

After recording return to:
R.O. Anderson Engineering, Inc.
P.O. Box 2229
Minden, NV 89423



KAREN ELLISON, RECORDER

A Portion of APN: 1320-29-710-050
(previously) 1320-29-000-008

The party executing this document hereby affirms that this document submitted for recording does not contain the social security number of a person persons as required by NRS 239B.030.

THIRD AMENDED AND RESTATED DECLARATION OF DEED RESTRICTION

THIS INDENTURE made this 21st day of March, 2022, by HEYBOURNE MEADOWS II, LLC a Utah limited liability company, hereinafter referred to as "Declarant".

This THIRD AMENDED AND RESTATED DECLARATION OF DEED RESTRICTION, modifies, rescinds, and replaces in part portions of the SECOND AMENDED AND RESTATED DECLARATION OF DEED RESTRICTION previously executed by DECLARANT's predecessor-in-interest, and recorded on December 17, 2013, as Document No. 0835603, Book 1213, Page 2811. This amendment specifically modifies the areas previously designated and offered as open space over what is now designated as APN 1320-29-710-050, and was at the time of the SECOND AMENDED AND RESTATED DECLARATION OF DEED RESTRICTION designated as APN 1320-29-000-008.

RECITALS

Declarant is the legal and equitable owner of all that certain real property located in Douglas County, Nevada and more particularly described in Exhibit "A", Exhibit "B" and Exhibit "C" attached hereto and incorporated herein by this reference ("Property").

Pursuant to that certain Planned Development Modification with conditions (PD 04-008-04), as set forth in the letters of approval by Douglas County Community Development dated November 5, 2012, revised on June 4, 2013, and modified on November 26, 2013, the Property is designated as open space conservation and drainage easement area with the condition that a deed restriction be prepared and recorded with regard to the open space areas within the project.

In order to ensure compliance with the conditions of the Planned Development Approval described above, and to reflect the final design geometrics of the alignment of Heybourne Road, a county-designated major collector roadway, Declarant desires to impose equitable servitudes and covenants that will restrict the use of the Exhibit "A" area in accordance with this Declaration of Deed Restriction, and release and remove the restrictions and equitable servitudes previously imposed on the Exhibit "B" area pursuant to the SECOND AMENDED AND RESTATED DECLARATION OF DEED RESTRICTION referenced above.

NOW THEREFORE, for valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Declarant hereby agrees, acknowledges, certifies, and declares the following covenants, restrictions, and servitudes as an interest in land for the benefit of Douglas County and shall apply and inure to the benefit of and bind the respective successors in interest as follows:

The Exhibit "A" Property is to be utilized as perpetual open space with no development rights and shall remain open and free from structure or other above-ground improvements with the following reservations:

RESERVING UNTO DECLARANT any and all water rights, if any, appurtenant to the Exhibit "A" real property.

RESERVING UNTO DECLARANT the right to make utility improvements on and under the "Exhibit "A" real property, including but not limited to, drainage, flood control, water and sewer, power, telephone and natural gas improvements necessary for or related to the Project.

RESERVING UNTO DECLARANT the right to make improvements on the Exhibit "A" real property for the purpose of developing wetlands for the benefit of DECLARANT and DECLARANT's development of the Project.

The areas within Exhibit "B" property is hereby released from the former restrictions and equitable servitudes previously imposed on that area by the SECOND AMENDED AND RESTATED DECLARATION OF DEED RESTRICTION referenced above.

Exhibit "C" is a graphical depiction of the areas added to Open Space (Exhibit "A") and the areas removed from Open Space (Exhibit "B"). The net effect of this THIRD AMENDED AND RESTATED DECLARATION OF DEED RESTRICTION is to increase the area of open space within the property by 0.40 acres, more or less.

The Declarant represents and warrants that it shall be responsible for any actions necessary to maintain the Exhibit "A" Property in its natural state until such time as an appropriate agency or governmental entity has accepted dedication of or

maintenance responsibility for the Property.

The Declarant represents and warrants that it has the authority to agree, acknowledge, certify, and declare this Deed Restriction.

The Declaration shall remain in effect in perpetuity and shall apply to and bind the owners and their respective successors in interest.

IN WITNESS WHEREOF, the Declarant has executed this indenture the day and year first above written.

HEYBOURNE MEADOWS II, LLC,
a Utah limited liability company

By: *Ezra Nilson, Manager by Robert O. Anderson*
Ezra Nilson, Manager, by *Attorney-in-fact*
Robert O. Anderson, Attorney-in-fact

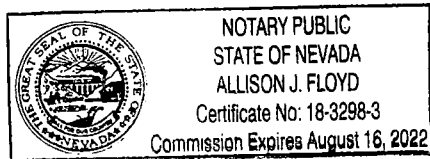
STATE OF NEVADA)
 : ss.
COUNTY OF DOUGLAS)

On March 21, _____, 2022, personally appeared before me, a notary public, Robert O. Anderson, Attorney-in fact for Ezra Nilson, Manager of Heybourne Meadows II LLC, and in his capacity as such, acknowledged to me that he executed the foregoing document.

Allison J. Floyd

NOTARY PUBLIC

SEAL



**DESCRIPTION
AREA ADDED TO OPEN SPACE
(OVER A.P.N. 1320-29-710-050)**

All that real property situate in the County of Douglas, State of Nevada, described as follows:

A portion of the New Parcel for Development per the Final Map for Heybourne Meadows, Phase IVA and VA, filed for record June 24, 2020 in the office of Recorder, Douglas County, Nevada as Document No. 948154, more particularly described as follows:

COMMENCING at the northwest corner of said New Parcel for Development, said point falling on the southerly right-of-way line of Buckeye Road;

thence along said southerly right-of-way line of Buckeye Road, along the arc of a curve to the right, having a radius of 690.00 feet, central angle of $02^{\circ}32'35''$, arc length of 30.62 feet, and chord bearing and distance of North $51^{\circ}41'58''$ East, 30.62 feet;

thence leaving the southerly right-of-way line of Buckeye Road, North $69^{\circ}46'30''$ East, 12.87 feet;

thence along the arc of a curve to the right, having a radius of 54.00 feet, central angle of $102^{\circ}41'44''$, arc length of 96.79 feet, and chord bearing and distance of South $58^{\circ}52'38''$ East, 96.79 feet;

thence along the arc of a compound curve to the right, having a radius of 462.50 feet, central angle of $00^{\circ}58'51''$, arc length of 7.92 feet, and chord bearing and distance of South $07^{\circ}02'21''$ East, 7.92 feet to the **POINT OF BEGINNING**;

thence along the arc of a compound curve to the right, having a radius of 462.50 feet, central angle of $16^{\circ}25'03''$, arc length of 132.52 feet, and chord bearing and distance of South $01^{\circ}39'36''$ West, 132.07 feet;

thence South $09^{\circ}52'08''$ West, 326.24 feet;

thence along the arc of a curve to the left, having a radius of 537.50 feet, central angle of $18^{\circ}05'58''$, arc length of 169.79 feet, and chord bearing and distance of South $00^{\circ}49'09''$ West, 169.09 feet;

thence South $82^{\circ}26'14''$ West, 23.15 feet to a point on the easterly line of the existing open space area;

thence along said easterly line of the existing open space area the following courses:

Along the arc of a curve to the right, non-tangent to the preceding course, having a radius of 537.50 feet, central angle of $11^{\circ}02'13''$, arc length of 103.54 feet, and chord bearing and distance of North $04^{\circ}34'25''$ West, 103.38 feet;

North $00^{\circ}56'42''$ East, 114.42 feet;

EXHIBIT 'A'

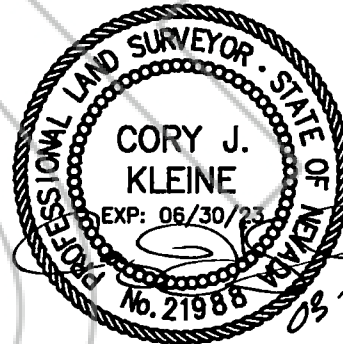
2406-006
03/01/22
Page 2 of 2

Along the arc of a curve to the right, having a radius of 537.50 feet, central angle of 13°49'14", arc length of 129.65 feet, and chord bearing and distance of North 07°51'19" East, 129.34 feet;

North 14°45'56" East, 289.53 feet to the **POINT OF BEGINNING**, containing 0.46 acres or 19,858 square feet, more or less.

The Basis of Bearing for this description is identical to the Final Map for Heybourne Meadows, Phase IVA and VA, filed for record June 24, 2020 in the office of Recorder, Douglas County, Nevada as Document No. 948154

Prepared By: R.O. ANDERSON ENGINEERING, INC.
Cory J. Kleine, P.L.S. 21988
P.O. Box 2229
Minden, Nevada 89423



DESCRIPTION
AREA REMOVED FROM OPEN SPACE
(OVER A.P.N. 1320-29-710-050)

All that real property situate in the County of Douglas, State of Nevada, described as follows:

A portion of the New Parcel for Development per the Final Map for Heybourne Meadows, Phase IVA and VA, filed for record June 24, 2020 in the office of Recorder, Douglas County, Nevada as Document No. 948154, more particularly described as follows:

COMMENCING at the northwest corner of said New Parcel for Development, said point falling on the southerly right-of-way line of Buckeye Road;

thence along said southerly right-of-way line of Buckeye Road, along the arc of a curve to the right, having a radius of 690.00 feet, central angle of $02^{\circ}32'35''$, arc length of 30.62 feet, and chord bearing and distance of North $51^{\circ}41'58''$ East, 30.62 feet to the **POINT OF BEGINNING**;

thence continuing along said southerly right-of-way line of Buckeye Road, along the arc of a curve to the right, having a radius of 690.00 feet, central angle of $05^{\circ}07'49''$, arc length of 61.78 feet, and chord bearing and distance of North $55^{\circ}32'10''$ East, 61.76;

thence leaving said southerly right-of-way line of Buckeye Road, along the arc of a compound curve to the right, having a radius of 29.00 feet, central angle of $118^{\circ}53'22''$, arc length of 60.18 feet, and chord bearing and distance of South $62^{\circ}27'14''$ East, 49.95 feet;

thence along the arc of a compound curve to the right, having a radius of 112.50 feet, central angle of $17^{\circ}46'29''$, arc length of 34.90 feet, and chord bearing and distance of South $05^{\circ}52'42''$ West, 34.76 feet;

thence South $14^{\circ}45'56''$ West, 25.11 feet;

thence along the arc of a curve to the left, non-tangent to the preceding course, having a radius of 462.50 feet, central angle of $00^{\circ}58'51''$, arc length of 7.92 feet, and chord bearing and distance of North $07^{\circ}02'21''$ West, 7.92 feet;

thence along the arc of a compound curve to the left, having a radius of 54.00 feet, central angle of $102^{\circ}41'44''$, arc length of 96.79 feet, and chord bearing and distance of North $58^{\circ}52'38''$ West, 84.34 feet;

thence South $69^{\circ}46'30''$ West, 12.87 feet to a point on said southerly right-of-way line of Buckeye Road, the **POINT OF BEGINNING**, containing 0.06 acres or 2,809 square feet, more or less.

The Basis of Bearing for this description is identical to the Final Map for Heybourne Meadows, Phase IVA and VA, filed for record June 24, 2020 in the office of Recorder, Douglas County, Nevada as Document No. 948154

Prepared By: R.O. ANDERSON ENGINEERING, INC.
 Cory J. Kleine, P.L.S. 21988
 P.O. Box 2229
 Minden, Nevada 89423



Y:\Client Files\2406\2406-006\CAD\Survey\Exhibits\2406-006EXH-OPEN SPACE.dwg 3/1/2022 1:07:30 PM Cory J. Kleine



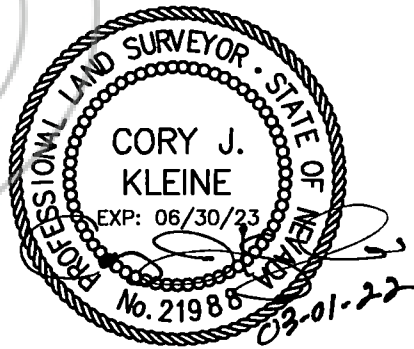
AREA REMOVED FROM OPEN SPACE
2,809 SF
0.06 AC.

OPEN SPACE PER DOC. NO. 835603

A.P.N.
1320-29-710-050
HEYBOURNE MEADOWS II, LLC

AREA ADDED TO OPEN SPACE
19,858 SF
0.46 AC.

SCALE: 1" = 100'



RO Anderson
WWW.ROANDERSON.COM

EXHIBIT 'C'
AMENDMENT TO OPEN SPACE AREA
(OVER A.P.N. 1320-29-710-050)
HEYBOURNE MEADOWS II, LLC

MINDEN 1603 Emeralds Ave P.O. Box 2229 Minden, NV 89423 p 775.782.2322 f 775.782.7064
RENO 9060 Double Diamond Pkwy, Unit 1B Reno, NV 89521 p 775.782.2322 f 775.782.7064

03/01/22