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Canaan Const.
Box 10226
Zephyr Cove
NV 89448

FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

THIS AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS, is made this 22 day of AUGUST, 2002, by the undersigned, ELK POINT, LLC (hereinafter referred to as "Declarant"), and is made with reference to the following facts:

1. The Declaration of Covenants, Conditions and Restrictions (hereinafter referred to as "Declaration") was recorded in Douglas County, State of Nevada, as Document No. 0548039, in Book 0702, at Page 08543, on the 26 day of JULY, 2002, and Alpine County, State of California, as Document No. _____, in Book _____, at Page _____, on the _____ day of _____, 2002.

2. The undersigned declarant desires to amend the Declaration as hereinafter provided.

3. Pursuant to paragraph 8.3 of the Declaration, the Declaration can be amended upon the approval of seventy-five percent (75%) of the owners of the parcels encumbered by the Declaration. Declarant is the owner of all of the parcels encumbered by the Declaration, as of the date of this Amendment.

NOW, THEREFORE, Declarant hereby certifies and declares that this First Amendment to the Declaration of Covenants, Conditions and Restrictions shall become a part of said Declaration, and shall run with the property, and shall be binding upon all persons or entities having or acquiring any right, title or interest in the property, or any part thereof, and shall inure to the benefit of each owner thereof.

The Declaration is amended as follows:

1. Paragraph 5.5 is deleted, and the following paragraph is substituted therein:

"The parcels can only be accessed by the common driveway serving said parcels, and in accordance with the Driveway Maintenance Agreement that has been approved by Declarant and recorded simultaneously with this Declaration; except that the Architectural Committee has the authority to grant to each parcel an additional or secondary access off the common driveway serving said parcels. Any driveway encroachment shall, where necessary include culverts of a suitable size, or other approved means of accommodating runoff drainage."

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Roadway
nv

**CANAAN CONSTRUCTION
PRIVATE ACCESS EASEMENT
LEGAL DESCRIPTION**

September 25, 2001

A 25 foot wide private access and public utility easement located within a portion of the Southeast one-quarter of Section 26, Township 12 North, Range 19 East, M.D.M., Douglas County, Nevada, being more particularly described as follows:

BEGINNING at a point on the Southwesterly right-of-way line of Foothill Road, as shown on the Record of Survey to Support a Lot Line Adjustment for Grant Barbour, Loring Sagan and Frank G. & Marjorie W. Geesaman, Document No. 512214 of the Douglas County Recorder's Office, said point bears N. 38°37'34" W., 2,615.87 feet from the Southeast corner of said Section 26;

thence S. 43°25' 51" W., 435.58 feet;

thence S. 50°47' 15" W., 122.09 feet;

thence 81.75 feet along the arc of a curve to the right having a central angle of 41°38'08" and a radius of 112.50 feet, (chord bears S. 71°36'20" W., 79.96 feet) to a point on the California and Nevada State line;

thence N. 48°38'03" W., along said State line, 70.71 feet;

thence 123.06 feet along the arc of a curve to the left having a central angle of 80°34'41" and a radius of 87.50 feet, (chord bears S. 88°55'24" E., 113.16 feet)

thence N. 50°47'15" E., 120.48 feet;

thence N. 43°25'51" E., 433.99 feet to a point on said right-of-way line;

thence S. 46°31'52" E., along said right-of-way line, 25.00 feet to the POINT OF BEGINNING.

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legal documents canaan nevada easement 01065 rev 092401 dmh sk

Page 1 of 2

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BK 0702 PG 08547

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Containing 16,210 square feet more or less.

Basis of Bearing

The South line of the Southeast one-quarter of said Section 26 as shown on the above mentioned Record of Survey, (N. 89°58'00" W.).



PREPARED BY

PREPARED BY

Darryl M. Harris, P.L.S.
Resource Concepts, Inc.
P.O. Box 11796
212 Elk Point Road, Suite 441
Zephyr Cove, NV 89448

REQUESTED BY
Laura Holton
IN OFFICIAL RECORDS OF
DOUGLAS CO. NEVADA

2002 JUL 11 AM 9:08

LINDA SLATER
RECORDER

\$1900 PAID *BL* DEPUTY

0548040

0546763

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EXHIBIT "A"
LEGAL DESCRIPTION

Four parcels of land located within a portion of the Southeast one-quarter of Section 26, T.12 N., R.19 E., M.D.M., being more particularly described as follows:

Nevada

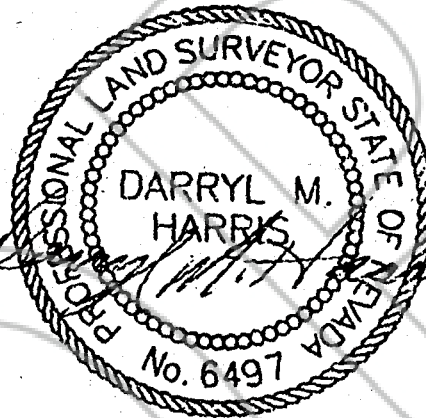
Parcel 1 and Parcel 2 of Final Parcel Map LDA 01-001, as recorded in Book 1101 at Page 7532, Document No.528446 of the Douglas County Recorder's Office;

California

Parcel 1 and Parcel 2 of the Record of Survey Map to Support a Lot Line Adjustment, as recorded in Book 4 at Page 157 of the Alpine County Recorder's Office.

PREPARED BY:

Darryl M. Harris, P.L.S. #6497
Resource Concepts, Inc.
P.O. Box 11796
Zephyr Cove, NV 89448
775 589-6001



7-25-02

REQUESTED BY
FIRST AMERICAN TITLE CO.

IN OFFICIAL RECORDS OF
DOUGLAS CO., NEVADA

2002 JUL 26 AM 11:11

LINDA SLATER
RECORDER

20 PAID *KJ* DEPUTY

0550375

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BK 0702 PG 08549

IN WITNESS WHEREOF, Declarant has executed this Amendment on the day and year first above written.

ELK POINT, LLC:

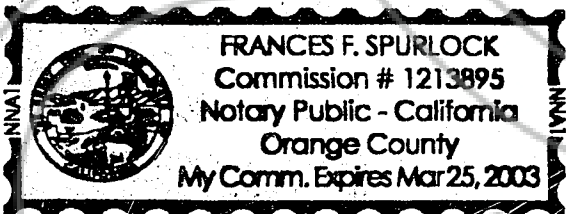
By Walter Burgess
Walter Burgess

ACKNOWLEDGMENT

california
STATE OF ~~NEVADA~~)
Orange) ss.
COUNTY OF ~~DOUGLAS~~)

On the 22nd day of AUGUST, 2002, before me,
Frances F. Spurlock, a Notary Public,
personally appeared Walter Burgess,
personally known to me (or proved to me on the basis of satisfactory evidence) to be
the person whose name is subscribed to the within instrument, and acknowledged to
me that he/she executed the same in his/her authorized capacity, and that by his/her
signature on this instrument, the person, or the entity upon behalf of which the person
acted, executed this instrument.

WITNESS my hand and official seal.



Frances F. Spurlock
NOTARY PUBLIC

REQUESTED BY
Canaan Coast
IN OFFICIAL RECORDS OF
DOUGLAS CO., NEVADA

2002 AUG 23 PM 4:18

LINDA SLATER
RECORDER

\$ 13.00 PAID K2 DEPUTY

0550375

BK 0802 PG 08286