

DOUGLAS COUNTY APNs 1320-30-701-026,  
1320-30-701-027, 1320-30-701-019,  
1320-30-701-021, 1320-30-701-028,  
1320-30-802-028 and 1320-30-802-029



KAREN ELLISON, RECORDER

**RECORDING REQUESTED BY**

Maverick, Inc  
185 S State Street, Ste 800  
Salt Lake City, UT 84111  
Attention Real Estate Department

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**SECOND AMENDMENT TO  
AMENDED AND RESTATED  
DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS  
OF MINDEN GATEWAY CENTER**

(Only use if applicable)

The undersigned hereby affirms that the document submitted for recording contains personal information as required by law (check applicable)

\_\_\_\_\_ Affidavit of Death – NRS 440 380(1)(A) & NRS 40 525(5)

\_\_\_\_\_ Judgment – NRS 17 150(4)

\_\_\_\_\_ Military Discharge – NRS 419 020(2)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

This document is being (re-)recorded to correct document # \_\_\_\_\_, and is correcting

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**SECOND AMENDMENT TO  
AMENDED AND RESTATED  
DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS  
OF MINDEN GATEWAY CENTER**

THIS SECOND AMENDMENT to the “Amended and Restated Declaration of Covenants, Conditions, and Restrictions and Grant of Easement” is made effective this 11 day of **December, 2017**, by MAVERIK, INC , a Utah corporation (formally known as Maverik, Inc , a Wyoming corporation) (“Declarant”), pertaining to that commercial and retail development commonly known as the “Minden Gateway Center” (the “**Center**”)

This Amendment is entered into on the basis of the following facts, understandings, and intentions of Declarant

A Capitalized terms used in these Recitals and Amendment not previously defined shall have the meanings assigned to them in Article 1 of the Declaration

B The properties within the Minden Gateway Center are currently subject to “Amended and Restated Declaration of Covenants, Conditions, and Restrictions and Grant of Easements” (the “**Declaration**”) recorded August 27, 2013, in Book 813, at Page 7143, as Document No 829608, Official Records of Douglas, Nevada, which amended and superseded all previously adopted and recorded Declarations and provided for certain easements and exclusive uses of the properties within the Center

C The Declaration was previously amended by that certain “First Amendment to Amended and Restated Declaration of Covenants, Conditions, and Restrictions and Grant of Easement” recorded November 22, 2017, as Document No 2017-907243, Official Records of Douglas County, Nevada

D The following described parcels of real property are known herein as the “**Center Property**”, which property is more particularly described on **Exhibit A** attached hereto and incorporated herein by reference

(i) Declarant is the fee title owner of four (4) parcels of property located in the Town of Minden, County of Douglas, State of Nevada, commonly known as (1) 1671 Hwy 88, bearing Douglas County APN 1320-30-701-026, (2) 1651 Hwy 88, bearing APN 1320-30-701-027, (3) 1657 Hwy 88, bearing Douglas County APN 1320-30-701-028, and (4) 1649 Hwy 88, bearing APN 1320-30-802-028, consisting of approximately 6.54 acres (the “**Declarant Property**”), described as “Adjusted Parcel A”, “Adjusted Parcel E”, “Adjusted Parcel B” and “Adjusted Parcel C”, respectively, as described on Exhibit A attached hereto,

(ii) Minden Hotel, LLC, a Nevada limited liability company (the “**Hotel Parcel Owner**”), is the owner of a parcel of real property located in the Center in the Town of Minden,

County of Douglas, State of Nevada, commonly known as 1659 Hwy 88, bearing Douglas County APN 1320-30-701-019, consisting of approximately 2.34 acres (the “Hotel Parcel”), described as “Parcel 2” on Exhibit A attached hereto,

(iii) Cedar Creek Capital, Inc , a Nevada corporation (the “Cedar Creek Parcel Owner”) is the owner of a parcel of real property located in the Center in the Town of Minden, County of Douglas, State of Nevada, commonly known as 1665 Hwy 88, bearing Douglas County APN 1320-30-701-021, consisting of approximately 1.5 acres (the “Cedar Creek Parcel”), described as “Parcel F” on Exhibit A attached hereto, and

(iv) Westlake Farms, Inc , a California corporation (the “Westlake Parcel Owner”), is the owner of a parcel of real property located in the Center in the Town of Minden, County of Douglas, State of Nevada, commonly known as 1645 Hwy 88, bearing Douglas County APN 1320-30-802-029, consisting of approximately 2.96 acres (the “Westlake Parcel”), described as “Adjusted Parcel D” on Exhibit A attached hereto

E Pursuant to Article 22.2, Declarant desires to amend the Declaration to provide for a permitted and exclusive use of the Cedar Creek Parcel (Parcel F) as a car wash to facilitate the sale thereof by the Cedar Creek Parcel Owner

F Declarant intends by this Amendment to the Declaration to establish and permit the use and development of the Cedar Creek Parcel as a car wash business in addition to any other use permitted under the Declaration, which use as a car wash business is hereby declared to be mutually beneficial to the Center Property, and to provide for such use as exclusive to the intended purchaser of said parcel

NOW, THEREFORE, Declarant hereby amends the Declaration as follows

1 The Recitals above are hereby incorporated into this Second Amendment

2 Pursuant to Section 22.2 of the Declaration and subject to all the terms and conditions of the Declaration (and as may be duly amended), Declarant hereby modifies, amends and changes a portion of Section 2.6.1(xiv) by deleting the term “car wash” from said subsection as a prohibited use while retaining the remainder thereof as prohibited uses, and replacing Section 2.6.1(xiv) in its entirety with the following

(xiv) automobile repair work, automotive service, automobile body shop,

3 Pursuant to Section 2.6.2 of the Declaration, Declarant hereby grants to the subsequent purchaser, Owner or Occupant of Parcel F (the “Benefitted Parcel”) of the Center Property the right of exclusive use as a car wash, and imposes restrictions against such use upon all of the other Parcels in the Center as “Restricted Parcels” The Exclusive Use granted herein to the

said Parcel F shall terminate one (1) year immediately following the date that the Owner or Occupant thereof ceases to operate the exclusive use at the Benefitted Parcel Further, Exhibit D of the Declaration is hereby amended to add the foregoing exclusive use for Parcel F and the intended subsequent purchaser as a listed Benefitted Parcel under said Exhibit D

4 The additional permitted use as a car wash of the said Parcel F of the Center Property is intended to and shall hereby run with the land to the benefit of the said Parcel F, and bind the respective Parcels and the Owners of the Center Property within the Minden Gateway Center as described above and in the Declaration as amended hereby Each Parcel now or hereafter comprising all or any portion of the Center Property is and shall be affected and burdened by the terms of this Amendment for the benefit of Parcel F in the Center, and their respective successors and assigns

Except as amended as set forth above, the Declaration as previously amended and restated shall remain in full force and effect according to the original terms thereof, and by the modifications, changes and amendments thereto set forth in this Second Amendment

IN WITNESS WHEREOF, Declarant has executed this Second Amendment as of the date first set forth above

MAVERIK, INC.  
a Utah corporation

By *Charles Maggelet*

Name CHARLES MAGGELET

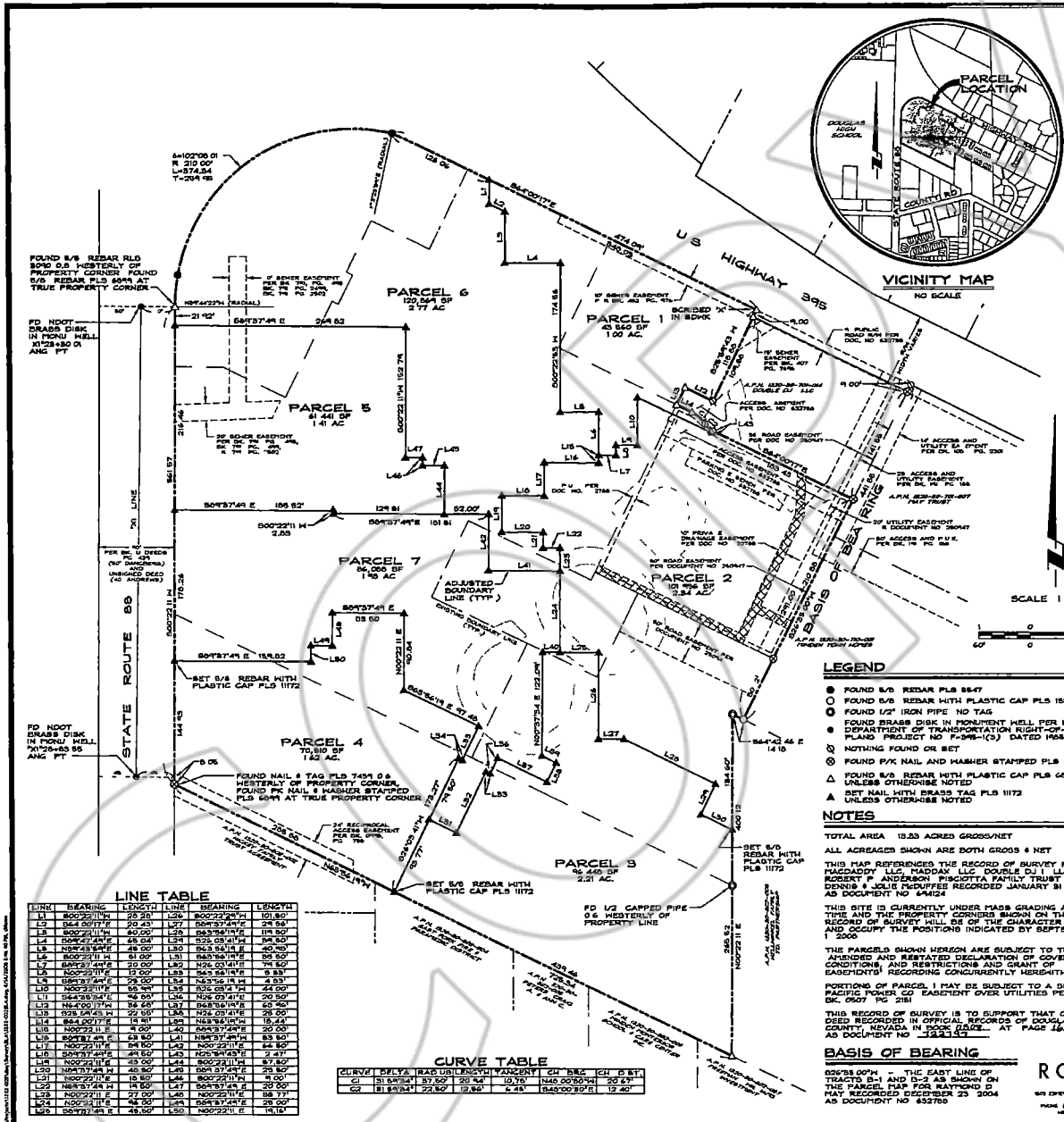
Title CEO

STATE OF UTAH )  
 ) ss  
COUNTY OF Salt Lake )

On December 11, 2017, before me, a notary public, personally appeared Charles Maggelet, personally known (or proved) to me to be the person whose name is subscribed to the above instrument, who acknowledged to me that he or she is the CEO and duly authorized agent of **Maverik, Inc.**, a Utah corporation, and who further acknowledged that he or she executed the foregoing instrument on behalf of said company for the uses and purposes therein stated

*Lauralee Nunley*  
Notary Public





**OWNER'S CERTIFICATE**

I, THE UNDERSIGNED OWNER OF THE AFFECTED PARCELS AS SHOWN ON THIS MAP DO HEREBY STATE THAT

- 1) I HAVE EXAMINED THIS PLAN AND APPROVE AND AUTHORIZE ITS RECORDING
- 2) I AGREE TO EXECUTE THE REQUIRED DOCUMENTS CREATING ANY EASEMENT WHICH IS SHOWN HEREON
- 3) I AGREE TO EXECUTE THE REQUIRED DOCUMENTS ABANDONING ANY EXISTING EASEMENT PURSUANT TO THE PROVISIONS OF NRS 218B.010 TO 218B.020
- 4) ALL PROPERTY TAXES ON THE LAND FOR THE FISCAL YEAR HAVE BEEN PAID
- 5) ANY LANDLORD WITH AN INPRUD ACCOUNT FOR THE PAYMENT OF TAXES HAS BEEN NOTIFIED OF THE ADJUSTMENT OF THE BOUNDARY LINE FOR THE TRANSFER OF LAND

MINDEN GATEWAY CENTER, LLC

BY: **ROY WEST INVESTMENTS INC.**  
 ITS MANAGER  
*[Signature]*

BY: **JEFFREY LONDON**  
 ITS PRESIDENT  
*[Signature]*

STATE OF NEVADA, 05th  
 COUNTY OF DOUGLAS

ON THIS 16th DAY OF April IN THE YEAR 2008 BEFORE ME, A NOTARY PUBLIC, PERSONALLY APPEARED **JEFFREY LONDON** PERSONALLY KNOWN BY ME TO BE THE PERSON WHOSE NAME IS RECORDED IN THIS INSTRUMENT, AND I INQUIRED OF HIM THAT HE EXECUTED THE SAME IN HIS AUTHORIZED CAPACITY, AND THAT HIS SIGNATURE ON THIS INSTRUMENT, THE PERSON OR THE ENTITY BY WHOM HE EXECUTED THE INSTRUMENT, WAS THE PERSON ACTED UPON BY THE INSTRUMENT.

WITNESS MY HAND AND OFFICIAL SEAL  
 NOTARY SIGNATURE *[Signature]*  
 MY COMMISSION EXPIRES August 16, 2010

**SURVEYOR'S CERTIFICATE**

I, **MATT BERNARD**, A PROFESSIONAL LAND SURVEYOR LICENSED IN THE STATE OF NEVADA, CERTIFY THAT

- 1) A FIELD SURVEY OF THE BOUNDARIES OF THE AFFECTED PARCELS HAS BEEN PERFORMED BY ME OR UNDER MY SUPERVISION AT THE INSTANCE OF MINDEN GATEWAY CENTER, LLC
- 2) THIS PLAN IS A TRUE AND ACCURATE REPRESENTATION OF THE LANDS SURVEYED
- 3) ALL CORNERS AND ANGLE POINTS OF THE ADJUSTED BOUNDARY LINES HAVE BEEN SET AND THE INSTRUMENTS ARE OF SUFFICIENT NUMBER AND DURABILITY TO ENABLE THIS SURVEY TO BE RESTRICED
- 4) THE LANDS SURVEYED LIE WITHIN A PORTION OF SECTION 30, T13N R20E M13W
- 5) THIS PLAN IS NOT IN CONFLICT WITH THE PROVISIONS OF NRS 218 B10 THROUGH NRS 218B.15 AND COMPLIES WITH ALL APPLICABLE STATE STATUTES AND ANY LOCAL ORDINANCES

SCALE 1" = 60'

**MATT BERNARD**  
 LICENSED LAND SURVEYOR  
 STATE OF NEVADA  
 LICENSE NO. 11172

*[Signature]*  
 MATT BERNARD P.L.S. 11172

**COMMUNITY DEVELOPMENT DEPARTMENT CERTIFICATE**

IT IS HEREBY CERTIFIED THAT THIS BOUNDARY LINE ADJUSTMENT HAS BEEN PRESENTED TO THE DOUGLAS COUNTY COMMUNITY DEVELOPMENT DEPARTMENT AND WAS FULLY APPROVED

*[Signature]* 5/6/08  
 DATE OF RECEIPT OF THIS DATE  
 COMMUNITY DEVELOPMENT DEPARTMENT

**CLERK TREASURER'S CERTIFICATE**

ALL PROPERTY TAXES FOR THE PARCELS SHOWN ON THIS MAP HAVE BEEN PAID IN FULL FOR THE FISCAL YEAR

CA P N 1822-30-701-001 002 003 004 005 006 007 013 018 019 1820 30 000-000

*[Signature]* 5/8/08  
 TREASURER BY *[Signature]*

**RECORDER'S CERTIFICATE**

FILED FOR RECORD THIS 24th DAY OF May, 2008 AT 10:00 MINUTES PAST 9 O'CLOCK A.M. IN BOOK 4508 OF OFFICIAL RECORDS AT PAGE 1625, DOCUMENT NO. 722798 RECORDED AT THE REQUEST OF MINDEN GATEWAY CENTER, LLC

*[Signature]*  
 DOUGLAS COUNTY RECORDER

SCALE 1" = 60' SHEET 1 OF 1

**RECORD OF SURVEY**  
 TO SUPPORT A BOUNDARY LINE ADJUSTMENT  
 FOR  
**MINDEN GATEWAY CENTER, LLC**

LOCATED WITHIN A PORTION OF SECTION 30,  
 T13N R20E M13W  
 DOUGLAS COUNTY NEVADA

1222-002-07  
 1222-00201A.AWG 04/14/08

**LINE TABLE**

LINE	BEARING	LENGTH	LINE	BEARING	LENGTH
L1	S00°22'11"W	20.20	L26	S00°22'11"W	101.80
L2	S84°00'17"E	20.43	L27	S04°57'44"E	24.50
L3	S00°22'11"W	40.00	L28	S84°00'17"E	18.20
L4	S04°57'44"E	45.04	L29	S25°03'41"W	34.80
L5	N04°58'42"E	48.00	L30	S63°54'11"E	40.00
L6	S00°22'11"W	81.00	L31	S00°22'11"W	18.20
L7	S04°57'44"E	20.00	L32	N26°03'41"E	74.80
L8	S00°22'11"W	12.00	L33	S63°54'11"E	18.20
L9	S04°57'44"E	28.00	L34	N53°56'11"E	2.00
L10	S00°22'11"W	48.00	L35	N26°03'41"E	44.00
L11	S84°28'54"E	74.00	L36	N26°03'41"E	20.50
L12	N64°00'17"E	22.00	L37	N63°54'11"E	50.00
L13	S74°44'41"E	12.00	L38	N63°54'11"E	10.48
L14	S84°00'17"E	18.20	L39	N63°54'11"E	10.48
L15	S00°22'11"W	4.00	L40	N63°54'11"E	20.00
L16	S04°57'44"E	43.80	L41	N84°37'44"W	83.80
L17	S00°22'11"W	48.00	L42	N00°00'00"E	62.80
L18	S04°57'44"E	41.80	L43	N00°00'00"E	2.47
L19	N00°22'11"E	48.00	L44	S00°22'11"W	81.80
L20	N00°22'11"E	48.00	L45	S00°22'11"W	41.00
L21	N00°22'11"E	10.80	L46	S00°22'11"W	41.00
L22	N84°37'44"W	14.50	L47	S04°57'44"E	22.00
L23	N00°22'11"E	27.00	L48	N00°22'11"E	88.77
L24	N00°22'11"E	44.00	L49	S04°57'44"E	28.00
L25	S04°57'44"E	48.80	L50	N00°22'11"E	18.10

**CURVE TABLE**

CURVE	DELTA	TRAD	UB	LENGTH	WANGERT	CH	SEC	CH	D.B.T.
C1	181°58'41"	87.50	20.44	10.70	144.00	0.00	20.44	0.00	12.40
C2	181°58'41"	22.50	10.50	5.43	84.00	0.00	10.50	0.00	12.40