

**STAFF REPORT FOR THE PLANNING COMMISSION MEETING OF FEBRUARY 29, 2012**

**FILE NO: AB-12-005**

**AGENDA ITEM: H-2**

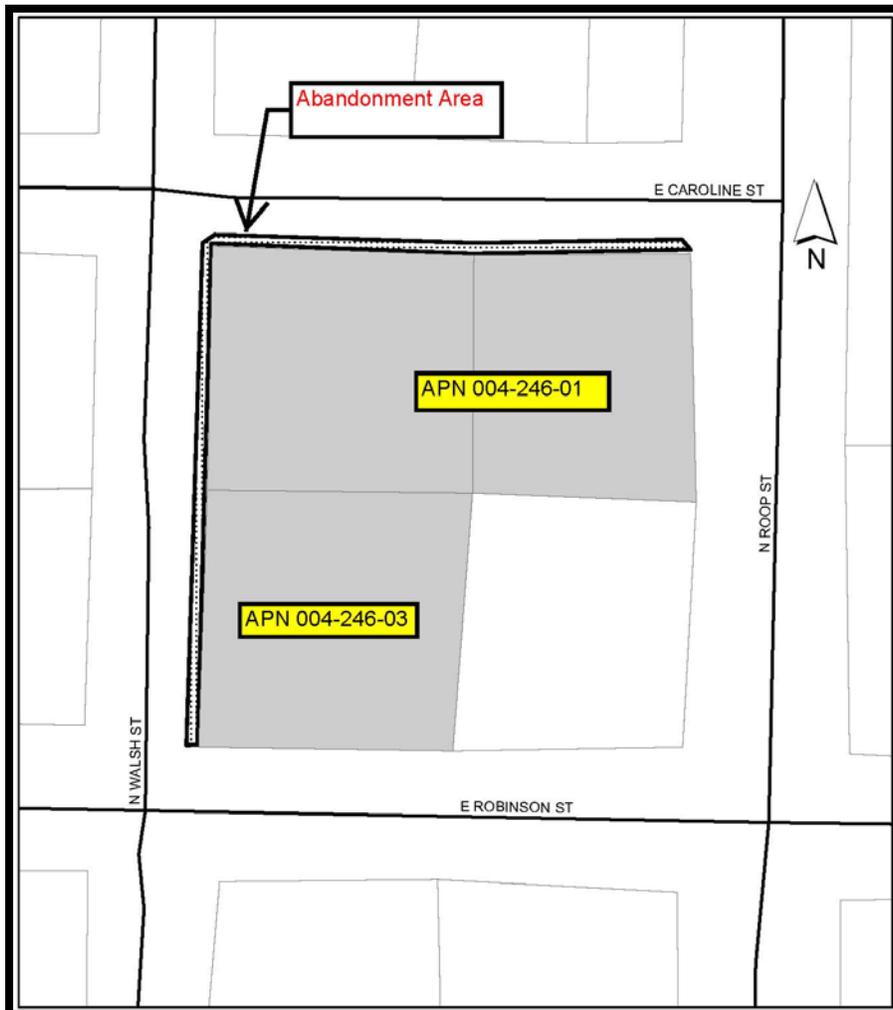
**STAFF AUTHOR:** Jennifer Pruitt, Principal Planner

**APPLICANT:** Ken Butti

**OWNER:** McGinnis, John and Frances NV Trust

**REQUEST:** Abandonment of an eight foot wide portion of East Caroline Street and a seven foot wide portion of North Walsh Street, adjacent to properties located at 601 North Walsh Street and 613 North Walsh Street, APNs 004-246-01 and 004-246-03.

**RECOMMENDED MOTION:** “I move to recommend that the Board of Supervisors approve an abandonment of public right-of-way application, AB-12-005, for an eight foot wide portion of East Caroline street and a seven foot wide portion of North Walsh Street, adjacent to properties located at 601 North Walsh Street and 613 North Walsh Street, APNs 004-246-01 and 004-246-03, based on seven findings and subject to the conditions of approval contained in the staff report.”



**RECOMMENDED CONDITIONS OF APPROVAL:**

1. Prior to the recordation of said abandonment, the applicant shall be responsible for the submittal of all necessary legal documentation and title search materials if required by the Planning Division in order to fully complete the abandonment process.
2. The applicant must sign and return the Notice of Decision for conditions of approval within 10 days of receipt of notification. If the Notice of Decision is not signed and returned within 10 days, then the item will be rescheduled for the next Planning Commission meeting for further considerations (this Notice of Decision will be mailed to the applicant for signature after approval by the Board of Supervisors).
3. All other departments' conditions of approval, which are attached, shall be incorporated as conditions of this report.
4. This abandonment pertains to:
  - APN: 004-246-01: The area of the proposed abandonment adjacent to this parcel is 1,932 square feet, more or less.
  - APN: 004-246-03: The area of the proposed abandonment adjacent to this parcel is 595 square feet, more or less.
5. Conditional approval for the requested abandonment shall expire one year after Board of Supervisor approval of the original application, unless an extension of time has been granted by the Board of Supervisors.
6. The future East Robinson Street abandonment application fee shall be waived by the Planning Division, if the application is submitted within two years of the approval of this abandonment.
7. Any easements required by the Utility Companies must be provided.

**LEGAL REQUIREMENTS:** Nevada Revised Statutes (NRS) 278.480 (Vacation or Abandonment of Streets, Easements or Maps; Reversion of Divided Land) and Carson City Municipal Code (CCMC) Title 17 Division of Land, Subdivision of Land, Chapter 17.15 Abandonment of Right-of-Way.

**MASTER PLAN DESIGNATION:** Mixed Use Residential

**PRESENT ZONING:** Residential Office/General Office

**KEY ISSUES:** Will the City or public be materially injured by the approval of subject abandonment?

**SURROUNDING ZONING AND LAND USE INFORMATION:**

NORTH: Residential Office/General Office/Residential uses  
SOUTH: Residential Office/General Office/Office uses  
WEST: Residential Office/Office uses/Residential uses  
EAST: Residential Office/Office uses/Roop Street

**PREVIOUS REVIEWS:**

None.

**DISCUSSION:**

This request is to allow the abandonment of an eight foot wide portion of East Caroline Street and a seven foot wide portion of North Walsh Street, adjacent to APN 004-246-01, noted as area 1 totaling approximately 1,932 square feet, and a seven foot portion of North Walsh Street, adjacent to APN 004-246-03, as noted as area 2, totaling approximately 595 square feet.

The Planning Division staff conducted a site visit on January 30, 2012 and found the subject area to be relatively flat with single family residences and professional offices adjacent to the subject right-of-ways. These portions of right-of-way are currently unimproved with the exceptions of landscaping and would likely never be improved for streets due to the existing curb located within the right-of-way. It should also be noted that a small portion of the residence and a portion of the garage located on the northern portion of APN 004-246-01 are both located within the current right-of-way. The subject block (three parcels) is currently all owned by the McGinnis Family Trust.

Initially, when the subject application was submitted, the applicant included a portion of East Robinson Street for an eight foot abandonment. After further evaluation, at the request of the City Engineer, the East Robinson Street abandonment portion was eliminated. The elimination is due to the 2012 pending Carson City Roop Street III Improvement Project. The Roop Street III improvements may impact East Robinson Street which has resulted in Carson City's request for a delayed in the East Robinson Street portion abandonment. With the Public Works Department's requested delay of the East Robinson Street Abandonment portion, Carson City is willing to waive the future submittal fee for the East Robinson abandonment for the applicant.

The utility companies, Nevada Bell Telephone Company dba AT&T, Charter Cable and Southwest Gas have indicated they do not have utilities in the public roadway easement proposed for abandonment and do not want these reservations to be continued. NV Energy has indicated they do have utilities within right-of-way and are requesting a Public Utility Easement as a result of the proposed abandonment. See the attached plan provided by Greg Phillips P.L.S., Lumos & Associates for a detailed map of the area to be abandoned.

Pursuant to NRS 278.480 Vacation or abandonment of a street or easement, if upon public hearing, the Board of Supervisors, if satisfied that the public will not be materially injured by the proposed vacation, shall order the street or easement vacated.

With the recommended conditions of approval and based on the finding of fact that the public will not be materially injured by the proposed vacation, it is recommended that the Planning Commission make a recommendation to the Board of Supervisors for approval of AB-12-005, subject to the recommended conditions of approval.

**PUBLIC COMMENTS:** A public notice was sent by certified mail to the adjacent property owners per NRS. At the writing of this report, there have been no comments in opposition or support of the proposed abandonment.

**CITY DEPARTMENT/OUTSIDE AGENCY COMMENTS:** The following comments were received from City departments. Recommendations have been incorporated into the recommended conditions of approval, where applicable.

**Engineering Division:**

- The Engineering Division recommends APPROVAL of the proposed abandonment, subject to the recommended conditions. See attached memo.

**Building Division:**

- The Carson City Building Division, based on the plans provided, does not have any comments or concerns at this time for the road abandonment.

**Fire Department:**

- The Fire Department has no concerns with this request.

**Health Department:**

- Carson City Health and Human Services has no comments, based on the packet submitted.

**Environmental Control:**

- The ECA has no comments for this submittal.

**RIGHT-OF-WAY ABANDONMENT FINDINGS:** In accordance with the policy for right-of-way abandonments adopted by the Board of Supervisors on October 1, 1998, the staff recommendation is based upon the following findings, which are substantiated in the public record.

**1. Will the public be materially injured or not?**

Per the information provided by the applicant the adjacent property owners will not be damaged by this abandonment application, nor will the public be materially injured by the abandonment.

Per the information provided by the Engineering Division, and the Planning Division the public will not be materially injured by the proposed abandonment of the right of way.

There will be no landlocked parcels created as a result of the proposed abandonment. There will still be a half street right of way width of 25 feet following the abandonment of E. Caroline St. and a half street right of way width of 26 feet following the abandonment of N. Walsh St., which leaves adequate space to construct all necessary roadway and sidewalk improvements.

**2. Whether the street was dedicated or not?**

The subject right-of-way was dedicated by the recordation plat of the Musser Division Map. Since Carson City did not pay for the right-of-way, it is staff's conclusion that no charge for the right-of-way be required.

**3. What should the reasonable consideration be if the street was not dedicated?**

It has been determined by the Engineering Division that there are no indications that the City of Carson City ever paid for the Right of Way in question. It is recommended that there be no charge required with this abandonment.

**4. If abandonment has a public benefit, how much of the public benefit should be offsetted against the determination of reasonable consideration?**

No charge for this abandonment is recommended. Therefore, this item does not apply to this abandonment.

**5. Applicability of the parking value analysis applied to this request.**

There will be no elimination of on-street parking in the area of the proposed abandonment. This item is not applicable to the proposed abandonment, since the abandonment is not located within the downtown area.

**6. Should utilities easements be reserved, continued or vacated?**

The utility companies, Nevada Bell Telephone Company dba AT&T, Charter Cable and Southwest Gas have indicated they do not have utilities in the public roadway easement proposed for abandonment and do not want these reservations to be continued. NV Energy has indicated they do have utilities within right of way and are requesting a Public Utility Easement as a result of the proposed abandonment.

**7. Imposition of any conditions of approval by the Board of Supervisors or recommended by the Planning Commission or staff.**

Staff has included within this staff report conditions of approval, which relate to the responsibilities of the applicant in the event this application is approved.

Respectfully submitted,  
PUBLIC WORKS DEPARTMENT, PLANNING DIVISION

*Jennifer Pruitt*

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Jennifer Pruitt, AICP, LEED AP  
Principal Planner

Attachments  
Application (AB-12-005)  
Building comments  
Health Comments  
Environmental Comments  
Fire Comments  
Engineering comments  
Draft Order of Abandonment

APN(s): 004-246-01 and 004-246-03

DRAFT

AN ORDER ABANDONING AN EIGHT FOOT WIDE PORTION OF EAST CAROLINE STREET AND A SEVEN FOOT WIDE PORTION OF NORTH WALSH STREET NOTED AS AREA (1) OF APPROXIMATELY 1,932 SQUARE FEET AND A SEVEN FOOT WIDE PORTION OF NORTH WALSH STREET NOTED AS AREA (2) OF APPROXIMATELY 595 SQUARE FEET, LOCATED WITHIN A PORTION OF THE N1/2 OF SECTION 17, TOWNSHIP 18 NORTH, RANGE 25 EAST, M.D.M, ON PROPERTIES LOCATED AT 601 NORTH WALSH STREET AND 613 NORTH WALSH STREET, ASSESSORS PARCEL NUMBERS 004-246-01 AND 004-246-03, IN CARSON CITY, NEVADA.

WHEREAS, on January 18, 2012, Ken Butti duly filed a written application seeking vacation and abandonment of a portion of public right-of-way, being within a portion of the N ½ of section 17, Township 18 North, Range 25 East, M.D.M. approximately 1,932 square feet, adjacent to, APN 004-246-01 and approximately 595 square feet, adjacent to APN 004-246-03, in Carson City, Nevada; and

WHEREAS, the application was thereafter referred to the Carson City Planning Commission and a public hearing was thereafter duly noticed and held before the Planning Commission on February 29, 2012. At the public hearing public testimony was taken and the Commission, after discussion and deliberation, recommended approval of abandonment of the subject right-of-way to the Carson City Board of Supervisors, finding that the public would not be materially injured by the vacation; and

WHEREAS, the Carson City Board of Supervisors, at their regular and duly noticed meeting of \_\_\_\_\_, found that the public would not be materially injured by the proposed vacation, and accordingly ordered the

abandonment of the public right-of-way in question pursuant to the provisions of NRS 278.480, which among its provisions, requires a written order to be prepared and recorded in the office of the Carson City Recorder; and

WHEREAS, the vacation and abandonment of the right-of-way is more particularly described on the attached Exhibit(s) "A", a map of the right-of-way abandonment is shown as the Display of Exhibit(s) "B", and the attached utility statements are shown as Exhibit(s) "C".

NOW, THEREFORE, the Board of Supervisors hereby orders:

1. That the above-described right-of-way is hereby abandoned according to the provisions of NRS 278.480.
2. That if a utility company has a utility or an easement over or under the property hereby vacated and abandoned by this order, said easement or easements shall be continued and shall not be affected by the abandonment.
3. That water, sewer, and storm drain facilities, which may presently exist within the areas affected by abandonment's, will be protected by easements. The abandonment may be subject to reserving easements for utility companies and/or Carson City if requested.
4. That the property owner shall obtain approval from Carson City Utilities and Street Departments prior to constructing improvements within said area. Improvements include, but are not limited to, landscaping, fencing, paving, and structures.

ORDERED this \_\_\_\_ day of \_\_\_\_\_, 2012, by the Carson City Board of Supervisors.

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ROBERT L. CROWELL, Mayor

ATTEST:

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ALAN GLOVER, Clerk-Recorder

<b>File # (Ex: MPR #07-111)</b>	<i>AB-12-005</i>
<b>Brief Description</b>	<i>ROW Abandonment</i>
<b>Project Address or APN</b>	<i>APN #004-246-01, 02 &amp; 03</i>
<b>Bldg Div Plans Examiner</b>	<i>Kevin Gattis</i>
<b>Review Date</b>	<i>2/29/2012</i>
<b>Total Spent on Review</b>	

**BUILDING DIVISION COMMENTS:** No comments

**RECEIVED**

JAN 24 2012

CARSON CITY  
PLANNING DIVISION

## Kathe Green - Planning Commission comments

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**From:** Dustin Boothe  
**To:** Kathe Green  
**Date:** 2/7/2012 9:25 am  
**Subject:** Planning Commission comments

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Kathe:

AB-12-005

Carson City Health and Human Services has no comments, based on the packet submitted.

SUP-05-258

Carson City Health and Human Services has no comments, based on the packet submitted.

Dustin Boothe, MPH, REHS  
Carson City Health and Human Services  
900 E. Long St.  
Carson City, NV 89706  
(775) 887-2190 ext. 7220

Please Note I have a new E-Mail address.  
dboothe@carson.org

Confidentiality Notice: This email message, including any attachments, may contain privileged and confidential information for the sole use of the intended recipient(s). If the reader of this message is not the intended recipient, any unauthorized review, dissemination, distribution, or copying of this email message is strictly prohibited. If you have received and/or are viewing this email in error, please notify the sender immediately by reply email and delete this email from your system.

**RECEIVED**

**JAN 23 2012**

**CARSON CITY  
PLANNING DIVISION**

January 23, 2012

Major Project Review Committee

Re: # AB-12-005

Dear Kathe,

After initial plan review the Carson City Environmental Control Authority (ECA), a Division of Carson City Public Works Department (CCPW), has the following requirements per the Carson City Municipal Code (CCMC) and the Uniform Plumbing Code (UPC) for the AB-12-005 project:

1. The ECA has no comments for this submittal.

Please notify Mark Irwin if you have any questions regarding these comments, I can be reached at 775-283-7380.

Sincerely;

Mark Irwin  
Environmental Control Officer 3

c: Kelly Hale, Environmental Control Supervisor  
Ken Arnold, Public Works Environmental Manager

**Kathe Green - Planning Commission Comments**

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**RECEIVED**

**From:** Stacey Giomi  
**To:** Green, Kathe  
**Date:** 1/23/2012 12:52 pm  
**Subject:** Planning Commission Comments

JAN 24 2012

CARSON CITY  
PLANNING DIVISION

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Kathe,

Here are the comments from the Fire Department for the next Planning Commission Meeting.

SUP-05-258 and AB-12-005 No comments or concerns.

Thank you.



**RECEIVED**

FEB 07 2012

CARSON CITY  
PLANNING DIVISION

## MEMORANDUM

**DATE:** February 7, 2012  
**TO:** Jennifer Pruitt – Planning Division  
**FROM:** Rory Hogen – Engineering Division  
**RE:** AB 12-005 McGinnis – abandonment of a portion of E. Caroline and N. Walsh  
Engineering Text for Planning Commission Staff Report

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The following text is offered for inclusion in the Planning Commission staff report for the above referenced land use proposal:

**SUBJECT TITLE:** Request to allow the following abandonment:

A seven foot wide abandonment of the east side of N. Walsh St. and an eight foot wide abandonment on the south side of E. Caroline St. in block 72 of the Musser Subdivision, plat #172 and #187.

**RECOMMENDATION:**

The Engineering Division recommends APPROVAL of the proposed abandonment subject to the following considerations:

1. Any easements required by Utility Companies must be provided. Carson City has no utilities in these areas.

**DISCUSSION:** The Engineering Division has reviewed the request within our areas of purview relative to adopted standards and practices. The following discussion is offered.

1. Chain of Title: These portions of N. Walsh St. and E. Caroline St. are part of the Musser Subdivision, plat #172 and #187. There is no indication that the City ever paid for the right of way.
2. Circulation/Traffic: There will still be a half street right of way width of 25 feet following the abandonment of E. Caroline St. and a half street right of way width of 26 feet following the abandonment of N. Walsh St., which leaves adequate space to construct all necessary roadway and sidewalk improvements.

Carson City Planning Division  
108 E. Proctor Street • Carson City NV 89701  
Phone: (775) 887-2180 • E-mail: [planning@carson.org](mailto:planning@carson.org)

FILE # AB - 12 - AB - 12 - 005

McGinnis, John and Frances NV TR  
PROPERTY OWNER

616 Loma Vista Drive, Salinas, CA 93901

MAILING ADDRESS, CITY, STATE, ZIP

(831) 210-5476

PHONE #

FAX #

[framma@razzolink.com](mailto:framma@razzolink.com)

E-MAIL ADDRESS

Name of Person to Whom All Correspondence Should Be Sent

Ken Butti

APPLICANT/AGENT

720 East Robinson, Carson City NV 89701

MAILING ADDRESS, CITY, STATE ZIP

(775) 885-1765

(775) 391-4130 Mobile

PHONE #

FAX #

[KMButti@gmail.com](mailto:KMButti@gmail.com)

E-MAIL ADDRESS

FOR OFFICE USE ONLY:

ABANDONMENT OF  
PUBLIC RIGHT-OF-WAY

RECEIVED  
JAN 27 2012

FEE: \$2,450.00 + noticing fee

SUBMITTAL PACKET

CARSON CITY  
PLANNING DIVISION

- Application Form
- 6 Completed Application Packets  
(1 Original + 5 Copies)
- Legal Description
- Written Project Description
- Site Map
- Utility Statements (original)
- Documentation of taxes paid to date
- Chain of Title or Title Report for subject parcel  
showing how right of way was originally dedicated
- Complied with notes below.\*

Application Reviewed and Received By:

Submittal Deadline: See attached PC application submittal schedule.

Project's Assessor Parcel Number(s):  
004-246-01, 02 & 03

Street Address

601 & 613 North Walsh Street, [REDACTED]

ZIP Code

Briefly describe location, width and length of the proposed abandonment:

The proposed abandonment is for 8' along [REDACTED] North Walsh Street and 9' along East Caroline Street for the entire length of the block (170') on all sides.

JUSTIFICATION: Explain why the request is being made, if the subject right-of-way was ever dedicated to Carson City, when and by whom, and why the abandonment will not damage any adjacent properties: The subject right of way was reserved for Carson City as part of the Musser Division to Carson City for a total width of 66'. The current right of way is 8' behind the existing fence on East Robinson and 9' behind the existing fence on East Caroline. This abandonment will make the right of way lines more conforming to the existing improvements

If you are abandoning an access, explain how the parcel will be accessed:

PROPERTY OWNER'S AFFIDAVIT

I, Frances R. McGinnis, being duly deposed, do hereby affirm that I am the record owner of the subject property, and that I have knowledge of, and I agree to, the filing of this application.

Frances R. McGinnis  
Signature

616 Loma Vista Dr.  
Address

1/7/12  
Date

Use additional page(s) if necessary for other names.

STATE OF NEVADA )  
COUNTY )

On \_\_\_\_\_, 20\_\_\_\_, personally appeared before me, a notary public, personally known (or proved) to me to be the person whose name is subscribed to the foregoing document and who acknowledged to me that he/she executed the foregoing document.

Notary Public

SEE ATTACHED  
NOTARY CERTIFICATE

\*NOTES: In order to facilitate the processing of your application, prior to submitting your application to the Planning Division, please contact Engineering at 887-2300 to ensure that department has no concerns with your application, and take your packet to the Utilities Department for signature. A signed utility statement, a typed legal description, and an 8 1/2 by 11 inch map prepared by a licensed surveyor describing the land to be abandoned are required to be submitted with this application. Please submit detailed and explicit plans, as they will be submitted for review by the Planning Commission and Board of Supervisors, and subsequently recorded.

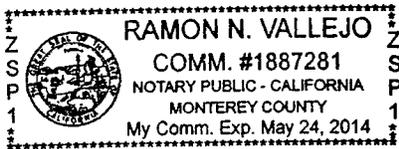
PRIOR TO AGENDIZING FOR BOARD OF SUPERVISORS, DOCUMENTATION OF TAXES PAID IN FULL FOR THE FISCAL YEAR IS REQUIRED.

CALIFORNIA ALL-PURPOSE  
CERTIFICATE OF ACKNOWLEDGMENT

State of California  
County of Monterey

On January 7, 2012 before me, Ramon N. Vallejo, Notary Public  
personally appeared Frances R. McGinnis

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

NOTARY SEAL

Signature

Signature of Notary Public

ADDITIONAL OPTIONAL INFORMATION

Title or Description of attached document: Abandonment of Public Right-of-Way

Document Date: January 7, 2011 Number of Pages: ONE

- Capacity(ies) Claimed by Signer  
 Signer's Name: \_\_\_\_\_  
 Individual  
 Corporate Officer \_\_\_\_\_  
 Partner  
 Attorney-in-Fact  
 Trustee  
 Other: \_\_\_\_\_

- Capacity(ies) Claimed by Signer  
 Signer's Name: \_\_\_\_\_  
 Individual  
 Corporate Officer \_\_\_\_\_  
 Partner  
 Attorney-in-Fact  
 Trustee  
 Other: \_\_\_\_\_

Signer is representing \_\_\_\_\_

Signer is representing \_\_\_\_\_

## Abandonment Checklist

### TYPE OF ABANDONMENT REQUESTED:

- Public Right-of-Way
- Public Access Easement
- Government Patent Easement
- Public Drainage Easement
- Other type of abandonment (specify): \_\_\_\_\_

### GENERAL REQUIREMENTS:

Application packet in the appropriate number of copies (one original and five copies).

Each of the three packets shall contain:

- An application form, signed by the affected property owner(s) and notarized. (Use a Carson City addendum attachment form for each additional property owner).
- A narrative justification letter explaining the purpose of the project and pertinent details of the proposed abandonment.
- A Memo of support from Development Engineering (contact Jeff Sharp at 887-2300).
- A Legal description of the proposed abandonment.
- Legal description(s) of the resulting abutting parcel(s).
- Site map exhibit(s) of the proposed abandonment to match the legal descriptions in (c) and (d) above.
- A Utility Statement signed by the appropriate authorities as indicated on the form.

### Site Map/Exhibit Requirements

- Provide 8 ½" by 11" (or 11" by 17") accurate map exhibits, drawn to scale, including date, north arrow and scale.
- The exhibits must include the name, address and phone number of the Professional Land Surveyor, licensed in the state of Nevada, who is responsible for the exhibits.
- The exhibits must include the stamp, signature, date and license expiration date of the surveyor.
- The exhibits shall indicate all parcels, rights-of-way and easements or reservations that abut the proposed abandonment.
- The exhibits (or supplemental documentation) shall indicate any parcel(s) of land that may rely upon access of any sort over the proposed abandonment. Alternative access to the same parcels may be indicated, but note shall be made as to whether they exist or are proposed.

One set of the following shall be provided:

- Title report for the abutting parcels.
- Copy (copies) of the document(s) that dedicated/established the right-of-way/easement, or a report of the document references approved by the Engineering/Planning Division prior to submittal.
- Documentation of taxes paid to date

***The appropriate application fee and noticing fee will be required at the time in which the application is deemed complete.***

**UTILITY STATEMENTS FOR ABANDONMENT OF PUBLIC RIGHT-OF-WAY**

LOCATED AT: APNs 004-246-01, 02 & 03, 601 & 613 N. Walsh St,  
720 E. Robinson St, Carson City  
(THE LOCATION, APN NUMBER AND ADDRESS MUST BE LISTED ABOVE PRIOR TO OBTAINING SIGNATURES)

1. We DO NOT have a utility in the right-of-way being abandoned and DO NOT desire continuation of said easement in its present location.

Signed: *C. J. Cunningham*      AT&T NEVADA      12/21/2011  
Signature      Company      Date

Signed: \_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_  
Signature      Company      Date

Signed: \_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_  
Signature      Company      Date

2. We DO have a utility in the right-of-way being abandoned and desire creation of a public utility easement (PUE) along the alignment of the existing utility.

Signed: \_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_  
Signature      Company      Date

Signed: \_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_  
Signature      Company      Date

Signed: \_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_  
Signature      Company      Date

3. OTHER: (Please type in a statement which applies to your situation): \_\_\_\_\_  
\_\_\_\_\_

Signed: \_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_  
Signature      Company      Date

Signed: \_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_  
Signature      Company      Date

Signed: \_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_  
Signature      Company      Date

**THE FOLLOWING PUBLIC UTILITIES SHALL SIGN ONE OF THE ABOVE STATEMENTS**

NV Energy  
Charter Communications  
Carson City Engineering (will sign during review)

Southwest Gas Corporation  
AT&T Nevada  
Carson City Utilities

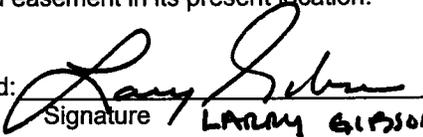
**UTILITY STATEMENTS FOR ABANDONMENT OF PUBLIC RIGHT-OF-WAY**

LOCATED AT: APN 004-246-1, 02 & 03 (BLOCK 72)

(THE LOCATION, APN NUMBER AND ADDRESS MUST BE LISTED ABOVE PRIOR TO OBTAINING SIGNATURES) 613 & 601 WALSH ST.

720 ROBINSON

1. We DO NOT have a utility in the right-of-way being abandoned and DO NOT desire continuation of said easement in its present location.

Signed:  SOUTHWEST GAS CORP 12/20/11  
Signature LARRY GIBSON Company Date

Signed: \_\_\_\_\_  
Signature Company Date

Signed: \_\_\_\_\_  
Signature Company Date

2. We DO have a utility in the right-of-way being abandoned and desire creation of a public utility easement (PUE) along the alignment of the existing utility.

Signed: \_\_\_\_\_  
Signature Company Date

Signed: \_\_\_\_\_  
Signature Company Date

Signed: \_\_\_\_\_  
Signature Company Date

3. OTHER: (Please type in a statement which applies to your situation): \_\_\_\_\_

Signed: \_\_\_\_\_  
Signature Company Date

Signed: \_\_\_\_\_  
Signature Company Date

Signed: \_\_\_\_\_  
Signature Company Date

**THE FOLLOWING PUBLIC UTILITIES SHALL SIGN ONE OF THE ABOVE STATEMENTS**

NV Energy  
Charter Communications  
Carson City Engineering (will sign during review)

Southwest Gas Corporation  
AT&T Nevada  
Carson City Utilities

**UTILITY STATEMENTS FOR ABANDONMENT OF PUBLIC RIGHT-OF-WAY**

LOCATED AT: 601 + 613 N. Walsh, 720 E. Robinson, 004-246-01, 02 + 03

(THE LOCATION, APN NUMBER AND ADDRESS MUST BE LISTED ABOVE PRIOR TO OBTAINING SIGNATURES)

1. We DO NOT have a utility in the right-of-way being abandoned and DO NOT desire continuation of said easement in its present location.

Signed: James Meff Charter Communications 1-10-12  
Signature Company Date

Signed: \_\_\_\_\_  
Signature Company Date

Signed: \_\_\_\_\_  
Signature Company Date

2. We DO have a utility in the right-of-way being abandoned and desire creation of a public utility easement (PUE) along the alignment of the existing utility.

Signed: \_\_\_\_\_  
Signature Company Date

Signed: \_\_\_\_\_  
Signature Company Date

Signed: \_\_\_\_\_  
Signature Company Date

3. OTHER: (Please type in a statement which applies to your situation): \_\_\_\_\_

Signed: \_\_\_\_\_  
Signature Company Date

Signed: \_\_\_\_\_  
Signature Company Date

Signed: \_\_\_\_\_  
Signature Company Date

**THE FOLLOWING PUBLIC UTILITIES SHALL SIGN ONE OF THE ABOVE STATEMENTS**

- NV Energy
- Charter Communications
- Carson City Engineering (will sign during review)
- Southwest Gas Corporation
- AT&T Nevada
- Carson City Utilities

**UTILITY STATEMENTS FOR ABANDONMENT OF PUBLIC RIGHT-OF-WAY**

LOCATED AT: 601 + 603 N. WALKER, 720 E. ROBINSON, 004-~~25~~246-01, 02403.

(THE LOCATION, APN NUMBER AND ADDRESS MUST BE LISTED ABOVE PRIOR TO OBTAINING SIGNATURES)

1. We DO NOT have a utility in the right-of-way being abandoned and DO NOT desire continuation of said easement in its present location.

Signed: \_\_\_\_\_  
Signature Company Date

Signed: \_\_\_\_\_  
Signature Company Date

Signed: \_\_\_\_\_  
Signature Company Date

2. We DO have a utility in the right-of-way being abandoned and desire creation of a public utility easement (PUE) along the alignment of the existing utility.

Signed:  \_\_\_\_\_  
Signature NV ENERGY Company 1/9/12 Date

Signed: \_\_\_\_\_  
Signature Company Date

Signed: \_\_\_\_\_  
Signature Company Date

3. OTHER: (Please type in a statement which applies to your situation): \_\_\_\_\_

Signed: \_\_\_\_\_  
Signature Company Date

Signed: \_\_\_\_\_  
Signature Company Date

Signed: \_\_\_\_\_  
Signature Company Date

**THE FOLLOWING PUBLIC UTILITIES SHALL SIGN ONE OF THE ABOVE STATEMENTS**

NV Energy  
Charter Communications  
Carson City Engineering (will sign during review)

Southwest Gas Corporation  
AT&T Nevada  
Carson City Utilities

**EXHIBIT "A"**

**PORTIONS OF EAST CAROLINE & NORTH WALSH STREETS TO BE ABANDONED**

**AREA 1**

**ADJOINING THE NORTH ½ OF BLOCK 72 OF THE MUSSER DIVISION OF CARSON CITY**

All that certain real property situate within a portion of the N1/2 of Section 17, Township 18 North, Range 25 East, M.D.M., Carson City, State of Nevada, being more particularly described as follows:

**BEGINNING** at the northwest corner of Block 72 of the Musser Division of Carson City, a photocopy of said map recorded on January 3<sup>rd</sup>, 1963 as File Number 57479, Map Number 172, in the Official Records of Carson City, Nevada;

**THENCE** along the westerly line of said Block 72, South 00°52'15" West, 85.00 feet to the midpoint of the westerly line of said Block 72;

**THENCE** leaving said line, North 89°06'30" West, 7.00 feet;

**THENCE** along a line that is 7.00 feet westerly of and parallel to the said westerly line of Block 72, North 00°52'15" East, 85.00 feet;

**THENCE** leaving said line, North 42°04'07" East, 10.63 feet, to a point that is 8.00 feet northerly of at a right angle to the northerly line of said Block 72;

**THENCE** along a line that is 8.00 feet northerly of and parallel to the said northerly line of Block 72, South 89°06'30" East, 159.59 feet;

**THENCE** leaving said line, South 44°06'30" East, 11.31 feet, to the point of intersection of the northerly line of said Block 72 and the westerly right of way line of Roop Street as shown on that Record of Survey for Carson City recorded on November 23<sup>rd</sup>, 1976 as File Number 66647, Map Number 533, in the Official Records of Carson City, Nevada;

**THENCE** along the northerly line of said Block 72, North 89°06'30" West, 167.59 feet to the **POINT OF BEGINNING** and the end of this description.

Containing 1,932 square feet, more or less.

**RESERVING** therefrom a 2.00 foot strip of land, the southerly line of said strip lying 6.00 foot northerly of and parallel to the northerly line of said Block 72 for use as a Public Utility Easement.

**AREA 2**

**ADJOINING THE WEST ½ OF THE SOUTH ½ OF BLOCK 72 OF THE MUSSER DIVISION  
OF CARSON CITY**

All that certain real property situate within a portion of the N1/2 of Section 17, Township 18 North, Range 25 East, M.D.M., Carson City, State of Nevada, being more particularly described as follows:

**BEGINNING** at the southwest corner of Block 72 of the Musser Division of Carson City, a photocopy of said map recorded on January 3<sup>rd</sup>, 1963 as File Number 57479, Map Number 172, in the Official Records of Carson City, Nevada;

**THENCE** North 89°06'30" West, 7.00 feet to a point that is 7.00 feet westerly of at a right angle to the westerly line of said Block 72;

**THENCE** along a line that is 7.00 feet westerly of and parallel to the said westerly line of Block 72, North 00°52'15" East, 85.00 feet;

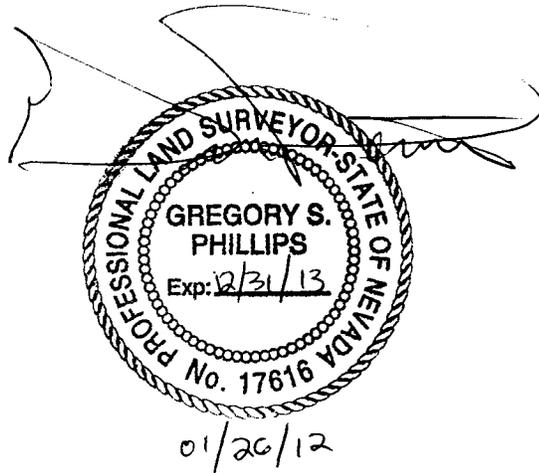
**THENCE** leaving said line, South 89°06'30" East, 7.00 feet to the midpoint of the westerly line of said Block 72;

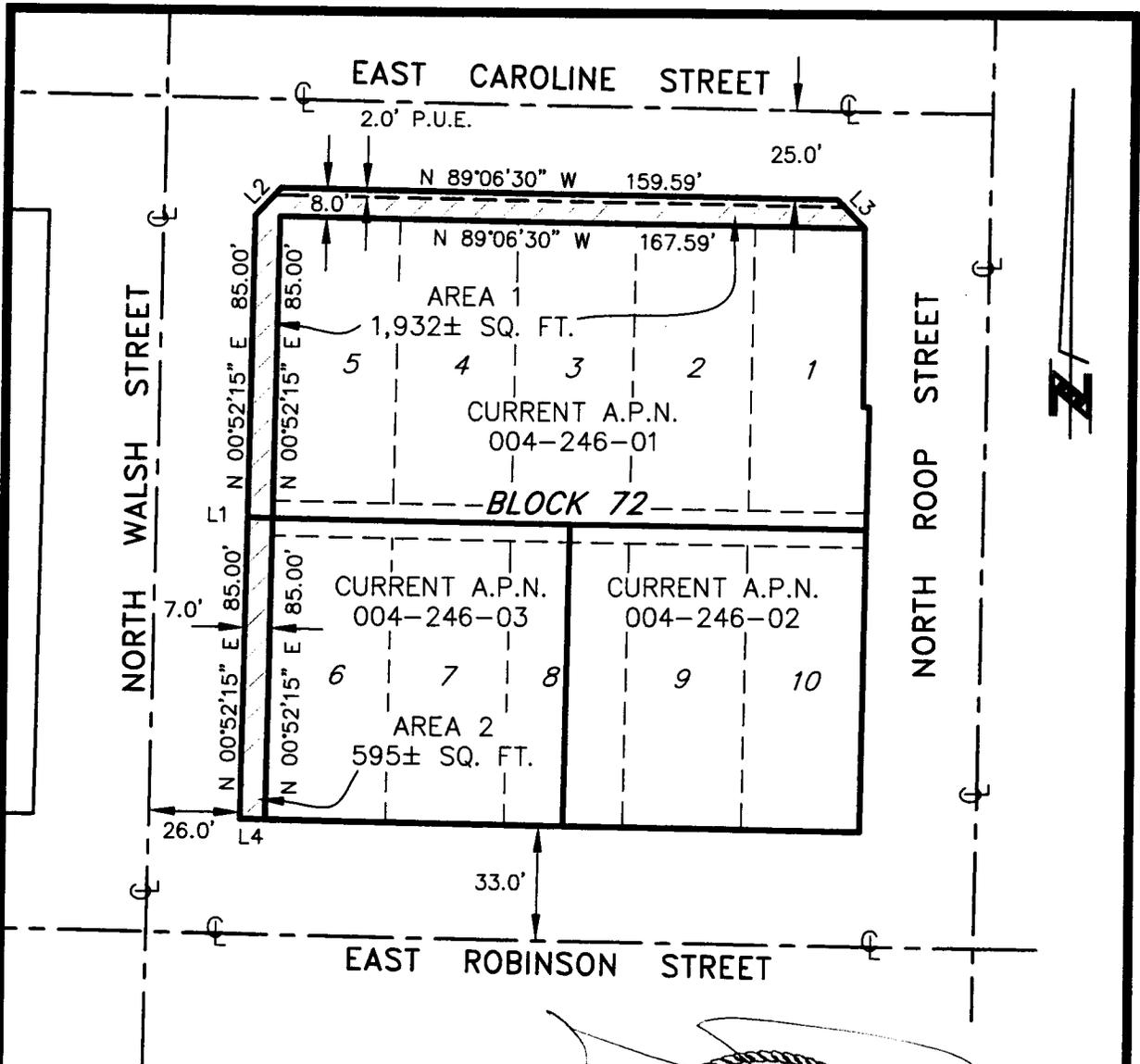
**THENCE** along the westerly line of said Block 72, South 00°52'15" West, 85.00 feet to the **POINT OF BEGINNING** and the end of this description.

Containing 595 square feet, more or less.

The **Basis of Bearings** for these descriptions is based upon the Nevada Coordinate System of 1983, West Zone, NAD 83/94.

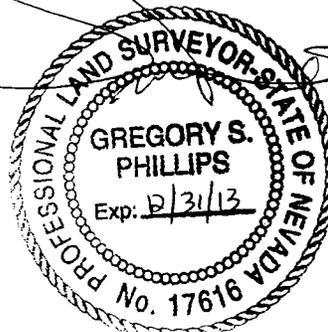
Prepared by Lumos & Associates  
Gregory S. Phillips, P.L.S. 17616  
800 E. College Parkway  
Carson City, NV 89706





**LINE TABLE**

LINE	BEARING	LENGTH
L1	N89°06'30"W	7.00'
L2	N42°04'07"E	10.63'
L3	N44°06'30"W	11.31'
L4	N89°06'30"W	7.00'



**LUMOS**  
 & ASSOCIATES  
 800 E. COLLEGE PARKWAY  
 CARSON CITY, NEVADA 89706  
 PH. (775) 883-7077 FAX (775) 883-7114

**EXHIBIT "B"**  
 A PORTION OF NORTH WALSH & EAST  
 CAROLINE STREETS ADJOINING BLOCK 72  
 OF THE MUSSER SUBDIVISION

Date: JANUARY, 2012  
 Scale: 1" = 50'  
 Job No: 7953.000

CARSON CITY NEVADA

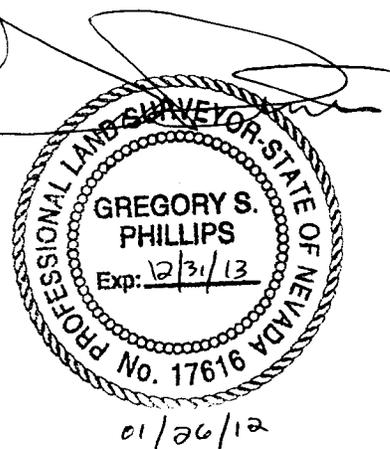
Company Engineering Design Project Prototype (Imperial Units)

Project: McGinnis Ldd  
Parcel Map Check

Thu January 26 09:25:53 2012

Parcel name: North

North: 14736762.4970	East : 2291009.9463
Line Course: S 00-52-15 W Length: 85.00	
North: 14736677.5068	East : 2291008.6544
Line Course: N 89-06-30 W Length: 7.00	
North: 14736677.6158	East : 2291001.6553
Line Course: N 00-52-15 E Length: 85.00	
North: 14736762.6059	East : 2291002.9471
Line Course: N 42-04-07 E Length: 10.63	
North: 14736770.4970	East : 2291010.0694
Line Course: S 89-06-30 E Length: 159.59	
North: 14736768.0135	East : 2291169.6401
Line Course: S 44-06-30 E Length: 11.31	
North: 14736759.8927	East : 2291177.5121
Line Course: N 89-06-30 W Length: 167.59	
North: 14736762.5007	East : 2291009.9424



Perimeter: 526.13 Area: 1,932 Sq Ft 0.04 Ac.

Mapcheck Closure - (Uses listed courses, radii, and deltas)

Error Closure: 0.0054	Course: N 46-50-49 W
Error North: 0.00367	East : -0.00392
Precision 1: 97,429.63	

Parcel name: Southwest

North: 14736592.5166	East : 2291007.3626
Line Course: N 89-06-30 W Length: 7.00	
North: 14736592.6256	East : 2291000.3634
Line Course: N 00-52-15 E Length: 85.00	
North: 14736677.6158	East : 2291001.6553
Line Course: S 89-06-30 E Length: 7.00	
North: 14736677.5068	East : 2291008.6544
Line Course: S 00-52-15 W Length: 85.00	
North: 14736592.5166	East : 2291007.3626

Perimeter: 184.00 Area: 595 Sq Ft 0.01 Ac.

Mapcheck Closure - (Uses listed courses, radii, and deltas)

Error Closure: 0.0000	Course: S 90-00-00 E
Error North: 0.00000	East : 0.00000
Precision 1: 184,000,000.00	

**NORTHERN  
NEVADA  
TITLE  
COMPANY**

307 W Winnie Lane, Suite 1  
Carson City, NV 89703  
Phone (775)883-7513  
Fax (775)887-5065

**PRELIMINARY REPORT**

Issued for the sole use of:  
**Lumos & Associates, Inc.**  
**Attn: Greg Phillips**

Our Order No.: **1097300-TO**  
Title No.: **1097300-TO**  
Your No.: **CC-1097300-TO**

**Property Address:**

**613 N. Walsh St., 720 E. Robinson St. & 601 N. Walch St.  
Carson City, NV 89703**

**Assessor's Parcel No.:**

**004-246-01, 004-246-02 and 004-246-03**

In response to the above referenced application for a policy of title insurance, Northern Nevada Title Company hereby reports that it is prepared to issue, or cause to be issued, as of the date hereof, a Policy or Policies of Title Insurance describing the land and the estate or interest therein hereinafter set forth, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown or referred to as an Exception below or not excluded from coverage pursuant to the printed Schedules, conditions and Stipulations of said policy forms.

The printed Exceptions and Exclusions from the coverage and Limitations on Covered Risks of said Policy or Policies are set forth in Exhibit A attached. The policy to be issued may contain an arbitration clause. When the Amount of Insurance is less than that set forth in the arbitration clause, all arbitrable matters shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties. Limitations on Covered Risks applicable to the Homeowner's Policy of Title Insurance which establish a Deductible Amount and a Maximum Dollar Limit of Liability for certain coverages are also set forth in Exhibit A. Copies of the Policy forms should be read. They are available from the office which issued this report.

**Please read the exceptions shown or referred to below and the exceptions and exclusions set forth in Exhibit A of this report carefully. The exceptions and exclusions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy and should be carefully considered.**

**It is important to note that this preliminary report is not a written representation as to the condition of title and may not list all liens, defects, and encumbrances affecting title to the land.**

This report (and any supplements or amendments hereto) is issued solely for the purpose of facilitating the issuance of a policy of title insurance and no liability is assumed hereby. If it is desired that liability be assumed prior to the issuance of a policy of title insurance, a Binder or Commitment should be requested.

Dated as of October 13, 2011 at 07:30AM

Title Officer: Tammy May

**For Exceptions Shown or Referred to, See Attached**

**Northern Nevada Title Company**

The form of policy of title insurance contemplated by this report is:

CLTA Owners.. A specific request should be made if another form or additional cover is desired.

The estate or interest in the land hereinafter described or referred or covered by this Report is:

A Fee

Title to said estate or interest at the date hereof is vested in:

John F. McGinnis and Frances R. McGinnis as Co-Trustees of the John and Frances McGinnis Nevada Trust dated the 22nd day of May 2009

All that certain real property situated in the County of Carson City, State of Nevada, described as follows:

**SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF**

At the date hereof exceptions to coverage in addition to the Exceptions and Exclusions in said policy form would be as follows:

1. General and special State, County and/or City property taxes and any assessments collected with taxes, for the fiscal year 2011-2012, payable in 4 quarterly installments (3rd Monday in August and the 1st Monday in October, January and March, respectively) as follows:

Assessor's Parcel No.: 004-246-01  
Total: \$853.27  
First Installment: \$214.27, paid  
Second Installment: \$213.00, paid  
Third Installment: \$213.00, not paid  
Fourth Installment: \$213.00, not paid

2. General and special State, County and/or City property taxes and any assessments collected with taxes, for the fiscal year 2011-2012, payable in 4 quarterly installments (3rd Monday in August and the 1st Monday in October, January and March, respectively) as follows:

Assessor's Parcel No.: 004-246-02  
Total: \$692.59  
First Installment: \$173.59, paid  
Second Installment: \$173.00, paid  
Third Installment: \$173.00, not paid  
Fourth Installment: \$173.00, not paid

3. General and special State, County and/or City property taxes and any assessments collected with taxes, for the fiscal year 2011-2012, payable in 4 quarterly installments (3rd Monday in August and the 1st Monday in October, January and March, respectively) as follows:

Assessor's Parcel No.: 004-246-03  
Total: \$810.86  
First Installment: \$204.86, paid  
Second Installment: \$202.00, paid  
Third Installment: \$202.00, not paid  
Fourth Installment: \$202.00, not paid

4. The lien, if any, for taxes for improvements completed or in progress, but which were not shown on the tax bill for the current year.

**Northern Nevada Title Company**

5. Liens levied by the Carson City Water and Sewer District for water, sewer and storm water utilities, by reason that subject property is located within said district. To verify payments, delinquencies or liens, contact Carson City Utilities at (775) 887-2355.
6. Notes, easements and recitals as set forth on the map herein referred. Said notes, easement and recitals will affect the use of the herein described property and a review of said map is advised.
7. Rights of the public, county and/or city in that portion lying within the street as it now exists.

STREET NAME: E. Caroline Street, N. Walsh Street, E. Robinson Street and N. Roop Street

8. Agreement, on the terms and conditions contained therein,

Purpose: Permanent Slope Easement

Dated: March 4, 2004

Executed By: Andrew H. Butti, as Trustee of the Andrew H. Butti Revocable Trust dated December 9, 1997 and Carson City, State of Nevada, a consolidated municipality

Recorded: March 19, 2004

Document No.: 315657, Official Records

Affects Assessor's Parcel No. 4-246-01

9. Agreement, on the terms and conditions contained therein,

Purpose: Temporary easement for construction

Dated: March 4, 2004

Executed By: Andrew H. Butti, as Trustee of the Andrew H. Butti Revocable Trust dated December 9, 1997 and Carson City, State of Nevada, a consolidated municipality

Recorded: March 19, 2004

Document No.: 315658, Official Records

Affects Assessor's Parcel No. 4-246-02

10. Easement, together with the rights incidental thereto,

Granted to: The Andrew H. Butti Revocable Trust dated December 9, 1997

Purpose: Permanent slope easement

Recorded: March 19, 2004

Document No. 315659, Official Records

Affects Assessor's Parcel No. 4-246-01

**Northern Nevada Title Company**

We find no Deeds of Trust of record, please inquire.

NOTE: Recorded transfers or agreements to transfer the land described herein within the last 24 months prior to the date hereof are as follows:

**INSTRUMENT ENTITLED:** Trustees' Deed  
**BY/FROM:** Frances R. McGinnis, successor Trustee of the Andrew H. Butti revocable Trust dated the 9th day of December 1997  
**TO:** John F. McGinnis and Frances R. McGinnis as Co-Trustees of the John and Frances McGinnis Nevada Trust dated the 22nd day of May 2009  
**RECORDED:** June 10, 2009  
**DOCUMENT NO.** 390488, Official Records

**INSTRUMENT ENTITLED:** Trustees' Deed  
**BY/FROM:** Frances R. McGinnis, successor Trustee of the Andrew H. Butti revocable Trust dated the 9th day of December 1997  
**TO:** John F. McGinnis and Frances R. McGinnis as Co-Trustees of the John and Frances McGinnis Nevada Trust dated the 22nd day of May 2009  
**RECORDED:** June 10, 2009  
**DOCUMENT NO.** 390489, Official Records

**INSTRUMENT ENTITLED:** Trustees' Deed  
**BY/FROM:** Frances R. McGinnis, successor Trustee of the Andrew H. Butti revocable Trust dated the 9th day of December 1997  
**TO:** John F. McGinnis and Frances R. McGinnis as Co-Trustees of the John and Frances McGinnis Nevada Trust dated the 22nd day of May 2009  
**RECORDED:** June 10, 2009  
**DOCUMENT NO.** 390490, Official Records

## **Northern Nevada Title Company**

### **Privacy Policy Notice**

#### **PURPOSE OF THIS NOTICE**

Title V of the Gramm-Leach-Bliley Act (GLBA) generally prohibits any financial institution, directly or through its affiliates, from sharing nonpublic personal information about you with a nonaffiliated third party unless the institution provides you with a notice of its privacy policies and practices, such as the type of information that it collects about you and the categories of persons or entities to whom it may be disclosed. In compliance with the GLBA, we are providing you with this document, which notifies you of the privacy policies and practices of Northern Nevada Title Company.

We may collect nonpublic personal information about you from the following sources:

- Information we receive from you such as on applications or other forms.
- Information about your transactions we secure from our files, or from [our affiliates or] others.
- Information we receive from a consumer reporting agency.
- Information that we receive from others involved in your transaction, such as the real estate agent or lender.

Unless it is specifically stated otherwise in an amended Privacy Policy Notice, no additional nonpublic personal information will be collected about you.

We may disclose any of the above information that we collect about our customers or former customers to our affiliates or to nonaffiliated third parties as permitted by law.

We also may disclose this information about our customers or former customers to the following types of nonaffiliated companies that perform marketing services on our behalf or with whom we have joint marketing agreements:

- Financial service providers such as companies engaged in banking, consumer finance, securities and insurance.
- Non-financial companies such as envelope stuffers and other fulfillment service providers.

**WE DO NOT DISCLOSE ANY NONPUBLIC PERSONAL INFORMATION ABOUT YOU WITH ANYONE FOR ANY PURPOSE THAT IS NOT SPECIFICALLY PERMITTED BY LAW.**

We restrict access to nonpublic personal information about you to those employees who need to know that information in order to provide products or services to you. We maintain physical, electronic, and procedural safeguards that comply with federal regulations to guard your nonpublic personal information.

**Northern Nevada Title Company**

**CALIFORNIA LAND TITLE ASSOCIATION  
STANDARD COVERAGE POLICY - 1990  
EXCLUSIONS FROM COVERAGE**

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including but not limited to building or zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating (i) the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien, or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.  
  
(b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.
3. Defects, liens, encumbrances, adverse claims or other matters:
  - (a) whether or not recorded in the public records at Date of Policy, but created, suffered, assumed or agreed to by the insured claimant;
  - (b) not known to the Company, not recorded in the public records at Date of Policy, but known to the insured claimant and not disclosed in writing to the Company by the insured claimant prior to the date the insured claimant became an insured under this policy;
  - (c) resulting in no loss or damage to the insured claimant;
  - (d) attaching or created subsequent to Date of Policy; or
  - (e) resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the insured mortgage or for the estate or interest insured by this policy.
4. Unenforceability of the lien of the insured mortgage because of the inability or failure of the insured at Date of Policy, or the inability or failure of any subsequent owner of the indebtedness, to comply with the applicable doing business laws of the state in which the land is situated.
5. Invalidity or unenforceability of the lien of the insured mortgage, or claim thereof, which arises out of the transaction evidenced by the insured mortgage and is based upon usury or any consumer credit protection or truth in lending law.
6. Any claim, which arises out of the transaction vesting in the insured the estate of interest insured by this policy or the transaction creating the interest of the insured lender, by reason of the operation of federal bankruptcy, state insolvency or similar creditors' rights laws.

**EXCEPTIONS FROM COVERAGE - SCHEDULE B, PART I**

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.  
  
Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of the land which may be asserted by persons in possession thereof,
3. Easements, liens or encumbrances, or claims thereof, which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b) or (c) are shown by the public records.

**Northern Nevada Title Company**

**AMERICAN LAND TITLE ASSOCIATION LOAN POLICY (10-17-92)**  
**AMERICAN LAND TITLE ASSOCIATION LEASEHOLD LOAN POLICY (10-17-92)**  
**EXCLUSIONS FROM COVERAGE**

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.  
  
(b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.
3. Defects, liens, encumbrances, adverse claims or other matters.
  - (a) created, suffered, assumed or agreed to by the insured claimant;
  - (b) not known to the Company, not recorded in the public records at Date of Policy, but known to the insured claimant and not disclosed in writing to the Company by the insured claimant prior to the date the insured claimant became an insured under this policy;
  - (c) resulting in no loss or damage to the insured claimant;
  - (d) attaching or created subsequent to Date of Policy (except to the extent that this policy insures the priority of the lien of the insured mortgage over any statutory lien for services, labor or material or to the extent insurance is afforded herein as to assessments for street improvements under construction or completed at Date of Policy); or
  - (e) resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the insured mortgage.
4. Unenforceability of the lien of the insured mortgage because of the inability or failure of the insured at Date of Policy, or the inability or failure of any subsequent owner of the indebtedness, to comply with applicable doing business laws of the state in which the land is situated.
5. Invalidity or unenforceability of the lien of the insured mortgage, or claim thereof, which arises out of the transaction evidenced by the insured mortgage and is based upon usury or any consumer credit protection or truth in lending law.
6. Any statutory lien for services, labor or materials (or the claim of priority of any statutory lien for services, labor or materials over the lien of the insured mortgage) arising from an improvement or work related to the land which is contracted for and commenced subsequent to Date of Policy and is not financed in whole or in part by proceeds of the indebtedness secured by the insured mortgage which at Date of Policy the insured has advanced or is obligated to advance.
7. Any claim, which arises out of the transaction creating the interest of the mortgagee insured by this policy, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that is based on:
  - (i) the transaction creating the interest of the insured mortgagee being deemed a fraudulent conveyance or fraudulent transfer; or
  - (ii) the subordination of the interest of the insured mortgagee as a result of the application of the doctrine of equitable subordination; or
  - (iii) the transaction creating the interest of the insured mortgagee being deemed a preferential transfer except where the preferential transfer results from the failure:
    - (a) to timely record the instrument of transfer, or
    - (b) of such recordation to impart notice to a purchaser for value or a judgment or lien creditor.

The above policy forms may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following General Exceptions:

**Northern Nevada Title Company**

### EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.  
  
Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
3. Easements, liens or encumbrances, or claims thereof, which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b) or (c) are shown by the public records.

**AMERICAN LAND TITLE ASSOCIATION  
LOAN POLICY OF TITLE INSURANCE - 2008  
EXCLUSIONS FROM COVERAGE**

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
  - (i) the occupancy, use, or enjoyment of the Land;
  - (ii) the character, dimensions, or location of any improvement erected on the Land;
  - (iii) the subdivision of land; or
  - (iv) environmental protection; or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
 (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
  - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
  - (b) not known to the Company, not recorded in the Public Records at Date of Policy, but known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
  - (c) resulting in no loss or damage to the Insured Claimant;
  - (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 11, 13, or 14); or
  - (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Insured Mortgage.
4. Unenforceability of the lien of the Insured Mortgage because of the inability or failure of an Insured to comply with applicable doing-business laws of the state where the Land is situated.
5. Invalidity or unenforceability in whole or in part of the lien of the Insured Mortgage that arises out of the transaction evidenced by the Insured Mortgage and is based upon usury or any consumer credit protection or truth-in-lending law.
6. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction creating the lien of the Insured Mortgage, is
  - (a) a fraudulent conveyance or fraudulent transfer, or
  - (b) a preferential transfer for any reason not stated in Covered Risk 13(b) of this policy.
7. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the Insured Mortgage in the Public Records. This Exclusion does not modify or limit the coverage provided under Covered Risk 11(b).

**EXCEPTIONS FROM COVERAGE - SCHEDULE B, PART 1, SECTION ONE**

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) that arise by reason of:

1. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Any facts, rights, interests, or claims that are not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.
3. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the Public Records.

**Northern Nevada Title Company**

**AMERICAN LAND TITLE ASSOCIATION OWNER'S POLICY (10-17-92)**  
**and**  
**AMERICAN LAND TITLE ASSOCIATION LEASEHOLD OWNERS POLICY (10-17-92)**  
**EXCLUSIONS FROM COVERAGE**

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.  
(b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.
3. Defects, liens, encumbrances, adverse claims or other matters:
  - (a) created, suffered, assumed or agreed to by the insured claimant;
  - (b) not known to the Company, not recorded in the public records at Date of Policy, but known to the insured claimant and not disclosed in writing to the Company by the insured claimant prior to the date the insured claimant became an insured under this policy;
  - (c) resulting in no loss or damage to the insured claimant;
  - (d) attaching or created subsequent to Date of Policy, or
  - (e) resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the estate or interest insured by this policy.
4. Any claim, which arises out of the transaction vesting in the insured the estate or interest insured by this policy, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that is based on:
  - (i) the transaction creating the estate or interest insured by this policy being deemed a fraudulent conveyance or fraudulent transfer; or
  - (ii) the transaction creating the estate or interest insured by this policy being deemed a preferential transfer except where the preferential transfer results from the failure:
    - (a) to timely record the instrument of transfer, or
    - (b) of such recordation to impart notice to a purchaser for value or a judgment or lien creditor.

The above policy forms may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage Policy will also include the following General Exceptions:

**EXCEPTIONS FROM COVERAGE**

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.  
Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
3. Easements, liens or encumbrances, or claims thereof, which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. (a) unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b) or (c) are shown by the public records.

**Northern Nevada Title Company**

**AMERICAN LAND TITLE ASSOCIATION  
OWNER'S POLICY OF TITLE INSURANCE - 2006  
EXCLUSIONS FROM COVERAGE**

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
  - (i) the occupancy, use, or enjoyment of the Land;
  - (v) the character, dimensions, or location of any improvement erected on the Land;
  - (vi) the subdivision of land; or
  - (vii) environmental protection;
 or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
  - (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
  - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
  - (b) not known to the Company, not recorded in the Public Records at Date of Policy, but known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
  - (c) resulting in no loss or damage to the Insured Claimant;
  - (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 9 and 10); or
  - (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Title.
4. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction vesting the Title as shown in Schedule A, is:
  - (a) a fraudulent conveyance or fraudulent transfer; or
  - (b) a preferential transfer for any reason not stated in Covered Risk 9 of this policy.
5. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the deed or other instrument of transfer in Public Records that vests Title as shown in Schedule A.

**EXCEPTIONS FROM COVERAGE - SCHEDULE B, PART ONE**

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) that arise by reason of:

1. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Any facts, rights, interests, or claims that are not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.
3. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the public records.

**Northern Nevada Title Company**

**AMERICAN LAND TITLE ASSOCIATION  
RESIDENTIAL TITLE INSURANCE POLICY (6-1-87)  
EXCLUSIONS**

In addition to the Exceptions in Schedule B, you are not insured against loss, costs, attorneys' fees, and expenses resulting from:

1. Governmental police power, and the existence or violation of any law or government regulation. This includes building and zoning ordinances and also laws and regulations concerning:

- land use
- improvements on the land
- land division
- environmental protection

This exclusion does not apply to violations or the enforcement of these matters which appear in the public records at Policy Date.

This exclusion does not limit the zoning coverage described in Items 12 and 13 of Covered Title Risks.

2. The right to take the land by condemning it, unless:

- a notice of exercising the right appears in the public records on the Policy Date
- the taking happened prior to the Policy Date and is binding on you if you bought the land without knowing of the taking

3. Title Risks:

- that are created, allowed, or agreed to by you
- that are known to you, but not to us, on the Policy Date - unless they appeared in the public records
- that result in no loss to you
- that first affect your title after the Policy Date - this does not limit the labor and material lien coverage in Item 8 of Covered Title Risks

4. Failure to pay value for your title.

5. Lack of a right:

- to any land outside the area specifically described and referred to in Item 3 of Schedule A
- OR
- in streets, alleys, or Waterways that touch your land

This exclusion does not limit the access coverage in Item 5 of Covered Title Risks.

**Northern Nevada Title Company**

**AMERICAN LAND TITLE ASSOCIATION  
SHORT FORM RESIDENTIAL LOAN POLICY - 2006  
ONE-TO-FOUR FAMILY**

ANY ADDENDUM ATTACHED HERETO, OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, A MINNESOTA CORPORATION, HEREIN CALLED THE "COMPANY", HEREBY INSURES THE INSURED IN ACCORDANCE WITH AND SUBJECT TO THE TERMS, EXCLUSIONS AND CONDITIONS SET FORTH IN THE AMERICAN LAND TITLE ASSOCIATION LOAN POLICY (6-17-06), ALL OF WHICH ARE INCORPORATED HEREIN. ALL REFERENCES TO SCHEDULES A AND B SHALL REFER TO SCHEDULES A AND B OF THIS POLICY.

**SCHEDULE B**

**EXCEPTIONS FROM COVERAGE AND AFFIRMATIVE ASSURANCES**

Except to the extent of the affirmative insurance set forth below, this policy does not insure against loss or damage (and the Company will not pay costs, attorney's fees, or expenses) which arise by reason of:

1. Covenants, conditions and restrictions, if any, appearing in the Public Records; however, this policy insures against loss or damage arising from:
  - (a) The violation of those covenants, conditions, or restrictions on or prior to Date of Policy;
  - (b) a forfeiture or reversion of Title from a future violation of those covenants, conditions, or restrictions, including those relating to environmental protection; and
  - (c) provisions in those covenants, conditions, or restrictions, including those relating to environmental protection, under which the lien of the Insured Mortgage can be extinguished, subordinated, or impaired.

As used in paragraph 2(a), the words "covenants, conditions, or restrictions" do not refer to or include any covenant, condition, or restriction (a) relating to obligations of any type to perform maintenance, repair or remediation on the Land, or (b) pertaining to environmental protection of any kind or nature, including hazardous or toxic matters, conditions, or substances, except to the extent that a notice of a violation or alleged violation affecting the Land has been recorded or filed in the Public Records at Date of Policy and is not referenced in an addendum attached to this policy.

2. Any easements or servitudes appearing in the Public Records; however, this policy insures against loss or damage arising from (a) the encroachment, at Date of Policy, of the improvements on any easement, and (b) any interference with or damage to existing improvements, including lawns, shrubbery, and trees, resulting from the use of the easements for the purposes granted or reserved.
3. Any lease, grant, exception, or reservation of minerals or mineral rights appearing in the Public Records; however, this policy insures against loss or damage arising from (a) any affect on or impairment of the use of the Land for residential one-to-four family dwelling purposes by reason of such lease, grant, exception or reservation of minerals or mineral rights, and (b) any damage to existing improvements, including lawns, shrubbery, and trees, resulting from the future exercise of any right to use the surface of the Land for the extraction or development of the minerals or mineral rights so leased, granted, excepted, or reserved. Nothing herein shall insure against loss or damage resulting from subsidence.

**Northern Nevada Title Company**

**EXHIBIT "A"**

All that certain real property situated in the County of Carson City, State of Nevada, described as follows:

**PARCEL 1**

The North 1/2 of Block 72 of Musser's Division of Carson City, County of Carson City, Nevada.

Assessor's Parcel No. 004-246-01

**PARCEL 2**

The East 1/2 of the South 1/2 of Block 72 of Musser's Division of Carson City, County of Carson City, Nevada.

Assessor's Parcel No. 004-246-02

**PARCEL 3**

The West 1/2 of the South 1/2 of Block 72 of Musser's Division of Carson City, County of Carson City, Nevada.

Assessor's Parcel No. 004-246-03

**Northern Nevada Title Company**

