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Requested By
LEE T HOTCHKIN JR
Washoe County Recorder
Kathryn L. Burke - Recorder
Fee: \$31.00 RPTT: \$0.00
Page 1 of 18



APN # _____

Recording Requested by:

When recorded, mail to:

Name Lee T. Hotchkin, Esq.

Address 1025 Ridgeview Drive, Suite 200

City/State/Zip Reno, NV 89519

(for Recorder's use only)

NOTICE OF PENDENCY OF ACTION (NRS 14.010)

(Title of Document)

This page added to provide additional information required by NRS 111.312 Sections 1-2.
(Additional recording fee applies)

This cover page must be typed or printed.

FILED

2009 OCT 19 PM 12:59

HOWARD W. CONYERS

BY R. Simpson
DEPUTY

1 Code 2610
 2 LEE T. HOTCHKIN, ESQ.
 3 State Bar No. 000967
 4 1025 Ridgeview Drive, Suite 200
 5 Reno, Nevada 89519
 6 (775) 786-5791
 7 Attorney for Defendants/Claimants Gary Falcone,
 8 Jolene Falcone, Frank Harrington, Patricia
 9 Harrington, Phyllis Mathews, Peter McDermott,
 10 Jeffrey McDermott, L.J. Kутten, Linda Kутten,
 11 Brian T. Rickauer, John Carlisle, Linda Carlisle,
 12 Kenneth Farmer, D'Andra La Pierre-Farmer,
 13 James Novak, James Peterson, Gloria Peterson,
 14 Mark Vincent, Joanne Cacanindin, Allan Mah,
 15 David Brokaski, Linda Brokaski, Ross B. Cooley,
 16 Ray Tesconi, Sandra Phelps, Paul Wallis,
 17 Shirley Wallis, Daniel West, Leah West,
 18 and Thu A. Nguyen

19 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
 20 **IN AND FOR THE COUNTY OF WASHOE**

21 TICOR TITLE OF NEVADA, INC.,
 22 a Nevada corporation,

23 Plaintiff,

24 vs.

Case No. CV09-01247

Dept. No. 6

25 MONTAGE MARKETING CORPORATION,
 26 a Delaware corporation; GARY FALCONE;
 27 JOLENE FALCONE; FRANK HARRINGTON;
 28 PATRICIA HARRINGTON; PHYLLIS
 MATHEWS; PETER McDERMOTT;
 JEFFREY McDERMOTT; L.J. KUTTEN;
 LINDA KUTTEN; BRIAN T. RICKAUER;
 JOHN CARLISLE; LINDA CARLISLE;
 KENNETH FARMER; D'ANDRA LA
 PIERRE-FARMER; JAMES NOVAK;
 JAMES PETERSON; GLORIA PETERSON;
 MARK VINCENT; JOANNE CACANINDIN;
 ALLAN MAH; LYNN L. FETTERLY;
 SARK C. AERICK; DAVID BROKASKI AND
 LINDA BROKASKI; ROSS B. COOLEY;
 RAY TESCONI; SANDRA PHELPS; PAUL
 WALLIS AND SHIRLEY WALLIS; DANIEL
 WEST AND LEAH WEST; THU A. NGUYEN;
 DOES 1 - 100, inclusive, and
 ROE ENTITIES 1 - 100, inclusive,

Defendants.

NOTICE OF PENDENCY
OF ACTION
(NRS 14.010)

1 GARY FALCONE, JOLENE FALCONE,
FRANK HARRINGTON, PATRICIA
2 HARRINGTON, PHYLLIS MATHEWS,
PETER McDERMOTT, JEFFREY
3 McDERMOTT, L.J. KUTTEN, LINDA
KUTTEN, BRIAN T. RICKAUER,
4 JOHN CARLISLE, LINDA CARLISLE,
KENNETH FARMER, D'ANDRA
5 LA PIERRE-FARMER, JAMES NOVAK,
JAMES PETERSON, GLORIA PETERSON,
6 MARK VINCENT, JOANNE CACANINDIN,
ALLAN MAH, DAVID BROKASKI AND
7 LINDA BROKASKI, ROSS B. COOLEY,
RAY TESCONI, SANDRA PHELPS,
8 PAUL WALLIS AND SHIRLEY WALLIS,
DANIEL WEST AND LEAH WEST, and
9 THU A. NGUYEN,

10 Counterclaimants,
Cross-Claimants and
11 Third-Party Claimants,

12 vs.

13 CORUS BANK, INC., an Illinois corporation;
L3 DEVELOPMENT, LLC, a Nevada limited
14 liability company; MONTAGE MARKETING
CORPORATION, a Delaware corporation;
15 255 NORTH SIERRA STREET, LLC, a
Nevada limited liability company;
16 TICOR TITLE OF NEVADA, INC., a Nevada
corporation; FERNANDO LEAL, an individual;
17 and DOES I - X, inclusive,

18 Counterdefendant,
Cross-Defendant and
19 Third-Party Defendants.

20
21 Pursuant to NRS 14.010, Claimants in this action hereby give notice that on
22 June 11, 2009, Claimants answered an action in the Second Judicial District Court,
23 Washoe County, Nevada, entitled "Ticor Title of Nevada, Inc. v. Montage Marketing
24 Corporation, et al.", Case No. CV09-01247.

25 The parties to this action are Plaintiff/Counterdefendant, Ticor Title of Nevada, Inc.;
26 Defendant/Cross-Defendant, Montage Marketing Corporation; Defendants/Claimants, Gary
27 Falcone, Jolene Falcone, Frank Harrington, Patricia Harrington, Phyllis Mathews, Peter
28 McDermott, Jeffrey McDermott, L.J. Kutten, Linda Kutten, Brian T. Rickauer, John Carlisle,

1 Linda Carlisle, Kenneth Farmer, D'Andra La Pierre-Farmer, James Novak, James
 2 Peterson, Gloria Peterson, Mark Vincent, Joanne Cacanindin, Allan Mah, Sark C. Aerick,
 3 David Brokaski, Linda Brokaski, Ross B. Cooley, Ray Tesconi, Sandra Phelps, Paul Wallis,
 4 Shirley Wallis, Daniel West, Leah West, and Thu A. Nguyen; Third-Party Defendants,
 5 Corus Bank, Inc., an Illinois corporation; L3 Development, LLC, a Nevada limited liability
 6 company; 255 North Sierra Street, LLC, a Nevada limited liability company; and Fernando
 7 Leal, an individual; and Defendant, Lynn L. Fetterly.

8 The action includes the real property situated in Washoe County, Nevada,
 9 commonly known as The Montage, 155 West Second Street, Reno, Nevada, and more
 10 particularly described in Exhibit "1" attached hereto.

11 This is a civil action involving Breach of Contract - Completion Date; Declaratory
 12 Judgment - Contracts Illusory - No Completion Date; Action to Void Agreement - Material
 13 and Adverse Changes to Offering Documents; Declaratory Judgment - Material and
 14 Adverse Changes to Offering Documents; Action to Void Agreement - Size and
 15 Configuration of Units; Action to Void Agreement - Size and Commercial Space;
 16 Declaratory Judgment - Contracts Illusory Based on Developer's Unbridled Discretion to
 17 Change Project; Action to Void Agreements - Recordation of Agreements; Rescission -
 18 False Statements by Developer; Rescission - No Right to Specific Performance ; Violation
 19 of NRS Chapter 116 - Improper Use of Escrow Deposits; ILSA - 15 U.S.C. § 1703(a); ILSA
 20 - 15 U.S.C. § 1703(c); ILSA - 15 U.S.C. § 1703(d); Violation of Deceptive and Unfair Trade
 21 Practices Act; Imposition and Foreclosure of Vendee's Lien; Unjust Enrichment; Breach
 22 of Contract - Grant, Bargain, Conveyance, Transfer, Assignment and Set Over; Breach of
 23 Implied Covenant of Good Faith and Fair Dealing; Breach of Fiduciary Relationship; Deceit
 24 by Non-Disclosure - Material and Significant Changes to Agreements; Deceit by Non-
 25 Disclosure - Flooding; Performance Prevented by Defendants; Negligent or Intentional
 26 Misrepresentation; Conspiracy; Fraud; and Punitive or Exemplary Damages.

27 The undersigned hereby affirms that the foregoing document does not contain the

28 ///

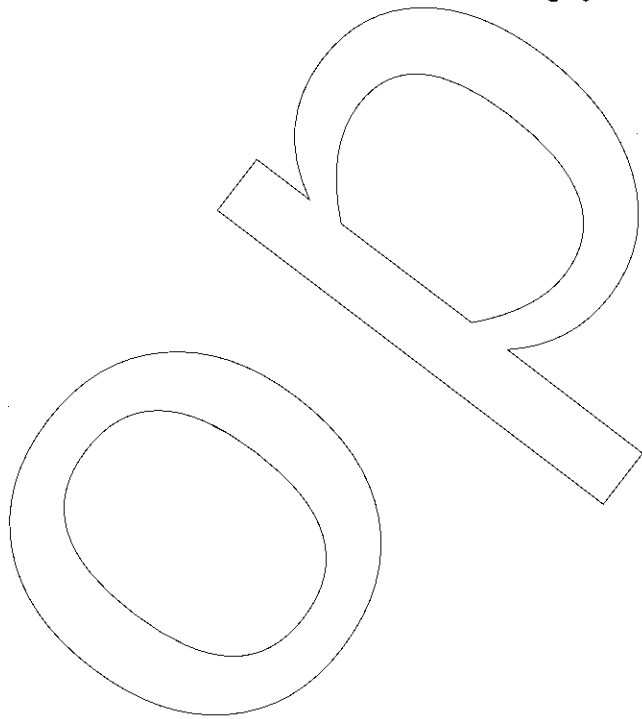
1 social security number of any person.

2 DATED this 19 day of October, 2009.



3
4
5 LEE T. HOTCHKIN, ESQ.
6 Attorney for Defendants/Claimants
7 Gary Falcone, Jolene Falcone,
8 Frank Harrington, Patricia Harrington,
9 Phyllis Mathews, Peter McDermott,
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16 Ray Tesconi, Sandra Phelps, Paul Wallis, Shirley
17 Wallis, Daniel West, Leah West, and
18 Thu A. Nguyen

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CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of **LEE T. HOTCHKIN, Attorney at Law**, and that on this date I served at Reno, Nevada, a true and correct copy of the attached document, by the following method, and addressed as follows:

depositing for mailing, first class postage fully prepaid

Douglas D. Gerrard, Esq.
James E. Shapiro, Esq.
Gerrard, Cox & Larsen
2450 Saint Rose Parkway, Suite 200
Henderson, NV 89074

Lynn L. Fetterly
P.O. Box 5986
Incline Village, NV 89450

by placing a true and correct copy thereof for collection and delivery by Reno/Carson Messenger Service

C. Robert Cox, Esq.
Maupin, Cox & LeGoy
4785 Caughlin Parkway
Reno, NV 89509

by personal delivery

by telephonic facsimile

DATED this 19 day of October, 2009.



INDEX OF EXHIBITS

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Exhibit _____

Number of Pages

"1" Legal description

10

COPY

EXHIBIT A

LEGAL DESCRIPTION - REAL ESTATE

THE MONTAGE

All that certain real property situate in the City of Reno, County of Washoe, State of NEVADA, described as follows:

Parcel 1:

All of that real property lying within the exterior boundaries of The Montage Phase 1 as recorded September 7, 2007 as File Number 3573297, Condominium Tract Map 4822, in the Office of the County Recorder of Washoe County, Nevada, excepting therefrom Parcel A and B.

And

All of that real property lying within the exterior boundaries of The Montage Phase 2 as recorded May 23, 2008 as File Number 3654113, Condominium Tract Map 4869, in the Office of the County Recorder of Washoe County, Nevada, excepting therefrom Parcels D, E and F.

And

All of that real property lying within the exterior boundaries of The Montage Phase 3 as recorded December 10, 2008 as File Number 3711705, Condominium Tract Map 4895, in the Office of the County Recorder of Washoe County, Nevada, excepting therefrom Parcels G, H & I.

And

All of that real property lying within the exterior boundaries of The Montage Phase 4 as recorded December 12, 2008 as File Number 3712183, Condominium Tract Map 4896, in the Office of the County Recorder of Washoe County, Nevada.

All right, title and interest, if any, of the Grantor in and to all land lying in the bed of any street, alley, road or avenue opened or proposed, in front of or adjoining the premises, to the centerline thereof, and all right, title and interest of Grantor in and to any award made or to be made in lieu thereof and in and to any unpaid award for damage to said premises by reason of change of grade of any street, and, and all and singular, tenements, the hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

EXHIBIT A

LEGAL DESCRIPTION - REAL ESTATE

THE MONTAGE

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All right, title and interest, if any, of Grantor in and to all land lying in the bed of any street, alley, road or avenue opened or proposed, in front of or adjoining the premises, to the centerline thereof, and all right, title and interest of Grantor in and to any award made or to be made in lieu thereof and in and to any unpaid award for damage to said premises by reason of change of grade of any street, and, and all and singular, tenements, the hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

EXHIBIT A**LEGAL DESCRIPTION - COMMERCIAL PARCEL****Parcel 1:**

Lots 13, 14, 15, 16 and 17 in Block N of the Original Town, Now City of Reno, according to the map thereof, filed in the office of the County Recorder of Washoe County, State of Nevada, on June 27, 1871.

Parcel 2:

Those certain parcels of land situated in the City of Reno, County of Washoe, State of Nevada, being a portion of the Northeast Quarter of Section 11, T19N, R19E, M.D.M., more particularly described as follows:

Commencing at the point of intersection of the Northwesterly line of Southern Pacific Transportation Company's 400 foot wide strip of land, with the Northeasterly line of North Sierra Street (80 feet wide), said point also being the Southwest corner of Lot 9 in Block "G" of the Town of Reno, as delineated on that certain map; thence South $76^{\circ}09'47''$ West, along said Northwesterly line 80.00 feet to a point on the Southwesterly line of said street, said point also being the Northeast corner of Lot 24 in Block "F" on said map, said point also being the true point of beginning of land to be described; thence, South $13^{\circ}50'13''$ East, along said Southwesterly line and also the Northeasterly line of said Lot 24, a distance of 100.00 feet to a point on the Northwesterly line of Third Street (60 feet wide), said point also being the Southeast corner of said Lot 24; thence South $76^{\circ}03'50''$ West, along said Northwesterly line, 299.91 feet to a point on the Northeasterly line of West Street (80.00 feet wide), said point also being the Southwest corner of Lot 13 in said Block "F" thence North $13^{\circ}37'59''$ West, along said Northeasterly line and also the Southwesterly line of said Lot 13, a distance of 100.00 feet to a point on the Northwesterly line of said 400 foot wide strip of land, said point also being the Northwest corner of said Lot 13; thence South $76^{\circ}22'01''$ West, along said Northwesterly line, 40.00 feet to the center line of West Street; thence South $13^{\circ}37'59''$ East, along the center line of West Street, 165.96 feet to a line parallel with and distant 20.41 feet Northwesterly, measured at right angles, from the existing located center line of Southern Pacific Transportation Company' eastbound main track (Roseville Ogden); thence North $76^{\circ}10'00''$ East, along said parallel line, 380.14 feet to the center line of North Sierra Street; thence North $13^{\circ}50'13''$ West, along said center line, 166.36 feet to the Northwesterly line of said 400 foot wide strip of land; thence South $76^{\circ}09'47''$ West, along said Northwesterly line 40.00 feet to the true point of beginning.

Excepting therefrom all that portion of said land as described in that Final Order of Condemnation filed in the Second Judicial District Court of the State of Nevada in and for the County of Washoe, Case no. CV03-01900 and recorded April 11, 2005 as Document No. 3196102, Official Records

Parcel 2A:

Commencing at the point of intersection of the Northwestern line of Southern Pacific Transportation Company's 400 foot wide strip of land, with the Northeasterly line of North Sierra Street (80 feet wide), said point also being the Southwest corner of Lot 9 in Block "G" of the Town of Reno, as delineated on that Official Map; thence South $76^{\circ}09'47''$ West, along said Northwestern line, 40.00 feet to the center line of said Street; thence South $13^{\circ}50'13''$ East, along said center line 220.36 feet to a point on a line parallel with and distant 20.41 feet Southeasterly, measured at right angles, from the existing located center line of Southern Pacific Transportation Company's westbound main track (Roseville to Ogden), said point also being the true point of beginning of land to be described; thence South $76^{\circ}10'00''$ West, along said parallel line, 380.27 feet to the center line of West Street (80 feet wide); thence South $13^{\circ}52'08''$ East, along said Center line 179.73 feet to the Southeasterly line of said 400 foot wide Strip of land; thence North $76^{\circ}07'52''$ East, along said Southeasterly line, 40.00 feet to a point on the Northeasterly line of said Street, said point also being the Southwest corner of Lot 13 in Block "N" of the Town of Reno; thence North $13^{\circ}52'08''$ West, along the Northeasterly line of West Street and also the Southwesterly line of said Lot 13, a distance of 100.00 feet to a point on the Southeasterly line of commercial ROW (60 feet width), said point also being the Northwest corner of said Lot 13; thence North $76^{\circ}07'50''$ East, along the Southeasterly line of Commercial Row, 300.22 feet to a point on the Southwesterly line of North Sierra Street, said point also being the Northeast corner of Lot 24 in Block "N" of said Town of Reno; thence South $13^{\circ}50'13''$ East, along the Southwesterly line of North Sierra Street, and also the Northeasterly line of said Lot 24, a distance of 100.00 feet to a point on the Southeasterly line of said 400 foot wide strip of land, said point also being the Southeast corner of said Lot 24; thence North $76^{\circ}09'47''$ East, along last said Southeasterly line, 40.00 feet to the center line of North Sierra Street; thence North $13^{\circ}50'13''$ West, along said centerline, 179.52 feet to the true point of beginning.

Excepting therefrom all that portion of said land as described in that Final Order of Condemnation filed in the Second Judicial District Court of the State of Nevada in and for the County of Washoe, Case no. CV03-01900 and recorded April 11, 2005 as Document No. 3196102, Official Records.

Parcel 2B: (Air Rights Only)

All rights in and to the air space lying above a horizontal plane having an elevation of 27.00 feet higher than the elevation of the highest point on the top of the rails of Southern Pacific Transportation Company's existing main line tracks as they are established as of May 19, 1989, above the following described real property. A strip of land 54 feet wide, lying 20.41 feet Northwesternly of, and 33.59 feet Southeasterly of, the existing located center line of Southern Pacific Transportation Company's eastbound main track (Roseville to Ogden), and extending from the center line of West Street (80 feet wide), Northeasterly, to the center the line of North Sierra Street (80 feet wide).

Note: The above metes and bounds description appeared previously in that certain document recorded October 5, 1988 in Book 2809, page 546, as Instrument No. 1340307.

EXHIBIT B

PERMITTED EXCEPTIONS

1. **General and Special Taxes for the fiscal year 2008-2009, including any secured personal property taxes.**

2. **Special assessments for improvement purposes:**

City of Reno improvement district no. Downtown

Reference no.: 7708

Payable each year on or before: 3/1 - 9/1

Status: This parcel is being billed and collected by AMG (call 702-796-0082)

3. **Any unpaid sewer service charges plus interest and penalties, which would create a lien and attach to said real property, pursuant to Chapter 7.20 of the Reno Municipal Code. None currently due and payable.**

4. **The right of the public and the City of Reno to use for road purposes those portions of said lying within West Street, West Second Street and North Sierra Street**

5. **Any private easements or lesser rights together with the rights, if any, of the City of Reno and/or the County of Washoe, public utilities or special districts, which may not have been affected by the proceedings abandonment Douglas Alley (East West Alley) between Sierra Street and West Street as the same was recorded June 15, 1977 in Book 1092, Page 532 as Instrument No. 470421 of Official Records.**

6. **Covenants, conditions, easements and restrictions in a Order of Abandonment recorded June 15, 1977, in Book 1092, Page 532 as Instrument No. Instrument N. 470421 of Official Records, said Instrument reserves easements for sewer and utilities.**

7. **The fact that the land lies within the "Downtown Project Area" of the Redevelopment Agency of the City of Reno, as evidenced by a document which was recorded in the office of the Washoe County Recorder on May 5, 1983 in Book 1862, Page 498 as Document No. 853150 of Official Records**

An annexation to the above referenced redevelopment project was recorded August 25, 1983 in Book 1919, Page 141 as Document No. 875211 of Washoe County Official Records

An amendment to the above referenced redevelopment project was adopted on November 27, 1990 by The Redevelopment Agency of the City of Reno, Resolution No. 57 not filed in the Recorder's office of Washoe County

8. **An easement for pipe lines and appurtenances thereof and incidental purposes in the document recorded July 17, 1983 in Book 696, Page 25 as Instrument No. 389138 of Official Records.**

9. Easements, dedications, reservations, provisions, relinquishments, recitals, certificates, and any other matters as provided for or delineated on Survey Map No. 973 referenced in the legal description contained herein. Reference is hereby made to said plat for particulars.
10. A document entitled "A right-of-way for subterranean encroachment" recorded June 29, 1977 in Book 1098, Page 51 as Instrument No. 473041 of Official Records.

The Grantees interest under said Subterranean Permit has been assigned to Reno Hilton Corporation by mesne assignments, recorded December 31, 1987, in Book 2669, page 77, as Document No. 1216118

11. Airspace Lease Agreement dated July 11, 1977 between the City of Reno, as Lessor, and The Primadonna Hotel, Inc., as Lessee, together with all of Assignor's right, title and interest in and to the premises covered by said lease and the estate created thereby, as disclosed by the Lease as recorded July 13, 1977 in Book 1103, Page 269 of Official Records as Document No. 475542.

The Lessee's interest under said Airspace Lease has been assigned to the Reno Hilton Corporation, a Nevada corporation, by assignment recorded December 31, 1987 in Book 2669, page 77, as Document No. 1216118, Official Records.

Defects, liens, encumbrances or other matters affecting the leasehold estate, whether or not shown by the public records.

12. Covenants, conditions, and restrictions in a Instrument recorded October 5, 1988, in Book 2809, Page 522 as Instrument No. 1279168 of Official Records.

Amended by that certain side Letter Agreement between Southern Pacific Transportation Company, a Delaware Corporation and Western Pacific Development Corp. dated October 5, 1988 and recorded October 5, 1988 in Book 2809, Page 537, as Document No. 1279169 of Official Records

Further Amended by that certain correction Deed recorded July 13, 1989 in Book 2943, Page 902 as Document No. 1340306 of Official Records

13. Covenants, conditions, and restrictions in a Declaration of Restrictions recorded October 5, 1988, in Book 2809, page 546 as Instrument No. 1279170 of Official Records.

14. Covenants, conditions, and restrictions in a Grant, Bargain, Sale Deed recorded July 16, 1990, in Book 3109, page 758 as Instrument No. 1413287 of Official Records.

15. A document entitled "Right-Of-Way License" recorded August 16, 1993 in Book 3816, Page 694 as 1702229 of Official Records.

16. Any private easements or lesser rights together with the rights, if any, of the City of Reno and/or the County of Washoe, public utilities or special districts, which may not have been affected by the proceedings vacating public street easement as the same was recorded October 5, 1993 in Book 3862, Page 967 as Instrument No. 1718987 of Official Records.

17. A document entitled "Memorandum of Agreement Affecting Real Property" recorded February 7, 2000 as Instrument No. 2420543 of Official Records.

18. Conditions and stipulations as set forth in that certain Judgment Quieting Title and Approving Settlement filed in the Second Judicial District Court of the State of Nevada in and for the County of Washoe, Case No. CV97-08817 and recorded August 26, 2003, as Document No. 2910772, Official Records.
19. Rights of the public and/or the City of Reno as reserved in an unrecorded Settlement Agreement and disclosed by a Quitclaim Deed recorded August 26, 2003 as Document No. 2910776.
20. A document entitled "HVAC Facilities Agreement" recorded November 20, 2003 as Instrument No. 2957223 of Official Records.
21. As easement for ingress and egress, loading and unloading, trash removal and incidental purposes in the document recorded April 5, 2004 as Instrument No. 3017814 of Official Records.
22. An unrecorded lease dated October 29, 2003, executed by Golden Phoenix Hotel and Casino as lessor and Subway Real Estate Corp. as lessee, as disclosed by a Memorandum of Lease recorded June 17, 2004 as Instrument No. 3054783 of Official Records.
23. Temporary easements as described in the certain Final Order of Condemnation filed in the Second Judicial District Court of the State of Nevada in and for the County of Washoe, Case No. CV03-01900 and recorded April 11, 2005, as Document No. 3196102, Official Records.
24. Covenants, conditions, and restrictions in a Ordinance No. 5712 recorded July 8, 2005, in Book n/a as Instrument No. 3242447 of Official Records.
25. A Record of Survey filed in File 4654 of Surveys at Page, recorded December 2, 2005 in Book as Instrument No. 3317550 of Official Records.
26. The following matters disclosed by an ALTA/ACSM survey made by Summit Engineering on April 24, 2006, designated Job No. 27625: Parcel 1: Building overhang, sanitary sewer, gas line, water line, storm drain and a water valve.

Building overhang, storm drain manhole, sanitary sewer, gas line, water line, storm drain and a water valve.

Parcel 2: Water Valve

Parcel 3: Gas Valve, building overhang, stairs, parking meter, 2 garage entrances, signage, 10 light poles, 6 sanitary sewer manholes, gas line, storm drain, 2 storm drain manholes, 4 planters, and a driveway.

Parcel 3A: Gas line, water valve, gas valve, building valve, water line, gas line, storm drain, 4 gas valves, sign, water box, water valve, building overhang, 4 light poles and 2 manholes.

Parcel 3B: Water line.

27. A Deed of Trust to secure an original indebtedness of \$143,164,000.00 recorded December 21, 2006 as Document No. 3478066 of Official Records.
Dated: December 1, 2006
Trustor: 255 North Sierra LLC
JLM Title LLC, a Nevada limited liability company dba First Centennial Title Company of Nevada
Beneficiary: Corus Bank, N.A.
- A document entitled "Collateral Assignment of Developer's Rights and Agreement with respect to Condominium Documents" recorded December 21, 2006 as Document No. 3478067 of Official Records.
29. A financing statement recorded December 21, 2006 as Document No. 3478069 of Official Records.
Debtor: 255 North Sierra Street, LLC
Secured party: Corus Bank, N.A.
31. An easement for pedestrian access and incidental purposes in the document recorded September 7, 2007 as Document No. 3573293 of Official Records.
32. An easement for access and incidental purposes in the document recorded September 7, 2007 as Document No. 3573294 of Official Records.
33. An easement for stairway and incidental purposes in the document recorded September 7, 2007 as Document No. 3573295 of Official Records.
34. An easement for overhang and substructure and incidental purposes in the document recorded September 7, 2007 as Document No. 3573296 of Official Records.
35. Easements as shown and/or dedicated upon the final map of The Montage Phase 1, on file in File No. 3573297, Condominium Tract Map 4822, of Official Records.
- A document entitled "Security Interest Holders Certificate" recorded September 7, 2007 as Document No. 3573292 of Official Records.
36. Covenants, conditions, restrictions, easements, assessments, liens, charges, terms and provisions in the document recorded September 7, 2007 as Document No. 3573298 of Official Records, which provide that a violation thereof shall not defeat or render invalid the lien of any first mortgage or deed of trust made in good faith and for value, but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status, national origin, sexual orientation, marital status, ancestry, source of income or disability, to the extent such covenants, conditions or restrictions violate Title 42, Section 3604(c), of the United States Codes. Lawful restrictions under state and federal law on the age of occupants in senior housing or housing for older persons shall not be construed as restrictions based on familial status.
- The right to levy certain charges or assessments against the land which shall become a lien if not paid as set forth in the above declaration of restrictions, and is conferred upon The Montage Owners Associations.

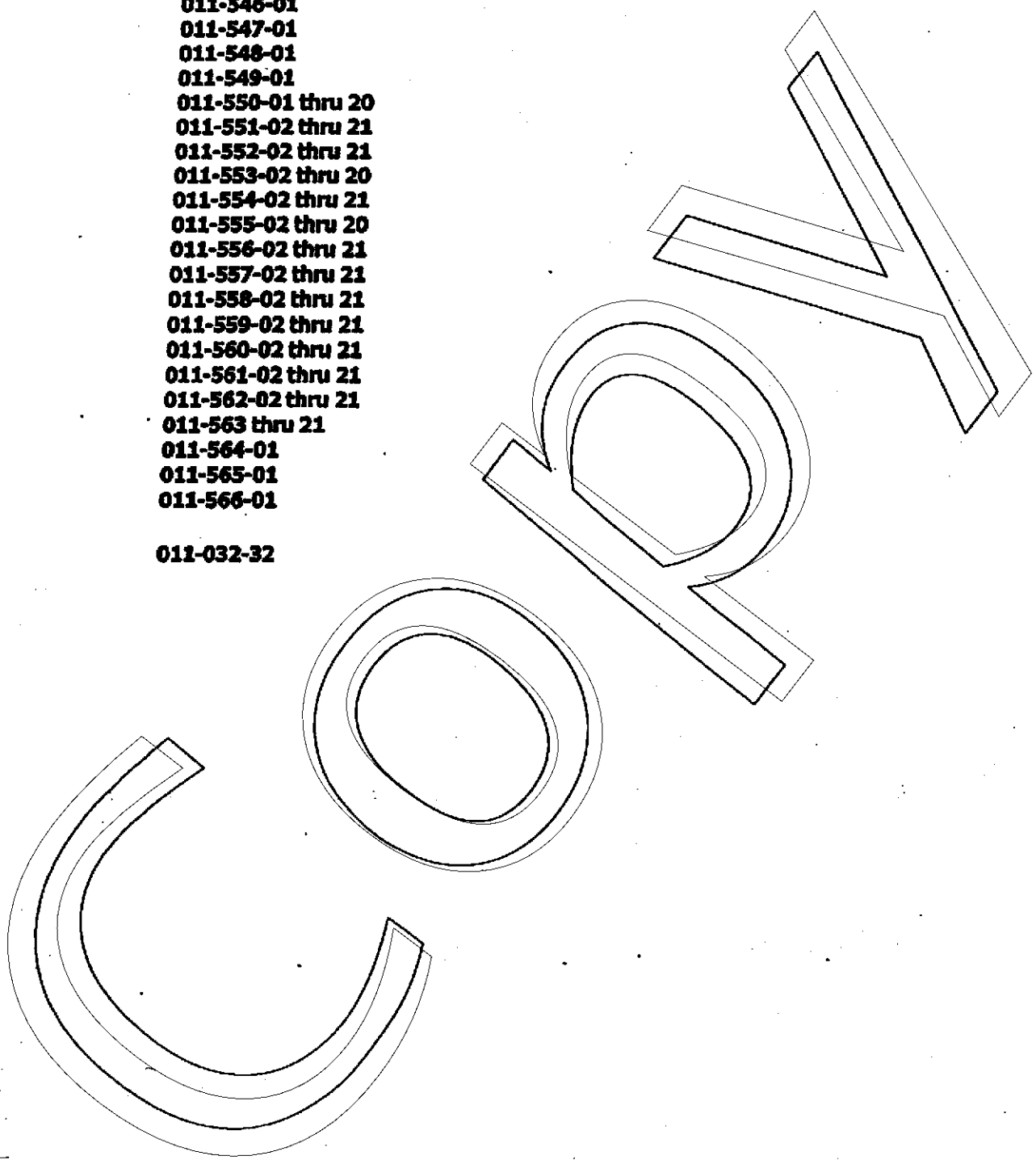
Document(s) declaring modifications thereof recorded May 28, 2008 as Document No. 3654114 of Official Records.

- A Declaration of Annexation of said covenants, conditions and restrictions was recorded December 10, 2008, in Book as Instrument No. 3711706 of Official Records.
- A Declaration of Annexation of said covenants, conditions and restrictions was recorded December 12, 2008, in Book as Instrument No. 3712184 of Official Records.
- 37. Easements as shown and/or dedicated upon the final map of The Montage Phase 2, on file in File No. 3654113, Condominium Tract Map 4869, of Official Records.
- A document entitled "Security Interest Holders Certificate" recorded May 28, 2008 as Document No. 3654112 of Official Records.
- 38. Covenants, conditions, and restrictions in Resolution to Reapportion the Assessments for the City of Reno, Nevada 1999 Special Assessment District No. 2/Reapportionment No. 4 (ReTract) recorded October 7, 2008, in Book as Instrument No. 3694629 of Official Records.
- 39. A document entitled "Memorandum of Contract for sale and purchase of property", executed by and between 255 North Sierra Street LLC and Lynn Fetterly and Melody Fetterly recorded November 10, 2008, as Instrument No. Document No. 3704020 of Official Records.
- 40. Easements as shown and/or dedicated upon the final map of The Montage Phase 3, on file in File No. 3711705, Condominium Tract Map 4895, of Official Records.
- 41. Easements as shown and/or dedicated upon the final map of The Montage Phase 4, on file in File No. 3712183, Condominium Tract Map 4896, of Official Records.
- 42. Record of Survey recorded December 2, 2008 in File 3317550, Record of Survey Map 4654
- 43. Rights of parties in possession and rights of purchasers under unrecorded purchase agreements.
- 44. Any statutory lien for labor or materials arising by reason of any work of improvements now in progress or recently completed, as disclosed by an inspection.
- 45. Water rights, claims or title to water, whether or not shown by the public records.

List of APN's

- 011-541-01 thru 03**
- 011-542-01**
- 011-543-03 thru 04**
- 011-544-02 thru 04**
- 011-545-01**
- 011-546-01**
- 011-547-01**
- 011-548-01**
- 011-549-01**
- 011-550-01 thru 20**
- 011-551-02 thru 21**
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- 011-563 thru 21**
- 011-564-01**
- 011-565-01**
- 011-566-01**

- 011-032-32**



COPY

CERTIFIED COPY

The document to which this certificate is attached is a full, true and correct copy of the original on file and of record in my office.

DATE: Oct 20, 2009

HOWARD W. CONYERS, Clerk of the Second Judicial District Court, in and for the County of Washoe, State of Nevada

By *Christine* Deputy