DOC # 0662021 12/01/2005 04:09 PM Deputy: BC OFFICIAL RECORD Requested By: NORTHERN NEVADA TITLE

APN: 1220-04-501-007

1220-04-501-008

Douglas County - NV Werner Christen - Recorder

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17.00 0.00



ORDER NO.: DO-1050028-LS

FOR RECORDER'S USE ONLY

TITLE OF DOCUMENT: **DECLARATION**

WHEN RECORDED MAIL TO:

BENCOR/WATERLOO 90 S. Cascade Avenue, Suite 330 Colorado Springs, CO 80903

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.

The 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.

Bencor/Waterloo, a Nevada Limited Partnership

By: Bencor Development, LLC
Its: General Partner – Ray Walkowski, Manager

STATE OF Colorado

SS:

COUNTY OF El Paso

On this 15th day of Nokway, in the year 2005 before me personally appeared Ray Walkowski and 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.

W:\25\2535\05\DECLARATION OF COVENANTS.doc

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My Commission Expires: 0/9/2009

APN: 1220-04-501-007 and 008

RECORDED AT THE REQUEST OF AND RETURN TO: Jeff Codega Planning 433 West Plumb Lane Reno, NV 89509

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

This declaration is made this AS Day of November, 2005, by Bencor/Waterloo, a Nevada Limited Partnership. hereinafter referred to as "declarant."

RECITALS

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

PARCEL 1:

A parcel of land located within a portion of Section 4, Township 12 North, Range 20 East, Mount Diablo Baseline and Meridian, Douglas County, Nevada, described as follows:

COMMENCING at the Northeasterly corner of Kingslane Unit No. 1 as recorded per Document No. 43243, Douglas County, Nevada, Recorder's Office; THENCE along the Southwesterly right-of-way of U.S. Highway 395 South 51° 06'00" East, 42.32 feet, more or less, per the Grant Deed description recorded in Book 786 at Page 372 as Document No. 03036;

THENCE continuing South 51° 06'00" East, 514.70 feet to THE POINT OF BEGINNING;

THENCE continuing South 51° 06'00" East, 199.59 feet;

THENCE South 38°54'00" West, 210.87 feet;

THENCE North 50°51'03" West, 199.59 feet;

THENCE North 38°54'00" East, 210.00 feet to THE POINT OF BEGINNING.

Reference is hereby made to that certain Record of Survey Map of Lampe Ranch, recorded May 7, 1965 as File No. 28058 and to that certain Record of Survey Map to accompany a Lot Line Adjustment for Double D Investments recorded on June 26, 1990 as File No. 228900, Official Records.

Note: Legal description previously contained in Book 0905 at Page 11700 Document No. 656267, recorded on September 29, 2005.

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PARCEL 2:

A parcel of land located within a portion of Section 4. Township 12 North, Range 20 East, Mount Diablo Baseline and Meridian, Douglas County, Nevada, described as follows:

COMMENCING at the Northeasterly corner of Kingslane Unit No. 1 as recorded per Document No. 43243, Douglas County, Nevada, Recorder's Office;

THENCE along the Southwesterly right-of-way of U.S. Highway 395 South 51° 06'00" East, 42.32 feet, more or less, per the Grant Deed description recorded in Book 786 at Page 372 as Document No. 03036;

THENCE continuing South 51° 06'00" East, 714.29 feet to the point of the beginning:

THENCE continuing South 51° 06'00" East, 254.30 feet;

THENCE South 87°30'45" west, 37.04 feet;

THENCE along the arc of a curve to the right, non-tangent to the preceding course having a delta angle of 55°00'26", a radius of 100.00 feet and an arc length of 96.00 feet:

THENCE South 44°52'36" west, along the Northerly right-of-way line of Waterloo Lane, 102.10 feet;

THENCE North 50°51'03" west, 249.77 feet;

THENCE North 38°54'00" East, 210.87 feet to the point of the beginning. Reference is hereby made to those certain Record of Survey Maps recorded on May 7, 1965 as File No. 28058 and on June 26, 1990 as File No. 228900, Official Records.

Note: Legal description previously contained in Book 0905 at Page 11700 Document No. 656267, recorded on September 29, 2005.

Assessor's Parcel Numbers 1220-04-501-007 & 008

- 2. The declarant desires to complete a boundary line adjustment with another adjacent parcel and develop the site to commercial use which will encroach upon the common interior lot line of the parcels.
- As a condition of approval for the physical improvements listed in recital 3. number two (pursuant to Douglas County Ordinances and the Uniform Building Code) the parcels are to be treated as if legally merged.

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