DECLARATION OF COVENANTS, CONDITIONS AND RETRICTIONS BEING A DEED RESTRICTION FOR LOT CONSOLIDATION

This declaration is made this 13th day of February, 2002, GKM Enterprises, LLC hereinafter referred to as "declarant".

RECITALS:

 Declarant is the owner of that certain real property located in Douglas County, State of Nevada, described as follows:

Lots 147 and 148 and the westerly 128.55 feet of Lot 723, as shown on the official map of GARDNERVILLE RANCHOS UNIT NO. 6, filed for record on May 29, 1973, in the Office of the County Recorder of Douglas County, Nevada as Document No. 66512, as shown on the attached Exhibit 'A', which is made a part hereof.

Assessor's Parcel Numbers:

1220-215-10-001

A portion of 1220-215-10-011

- 2. The declarant is currently constructing a 1600 square foot commercial development for the purpose of operating a small café espresso drive-through. Development Review with Douglas County was completed on October 1, 2001 and a Douglas County Building Permit was issued in January, 2002 for the expressed approval and endorsement of developing both previously mentioned parcels.
- 3. For the purposes and intent of the physical improvements of the property, approved by Douglas County, the parcels are to be treated as if legally merged.

DECLARATION:

Declarant hereby declares that the certain real property described above is, and shall be deemed by Douglas County to be merged and shall constitute but one contiguous, inseparable parcel.

This declaration shall be deemed a covenant running with the land or as an equitable servitude, as the case may be, and shall constitute benefits and burdens to the parcels described above and shall be binding on the declarant and declarant's assigns and all persons hereafter acquiring or owning any interest in the above described parcels.

This declaration may not be revoked or modified without the prior express written and recorded consent of Douglas County, Nevada. Douglas County is deemed and agreed to be a third party beneficiary of this declaration and as such can enforce the provisions of the declaration.

In witness whereof declarant has executed this declaration on the day and year written above.

Gary W. Moss

Member, GKM Enterprises, LLC

Karen A. Moss

Member, GKM Enterprises, LLC

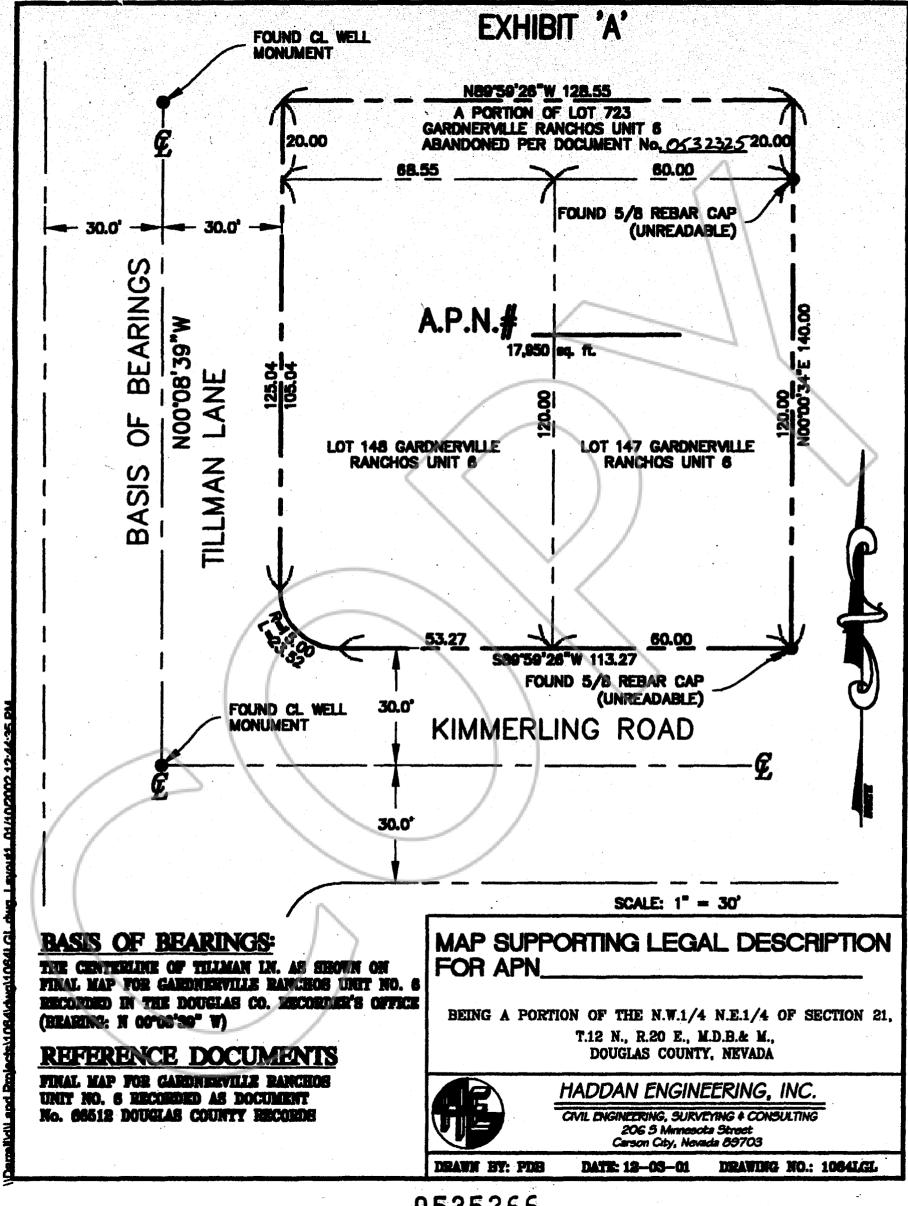
STATE OF OREGON)
) SS:
COUNTY OF DESCHUTES)

OFFICIAL SEAL
MELISSA M BAKER
NOTARY PUBLIC-OREGON
COMMISSION NO. 340586
MY COMMISSION EXPIRES DEC. 15, 2004

On this 13 day of February, in the year 2002 before me personally appeared Gary W. Moss, and Karen A. Moss, members of GKM Enterprises, LLC, personally known to me to be the persons whose names are subscribed to this instrument, and acknowledge that they executed it.

WITNESS my hand and official seal.

NOTARY PUBLIC



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LINDA SLATER
RECORDER

\$17.00
PAID DEPUTY