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REQUESTED BY
Toni McCormick
IN OFFICIAL RECORDS OF
DOUGLAS CO., NEVADA

APN 1420-35-201-17
✓ Toni McCormick
P.O. Box 2914
Minden, NV 89423

2004 MAY -6 PM 4: 52

WERNER CHRISTEN
RECORDER
\$18.00 PAID KR DEPUTY

Recording Requested by and
When Recorded, Mail to:
Brooke · Shaw · Zumpft
1590 Fourth Street
Minden, Nevada 89423

AGREEMENT AND COVENANT FOR MAINTENANCE

WHEREAS Michael E. McCormick and Toni E. McCormick ("Developer") are owners of that real property identified as Parcel Nos. 1-4 on the final parcel map of Thirsty Magoo Court, recorded in the Official Records of Douglas County on August 20, 2003 at Book 0803, Page 10571, Document No. 587199. A copy of the final map is attached hereto as Exhibit 1.

WHEREAS Douglas County approved the tentative parcel map of Thirsty Magoo Court subject to the following conditions, among others:

3.C A final drainage report meeting the requirements of the Douglas County design manual. In addition to the requirements in the design manual, the report shall address the County requirement to retain all run-off from the development. The retention basin shall not be constructed within the right-of-way.

10.C Maintenance of all drainage facilities and easements shall be the responsibility of a homeowner's association. Douglas County rejects any offer of dedication of drainage facilities or drainage easements.

WHEREAS the subject drainage works and catch basin will be located in whole or in part on Parcel Nos. 2 and 4 and will benefit all parcels.

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NOW THEREFORE Developer does hereby agree and covenant as follows:

1. There is and shall be imposed on the owners of each parcel a joint and reciprocal obligation to maintain any and all drainage works depicted on the final map that have not been accepted for maintenance by Douglas County, including:

- a. The drainage ditch located on Parcel No. 2;
- b. The catch basin located on Parcel No. 4; and
- c. That portion of the roadside "drainage" ditch that runs along Downs Street west of Thirsty Magoo Court. The joint and reciprocal obligation to maintain this portion of the drainage ditch shall terminate at such time as the above-described westerly portion of Downs Street may be accepted for maintenance by Douglas County;

2. The above-described drainage works shall be maintained in a condition that is the same or comparable to the original state at the time of construction;

3. The owners of each parcel shall bear one-quarter (1/4) of the cost of maintaining the above-identified drainage works, and shall pay any bills incurred in furtherance thereof within fifteen (15) days of receipt. All obligations incurred pursuant to this Agreement and Covenant shall be first authorized by owners of seventy-five percent (75%) vote of the parcels after advance notice to owners of all parcels.

4. Upon the sale of any parcel, the party disposing of his parcel shall be liable to the remaining parties for the contribution as to any accrued or contingent liabilities, whether fixed or undetermined in amount.

5. This Agreement shall run with the land and be binding upon and shall inure to

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the benefit of the heirs, executors, administrators and assigns of the respective parcels hereto, as well as the successors in interest to the aforescribed real properties;

6. It is expressly understood and acknowledged that this Agreement and Covenant is provided in satisfaction of the above-quoted Condition No. 10(C) as imposed by Douglas County for approval of the tentative parcel map. Douglas County is an intended beneficiary of this Agreement and Covenant. In the event the owners of the lots affected by this Agreement and Covenant fail to maintain the drainage works in accordance herewith, the County may avail itself of any legal and/or equitable remedies to enforce this Agreement and Covenant; contract for maintenance of the drainage works; and receive reimbursement for all costs associated therewith.

Dated this 4 day of MAY, 2007.^{4 MMEC TME}

Michael E. McCormick
MICHAEL E. McCORMICK

Dated this 4 day of may, 2003.^{4 MMEC TME}

Toni E. McCormick
TONI E. McCORMICK

Approved as to Form:

Douglas County

By: Tom Perkins

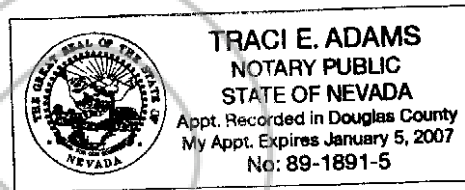
Tom Perkins, Deputy District Attorney

STATE OF NEVADA)
) ss.
COUNTY OF DOUGLAS)

On the 4th day of May, 2007, before me, a notary public, personally appeared Michael E. McCormick, 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.

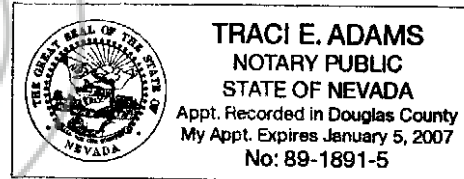
Traci E. Adams
Notary Public

STATE OF NEVADA)
) ss.
COUNTY OF DOUGLAS)

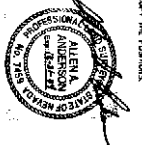


On the 4th day of May, 2007, before me, a notary public, personally appeared Toni E. McCormick, personally known (or proved) to me to be the person whose name is subscribed to the above instrument who acknowledged that she executed the instrument.

Traci E. Adams
Notary Public



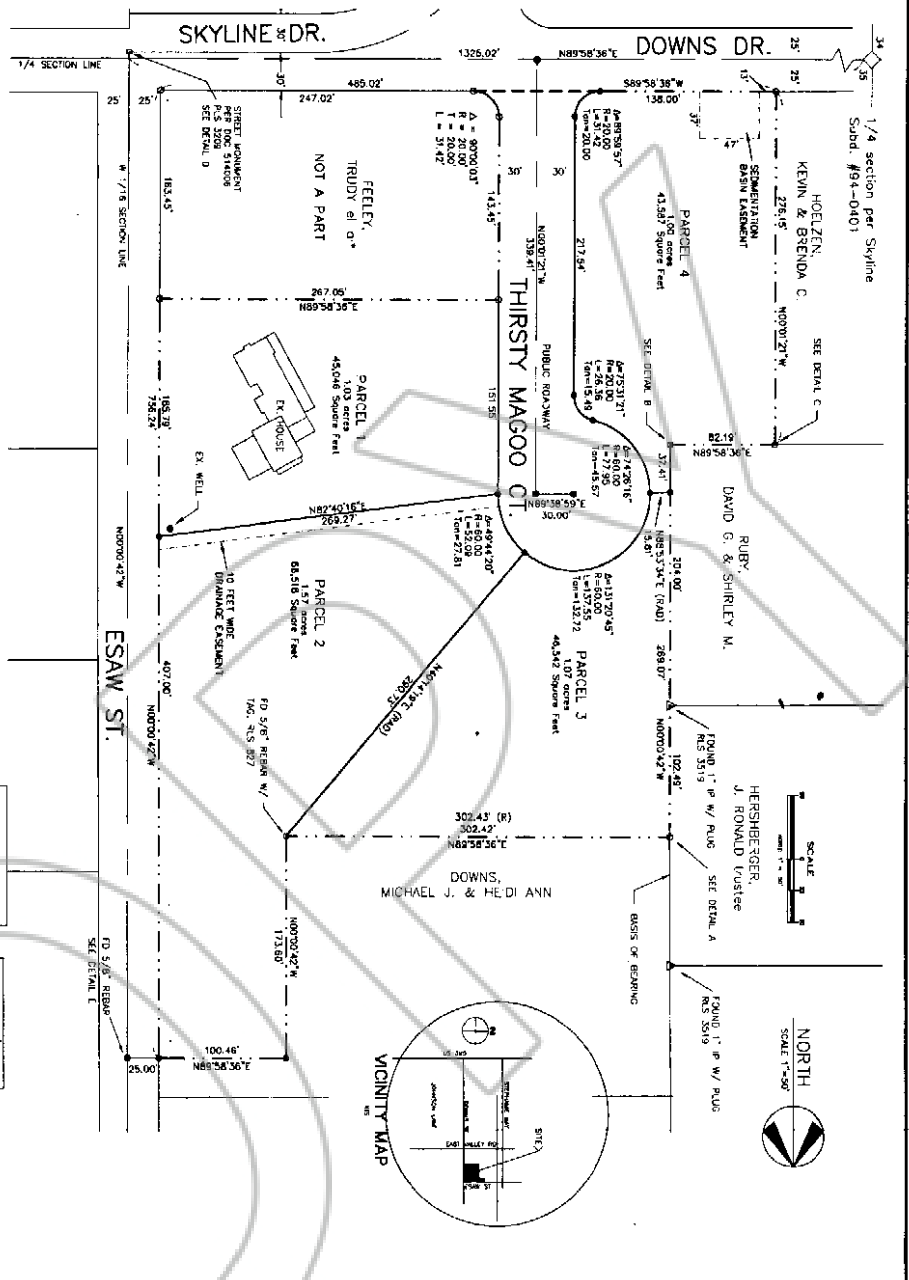
AAA SURVEYING
ALLEN S. ANDERSON, 7439
ALLEN S. ANDERSON, 7439
ALLEN S. ANDERSON, 7439
ALLEN S. ANDERSON, 7439



SURVEYOR'S CERTIFICATE
I, ALLEN S. ANDERSON, a Professional Land Surveyor Registered in the State of Nevada, do hereby certify that the foregoing plat, map, plan or diagram, together with the accompanying notes and conditions, was prepared by me or under my direct supervision and that I am a duly Licensed Professional Land Surveyor in the State of Nevada, License No. 20078.

- NOTES**
1. THIS MAP IS TO BE RECORDED IN THE PUBLIC RECORDS OF THE COUNTY OF DOUGLAS, NEVADA.
 2. THIS MAP IS A PART OF A LARGER MAP OF THE LANDS SURVEYED UNDER MY SUPERVISION IN THE COUNTY OF DOUGLAS, NEVADA, AND IS TO BE RECORDED IN THE PUBLIC RECORDS OF THE COUNTY OF DOUGLAS, NEVADA, TOGETHER WITH THE OTHER PARTS OF THE LARGER MAP.
 3. THE LANDS SURVEYED UNDER MY SUPERVISION IN THE COUNTY OF DOUGLAS, NEVADA, ARE SHOWN ON THE MAP AS BEING SUBJECT TO THE PUBLIC RECORDS OF THE COUNTY OF DOUGLAS, NEVADA, AND THE SURVEY WAS COMPLETED ON JANUARY 16, 2003.
 4. THE MAP COMPLETES WITH PREVIOUS STATE SURVEYS AND ANY LOCAL SURVEYS.
 5. THE MONUMENTS AND MARKS OF THE QUANTITY SHOWN AND LOCATED THEREON.

Exhibit 1



OWNERS' CERTIFICATE
I, MICHAEL J. AND HEDI ANN DOWNS, do hereby certify that the foregoing plat, map, plan or diagram, together with the accompanying notes and conditions, was prepared by me or under my direct supervision and that I am a duly Licensed Professional Land Surveyor in the State of Nevada, License No. 20078.

TITLE CERTIFICATE
THIS IS TO CERTIFY THE PARTIES TO THIS INSTRUMENT, THAT THE FOREGOING INSTRUMENT, TOGETHER WITH THE ACCOMPANYING NOTES AND CONDITIONS, WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF NEVADA, LICENSE NO. 20078.

COUNTY ENGINEER'S CERTIFICATE
I, [Signature], County Engineer, do hereby certify that the foregoing plat, map, plan or diagram, together with the accompanying notes and conditions, was prepared by me or under my direct supervision and that I am a duly Licensed Professional Land Surveyor in the State of Nevada, License No. 20078.

COUNTY CLERK'S CERTIFICATE
I, [Signature], County Clerk, do hereby certify that the foregoing plat, map, plan or diagram, together with the accompanying notes and conditions, was prepared by me or under my direct supervision and that I am a duly Licensed Professional Land Surveyor in the State of Nevada, License No. 20078.

RECORDERS' CERTIFICATE
I, [Signature], Recorder, do hereby certify that the foregoing plat, map, plan or diagram, together with the accompanying notes and conditions, was prepared by me or under my direct supervision and that I am a duly Licensed Professional Land Surveyor in the State of Nevada, License No. 20078.

COMMUNITY DEVELOPMENT DEPARTMENT CERTIFICATE
I, [Signature], Community Development Director, do hereby certify that the foregoing plat, map, plan or diagram, together with the accompanying notes and conditions, was prepared by me or under my direct supervision and that I am a duly Licensed Professional Land Surveyor in the State of Nevada, License No. 20078.

PUBLIC UTILITIES CERTIFICATE
I, [Signature], Public Utilities Director, do hereby certify that the foregoing plat, map, plan or diagram, together with the accompanying notes and conditions, was prepared by me or under my direct supervision and that I am a duly Licensed Professional Land Surveyor in the State of Nevada, License No. 20078.

LEGEND
[Diagrammatic symbols for various features]

SCALE
1" = 100'

VICINITY MAP
[Small map showing location of the surveyed area]

35-14-20