

DOUGLAS COUNTY APN 1319-30-310-023 and
APN 1319-30-210-026

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



KAREN ELLISON, RECORDER

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 **James S. Cho and Sophia J. Kim**, 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 James S. Cho and Sophia J. Kim, husband and wife as joint tenants, are the owners of that certain portion of the White Bark Townhomes subdivision commonly known as Lot 10 and located at 1634 Needle Peak Road, Douglas County, Nevada, more

specifically described in **Exhibit A**, attached hereto and incorporated herein by reference (hereinafter, the “**Cho Property**”); and.

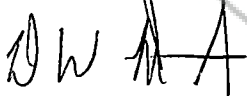
WHEREAS the Community Development Department of Douglas County, State of Nevada, has required a separate easement deed be recorded for the Limited Common Element as a condition of obtaining a building or other development permit on the Grantees’ parcel.

NOW, THEREFORE, the Association as Grantor hereby grants to James S. Cho and Sophia J. Kim an irrevocable, exclusive easement appurtenant to the Cho 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, specifically described in **Exhibit B** and depicted in **Exhibit C**, which exhibits are attached hereto and incorporated herein by reference.

The easement for the LCA shall be limited for use as a porch or patio with pads and mounts for the heating and air-conditioning system serving the residence and for an area for 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 areas, and including the retaining wall/stabilization improvements, by the owner of the dominant parcel (the Cho 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 Cho 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]

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By: Signed in counterpart
Don Broton, President

By: [Signature]
Scott Lord, Secretary

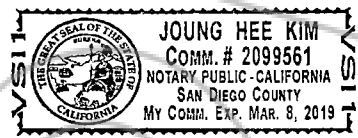
[NOTARY ACKNOWLEDGMENTS ON NEXT PAGE]

STATE OF ~~NEVADA~~ CA)
 San Diego) ss:
COUNTY OF ~~DOUGLAS~~)

On OCT. 12, 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



STATE OF NEVADA)
) ss:
COUNTY OF DOUGLAS)

On _____, 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.

Notary Public

STATE OF NEVADA)
) ss:
COUNTY OF DOUGLAS)

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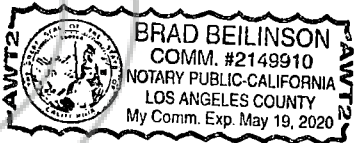
Notary Public

CALIFORNIA
STATE OF NEVADA)
) ss:
COUNTY OF *Los Angeles* 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 10

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

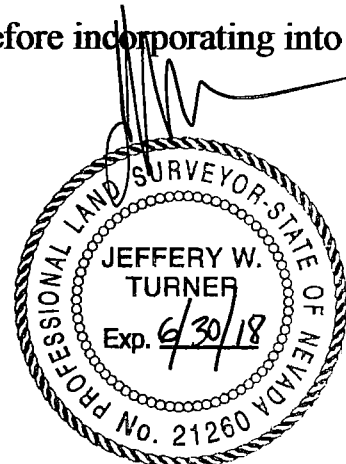
All that portion of Lot 10 Whitebark Townhouses Subdivision filed for record as Document Number 522371 and that portion of Lot 13 of said Whitebark Townhouses, more particularly described as follows:

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 common to Adjusted Lot 10 and Adjusted Lot 11 per said Boundary Line Adjustment Grant, Bargain, Sale Deed,

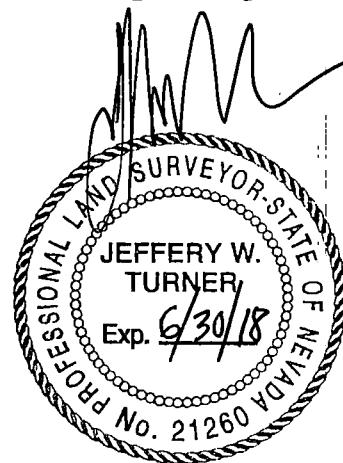
thence South 06°30'07" East 89.25 feet;
thence South 66°06'41" West 41.92 feet;
thence North 06°30'07" West 101.78 feet;
thence North 83°29'53" East 40.00 feet to the Point of Beginning.

Containing 3,821 square feet. More or less.

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

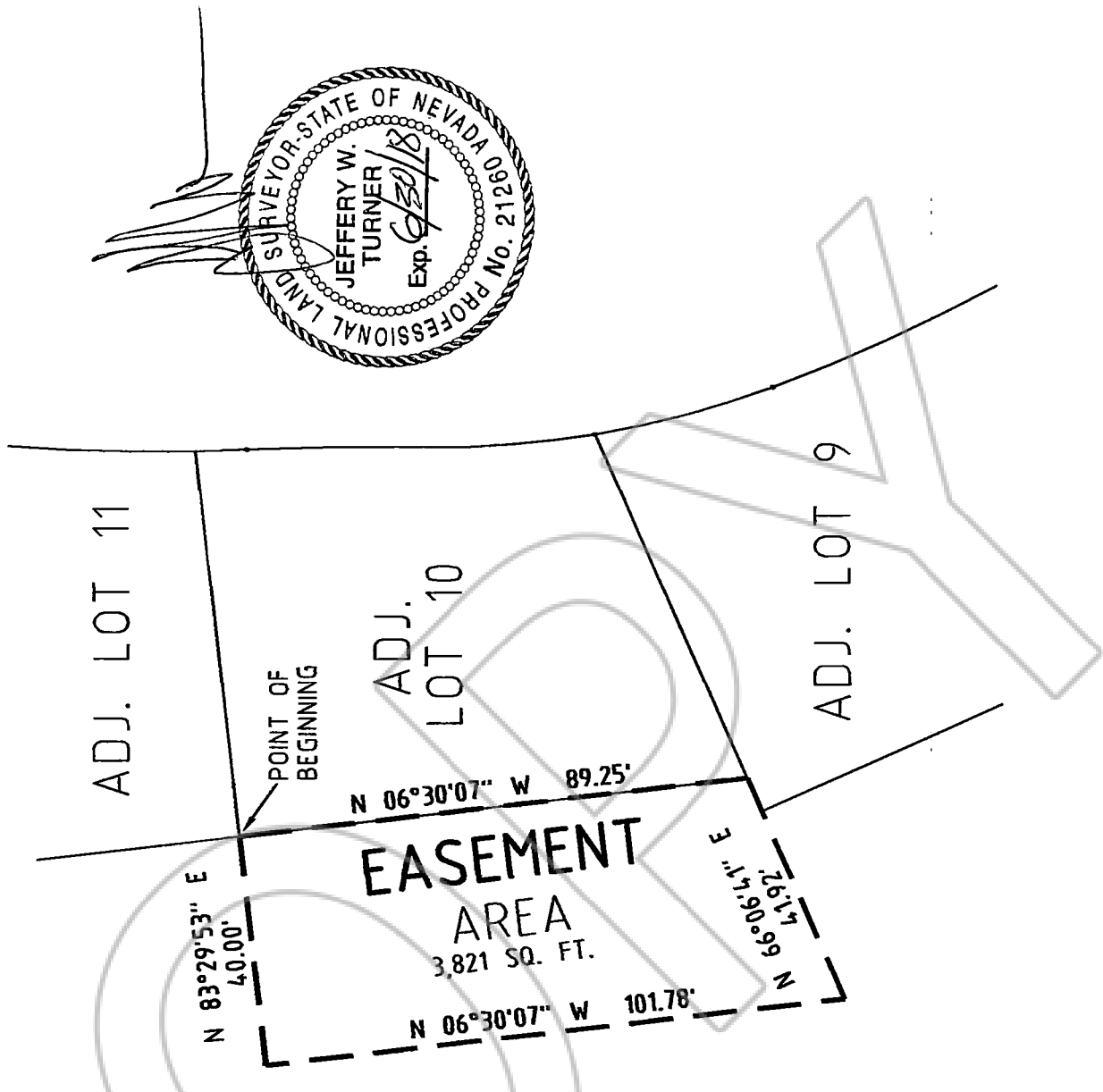
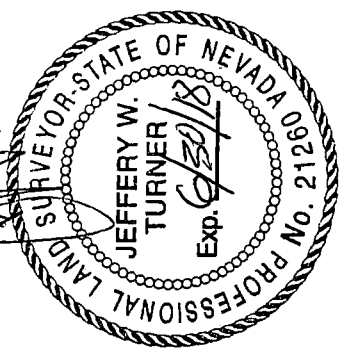
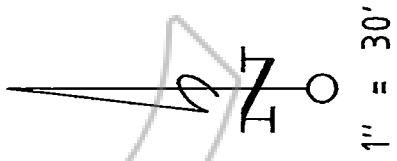
Note: Refer this document to your title company before incorporating into any legal document.

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



APN 1319-30-310-026
 ADJUSTED LOT 13

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