

Official RecordRecording requested By
RLF NEVADA PROPERTIES LLCEureka County - NV
Mike Rebaleati - Recorder

Fee: \$15.00

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Book- 0477 Page- 0054



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**DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR SECTION 33 TOWNSHIP 32 NORTH RANGE 51 EAST**

RLF Nevada Properties, LLC, a Colorado limited liability company ("Declarant"), with an address of 523 S. Cascade Avenue, Suite E, Colorado Springs, CO 80903, is the record owner of certain real property legally described as Section 33, Township 32N Range 51E M.D.B. & M, Eureka County, Nevada (the "Property").

1. The Property has been platted into five (5) lots (the "Lots") in accordance with the Plat for S33 T32N R51E, recorded in the Eureka County records in at 3:13 PM on September 19, 2008 (the "Plat").

2. Declarant hereby subjects the Property and the Lots to the covenants, conditions, and restrictions set forth in this Declaration, which covenants, conditions, and restrictions shall run with title to the Lots and shall be binding upon the owners and all subsequent owners of any Lot within the Property.

3. This Declaration shall be governed by the S33 T32N R51E Owner's Association (the "Association"). Each Lot shall have one (1) membership in the Association, which membership shall be appurtenant to title to the Lot (each, a "Membership", and the owner(s) of each Lot collectively referred to as a "Member"). The Members shall have full power and authority to act on behalf of the Association in accordance with the Bylaws of the Association. Each Member, together with the Association, shall have the right to enforce these covenants on an individual basis.

4. Declarant advises all Lot Owners that Eureka County is not obligated to maintain the north-south road (County Road G238) or the east-west road (County Road G236) within or from the Property to Interstate 80 (reference Note #15 on plat map for S33 T32N R51E). It is solely at the discretion of the Eureka County Public Works Department when CR G238 or CR G236 is plowed during the winter months or maintained during the summer. It is the Lot Owner's sole responsibility to provide physical access to their lot when CR G238 & G236 may become impassable during the winter months due to drifting snow. This maintenance condition is not subject to amendment or revocation unless agreed to by written agreement with Eureka County.

5. No Lot may be further subdivided (reference Note #9 on plat map for S33 T32N R51E).

6. Each lot owner will be required as provided in the Eureka County Code to fence any improved structures upon his or her respective property to prevent cattle damage and trespass.

7. Each Lot Owner should be aware that Eureka County is not obligated to provide normal County Services (e.g. school bus service) due to the remote nature of these lots.

8. No lot owner may impede the flow of water from the property without the legal right to use the water granted by the State of Nevada.

9. No gates, fences or other obstructions shall be placed upon any access road within the Property.

10. Any provisions herein may be amended or revoked, and additional provisions added, at any time by written instrument duly signed and acknowledged by the owners of record of not less than 60% of the Lots under this Declaration, provided that the Association and the Lot owners may not unilaterally amend or terminate the maintenance obligations or the reparcelling prohibition set forth herein.

11. In the event it should become necessary for any party, including a Lot owner, Declarant, the Association, or any Member, to seek enforcement of this Declaration against any other party, then the prevailing party in any action shall be entitled to receive from the non-prevailing party, reasonable attorneys' fees and costs.

IN WITNESS WHEREOF, the Declarant has executed this Declaration effective as of August 28, 2008.

RLF Nevada Properties, LLC,
a Colorado Limited Liability Company

By: James W. Gersz
Authorized Representative

STATE OF COLORADO)
) ss.
COUNTY OF EL PASO)

The foregoing instrument was acknowledged before me this 28th day of August, 2008, by JAMES W. GERSZ, as Authorized Representative of RLF Nevada Properties, LLC.

Witness my hand and official seal.

My Commission Expires: 11-15-2008

[SEAL]

Judy D. Lehman
Notary Public

