1 Luke Busby, Esq. Nevada Bar No. 10319 FILED 2 216 East Liberty St. Reno, NV 89501 3 775-453-0112 JUL 0 1 2015 luke@lukeandrewbusbyltd.com 4 TRACIE K. LINDEMAN Attorney for John and Melissa Fritz 5 6 IN THE SUPREME COURT OF THE STATE OF NEVADA 7 JOHN AND MELISSA FRITZ, 8 9 Plaintiff-Appellants, CASE NO. 67660 10 vs. 11 WASHOE COUNTY, 12 Defendant-Respondent, 13 14 **JOINT APPENDIX** 15 Volume 3 16 Appellants John and Melissa Fritz and Respondent Washoe County, by and 17 through the undersigned counsel, respectfully submit Volume 3 of the Joint Appendix 18 to the briefs for the above captioned proceeding. 19 Opposition to Motion for Summary Judgment Exhibit 19: Bates No. 455-456 20 2. Opposition to Motion for Summary Judgment Exhibit 20: Bates No. 457-489 21 3. Opposition to Motion for Summary Judgment Exhibit 21: Bates No. 490-508 22 4. Opposition to Motion for Summary Judgment Exhibit 22: Bates No. 509-510 23 5. Opposition to Motion for Summary Judgment Exhibit 23: Bates No. 511-512 24 6. Opposition to Motion for Summary Judgment Exhibit 24: Bates No. 513-515 25 Reply to Opposition to Motion for Summary Judgment: Bates No. 516-523 26 sittor Notion for Summary Judgment Exhibit 1: Bates No. 524-8. 27 JUL 0 1 2015 28 TRACIE K. LINDEMAN 15-20124 **CLERK OF SUPREME COURT** DEPUTY CLERK

1	9. Notice of Entry of Order: Bates No. 533-535
2	10. Notice of Appeal: Bates No. 536-537
3	11. Case Appeal Statement: Bates No. 538-540
4	Respectfully submitted this Monday, June 29, 2015.
5	
6	By:/s/ Luke Busby
7	Luke Busby, Esq.
8	216 East Liberty St. Reno, NV 89501
	Attorney for John and Melissa Fritz
9	
10	By:/s/ Michael Large
11	Michael Large, Esq.
12	Washoe County DA's Office
13	P.O. Box 11130 Reno, NV 89520
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Jacqueline Bryant
Clerk of the Court
Transaction # 4818450 : melwood

#### Exhibit 19

Exhibit 19

Fritz v. Washoe Opp to MSJ 000332

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BOB MILLER, Governor

#### STATE OF NEVADA

#### DEPARTMENT OF TRANSPORTATION

District II 310 Galletti Way Sparks, NV 89431 (702) 688-1250 FAX (702) 688-1189

TOM STEPHENS, P.E., Director

June 13, 1996

David T. Price Washoe County Engineer Department Of Public Works P.O. Box 11130 Reno, NV 89520 RECEIVED

JUN 1 8 1996

OFFICE OF WASHOE COUNTY ENGINEER

Re: Roedway Surface Drainage on SR-431

Dear Mr. Price:

The department is requesting the assistance of Washoe County in correcting a drainage problem on the north side of SR-431 (Mount Rose Highway) between Telluride Dr. and Sundance Dr..

During discussions in April of 1993 it was decided between the department and Washoe County that all flows between Telluride Dr. and Sundance Dr. exceeding 10 cfs would be conveyed northerly through the Lancer Estates property. Currently, there is a large berm constructed on the Lancer Estates property that prevents all roadway surface drainage from the highway to flow northerly as agreed. Meetings between the department, Washoe County and McMillan Homes has not brought a resolution to this problem. We are asking that Washoe County direct McMillan Homes to construct facilities that will convey all drainage above the 10 cfs across their property per the April 1993 discussions.

Please contact me at 688-1250 to discuss correcting this problem.

Sincerely

Assistant District Engineer

GEJ:nd Enclosures

cc: Chris McMillan, McMillan Homes Norm Lindeman, Washoe County

Fritz v. Washoe Opp to MSJ 000333

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Jacqueline Bryant
Clerk of the Court
Transaction # 4818450 : melwood

Exhibit 20

Exhibit 20

Fritz v. Washoe Opp to MSJ 000334

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# **\_ANCER ESTATES**

#### SURVEYOR'S CERTIFICATE

 $\hat{x}_i$  gobert B. Churn, a registered land surveyor in the state of Nevada. Gertify that:

- THIS IS A THE AD ACCORATE REPRESENTING OF THE ARCS SIMPLED HORS MY SEPRIFICAD LESS THAN THE BALLY SEE, AND THE ARCHITECTURE THAN THE BALLY SEE, AND THE ARCHITECTURE THAN THE BALLY SEE, AND THE ARCHITECTURE THAN THE SECURITY SEE, AND THE ARCHITECTURE THAN THE ARCHITECTURE SERVICE STATES STATUTES AND ART LOCAL THAN THE ARCHITECTURE AND ART LOCAL THAN THE ARCHITECTURE SERVICE STATUTES AND ARCHITECTURE SERVICE S
- HALS BEEN POSITED WITH THE GOVERNING BEDY TO ASSURE THEIR INSTALLATION HALS BEEN POSITED WITH THE CHARACTER SHOWN AND OCCUPY THE POSITIONS OF THE POSITIONS OF





#### OWNER'S CERTIFICATE:

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### NOTARY PUBLIC CERTIFICATE:

STATE OF NEVADA

COUNTY OF WASHOE

S.S.

I THIS \$7.5 DAY OF \$7.00000000 198.5. PERSONALLY APPEARED BEFORE

A NOTAMY PARALLE, IN AND FOR THE COUNTY OF MASHOE. EXECUTED THE FOREGOING INSTRUMENT. IN MITNESS INFORCOS. I HEREONITO SET MY DATE AND METEL MY OFFICIAL SEAL THE DATE AND YEAR FIRST WRITTEN ABOVE.

Roma & Chouteau



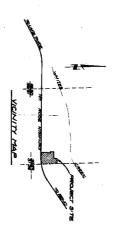
### TITLE COMPANY CERTIFICATE:

CERTET THAT THIS HAP HAS BEEN ELAMINED AND THAT IS OF, III.—I HE THE OFFICE THE STATE AND THE THE COUNTY OF THE THE OFFICE THE STATE OF THE OFFICE THE SECOND OFFICE THE OFFICE

FIRST COMMERCIAL TITLE, INC.

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C.



## UTILITY COMPANIES CERTIFICATE:

THE EASEMENTS SHOWN ON THIS PLAT HAVE BEEN CHECKED. ACCEPTED, AND APPROVED BY THE UNDERSTONED PUBLIC UTILITY COMPANIES.

8-6-04

ELANDA BELL Charle SLERBA PACIFIC POWER COMPANY

8-6-84

SOUTH INCOME HEADONS - GENERAL IMPROVEMENT DISTRICT

### HEALTH DIVISION CERTIFICATE:

HIS PAT I SI APPROVED BY INE COVISION OF ENTRANEUTA, HELLY SERVICE OF THE NAMES OF DISTRICT FAULT DEPARTMENT (OWERSHING SERVER EXTERNAL PRESIDENT ALTER DEPARTMENT AND MATER SERVEY FACULTIES IN ACCORDANCE WITH NEVAULA REVISED STATUTES. THIS APPROVAL PREDICATES COMMUNITY WATER SUPPLY AND INDIVIDUAL SEASE DEPORTAL.

DIVISION OF ENVIRONMENTAL HEALTH SERVICE MASHOE COUNTY DISTRICT HEALTH DEPARTMENT

## DIVISION OF WATER RESOURCES CERTIFICATE:

THIS DAY IS APPROVED BY THE STATE OF MENUAL DIVISION OF WHITE RESUMEDS OF THE DEPORTMENT OF CONSERVATION OF WAITURE RESUMENCE CONCERNITION BY APPROVAL ON FILE IN THIS OFFICE.

DIVISION OF WITH RESOURCES

6 Nov 84

## COUNTY SURVEYOR'S CERTIFICATE:

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## COUNTY COMMISSIONERS' APPROVAL:

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## PLANNING COMMISSION'S CERTIFICATE:

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.. DATE. 11-7-84

## PUBLIC SEWER FACILITY CERTIFICATE

BLANKET EASEMENTS DESIGNATED BY THIS PLOT FOR SANITARY SENER FACILITIES AND APPROVED BY THE HASHDE COUNTY CHEEF SANITARY ENGINEER.

MTE 11/1/89

HIEF SANITARY ENGINEER
ASHOE COUNTY STATE OF NEVADA

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A PORTION OF BEE, 1/4 BECTION 30, TIBN LANCER ESTATES UNT ! COUNT MEMORY DESIGNATION OF THE PROPERTY OF TH

RUL JOE MELLHER

SUBDIVISION - TRACT MAP 22/1

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# ANCER ESTATES DIVISION OF WATER RESOURCES CERTIFICATES

#### SURVEYOR'S CERTIFICATE:

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#### DWNER'S CERTIFICATE:

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## NOTARY PUBLIC CERTIFICATE:

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### TITLE COMPANY CERTIFICATE:

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VICINITY MAP

## UTILITY COMPANIES CERTIFICATE:

COUNTY COMMISSIONERS' APPROVAL:

carry maybean Compfield

8)27/85 DATE

THE EARSHENTS SHOW ON THES PLAT HAVE SEEN CHECKED, ACCEPTED, AND APPROVED BY THE UNDERSTONED MIGHTER OF INTERFACE.

Carlle Stery, STERRA PACTUTE POINTS COMPANY

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HEALTH DIVISION CERTIFICATE:

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1/2/05

PUBLIC SENER FACILITY CERTIFICATE:

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AND APPRITUANCES TRESSTO HAVE BESS CRECKED AND APPROVED BY THE MASHEE
COUNTY CHIEF SANTIARY ENGINEES.

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COUNTY SURVEYOR'S CERTIFICATE:

THIS PLAY IS APPRINGED BY THE STATE OF METALA CHYSICIAN OF MATER REPORTING FOR MATERIAL PROPERTY CONSTRUCTION AND MATERIAL PRODUCES CONSTRUCTION AND MATERIAL PROPERTY CONSTRUCTION AND MATERIAL PROPERTY.

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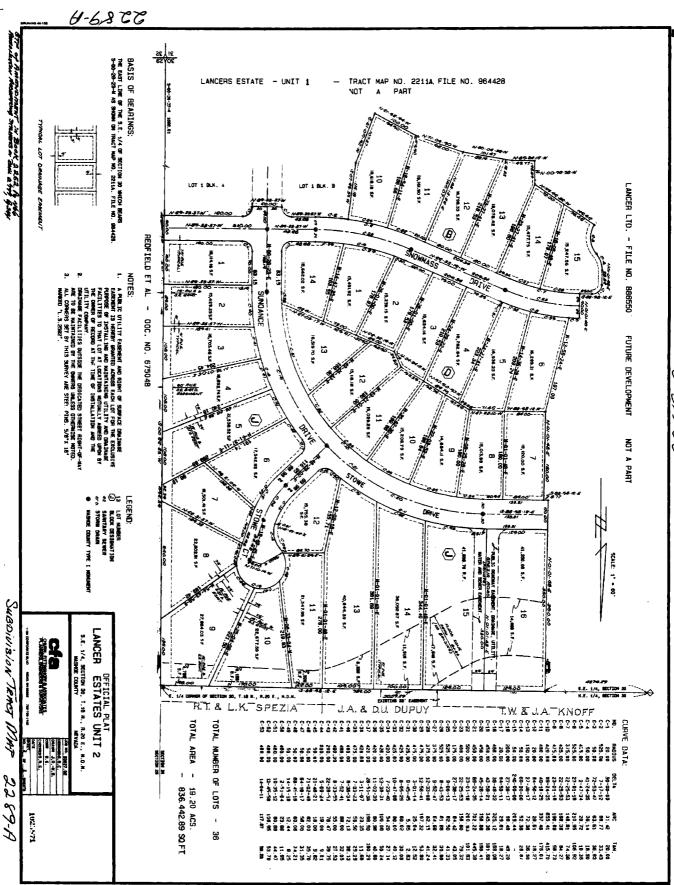
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LANCER ESTATES UNIT 2 OFFICIAL PLAT

S.E. 1/4, SECTION 30, T.IB N., R.20 E., M.D.N.
WASHOE COUNTY NEVAD

SUBDIVISION TRACT MAP

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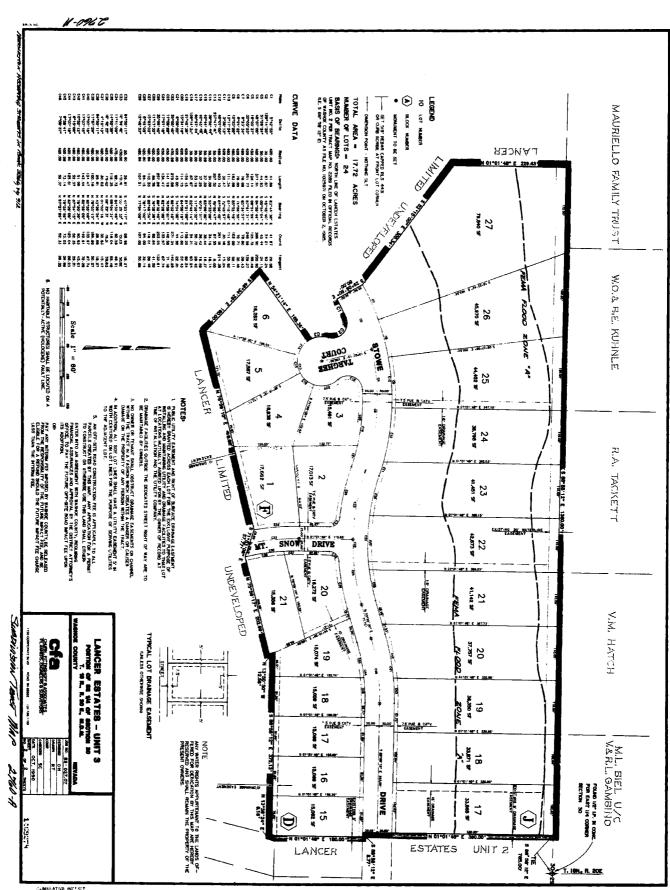
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# LANCER ESTATES UNIT 3

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SUBDIVISION TENOS MAP 2760



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# LANCER ESTATES UNIT 4

#### OWNER'S CERTIFICATE

This is to certify the undersigned, Lancer Ltd., a brint Verburs, is the owner of the torct of ind organization on the plot, and has consented to the proparation and recordation of this plot, and that the same is executed in compliance with and subject to the providence of NLRS. Outpier 278 and 116 and that the streets as shown, and all appariterances therets, are heavy dedicated and set apart to be used an public thereupfures to rever, heavy dedicated and set apart to be used an public thereupfures are to be acceptable of the control of the control of the control of the control of the personnel of the public of the control of t

DON J. ERINS LANCER LTD., A JOINT VENTURE

BY: CHALLY L'ENTITEE OF THE JOHN L. BARNESON TRUST

LLOYD E. BLAIR, TRUSTEE OF THE LE. & J.E. BLAIR FAMILY TRUST

#### NOTARY PUBLIC CERTIFICATE

COUNTY OF WASHOE STATE OF NEVADA ~ s.s.

n that <u>2</u>Clet day of <u>APC</u>: 1. 1982, personally appeared offer ma. 0 Noting Fulls. In the Dounty of Meries, Don J. Clet of the Hold of the L. Barneson, and Light E. Bair, wind addressinedged to me that my executed the doese instrument. In witness whereof, i hereatto it my loss whereof, in the test of the J. Clet of the Hold and drift my official saal the date and year first often above.

NOTARY PUBLIC



#### TAX CERTIFICATE

The undersigned hereby eartifies that all property taxes on the lend for the fiscal year have been paid.

Just H. Davidor of and Date 5-1-10 Mashee Ceunty Treasurer

West of the same

## PUBLIC UTILITY COMPANY'S CERTIFICATE

The utility easements shown an this plat have been checked, accepted, and approved by the undersigned public utility companies.

arra Pacific Pewer Company

0686

5-8-92 Date 5-9-92 Date S/11/92 5-6-92 Date

The plot is approved by the State of Newdo Division of Water Resources of the Department of Conservation and Natural Resources concerning water quantity, subject to the review of approved on the in this office.

5 Mar 92

### PROJECT STIN

## COUNTY COMMISSIONER'S APPROVAL

Accepted only gleggled by the Board of County Cernmissioners of Weathon County, Nevodro this 32.32 A sendither map of this buddiesion was appropred by 6% Board of County Commissioners of Workica County, Nevode on the 17th days Docember, 1991. The offer of Workica County, Nevode on the 17th days Tobershow, 1991. The short ond sonitory sever fulfilling are splicted of this time by the Board of channy Commissioners with the offer to the this part of the 18th offer to 18th offe



### TITLE COMPANY'S CERTIFICATE

ROBERT A. CHRISTIE
Vice President
Chief Title Officer STEWART TITLE OF NORTHERN NEVADA

## DIVISION OF WATER RESOURCES CERTIFICATE

#### SURVEYOR'S CERTIFICATE

l, Gilbert W. Pattersan, a Professional Land Surveyor registered in the State of Nevada, certify that:

- This is a true and accurate representation of the lands surveyed under my supervision at the instance of DON EXINS.
- The lands surveyed its within a portion of the South 1/2 of Section 30, 1,16 M., R. 20 E., M.D.M. and the survey was complete on Lines 16, 1991.
- This plat compiles with the epplicable stats statutes and eny local erdinances.
- The monuments will be of the character shown end eccupy the positions indicated by <u>Mac 5.0793</u> and that an appropriate performance guarantee has been posted with the governing body to assure their installation.



P.L.S. 5666

#### HEALTH DISTRICT CERTIFICATE

This plot is approved by the Environmental Services Dicisien of the Washee Clarity District Health Opportment concerning sewage disposal, worker politicitien, water qualify, and water supply foreilities in accordance with the Newded Revised Struktes. This approval predicates community water supply and community sewage disposes.





## COUNTY SURVEYOR'S CERTIFICATE



## PLANNING COMMISSION APPROVAL

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OF SELECT AT THE PROPERTY OF SELECT AT THE PROPERTY OF THE PRO THE NO. 15829416

> BEING IN THE SDUTH 1/2 OF SECTION 3D 1.18N., R.20E, M.D.M. DEFICIAL PLAT OF

2105 CAPURRO WAY, SUITE F. SPARKS, NV 89431

dyssey engineering

1582946

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# LANCER ESTATES UNIT 5

#### OWNER'S CERTIFICATE

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LANCER LID., A JOINT VENTURE

DON J. EKINS, 4/15/93

ACHN L. BARNESON, PRESIDENT, BARNESON INVESTMENTS INC.

BY: WAY E. BLAR, TRUSTEE OF THE LE & J.E. BLAR FAMILY TRUST

#### NOTARY PUBLIC CERTIFICATE

STATE OF NEVADA

COUNTY OF WISHDE )

On this 25 ½ day of April 2

before me, a Nebary Poblic, in the County of Wankes, Dan J. Ethins, and layed. Ethin who adknowledged to me that they executed this done layed. Ethin who adknowledged to me that set may hand and offic my efficial send the date and year first written above.

under ric Ilven

NOTARY PUBLIC AND PROPERTY OF THE SECOND PROP

#### NOTARY PUBLIC CERTIFICATE

COUNTY OF WASHOE STATE OF NEVADA S.S.

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ON CONTINUENT EXPENSION IN IN. III.

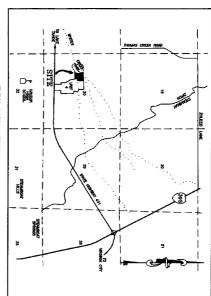
## PUBLIC UTILITY COMPANY'S CERTIFICATE

The utility easements shown an this plot have been checked, and approved by the undersigned public utility and CATV campanies.

Signa Pacific Pewer Company Nevoga Bell , Bon Merade, Inc.

> 0-21-93 Date .5--/2-9.5 Date 543 43 Date

Date: 18 23



#### VICINITY MAP

## COUNTY COMMISSIONER'S APPROVAL

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ATTEST: County Clerk

### TITLE COMPANY'S CERTIFICATE

The understand hereby certifies that this plot has been examined and that furnament talls, a doler fearburs owns the tand to be subdivided and that coats became a significant to the land seat of the sense of record how signed the filling map; that there or an examinations of reference signed the sign map; the three or an examinations of reference signed the sign map; the three or an examinations of reference signed the signed map; that there or any port three of reference state, can'ty, munkippl. Reference in cold toxes or pascid deseaments as et 1859.

STEWART TITLE OF MORTHERN NEWDA By MAN THE STEWARD OF THE STEWARD OF THE STEWARD OF THE OFFICER OFFICE

## DIVISION OF WATER RESOURCES CERTIFICATE

This plot is approved by the Stats of Newdo Obleton of Water Resources of the Department of Conservation and Natural Resources, concerning water quantity, subject to the review of approval on file in this office.

#### SURVEYOR'S CERTIFICATE

i, Glibert W. Patterson, a Prafessional Land Surveyor registered in the State of Nevada, certify that:

- This is a true and accurate representation of the lands surveyed under my supervision at the instance of Lancer Ltd.
- The lands surveyed its within a partian of the Sauth 1/2 of Section 30, T. 18, N., R. 20 E., M.D.M. and the survey was complete an 3.7 Pay. 1993
- This plot camplies with the applicable state statutes and eny lacal ardinances.
- The manuments will be of the character shewn and eccupy the positions indicated by <u>II PACK 1994</u> and that an appropriate performance guarantee has been paged with the governing bedy to assure their installation.

P.L.S. 5666



Tha undersigned hereby certifies that ell property taxes en tha land far the flecol year have been paid.

Washas Caunty Treasurer

Aniel 1. Francisco Doto 5-19-73

### DISTRICT HEALTH CERTIFICATE

This plot is approved by the Environmental Services Division of the Washos County Dietrick Health Department concerning sewage disposal; editor politifion, writer quality, and water supply ficalities in occardione with the Mexical Revised Statutes. This approval predicates community water supply and community sewage disposal.

Environmental Services Division of the Weshae County District Health Department

Date 1993

## COUNTY SURVEYOR'S CERTIFICATE

I seeby certify that I have exemined this plat consisting of 2 pages and that all provisions and artinance as applicable have been complied with and that I are satisfied that the map is technically correct, a performance purrontee has seen submitted at the County Oraks on see MBS Chapter (278377). These been submitted at the County Oraks on see MBS Chapter (278377).

Caynty Surveyor 5-2/-45 Date 5-21-93

## PLANNING COMMISSION APPROVAL

A tehtidis map of this subdivision (TM 7-11-90) was recommended for devial by the Wester County Planning Cammission on the 3rd day of posember, 1931 but auch recommendation was averaged by the Board of County Commissioners of Wester County on the 17th day of December, 1931. The just is in substantial compliance with the tentritive map and all cardillars of approval.

7938

Add Rasa) Sharan Manas You th Royan, Minister 5/21/93 Director, Washoe County Separtment of Development Review

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PRE . LETT. 15

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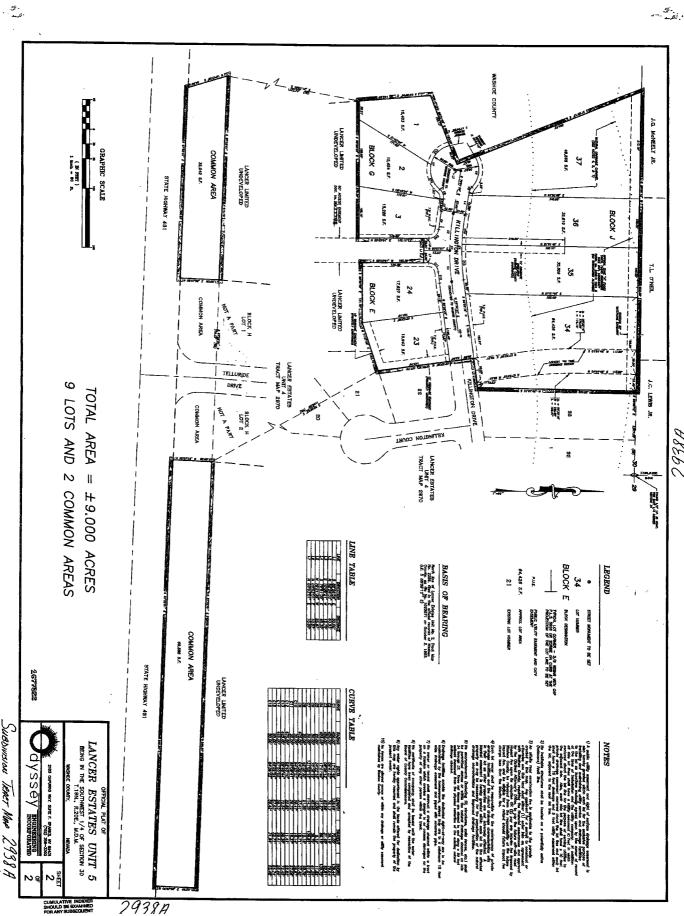
OF LETT. SHOW THE PRESENCE OF LE LANCER ESTATES UNIT 5
BEING IN THE SOUTHWEST 1/4 OF SECTION 3D
1.18N., R.20E., M.D.M.

dyssey engineering incorporates 2105 CAPURRO WAY, SUITE F, SPARKS, NY 89431 (702) 359-3303

OUNT RECORDER

Post Callatan

DUBDINISION TRACT MAP 2938



SUBDIVISION TERET MAR 2938 A

## LANCER ESTATES UNIT g

 $t_{\rm c}$  Lee H. Smithson, e Professional Land Surveyor registered in the State of Nevada, certify that:

This plot represents the results of a survey conducted under my direct supervision at the instance of Lancer Ltd.

SURVEYOR'S CERTIFICATE

#### OWNER'S CERTIFICATE

This is to cartify the undersigned, Lonary Ltd., a click finitum, is the owner of the literat of load represented to the preparation and reported to the preparation and reported to the preparation and reported to the provisions of H.R.S. Chapter 278 and 116, and that the arcets as shown, and all appurtemences therets, are hareby dedicated and set open at the use of a public thoroughtices firever; hareby dedicates a water distribution system, sentiary senser facilities and the County of Westlook, permittent deservation on public utilities and the County of Westlook, permittent deservation and public utilities and the County of Westlook, permittent deservation on public utilities and the County of Westlook, permittent deservation on the public utilities and the County of Westlook, permittent deservation and the public utilities and the County of Mestlook of Mestlook and the County of Mestlook and the Mestlook and

witness whereof, Lancer Ltd., a Joint Venture has caused its name to signed by its authorized officers on this to day of PELL.

WICER ALTY, JOHN VENTURE

OHN L BANESON, PRESIDENT, BARNESON INVESTMENTS INC.

LLOTO E. BLAIR, TRUSTEE OF THE LE. & J.E. BLAIR FAMILY TRUST

#### NOTARY PUBLIC CERTIFICATE

STATE OF NEVADA s.s

#### NOTARY PUBLIC CERTIFICATE

COUNTY OF WASHOE STATE OF NEVADA

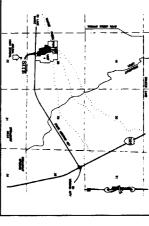
200

## PUBLIC UTILITY COMPANY'S CERTIFICATE

The utility easements shown on this plot have been checked, and approved by the undersigned public utility and CATV companies.

Herra Pacific Power Company

Harau 3-26-2. Date 3-23-94 Date



#### VICINITY MAP

## WASHOE COUNTY PLANNING COMMISSION CERTIFICATE

A tentative map of Lenere Entettes subdivision Tb 7-11-50 was recommended for operared by the Westere County Planning Cammission and approved by the Beard of County Cammission and the 20th days of loctoser. 1990, and approved by the Beard of County Cammission on the 3rd day of County and the American County Planning Commission on the 3rd day of December; 1991, but such recommendation are oversied by the Beard of Caunty Cammissioners of Wather County, Nerodo on the 17th day of December; 1991. The final map of Lancer Exteller birth 5 subdivision was approved by the Beard of Caunty Commissioners of Wather County, Nerodo, on the 25th day of May, 1993, and subsequently recorded on the 28th day of May 1993. The final map of Lancer Exteller than 1995 to the final map of Lancer Exteller 1.2° opposed on the 25th day of May 1993, the find map of Lancer Exteller 1.2° opposed by the Section of the 1995 to the final map of Lancer Exteller 1.2° opposed by the Section of Lancer Exteller 1.2° opposed by the Section of Lancer Exteller 1.2° opposed by the Section of Lancer Exteller 1.2° opposed the 1895 to 1995 to 1995

Chairman History

ATTEST: The Director certifies that the Washoe County Planning Commission took the action nated above with a majority vate of the members present.

ector, Department of Development Review

## PUBLIC WATER AND SEWER FACILITY CERTIFICATE

Cosements Designated by this plat for public water and sewer facilities and approved by the have been checked and approved by the Mastrae County Utility Division.

4- 22/94 Date

#### TAX CERTIFICATE Washae County Utility Division

The undersigned hereby certifies that all property taxes on the land for the fiscal year have been paid.

Washoe County Treasurer Date 3-23-90

## DIVISION OF WATER RESOURCES CERTIFICATE

This ploft is approved by the State of Newado Division of Water Resources of the Department of Conservation and Natural Resources concerning water quantity, subject to the review of approval on file in this office.

19 ALR 94

### TILE COMPANY'S CERTIFICATE

LEE H. SWITHSON

The monuments depicted on the plot will be of the character shown and occupy the position indicated by Assa. Ast. Assa. — and an appropriate financial guarantee will be peated with the governing body before recordation to essure the installation of the monuments.

This plot complies with the applicable state statutes and any local ordinances in effect on the date that the governing body gave its final approval. 

incleasing-aid heavily certifies that this plot has been examined at toer Ltd., a clarit, Wintture, owns of record on interest in this circuit inserted hierarch and that it is the only owner of record of said in the enemar of record of the land have signed the final map; the the owners of record of the land have signed the final map; the to the said of record against the common interest community for a no lines of necession and against the common interest community to thit, county, municipal, federal or local taxes or assessments cales as or special casessments.

STEWART TITLE OF MORDHERN MEVADA ROBERT & CHRISTIE
Vice President
Chief Title Officer

Marie 6, 1994

## DISTRICT BOARD OF HEALTH CERTIFICATE

This final map is approved by the Washoe County District Board of Health. This approval centerins serving disposal, settler polition, writer quality, and water supply facilities and is predicted upon plans for a public water supply and a community system for disposal of servings.

for the District Board of Health

25 Buil 1994

## COUNTY SURVEYOR'S CERTIFICATE

I havely certify that I have examined this polt consisting of 2 pages and blot oil provisions and ordinances as applicable howe been compiled with one blot. I are admitted that the map is technically correct, and that a performance guarantee has been filled quaranteeing the manuments as above will be set by Albert 20. 1996.

County Surveyor 5-2.91 5-2-94 Date

3041

1799400

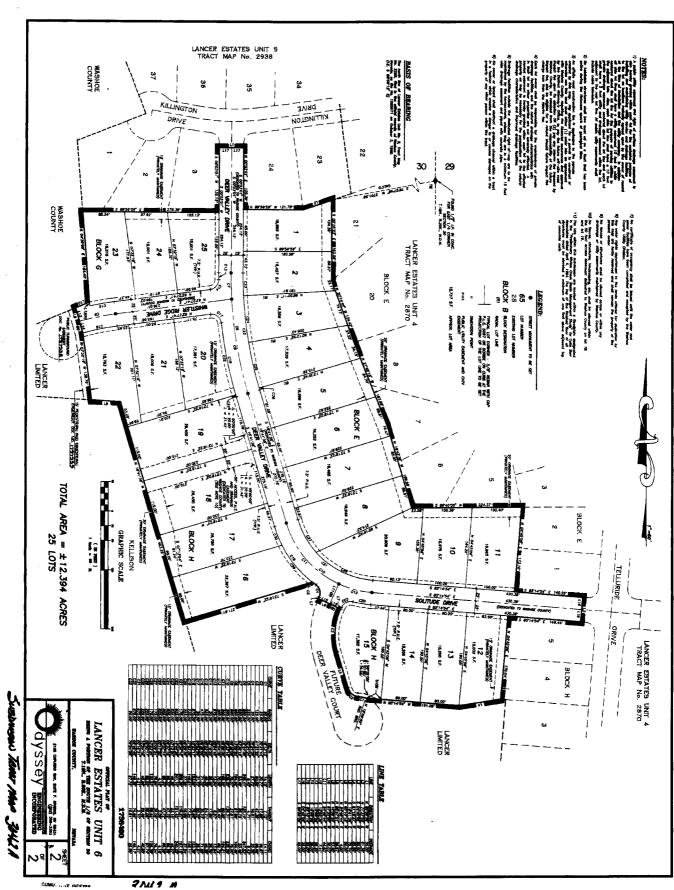
THE NO. 1792100

TALL PAY RECORD AS THE PRIMESS OF THE SELECT allahan

BEING IN THE SOUTH 1/2 OF SECTION 30 T.18N. R.20E, M.D.M. THE CAPUSED WAY, SATE F. SPARES, MY SOCIA (THE) 388-3804 OFFICIAL PLAT OF

dyssey monthsung

SUBDINISION TEMET MAP 3048



## LANCER ESTATES UNIT

SURVEYOR'S CERTIFICATE

I, Lee H. Smithson, a Professional Land Surveyor registered in the State of Nevado, certify that:

The lands surveyed lie within the South t/2 Section 30, T.18N, R.20E., M.D.M. and the survey was complete on 489, 49,7984 This piat represents the results of a survey canducted under my direct supervision at the instance of Lancer Ltd.

by the description with the applicable state statutes and any local ardinances in effect on the date that the governing body gave its final approval.

#### OWNER'S CERTIFICATE

This is to certify the undersigned, Loncer Ltd., o clorit Venture, is the owner of the treat of land represented on this plot, and has consented the preparation and recordation of this plot and their the same is executed in compliance with and subject to the provisioner of N.R.S. Chapter 278 and in 156, and that the streets as shown, and all appurtanenases thereto, are hereby dedicates a water distribution system, sonitary sever facilities and associated appurtanenase to Weaker County, and hereby grount or of the County of Mency permanent assessments about a stage of the County of Mency permanent assessments about a several county of Mency permanent consensus and the county of Mency permanent consensus. The owner and consensus approach to the use of residential water meters.

witness whereof, Lancer Ltd., a Joint Venture has caused its name to signed by its authorized officers on this.

LANCER LYD., JOINT VENTURE
X
DON J. EKINS

JOHN L. BARNESON, PRESIDENT, BARNESON INVESTMENTS INC.

LLOYD E. BLAIR, TRUSTEE OF THE LE & J.E. BLAIR FAMILY TRUST

#### NOTARY PUBLIC CERTIFICATE

STATE OF NEVADA s.s.

CHICK PUBLIC

#### NOTARY PUBLIC CERTIFICATE

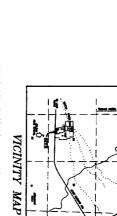
STATE OF NEVADA

on this 6 day 

## PUBLIC UTILITY COMPANY'S CERTIFICATE

The utility easements ehown on this pict have been aheaked, and approved by the undereigned public utility and CATV companies.

Sierra Pacific Power Campany Da Caimpehase 4-11-94 Date 5/-//-94 Date 8/24/94 p-11-94



## WASHOE COUNTY PLANNING COMMISSION CERTIFICATE

A bentitive map of Lancer Estates Subdisiden 114-11-50 was recommended for approved by the Wenthes Caurly Prending Commission on the Zed ady of October, 1980 and approved by the Board of Commission of Westhes County on the 27th day of November, 1980. An enterthese to 11 X-11-20, we recommended for denial by the Westhes County Promising Commission on the 3rd day of December, 1981, and the County Commissioner of the County Commission of th



TTEST: The Director certifies that the Washoe County Plenning Commission book the action nated above with a majority vote of the members present.

Andreas A Blogge Director, Department of Development Review

## WATER RIGHT DEDICATION CERTIFICATE

The water and sewer resource requirements set forth in Article 422 of The Wathon Development Code, related to the dedication of water resources, how bein, activities

Washes County Utility Division 8/24/94 Date

#### TAX CERTIFICATE

The undersigned hereby certifies that all property taxes on the land for the fiscal year have been paid.

Washoe County Treasurer Date 4 7 99

## DIVISION OF WATER RESOURCES CERTIFICATE

This pick is approved by the State of Newado Division of Water Resources of the Department of Conservation and Natural Resources concerning water quantity, subject to the review of appreval on file in this office.

9 Mm 39

### TITLE COMPANY'S CERTIFICATE

LEE H. SMITHSON

The monuments depicted on the plot will be of the character shown and occupy the position indicated by <u>the position</u> and appropriate financial quantities will be posited with the governing body before recordation to assure the installation of the monuments.

STEWART TITLE OF NORTHERN NEVADA

New 11 , Agu

## DISTRICT BOARD OF HEALTH CERTIFICATE

This final map is approved by the Weshoo Caunty District Board of Health. This approval concerns sewage disposal, water politicin, water quality, and water supply facilities and in predicated upon plane for a public water supply and a cammunity system for disposal of ewage.

für the District Board of Health

29 Aug 1994 Date

## COUNTY SURVEYOR'S CERTIFICATE

hereby certify that I have examined this plot consisting of 2 pages and that all provisions and ordinances as applicable have been complied with and that I have been completed with and that I be teaching to correct, and that a priformance that I have been filled guaranteeing the monuments as shown will be set by BT. 20, 194

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9-2-04

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OFFICIAL PLAT OF

THE 10 /835-228

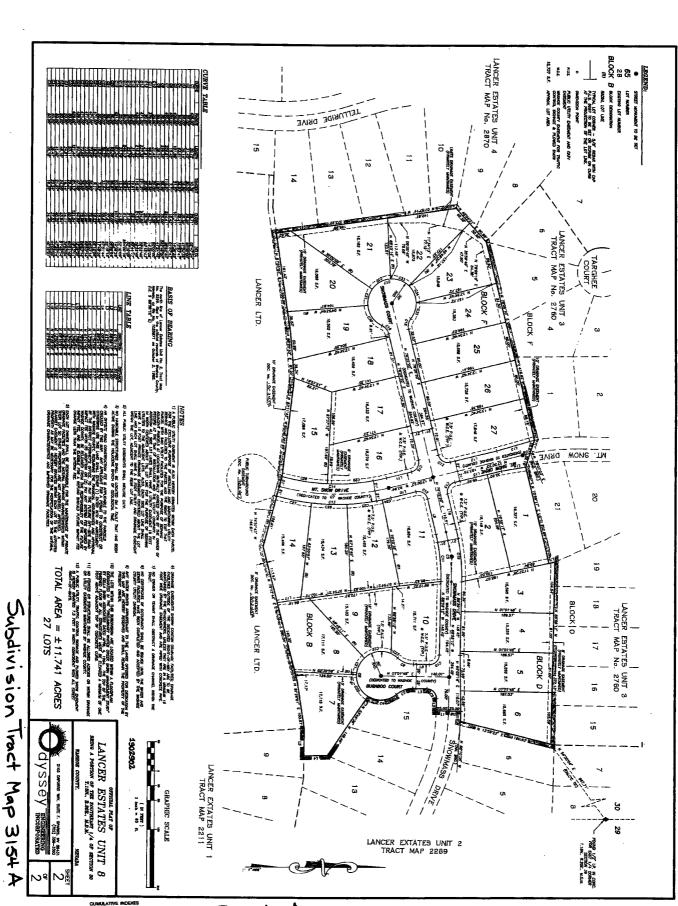
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dyssey engineering

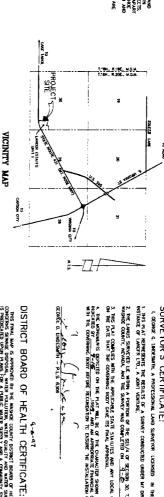
OF WASHIE COUNTY, NEWEN

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Subdivision Tener Map 3080



OWNER'S CERTIFICATE:  THE S TO CHIEF THAT HE UNDERSCRED, LANGE LID., A JUNE VEHICLE CONSISTED OF BRINKEY, AND RESIDENCE AND CHIEF THAT HE UNDERSCRED, LANGE LID., A JUNE VEHICLE CONSISTED ON HIS SALE AND RESIDENCE, AND DOM LIDING, SEE CONFIDENCE THE FLAT OF LAND HE SHALE SECURID ON HIS SALE SECURID ON HIS SALE SECURID ON HIS SALE SECURID AND RECOGNITIVE AND RESIDENCY AND	LANCER
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SURVEYOR'S CERTIFICATE:  1. GROWE 6. LINESCAPIA. A PROFESSIONAL LAND SURVEYOR LICENSED. IN THE STATE OF REVAULA, CORREY THAT:  1. THIS PLAT REPRESENTS THE REPLITS OF A SURVEY COMMUNICATE LINES AND TIME. RADE. ADDITIONAL OF LAND TO STATE.  2. THE LAND, SURVEYED LE HIM A PORTION OF THE SUL/A OF SECTION AD. TIME, RADE. ADDITIONAL WASHINGTON OF THE SULVEYED ON THE SULVEYED ON THE SULVEYED ON THE COMMUNICATION OF THE SULVEYED SOON AND THE SULVEYED ON THE COMMUNICATION OF THE FORTHOOD WITH THE COMMUNICATION OF THE SULVEYED SOON AND COLOURY THE FORTHOOD WITH THE COMMUNICATION OF THE SULVEYED SOON AND OF THE SULVEYED SOON	UNIT 9



COUNTY SURVEYOR'S CERTIFICATE:

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS 41 DAY OF SEPTEMBER BY JOHN L. BARNESON , AS PRESIDENT OF BARNESON INVESTIGENTS, INC.

. 199 Z

NOTANT PUBLIC MALLES (O

CONTRACTOR OF THE PARTY OF THE

STATE OF NEVADA S.S.

I CERRY INAT I HAVE EXAMPED THE MAY CHRESTING OF 2 SHEETS AND THAT ALL PROVISIONS OF COMMICTES APPLICATE LINKE EXIL ORGERED WITH AND INAT I AM STREED THAT THE MAY IS TECHNOLOUS CHREST, AND THAT MAY DESCRIPT THE PER CHAMPET HAS ERRY HED DARWHTERNO THE MOMENTS AS SHOWN MELE RE IF IF YOU ARRANGE DARWHTE HAS ERRY HED DARWHTERNO THE MOMENTS AS SHOWN MELE RE IF IF YOU ARRANGE THE PER THE PER CHAMPET HAS REPORTED THE MOMENTS AS SHOWN MELE RE IF IF YOU ARRANGE THE PER THE PER CHAMPET HAS REPORTED THE PERFORMANCE HAS REPORTED THE PERFORMANCE



THIS INSTRUMENT WAS ACKNOWED BEFORE HE ON THIS I DAY OF BEOTEMBLE . 1997 BY F. DAMBHOND SHAPP, ATTURNEY IN-FACT FOR DON L. EKINS.

STATE OF NEVADA S.S.

Mitte & allunge

HEAD IN THE SECOND SECONDS

WASHOE COUNTY PLANNING COMMISSION CERTIFICATE:

A TEMANIS AND OF LARGE STATES SERVINGS, HE 7-11-03, WIS DECOMBERGO TO APPOINT BY THE WASHE COMPT A MARKET STATES STATES APPOINT BY THE SOURCE OF THE SOURCE

CHAIRMAN

ATTEST, THE DIRECTOR OF COMMANYT DEVILOPMENT EXERNES THAT THE FINAL MAP OF LANGER ESTAINS MAY OF A BUSSIMATINE, COMPORTMANCE THE THAT HE THAT HAVE MAP AND ALT THE COMPONING OF APPROVAL HAVE DEED MET AND THE MASSIVE COUNT PLANSING COMMISSION TOOK THE ACTION HOLED ABOVE WITH A MAJORITY VOTE OF THE MASSIVE TOWN THAT AND THE MASSIVE TOWN THE MAJORITY VOTE.

SHECTOR, COMMUNITY DEVELOPMENT
DATE
26/8/00

Day a linker

9-10-97

WASHOE COUNTY TREASURER

TAX CERTIFICATE:

THE UNDERSOMED MERRY CERRIES THAT ALL PROPERTY TAKES ON THE LAND TREA THE FISAL YEAR HAVE REEN PADA AND THE TILL ANDURIN OF ANY DEPERENCE PHOSPERTY TAKES (ON THE COMPRISION OF THE PROPERTY PROM AGRICULTURAL USE HAS BEEN PADD PURSUANT TO N.E.S. 301A.265.

HUXER - CHIEF TITLE OFFICER STEWART TITLE OF NORTHERN NEVADA

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THE UDUSTRIBED BY PEREY CERRES THAT THE PLAT HUS BETA CAMMED AND THAT LANGES THE A THE PROPERTY OF THE PLAT HE PLAT HE

TITLE COMPANY CERTIFICATE:

WATER RIGHT DEDICATION CERTIFICATE:

THE WHITE AND SWEET RESOURCE REQUIREMENTS SET FORTH IN ARTICLE 422 OF THE WISHOS COUNTY OF AUTHOR FOR MATERIAL AND REAL SATISFALL.

WIND COUNTY OF THE PROJECT OF THE WISHOS COUNTY OF THE WISHOS COUNTY OF THE PROJECT OF THE WISHOS COUNTY OF THE PROJECT OF THE WISHOS COUNTY OF THE WISHOS COUNTY OF THE PROJECT OF THE WISHOS COUNTY OF THE WISH OF THE WISHOS COUNTY OF THE WISH OF

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18/2/81

THIS FAM, MAP IS APPROVED BY THE MASCHE COMMY DISTRICT BOARD OF HEALTH THIS APPROVAL CONCERNS SERMICE BOARD SOSSICAL, WALTHE PAULITHON, MARTER GUILANTY AND WATTER SURPEY FACALITIES AND IS RECOUNTED UPON PLANES FOR A PUBLIC WATTER SUPPLY AND A COMMUNITY STSTEM FOR INSPOSAL OF SERMICE. FOR THE DISTRICT BOARD OF HEALTH

15 September 1997

DIVISION OF WATER RESOURCES THIS PLAT IS APPROVED BY THE STATE OF HEVIOLA DIVISION OF WATER RESOURCES OF THE GENERAL OF DESERVATION AND MAINTER MESOURCES CONCERNMEN MAIRT QUANTITY, SUBJECT TO REVEN BY APPROVAL ON THE IN THIS OFFICE. DIVISION OF WATER RESOURCES CERTIFICATE: £8-11-4

UTILITY COMPANIES' CERTIFICATE: THE UTILITY EASEMENTS SHOWN ON THIS PLAT HAVE BEEN CHECKED AND APPROVED BY THE NDEKSIGNED PUBLIC UTILITY AND CAT'V COMPANIES.

WASHDE COUNTY DUTTY DIVISION De Carmic hard SIERRA PACIFIC POWER COMPANY NOA RENO ONE Q'897 18,3/b 9/12/97 THE PA

R.ZOE. MAN.  R.ZOE. MAN.  REVIOL STATE OF THE WOODS  R.ZOE. MAN.  REVIOL STATE OF THE WOODS  REVIOL ST		13375	ABOD PUTTERS LANG. BYTE 19-182 DATE:	ENGRIEBING & PLANNING CHECKED:	COMP		DESIGNED:	JOB NO.	WASHOE COUNTY	POR. SE1/4 SECTION 30, T.18N., R.20E., M.D.M.		רטייטני רטיסורט ט	I ANDED FOTATES INIT O	<b></b>	OFFICIAL PLAT	
	l	ı	1	BY C. DAY 11CY	OBW	4	DBW COUNTY RECORDER	1519.01 JOE MICIENEY	Ľ	_	T. M. DEFICIAL REGORDS OF	ATION	99	FILED FOR RECORD AT THE REQUEST		

Subdivision Tract Map 3456

HI-OFINE OF DOCUMENT OF THE OFFINE OF THE OF 33355538838B28B3 URE DEVELOPHEN LANGER LTD. 370,00 424,00 400,00 400,00 400,00 200,00 271,00 271,00 178,00 178,00 178,00 178,00 178,00 178,00 178,00 N885212\*W Ç, 4 17,284 S.F. 0 O FUTURE DEVELOPMENT LAMOER LTD. SOUTUDE 16,039 S.F. 100 O Janu nos C MANAGE TO THE TOTAL TOTA -4 M 0 ¥ OT (GETAD/C3Q) TTHUCO 30HEAW # r o 15,948 S.F. 15,942 S.F. PER THACT MAP RO. 3154 0 19,157 S.F. a FEAND POWN AS MOREATED
 STANDARD MASHEE COUNTY STREET INDUMENT TO 86 SET
 1 ST 5/8" REBAR - P. L.S. 6306 AT ALL LOT
 CORRESS OR SCHREE ON CURB ON EXTENSION
 OF SDE LOT LINES
 (R) BADIAL BEARNO
 (R) BADIAL BEARNO 30 29 FB. 1/2" IF, M COMC. FRR E,/4" COM. SEC. 30 TIBM, R-20E, M.D.M. N<sub>T</sub> O<sub>R</sub> s N N 1 T 2 2 1 1 ٥. TOTAL AREA = 3.324 AG.±
ROADWAY AREA (DEDICATED TO WASHOE COUNTY) = 0.623 AG.±
LOT AREA = 2.701 AG.±
TOTAL NO. OF LOTS = 7 LA ATRIAC CHAPT CARRANT EN LUCRUM GANTER ANNE DATE (A) FOR THE CALLARYE MARKET EN REFLACE OF REFLACE AND GENERAL CHAPTER AND CHAPTER C Subdivision Tract Map 3456A T, THE LOTE WITHIN THE SUMMYSING ME LOCATO WITHIN A LOCATIVAN DESCRIPTION HE THE SHEARING WHITE ALL CHECK MANN MANAGARD STORT OF COLLA MARK MENCACHES MAN MANAGARD STORT OF COLLA MARK MENCACHES MANAGET THE MENCACHE STANDING OF ALL SHOULDHES MASS HE MANAGED A MANAGAR STANDING OF CHE POOT MADNE THE MANAGETH TOP OF CORE SLEWMYON. A AL PRINC PORT POSMETS SHA MARKE CHASE ELECTRON.

\*\*COMMAND AND SECTOR OF MEDICATION SHAPE AND SHAPE PROSPECT OF SHAPE AND SH GENERAL NOTES: POR. SE1/4 SECTION 30, T.18M, R.20E, M.D.M.
WASHOE COUNTY

| ADD HG. 539-01
| M.SOHOE. 199
| M.S III. ANY WAILH HEARTS APPLIETTANT TO THE LANDS OFFERED FOR OEDICATION BY THIS MAP ARE HERESY RESERVED. AND SHALL REAMS THE PROCERTY OF THE PRESENT OWNER. q, ha contrant of occupancy shall be issued until the mater and somet facilities have been completed by the mashol county utility division. . NO OMBRE DE REMAIT SMALL DESTRUCT A MANAGE LACEURET DE CHANGEL METRE THE TRACT. IL DO MANAGEME STRUCTURES SMALL NE LOCATE DE A FAILT BAT HAS RETE ACTRE DERING THE HOLOGIES EPOCH. . NO FEMOES OR STRUCTURES SHALL HE ALLOWED ACROSS OR WITHIN UMANAGE OR LITELTY EASINEMTS MAINTAINED BY ASHOE COUNTY. LANCER ESTATES UNIT 9 FD# OFFICIAL PLAT BASIS OF BEARINGS:

OFTICAL PLAT OF LANCE ESTATIS UNIT 2 - TRACT MAP ND. 2289

FILED DOTIGER 2, 1985 - DOC. NO. 1025871

GEFICIAL RECORDS OF WASHOT COUNTY, NETWORK 2143300

SHOULD BE LAND TO 3456 A

456 A

#### LANCER ESTATES OFFICIAL PLAT UNIT 10

OWNER'S CERTIFICATE

This is to certify their the undersigned, 8 & H, LLC, a Nevoda is company, is the center of the tract of land represented on this company, is the center of the first of of the pict and the second in company proposed to any recorded or of the pict and pict and the pict and the pict and pict of N.R.S. Chapters 278.
of N.R.S. Chapters 278.
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B & H, LLC, A NEVADA LIMITED LIABILITY COMPANY

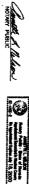
BY: BARNESON INVESTMENTS, INC. A NEVADA CORPORATION, MEMBER

BY: WCD, LLC, A NEVADA LIMITED LIABILITY COMPANY, MEMBER

PROCTOR J. HUG, MANAGING MEMBER

NOTARY PUBLIC CERTIFICATE

COUNTY OF WAShee STATE OF LIBERTY ~ s.s.



STATE OF LIEUACH } S.S. NOTARY PUBLIC CERTIFICATE

COUNTY OF Lity the



### 0

## COMMUNITY DEVELOPMENT CERTIFICATE

Inflative map of the LNICCR ESTATS Subdivision. TM7-11-90, was approved by the Westher Cauty Proming Centralisation on the 2nd day if Calaber, 1990 or onesigned to TM 7-11-90 was recommended for denial by the Westher County forming Commission on the 3nd day of December, 1991, but such recommendation are everyled by the Board of Cauty of December, 1991, and the County, Nevada in the 17th day of December, 1991.

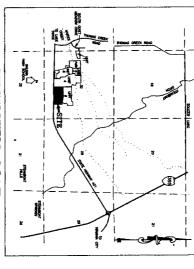
the final map of the LANCER ESTATES, UNIT 9 subdivision was approved by the community Development Director of Welshoc County, Newada, an the 7th day of Doteber, 1997, and subsequently recorded on the 9th day of October, 1997.

t one year extension for filing the next final map was approved by the Yahoe County Planning Commission on the 7th day of October, 1998.

The final map of the LAUGH ESTATS, UNIT 10 subdiction it in substantial conformance with the thinkine map and all the conditions of paperoll have been met. This final map is approved and coopeed this Alba-day of MEZERBER, 1999 by the Development Director, and Weather Courty, Newcook. The offer of dedication of the noodeway, sever facilities, and water facilities is rejected at this time but will remain open under NASS. 278.

William Diland Rusing

ROBERT W. SELLMAN
COMMUNITY DEVELOPMENT DIRECTOR



#### TITLE COMPANY CERTIFICATE

STEWART TITLE OF NORTHERN NEVADA

ROGER KLINGER

Tille Printers

### UTILITY COMPANIES CERTIFICATE

The utility easemente shown on this plat have been checked, eccepted, and approved by the undersigned public utility companies.

Nevada Bell Sierra Pocific Pewer Company Date 3/18/99 3/29/99 Date

TC: of Nevede, inc.

3/29/99 Date 8/24/99 Date

#### TAX CERTIFICATE

The undersigned hereby certifies that all property laxes on the land for the fiscal year have been paid and that the full emeunt of any deferred property taxes for the centraston of the property from agricultural use hes been paid pursuant to NRS 361A.265.

A Anderson Date 9-7-99

#### SURVEYOR'S CERTIFICATE

I, Thomas N. Robards, a Professional Land Surveyor licensed in the State of Nevodo, certify that:

- This plet represents the results of a survey conducted under my direct supervision at the instance of B & H, LLC, a Nevada limited liability
- This plot complies with the applicable state statutes and any lacel ordinances in affect on the date that the governing body gave its final approval.
- 4. The monuments depicted on the pict will be of the character shown and eccupy the position indicated by <u>federal 11, 1882</u>—and an appropriate financial guarantee will be pacied with the governing body before recordation to ensure the installation of the monuments.



This plot is approved by the State of Newdo Division of Water Ressurces of the Department of Conserration and Natural Resources concerning water quantity, subject to the review of approval on file in this affice.



## WATER RIGHT DEDICATION CERTIFICATE

The water and sever resource requirements est ferth in Article 422 of the Washos County Development Ceds, related to the dedication of weller resources, have been satisfied.



8/24/99 Date

## DISTRICT BOARD OF HEALTH CERTIFICATE

This find map is approved by the Washos County District Board of Health. This approval concurns seeigh disposal, water peliticin, water quality, and water supply facilities and is predicted upon joins for a public water supply and a community system for disposal of sewege.

fer the District Board of Heelth Dat. 1999

COUNTY SURVEYOR'S CERTIFICATE

I have examined this plot consisting of 2 sheets, and

I am additified that the map is technically cerrect, end that an adequate performence guarantee bearing filed guaranteeing that said monuments es shown will be set by

9-23-99 Data

OF DELLA STATE OF SELECTION OF DELLA STATE OF SELECTION O \* MUSHOE COUNTY, NEWMON COUNTY REGISTRESS ST. C. - BOXY HELP ST. C. - BOXY HELP ST. DEFUTY 16363625 1690 ASSION COUNTY OFFICIAL PLAT OF

LANCER ESTATES UNIT 10

BEENG A PORTION OF THE SOUTHLAST 1/4 OF SECTION SO dyssey ENGINEERING 2105 CAPURRO WAY, SUITE F. SPARCE, IAY 89431 (702) 358—3303

Subdivision Tract Map 3754

3754 A

# LANCER ESTATES UNIT

#### OWNER'S CERTIFICATE

This is to certify that the undersigned, Lencer Ltd., a clotal Venture, is the owner of the torcot of input reservated on this polt, and has conserted to the preparation and recordation of this polt end that the atoms is executed in compliance with and subject to the provisions of N.R.S. Chapter 278 and 116. and for the streets, consues, and highways and all apparatements therefor a subject to the provisions of N.R.S. Chapter 278 and 116. and the provisions of the provisions

ritness whereof, Lancer Ltd., a Joint Venture hae caused its name to signed by its authorized efficers on this 12th day of Septembers.

LANCER LTD., A JOHN VENTURE DON J. EKINS

BY: MANY SON, PRESIDENT, BARNESON INVESTMENTS INC.

#### NOTARY PUBLIC CERTIFICATE

COUNTY OF COUNTY OF STATE OF STEEDER

This instrument was acknewleged before me on this 7.5 serveneses. 1995, by Den J. Ekins. doy of

NOTARY PUBLIC

#### NOTARY PUBLIC CERTIFICATE

COUNTY OF WASHOE \$ S.S. STATE OF NEVADA

This instrument was acknowleded before me en this <u>xxx.'</u> day of <u>handlesselfet</u>, 1995. By Jehn ∟ Barneson, as President of Barneson havestments Inc.

NOTARY PUBLIC

## WATER RIGHT DEDICATION CERTIFICATE

The water and sever require requirements set forth in Article 422 of the feature. County Sevenopment Code, releaded to the dedication of water security, them, been satisfied.

\*\*Common County Utility Division\*\*

Date: \*\*Description\*\*

Date: \*\*Descripti

## UTILITY COMPANIES CERTIFICATE

The utility essements shown on this plot have been checked, and approved by the undersigned public utility and CATV companies.

Washoe County Utility Division TC1 Cablevision of Nevado Inc De Carmiches O Sierra Paufic Power Compony 5-15-95 Date Date 0-6-95 Date

Date de es

1934958

## VICINITY MAP

## WASHOE COUNTY PLANNING COMMISSION CERTIFICATE

A technical map of Lancer Elabata Subdivision TM 7-11-D0 was recommended for approval by the Beard of Commissioners of Washoo County, Necodo, on the 27th 1980 and approved by the Beard of Commissioners of Washoo County, Necodo, on the 27th day of Newsmap, 1991, an emerithment to fill 7-11-50, was recommended for denied by the Washoo County (Romando on the 27th day of December, 1991, The Standard of Commission on the 3rd day of December, 1991, The final map of Lancer Elabata Unit 11 Standard on the 27th day of Lancer Elabata Unit 11 Standard davily, Necodo of June 1995. The final map of Lancer Elabata Unit 11 Standard davily, Necodo of June 1995. The final map of Lancer Elabata Unit 11 Standard davily, Necodo of June 1995. The final map of Lancer Elabata Unit 11 Standard davily, Necodo of June 1995. The final map is approved and occupied this Lanced Standard County, Necodo. The offer of Lancer Elabata County, Necodo County, Necodo County, Necodo County, Necodo County, Necodo C

Chairman Chairman 10 - 17 - 95 Date

ATTEST. The Director certifies that the Washoe County Planning Commission took the action noted obove with a majority vote of the members present.

Menday Hayle 10/13/95

#### TAX CERTIFICATE

The undersigned hereby certifies that all property taxes on the land for the fiscal year have been paid.

Washoe County Treasurer
Date

THE buspity

## DIVISION OF WATER RESOURCES CERTIFICATE

This plot is approved by the State of Nevada Division of Weter Resources of the Department of Conservation and Natural Resources concerning water quantity, subject to the review of approval on file in this office.

9-18.95

## SURVEYOR'S CERTIFICATE

Lee H. Smithson, a Professional Lend Surveyor registered in the State of Nevada, certify that:

- This plot represents the results of  $\sigma$  survey conducted under my direct supervision at the instance of Lancer Ltd., a Joint Venture,
- The lends surveyed lie within the Soutwest 1/4 Section 30, T.18N. R.20E., M.D.M. and the survey was complete on Section 30, 7, 70E.
- This plot complies with the applicable state statutes and any local ardinances in effect an the date that the governing body gave its final approval.
- The monuments depicted on the plot will be of the choracter shown and accept the patient indicated by <u>Regist 1: 1724</u> and an appropriate financial guarantee will be patied with the guaranting body before recordation to assure the installation of the monuments

ghts 95

LEE H. SMITHSON

P.L.S. 5097

### TITLE COMPANY'S CERTIFICATE

The undersigned heathy cartifies that this plot has been examined and that functure List. A belt enthus, care if record an interest in the brude defination to been as when it is that the record of said time, that all the same of second of the time that the time of the time that the common interest in the load not be the common interest and the common interest community for definational state, carefully, municipal, theselver or local tools or assessments collected as taxes or special assessments.

STEWART TITLE OF NORTHERN NEVADA

By ROBERT A. CHRISTIE
Vice President, Chief Title Officer

26.00 6 1905 Date

## DISTRICT BOARD OF HEALTH CERTIFICATE

This tirou map is opproved by the Washoe County District Board of Health. This approval concerns sewage disposal, water publicion, exist quality, and water supply facilities and is predicted upon plans for a public water supply and a community system for disposal of sewage.

Date Carling

## for the District Board of Health

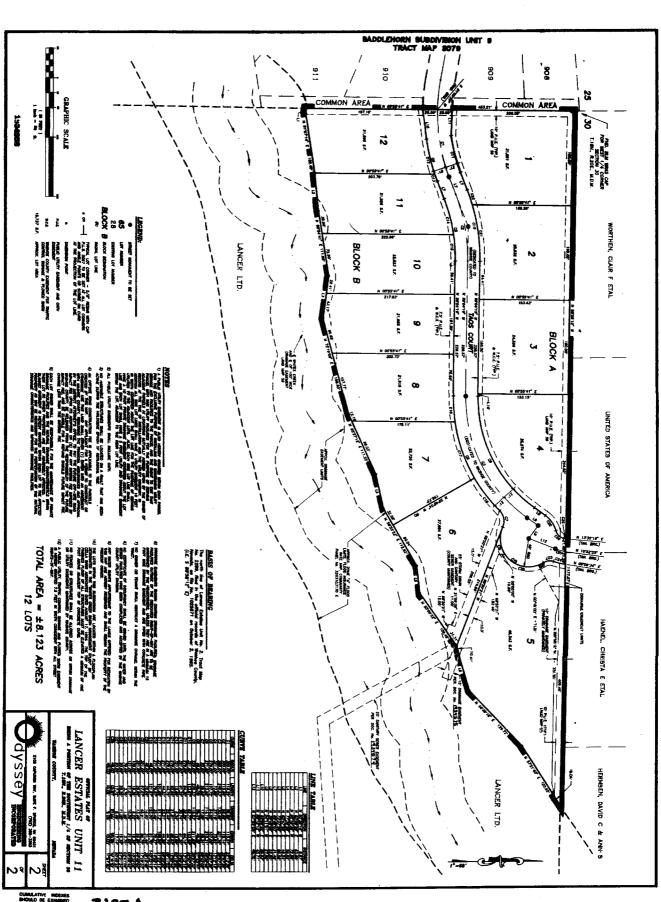
COUNTY SURVEYOR'S CERTIFICATE

It breeby certify that I have examined this plot consisting of 2 sheets and that all provisions and ordinances applicable have been compiled with and that or consisted that the map is technology correct, and that an adequate performance operation has been filed guaranteeing the manuments as shawn will be set by August 1, 1996

County Surveyor 1.0 9 28 75

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Subdivision Tract Map 3197



Subdivision Tract Map 3197 /

# THE RESERVE AT MONTE ROSA UNIT 1 A COMMON INTEREST COMMUNITY

### OWNER'S CERTIFICATE:

TIME Alon Means, Manager LLC, A NEVADA LIMITED LIABILITY COMPANY Sely 22,2005

#### NOTARY CERTIFICATE:

STATE OF NEVADA 3 SS

THIS INTROLLERT WAS ACKNOWLEDGED REFORE WE ON THE 2021 ON YOF 1111 1200.

S. LAND OF MORNE ROSA, LLC., A NEXNOA LIMITED LIMITE





SECURITY INTEREST HOLDER'S CERTIFICATE

THIS IS TO CERTIFY THAT THE UNDERSIONED, NEVADA STATE BANK, A NEVADA BANKING CORPORATION CONSENTS TO THE PREPARATION AND RECORDATION OF THIS PLAT.

WHILE WATHLING REMARKS VP NEVADA STATE BANK, A NEVADA BANKING CORPO The Solve

#### NOTARY CERTIFICATE:

STATE OF NEVADA } SS

THIS RESTRICTION WAS ACKNOWNEDGED REFORE HE ON THE AZY DAY OF THEM 2005. BY ANY CONTROL OF THE OWNER AS DEED THE OWNER OF REVIOLA STATE BANK, A NEVADA BANKING OXPORATION.



## TITLE COMPANY CERTIFICATE:

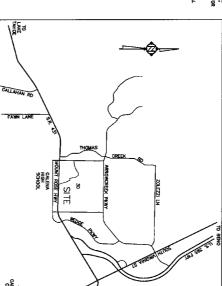
HE MADERSHOED HERBY KERRES HAT THE SAY, HAS BETA EXHAND AND THAT MANTE ROCK, LLC.
A NEWAN LUTTO LUBRATO CHEMPON AND CONTROL OF SAY, HAS BETA EXHAND AND CHEMPON AN



## JTILITY COMPANIES' CERTIFICATE:

THE UTILITY EASINENTS SHOWN ON THIS PLAT HAVE BEEN CHECKED, ACCEPTED AND APPROVED BY THE INDERISING PUBLIC UTILITY AND CABLE TELEVISION COMPANIES.





#### VICINITY MAP

### SURVEYOR'S CERTIFICATE:

3. THIS PLAT COMPLIES WITH THE APPLICABLE STATE STATUTES AND ANY LOCAL ORDINANCES IN EFFECT ON THE DATE THAT THE GOVERNING BODY GAVE ITS FRIAL APPROVAL. 2. THE LANDS SURVEYED LIE WITHIN A PORTION OF THE SOUTHWEST 1/4 OF SECTION 30, T. 18 N., R. 20 E., M.D.M., WASHOE COUNTY, NEVADA, AND THE SURVEY WAS COMPLETED ON MARCH 10, 2005. 1. THIS PLAT REPRESENTS THE RESULTS OF A SURVEY CONQUCTED UNDER MY DIRECT SUPERVISION AT THE INSTANCE OF MONTE ROSA, LLC, A NEVADA LIMITED LIABILITY COMPANY. I, CERALD D. JUAREZ, A PROFESSIONAL LAND SURVEYOR LICENSED IN THE STATE OF NEVADA, CERTIFY THAT: THE MONMENTS DEPORED ON THE PLAT WILL BE OF THE CHARACTER SHOWN AND OCCUPY THE STATUMENTS HIGHLY DE JOZENS AND A PROPORTIAL THROUGH CHARACTER HIGHLY CHARACTER THROUGH CHARACTER THE STEEL CHARACTER HIGHLY CHARACTER THE STEEL CHARACTER THE CHARACTER THE CHARACTER THE CHARACTER CHARACTER THE CHARACTER CHARACTER THE CHARACTER CHARACTER THE CHARACTER CHARACTE



GERALD D. JUAREZ, P.L.S. NEVADA CERTIFICATE NO. 12140

#### TAX CERTIFICATE:

he undergred certifies that all property takes on the land for the fiscal (ear have feed) hour of all property takes for the goal werson of the conversion of the property troas for the conversion of the property from agricultural use has been paid pursuant to N.R.S. 381A,285.

LP.M.S 048-401-30, 049-401-34, AND 048-401-35

VASHOE COUNTY TREASURER

are Johnson Rudel 1.47-05 DATE

## DISTRICT BOARD OF HEALTH CERTIFICATE:

THE TRAIL MAP IS APPROVED BY THE MUSTIC COMPTY DISTRICT BOARD OF HEALTH. THE APPROVAL CONCERNS SERMAE DEPOCAL. MINER POLLUTION, MINER POLLUTION WHITE SUPPLY FOULTES AND IS PREDICATED UPON PLANS FOR A PUBLIC WHIER SUPPLY AND A COMMUNITY STYTEM FOR DISPOSAL OF SERMAE.

## FOR THE DISTRICT BONGS OF HEALTH

DIVISION OF WATER RESOURCES CERTIFICATE: HIS PLAT IS APPROVED BY THE STATE OF NEXUAL DIVISION OF WATER RESOURCES OF THE DEPARTMENT F CONSERVATION AND HATHEAL RESOURCES CONCERNING WATER QUANTITY SUBJECT TO THE REVIEW OF IPPROVAL ON FILE IN THIS OFFICE.

ROBERT H. Zeinlett, P.E. 9/6/2005

WATER RIGHT DEDICATION CERTIFICATE:

THE WATER AND SEMER RESOURCE REQUIREMENTS SET FORTH IN ARTICLE 422 OF THE WASHOE COUNTY DEVELOPMENT CODE, RELATED TO THE DEDICATION OF WATER RESOURCES, HAVE BEEN SATISFED.

Valid Delandan

## COUNTY SURVEYORS CERTIFICATE:

I CERTIFY THAT I HAKE EXMINED THIS PLAT CONSISTING OF NINE SHEETS, AND THAT I AM SKTISTED SUD WAY IS TECHNICALLY COMPRECED AND THAT AN ADSQUARE PERFORMANCE QUARANTEE HAS BEEN FILED QUARANTEEING THE MONUMENTS AS SHOWN WILL BE SET BY <u>/0-21-0-</u>



JACK N. HOLMES, PLS 9811 WASHOE COUNTY SURVEYOR

## COMMUNITY DEVELOPMENT CERTIFICATE:

THIS PAME AMP FOR THE RESEME AT MONTE ROSA UNIT 1 MEETS ALL APPLICABLE STATUTES. ORDINANCES, AND CODE PROMISIONS IS IN SUBSTANTIAL CONFORMANCE WITH THE TENTATIVE MAP AND ALL CONDITIONS HAVE BEEN MET. THE TENTATIVE MAP OF THE RESERVE AT MONTE ROSA, UNIT 1, TH 04-11, WAS APPROVED BY THE WASHING COUNTY PLANNING COMMISSION ON THE 5TH DAY OF JAN, 2005. HIS PIAK, MAP IS APPROVED AND ACCEPTED FOR RECOGNATION HERE Z.3 2 DAY OF THE OFFER OF THE STREAM AND ACCEPTED FOR RECOGNATION HERE AND ACCEPTED THE OFFER OF THE MANAGEMENT INCOMES AND ACCEPTED THE OFFER OF THE STREAM AND ACCEPTED THE ACCEPTED THE OFFER OF THE STREAM AND ACCEPTED THE STREAM AND THE HOLT THAIL MAP FOR TIMO4—IT MUST BE APPROVED AND ACCEPTED FOR RECOGNATION OF THE COMMUNITY DESCRIPTION DIRECTORS AND ON BEFORE THE EXPENDING NUT. THE RECOGNATION OF THE FOR THE EXPENDING NUT. THE ACCEPTANCE MAP MUST BE APPROVED BY THE MASIOG COUNTY TANASHIO COMMENTS AND ACCEPTANCE MAP DATE OF THE THE MASIOG COUNTY TANASHIO COMMENTS AND ACCEPTANCE MAP DATE.



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THE RESERVE AT MONTE ROSA UNIT
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OF RS 4434 AND A PORTION OF PARCEL 8 OF LM 58 THIN A PORTION OF THE SOUTHERST 1/4 OF SECTION AS TOWNSHIP IS NORTH, RANGE SO EAST, M.D.M.

Subdivision Tract Map 4580

HODO ACCORAS

FOR HAVY L. Burke

36 31 2.5" GLO BRASS CAP 5/8" REBAR & CAP NOC 35'41"E (T) (3) (16) 2.5" OLO BRASS CAP 9 13 136,79172 120,82'(10) BRASS CAP IN CONC R 487+40.00 PT 82.00' R B.57 (10) BEARING MILES = 5 5 NO1:20:01 TE (2) (4) 3 2 5 5 5 5 5 F 1/2" REBARD 5/8" REBAR & CAP PLS 5666 RGPS8 N 14840816.56 E 2281006.64 (GROUND) 385.04.(8) LENGTH 8 PARCEL 3-A RS 1434 OLB-401-35 HOMTE ROSA LLC ARCEL N 3.8" BRASS CAP IN CONC R 497+38.21 PT 72.00' R H00'56'40'E (11) BEARING DESIGNAL PARCES 9 ECORD AL BOST BOSE IN - 3635.73 - N8E 36 12 W 5066.71 | 30 BRASS CAP - N8E 36 12 W 5066.71 | 30 BRASS CAP - 3655.73 | WE 20 10 W 200 1877 (1) 31 32 TOTAL AREA = 72.02 ACRES±
PARCEL 1 AREA = 38.79 ACRES±
PARCEL 2 AREA = 3.42 ACRES±
PARCEL 3 AREA = 0.0721 S.F.±
PRIVATE STREET AREA = 5.82 ACRES±
COMMON AREA = 6.82 ACRES±
LOT AREA = 18.01 ACRES± 5/8" REBAR & CAPE TOTAL NO. OF LOTS = 1.5" COPPER WELD 453,13" 250 35 15 A PUBLIC UTILITY EXCENSIVIT IS HERBEY COMMID WHITH EACH LOT FOR THE COLLISING PURPOSE OF INSTALLISE AND MARKINSHE UTILITY SERVICE FRIGHTES TO THAT LOT WITH REAST TO EATH THAT LOT WITH SERVICE FRAUTIES FOR THE CHARGES OF SERVICE ADMITTS. TO THE CHARGES OF SERVICE ADMITTS. TO THE CHARGES OF SERVICE ADMITTS. TO THE CHARGE OF SERVICE AND THE CHARGE OF SERVICE AND THE CHARGE OF SERVICE AND THE CHARGE OF SERVICE AT THAT THE. I. PUBLIC CUITAT, CABLE IV, TRAPPO COMPINOL, SIGNACE AND PARADES SOME DESABLISTA SEE RESEAU PARADEST TO ALL DEDANTED AND PRANTE STREET REMIT-OF-PARKS, RUBEC CUITAT, CHEST PARAMETE DIAMAGES DESABLISTA DEL REGER PARAMETE SANCIOSTET OU ALL DIRES DICIEMES AND 10° UN WIDTH CONTENSED ON ALL MITEMON CONTINUES. 12. NO HABITABLE STRUCTURE SHALL BE LOCATED ON A FAULT THAT HAS BEEN ACTIVE DURING THE HOLOCENE EPOCH OF GEOLOGIC TIME. 10. DRAINAGE FACILITIES QUISIDE THE DODICATED STREET RICHT-OF-WAY ARE TO BE PRIVATE AND AWARDADD BY THE HOLKE COMPRESS, UNLESS THEY ARE IN A MINIMUM 15' EASEMENT AND ARE PIPED WITH CONCRETE PIPE. 8. A 10' PLOWED SNOW STORAGE EASEMENT IS FOR PLOWED SNOW FROM THE STREET RIGHT-OF-WAY ONLY. B. THAT PORTION OF THE 50" RELOCATABLE ACCESS
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PLAT IS HEREBY EXTINGUISHED PURSUANT TO THE MOTE
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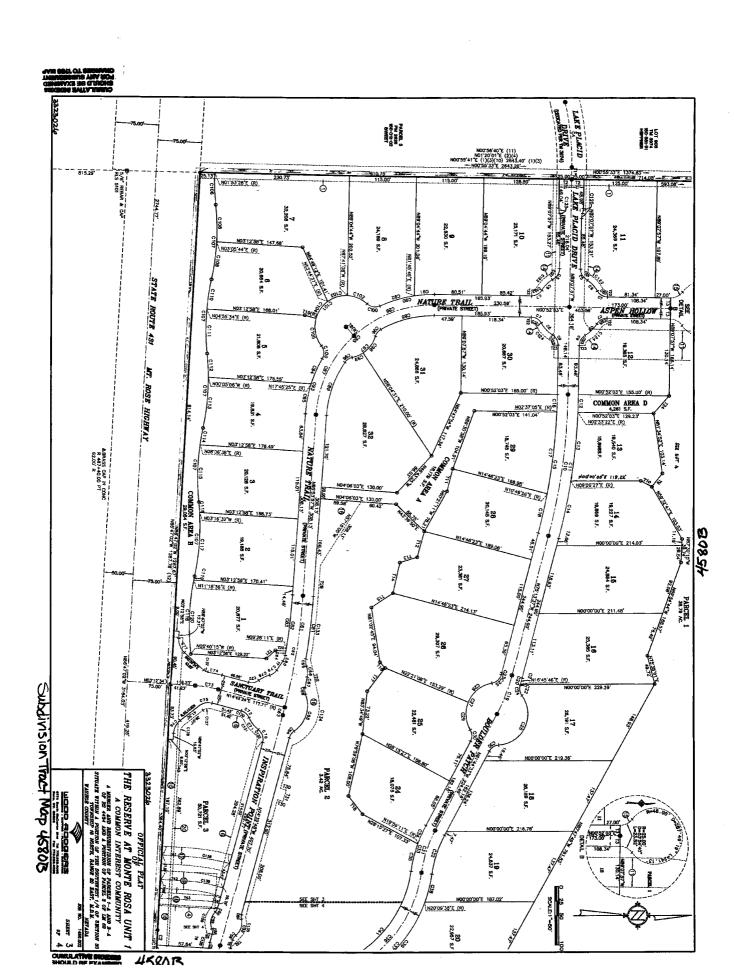
■ POMPA SPANDARD STREET MINUMENT PER TH 3042 OR TH 3074

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OOT HENDAL REPARRIENT OF TRANSPORTATION
OLE FURILD UTILITY EASBERT
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Subdivision Tract Map 4580A

45804



SEE SHT 3 20'09'38"E (R) PARCEL 2 20 22,957 S.F. R-10000.00' 0-01'05'08" L-189.47" 525.00' D-01'05'00" (-157.56' (8) N58'33'13'E (R) 21 42,083 S.F. 3.5" BRASS CAP IN CONC R 497+38.21 PT A 72.00" R N840704 E 181.80 PARCEL 1 22 33,992 S.F. STATE ROUTE SEE SHT 2 23 45,482 S.F. 189 MT. ROSE HIGHWAY COMMON AREA C Subdivision Tract Map 4580C TM 3080 048-841-03 048-PORTO TM SOSO PAR-SAI-ON CECI COMMON A TH SOR 048-841-6 048-141-141 THE RESERVE AT MONTE ROSA UNIT
A COMMON INTEREST COMMUNITY WOOD ROODERS 

4580C

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GERALD D. JUANEZ, P.L.S. NEVADA CERTIFICATE HO. 12140

Subdivision Tract Map 4636

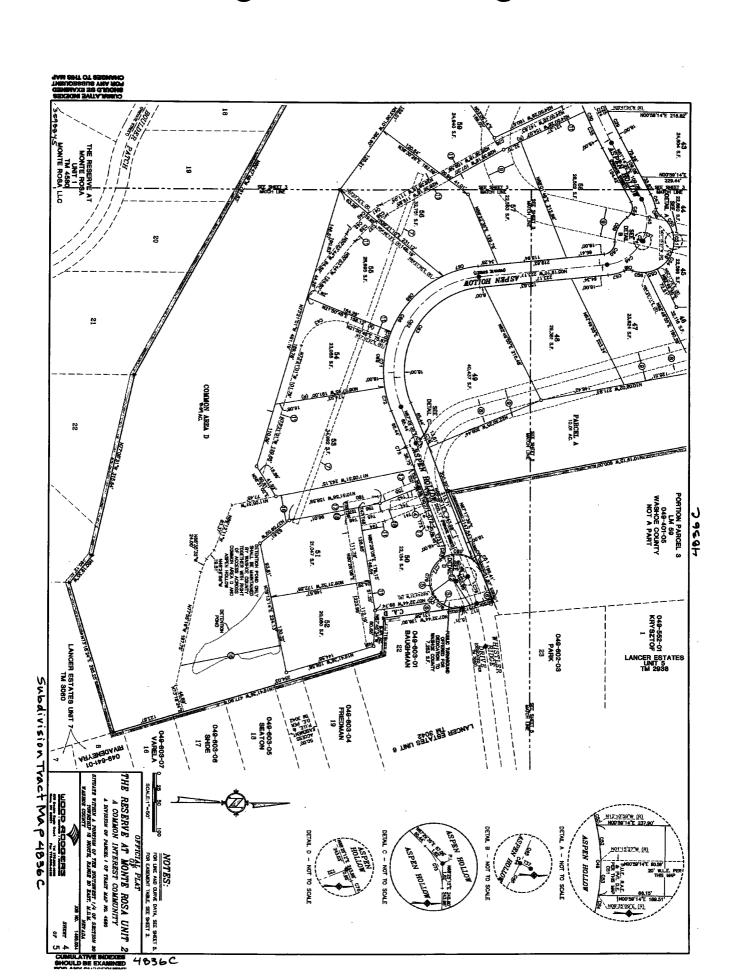
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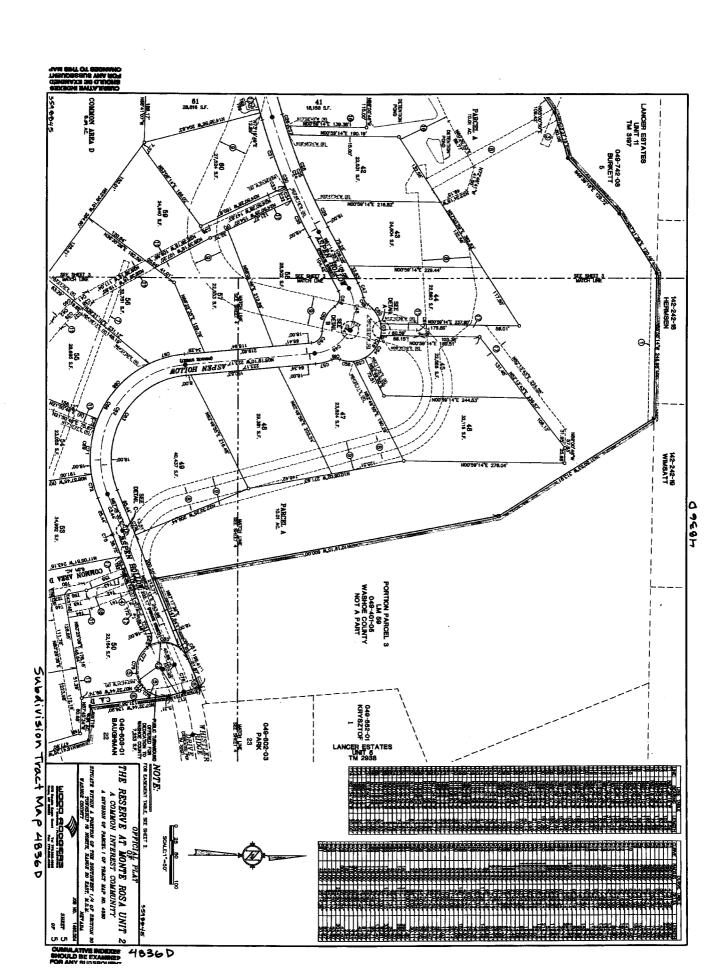
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Clerk of the Court
Transaction # 4818450 : melwood

Exhibit 21

Exhibit 21

Fritz v. Washoe Opp to MSJ 000367

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### RESOLUTION FOR ACCEPTING STREETS

LANCER ESTATES UNIT NO. 1, Subdivision Nap. No. 2211 recorded NOVEMBER 29, 1984, Document No. 964428.

WHEREAS, it is necessary for the County to provide public roads, and

WHEREAS, the streets or portions thereof, were offered for dedication by Subdivision Map No. 2211, Document No. 964428, recorded on November 29, 1984 and

WHEREAS, said offer of dedication was rejected by the Board of County Commissioners because the road was not constructed to County standards, and

WHEREAS, NRS 278.390 specifically provides if at the time a final map is approved and the streets are rejected, the offer of dedication shall be deemed to remain open and the governing body may by resolution at any later date without further action by the subdivider, rescind its action and accept and open the streets for public use, and

WREREAS, the streets have recently been constructed to County standards, and

WHEREAS, said streets were constructed to County Standards on the date of recordation above, and

WHEREAS, said streets are necessary for public access, and

WHEREAS, the Board of Washoe County Commissioners find that it is in the best interest of the County to accept the streets,

NOW, THEREFORE, BE IT RESOLVED, by the County Commissioners of the County of Washoe pursuant to the authority of NRS 278.390, that the streets shown on Subdivision Map 2211 are hereby accepted for dedication and direct the Department of Public Works to open the roads for public use.

BE IT FURTHER RESOLVED, and hereby ordered that the Clerk of Washoe County shall record this resolution in the Office of the Washoe County Recorder.

BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY, NEVADA

SEAL)

ATHER, BAILEY

Chairman

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LANCER ESTATES UNIT NO. 2, Subdivision Map. No. 2289 recorded OCTOBER 2, 1985, Document No. 1025871.

WHEREAS, it is necessary for the County to provide public roads, and

WHEREAS, the streets or portions thereof, were offered for dedication by Subdivision Map No. 2289, Document No. 1025871, recorded on October 2, 1985 and

WHEREAS, said offer of dedication was rejected by the Board of County Commissioners because the road was not constructed to County standards, and

WHEREAS, NRS 278.390 specifically provides if at the time a final map is approved and the streets are rejected, the offer of dedication shall be deemed to remain open and the governing body may by resolution at any later date without further action by the subdivider, rescind its action and accept and open the streets for public use, and

WHEREAS, the streets have recently been constructed to County standards, and

WHEREAS, said streets were constructed to County Standards on the date of recordation above, and

WHEREAS, said streets are necessary for public access, and

WHEREAS, the Board of Washoe County Commissioners find that it is in the best interest of the County to accept the streets,

NOW, THEREFORE, BE IT RESOLVED, by the County Commissioners of the County of Washoe pursuant to the authority of NRS 278.390, that the streets shown on Subdivision Map 2289 are hereby accepted for dedication and direct the Department of Public Works to open the roads for public use.

BE IT FURTHER RESOLVED, and hereby ordered that the Clerk of Washoe County shall record this resolution in the Office of the Washoe County Recorder...

BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY, NEVADA

(SEAL) >

Chairman

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ATTENTION

JUDI BAILEY, County Clerk

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WHEREAS, it is a function of the County of Washoe to operate and maintain public roads; and

WHEREAS, certain streets, or portions thereof, were offered for dedication by Tract Map No. 2'60, Document No. 1469278 recorded on April 1, 1991; and

WHEREAS, said offer of dedication was rejected by the Board of County Commissioners because said roads were not constructed to County standards; and

WHEREAS, NRS 278.390 specifically provides that if at the time a final map is approved but the associated streets are rejected, the offer of dedication shall be deemed to remain open and the governing b dy may by resolution at any later date, and without further action by the subdivider, rescind its action and accept and open the streets for public use; and

WHEREAS. portions of said streets have recently been constructed and now meet current County standards; and

WHEREAS, said streets are necessary for public access; and WHEREAS, the Board of County Commissioners find that it is in-the best interest of the public to accept said streets.

NOW, THEREFORE, BE IT RESOLVED, by the County Commissioners of the County of Washoe, pursuant to the authority of NRS 278.390, that the streets shown on Exhibit "A" hereto (Hap 2760) are hereby accepted, and the Department of Public Works is directed to open the roads for public use and maintanance.

BE IT FURTHER RESOLVED, and hereby ordered, that the Clerk of Washoe County shall record this resolution in the Office of the Washoe County Recorder.

BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY, NEVADA

ATTEST:

Chairman Kenber 19, 1991

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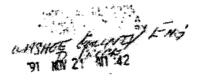
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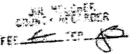
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Pritz v. washoe Opp to MSJ 000374

#### RESOLUTION FOR ACCEPTING STREETS

LANCER ESTATES SUBDIVISION UNIT 4, MAP NO. 2870, DOCUMENT NO. 1582946, RECORDED JUNE 26, 1992.

WHEREAL, it is a function of the County of Washoe to operate and maintain public road; and

WHEREAS, certain streets, or portions thereof, were offered for dedication by Tract Mup No. 2870, Document No. 1582946 recorded on June 26, 1992; and

WHEREAS, said offer of dedication was rejected by the Board of County Commissioners because said roads were not constructed to County standards; and

WHEREAS, NRS 278.390 specifically provides that if at the time a final map is approved but the associated streets are rejected, the offer of dedication shall be deemed to remain open and the governing body may by resolution at any later date, and without further action by the subdivider, rescind its action and accept and open the streets for putlic use; and

WHEREAS, portions of said streets have recently been constructed and now meet current County standards; and

WHEREAS, said streets are necessary for public access; and WHEREAS, the Board of County Commissioners find that it is in the best interest of the public to accept said streets.

NOW, THEREFORE, BE IT RESOLVED, by the County Commissioners of the County of Washoe, pursuant to the authority of NRS 278.390, that the streets shown on Tract Map 2870 are hereby accepted, and the Department of Public Works is directed to open the roads for public use and maintenance.

BE IT FURTHER RESOLVED, and hereby ordered, that the Clerk of Washoe County shall record this resolution in the Office of the Washoe County Recorder.

BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY, HEVADA

Chairman

CHIEF DEPUTY

AMEY, County Clerk

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2. v. washoe Upp to MSJ 000376

WHEREAS, it is a function of the County of Washoe to operate and maintain public roads; and

WHEREAS, certain streets, or portions thereof, were offered for dedication by Tract Map No. 2938, Document No. 1812870 recorded on JULY 6, 1994; and

WHEREAS, said offer of dedication was rejected by the Planning Commission because said roads were not improved to County standards; and

WHEREAS, NRS 278.390 spr\_ifically provides that if at the time a final map is approved but the associated streets are rejected, the offer of dedication shall be deemed to remain open and the governing body may by resolution at any later date, and without further action by the subdivider, rescind its action and accept and open the streets for public use; and

WHEREAS, portions of said streets have recently been constructed and now meet current County standards; and

WHEREAS, said streets are necessary for rublic access; and WHEREAS, the Planning Commission finds that it is in the best interest of the public to accept said streets.

NOW, THEREFORE, BE IT RESOLVED, by the Planning Commission of the County of Washoe, pursuant to the authority of NRS 278.390, that the streets shown on Tract Map No. 2938 are hereby accepted, and the Department of Public Works is directed to open the roads for public use and maintenance.

BE IT FURTHER RESOLVED, and hereby ordered, that the Clerk of Washoe County shall record this resolution in the Office of the Washoe County Recorder.

PLANNING COMMISSION OF WASHOE COUNTY, NEVADA

1825054

By: Lymon W. M. Molecol. Chairman

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ATTEST:

MICHAEL A. HARDER

Director, Department of Development Review

CONT TO SE

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#### RESOLUTION FOR ACCEPTING STREETS

LANCER ESTATES SUBDIVISI'N UNIT 7, TRACT MAP NO. 3080, DOCUMENT NO. 1835228, RECORDED SEPTEMBER 22, 1994.

WHEREAS, it is a function of the County of Washoe to operate and maintain public roads; and

WHEREAS, certain streets, or portions thereof, were offered for dedication by Tract Map No. 3080, Document No. 1835228 recorded on September 22, 1994: and

WHEREAS, said offer of dedication was rejected by the Planning Commission because said roads were not constructed to county standards; and

WHEREAS, NRS 278.390 specifically provides that if at the time a final map is approved but the associated streets are rejected, the offer of dedication shall be deemed to remain open and the governing body may by resolution at any later date, and without further action by the subdivider, rescind its action and accept and open the streets for public use; and

WHEREAS, portions of said streets have recently been constructed and now meet current County standards; and

WHEREAS, said streets are necessary for public access; and WHEREAS, the Planning Commission finds that it is in the best interest of the public to accept said streets.

NOW, THEREFORE, BE IT RESOLVED, by the Planning Commission of the County of Washoe, pursuant to the authority of NRS 278.390, that the streets shown on Tract Map No. 3080 are hereby accepted, and the Department of Public Works is directed to open the roads for public use and maintenance.

BE IT FURTHER RESOLVED, and hereby ordered, that the Washoe County Engineer shall record this resolution in the Office of the Washoe County Recorder.

PLANNING COMMISSION OF WASHOE COUNTY, MEVADA

ANN E. JOHNSON, Challman

ATTEST:

Rob Koton Senior Planner, for M. Harger, Director Department of Development Review

RETURN TO: WASHOE AD.ENG.

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LANCER ESTATES SUBDIVISION UNIT 8, TRACT MAP NO. 3154, DOCUMENT NO. 1902902, RECORDED JUNE 23, 1995.

WHEREAS, it is a function of the County of Washoe to operate and maintain public roads; and WHEREAS, certain streets, or portions thereof, were offered for dedication by Tract Map No. 3154. Document No. 1902902, recorded on June 23, 1995; and

WHEREAS, said offer of dedication was rejected by the Planning Commission because said roads were not constructed to County standards: and

WHEREAS, NRS 278.390 specifically provides that if at the time a final map is approved but the associated streets are rejected, the offer of dedication shall be deemed to remain open and the governing body may by resolution at any later date, and without further action by the subdivider, rescind its action and accept and open the streets for public use: and

WHEREAS, portions of said streets have recently been constructed and now meet current County standards: and X4900PG032

WHEREAS, said streets are necessary for public access; and

WHEREAS, the Planning Commission finds that it is in the best interest of the public to accept said streets.

NOW, THEREFORE, BE IT RESOLVED, by the Planning Commission of the County of Washoe, pursuant to the authority of NRS 278.390, that the streets shown on Tract Map No. 3154 are hereby accepted, and the Department of Public Works is directed to open the roads for public use and maintenance.

BE IT FURTHER RESOLVED, and hereby ordered, that the Washoe County Engineer shall record this resolution in the Office of the Washoe County Recorder.

PLANNING COMMISSION OF WASHOE COUNTY, NEVADA

COSERT J. STROBEL

ATTEST:

IOM B. HESTER. Director Community Development

When recorded return to: Washoe County Engineering P.O. Box 11130 Reno, Nevada 89520

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OFFICIAL RECORDS

LANCER ESTATES SUBDIVISION UNIT 9, TRACT MAP NO. 3456, DOCUMENT NO. 2143300, RECORDED OCTOBER 9, 1997.

WHEREAS, it is a function of the County of Washoe to operate and maintain public roads; and WHEREAS, certain streets, or portions thereof, were offered for dedication by Tract Map No. 3456, Document No. 2143300, recorded on October 9, 1997; and

WHEREAS, said offer of dedication was rejected by the Community Development Director because said roads were not constructed to County standards; and

WHEREAS, NRS 278.390 specifically provides that if at the time a final map is approved but the associated streets are rejected, the offer of dedication shall be deemed to remain open and the governing body may by resolution at any later date, and without further action by the subdivider, rescind its action and accept and open the street for public use; and

WHEREAS, portions of said streets have recently been constructed and now meet current County standards; and

WHEREAS, said streets are necessary for public access; and

WHEREAS, the Planning Commission finds that it is in the best interest of the public to accept said streets.

NOW, THEREFORE, BE IT RESOLVED, by the Planning Commission of the County of Washoe, pursuant to the authority of NRS 278.390, that the streets shown on Tract Map No. 3456 are hereby accepted, and the Department of Public Works is directed to open the roads for public use and maintenance.

BE IT FURTHER RESOLVED, and hereby ordered, that the Washoe County Engineer shall record this resolution in the Office of the Washoe County Recorder.

PLANNING COMMISSION OF WASHOE COUNTY, NEVADA

FLORENCE M. FRANDSEN, CHAIR

Oct 16 .2001

attest

ROBERT W. SELLMAN

Community Development Director

APN: 142-113-05

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When recorded return to: Washoe County Engineering Division PO Box 11130 Reno, Nevada 89520

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UASHOE COUNTY ENGINEERING DIVISION
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Kathryn L. Burks - Recorder
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LANCER ESTATES SUBDIVISION UNIT 10, TRACT MAP NO. 3754, DOCUMENT NO. 2383625, RECORDED SEPTEMBER 24, 1999.

WHEREAS, it is a function of the County of Washoe to operate and maintain public roads; and

WHEREAS, certain streets, or portions thereof, were offered for dedication by Tract Map No. 3754, Document No. 2383625, recorded on September 24, 1999; and

WHEREAS, said offer of dedication was rejected by the Community Development Director because said roads were not constructed to County standards; and

WHEREAS, NRS 278.390 specifically provides that if at the time a final map is approved but the associated streets are rejected, the offer of dedication shall be deemed to remain open and the governing body may by resolution at any later date, and without further action by the subdivider, rescind its action and accept and open the street for public use; and

WHEREAS, portions of said streets have recently been constructed and now meet current County standards; and

WHEREAS, said streets are necessary for public access; and

WHEREAS, the Planning Commission finds that it is in the best interest of the public to accept said streets.

NOW, THEREFORE, BE IT RESOLVED, by the Planning Commission of the County of Washoe, pursuant to the authority of NRS 278.390, that the streets shown on Tract Map No. 3754 are hereby accepted, and the Department of Public Works is directed to open the roads for public use and maintenance.

BE IT FURTHER RESOLVED, and hereby ordered, that the Washoe County Engineer shall record this resolution in the Office of the Washoe County Recorder.

PLANNING COMMISSION OF WASHOE COUNTY, NEVADA

By: Alacence M. FRANDSEN, CHAIR

October 16 ,2001

ATTEST

ROBERT W. SELLMAN

**Community Development Director** 

APN: 142-153-08

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UASHOE COUNTY ENGINEERING DIVISION
Washoe County Recorder
Kathryn L. Burke - Recorder
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LANCER ESTATES UNIT 11, TRACT MAP NO. 3197, DOCUMENT NO. 1934958, RECORDED OCTOBER 19, 1995.

WHEREAS, it is a function of the County of Washoe to operate and maintain public roads; and WHEREAS, certain streets, or portions thereof, were offered for dedication by Tract Map No. 3197, Document

No. 1934958 recorded on October 19, 1995; and

WHEREAS, said offer of dedication was rejected by the Planning Commission because said roads were not constructed to County standards; and

WHEREAS, NRS 278.390 specifically provides that if at the time a final map is approved but the associated streets are rejected, the offer of dedication shall be deemed to remain open and the governing body may by resolution at any later date, and without further action by the subdivider, rescind its action and accept and open the streets for public use; and

WHEREAS, portions of said streets have recently been constructed and now meet current County standards; and WHEREAS, said streets are necessary for public access; and

WHEREAS, the Planning Commission finds that it is in the best interest of the public to accept said streets.

NOW, THEREFORE, BE IT RESOLVED, by the Planning Commission of the County of Washoe, pursuant to the authority of NRS 278.390, that the streets shown on Tract Map No. 3197 are hereby accepted, and the Department of Public Works is directed to open the roads for public use and maintenance.

BE IT FURTHER RESOLVED, and hereby ordered, that the Washoe County Engineer shall record this resolution in the Office of the Washoe County Recorder.

PLANNING COMMISSION OF WASHOE COUNTY, NEVADA

By: Daliel N. Saleeno

Chairman

Aug. 17 1999

ATTEST:

ROBERT W. SELLMAN

Community Development Director

When recorded return to: Washoe County Engineering Division P.O. Box 11130 Reno, Nevada 89520 DOC # 2372098
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Washoe County Recorder
Kathryn L. Burks - Recorder
Page 1 of 1

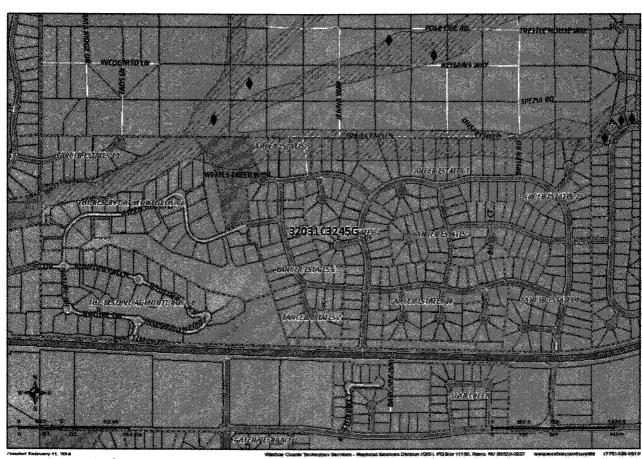
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Exhibit 22

Exhibit 22

Fritz v. Washoe Opp to MSJ 000386

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Exhibit 23

Exhibit 23

Fritz v. Washoe Opp to MSJ 000388

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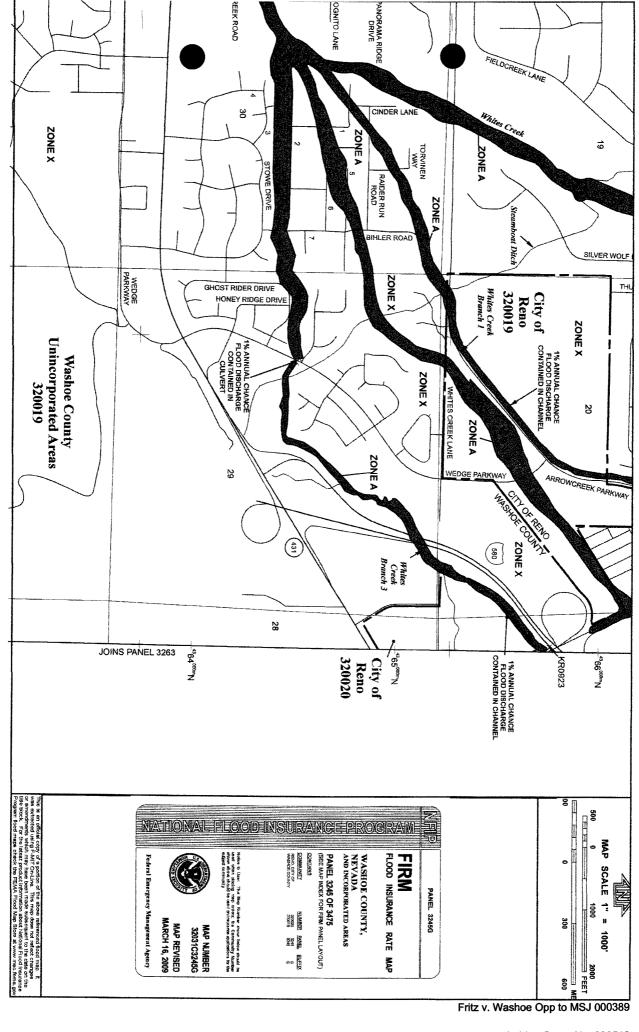


Exhibit 24

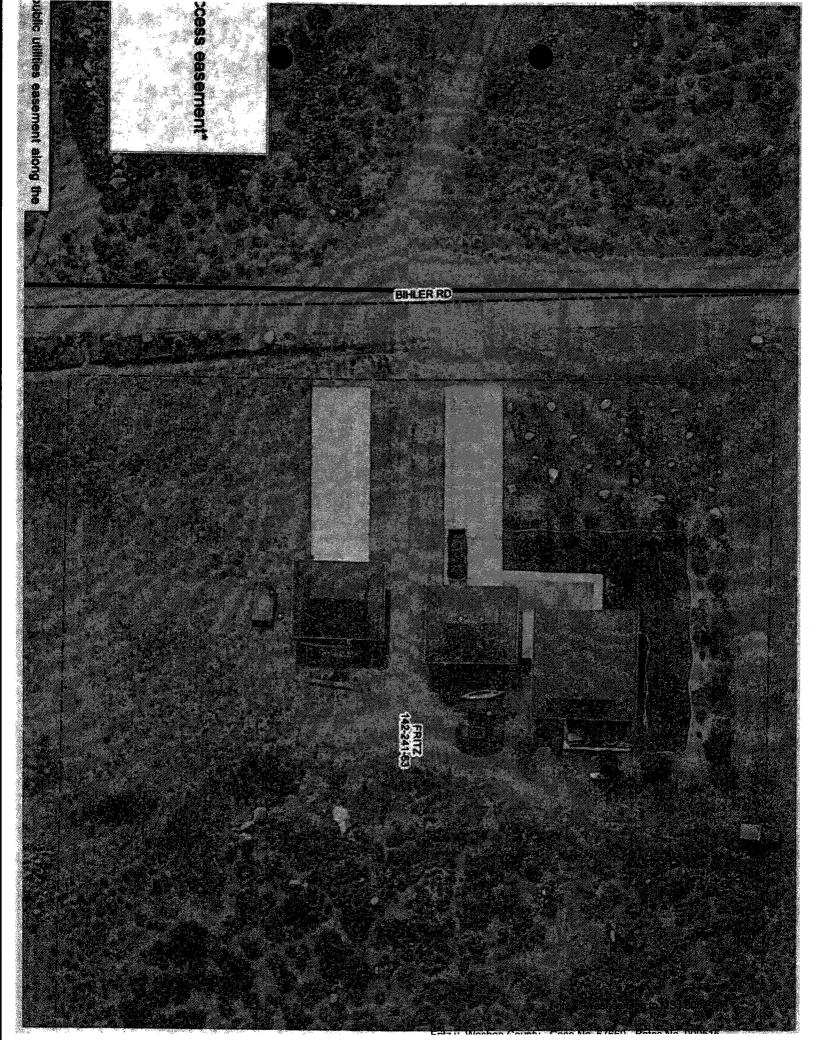
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Clerk of the Court
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Exhibit 24

Fritz v. Washoe Opp to MSJ 000390

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Jacqueline Bryant
Clerk of the Court
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MICHAEL LARGE

2 | Deputy District Attorney

Nevada State Bar 10119

3 | P.O. Box 11130

Reno, NV 89520-0027

(775) 337-5700

ATTORNEY FOR WASHOE COUNTY

# IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA IN AND FOR THE COUNTY OF WASHOE

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12 WASHOE COUNTY,

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JOHN AND MELISSA FRITZ,

Plaintiffs,

Defendant.

VS.

Case No. CV13-00756

Dept. No. 1

## **DEFENDANT'S REPLY TO THE MOTION FOR SUMMARY JUDGMENT**

Defendant WASHOE COUNTY, by and through its attorneys of record, Christopher J. Hicks, Washoe County District Attorney, and Michael W. Large, Deputy District Attorney, hereby files this Reply in Support of its Motion for Summary Judgment. This reply is made and based upon the attached Points and Authorities, and all pleading, papers and exhibits on file. Plaintiffs' Opposition ignores two factual certainties which defeat their case: (1) no taking by Washoe County of Plaintiffs' property ever occurred, and (2) their claim is clearly time barred.

### **POINTS AND AUTHORITIES**

1) Washoe County has taken no action against Plaintiffs' property that constitutes a taking by inverse condemnation.

Plaintiffs claim for inverse condemnation must be dismissed because Washoe County did not take any direct action that is sufficient to establish a causal connection to the alleged damage of Plaintiffs' property; and there is no evidence that a constitutional taking ever occurred. Plaintiffs seek to analogize this case to the *Clark County v. Powers*, 96 Nev. 497, 611 P.2d. 1072 (1980). As this Court has already recognized, Washoe County's conduct and lack of involvement "in the development of the subdivision at issue is distinguishable from Clark County's extensive involvement in *Powers*. (Dkt. #\_\_\_ at 7).

In *Powers*, the land at an intersection was filled, leveled, graded, compacted and paved, the City elevated a street and other surrounding land, drainage facilities were constructed, and the road was specifically designed to divert and channel waters onto the properties in question. *Powers*, 96 Nev. at 500-01 611 P.2d. at 1074. Additionally, Clark County entered onto one of the properties, without authorization, and constructed a concrete and rock berm. *Id*.

The actions of Clark County in *Powers* are readily distinguishable from those in the present case. Washoe County did not design, engineer or construct anything that resulted in water being diverted onto Plaintiffs' property. Likewise, Washoe County did not enter onto Plaintiffs' property and perform any construction. The only actions that Washoe County is accused of performing that affect Plaintiffs' parcel are purely tangential. Washoe County approved the final maps of the Lancer Estates and Monte Rosa Estate subdivisions and required that those subdivisions comply with statute, local building codes, and Nevada's master planning system. These activities were not directed at Plaintiffs' property and did not result in the "taking" of Plaintiffs' property.

Based upon Plaintiffs' theory of liability, every local or state government that requires compliance with state statute and building code is "intimately and substantially involved" in all developments within its boundaries. This interpretation would create seemingly endless liability for local governments for approval of building projects and, as a result, would thwart approval of development and increase costs of development exponentially. As a policy matter, this Court would be adopting a dangerous precedent were it to allow such a theory of liability.

<sup>&</sup>lt;sup>1</sup> In fact, the bulk of the alleged actions predate Plaintiffs' ownership of the parcel in question.

## 2) Plaintiffs have not shown a physical invasion of flood waters or resulting substantial injury

"Nevada law requires a plaintiff in a takings action involving the drainage of surface waters to show both a physical invasion of flood waters and resulting substantial injury." *Buzz Stew, LLC v. City of N. Las Vegas*, \_\_\_\_ Nev. \_\_\_, 341 P.3d 646, 650 (2015) *citing Cnty. of Clark v. Powers*, 497 Nev. at 501 n. 3, 504, 611 P.2d at 1075 n. 3, 1076 (1980). Despite their protestations, Plaintiffs have shown neither.

In *Buzz Stew II*, the Nevada Supreme Court rejected a similar argument to Plaintiffs. 341 P.3d 646. Therein, plaintiff asserted a takings claim based upon the "eventual construction of a drainage system on the property or by [a] prior water invasion." *Id.* at 648. In regard to the physical invasion and substantial injury to plaintiffs, the Nevada Supreme Court recognized:

Although Buzz Stew presented evidence that during a 100-year flood event water may pool on one corner of the property, the evidence did not demonstrate that any pooling had occurred while Buzz Stew owned the property or that Buzz Stew suffered any substantial injury from any water diversion.

Id.

The *Powers* case further illustrates the "substantial injury" component of the takings analysis. In *Powers*, the district court found that Clark County "had taken the Powers parcel in its entirety; the property no longer had a practical use other than as a flood channel." *Powers*, 497 Nev. at 501, 611 P.2d at 1075. The district court also found that the ".247 acres of the Lowe parcel, used by the County to construct a concrete berm, had been taken, and awarded just compensation." *Id.* at 502, 611 P.2d at 1075. In this case, Plaintiffs have not shown a physical invasion of flood waters or substantial injury.

The *Powers* case is distinguishable for a second clear reason. The *Powers* decision was based upon theories of nuisance, trespass, and inverse condemnation. "[T]he trial court, employing the reasonable use rule as applied to drainage of surface waters, concluded that [Clark County] had unreasonably injured respondents' lands; the court made an appropriate

award of damages based on nuisance and trespass claims." *Powers* 96 Nev. at 501, 611 P.2d at 1075. Of critical importance to the current case, the plaintiffs in *Powers* decision were compensated for injury to their property based upon the tort theories of nuisance and trespass. *Id.* Both of those causes of action have been dismissed in the present case. The inverse condemnation damages were only available for the Powers parcel and a portion of the Lowe parcel which were deemed to no longer have any practical use. *Id.* 

The facts of this case justify summary judgment being granted on behalf of Washoe County. The alleged flooding of Plaintiffs property has not resulted in substantial injury. During his deposition, Mr. Fritz stated that he was able to clean up whatever damage to flooding caused to his property. (Ex. 1 at 40-41). There was no injury to walls or floor of his garage which he claims was flooded. (*Id.*). The only injury was an alleged \$3,000 to \$4,000 of personal property that was ruined due to the flooding in 2005. (*Id.*). The injury that Plaintiffs' claim does not constitute "substantial injury." The destruction of personal property may be compensable through tort, but it does not constitute a basis for "substantial injury."

The only other injury that Plaintiffs' assert is that in 2002, "John Fritz was able to easily walk across Whites Creek No. 4" but since that time it "has increased significantly in size and depth." (Opp. at 2). The alleged erosion of Whites Creek No. 4 has not substantially injured Plaintiffs' parcel. The property still has practical use, as it continues to be rented and occupied. Plaintiffs have rented out the Bihler Road property from 2002 through the present. Based upon the testimony of John Fritz, Plaintiffs have received monthly rental rates between \$800 and \$1,300 for the property. (Ex. 1)(Deposition of John Fritz at 9-13).

## 3) Plaintiffs claim for inverse condemnation is time barred.

To determine when a limitations period commences, we look at the day the cause of action accrued. *Clark v. Robison*, 113 Nev. 949, 951, 944 P.2d 788, 789 (1997). "[A] cause of action accrues when the wrong occurs and a party sustains injuries for which relief could be sought." *Petersen v. Bruen*, 106 Nev. 271, 274, 792 P.2d 18, 20 (1990). In *McCarran* 

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International Airport v. Sisolak, 122 Nev. 645, 137 P.3d 1110 (2006), the plaintiff brought an inverse condemnation action against Clark County and McCarran International Airport, arguing that Ordinance 1221 and Ordinance 1599 effectuated a per se regulatory taking of the airspace above his property, in violation of the United States and Nevada Constitutions. Id. at 654, 137 P.3d at 1116. On appeal, the Nevada Supreme Court concluded that the ordinances effectuated a per se regulatory taking because they "authorize[d] the permanent physical invasion of ... airspace" by aircraft and "compel[led] landowner acquiescence" to that invasion. Id. at 666, 137 P.3d at 1124. The Supreme Court of Nevada in Sisolak held that the taking occurred on the date that Ordinance 1221 was adopted and not upon the actual physical invasion of the airspace. *Id.* Under Sisolak, the enactment of Ordinance 1221 in itself effectuated the taking.

Under Nevada law, a takings claims lie only with the party who owned the property at the time the taking occurred. See Argier v. Nevada Power Co., 114 Nev. 137, 139, 952 P.2d 1390, 1391 (1998)(emphasis added). Plaintiffs did not own the subject parcel to 2001 and therefore bought the property subject to any existing developments and regulations that predated that purchase. Plaintiffs cannot now sue for a takings claim which occurred prior to their ownership of the property.

Plaintiffs argue that it has standing to sue on the development of Lancer Estates because the damage to their property occurred, not when the parcel was developed, but cumulatively and gradually over time. This argument is baseless. Once again, Plaintiffs are confusing damages brought under "takings" jurisprudence and tort based actions. The taking, if any, occurred when the Lancer Estates development was completed which occurred prior to 2001. The alleged gradual erosion may be compensable on a theory of nuisance but does not constitute a taking of property that extinguishes the property's practical use or renders it valueless.

Plaintiffs are again asking this Court to adopt a dangerous precedent that would allow condemnation cases to proceed years or decades after the County's regulatory decision making process occurred.

## II. CONCLUSION

For the reasons presented to this Court in the Motion and this Reply, summary judgment should be granted to Washoe County.

## **AFFIRMATION PURSUANT TO NRS 239B.030**

The undersigned does hereby affirm that the preceding document does not contain the social security number of any person.

Dated this 24th day of February, 2015.

CHRISTOPHER J. HICKS Washoe County District Attorney

By /s/ Michael W. Large
MICHAEL W. LARGE
Deputy District Attorney
P.O. Box 11130
Reno, NV 89520-0027
(775) 337-5700

ATTORNEYS FOR WASHOE COUNTY

## **CERTIFICATE OF SERVICE**

Pursuant to NRCP 5(b), I certify that I am an employee of the Office of the District Attorney of Washoe County, over the age of 21 years and not a party to nor interested in the within action. I certify that on this date, the foregoing was electronically filed with the Second Judicial District Court by using the ECF System. Electronic service of the foregoing document shall be made in accordance with the Master Service List as follows:

Luke Busby, Esq.

Dated this 24<sup>th</sup> day February, 2015.

/s/ Tina Galli Tina Galli

-7-

## **EXHIBIT INDEX**

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2	Exhibit 1	Deposition of John Fritz
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Clerk of the Court
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## **EXHIBIT 1**

## **EXHIBIT 1**

Case No. CV13-00756

Dept. No. 1

SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

-000-

JOHN AND MELISSA FRITZ,

Plaintiffs,

vs.

WASHOE COUNTY,

Defendant.

DEPOSITION OF JOHN FRITZ
Thursday, August 28, 2014
Reno, Nevada

Reported By: PEGGY B. HOOGS, CCR #160, RDR, CRR CALIFORNIA CSR #5958

- 9
- 1 Q Did you ask anybody on the Dupuis side
- 2 whether or not -- or du-PWI -- about the flooding?
- 3 A No.
- 4 Q Have you lived in any area that had a
- 5 floodplain before?
- 6 A You know, I can't say that I have. I have
- 7 never had flood issues anywhere. I'm not saying
- 8 that -- I've owned a lot of property, and so I don't know
- 9 who was in the floodplain and who wasn't, so I'd have to
- 10 say at this time I'm guessing that I have not.
- 11 Q Okay. So you knew there was a floodplain
- 12 designated in that area?
- 13 A Uh-huh.
- 14 Q Knowing that, did that affect your decision
- 15 one way or the other on purchasing this parcel?
- 16 A No. My thoughts at the time is that there
- 17 would be a responsible party overseeing the development
- 18 of all the adjoining subdivisions. I never guessed in a
- 19 million years that they would have blatantly disregarded
- 20 all my property rights and just dumped their water on my
- 21 property.
- Q We'll get to all that. I just was wondering
- 23 what was in your mind in 2001.
- Okay. Now, on Bihler Road we have -- Jason
- 25 was the first occupant besides you temporarily.

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1		Did he pay rent to you?	
2	A	Yes.	
3	Q	How much did he pay?	
4	A	I don't know. 8-, 900. I'm not sure.	
5	Q	Something in that neighborhood?	
6	A	Somewhere.	
7	Q	And the next person after Jason? From your	
8	Answers to I	nterrogatories, it sounded like he lived	
9	there till a	bout sometime in 2007.	
10		Does that sound accurate?	
11	А	Yes.	
12	· Q	And then who lived in the house after that?	
13	A	I believe Chris Fritz, my other son.	
14	Q	Allison Power?	
15	А	I know he lived there. I'm not sure if it	
16	was before o	r after Chris. He was after Chris, so it wa	as
17	Chris next.	I have several rental properties.	
18	Q	Mr. Fritz, on your answer to Interrogatory	
19	No. 9, you 1	ist Jason from 2002 through 2007; Allison,	
20	August '07 t	o May '08; Chris Fritz from '08 to June '09	•
21		Is that accurate?	
22	А	I believe it is, but I'm not 100 percent	
23	sure.		
24	d <b>Q</b>	Let's assume that that is accurate, that at	
25	some time Al	lison Power lived there.	

	<del></del>	
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1		What rent did you charge that person?
. 2	A	I believe it was 1300.
3	Q	Did he think that was a fair rental value?
4	· A	At first. Then when we started having issues
5	where he co	uldn't use the southern half of the property,
6	he was begin	nning to moan and groan about it.
7	Q	So let me ask you this, then.
8		Allison, that's a gentleman or a lady?
9	А	Allison was a lady.
10	Q	Okay. What did they want to use the southern
11	half of the	property for?
12	A	Store their RVs.
13	Q	Okay. So after August 7th it's your
14	recollection	n Allison Power complained to you about
15	flooding on	the property?
16	A	He didn't complain. It was just discussed.
17	He wanted -	- he had another trailer or two he wanted to
18	pull in the	re. I said no because it all floods.
19	Q	Did Allison Power, between August '07 and May
20	'08, compla	in to you about flooding on the property?
21	A	No.
22	Q	Just correct me if this characterization is
23	inaccurate.	
24		You advised him that there might be flooding
25	or there co	uld be flooding; that was the discussion?

- 1 A I told him -- the discussion was that it had
- 2 flooded real bad in 2005 and it would not be safe for him
- 3 to park his equipment down there.
- 4 Q When did that discussion take place to the
- 5 best of your recollection?
- 6 A During the time that he lived there. I don't
- 7 know. I didn't keep a record of conversations like that.
- 8 Q Okay. Then in June of '08 Chris Fritz moved
- 9 in, and Chris is who?
- A My son.
- 11 Q Does Chris have a family?
- 12 A He's married. No kids.
- 13 Q And was he married in June of '08?
- 14 A No.
- 15 Q So he was a single man living in that house?
- 16 A Yes.
- 17 Q And did he pay rent?
- 18 A Yes.
- 19 Q And how much?
- 20 A I'm guessing 8-, 900.
- Q Wouldn't want to charge him more than you
- 22 charged Jason, would you?
- 23 A I was lucky to get whatever I could get.
- 24 Q All right. After Chris moved out -- correct
- 25 me if I'm wrong -- June of '09 -- that's what your

- 1 Interrogatory No. 9 answer says -- is it accurate that
- 2 Jessica Paul moved in?
- 3 Α Yes.
- And how much rent did she pay?
- 5 I believe she paid 1300.
- 6 Q And did she have any issues with the use of
- 7 the property like Allison did?
- Α Again, they wanted to use the southern half,
- 9 and I said no, we needed to leave it wide open so the
- 10 current could come through unobstructed, so it wouldn't
- 11 be re- -- diverted over to the houses.
- 12 Did Jessica Paul, between June '09 and
- 13 November 2011, ever complain to you about flooding on the
- 14 property?
- 15 Α No.
- 16 And let me ask you that same question about Q
- 17 your son Chris.
- 18 From June '08 through June '09, did he ever
- 19 complain to you about flooding on the property?
- 20 Α No.
- 21 Q Now, after Jessica left as your tenant in
- 22 November 2011, do you remember the next tenant?
- 23 Would have been Jim Bedlam. Α
- 24 And he is your current tenant; correct? Q
- 25 Α Yes.

- 1 other time that I know of.
- 2 Q After December of 2005?
- 3 A I believe it was before that.
- 4 O Before? So --
- 5 A I'm not sure.
- 6 Q -- it would be while your son Jason was
- 7 living there?
- 8 A Yes.
- 9 Q Okay. The impression I've gotten -- and
- 10 correct me if I'm wrong -- is that you were able to clean
- 11 up whatever damage there was yourself.
- 12 A Yes.
- 13 Q And so there's no bills or anything like that
- 14 to reflect what you spent to make those repairs?
- 15 A No.
- 16 Q Was it a lot? Can you give me an estimate as
- 17 to --
- 18 A I would say it was probably 3- or 4,000
- 19 because what it was was was leftover material from
- 20 different job sites that was being stored in there that
- 21 had to be dry-stored, and it was all ruined.
- 22 Q So it was personal property that was in this
- 23 building?
- 24 A Yes.
- 25 Q It sounds like you didn't have to replace any

- 1 walls or anything like that?
- 2 A No.
- 3 Q The floor was okay?
- 4 A Yes.
- Okay. Do you ever get any water coming from
- 6 your neighbor directly across Bihler Road, from his
- 7 property?
- 8 A Like I said earlier, Bihler Road goes
- 9 downhill from Lancer Estates all the way across my
- 10 property, so that water comes down by the road and then
- 11 washes easterly across my property.
- 12 Q Did you yourself ever do any of the
- 13 excavation work on your property?
- 14 A Yes.
- 15 Q Generally, can you describe what you did?
- 16 A I graded -- well, initially I graded the pad
- 17 for the house and the two garages. Then I got permits.
- I'm sure you know the story. Washoe County
- 19 apologized for giving me the wrong plans, and then they
- 20 re-sent it. But I graded all of this area here so that
- 21 it was clear and plain, so the water, the floodwaters --
- 22 if they wouldn't let me put the ditch in, at least the
- 23 floodwaters could go through without any obstacle to
- 24 divert it over into my garage.
- 25 Q I'm going to hand you a red dry erase marker,

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Transaction # 4870626

1 2540 MICHAEL LARGE **Deputy District Attorney** 2 Nevada State Bar 10119 3 P.O. Box 11130 Reno, NV 89520-0027 4 (775) 337-5700 5 ATTORNEY FOR WASHOE COUNTY 6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA 7 IN AND FOR THE COUNTY OF WASHOE 8 \* \* \* 9 JOHN AND MELISSA FRITZ, 10 Plaintiffs, Case No. CV13-00756 11 VS. Dept. No. 1 12 WASHOE COUNTY, 13 Defendant. 14 15 **NOTICE OF ENTRY OF ORDER** 16 Please take notice that an Order was entered on March 19, 2015. A copy of that Order is 17 attached as Exhibit 1. 18 **AFFIRMATION PURSUANT TO NRS 239B.030** 19 The undersigned does hereby affirm that the preceding document does not contain the 20 social security number of any person. Dated this 20<sup>th</sup> day of March, 2015. 21 22 CHRISTOPHER J. HICKS Washoe County District Attorney 23 24 /s/ Michael W. Large  $\mathbf{B}\mathbf{y}$ MICHAEL W. LARGE 25 **Deputy District Attorney** P.O. Box 11130 26 Reno, NV 89520-0027 (775) 337-5700 ATTORNEYS FOR WASHOE COUNTY

-1-



## **CERTIFICATE OF SERVICE**

Pursuant to NRCP 5(b), I certify that I am an employee of the Office of the District Attorney of Washoe County, over the age of 21 years and not a party to nor interested in the within action. I certify that on this date, the foregoing was electronically filed with the Second Judicial District Court by using the ECF System. Electronic service of the foregoing document shall be made in accordance with the Master Service List as follows:

Luke Busby, Esq.

Dated this 20th day March, 2015.

/s/ Tina Galli Tina Galli



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775-453-0112
luke@lukeandrewbusbyltd.com
Attorney for John and Melissa Fritz

# IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

#### IN AND FOR THE COUNTY OF WASHOE

JOHN AND MELISSA FRITZ,

Plaintiffs,

CASE NO. CV13-00756

vs.

DEPT NO.

1

WASHOE COUNTY,

Defendant(s),

#### NOTICE OF APPEAL

Notice is hereby given that Plaintiffs JOHN AND MELISSA FRITZ above named, hereby appeal the Order granting Washoe County's Motion for Summary Judgment entered in this action on March 19, 2015. Pursuant to Nevada Rule of Appellate Procedure 17, the Plaintiffs believe that this matter should be heard and decided by the Nevada Court of Appeals.

## NRS 239B.030(4) AFFIRMATION

Pursuant to NRS 239B.030 as well as Rule 10 of the Washoe District Court Rules, the undersigned hereby affirms that this document does not contain the social security number of any person.

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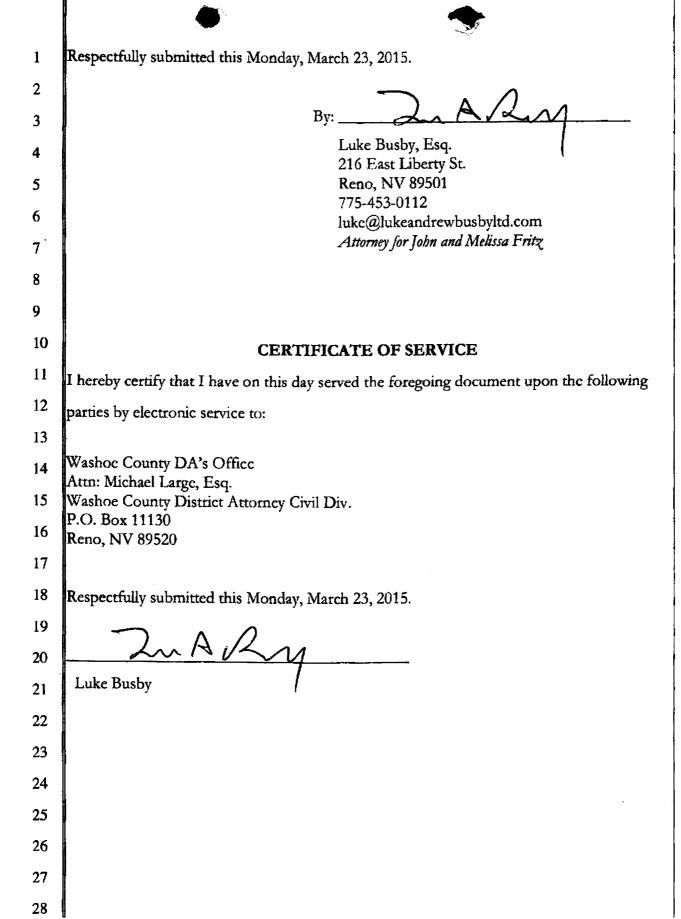
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**CODE 1310** Luke Busby, Esq. Nevada Bar No. 10319 216 East Liberty St. Reno, NV 89501 775-453-0112 lukc@lukeandrewbusbyltd.com Attorney for John and Melissa Fritz

## IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA IN AND FOR THE COUNTY OF WASHOE

JOHN AND MELISSA FRITZ,

Plaintiffs,

CASE NO. CV13-00756

VS.

DEPT. NO. 1

12

WASHOE COUNTY,

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Defendant(s),

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#### CASE APPEAL STATEMENT

Plaintiffs JOHN AND MELISSA FRITZ above named, hereby file the following Case Statement for the appeal of the Order granting Washoe County's Motion for Summary Judgment entered in this action on March 19, 2015.

- (A) The District Court case number is CV13-00756. The Parties are John and Melissa Fritz, a married couple, Plaintiffs, and Washoe County, Defendant;
- (B) The name of the judge who entered the order or judgment being appealed: The Honorable Janet Berry.
- (C) The name of each appellant and the name and address of counsel for each appellant are: John and Melissa Fritz, a married couple. Counsel for the Appellant is Luke Busby, Esq. 216 East Liberty St. Reno, NV 89501;
- (D) The name of each respondent and the name and address of appellate counsel is: Michael Large, Esq. Washoe County District Attorney Civil Div., P.O. Box 11130 Reno,

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1	NV 89520;		
2	(E) Counsel for the Plaintiff believes that all attorneys named herein are licensed to		
3	practice law in Nevada;		
4	(F) The appellant was represented by counsel at the District Court and will be on appeal as		
5	well;		
6	(G) The district court did not grant the appellant leave to proceed in forma pauperis;		
<b>7</b>	(H) The proceedings commenced in the District Court on April 4, 2013;		
8	(I) The nature of the action and result in the District Court are as follows. This matter is		
9	an inverse condemnation case in which the Plaintiff's allege that Defendant Washoe County		
	has taken the Plaintiff's property for public use by allowing and substantially participating		
11	the development of upstream lands that cause flooding on the Plaintiff's property. The		
	District Court granted a Motion for Summary Judgment in favor of Washoe County,		
13	finding that the allegations of the Plaintiff do not support the relief requested;		
14	(J) This case has not previously been the subject of an appeal to or original writ		
15	proceeding in the Supreme Court;		
16	(K) This appeal does not involve child custody or visitation; and		
17	(L) The Appellant believes that the appeal involves the possibility of settlement.		
18	NRS 239B.030(4) AFFIRMATION		
19 20	Pursuant to NRS 239B.030 as well as Rule 10 of the Washoe District Court Rules, the		
21	undersigned hereby affirms that this document does not contain the social security number		
22	of any person.		
23	Respectfully submitted this Monday, March 23, 2015		
24	By:		
25	Luke Busby, Esq. 216 East Liberty St.		
26	Reno, NV 89501		
27	775-453-0112 luke@lukeandrewbusbyltd.com		
28	Attorney for John and Melissa Fritz		
	M .		

**CERTIFICATE OF SERVICE** I hereby certify that I have on this day served the foregoing document upon the following parties by electronic service to: Washoe County DA's Office Attn: Michael Large, Esq. Washoe County District Attorney Civil Div. P.O. Box 11130 Reno, NV 89520 Respectfully submitted this Monday, March 23, 2015. Luke Busby