**DOC #: 698251**

08/26/2025 04:16 PM Page: 1 of 7

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City/State/Zip: Reno, NV 89509

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# STIPULATED ORDER IN RESOLUTION OF DISPUTE

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"Personal information" means a natural person's first name or first initial and last name in combination with any one or more of the following data elements:

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ELECTRONICALLY FILED
2025 Aug 15 2:00 PM
ANDREA ANDERSEN
COURT ADMINISTRATOR
THIRD JUDICIAL DISTRICT COURT
20-CV-01274: Cathy Carmack, Deputy

CASE NO.: 20-CV-01274

DEPT. NO. II

The party executing this document hereby affirms that this document submitted for filing **DOES NOT** contain the social security number of a Person or persons pursuant to NRS 239B.030

**IN THE THIRD JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
**IN AND FOR THE COUNTY OF LYON**

JAMES MARK JENNINGS, individually and as Trustee of the Armstrong Trust u/d/t May 7, 2018 ; MARION SUE JENNINGS, individually,

Plaintiffs,

v.

AIRPARK ESTATES HOMEOWNERS ASSOCIATION, a Nevada nonprofit corporation,

Defendant.

**STIPULATED ORDER IN RESOLUTION OF DISPUTE**

Plaintiffs JAMES MARK JENNINGS, individually and as Trustee of the Armstrong Trust u/d/t May 7, 2018, and MARION SUE JENNINGS, individually, (the "Jennings") and Defendant AIRPARK ESTATES HOMEOWNERS ASSOCIATION, a Nevada nonprofit corporation (the "HOA") (together, the Jennings and the HOA are referred to as the "Parties"), by and through their attorneys of record, submit this *Stipulated Order in Resolution of Dispute* ("Settlement Order") in accordance with the settlement agreement reached among the Parties at the settlement conference on July 17, 2025, and affirmed by the Parties on the record.

For good and valuable consideration, the receipt and sufficiency of which is acknowledged by all of the Parties and the Court, and in exchange for the mutual covenants memorialized in this Order, the Parties agree and the Court orders as follows:

1. The HOA shall pay the Jennings FIVE HUNDRED THOUSAND DOLLARS ($500,000.00) on or before August 16, 2025, in full and final satisfaction of the Jennings' claims for compensatory damages, punitive damages, and attorneys' fees and costs.

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2. All homeowners on Armstrong Court, including the Jennings, are entitled under the *Amended and Restated Declaration of Covenants, Conditions and Restrictions*, recorded on November 23, 2005, and amended on January 17, 2013 (the "CC&Rs"), to unfettered access for the homeowners' vehicles, therefore an electronically controlled gate a minimum of 12 feet in width shall be installed at the access point to the east of Armstrong Court from their personal hangars to Lakeview Drive for the purposes of ingress and egress for residential / recreational use, including storage. The HOA governing documents and Nevada state law shall continue to apply.

3. As set forth in the Court's October 17, 2022, *Order on Motions for Summary Judgment*, Rules 3.6 and 4.3 are invalid and unenforceable due to their use of the vague terms "occasional" and "occasionally." HOA rules limiting vehicle weight to 12,500 pounds having been found to be unenforceable by the Nevada Supreme Court, the rules shall be updated to remove references to a weight limit. The HOA rules shall also be updated to state that owner(s), or their tenants or guests, who cause damage to common area, common area easement, airpark property, or airpark property easement surfaces shall be responsible for the repair and/or excess maintenance expenses incurred by reason of any such use(s).

4. Notwithstanding the Armstrong Court homeowners' right to unfettered access to their residential hangars, aircraft operating on the Airport facilities shall always have the right of way. The HOA may adopt rules to ensure the Airport facilities remain clear of obstruction, that vehicles using the taxi lanes to access residential hangars shall yield to operating aircraft, emergency vehicles and maintenance vehicles, and as otherwise necessary to ensure the safety of all users. Any such rules shall be complete and cohesive, without generic reference to external materials such as FAA safety guidelines or regulations.

5. As agreed, the HOA removed the chain from the east side of Armstrong Court where the taxi lane behind the Jennings property, located at 406 Armstrong Court, Dayton, Nevada (the "Property"), meets Lakeview Drive (the "Intersection"), and replaced it with an orange cone. The HOA shall install an electric gate at this Intersection within 90 days of entry of this fully executed Settlement Order, and all homeowners and residents residing in a unit located on Armstrong Court shall be provided remote access through the electric gate. The electric gate access provided at the

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Intersection shall be a minimum of 12 feet wide and shall be installed on the east side of the Intersection immediately adjacent to the existing man gate. The two (2) bollards located on the west side of the Intersection shall remain in place. Should the Central Lyon County Fire Protection District or Lyon County, Nevada, require a different configuration for installation of the electric gate at the Intersection, those requirements shall be met, so long as such requirements comply with ADA guidelines. The orange cone shall permanently be removed upon the earlier of: (1) installation of an electric gate; or (2) October 15, 2025. If the HOA fails to maintain the functionality of the gate, upon 30 days written notice to the HOA the Jennings reserve the right to restore functionality of the gate as originally installed and their expenses for doing so shall be reimbursed by the HOA.

6. The Parties acknowledge that the CC&Rs specifically state that there is one class of membership. The Parties further acknowledge that there is no distinction of designation of pilot or non-pilot with respect to the rights and privileges afforded to members in good standing with the HOA. The Parties also acknowledge that safety in this mixed-use environment is paramount.

7. The HOA shall dismiss and release all open or pending claims for violations at the Jennings' residence, including those dated November 15, 2022, and December 21, 2022, which remain identified as such on the HOA's website.

8. The Parties, including their affiliates, control persons, directors, officers, employees, agents, attorneys, administrators, insurers, successors, and assigns, shall not make, publish, disseminate, facilitate or otherwise communicate any disparaging or defamatory statements, remarks, comments or representations, either directly or indirectly, whether orally, in writing or electronically, by word or gesture, to any person whatsoever, about each other in any way connected with, arising out of, concerning, or related to this lawsuit, the issues raised in this lawsuit, or the negotiation and entry of this Order. For purposes of this Order, a disparaging statement includes any communication which, if communicated to another, would cause or tend to cause the recipient of the communication to question the value, honesty, reputation, integrity, trustworthiness, competence, skill, judgment, goodwill, experience or good character of, or otherwise embarrass, the subject to whom or which the communication relates (whether or not such disparaging statement legally constitutes libel or slander).

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9. The Jennings shall record this Order with the Lyon County Recorder within ten (10) days of entry. The HOA shall disseminate this Order to the entire membership within ten (10) days of entry.

10. This Order contains the entire agreement of the Parties relating to the full and final resolution of this case. The Parties agree that time is of the essence.

11. This Order resolves all outstanding claims, issues, and defenses pending in this action. Subject to the terms of this Order, this action is **DISMISSED WITH PREJUDICE**, each party to bear its own attorneys' fees and costs.

12. This Court shall retain jurisdiction as necessary to enforce the terms of this Order.

DATED this 14 day of August, 2025.
GUNDERSON LAW FIRM

Mark H. Gunderson, Esq.
Nevada State Bar No. 2134
Austin K. Sweet, Esq.
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3895 Warren Way
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*Attorneys for James Mark Jennings, Individually, and as Trustee of the Armstrong Trust U/D/T May 7, 2018, and Marion Sue Jennings*

DATED this 14 day of August, 2025.
LEWIS BRISBOIS

John M. Samberg, Esq.
Nevada State Bar No. 10828
Aaron P. Richter, Esq.
Nevada State Bar No. 14753
5555 Kietzke Lane
Suite 200
Reno, Nevada 89511
Telephone: 775.399.6383

DATED this ____ day of August, 2025.
HALL & EVANS, LLC

Kurt R. Bonds, Esq.
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Troy R. Dickerson, Esq.
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1160 North Town Center Drive
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Telephone: 702.998.1022
*Attorneys for Airpark Estates Homeowners Association*

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Aaron P. Richter, Esq.
Nevada State Bar No. 14753
5555 Kietzke Lane
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Reno, Nevada 89511
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DATED this 14th day of August, 2025.
HALL & EVANS, LLC

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1160 North Town Center Drive
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Telephone: 702.998.1022
*Attorneys for Airpark Estates Homeowners Association*

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**IT IS SO ORDERED.**

Dated this _____ of _____, 2025.

L AE

DISTRICT COURT JUDGE

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RENO, NEVADA 89509
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CERTIFIED COPY
The document to which this certificate is attached, is a full, true and correct copy of the original on the file and of record in my office.
Date: August 26, 2025
Andrea Andersen, Court Administrator
Third Judicial District Court of the State of Nevada, in and for Lyon County.
BY: Mindy Lall
Deputy