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Recording Request by
and When Recorded Return to:

✓
Don Ellis, President
Topaz Lake Homeowners Association
2026 Masonic
Gardnerville NV 89410

TOPAZ LODGE SUBDIVISION

DECLARATION OF RESTRICTIONS

THIS DECLARATION is made on the 1st day of APRIL, 2000, by the undersigned property owners as listed on Exhibit 1 attached hereto and incorporated herein by reference (hereinafter referred to as "Declarants").

WITNESSETH:

WHEREAS, Declarants are owners of property within the Topaz Lodge Subdivision, as such may have been amended, and as further identified on Exhibit 1 attached hereto and incorporated by reference, and

WHEREAS, the subdivision, or portions thereof (Section 1 and Section 2) have been subject to the following prior Declarations: (A) Protective Covenants and Restrictions of Topaz Lodge Subdivision recorded on 28 October 1995 in Book D Miscellaneous, Page 586 as Document No. 10943, (B) Restrictive Covenants for Topaz Lodge Subdivision Second Section recorded on 5 June 1956 in Book E Miscellaneous, Page 8 as Document No. 11420, (C) Restrictive Covenants Topaz Lodge Subdivision recorded 18 June 1956 as Document No. 11491 at Book E Miscellaneous Page 11, all in the official Records of Douglas County, Nevada, and

WHEREAS, Declarants, and each of them, desire to further subject their property to the Declarations contained herein, and in addition to whatever prior document may burden their property,

NOW THEREFORE, Declarants declare that the property identified on Exhibit 2 shall be held, conveyed, hypothecated or encumbered, leased, rented, used, occupied and improved subject to the provisions of this Declaration, all of which are declared to be in furtherance of the development, improvement and sale of each parcel and for the purpose of enhancing and protecting the value and desirability thereof.

A. RESTRICTIONS, COVENANT AND CONDITIONS

1. Each parcel shall be used only for residential purposes and may be improved only by one single family residence and such accessory or out buildings as are allowed by Douglas County Ordinance.

2. No residence or building shall have a height in excess of 32' measured from the peak of the highest point of the roof to the lowest point of the finished grade contiguous to the foundation measured from the center of the building.

3. No manufactured or modular home or trailer, or any other prefabricated structure shall be allowed on any parcel. Improvements shall be limited to those constructed by conventional "stick built" building methods.

4. The ground floor of the residence, exclusive of a deck or garage, shall be a minimum of 1,200 square feet.

5. Trees, landscaping, or fences shall not be installed or maintained on any parcel which will unreasonably obstruct or otherwise interfere with the view or the reasonable use and enjoyment of other parcels subject to this Declaration.

6. No animal shall be kept, maintained, raised or bred on any parcel except for a reasonable number of normal household pets, as regulated and allowed under Douglas County Ordinance.

B. GENERAL CONDITIONS

1. The provisions of this Declaration are intended to create mutual equitable servitudes upon each of said parcels in favor of the other parcels; to create reciprocal rights between the respective owners of all such parcels; to create a privity of contract between the owners and grantees of such parcels, their heirs, successors and assigns; and shall, as to the owner of each such parcel, his heirs, successors or assigns, operate as covenants running with the land for the benefit for each of the parcels and their respective owners, present and future.

2. These restrictions shall continue until the year 2020, at which time they shall terminate unless extended by a declaration signed by 75% of the owners of the property. These restrictions may be amended, supplemented or abolished by the owners of not less than 75% of the property by a Declaration duly signed and acknowledged by said owners.

3. The conditions, restrictions and covenants herein contained shall inure to the benefit of, and be enforceable by Declarant, its heirs, executors and administrators and all future assigns, or by the owner of any of the parcels. In the event of a breach of any of the provisions of this Declaration, it is declared that damages at law for such breach are inadequate. Any parcel owner has the right to enforce any breach of these declarations and shall be entitled to all of his expenses, costs, damages and attorneys fees incurred.

4. Except as otherwise provided herein, the provisions hereof may be amended by an instrument in writing signed and acknowledged by not less than seventy-five percent

(75%) of the owners, which amendment shall be effective upon recordation in the Office of the Recorder of Douglas County, Nevada.

5. The failure to enforce any of the provisions of this Declaration shall not be deemed a waiver of right to enforce them thereafter.

6. Any improvement existing as of the date of recordation on any parcel affected by this Declaration shall be accepted and shall be allowed, but not expanded or replaced.

IN WITNESS WHEREOF, the parties have executed this Agreement on the date first set forth above.

OWNER/DECLARANT:

Douglas D Struthers
Printed Name

27
Subdivision Lot No.

THOMAS A COBURN
Printed Name

26
Subdivision Lot No.

ANGELO SCIASCIA
Printed Name

26
Subdivision Lot No.

Ronald E. Squires
Dorothy J. Squires
Printed Name

64
Subdivision Lot No.

Douglas D Struthers
Signature

39-151-020
Assessor's Parcel No.

Thomas A Coburn
Signature

39-151-050
Assessor's Parcel No.

Angelo M Sciascia
Signature

39-151-050
Assessor's Parcel No.

Ronald E Squires
Dorothy J Squires
Signature

39-154-010
Assessor's Parcel No.

ELA MARKER

Loyde R. Marker

Printed Name

Loyde R. Marker
Signature

5

Subdivision Lot No.

39-158-130

Assessor's Parcel No.

PAMELA S GRAHAM

Printed Name

Pamela S Graham
Signature

Subdivision Lot No.

39-158-140

Assessor's Parcel No.

Gilbert E Graham

Printed Name

Gilbert E Graham
Signature

Subdivision Lot No.

39-158-140

Assessor's Parcel No.

Printed Name

Signature

Subdivision Lot No.

Assessor's Parcel No.

Printed Name

Signature

Subdivision Lot No.

Assessor's Parcel No.

Printed Name

Signature

Subdivision Lot No.

Assessor's Parcel No.

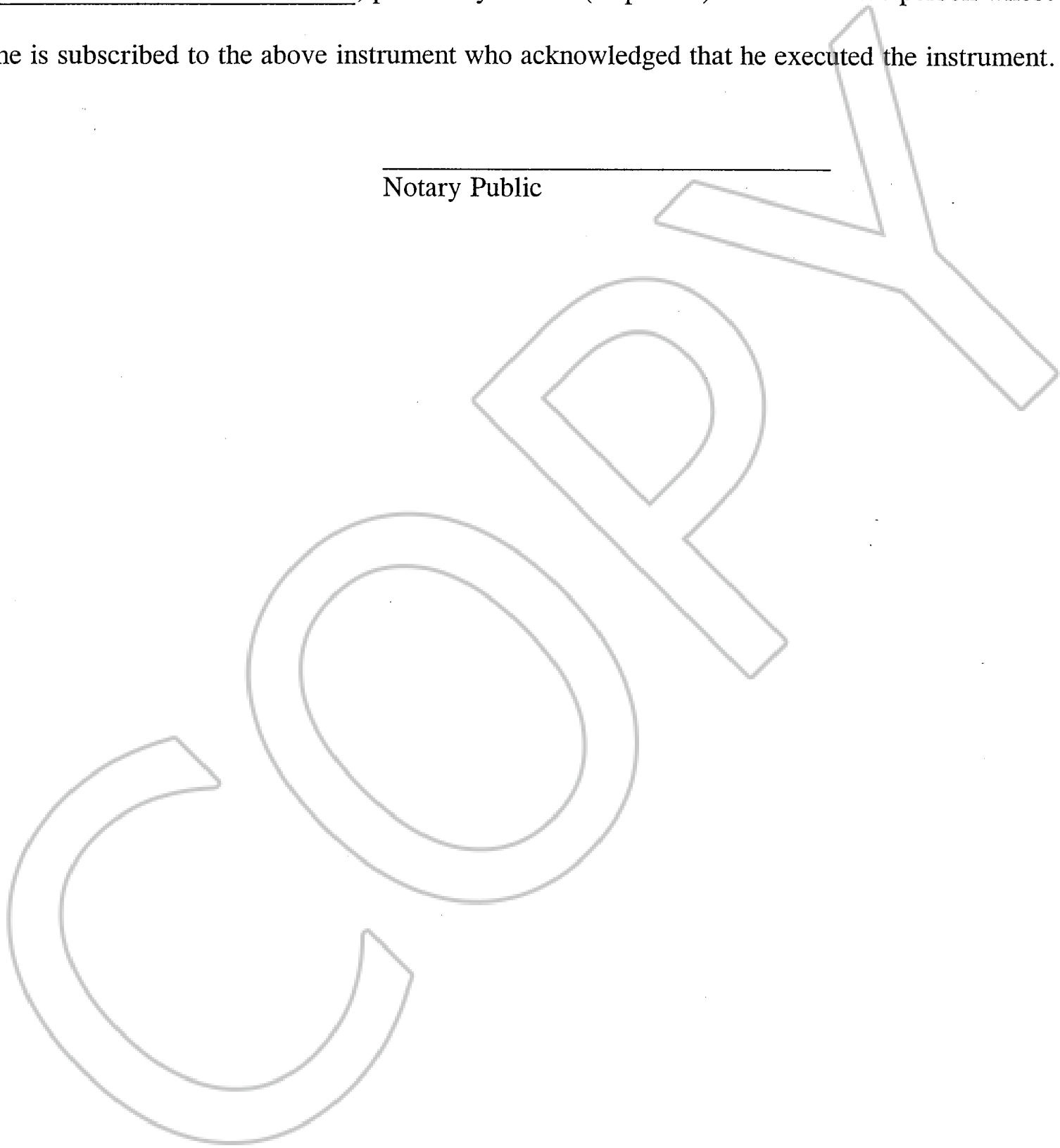
Printed Name

Signature

STATE OF NEVADA)
) ss.
COUNTY OF DOUGLAS)

On _____, 2000, before me, a notary public, personally appeared _____, personally known (or proved) to me to be the person whose name is subscribed to the above instrument who acknowledged that he executed the instrument.

Notary Public

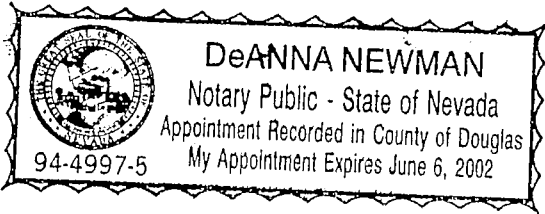


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STATE OF NEVADA)
) ss.
COUNTY OF DOUGLAS)

On 4-1-, 2000, before me, a notary public, personally appeared
DOUGLAS D. STRUTHERS, personally known (or proved) to me to be the person whose
name is subscribed to the above instrument who acknowledged that he executed the instrument.

DeAnna Newman
Notary Public



STATE OF NEVADA)
) ss.
COUNTY OF DOUGLAS)

On 4-1, 2000, before me, a notary public, personally appeared
THOMAS COBURN, personally known (or proved) to me to be the person whose
name is subscribed to the above instrument who acknowledged that he executed the instrument.

DeAnna Newman
Notary Public



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STATE OF NEVADA)
) ss.
COUNTY OF DOUGLAS)

On 4-1, 2000, before me, a notary public, personally appeared

ANGELO SCIASCIA, personally known (or proved) to me to be the person whose name is subscribed to the above instrument who acknowledged that he executed the instrument.

DeAnna Newman
Notary Public



COPY

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STATE OF NEVADA)
) ss.
COUNTY OF DOUGLAS)

On 4-, 2000, before me, a notary public, personally appeared RONALD E. SQUIRES, personally known (or proved) to me to be the person whose name is subscribed to the above instrument who acknowledged that he executed the instrument.

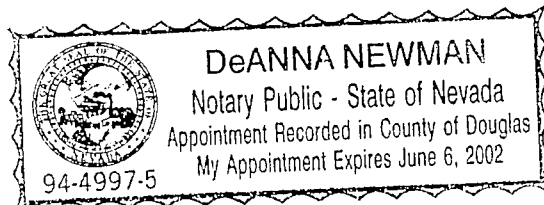
DeAnna Newman
Notary Public



STATE OF NEVADA)
) ss.
COUNTY OF DOUGLAS)

On 4-1, 2000, before me, a notary public, personally appeared DOROTHY J. SQUIRES personally known (or proved) to me to be the person whose name is subscribed to the above instrument who acknowledged that he executed the instrument.

DeAnna Newman
Notary Public



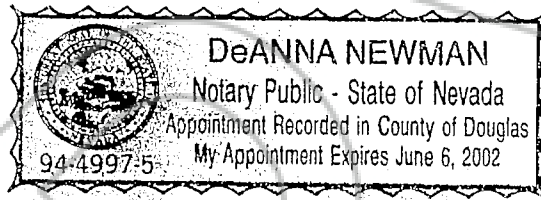
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STATE OF NEVADA)
) ss.
COUNTY OF DOUGLAS)

On 4-1, 2000, before me, a notary public, personally appeared LOYDE REED MARKER, personally known (or proved) to me to be the person whose name is subscribed to the above instrument who acknowledged that he executed the instrument.

DeAnna Newman
Notary Public



STATE OF NEVADA)
) ss.
COUNTY OF DOUGLAS)

On 5-5-, 2000, before me, a notary public, personally appeared ILA MARKER, personally known (or proved) to me to be the person whose name is subscribed to the above instrument who acknowledged that he executed the instrument.

DeAnna Newman
Notary Public



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STATE OF NEVADA)
) ss.
COUNTY OF DOUGLAS)

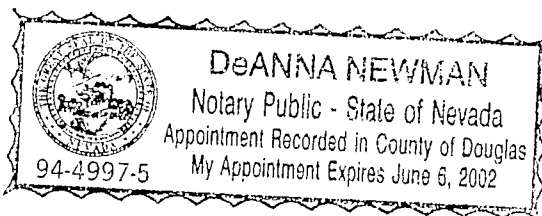
On 4-1, 2000, before me, a notary public, personally appeared
GILBERT E. GRAHAM, personally known (or proved) to me to be the person whose
name is subscribed to the above instrument who acknowledged that he executed the instrument.

Deanna Newman
Notary Public

STATE OF NEVADA)
) ss.
COUNTY OF DOUGLAS)

On 4-1, 2000, before me, a notary public, personally appeared
PAMELA S. GRAHAM, personally known (or proved) to me to be the person whose
name is subscribed to the above instrument who acknowledged that he executed the instrument.

Deanna Newman
Notary Public



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COPY

REQUESTED BY
Don Ellis Topaz Lake Homeowners
IN OFFICIAL RECORDS OF
DOUGLAS CO., NEVADA
ASSN

2000 MAY -9 PM 3: 52

LINDA SLATER
RECORDER

\$ *19.00* PAID *[Signature]* DEPUTY

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