

128643

DECLARATION OF COVENANTS, CONDITIONS & RESTRICTIONS

THIS DECLARATION, made this 11th day of July, 1989, by HUGO VAN VLIET and SHIRLEY VAN VLIET, Husband and Wife, MARION VAN VLIET and LENA VAN VLIET, Husband and Wife, RICHARD VAN VLIET and CINDY VAN VLIET, Husband and Wife, and VAN VLIET BROS., a Nevada corporation, hereinafter referred to as "Declarant",

W I T N E S S E T H:

WHEREAS, Declarant is the owner of certain property situate in the County of Eureka, State of Nevada, more particularly described as follows:

TOWNSHIP 20 NORTH, RANGE 53 EAST, M.D.B.&M.

Section 28: Lot 11

WHEREAS, Declarant intends to sell, dispose or or convey from time to time all or a portion of the parcels in said Lot 11 above-described, and desires to subject the same to certain protective reservations, covenants, conditions, restrictions between Declarant and the acquirers and/or users of said parcels;

NOW, THEREFORE, Declarant hereby declares that all of the properties described above including all improvements located and to be located thereon are held and shall be held, sold and conveyed subject to the following covenants, conditions and restrictions, which are for the purpose of protecting the value and desirability of, and which shall run with, the real property and

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be binding upon all parties having any right, title or interest in the described properties or any part thereof, their heirs, successors or assigns, and shall inure to the benefit of each owner thereof.

1. PERMITTED USES: The following principal uses are permitted:

- a. Single family dwellings, not to exclude mother-in-law and/or guest cabin, neither of which may be used for rentals;
- b. Orchards, vegetable crops, gardens, small animal raising;
- c. Nurseries and greenhouses;
- d. Home occupations, provided that there shall be no external evidence of any home occupation except a name plate not exceed three (3) square feet in size;
- e. No livestock, other than horses will be permitted except for livestock 4-H projects;
- f. Domestic animals such as dogs, cats or other household pets may be kept provided they are not kept in quantities which creates annoyance or nuisance to the neighborhood. Owners shall confine domestic animals to the limits of their property.
- g. The storage of tools, landscaping instruments, household effects, machinery or machinery parts, boats, trailers, empty or filled containers, boxes or bags, trash, materials, or other items that shall in appearance detract from the aesthetic values of the property, shall be so placed and stored to be concealed from view from all public right of ways. Trash for collection may be placed at the street right of way line on regular collection days for a period not to exceed twelve (12) hours before pick up. Storage of junk, old inoperative unlicensed cars, and other unsightly objects, such as

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to have been properly sent when mailed postage prepaid to the last known address of the person who appears as owner on the records of Declarant at the time of such mailing.

3. Severability: In the event that any of the provisions of this Declaration in each area of land use regulations conflict with any other of the sections therein, the more restrictive of the two shall govern. If any paragraph, section, sentence, clause or phrase of the conditions and covenants herein contained be or become illegal, null, or void, for any reason or shall be held by any court of competent jurisdiction to be illegal, null, or void, the remaining paragraphs, sections, sentences, clauses or phrases herein contained shall not be affected thereby. It is hereby declared that those conditions and covenants herein contained would have been and are imposed and each paragraph, section, sentence, clause or phrase thereof, irrespective of the fact that any one or more other paragraphs, sections, sentences, clauses or phrases is(are) or shall become or be illegal, null, or void.

4. Enforcement: In the event of any existing or threatened violation of any of the conditions or other provisions of this Declaration, the Declarant, any person, firm, or corporation to whom the Declarant may have assigned the right, or any owner of any lot or parcel of land may bring an action at law or in equity for an injunction, action to foreclose a lien or charge, action for damages, or for any additional remedy as may be available. All such remedies shall be cumulative, and the

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used appliances, etc., on any lot or parcel is expressly prohibited.

2. YARDS: The minimum requirements for yards shall be as follows:

- a. Front yard - 50 feet
- b. Side yard - 20 feet

DECLARANT reserves the right to convey and/or dedicate rights of way and easements for public utilities, television and/or communication cables, and drainage purposes, together with the privilege to assign this right at any time. Said easement to extend no more than seven and one-half (7½) feet from the property lines. This right shall run with the land for the time herein provided and as may be extended.

GENERAL PROVISIONS

1. Duration: The covenants and conditions of this Declaration shall run with the land and shall be binding upon all parties and all persons claiming under them for a period of twenty-five (25) years from the date these covenants and conditions are recorded. At that time, the covenants and conditions shall be automatically extended for successive periods of ten (10) years unless an instrument signed by a majority of the then owners of the lots has been recorded agreeing to change the covenants and conditions in whole or in part.

2. Notices: Any notice required to be sent to any owner under the provisions of this Declaration shall be deemed

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bringing of such action, or the failure to do so by anyone so entitled, shall not affect the right of another to avail himself or itself of any available remedy.

IN WITNESS WHEREOF, the Declarant have hereunto set their hands this 14th day of July, 1989.

Hugo Van Vliet
HUGO VAN VLIET

Marion Van Vliet
MARION VAN VLIET

Shirley Van Vliet
SHIRLEY VAN VLIET

Lena Van Vliet
LENA VAN VLIET

Richard Van Vliet
RICHARD VAN VLIET

VAN VLIET BROS., a Nevada corporation

Cindy Van Vliet
CINDY VAN VLIET

By Hugo Van Vliet
HUGO VAN VLIET

STATE OF CALIFORNIA,)
) SS.
COUNTY OF SAN JOAQUIN.)

On July 14th, 1989, personally appeared before me, a Notary Public, HUGO VAN VLIET and SHIRLEY VAN VLIET, who acknowledged that they executed the foregoing instrument.



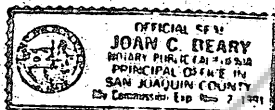
Joan C. Deary
NOTARY PUBLIC

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STATE OF CALIFORNIA,)
) SS.
COUNTY OF SAN JOAQUIN.)

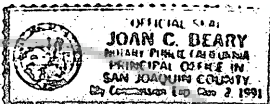
On July 17th, 1989, personally appeared before me, a
Notary Public, MARION VAN VLIET and LENA VAN VLIET, who acknow-
ledged that they executed the foregoing instrument.



Joan C. Deary
NOTARY PUBLIC

STATE OF CALIFORNIA,)
) SS.
COUNTY OF SAN JOAQUIN.)

On July 17th, 1989, personally appeared before me, a
Notary Public, RICHARD VAN VLIET and CINDY VAN VLIET, who acknow-
ledged that they executed the foregoing instrument.



Joan C. Deary
NOTARY PUBLIC

STATE OF CALIFORNIA,)
) SS.
COUNTY OF SAN JOAQUIN.)

On July 17th, 1989, personally appeared before me, a
Notary Public, HUGO VAN VLIET, who acknowledged that he executed
the foregoing instrument for and on behalf of the above corpora-
tion.



Joan C. Deary
NOTARY PUBLIC

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RECORDED AT THE REQUEST OF

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First American Title Co

89 Aug 1 AM 32

OFFICIAL RECORD
EUREKA COUNTY, NEVADA
MIN. ABSTRACT ORDER

FILE NO.

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128643

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