

Leslie Lovell
1123 Kingston Lane
Gardnerville, Nevada 89460



00066899201809086800230235

KAREN ELLISON, RECORDER

AND WHEN RECORDED MAIL TO:

Leslie Lovell
1123 Kingston Lane
Gardnerville, Nevada 89460

**FIFTH AMENDMENT TO COVENANTS,
CONDITIONS, AND RESTRICTIONS
OF
RAIN SHADOW RANCH (Phase 1)**

**COVENANTS, CONDITIONS, AND RESTRICTIONS
OF
RAIN SHADOW RANCH (Phase 1)**

This FIFTH AMENDMENT TO COVENANTS, CONDITIONS, AND RESTRICTIONS OF RAIN SHADOW RANCH (Phase 1) is entered into on this 2nd day of January, 2018 by: The Leslie and Kathleen Ann Lovell Family Trust dated July 19, 2011 (Leslie Lovell and Kathleen Ann Lovell, Trustees), The Finks Family Trust 2017 (Domonic F. Finks and Lisa C. Finks, Trustees), Malcolm and Michelle Treasure, The Wilson Family Trust 2001 (Victor L. Wilson and Betty J. Wilson, Trustees), Preston J. and Katrina L. Becker, Jeffrey and Elizabeth Dickenson, The Thivierge Revocable Trust 1990 (Ted Thivierge and Phyllis A. Thivierge, Trustees), Richard and Laura Moon, Wanda L. Roland and T.K. Jhovahn, Timothy J. Jansse and Anu Jansse, Michael R. and Patricia S. Korba, Dirk Jacob Jansse and Tess M. Jansse, Richard T. and Elizabeth T. Ferko, Robert G. and Teri J. Purvis,

WHEREAS, Carson Valley Homesites, LLC, a Nevada limited liability company and its predecessors in interest, Gregory C. Lynn and Suzanne Towse, Trustees of the 1995 Gregory C. Lynn and Suzanne Towse Trust Agreement dated 16 May 1995 ("Trust"), recorded certain Declarations of Covenants, Conditions, and Restrictions for Rain Shadow Ranch, which were recorded as Document No. 0704032, in Book 0607, at Page 9315, in the Douglas County Recorder's Office ("CC&R's); and

WHEREAS, on April 7, 2010, Gregory C. Lynn and Suzanne Towse, Trustees of the Trust, recorded an Amendment to the Declaration of Covenants, Conditions, and

Restrictions of Rain Shadow Ranch, in Book 0410, at Page 1499, in the Douglas County Recorder's Office ("Amended CC&R's"); and

WHEREAS, on March 1, 2011, Greg C. Lynn and Suzanne Towse, as Trustees of the Trust, re-recorded a Grant, Bargain and Sale Deed adjusting the boundary line for lot thirty-three, the deeds conveying the land for the boundary line adjustment having been recorded as Document No. 0779257 in Book No. 0311, at Page No. 0129; and

WHEREAS, on March 1, 2011, Gregory C. Lynn and Suzanne Towse transferred their ownership interest and more than 75% of the Rain Shadow Ranch lots to Carson Valley Homesites (CVH) by Deed recorded as Documents No. 0779280 through 0779292, in Book 0311, at pages 0186 through 0210 and Document No. 0779259 at Book 311, Page 143; and

WHEREAS, on April 10, 2012, CVH annexed all of Lot 33 into Rain Shadow Ranch in that certain Declaration of Annexation recorded in Book 0412 at page 2862; and

WHEREAS on April 10, 2012, CVH amended the CC&R's by recording the Second Amendment to the Covenants, Conditions, and Restrictions of Rain Shadow Ranch, which amendment was recorded as Document No. 0800585, at Book 312 at Page 2866; and

WHEREAS on May 16, 2012, CVH amended the CC&R's by recording the Third Amendment to the Covenants, Conditions, and Restrictions of Rain Shadow Ranch. The Third Amendment voided the Second Amendment to the Covenants,

Conditions and Restrictions, and was recorded as Document No. 0802443 in Book 0512 at Page 3464; and

WHEREAS, pursuant to paragraph 10.1(a) of the Amended CC&R's, the CC&R's may be amended by an instrument signed and acknowledged by not less than 75% of the owners of all developed lots; and

WHEREAS, on October 28, 2015, pursuant to paragraph 10.1(a), the CC&R's were again amended by an instrument signed and acknowledged by not less than 75% of the owners (Fourth Amendment) and recorded, then re-recorded, as Document No. 2015-873212 in the Douglas County Recorder's Office; and

WHEREAS, the undersigned together constitute more than 75% of the owners of all developed lots in Rain Shadow Ranch; and

WHEREAS, the undersigned desire to adopt the Fifth Amendment to the Covenants, Conditions, and Restrictions of Rain Shadow Ranch;

NOW THEREFORE, the undersigned amend the previously amended Covenants, Conditions, and Restrictions of Rain Shadow Ranch as follows:

PURPOSE

To bring consistency to existing Phase 1 CC&R's. This change will provide the same opportunities for property line fencing and landscaping to all 18 lots as currently allowed to only lots: 7, 8, 9, and 10 (also known as 1126, 1130, 1136, and 1140 Kingston Lane). In addition, this change will bring compatibility to those properties that border Phase 2 new construction CC&R's.

1. Paragraph 6.8 entitled “Yard Landscaping” is replaced in its entirety with the following text:

6.8 Yard Landscaping: Each lot owner shall be responsible for landscaping and maintaining their own individual lot. Landscaping must comply with the following guidelines:

A. Except for any white vinyl fencing that existed as of April 7, 2010, under no circumstances will chain link, dog-eared wood boards, or white vinyl fencing of any kind be permitted as fencing. White vinyl fencing that existed as of April 7, 2010 may be repaired and or replaced with similar material.

1. Solid fences may be constructed on the boundary lines. No section of the boundary line fence shall extend closer to the street than the front wall of the home that is closest to the boundary fence. Additionally, solid fences may be constructed from the fence on the boundary line and returning back to the home, but no portion of the fence between the boundary line fence and the home shall extend closer to the street than the front wall of the home that is closest to the boundary fence.

a. Exhibit “A” demonstrates the appropriate location of a solid fence allowed under this sub-section (6.8A1)

as to all lots that are currently bound by these CC&R's. Where allowed, solid fences shall not exceed 6 feet in height.

b. Fencing over 3 feet in height shall not be installed in front setback area.

c. Fencing installed on any property line or setback area shall conform to the requirements of the Covenants, Codes, and Restrictions and this Amendment in all respects and with the current Douglas County Code. Any fencing installed as of the date of this Amendment may be repaired and/or replaced with similar materials of similar size even if not in conformity with this requirement.

B. Within the first 18 months after a Certificate of Occupancy is issued by Douglas County for any home built on a lot in Rain Shadow Ranch (Phase One), an owner is responsible for landscaping his or her respective yard and/or establishing perennial drought tolerant grasses in any areas visible from the street or neighboring property.

C. No exterior lighting shall be directed towards the sky, neighboring

parcels, streets, roadways or other areas not directly in the lot owner's front, side or rear yard areas. No exterior blinking, strobe or colored lighting of a permanent nature shall be allowed. All exterior lighting shall be of the minimum intensity necessary to fulfill the purpose of that light. Any lighting attached to a motion sensor or photocell must have an override switch so that it may be deactivated when not in use.

1. Holiday lighting and decorations are exempt from this provision.

D. Any fencing, landscaping, or improvement(s) already in existence at the time of these Conditions, Covenants and Restrictions, as amended, is exempt from compliance with this Section.

E. Except as amended herein, the CC&R's, as previously amended as referenced above, remain in full force and effect.

IN WITNESS HEREOF, the undersigned, have signed this document in support of the change:

OWNERS OF LOT 28 (also known as 1123 Kingston Lane):

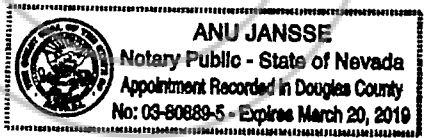
Leslie Lovell 12-29-17
Leslie Lovell Date

Kathleen Ann Lovell 12/29/17
Kathleen Ann Lovell Date

STATE OF NEVADA)
) ss.
COUNTY OF DOUGLAS)

This instrument was acknowledged before me on the 29th day of December, 2017 by Leslie Lovell and Kathleen Ann Lovell Family Trust dated July 19, 2011.

Anu Jansse
Notary Public



OWNERS OF 1119 Kingston Lane:

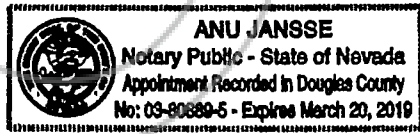
[Signature] 12/31/2017
Domonic F. Finks, Trustee Date

[Signature] 12-31-17
Lisa C. Finks, Trustee Date

STATE OF NEVADA)
) ss.
COUNTY OF DOUGLAS)

This instrument was acknowledged before me on the 31st day of December, 2017 by Domonic F. Finks and Lisa C. Finks, Trustees for the Finks Family Trust Trust 2017.

[Signature]
Notary Public



OWNERS OF 1111 Kingston Lane:

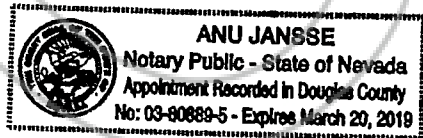
Malcolm Treasure 12/31/17
Malcolm Treasure Date

Michelle Treasure 12/31/17
Michelle Treasure Date

STATE OF NEVADA)
) ss.
COUNTY OF DOUGLAS)

This instrument was acknowledged before me on the 31st day of
December, 2017 by Malcolm Treasure and Michelle Treasure.

Anu Jansse
Notary Public



OWNERS OF 1126 Kingston Lane:

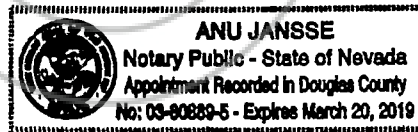
Victor L. Wilson TRUSTEE 12-29-17
Victor L. Wilson, Trustee Date

Betty J. Wilson TRUSTEE 12/29/17
Betty J. Wilson, Trustee Date

STATE OF NEVADA)
) ss.
COUNTY OF DOUGLAS)

This instrument was acknowledged before me on the 29th day of December, 2017 by Victor L. Wilson and Betty J. Wilson, Trustees for the Wilson Family Trust 2001.

Anu Jansse
Notary Public



OWNERS OF 1112 Kingston Lane:

Preston J. Becker 12/30/17
Preston J. Becker Date

Katrina L. Becker 12/30/17
Katrina L. Becker Date

STATE OF NEVADA)
) ss.
COUNTY OF DOUGLAS)

This instrument was acknowledged before me on the 30 day of December, 2017 by Preston J. Becker and Katrina L. Becker.

Donna Peacocke
Notary Public



OWNERS OF 1124 Kingston Lane:

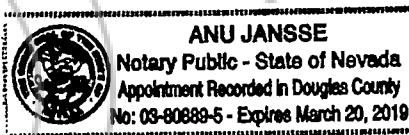
Jeffrey Dickenson 12/29/2017
Jeffrey Dickenson Date

Elizabeth Dickenson 12-29-17
Elizabeth Dickenson Date

STATE OF NEVADA)
) ss.
COUNTY OF DOUGLAS)

This instrument was acknowledged before me on the 29th day of December 2017 by Jeffrey Dickenson and Elizabeth Dickenson.

Anu Jansse
Notary Public



OWNER OF 1137 Kingston Lane:

[Signature] 11/2/18
Timothy J. Jansse Date

STATE OF NEVADA)
) ss.
COUNTY OF DOUGLAS)

This instrument was acknowledged before me on the 2 day of
Jan., 2017 by Timothy J. Jansse.

[Signature]
Notary Public

LAEHA P. HILL
Notary Public - State of Nevada
Appointment Recorded in Washoe County
No: 16-1292-2 - Expires January 20, 2020

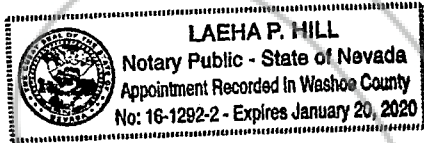
OWNER OF 1137 Kingston Lane:

Anu Jansse 11/21/18
Anu Jansse Date

STATE OF NEVADA)
) ss.
COUNTY OF DOUGLAS)

This instrument was acknowledged before me on the 2 day of Jan., 2017 by Anu Jansse.

Laeha P. Hill
Notary Public



OWNERS OF 1147 Kingston Lane:

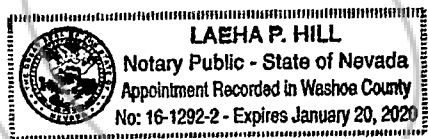
[Signature] 1/2/18
Dirk Jacob Jansse Date

[Signature] 1/2/2018
Tess M. Jansse Date

STATE OF NEVADA)
) ss.
COUNTY OF DOUGLAS)

This instrument was acknowledged before me on the 2 day of
JANUARY, 2018 by Dirk Jacob Jansse and Tess M. Jansse.

[Signature]
Notary Public



OWNERS OF 1140 Kingston Lane:

Ted Thivierge
Ted Thivierge, Trustee

12-30-17
Date

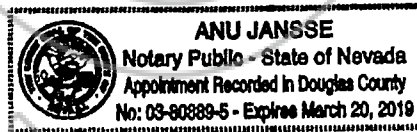
Phyllis A. Thivierge
Phyllis A. Thivierge, Trustee

12/30/17
Date

STATE OF NEVADA)
) ss.
COUNTY OF DOUGLAS)

This instrument was acknowledged before me on the 30th day of December, 2017 by Ted Thivierge and Phyllis A. Thivierge, Trustees for the Thivierge Revocable Trust 1990

Anu Jansse
Notary Public



OWNERS OF 1130 Kingston Lane:

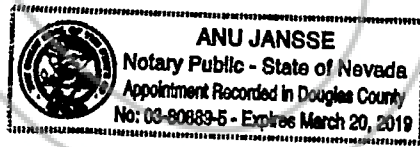
Richard Moon 12/30/17
Richard Moon Date

Laura Moon 12/30/17
Laura Moon Date

STATE OF NEVADA)
) ss.
COUNTY OF DOUGLAS)

This instrument was acknowledged before me on the 30th day of December, 2017 by Richard Moon and Laura Moon.

Anu Jansse
Notary Public



OWNERS OF 1116 Kingston Lane:

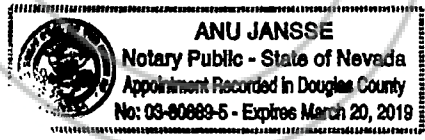
Wanda L. Roland 29/Dec/2017
Wanda L. Roland Date

T. K. Jhovahn 29/Dec/2017
T. K. Jhovahn Date

STATE OF NEVADA)
) ss.
COUNTY OF DOUGLAS)

This instrument was acknowledged before me on the 29th day of December, 2017 by Wanda L. Roland and T K Jhovahn.

Anu Jansse
Notary Public



OWNERS OF 1120 Kingston Lane:

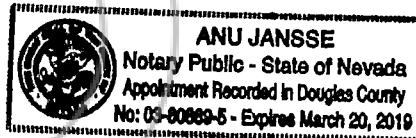
Michael R. Korba 12-29-17
Michael R. Korba Date

Patricia S. Korba 12-29-17
Patricia S. Korba Date

STATE OF NEVADA)
) ss.
COUNTY OF DOUGLAS)

This instrument was acknowledged before me on the 29th day of
December, 2017 by Michael R. Korba and Patricia S. Korba.

Anu Jansse
Notary Public



ALTHOUGH THE CCR'S REFERENCES DO NOT APPLY TO US ON OUR PROPERTY AT 1136 KINGSTON LANE, TO THE EXTENT OUR APPROVAL ASSISTS, WE SUPPORT THE PROPOSED CHANGES REFERENCED HEREIN.

OWNERS OF 1136 Kingston Lane:

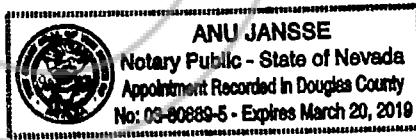
Richard T. Ferko 12/29/17
Richard T. Ferko Date

Elizabeth T. Ferko 12-29-17
Elizabeth T. Ferko Date

STATE OF NEVADA)
) ss.
COUNTY OF DOUGLAS)

This instrument was acknowledged before me on the 29th day of December, 2017 by Richard T. Ferko and Elizabeth T. Ferko.

Anu Jansse
Notary Public



OWNERS OF 1115 Kingston Lane:

[Signature] 12-31-17
Robert G. Purvis Date

[Signature] 12-31-17
Teri J. Purvis Date

STATE OF NEVADA)
) ss.
COUNTY OF DOUGLAS)

This instrument was acknowledged before me on the 31st day of December, 2017 by Robert G. Purvis and Teri J. Purvis.

[Signature]
Notary Public

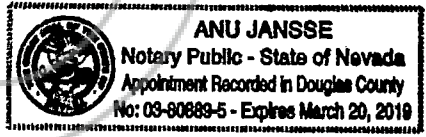
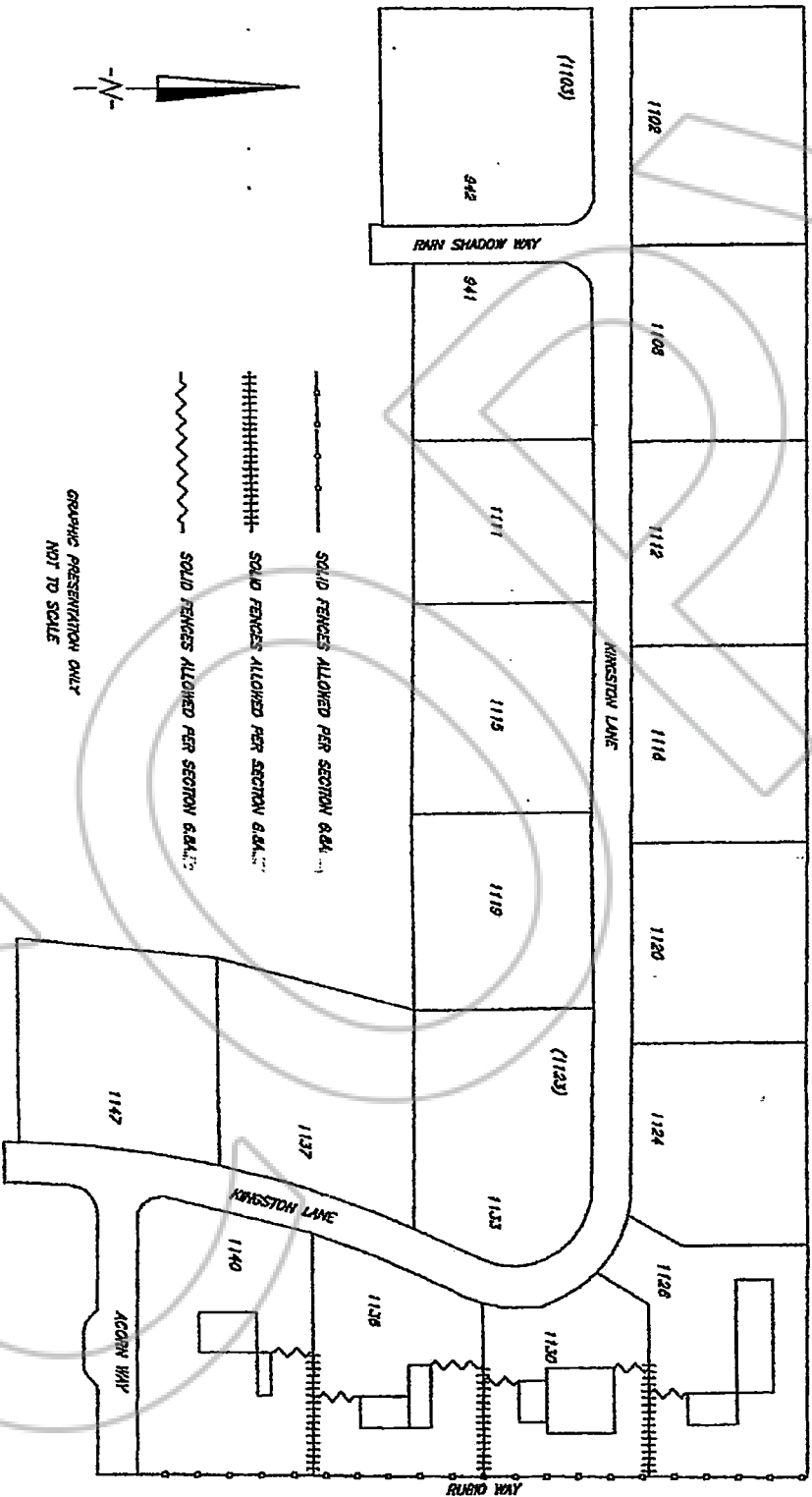


EXHIBIT A



Representation of fencing guidelines on property boundaries as applicable to all properties within Rain Shadow Ranch (Phase 1).