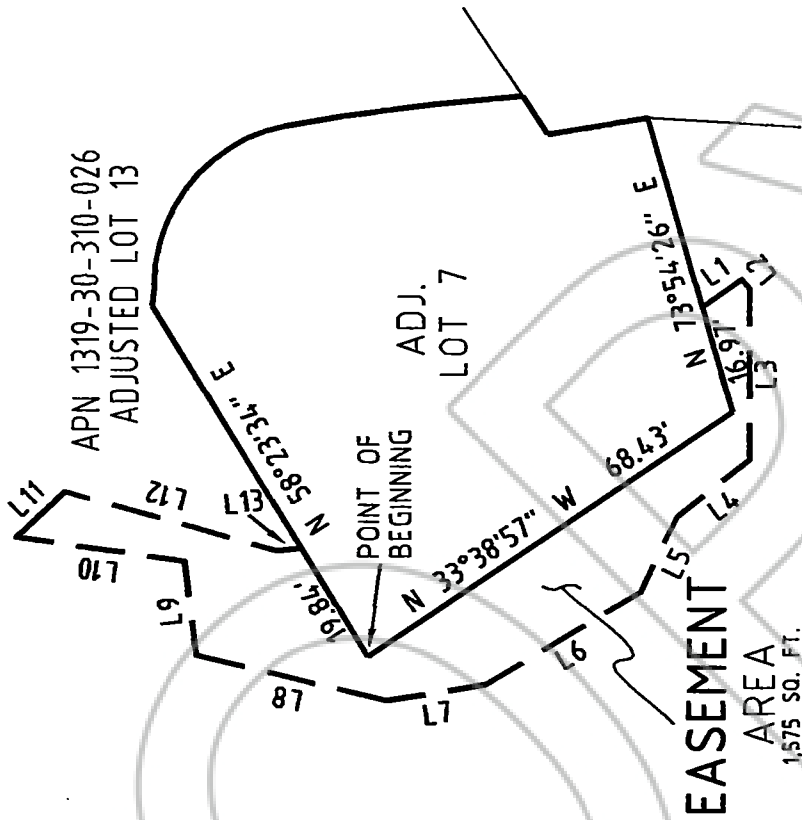
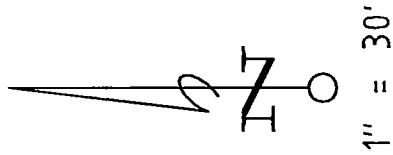
Prepared by: Turner & Associates, Inc.  
Land Surveying  
P.O. Box 5067  
Stateline, NV 89449





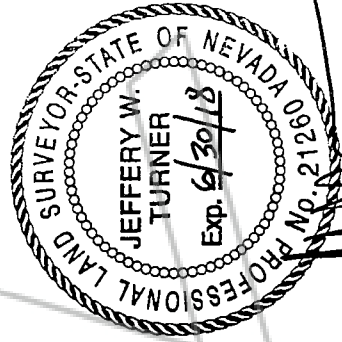
DATE 10/2017 JOB No. 16218  
 PROJECT EASEMENT EXHIBIT  
 BY SW PAGE 1 OF 1  
 ADJ. LOT 13, WHITEBARK TOWNHOUSES SUB.  
 A.P.N. 1319-30-310-026

# EXHIBIT C



LINE TABLE

LINE	BEARING	DISTANCE
L1	N 34°54'07" W	7.57'
L2	N 52°10'12" E	1.83'
L3	N 89°52'21" E	26.62'
L4	N 37°39'45" W	14.39'
L5	N 64°05'27" W	13.00'
L6	N 30°52'48" W	28.02'
L7	N 08°58'47" W	15.81'
L8	N 13°22'34" E	30.55'
L9	N 83°07'31" E	14.76'
L10	N 08°10'30" E	26.43'
L11	N 43°33'47" W	10.38'
L12	N 15°47'22" E	34.31'
L13	N 06°28'52" W	3.83'



**JA** **TURNER & ASSOCIATES, INC.**  
 LAND SURVEYING  
 (775) 588-5658  
 308 DORLA COURT, SUITE 203  
 ROUND HILL, NEVADA  
 P.O. BOX 5067 - STATELINE, NEVADA 89449  
 PROJECT FILE 16218 BROTON