

15.

**CONSENT TO DECLARATION OF COVENANTS,**

**CONDITIONS AND RESTRICTIONS**

THIS CONSENT is made this 18<sup>th</sup> day of OCTOBER, <sup>2000</sup>~~1999~~ by  
JAMES E & LOUISE A WILLIAMS, hereinafter referred to as "Consenting Party."

WITNESSETH:

A. Consenting Party is the owner of that certain property located in Douglas County, Nevada, further described on Exhibit A attached hereto and incorporated herein by this reference.

B. Consenting Party and/or Topaz Homeowners Association desires to record Covenants, Conditions and Restrictions in the form attached hereto as Exhibit B, which Covenants, Conditions and Restrictions would burden the property described in Exhibit A owned by Consenting Party.

C. Said Covenants, Conditions and Restrictions were not recorded prior to acquisition of title by Consenting Party. Consenting Party desires to subject their property to said documents as Grantor, Declarant and Consenting Party.

NOW THEREFORE, for valuable consideration, Consenting Party agrees and declares as follows:

1. Consenting Party's property, as described in Exhibit A attached hereto, is hereby made subject to the Declaration of Covenants, Conditions and Restrictions for Topaz Homeowners Association as recorded concurrently herewith, at Book 0500, Page 2182 as Document No. 0491691, in the Official Records of Douglas County.

2. This Consent is binding upon Consenting Party and any interest obtained by or through Consenting Party, including their grantees, heirs, successors and assigns.

IN WITNESS WHEREOF, the parties have executed this Consent on the date first set

forth above.

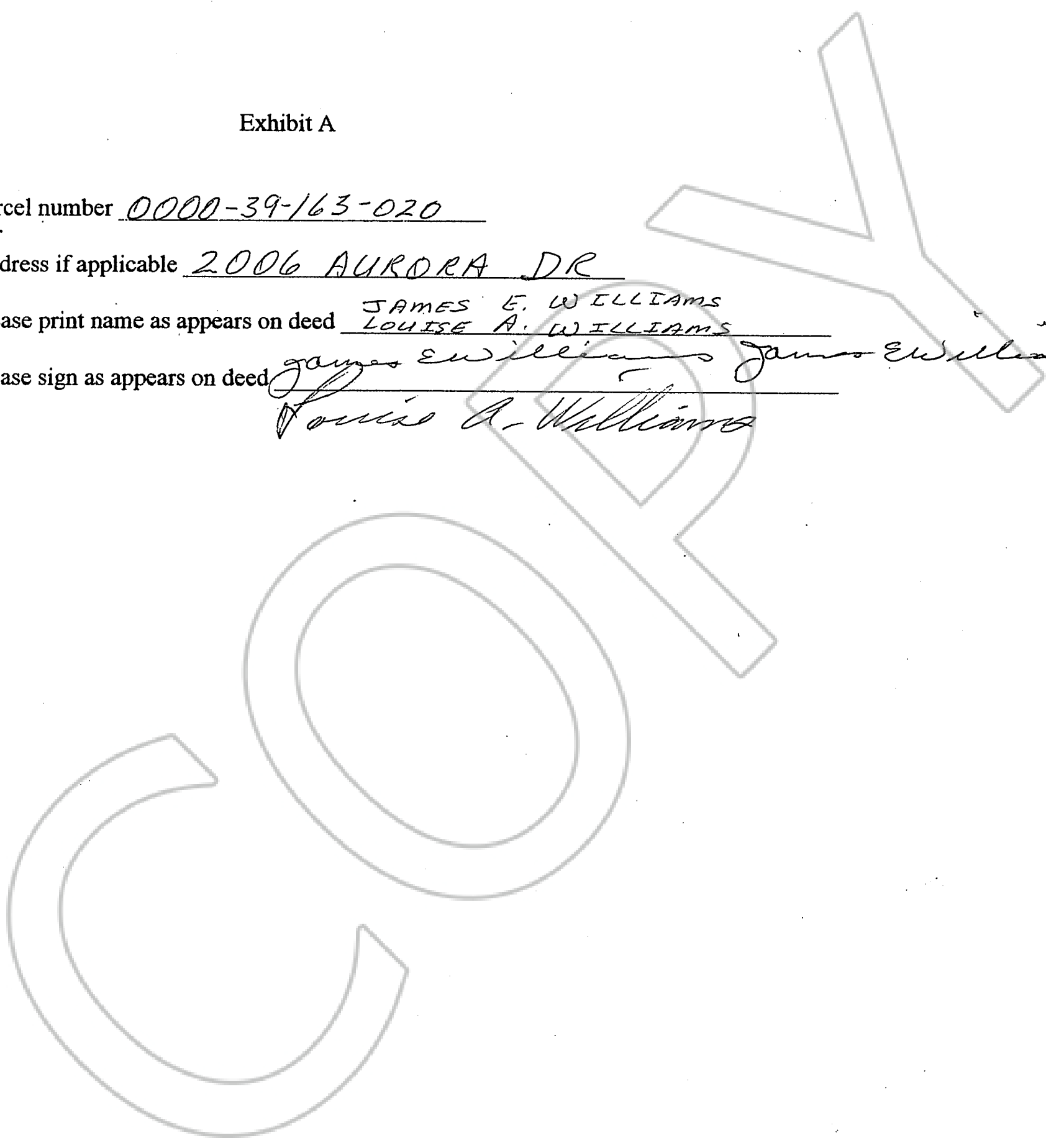
Exhibit A

Parcel number 0000-39-163-020

Address if applicable 2006 AURORA DR

Please print name as appears on deed JAMES E. WILLIAMS  
LOUISE A. WILLIAMS

Please sign as appears on deed *James E Williams* *James E Williams*  
*Louise A. Williams*



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Recording Request by  
and When Recorded Return to:

EXHIBIT B

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

TOPAZ SUBDIVISION

DECLARATION OF RESTRICTIONS

THIS DECLARATION is made on the 1<sup>ST</sup> 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 and each of them are the owners of the property in the vicinity of Topaz Lake, as identified on Exhibit 1 attached hereto and incorporated herein by reference.

NOW THEREFORE, Declarants declare that the property identified on Exhibit 1 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, CONVENANT 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.

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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.

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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:

Judith G. CHAZIN  
Printed Name  
# 26 + # 46  
Subdivision Lot No.

Judith G. Chazin  
Signature  
39-164-020  
39-165-030  
Assessor's Parcel No.

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MARVIN CHAZIN  
Printed Name

# 26 + # 46  
Subdivision Lot No.

Wanda S. Semas  
Percy Joseph Semas  
Printed Name

# 33  
Subdivision Lot No.

RASMUSSEN FAMILY  
TRUST ELAINE C. RASMUSSEN  
Printed Name

8 & 9  
Subdivision Lot No.

Robert S. Miller  
Printed Name

R# 62  
Subdivision Lot No.

James R. Marshall  
Printed Name

13 + 14  
Subdivision Lot No.

Adeline D. Joseph  
Edward F. Joseph  
Printed Name

4 + 5  
Subdivision Lot No.

Marvin Chazin  
Signature

39-164-020  
39-165-030  
Assessor's Parcel No.

Wanda S. Semas  
Percy Joseph Semas  
Signature

39 172 090  
Assessor's Parcel No.

Elaine C. Rasmussen  
Signature

39-182-020  
Assessor's Parcel No.

Robert S. Miller  
Signature

39-162-030  
Assessor's Parcel No.

James R. Marshall  
Signature

39-173-110  
Assessor's Parcel No.

Adeline D. Joseph  
Edward F. Joseph  
Signature

39-182-100  
Assessor's Parcel No.

EXHIBIT 1  
TO TOPAZ SUBDIVISION  
DECLARATION OF RESTRICTIONS

The following are owners of the described property and are Declarants to the foregoing Declaration of Restrictions:

Each individual property is within the Topaz Subdivision, in Sections 29 and 32, Township 10 N Range 22 E, M.D.B. & M. in Douglas County, Nevada, pursuant to the Subdivision Map thereof recorded in the Official Records of Douglas County at Book 35, Page 36; and each individual property is further specifically identified and described as follows:

Owner/Declarant (Printed Name)	Subdivision Lot No.	Assessor's Parcel No.
DONALD B. ELLIS	58	39-162-090
Donald B. Ellis		
Melba J. Ellis		
Melba J. Ellis	58	39-162-090

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COPY

REQUESTED BY

Don Eulis

IN OFFICIAL RECORDS OF  
DOUGLAS CO., NEVADA

2000 DEC 18 PM 4: 37

LINDA SLATER  
RECORDER

\$15<sup>00</sup> PAID J DEPUTY

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