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COURT CLERK
LINCOLN COUNTY
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1 Case No. 57-12-98LC

2 Department No. _____

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7 IN THE SEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

8 IN AND FOR THE COUNTY OF LINCOLN

9 ROCKY MOUNTAIN COMPANY, a Utah Limited
10 Partnership,

11 Plaintiff,

12 vs.

NOTICE OF PENDENCY
OF ACTION AFFECTING
REAL PROPERTY

13 JEFFERY E. CARTER, ENERGY AND
14 DEVELOPMENT CO.; JEFFREY E. CARTER,
15 ENERGY AND DEVELOPMENT CO.; JEFFREY F.
16 CARTER, ENERGY AND DEVELOPMENT CO.;
17 ZIONS FIRST NATIONAL BANK, a national
18 banking association; NEVADA TITLE
19 COMPANY, a Nevada corporation; LAND
20 TITLE OF NEVADA, INC., a Nevada
21 corporation; MARTIN A JOHNSON; MARTIN
22 L. JOHNSON; WILLARD S. JOHNSON; WILLARD
23 D. JOHNSON; C. FRANK DAMON; GORDON
24 DAMON; LAURENCE C. THOMPSON; MARNELL T.
25 THOMPSON, MARNELL TERRY THOMPSON;
26 JACQUELYN A. KILBRIDE; JACQUELINE A.
27 KILBRIDE; EMILY S. CONDON; GERALD A.
28 STRONG; PATRICIA A. SHERMAN; WILLIAM M.
SHERMAN; JENNIFER H. SHERMAN; JENNIFER
SHERMAN; JENNIFER M. SHERMAN; DOUGLAS
C. SHERMAN; MARGARET A. SHERMAN;
ORLANDO EPP; JAMES E. LANDRUM; J. ALLEN
LANDRUM; J. ALLEN JOHNSON; BRANDON B.
JOHNSON; HUNTER W. JOHNSON; MARK A.
JOHNSON; MELISSA D. JOHNSON; MELISSA D.
JOHNSON; RUTH L. THOMPSON; C. DEXTER
LUFKIN; MARILYN LUFKIN; GORDON DAMON,
Trustee of THE MURIEL C. DAMON TRUST;
JOHNSON BROTHERS PARTNERSHIP; SHERMAN

1 FAMILY GENERAL PARTNERSHIP; JOHNSON
 2 FAMILY PARTNERSHIP; F.M.A. LEASING
 3 COMPANY, a Utah corporation; WESTERN
 4 WOOD STRUCTURES; JEFFREY R. ALBREGTS;
 5 DOE COMPANIES 1-5; DOE CORPORATIONS 1-
 6 5; DOE PARTNERSHIPS 1-5; DOE LIMITED
 7 LIABILITY COMPANIES 1-5; DOES 1-5; and
 8 all other persons unknown or entities
 9 unknown claiming any right, title,
 10 estate, lien or interest in the real
 11 property of Plaintiff adverse to the
 12 Plaintiff's ownership or any cloud upon
 13 Plaintiff's title to the following
 14 described property: Parcel 1: All of
 15 the NW $\frac{1}{4}$, the N $\frac{1}{2}$ of the SW $\frac{1}{4}$, the SW $\frac{1}{4}$ of
 16 the NE $\frac{1}{4}$ and the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ all in
 17 Sec. 18, T.4S., R.67E., MDB&M.,
 18 EXCEPTING THEREFROM all that portion of
 19 the W $\frac{1}{2}$ of Sec. 18., T.4S., R.67E.,
 20 MDB&M, lying West of State Hwy. #55,
 21 Except the interest in the portion
 22 of said land conveyed to County of
 23 Lincoln, State of Nevada, by Deed
 24 recorded January 6, 1975 in Book 12 of
 25 Official Records at page 441, EXCEPTING
 26 from the entire of the above described
 27 and any and all rights of way
 28 heretofore granted by the Grantors
 herein or their predecessors in
 interest to the Union Pacific Railroad
 Co., and its predecessors in interest
 and to the State of Nevada for highway
 purposes, which said rights of way are
 on file and of record in the office of
 the County Recorder of said Lincoln
 County, Nevada, Assessor's Parcel #13-
 130-03; Parcel 2, The NW $\frac{1}{4}$ of the NE $\frac{1}{4}$,
 the S $\frac{1}{2}$ of the NW $\frac{1}{4}$ and the E $\frac{1}{2}$ of the NW $\frac{1}{4}$
 and the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ and the N $\frac{1}{2}$
 of the SW $\frac{1}{4}$ and the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ in Sec.
 25, T.4S, R.66E., MDB&M; the E $\frac{1}{2}$ of the
 SE $\frac{1}{4}$ of Sec. 26, the E $\frac{1}{2}$ of the NE $\frac{1}{4}$ and
 the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 35, the NW $\frac{1}{4}$
 of the NW $\frac{1}{4}$ of Sec. 36, all in
 T.4S., R.66E., MDB&M., EXCEPTING
 therefrom all that portion of the E $\frac{1}{2}$ of
 the NW $\frac{1}{4}$ of Sec. 25, T.4S., R.66E.,
 MDB&M, lying West of the Union Pacific

1 Railroad right of way, EXCEPTING
 2 therefrom all that portion of the above
 3 described property lying North-westerly
 4 of the Southeasterly right of way line
 5 of Nevada State Road No. 55, FAS Route
 6 633, (Project S-633(1)) corrected deed
 7 Document #556665, Book 12, page 441
 8 recorded January 6, 1975 of the
 9 Official Records of Lincoln County,
 10 Nevada; Commencing at the intersection
 11 of the center line of said Nevada State
 12 Hwy right of way No. 55, FAS Route 633,
 13 (Project S-66 (1)) and the South
 14 boundary line of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of
 15 Sec. 24., T.4S., R.66E., MDB&M, at
 16 Highway Engineer's Station "X"
 17 465+38.69 P.O.C., said commencing point
 18 further described as bearing S 6 $^{\circ}$ 10'12"
 19 West a distance of 9421.64 feet from
 20 the NE corner of Sec. 13, T.4S.,
 21 R.66E., MDB&M; thence along the center
 22 line of said Nevada State Highway No.
 23 55 from a tangent which bears South
 24 36 $^{\circ}$ 55'02" West, curving to the right
 25 with a radius of 800.00 feet, through
 26 an angle of 29 $^{\circ}$ 01'03" and an arc
 27 distance of 405.16 feet to a point of
 28 tangency; thence along said center line
 South 65 $^{\circ}$ 56'05" W, a distance of 159.74
 feet to a point
 on a tangent curve; thence along said
 center line, being a curved line to the
 left, with a radius of 2000.00 feet,
 through an angle of 21 $^{\circ}$ 42'52" and an arc
 distance of 757.98 feet to a point of
 tangency; thence along said center line
 S 44 $^{\circ}$ 13'13" W, a distance of 278.98 feet
 to a point on a tangent curve; thence
 along said center line, being a curved
 line to the left, with a radius of
 850.00 feet, through an angle of
 36 $^{\circ}$ 40'10" and an arc distance of 544.00
 feet to a point of tangency; thence
 along said center line South 7 $^{\circ}$ 37'03"
 W., a distance of 978.83 feet to the
 true pint of beginning, said point of
 beginning also being Station "X" 434 +

1 14.00 at the center line of said Nevada
 2 State Highway No. 55; Also excepting
 3 therefrom that portion beginning at the
 4 above-described point of beginning,
 5 being Station "X" 434+14.00 on the
 6 center line of said Nevada State
 7 Highway FAS 633 (Project S-633(1)) and
 8 more particularly described as follows:
 9 Thence S 44°02'57" E, a distance of
 10 219.27 feet; thence S 32°27'27" E, a
 11 distance of 354.15 feet; thence South
 12 24°52'38" E, a distance of 186.14 feet;
 13 thence S 01°39'52" E., a distance of
 14 365.79 feet; thence S 15°53'09" West, a
 15 distance of 410.27 feet; thence S
 16 67°34'56" W, a distance of 195.79 feet;
 17 thence S 81°21'26" W, a distance of
 18 112.50 feet; thence N 84°38'13" W, a
 19 distance of 317.75 feet; thence S
 20 82°24'59" W, a distance of 52.22 feet;
 21 thence N 34°57'39" E, a distance of
 22 204.81 feet; thence N 13°00'39" E., a
 23 distance of 281.00 feet; thence N
 24 10°42'39" E, a distance of 461.68 feet;
 25 thence North 07°37'03" E., a distance of
 26 564.00 feet, more or less to the true
 27 point of beginning, also excepting
 28 therefrom the following parcels A and B
 to be used as the building site for
 time-share condominiums and easement
 purposes for access and utilities
 thereto being that portion of the SE¼,
 the NW¼ and the NE¼ of Sec. 25, T.4S.,
 R.66E., MDB&M, in the County of
 Lincoln, State of Nevada, and more
 particularly described as follows:
Parcel A: Commencing at a point which
 is the NE corner of Sec. 33, T.4S.,
 R.66E., MDB&M, thence along a course
 which bears South 11°08'30" W, a
 distance of 12,185.46 feet to the true
 point of beginning; thence along a
 course which bears North 58° E a
 distance of 60+/- feet to the
 centerline of the Meadow Valley flood
 channel; thence S 47° E a distance of

MACARDON & MACORRICK
 A PROFESSIONAL CORPORATION
 178 S. California Street
 P. O. Box 1208
 Fallon, NV 89407-1208
 (702) 425-7108

1 183+/-feet; thence S 22° E a distance of
 2 306+/-feet; thence S 08° E a distance of
 3 308+/-feet; thence S 04° W a distance of
 4 518+/-feet; thence S 18° W a distance of
 5 140 +/- feet; thence S 30° W a distance
 6 of 150 +/- feet; thence S 40° W a
 7 distance of 220+/-feet; thence S 70° W a
 8 distance of 265 +/- feet; thence N 4°30'
 9 W a distance of 180+/-feet; thence N 62°
 10 E a distance of 260+/-feet; thence
 11 South 80° E a distance of 64+/-feet;
 12 thence N 53° E a distance of 104+/-feet;
 13 thence N 11°39'17" E a distance of
 14 420.8+/-feet; thence N 02°25'17" E a
 15 distance of 331.13+/-feet; thence N
 16 14°15'57" W a distance of 312.35+/-feet;
 17 thence N 33°16'04" W a distance of
 18 306.61 feet to the point of beginning;
 19 Parcel B: An easement for access and
 20 utility purposes is described as
 21 follows: Also including a parcel or
 22 strip of land forty (40) feet in total
 23 width being twenty (20) feet wide on
 24 each side of the surveyed center line
 25 of a road and utility easement from
 26 State Highway Engineers Station 42 +
 27 67.07 on the center line of Nevada
 28 State Highway right of way No. 55 FAS
 Route 633 (Project S-633(1)) to the
 five acre parcel described in the above
 paragraphs; said center line is more
 fully described as follows: Beginning
 at Highway Engineer's Station 421 +
 67.07 on the centerline of said Nevada
 State Highway Right of Way; thence
 along the center line of said Road and
 Utility Easement South 66°14' East, a
 distance of 283.35 feet to a point on a
 tangent curve; thence continuing along
 said easement center line being a curve
 to the right with a radius of 1,000.00
 feet, through an angle of 4°49' and an
 arc distance of 84.07 feet to a point
 of tangency; thence continuing along
 said center line South 51°24' E, a
 distance of 227.15 feet to a point on a

1 tangent curve; thence continuing along
 2 said center line being a curve to the
 3 right with a radius of 100.00 feet,
 4 through an arc angle of 50°28'30" an arc
 5 distance of 88.10 feet to a point of
 6 tangency; thence continuing along said
 7 center line S 10°55'30" E., a distance
 8 of 38.44 feet to a point on a tangent
 9 curve; thence continuing along said
 10 center line being a curve to the right
 11 with a radius of 50.00 feet, through an
 12 angle of 72°45'30" and an arc distance
 13 of 63.49 feet to a point of tangency;
 14 thence continuing along said easement
 15 center line South 61°49' West a distance
 16 of 150.17 feet; except the interest in
 17 the portion of said land conveyed to
 18 County of Lincoln, State of Nevada, by
 19 Deed recorded January 6, 1975 in Book
 20 12 of Official Records at page 441,
 21 excepting from the entire of the above
 22 described and any and all rights of way
 23 heretofore granted by the Grantors
 24 herein or their predecessors in
 25 interest to the Union Pacific Railroad
 26 Co., and its predecessors in interest
 27 and to the State of Nevada for highway
 28 purposes, which said rights of way are
 on file and of record in the Office of
 the County Recorder of said Lincoln
 County, Nevada, Assessor's parcel #13-
 140-07,

Defendants.

PLEASE TAKE NOTICE that the above-entitled action concerns
 the real property described below and that Plaintiff seeks
 relief in this action affecting title to real property situate
 in the County of Lincoln, State of Nevada, and described as
 follows:

Parcel 1: All of the NW¼, the NE¼ of the
 SW¼, the SW¼ of the NE¼ and the SW¼ of
 the SW¼ all in Sec. 18, T.4S., R.67E.,

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MDB&M., EXCEPTING THEREFROM all that portion of the W¼ of Sec. 18., T.4S., R.67E., MDB&M, lying West of State Hwy. #55, Except the interest in the portion of said land conveyed to County of Lincoln, State of Nevada, by Deed recorded January 6, 1975 in Book 12 of Official Records at page 441, EXCEPTING from the entire of the above described and any and all rights of way heretofore granted by the Grantors herein or their predecessors in interest to the Union Pacific Railroad Co., and its predecessors in interest and to the State of Nevada for highway purposes, which said rights of way are on file and of record in the office of the County Recorder of said Lincoln County, Nevada, Assessor's Parcel #13-130-03; Parcel 2, The NW¼ of the NE¼, the SW¼ of the NW¼ and the E¼ of the NW¼ and the SW¼ of the NE¼ and the NW¼ of the SW¼ and the NW¼ of the SE¼ in Sec. 25, T.4S, R.66E., MDB&M; the E¼ of the SE¼ of Sec. 26, the E¼ of the NE¼ and the NW¼ of the SE¼ of Sec. 35, the NW¼ of the NW¼ of Sec. 36, all in T.4S., R.66E., MDB&M., EXCEPTING therefrom all that portion of the E¼ of the NW¼ of Sec. 25, T.4S., R.66E., MDB&M, lying West of the Union Pacific Railroad right of way, EXCEPTING therefrom all that portion of the above described property lying North-westerly of the Southeasterly right of way line of Nevada State Road No. 55, FAS Route 633, (Project S-633(1)) corrected deed Document #556665, Book 12, page 441 recorded January 6, 1975 of the Official Records of Lincoln County, Nevada; Commencing at the intersection of the center line of said Nevada State Hwy right of way No. 55, FAS Route 633, (Project S-66 (1)) and the South boundary line of the NE¼ of the SE¼ of Sec. 24., T.4S., R.66E., MDB&M, at Highway Engineer's Station "X" 465+38.69 P.O.C., said commencing point further described as bearing S 6°10'12" West a distance of 9421.64 feet from the NE corner of Sec. 13, T.4S., R.66E., MDB&M; thence along the center line of said Nevada State Highway No. 55 from a

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tangent which bears South 36°55'02" West, curving to the right with a radius of 800.00 feet, through an angle of 29°01'03" and an arc distance of 405.16 feet to a point of tangency; thence along said center line South 65°56'05" W, a distance of 159.74 feet to a point on a tangent curve; thence along said center line, being a curved line to the left, with a radius of 2000.00 feet, through an angle of 21°42'52" and an arc distance of 757.98 feet to a point of tangency; thence along said center line S 44°13'13" W, a distance of 278.98 feet to a point on a tangent curve; thence along said center line, being a curved line to the left, with a radius of 850.00 feet, through an angle of 36°40'10" and an arc distance of 544.00 feet to a point of tangency; thence along said center line South 7°37'03" W., a distance of 978.83 feet to the true pint of beginning, said point of beginning also being Station "X" 434 + 14.00 at the center line of said Nevada State Highway No. 55; Also excepting therefrom that portion beginning at the above-described point of beginning, being Station "X" 434+14.00 on the center line of said Nevada State Highway FAS 633 (Project S-633(1)) and more particularly described as follows:
Thence S 44°02'57" E, a distance of 219.27 feet; thence S 32°27'27" E, a distance of 354.15 feet; thence South 24°52'38" E, a distance of 186.14 feet; thence S 01°39'52" E., a distance of 365.79 feet; thence S 15°53'09" West, a distance of 410.27 feet; thence S 67°34'56" W, a distance of 195.79 feet; thence S 81°21'26" W, a distance of 112.50 feet; thence N 84°38'13" W, a distance of 317.75 feet; thence S 82°24'59" W, a distance of 52.22 feet; thence N 34°57'39" E, a distance of 204.81 feet; thence N 13°00'39" E., a distance of 281.00 feet; thence N 10°42'39" E, a distance of 461.68 feet; thence North 07°37'03" E., a distance of 564.00 feet, more or less to the true point of beginning, also excepting therefrom the following parcels A and B

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to be used as the building site for time-share condominiums and easement purposes for access and utilities thereto being that portion of the SE $\frac{1}{4}$, the NW $\frac{1}{4}$ and the NE $\frac{1}{4}$ of Sec. 25, T.4S., R.66E., MDB&M, in the County of Lincoln, State of Nevada, and more particularly described as follows: Parcel A: Commencing at a point which is the NE corner of Sec. 33, T.4S., R.66E., MDB&M, thence along a course which bears South 11°08'30" W, a distance of 12,185.46 feet to the true point of beginning; thence along a course which bears North 58° E a distance of 60+/- feet to the centerline of the Meadow Valley flood channel; thence S 47° E a distance of 183+/-feet; thence S 22° E a distance of 306+/-feet; thence S 08° E a distance of 308+/-feet; thence S 04° W a distance of 518+/-feet; thence S 18° W a distance of 140 +/- feet; thence S 30° W a distance of 150 +/- feet; thence S 40° W a distance of 220+/-feet; thence S 70° W a distance of 265 +/- feet; thence N 4°30' W a distance of 180+/-feet; thence N 62° E a distance of 260+/-feet; thence South 80° E a distance of 64+/-feet; thence N 53° E a distance of 104+/-feet; thence N 11°39'17" E a distance of 420.8+/-feet; thence N 02°25'17" E a distance of 331.13+/-feet; thence N 14°15'57" W a distance of 312.35+/-feet; thence N 33°16'04" W a distance of 306.61 feet to the point of beginning; Parcel B: An easement for access and utility purposes is described as follows: Also including a parcel or strip of land forty (40) feet in total width being twenty (20) feet wide on each side of the surveyed center line of a road and utility easement from State Highway Engineers Station 42 + 67.07 on the center line of Nevada State Highway right of way No. 55 FAS Route 633 (Project S-633(1)) to the five acre parcel described in the above paragraphs; said center line is more fully described as follows: Beginning at Highway Engineer's Station 421 + 67.07 on the centerline of said Nevada State Highway Right of Way; thence along the center line of said Road and Utility

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Easement South 66°14' East, a distance of 283.35 feet to a point on a tangent curve; thence continuing along said easement center line being a curve to the right with a radius of 1,000.00 feet, through an angle of 4°49' and an arc distance of 84.07 feet to a point of tangency; thence continuing along said center line South 61°24' E, a distance of 227.15 feet to a point on a tangent curve; thence continuing along said center line being a curve to the right with a radius of 100.00 feet, through an arc angle of 50°28'30" an arc distance of 88.10 feet to a point of tangency; thence continuing along said center line S 10°55'30" E., a distance of 38.44 feet to a point on a tangent curve; thence continuing along said center line being a curve to the right with a radius of 50.00 feet, through an angle of 72°45'30" and an arc distance of 63.49 feet to a point of tangency; thence continuing along said easement center line South 61°49' West a distance of 150.17 feet; except the interest in the portion of said land conveyed to County of Lincoln, State of Nevada, by Deed recorded January 6, 1975 in Book 12 of Official Records at page 441, excepting from the entire of the above described and any and all rights of way heretofore granted by the Grantors herein or their predecessors in interest to the Union Pacific Railroad Co., and its predecessors in interest and to the State of Nevada for highway purposes, which said rights of way are on file and of record in the Office of the County Recorder of said Lincoln County, Nevada, Assessor's parcel #13-140-07,

The object of the action is for declaratory judgment and to quiet title to the above-described real property in favor of Plaintiff.

The parties to this action are the above-named Plaintiff and the above-named Defendants.

DATED: This 2nd day of December, 1998.

Michael F. Mackedon
MICHAEL F. MACKEDON
State Bar #2388
MACKEDON & MCCORMICK
A Professional Corporation
179 South LaVerne Street
Post Office Box 1203
Fallon, Nevada 89407-1203

This document to which this certificate is attached is a full, true and correct copy of the original, on file and of record in the County Clerk's Office, Pinedale Nevada.

In witness whereof, I have hereunto set my hand and affixed the Seal of the Seventh Judicial District Court in and for the County of Lincoln, State of Nevada, this 4th day of Dec, 1998.

Clerk

A. Kato
Deputy Clerk

NO. 111992

FILED AND RECORDED AT REQUEST OF
MACKEDON & MCCORMICK-LAWYERS

DECEMBER 10, 1998

AT 10 MINUTES PAST 9 O'CLOCK

AM IN BOOK 138 OF OFFICIAL

RECORDS PAGE 523 (ENCLOSURE)

COUNTY, NEVADA.

YURIKO SETZER

COUNTY RECORDER

BY *Justin Brucher* DEPUTY