

OFFICIAL RECORD

Requested By:
NORTHERN NEVADA TITLE

Douglas County - NV
Karen Ellison - Recorder

Page: 1 Of 7 Fee: 20.00
BK-0111 PG- 5848 RPTT: 0.00



APNs:

1219-15-001-001; 1219-15-001-009;
1219-15-002-028; 1219-15-001-010;
1219-15-001-110

Recording Requested by:

Jobs Peak Ranch Community Association, Inc.

Mail Recorded Document and Tax Statements

To:

Jobs Peak Ranch Community Association, Inc.
c/o New Valley Real Estate Management Inc.
1664 Highway 395 Suite 106
Minden, NV 89423

The undersigned hereby affirms that this document submitted for recording does not contain the social security number of any person or persons (NRS 239B.030).

Signature

Printed Name

SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE

AMENDMENT TO DECLARATION OF DEED RESTRICTIONS
FOR OPEN SPACE PRESERVATION

This Amendment to Declaration of Deed Restrictions for Open Space Preservation ("Amendment") is made this 18th day of January, 2011, by Five Creek Limited Liability Company, a Nevada limited-liability company ("Declarant").

1. Declarant received conditional approval from Douglas County on 18 January 1996 for a Tentative Subdivision Map for Job's Peak Ranch Subdivision ("Tentative Approval"). Condition 9 thereof, entitled "Open Space Preservation," provides as follows:

The applicant shall provide information on the proposed use and improvements, if any, to the open space to the approval of Douglas County. This information is required to include adequate legal controls to insure perpetual preservation and maintenance, to the approval of Community Development Department and the District Attorney. The County shall be a third party to all such controls, per D.C.C. 17.16.120(D).

2. Declarant and Douglas County thereafter entered into a Development Agreement with Douglas County, pursuant to Condition 8, recorded as Document Number 411878; and established a property owners association, pursuant to Condition 10, recorded as Document Number 486266.

3. Declarant thereafter filed six (6) successive Final Subdivision Maps for Job's Peak Ranch, all of which were reviewed and approved by Douglas County Community Development and the District Attorney. Said maps were recorded as Document Numbers: 415114 (Unit 1), 504636 (Unit 2), 524340 (Unit 3), 610012 (Unit 4), 669211 (Unit 5) and 739115 (Unit 6)(collectively, the "Final Maps").

4. Declarant recorded the Declaration of Deed Restrictions For Open Space Preservation requesting the Project on 06 March 2009 as Document Number 0739114, Book 0309, Page 1332 (the "Deed Restriction"). Said Deed Restriction states that the subject real property has no appurtenant development rights for additional residential units.

5. On 04 November 2010, Douglas County approved Amendments to the Final Maps for Unit 1 and Unit 6. Said Amended Maps approved boundary line adjustments and removed some open space property from the Project. The removal of open space property was conditioned upon the continuation of the deed restriction on the removed open space notwithstanding its removal from the Project and attachment to adjacent non-restricted land.

6. This Amendment is to implement said condition, and has been revised and approved by Douglas County and the owners of the affected adjacent properties (Lots E and J).

NOW, THEREFORE, in connection therewith, and for valuable consideration, Declarant states and agrees as follows:

1. Open Space Lot A, consisting of 2.81 acres transferred to Lot E; a portion of Open Space Lot B, consisting of 0.04 acres; and Open Space Lot C, consisting of 8.24 acres, as reflected by the area with "cross hatching" on the attached **Exhibit 1**, will remain subject to the recorded Deed Restriction and do not contain any appurtenant right for development of a residential unit.

2. Open Space Lot C, a portion of Lot B, and a portion of Open space Lot A will be removed from the designated open space within the Job's Peak Ranch, Unit 1 Planned Unit Development (the "Project").

3. A portion of Open Space Lot A will be removed from the Project and added to adjacent Lot E. The existing development rights for Lot E, excluding the 2.81 acres added thereto, will not be affected by or subject to the Deed Restriction.

4. A portion of Open Space Lot B will be removed from the Project and added to adjacent Lot J. The existing development rights for Lot J excluding the 0.04 acres added thereto, will not be affected by or subject to the Deed Restriction.

5. The Open Space described in **Exhibit 2** shall be subject to the deed restrictions hereto, and shall have no appurtenant development rights for additional residential units.

6. A summary of the Open Space subject to the deed restrictions hereto is attached as **Exhibit 3**.

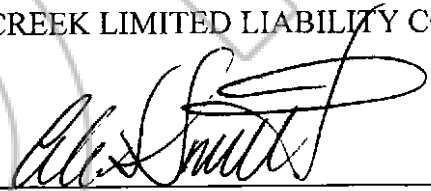
7. This Amendment may be further amended by an agreement between Douglas County and the owner of any real property subject to the Deed Restriction as allowed by Title 20 of the Douglas County Code.

This Declaration is made pursuant to the conditional project approval by Douglas County, and at Douglas County's request and following its review.

IN WITNESS WHEREOF, Declarant has executed this Declaration on the date first set forth above.

FIVE CREEK LIMITED LIABILITY COMPANY

By:

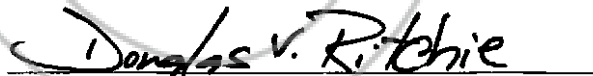


SMITH AND SMITH, L.L.C., Manager
By: COLE S. SMITH, Manager

Approved as to form:



T. Scott Brooke, Esq.
Attorney for Five Creek, LLC

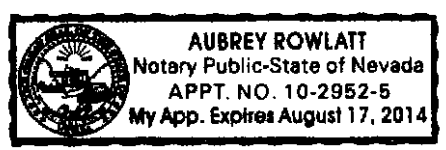


Douglas V. Ritchie, Deputy District Attorney
Douglas County

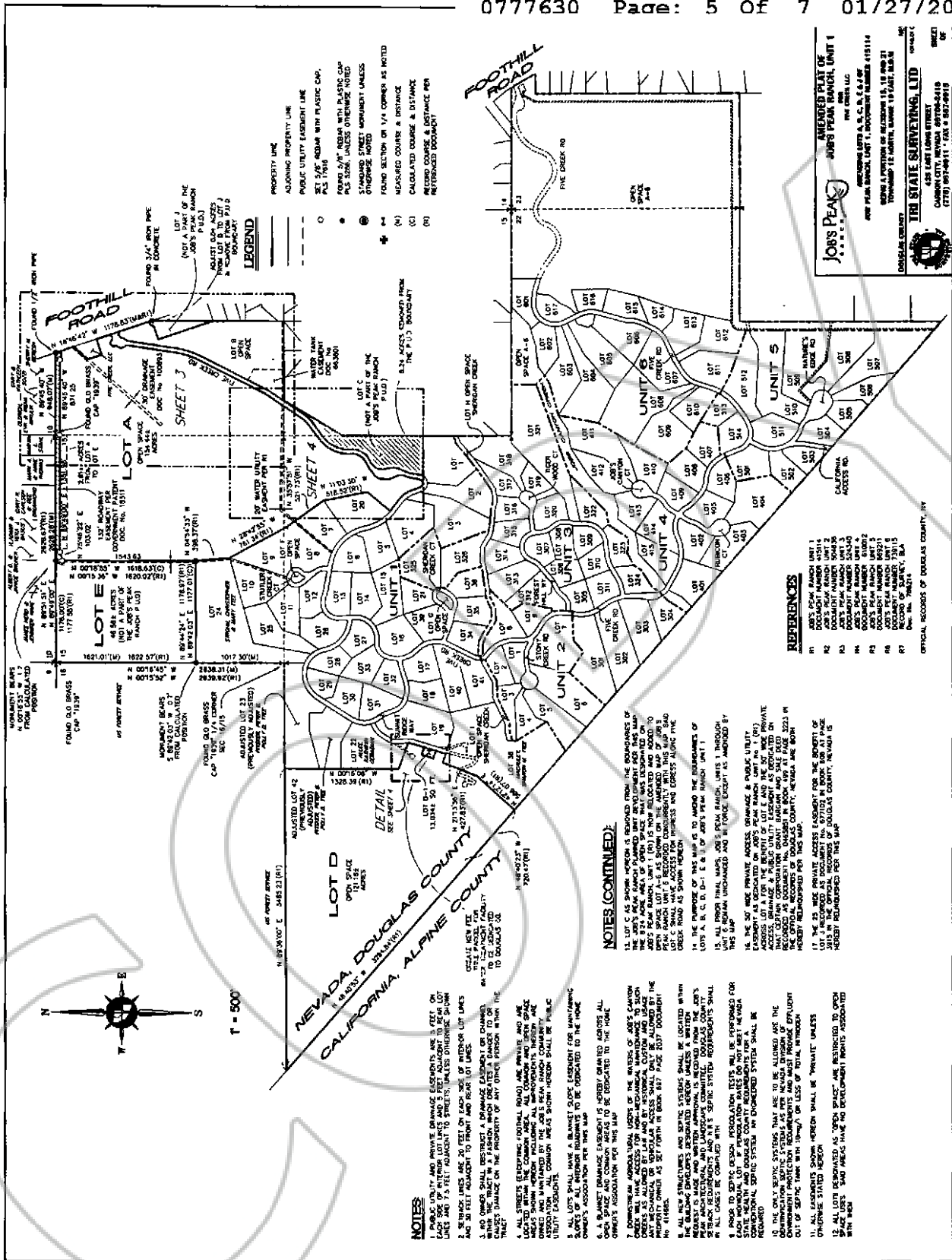
STATE OF NEVADA)
) ss:
COUNTY OF DOUGLAS)

On 18 January 2011, before me, personally appeared COLE S. SMITH, personally known to me or proven 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 executed the same in his authorized capacity(ies), and that by his signature on the instrument the person, or entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.



Aubrey Rowland
Notary Public



Job's Peak
 AMENDED PLAT OF
 JOB'S PEAK RANCH, UNIT 1
 JOB'S PEAK RANCH, UNIT 1, A.S. & P.U. 1
 ONE PEAK RANCH, UNIT 1, A.S. & P.U. 1
 TOWNSHIP 15 NORTH, RANGE 11 EAST, S.83E
 CONVERSE COUNTY

TRI STATE SURVEYING, LTD
 435 EAST LAMAR STREET
 CAROLINA CITY, NEVADA 89704-2419
 (775) 951-8811 FAX # 952-8819

NOTES (CONTINUED)

13. LOT C AS SHOWN HEREON IS RESERVED FROM THE BOUNDARIES OF THE JOB'S PEAK RANCH PLANNED UNIT DEVELOPMENT FOR THIS MAP. THE JOB'S PEAK RANCH, UNIT 1, A.S. & P.U. 1, IS SHOWN AS ADJACENT TO OPEN SPACE LOT A-E AS SHOWN ON THE AMENDED MAP OF JOB'S PEAK RANCH, UNIT 1, A.S. & P.U. 1. LOT C SHALL HAVE ACCESS FOR HIGHWAY AND CROSSING FINE CREEK ROAD AS SHOWN HEREON.
14. THE PURPOSE OF THIS MAP IS TO AMEND THE BOUNDARIES OF LOTS A, B, C, D, E & F OF JOB'S PEAK RANCH, UNIT 1.
15. ALL PORTIONS THAT MAKE JOB'S PEAK RANCH, UNITS 1 THROUGH 5, SHALL REMAIN UNCHANGED AND INTACT EXCEPT AS AMENDED BY THIS MAP.
16. THE 50' WIDE PRIVATE ACCESS DRIVEWAY & PUBLIC UTILITY EASEMENT AS DEPICTED ON JOB'S PEAK RANCH UNIT #1 (R) ACCESS TO THE PUBLIC UTILITY EASEMENT AS DEPICTED ON THE AMENDED MAP OF JOB'S PEAK RANCH, UNIT 1, A.S. & P.U. 1, SHALL BE DELETED FROM THE OFFICIAL RECORDS OF DOUGLAS COUNTY, NEVADA, AND SHALL BE HEREBY REDESIGNED PER THIS MAP.
17. THE 25' WIDE PRIVATE ACCESS DRIVEWAY FOR THE BENEFIT OF LOTS 101 THROUGH 105, AS DEPICTED ON THE AMENDED MAP OF JOB'S PEAK RANCH, UNIT 1, A.S. & P.U. 1, SHALL BE HEREBY REDESIGNED PER THIS MAP.

NOTES

1. PUBLIC UTILITY AND PRIVATE DRAINAGE EASEMENTS ARE 5 FEET ON EACH SIDE OF ALL LOTS AND 3 FEET ADJACENT TO EACH LOT CORNER AND 7.5 FEET ADJACENT TO STREETS, UNLESS OTHERWISE SHOWN.
2. ALL NEW STRUCTURES AND SEPTIC SYSTEMS SHALL BE LOCATED WITHIN THE COMMON AREA, ALL COMMON AND OPEN SPACE AREAS SHALL BE MAINTAINED BY THE JOB'S PEAK RANCH COMMUNITY ASSOCIATION. ALL COMMON AREAS SHOWN HEREON SHALL BE PUBLIC UTILITY EASEMENTS.
3. NO OWNER SHALL RESTRICT A DRAINAGE EASEMENT OR CHANGED THE TRACT IN A MANNER WHICH CREATES A DANGER TO OR INFRINGES UPON THE RIGHTS OF ANY OTHER PERSON WITHIN THE TRACT.
4. ALL STREETS (EXCEPT FUTURE ROADS) ARE WIDENED AND ARE LOCATED WITHIN THE COMMON AREA. ALL COMMON AND OPEN SPACE AREAS SHALL BE MAINTAINED BY THE JOB'S PEAK RANCH COMMUNITY ASSOCIATION. ALL COMMON AREAS SHOWN HEREON SHALL BE PUBLIC UTILITY EASEMENTS.
5. LOTS OF ALL MINOR DIMENSIONS TO BE ADDED TO THE HOME OWNER'S ASSOCIATION PER THIS MAP.
6. A BLANKET DRAINAGE EASEMENT IS HEREBY GRANTED ACROSS ALL COMMON AND OPEN SPACE AREAS TO BE DEDICATED TO THE HOME OWNER'S ASSOCIATION PER THIS MAP.
7. THE HOME OWNER'S ASSOCIATION SHALL BE THE TRUSTEE OF ALL COMMON AREAS AND SHALL HAVE ACCESS TO ALL COMMON AREAS AND SHALL BE RESPONSIBLE FOR THE MAINTENANCE AND REPAIR OF ALL COMMON AREAS AND SHALL BE RESPONSIBLE FOR THE MAINTENANCE AND REPAIR OF ALL COMMON AREAS AND SHALL BE RESPONSIBLE FOR THE MAINTENANCE AND REPAIR OF ALL COMMON AREAS.



Land Information Solutions

TRI STATE SURVEYING, LTD.

425 East Long Street
Carson City, Nevada 89706
Telephone (775) 887-9911 ♦ FAX (775) 887-9915
Toll Free: 1-800-411-3752

EXHIBIT "2"

All that real property within the Job's Peak Ranch Planned Unit Development shown as Open Space, Common Lots and Private Roadways situated in the State of Nevada, County of Douglas being more particularly described as follows:

OPEN SPACE "A-6", as set forth on that certain AMENDED PLAT OF JOB'S PEAK RANCH, UNIT 6, Final Subdivision Map, Planned Unit Development, LDA 10-017, filed for record in the office of the County Recorder of Douglas County, State of Nevada, on January 27, 2011 in Book 0111 of Official Records, at Page 5836, as Document Number 0777626.

Exhibit "3"

Job's Peak Ranch

Open Space	APN	Size in Acres
<i>Unit 1</i>		
A	1219-15-001-002	154.44
B	1219-15-001-009	18.41
D	1219-16-002-001	121.16
D-1		0.30
F	<u>1219-15-002-004</u>	0.28 (12,255 sq/ft)
G	1219-15-002-017	0.48
H	1219-15-002-010	3.19
I	1219-16-002-017	1.15
 <i>Unit 2</i>		
No Open Space		
 <i>Unit 3</i>		
No Open Space		
 <i>Unit 4</i>		
A	1219-22-001-044	9.00
B	1219-22-001-045	0.84
 <i>Unit 5</i>		
No Open Space		
 <i>Unit 6</i>		
A		156.10
Common Lot 1		<u>0.56</u> (24,412 sq/ft)
TOTAL		465.91

S:\LITIGATE\Five Creek\0FIVE CREEK and JPRCA CLOSING DOCUMENTS\Exhibit 3 - Amended Deed Rest for Open Space Preservation 17 Jan 11.doc