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Case No. 57-12-98LC

FILED

1999 NOV 23 A 9 56

CLERK

John L. Latta

IN THE SEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF LINCOLN

ROCKY MOUNTAIN COMPANY, a Utah Limited Partnership,

Plaintiff,

vs.

NOTICE OF DISMISSAL
WITHOUT PREJUDICE

JEFFERY E. CARTER, ENERGY AND DEVELOPMENT CO.; JEFFREY E. CARTER, ENERGY AND DEVELOPMENT CO.; JEFFREY F. CARTER, ENERGY AND DEVELOPMENT CO.; ZIONS FIRST NATIONAL BANK, a national banking association; NEVADA TITLE COMPANY, a Nevada corporation; LAND TITLE OF NEVADA, INC., a Nevada corporation; MARTIN A. JOHNSON; MARTIN L. JOHNSON; WILLARD S. JOHNSON; WILLARD D. JOHNSON; C. FRANK DAMON; GORDON DAMON; LAURENCE C. THOMPSON; MARNELL T. THOMPSON, MARNELL TERRY THOMPSON; JACQUELYN A. KILBRIDE; JACQUELINE A. KILBRIDE; EMILY S. CONDON; GERALD A. 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 FAMILY GENERAL PARTNERSHIP; JOHNSON FAMILY PARTNERSHIP; F.M.A. LEASING COMPANY, a Utah corporation; WESTERN WOOD STRUCTURES; JEFFREY R. ALBREGTS; DOE COMPANIES 1-5; DOE CORPORATIONS 1-5; DOE PARTNERSHIPS 1-5; DOE LIMITED LIABILITY

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

ACKERSON & MCCORMACK
 Professional Corporation
 170 So. Lawrence Street
 P.O. Box 1280
 Fallon, NV 89407-1280
 (775) 428-2100

1 boundary line of the NE¼ of the SE¼ of
 2 Sec. 24., T.4S., R.66E., MDB&M, at
 3 Highway Engineer's Station "X" 465+38.69
 4 P.O.C., said commencing point further
 5 described as bearing S 6°10'12" West a
 6 distance of 9421.64 feet from the NE
 7 corner of Sec. 13, T.4S., R.66E., MDB&M:
 8 thence along the center line of said
 9 Nevada State Highway No. 55 from a
 10 tangent which bears South 36°55'02"
 11 West, curving to the right with a radius
 12 of 800.00 feet, through an angle of
 13 29°01'03" and an arc distance of 405.16
 14 feet to a point of tangency; thence
 15 along said center line South 65°56'05"
 16 W, a distance of 159.74 feet to a point
 17 on a tangent curve; thence along said
 18 center line, being a curved line to the
 19 left, with a radius of 2000.00 feet,
 20 through an angle of 21°42'52" and an arc
 21 distance of 757.98 feet to a point of
 22 tangency; thence along said center line
 23 S 44°13'13" W, a distance of 278.98 feet
 24 to a point on a tangent curve; thence
 25 along said center line, being a curved
 26 line to the left, with a radius of
 27 850.00 feet, through an angle of
 28 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

JACKEDON & MCCORMICK
 Professional Geodesists
 179 So. Livadao Street
 P.O. Box 1203
 Fallon, NV 89407-1203
 (775) 423-2199

1 distance of 317.75 feet; thence S
 2 82°24'59" W, a distance of 52.22 feet;
 3 thence N 34°57'39" E, a distance of
 4 204.81 feet; thence N 13°00'39" E., a
 5 distance of 281.00 feet; thence N
 6 10°42'39" E, a distance of 461.68 feet;
 7 thence North 07°37'03" E., a distance of
 8 564.00 feet, more or less to the true
 9 point of beginning, also excepting
 10 therefrom the following parcels A and B
 11 to be used as the building site for
 12 time-share condominiums and easement
 13 purposes for access and utilities
 14 thereto being that portion of the SE¼,
 15 the NW¼ and the NE¼ of Sec. 25, T.4S.,
 16 R.66E., MDB&M, in the County of Lincoln,
 17 State of Nevada, and more particularly
 18 described as follows: Parcel A:
 19 Commencing at a point which is the NE
 20 corner of Sec. 33, T.4S., R.66E., MDB&M,
 21 thence along a course which bears South
 22 11°08'30" W, a distance of 12,185.46
 23 feet to the true point of beginning;
 24 thence along a course which bears North
 25 58° E a distance of 60+/- feet to the
 26 centerline of the Meadow Valley flood
 27 channel; thence S 47° E a distance of
 28 183+/-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

1 center line of a road and utility
 2 easement from State Highway Engineers
 3 Station 42 + 67.07 on the center line of
 4 Nevada State Highway right of way No. 55
 5 FAS Route 633 (Project S-633(1)) to the
 6 five acre parcel described in the above
 7 paragraphs; said center line is more
 8 fully described as follows: Beginning
 9 at Highway Engineer's Station 421 +
 10 67.07 on the centerline of said Nevada
 11 State Highway Right of Way; thence along
 12 the center line of said Road and Utility
 13 Easement South 66°14' East, a distance
 14 of 283.35 feet to a point on a tangent
 15 curve; thence continuing along said
 16 easement center line being a curve to
 17 the right with a radius of 1,000.00
 18 feet, through an angle of 4°49' and an
 19 arc distance of 84.07 feet to a point of
 20 tangency; thence continuing along said
 21 center line South 61°24' E, a distance
 22 of 227.15 feet to a point on a tangent
 23 curve; thence continuing along said
 24 center line being a curve to the right
 25 with a radius of 100.00 feet, through an
 26 arc angle of 50°28'30" an arc distance
 27 of 88.10 feet to a point of tangency;
 28 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,

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Defendants.

NOTICE IS HEREBY GIVEN that pursuant to NRCP 41(a)(1) and no answer or motion for summary judgment having been served by any of the defendants and no filing fees having been incurred by any of the defendants and none of the defendants having been served, the above-entitled action is hereby voluntarily dismissed, without prejudice.

DATED: This 17th day of November, 1999.

Michael F. Mackedon

MICHAEL F. MACKEDON
Nevada State Bar #2388
MACKEDON & McCORMICK
A Professional Corporation
Attorneys for Plaintiff
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 Clerks Office, Pioche 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 23rd day of Nov 19 99.

Clerk
Ann Keator

Deputy Clerk

NO. 113685

FILED AND RECORDED AT REQUEST OF
Mackedon & McCormick
November 23, 1999

AT 33 MINUTES PAST 11 O'CLOCK
AM IN BOOK 145 OF OFFICIAL
RECORDS PAGE 179 LINCOLN

COUNTY, NEVADA
Leslie Boucher
COUNTY CLERK