

IN THE SUPREME COURT OF THE STATE OF NEVADA

ARTEMIS EXPLORATION
COMPANY, a Nevada corporation,
HAROLD WYATT, and MARY
WYATT, individuals,

Appellants,

vs.

RUBY LAKE ESTATES
HOMEOWNER'S ASSOCIATION,

Respondent.

Case No. 75323

District Court Case No. CV-C-12-175

Electronically Filed
Oct 08 2018 02:34 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

Appeal from Fourth Judicial
District Court, Division 2
Case No. CV-C-12-175

RESPONDENT'S APPENDIX – VOLUME 1

KAREN M. AYARBE, ESQ., NSB 3358
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Ruby Lakes Estates Homeowner's Association

APPENDIX SUMMARY
(Chronological Order)

Document	Date	Vol.	Respondent's Appendix "RA" Page Numbers
"Exhibit 75" Request for and Acceptance of Variance.	July 12, 1993	1	119-121
"Exhibit 54" MSW, Inc. Real Estate Purchase Agreement	July 26, 1993	1	017-024
"Exhibit 55" Matthews & Wines correspondence to Steve Wright.	November 19, 1999	1	025-035
"Exhibit 56" Lee Perks letter.	August 21, 2006	1	036-038
"Exhibit 57" Sign in Sheets.	August 29, 2008	1	039-042
"Exhibit 58" Board of Directors Meeting Minutes.	October 17, 2008	1	043-047
"Exhibit 59" Board of Directors Meeting Minutes.	January 16, 2009	1	048-053
"Exhibit 60" Board of Directors Meeting Minutes.	April 17, 2009	1	053-056

“Exhibit 61” Board of Directors Meeting Minutes.	July 17, 2009	1	057-060
“Exhibit 62” Sign In Sheets.	August 8, 2009	1	061-064
“Exhibit 63” Board of Directors Meeting Minutes.	October 16, 2009	1	065-068
“Exhibit 65” Ruby Lakes Estates Fire Risk and Hazard Assessment prepared by the Elko County Fire Department.	December 22, 2009	1	073-082
“Exhibit 64” Board of Directors Meeting.	January 15, 2010	1	069-072
“Exhibit 66” Board of Directors Meeting Minutes.	April 16, 2010	1	083-086
“Exhibit 67” Board of Directors Meeting Minutes.	April 16, 2010	1	087-089
“Exhibit 68” Board of Directors Meeting Minutes.	July 16, 2010	1	090-093
“Exhibit 69” Board of Directors Meeting Minutes.	October 15, 2010	1	094-097
“Exhibit 70” Board of Directors Meeting Minutes.	January 21, 2011	1	098-101

“Exhibit 71” Board of Directors Meeting Minutes.	April 22, 2011	1	102-106
“Exhibit 72” Board of Directors Meeting Minutes.	July 15, 2011	1	107-110
“Exhibit 73” Board of Directors Meeting Minutes.	October 14, 2011	1	111-114
“Exhibit 74” Board of Directors Meeting Minutes.	January 22, 2012	1	115118
“Exhibit 53” Affidavit of Stephen Wright, developer of the Ruby Lakes Estates subdivision and the original Declarant under the CC&Rs	June 28, 2012	1	001-016

EXHIBIT “53”

CASE NO. CV-C-12-175

DEPT. NO. 1

Affirmation: This documents does not contain the social security number of any person.

IN THE FOURTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF ELKO

ARTEMIS EXPLORATION COMPANY, a Nevada Corporation,

Plaintiff,

AFFIDAVIT OF STEPHEN WRIGHT

vs.

RUBY LAKE ESTATES HOMEOWNER'S ASSOCIATION AND DOES I-X,

Defendants.

RUBY LAKE ESTATES HOMEOWNER'S ASSOCIATION,

Counterclaimant,

vs.

ARTEMIS EXPLORATION COMPANY, a Nevada Corporation,

Counterdefendant.

STATE OF NEVADA)

) ss:

COUNTY OF ELKO:)

That your Affiant, Stephen G. Wright is an adult over the age of eighteen (18) years, is not acting under any impairment or disability, and if called to testify, could and would testify competently to the

matters set forth herein.

1. I was the original developer of Ruby Lakes Estates. I caused the Official Plat of Ruby Lakes Estates to be on recorded September 15, 1989 in the Official Records of Elko County, Nevada as File No. 281674.

2. I also caused the Ruby Lakes Estates Declaration of Reservations, Conditions, and Restrictions ("CC&Rs") to be prepared and filed for record on October 25, 1989, in the Official Records of Elko County, Nevada as File No. 283759, in Book 703, Pages 287-292.

3. From and after the recording of the Official Plat, until 1997, when the final lot within the subdivision was sold, I maintained the roadways within the Ruby Lakes Estates subdivision as shown on the Official Plat, as required by Elko County. Elko County required that I record the CC&Rs for the Ruby Lakes Estates subdivision but would not accept the roadways for maintenance, although it did accept the roadways for public use. Maintenance of the roadways, culverts, and cattle guards within the roadways, as well as weed abatement on the surface and along the side of the roads, was required by Elko County for public access as well as fire and safety reasons.

4. In conjunction with the sale of the lots, I routinely told purchasers that I would maintain the road roadways and other common assets within the subdivision until such time that all lots within the subdivision were sold. Commercial lenders also required the roadways, culverts, and cattle guards within the roadways, as well as weed abatement on the surface and along the side of the roads, to be maintained. I was advised by legal counsel that commercial financial institutions were unwilling to loan money for lot purchases or home construction unless there was some obligation to maintain the roads ways within the subdivision. See Exhibit "1" attached hereto, Letter dated November 19, 1999, to me from attorney Robert J. Wines.

5. In conjunction with the sale of the lots, I also routinely told purchasers that after all the lots were sold, it would be the collective responsibility of the homeowners, acting through a homeowners

association, to maintain the roadways, culverts, cattle guards, signs and fencing. I told purchasers that assessments would need to be collected by the homeowners association from the lot owners in order to fulfill this responsibility.

6. It was always my understanding and intent that a homeowners association would be created at some future point in time to assume the obligation of road and asset maintenance after all lots were sold. I so informed prospective purchasers. The other assets that I had been maintaining and expected the homeowners association to continue to maintain after the last lot was sold, were the perimeter fences, culverts, cattle guards and street signs. After the Ruby Lakes Estates Homeowners Association was formed in 2006, I offered to deed a small parcel of land to the Association as common area in order to provide a lot for a community dumpster or for what ever other use the Association desired to make of the lot; the Association accepted my offer. A second small lot had been previously deeded to the Ruby Valley Volunteer Fire Department in order to provide reliable water for fire protection for the Ruby Lakes Estates as well as for any other purpose that the Volunteer Fire Department desired.

7. In accordance with my expressed intentions, prior to the filing of the Articles of Incorporation for the Ruby Lakes Estates Homeowners Association, the Architectural Review Committee ("ARC"), of which I was a member, served as the executive body of an informal association of lot owners which was referred to as the "Ruby Lakes Estates Landowners Association." The Ruby Lakes Estates Landowners Association did levy and collect assessments from lot owners on a regular basis for the purpose of maintaining the roadways, perimeter fences, culverts, cattle guards, entrance sign, and providing weed abatement.

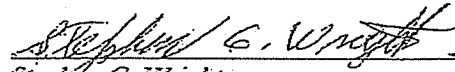
8. It was always my intent by recording the CC&Rs that a community association would collect money from the homeowners for these purposes, as the obligation to maintain the road ways and other community assets rested with the lot owners. Elko County would not maintain the roads yet required that they be maintained. After I sold the final lot in 1997, the Ruby Lakes Estates Landowners Association

became responsible for road and asset maintenance and assessed a fee of \$100 for 1997. From 1997 to 2005, the Ruby Lake Estates Landowners Association made regular assessments for road maintenance, weed abatement, and asset maintenance.

9. I hereby reaffirm the facts set forth herein as being in support of the Association's Motion for Summary Judgment and its Reply to Plaintiff's Opposition.

I, Stephen Wright do hereby swear under penalty of perjury that the matters set forth herein are true and correct to the best of my knowledge and belief.

DATED: June 28, 2012



Stephen G. Wright

SUBSCRIBED AND SWORN to before me
by Stephen G. Wright
this 28 day of June, 2012.



NOTARY PUBLIC

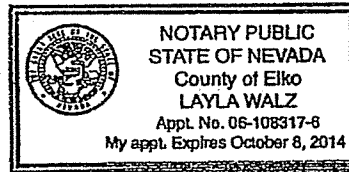


EXHIBIT "1"

EXHIBIT "1"

MATTHEWS AND WINES, P.C.
A PROFESSIONAL LAW CORPORATION

MAILING ADDRESS

P. O. Box 511
Elko, Nevada 89803

OFFICE LOCATION

687 Sixth Street, No. 1
Elko, Nevada 89801

RICHARD J. MATTHEWS
ROBERT J. WINES
Telephone: (775) 738-3171
Telefax: (775) 753-9869

FACSIMILE COVER LETTER

DATE: 11-19-99

RECIPIENT:

FACSIMILE NUMBER:

Steve Wright

(775) 752-3038
() _____
() _____
() _____

MESSAGE:

Total Number of pages sent, including this cover letter: 14

The original copy has been sent to you by:

- U. S. Mail Overnight delivery Not sent

Sender:

- Richard J. Matthews
 Robert J. Wines
 Janyce E. Jenkins
 Amber M. Rose
 Other

RLE 019G

MAILING ADDRESS
P.O. Box 511
Elko, Nevada 89803

RICHARD J. MATTHEWS
ROBERT J. WINES
Telephone: (702) 738-3171
Telefax: (702) 753-9860

OFFICE LOCATION
687 Sixth Street, No. 1
Elko, Nevada 89801

November 19, 1999

FACSIMILE (775) 753-3070
Steve Wright
P.O. Box 486
Wells, NV 89835

Re: Ruby Lake Estates

Dear Steve:

Fire Prevention.

Pursuant to your inquiry, attached please find a copy of Elko County Code (ECC) 3-2-1, by which Elko County adopts the Uniform Fire Code, and ECC 3-2-8, pursuant to which the County has established a fire protection district, encompassing the entire County, and authorizing the fire protection district to enforce Nevada Revised Statutes (NRS).

NRS 474.550 establishes that any person within the boundaries of the fire protection district, who willfully or negligently causes a fire which threatens human life, may be charged with the expense of fire suppression. NRS 474.580 requires the owner of land to remove any fire hazard on his property when directed to do so by the board. If the person fails to comply, as ordered by the board, the board can authorize cleanup, and charge the owner for the same.

It appears to me that the property owners would be far ahead to purchase an old mower and tractor for fire suppression, or to hire someone to mow or chop down the fuel, for the benefit of all, rather than having the governmental agency ordering them individually, to clean up the property.

Road Maintenance.

Attached is a copy of ECC 12-5-1, which describes Elko County Public Road policy. This authorizes the County to use "any appropriate means" to maintain the County roads. The "appropriate means" employed by the County on roads such as those in the Ruby Lakes Estates Subdivision, is to require the property owners who use the road to enter into a roadway maintenance agreement. Several years ago, I prepared a road maintenance agreement, which I attach. Obviously, this would need to be altered to fit the Ruby

Steve Wright

November 19, 1999

Page Two

Lake Estates requirements, but this will provide you with an example. I note that, historically, commercial financial institutions are unwilling to loan money on subdivision property such as this unless some form of road maintenance agreement exists. I urge the property owners to enter into such an agreement, to be executed by the homeowner's association, to be formed. It is to everyone's benefit to pay a small sum now to maintain the road, rather than to be obligated to pay large sums later to repair one which is significantly deteriorated. I should note that, once the County has approved the original installation, and accepted it, the developer is no longer obligated to repair or maintain the roads, except to the extent he is a property owner and jointly responsible with all other property owners.

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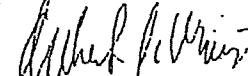
Association Dues.

While the declaration of Reservation, Conditions and Restrictions does not specifically provide that the home owner will be required to pay annual dues, it is implicit in the requirement that such dues may be assessed. If the Review Committee is to exercise any of the authority or powers granted to it by the Restrictions, it must be able to engage legal accounting and other professional advice, which will cost money.

Fencing.

Attached is NRS 569:431, defining a "legal fence". NRS 569.440, provides that the owner of livestock is liable for any damage caused by livestock trespassing through a legal fence. Please note that NRS 569.450 provides for no damage if the livestock are not excluded by a legal fence. Therefore, it is in each owner's best interest to repair the fence to exclude livestock from his or her property.

Very truly yours,



ROBERT J. WINES, ESQ.

RJW/amr

encl.

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FIRE CODE; FIRE DISTRICT

SECTION:

- 3-2-1: Adoption Of Uniform Fire Code
- 3-2-2: Establishment And Duties Of Bureau Of Fire Prevention
- 3-2-3: Definitions
- 3-2-4: Revisions And Amendments
- 3-2-5: Appeals
- 3-2-6: New Materials, Processes Or Occupancies Which May Require Permits
- 3-2-7: Penalties
- 3-2-8: Fire Protection District Established

3-2-1: **ADOPTION OF UNIFORM FIRE CODE:** There is hereby adopted by the County Commission for the purpose of prescribing regulations governing conditions hazardous to life and property from fire, hazardous materials or explosion, that certain Code and Standards known as the Uniform Fire Code and the Uniform Fire Code Standards published by the Western Fire Chiefs Association and the International Conference of Building Officials, being particularly the 1994 Editions thereof and the whole thereof, save and except such portions as are deleted, modified or amended, of which Code not less than three (3) copies have been and are now filed in the office of the Elko County Clerk located in the Elko County Courthouse, and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this Chapter shall take effect, including any prior adoption of the said Uniform Fire Code and Uniform Fire Code Standards, the provisions thereof shall be controlling within the limits of the County outside of the incorporated cities of Elko, Wells, Carlin, and West Wendover. (Ord. 1997-G, 6-5-1997, eff. 6-23-1997)



Elko County

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required to correct or remedy such violations or defects within a reasonable time, and when not otherwise specified, each ten (10) day that a violation continues shall constitute a separate offense. If such a separate offense or further offenses based upon the same conditions which result in the initial charge shall occur, then, in addition to imprisonment or fine or both, the court shall have the alternative of closing and sealing or impounding the premises or property involved until such violation is proved in court to have been corrected. (Ord. 1972-F, 11-8-1972)

3-2-8: FIRE PROTECTION DISTRICT ESTABLISHED: A Fire Protection District is hereby formed, pursuant to chapter 308, Nevada Revised Statutes, which said District shall comprise the whole of the County, specifically excluding, however, all incorporated cities, unincorporated towns, villages and settlements situated in said County. The exterior boundaries of said District are more particularly described as follows:

Beginning at a point on the northeast corner of Section 5, Township 47 North, Range 70 East, on the boundary common to Utah, Idaho and Nevada; thence west approximately 159 miles to the quarter corner of Section 6, Township 47 North, Range 45 East, which is the boundary common to Idaho, Nevada and Elko and Humboldt counties; thence south following the Elko and Humboldt county boundaries approximately 68 miles to the common boundary corner between Humboldt, Lander and Elko County which is one-half way between the $\frac{1}{4}$ corner and section corner of the $W\frac{1}{2}$ of Section 10, Township 36 North, Range 44 East; thence east approximately 44 miles to the boundary corner common to Elko and Eureka county in the $SW\frac{1}{4}$ of Section 17, Township 36 North, Range 52 East; thence south approximately 33 miles to the boundary corner common to Elko and Eureka County in the not subdivided Township 26 North, Range 53 East; thence along the Elko and White Pine county boundary approximately 54 miles to the southeast corner of Section 15, Township 26 North, Range 70 East, which is the boundary common to Elko County and the State of Utah, thence north along the Elko County and Utah boundary to point of beginning.



The purpose for which said Fire Protection District is formed and organized is the suppression of fire on the privately owned forest, watershed and range lands situated in said District, and to accomplish said purpose said

Elko County

MISCELLANEOUS PROVISIONS

474.550. Liability of person causing fire.

Except as otherwise provided in NRS 527.126, within the boundaries of any fire protection district created pursuant to this chapter, any person, firm, association or agency which willfully or negligently causes a fire or other emergency which threatens human life may be charged with the expenses incurred in extinguishing the fire or meeting the emergency and the cost of necessary patrol. Such a charge constitutes a debt which is collectible by the federal, state, county or district agency incurring the expenses in the same manner as an obligation under a contract, express or implied. (1975, p. 1638; 1988, p. 808; 1993, ch. 381, § 9, p. 1204.)

Effect of amendment. — The 1993 amendment added "Except as otherwise provided in NRS 527.126" at the beginning of the section.

RESEARCH REFERENCES

Liability of one negligently causing fire or injuries sustained by person other than firefighter in attempt to control fire or to save life or property. 91 A.L.R.3d 1202. Municipal liability for negligent fire inspection and subsequent enforcement. 69 A.L.R.4th 739.

474.560. Reorganization of district as general improvement district to furnish facilities for protection from fire.

1. A fire protection district organized pursuant to this chapter may reorganize as a district created wholly or in part for the purpose of furnishing fire protection facilities pursuant to chapter 318 of NRS.

2. Such reorganization may be initiated by:

(a) A petition signed by a majority of the owners of property located within the district; or

(b) A resolution of the board of county commissioners of the county in which the district is located.

3. If the board of county commissioners determines, after notice and hearing, that such reorganization is feasible and in the best interests of the county and the district, the board of county commissioners shall adopt an ordinance reorganizing the district pursuant to chapter 318 of NRS.

4. All debts, obligations, liabilities and assets of the former district shall be assumed or taken over by the reorganized district. (1977, p. 540.)

474.570. Dissolution of district which is entirely within boundaries of district for county fire department.

A board of county commissioners shall dissolve any fire protection district created pursuant to the provisions of this chapter whenever all the territory within the district is included within the boundaries of a district for a county

required for the dissolution of a district pursuant to this section. (1981 758; 1989, ch. 43, § 6, p. 76.)

Cross references. — As to county fire departments, see NRS 244.2961 to 244.2967.

474.580. Elimination of fire hazards.

1. Any owner of lands within a fire protection district created pursuant to this chapter shall eliminate and remove a fire hazard on his property when directed to do so by the board.

2. If the owner does not comply within the time specified by the board, the board may eliminate and remove the fire hazard in the manner permitted by NRS 474.160 or 474.470, whichever applies, and may for this purpose contract with any person for the performance of the work.

3. The cost incurred by the district in eliminating and removing the fire hazard may be recovered directly from the owner of the property or the district may make the cost a special assessment against the real property. The special assessment may be collected at the same time and in the same manner as ordinary county taxes are collected, and is subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary county taxes. All laws applicable to the collection and enforcement of county taxes are applicable to the special assessment.

4. As used in this section, "board" means the board of directors or the board of fire commissioners of the district, as the case may be. (1991, ch. 209, § 3, p. 381.)

Effective date. — This section became effective May 23, 1991.



PUBLIC ROADS

SECTION:

- 12-5-1: Declaration Of Policy And Intent
- 12-5-2: Definitions
- 12-5-3: Map Of County Roads
- 12-5-4: Interference With Travel On Public Roads

12-5-1: DECLARATION OF POLICY AND INTENT:

(A) Except for State and Federal highways, Elko County, a political subdivision of the State of Nevada, holds title as trustee for the public to all public roads situated in Elko County, of every kind whatsoever and however such roads may have come into being, including title to those roads commonly known as R.S. 2477 which were irrevocably granted to the public by Act of Congress (Mining Law of 1866).

(B) Elko County will:

1. Oppose closure of any public road except as authorized by this Chapter.

2. Maintain the public roads by conventional or other appropriate means, as from time to time authorized by the Board of Elko County Commissioners, or designate certain public roads as roads to be maintained only by passage and use without liability to the County, as permitted by the Nevada Revised Statutes. (Ord. 1995-1, 7-6-95, eff. 7-20-95)

12-5-2: DEFINITIONS: As used in this Chapter, the following terms have the meanings ascribed to them in this Section:

Elko County

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Procedure for disposing of estrays must follow the provisions of NRS 569.040 to 569.130, inclusive. (1923, p. 33; CL 1929, § 3987; 1961, p. 549; 1983, ch. 466, § 833, p. 1746.)

569.130. Penalties.

Any person, firm, company, association or corporation who takes up or retains in his or its possession any stray not his or its property, without the owner's consent, or except in accordance with the provisions of NRS 569.040 to 569.130, inclusive, shall be guilty of a misdemeanor. (1923, pp. 31, 33; CL 1929, §§ 3980, 3986; 1959, p. 643; 1961, p. 549.)

569.360 through 569.430. Repealed by Acts 1985, ch. 594, § 9, p. 1889.
569.430

LIVESTOCK

569.431. "Legal fence" defined.

As used in NRS 569.440 to 569.471, inclusive, "legal fence" means a fence with not less than four horizontal barriers, consisting of wires, boards, poles or other fence material in common use in the neighborhood, with posts set not more than 20 feet apart. The lower barrier must be not more than 12 inches from the ground and the space between any two barriers must be not more than 12 inches and the height of top barrier must be at least 48 inches above the ground. Every post must be so set as to withstand a horizontal strain of 250 pounds at a point 4 feet from the ground, and each barrier must be capable of withstanding a horizontal strain of 250 pounds at any point midway between the posts. (1991, ch. 430, § 2, p. 1147.)

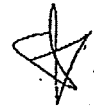


569.440. Liability caused by trespassing livestock; liability of landowner for injury to trespassing livestock; trespassing livestock treated as estrays.

1. Except as otherwise provided in NRS 569.461 and 569.471:

(a) If any livestock break into any grounds enclosed by a legal fence, the owner or manager of the livestock is liable to the owner of the enclosed premises for all damages sustained by the trespass. If the trespass is repeated by neglect of the owner or manager of the livestock, he is for the second and every subsequent offense or trespass, liable for double the damages of the trespass to the owner of the premises.

(b) If any owner or occupier of any grounds or crops trespassed upon by livestock entering upon or breaking into his grounds, whether enclosed by a legal fence or not, kills, maims or materially injures the livestock so trespassing, he is liable to the owner of the livestock for all damages, and for



pon may take up and safely keep, at the expense of the owner or owners thereof, after due notice to the owners, if known, the livestock, or so many of them as may be necessary to cover the damages he may have sustained, for 10 days, and if not applied for by the proper owner or owners before the expiration of 10 days, the livestock may be posted under the estray laws of the state, and before restitution may be had by the owner or owners of the livestock, all damages done by them, as well also as the expense of posting and keeping them, must be paid. Any justice of the peace in the township has jurisdiction of all such reclamation of livestock, together with the damages, and expense of keeping and posting the same, when the amount claimed does not exceed \$2,500.

2. When two or more persons cultivate lands under one enclosure, neither of them may place or cause to be placed any livestock on his ground, to the injury or damage of the other or others, but is liable for all damages thus sustained by the other or others. If repeated, after due notice is given, and for every subsequent repetition, double damages are recoverable in any court having jurisdiction. (1862, p. 13; CL 1873, §§ 3992-3994; GS 1885, §§ 741-743; CL 1900, §§ 777-779; RL 1912, §§ 2332-2334; CL 1929, §§ 4016-4018; 1961, p. 549; 1991, ch. 430, § 5, p. 1148.)

CASE NOTES

Cited in: United States v. Christiansen, 504 F. Supp. 364 (D. Nev. 1980).

RESEARCH REFERENCES

Liability for injury to trespassing stock from poisonous substances on the premises. 12 A.L.R.3d 1103.

569.450. Trespass on cultivated land: No award of damages unless land enclosed by legal fence.

No person is entitled to collect damages, and no court in this state may award damages, for any trespass of livestock on cultivated land in this state if the land, at the time of the trespass was not enclosed by a legal fence. (1917, pp. 415, 416; RL 1912 (1919 Supp.), §§ 1, 2, p. 2846; 1929, p. 255; CL 1929, §§ 4022, 4023; 1961, p. 550; 1991, ch. 430, § 6, p. 1149.)

569.461. Liability of developer of residential, commercial or industrial structure adjoining pasture for damages to legal fence.

1. When a residential, commercial, or industrial structure is erected, or any other commercial or industrial activity is undertaken, on land adjoining a pasture and separated from the pasture by a legal fence, the developer of the

EXHIBIT “54”

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COPY

AUG 05 1993

MSW, INC.
REAL ESTATE PURCHASE AGREEMENT

CATTLEMEN'S TITLE GUARANTEE COMPANY, located at P.O. Box 4100 Scottsdale, Arizona 85261, a Nevada corporation, as Trustee for MSW, INC. located at Box No 60-490 Ruby Valley, Nevada 89833, Owner - (hereinafter called "Seller") and ARTEMIS COMPANY residing at P.O. BOX 363, ELY, NEVADA 89301 (hereinafter, whether one or more, called "Buyer") and taking title as Sole and Separate property agree as follows:

1. PROPERTY: BUYER AGREES to purchased from Seller and Seller agrees to sell to Buyer, for the amounts and upon the terms and conditions herein set forth, the following described property, Seller retains a security interest consisting of the title of said property and all improvements place thereon until such time as the Buyer has fully performed hereunder.

LOT 6, BLOCK G, UNIT SOUTH RUBY LAKE ESTATES, as platted of record at Elko County, Nevada.

SUBJECT TO: Current taxes and assessments for the fiscal year, and to conditions, covenants, easements, encumbrances, exceptions, reservations, restrictions, rights, and rights of way of record. *

2. PURCHASE PRICE: The Buyer, jointly and severally, agrees to pay to the Seller as the full and total purchase price of said property the sum of TWELVE THOUSAND DOLLARS (\$12,000), lawful money of the united States of America, payable in installments as follows:

- A. A down payment of ZERO DOLLARS (\$0).
- B. The balance of said purchase price, in the sum of TWELVE THOUSAND DOLLARS (\$12,000), together with interest thereon at the rate of 8.5% per annum for the date hereof, shall be paid in 144 installments of ONE HUNDRED THIRTY-THREE DOLLARS AND TWENTY-ONE CENTS (\$133.21). The first payment shall be make on or before the 15th of August, 1993 and thereafter a like payment shall be made on or before the 15th of each and every month until the entire balance of principal and interest has been paid in full.
- C. Buyer also agrees to pay a monthly service fee in the amount of SIX DOLLARS (\$6.00) for a total payment of ONE HUNDRED THIRTY-NINE DOLLARS AND TWENTY-ONE CENTS (\$139.21)
- D. Buyer specifically reserves their right to pay all or any portion of the unpaid balance, plus accrued interest to date of such payment at any time without penalty.

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CONDITIONS OF AGREEMENT

1. Any cash deposit or down payment received hereunder shall be forthwith delivered to and held by CATTLEMEN'S TITLE GUARANTEE COMPANY, Trustee as Neutral Depository. By signing hereby irrevocably instructs the Trustee, acting in said capacity, to retain this money until a fully executed copy of the Agreement has been mailed to Buyer at the address shown herein, whereupon it may be disbursed to Seller, or agents. It is recognized the CATTLEMEN'S TITLE GUARANTEE COMPANY acts only as Trustee and collection agent but not in any manner as Seller or agent of the Seller.
2. Except as otherwise provided in Paragraph one hereof, all payments shall be made to CATTLEMEN'S TITLE GUARANTEE COMPANY, Trustee for MSW, Inc., P.O. Box 60-490, Ruby Valley, Nevada 89833, or such other address as may be hereafter designated. If any payment required hereunder is not made when due. Buyer agrees to pay a late-payment charge not to exceed 10% for each delinquency which Seller may impose for special handling, and a bad check processing charge, not to exceed TEN DOLLARS (\$10) plus any charges made by the bank for each refusal and any costs of CATTLEMEN'S TITLE GUARANTEE COMPANY that may be incurred by Buyer's failure to comply with the terms of this Agreement for purchase and sale of real estate. All information required by the Federal Truth in Lending Act relative to this sale is being furnished by or on behalf of said Owner-Developer, which shall be individually responsible; therefor, CATTLEMEN'S TITLE GUARANTEE COMPANY, individually, shall not be liable for such information so required or furnished hereunder.
3. Neither Seller nor Owner-Developer will hereafter encumber the subject property without Buyer's written consent.
4. Upon Buyer's timely payment in full compliance with the terms hereof, Seller will deliver to Buyer (a) a Grant, Bargain and Sale Deed conveying subject property free of encumbrances except as herein referred to and excepting any encumbrances created or suffered by Buyer, and (b) in owner's policy of title insurance issued by CATTLEMEN'S TITLE GUARANTEE COMPANY in the amount of the cash price, insuring title to the property to be as stated.
5. Buyer shall be entitled at any time prior to building on the subject lot to have the aggregate of his payments on principal (equity) under this Agreement applied toward the purchase of any other available Ruby Lakes Estates, lot of equal or greater price, provided, however, that Buyer is not in default under this Agreement on the date such new purchase is consummated; that all taxes and assessments on properties

affected by the equity transfer are properly prorated, and that this Agreement shall be automatically reinstated with full force and effect if the new purchase transaction is lawfully terminated within 15 days from the date such new purchase is consummated.

6. CATTLEMEN'S TITLE GUARANTEE COMPANY will pay all State, County, and District taxes, and assessments on the subject property, , CATTLEMEN'S TITLE GUARANTEE COMPANY will on Seller's behalf rebill Buyer for said payment. Buyer shall within 15 days of billing by CATTLEMEN'S TITLE GUARANTEE COMPANY pay said amount of billing to CATTLEMEN'S TITLE GUARANTEE COMPANY plus CATTLEMEN'S TITLE GUARANTEE COMPANY's service fee. Should Buyer fail to do so, the same shall constitute a default and Seller may elect, without notice, to pay same whereupon the amount so advanced by Seller, together with interest thereon (at the rate set forth upon the face of this Agreement) from date advanced until repaid together with a late fee of TWENTY DOLLARS (\$20) shall be due forthwith from Buyer to Trustee on behalf of Seller or at Seller's option said delinquent amount including late fees and service charges may be added to the principal balance of the contract.
7. Buyer's interest hereunder are transferable at any time when payments are current and an appropriate instrument of assignment shall have been accepted by Owner-Developer and Seller, and an assignment for paid.
8. Should Buyer fail to make any payment when due or to perform timely any covenant or condition hereof, Seller, without limiting any other right or remedy, at law or in equity, and (a) obtain specific performance, or (b) terminate all of Buyer's rights hereunder. Termination by Seller shall be subject to the expiration of a default period of 30 days and a forfeiture period of 30 days for a total of 60 days pursuant to written notices of default and forfeiture mailed to Buyer in accordance with Paragraph nine hereof. Buyer agrees upon such termination to forfeit to Seller as liquidated damages all payments made hereunder, and all right, title and interest of Buyer in and to the subject property (together with appurtenances and improvements, if any) and forthwith to surrender to Seller peaceably, possession of the property. The Trustee is authorized by Buyer to prepare and file an Affidavit of Completion of Forfeiture after forfeiture is complete, if deemed necessary by Trustee.
9. Notice to Buyer shall be deemed as properly given when mailed, postage prepaid, via regular mail to Buyer's address as appearing on the records of Seller. Buyer will timely notify Seller in writing of any change of address.

10. Time is of the essence of this Agreement. No waiver by Seller of a breach of any covenant or condition hereof shall be construed as a waiver of any succeeding breach thereof. Seller's remedies hereunder shall be cumulative. No tender of offer of performance by Seller shall be condition precedent to its right to exercise any right, option or privilege hereunder.
11. Buyer will pay all costs and expenses of any action successfully prosecuted by Seller to enforce this Agreement, including reasonable attorney's fees as may be fixed by the Court.
12. This Agreement shall be construed under the laws of the State of Nevada.
13. This Agreement contains the entire agreement between the parties, and Buyer acknowledges that the sole considerations for the agreement are the terms specifically stated herein. *
14. This Agreement shall be binding upon and inure to the benefit of, as the case may be, the heirs, devisee, administrators, executors, successors and (subject to compliance with Paragraph seven) hereof assigns of each of the parties hereto.
15. If Buyers are buying this property as joint tenants with right of survivorship, by executing this Agreement they accept and approve the joint tenancy. If Buyer is married and is buying this property as his (her) sole and separate property, Buyer's spouse by executing this Agreement disclaims, remise, releases and quitclaims unto Buyer, his (her) heirs and assigns forever, all of such spouse's right, title and claim in and to the property.
16. Seller shall pay: The cost of preparing the Deed; the Nevada Transfer Tax; the fee for recording the Deed from seller to Buyer; the Title Policy premium.
17. Seller shall deliver to Buyer within 180 days of this date Seller's Deed in favor of Buyer covering the property described herein to Buyer, free and clear of all liens, encumbrances, and adverse claims, except taxes chargeable against said property, easements for road and public utilities and reservations; and further except any matter which may be caused by or through any act of fault of said Buyer or anyone delivering an interest in said property by or through said Purchaser.

THE CONDITIONS SET FORTH ABOVE ARE AN INTEGRAL PART OF THIS DOCUMENT

The undersigned hereby approves this sale and directs the Trustee to execute this agreement:

DATED this 26th day of July, 1993

ARTEMIS COMPANY, BUYER

By *Elizabeth E. Essington* (*)
Elizabeth E. Essington
President
P.O. Box 363
Ely, Nevada 89301

Steve Wright
Steve Wright for MSW, Inc.

Mavis Wright
Mavis Wright for MSW, Inc.

CATTLEMEN'S TITLE GUARANTEE CO.
TRUSTEE

By *Johanna K. Kohli* Sr
Authorized Officer

* Subject to: Request for variance July 12, 1993
To whom it may concern July 23, 1993

420306 TO

Documentary Transfer Tax \$ 15.60

RLE-1010

- Computed on full value of property conveyed
 - Computed on full value less liens and encumbrances remaining thereon at time of transfer
- Under penalty of perjury

Deed

CATTLEMEN'S TITLE GUARANTEE COMPANY

By

Johanna K. Kubi
 Signature of declarant or agent determining tax-firm name

THIS INDENTURE, made this 16th day of June 1994 by and between CATTLEMEN'S TITLE GUARANTEE COMPANY (as Trustee), a Nevada Corporation, hereinafter referred to as Grantor, and

ARTEMIS EXPLORATION COMPANY

hereinafter referred to as Grantee(s)

whose address is

P.O. Box 363
 Ely, Nevada 89301

WITNESSETH

For valuable consideration received, Grantor does by these presents grant, bargain and sell unto said Grantee(s) and to its heirs and assigns forever, all that certain real property situate in the County of Elko, State of Nevada that is described as follows: TP #07-03A-42-0

Lot 6, Block G, ~~MINY SOUTH~~ RUBY LAKE ESTATES/, as platted of record at Elko County, Nevada Subdivision

SUBJECT TO taxes for the present fiscal year and subsequently, covenants, conditions, restrictions, exceptions and reservations, easements, encumbrances, leases or licenses, rights and rights of way of record, if any. *

TOGETHER WITH the tenements, hereditaments and appurtenances there-unto belonging or appertaining and the reversion and reversions, remainder and remainder, rents, issues and profits thereof.

TO HAVE AND TO HOLD said premises, together with the appurtenances, unto said Grantee(s), and to its heirs and assigns forever.

IN WITNESS WHEREOF, the Grantor has caused this conveyance to be executed the day and year first above written.

00019

CATTLEMEN'S TITLE GUARANTEE COMPANY,
 as Trustee

STATE OF Arizona)
) SS

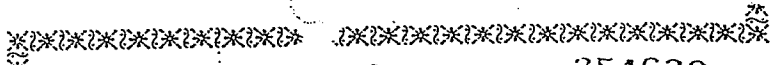
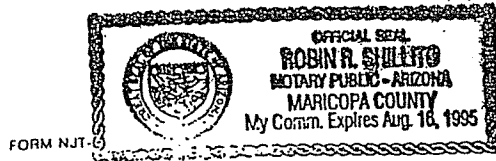
BY: *Johanna K. Kubi*

On June 16, 1994
personally appeared before me, a Notary Public,

Johanna K. Kobli

who acknowledged that She executed the
above instrument.

Robin R. Shullito
NOTARY PUBLIC



FEE 7.00 FILE # 354630
FILED FOR RECORD
AT REQUEST OF

First American Title Co. Of Nev.
'94 JUN 21 P1:37

INDEXED

RECORDED BK 860 PG 625
JERRY D. REYNOLDS
ELKO CO. RECORDER

354630

BOOK 860 PAGE 625

EXHIBIT “55”

MATTHEWS AND WINES, P.C.

A PROFESSIONAL LAW CORPORATION

MAILING ADDRESS

P. O. Box 511
Elko, Nevada 89803

OFFICE LOCATION

687 Sixth Street, No. 1
Elko, Nevada 89801

RICHARD J. MATTHEWS
ROBERT J. WINES
Telephone: (775) 738-3171
Telefax: (775) 753-9860

FACSIMILE COVER LETTER

DATE: 11-19-99

RECIPIENT:
Steve Wright

FACSIMILE NUMBER:
(775) 752-3038
() _____
() _____
() _____

MESSAGE:

Total Number of pages sent, including this cover letter: 14

The original copy has been sent to you by:

- U. S. Mail Overnight delivery Not sent

Sender:

- Richard J. Matthews
 Robert J. Wines
 Janyce E. Jenkins
 Amber M. Rose
 Other

RLE 019G

MAILING ADDRESS
P.O. Box 511
Elko, Nevada 89803

RICHARD J. MATTHEWS
ROBERT J. WINES
Telephone: (702) 738-3171
Telefax: (702) 753-9860

OFFICE LOCATION
687 Sixth Street, No. 1
Elko, Nevada 89801

November 19, 1999

FACSIMILE (775) 753-3070

Steve Wright
P.O. Box 486
Wells, NV 89835

Re: Ruby Lake Estates

Dear Steve:

Fire Prevention.

Pursuant to your inquiry, attached please find a copy of Elko County Code (ECC) 3-2-1, by which Elko County adopts the Uniform Fire Code, and ECC 3-2-8, pursuant to which the County has established a fire protection district, encompassing the entire County, and authorizing the fire protection district to enforce Nevada Revised Statutes (NRS).

NRS 474.550 establishes that any person within the boundaries of the fire protection district, who willfully or negligently causes a fire which threatens human life, may be charged with the expense of fire suppression. NRS 474.580 requires the owner of land to remove any fire hazard on his property when directed to do so by the board. If the person fails to comply, as ordered by the board, the board can authorize cleanup, and charge the owner for the same.

It appears to me that the property owners would be far ahead to purchase an old mower and tractor for fire suppression, or to hire someone to mow or chop down the fuel, for the benefit of all, rather than having the governmental agency ordering them individually, to clean up the property.

Road Maintenance.

Attached is a copy of ECC 12-5-1, which describes Elko County Public Road policy. This authorizes the County to use "any appropriate means" to maintain the County roads. The "appropriate means" employed by the County on roads such as those in the Ruby Lakes Estates Subdivision, is to require the property owners who use the road to enter into a roadway maintenance agreement. Several years ago, I prepared a road maintenance agreement, which I attach. Obviously, this would need to be altered to fit the Ruby

Steve Wright

November 19, 1999

Page Two

Lake Estates requirements, but this will provide you with an example. I note that, historically, commercial financial institutions are unwilling to loan money on subdivision property such as this unless some form of road maintenance agreement exists. I urge the property owners to enter into such an agreement, to be executed by the homeowner's association, to be formed. It is to everyone's benefit to pay a small sum now to maintain the road, rather than to be obligated to pay large sums later to repair one which is significantly deteriorated. I should note that, once the County has approved the original installation, and accepted it, the developer is no longer obligated to repair or maintain the roads, except to the extent he is a property owner and jointly responsible with all other property owners.

RLE 019E

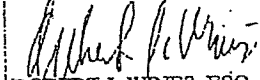
Association Dues.

While the declaration, Reservation, Conditions and Restrictions does not specifically provide that the home owners will be required to pay annual dues, it is implicit in the requirement that such dues may be assessed. If the Review Committee is to exercise any of the authority or powers granted to it by the Restrictions, it must be able to engage legal accounting and other professional advice, which will cost money.

Fencing.

Attached is NRS 569.431, defining a "legal fence". NRS 569.440, provides that the owner of livestock is liable for any damage caused by livestock trespassing through a legal fence. Please note that NRS 569.450 provides for no damage if the livestock are not excluded by a legal fence. Therefore, it is in each owner's best interest to repair the fence to exclude livestock from his or her property.

Very truly yours,



ROBERT J. WINES, ESQ.

RJW/amr

encl.

RLE 019F

1RA028

FIRE CODE; FIRE DISTRICT**SECTION:**

- 3-2-1: Adoption Of Uniform Fire Code
- 3-2-2: Establishment And Duties Of Bureau Of Fire Prevention
- 3-2-3: Definitions
- 3-2-4: Revisions And Amendments
- 3-2-5: Appeals
- 3-2-6: New Materials, Processes Or Occupancies Which May
Require Permits
- 3-2-7: Penalties
- 3-2-8: Fire Protection District Established

3-2-1: **ADOPTION OF UNIFORM FIRE CODE:** There is hereby adopted by the County Commission for the purpose of prescribing regulations governing conditions hazardous to life and property from fire, hazardous materials or explosion, that certain Code and Standards known as the Uniform Fire Code and the Uniform Fire Code Standards published by the Western Fire Chiefs Association and the International Conference of Building Officials, being particularly the 1994 Editions thereof and the whole thereof, save and except such portions as are deleted, modified or amended, of which Code not less than three (3) copies have been and are now filed in the office of the Elko County Clerk located in the Elko County Courthouse, and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this Chapter shall take effect, including any prior adoption of the said Uniform Fire Code and Uniform Fire Code Standards, the provisions thereof shall be controlling within the limits of the County outside of the incorporated cities of Elko, Wells, Carlin, and West Wendover. (Ord. 1997-G, 6-5-1997, eff. 6-23-1997)



required to correct or remedy such violations or defects within a reasonable time, and when otherwise specified, each ten (10) day that a violation continues shall constitute a separate offense. If such a separate offense or further offenses based upon the same conditions which result in the initial charge shall occur, then, in addition to imprisonment or fine or both, the court shall have the alternative of closing and sealing or impounding the premises or property involved until such violation is proved in court to have been corrected. (Ord. 1972-F, 11-8-1972)

3-2-8: FIRE PROTECTION DISTRICT ESTABLISHED: A Fire Protection District is hereby formed, pursuant to chapter 308, Nevada Revised Statutes, which said District shall comprise the whole of the County, specifically excluding, however, all incorporated cities, unincorporated towns, villages and settlements situated in said County. The exterior boundaries of said District are more particularly described as follows:

Beginning at a point on the northeast corner of Section 5, Township 47 North, Range 70 East, on the boundary common to Utah, Idaho and Nevada; thence west approximately 150 miles to the quarter corner of Section 6, Township 47 North, Range 45 East, which is the boundary common to Idaho, Nevada and Elko and Humboldt counties; thence south following the Elko and Humboldt county boundaries approximately 68 miles to the common boundary corner between Humboldt, Lander and Elko County which is one-half way between the $\frac{1}{4}$ corner and section corner of the $W\frac{1}{2}$ of Section 10, Township 36 North, Range 44 East; thence east approximately 44 miles to the boundary corner common to Elko and Eureka county in the $SW\frac{1}{4}$ of Section 17, Township 36 North, Range 52 East; thence south approximately 33 miles to the boundary corner common to Elko and Eureka County in the not subdivided Township 26 North, Range 53 East; thence along the Elko and White Pine county boundary approximately 54 miles to the southeast corner of Section 15, Township 26 North, Range 70 East, which is the boundary common to Elko County and the State of Utah, thence north along the Elko County and Utah boundary to point of beginning.



The purpose for which said Fire Protection District is formed and organized is the suppression of fire on the privately owned forest, watershed and range lands situated in said District, and to accomplish said purpose said

Elko County

897

RLE 019I

MISCELLANEOUS PROVISIONS

474.550. Liability of person causing fire.

Except as otherwise provided in NRS 527.126, within the boundaries of any fire protection district created pursuant to this chapter, any person, firm, association or agency which willfully or negligently causes a fire or other emergency which threatens human life may be charged with the expenses incurred in extinguishing the fire or meeting the emergency and the cost of necessary patrol. Such a charge constitutes a debt which is collectible by the federal, state, county or district agency incurring the expenses in the same manner as an obligation under a contract, express or implied. (1975, p. 1638; 1988, p. 808; 1993, ch. 381, § 9, p. 1204.)

Effect of amendment. — The 1993 amendment added "Except as otherwise provided in NRS 527.126" at the beginning of the section.

RESEARCH REFERENCES

Liability of one negligently causing fire or injuries sustained by person other than firefighter in attempt to control fire or to save life or property. 91 A.L.R.3d 1202. Municipal liability for negligent fire inspection and subsequent enforcement. 69 A.L.R.4th 739.

474.560. Reorganization of district as general improvement district to furnish facilities for protection from fire.

1. A fire protection district organized pursuant to this chapter may reorganize as a district created wholly or in part for the purpose of furnishing fire protection facilities pursuant to chapter 318 of NRS.

2. Such reorganization may be initiated by:

(a) A petition signed by a majority of the owners of property located within the district; or

(b) A resolution of the board of county commissioners of the county in which the district is located.

3. If the board of county commissioners determines, after notice and hearing, that such reorganization is feasible and in the best interests of the county and the district, the board of county commissioners shall adopt an ordinance reorganizing the district pursuant to chapter 318 of NRS.

4. All debts, obligations, liabilities and assets of the former district shall be assumed or taken over by the reorganized district. (1977, p. 540.)

474.570. Dissolution of district which is entirely within boundaries of district for county fire department.

A board of county commissioners shall dissolve any fire protection district created pursuant to the provisions of this chapter whenever all the territory within the district is included within the boundaries of a district for a county

required for the dissolution of a district pursuant to this section. (1981, p. 758; 1989, ch. 43, § 6, p. 76.)

Cross references. — As to county fire departments, see NRS 244.2961 to 244.2967.

474.580. Elimination of fire hazards.

1. Any owner of lands within a fire protection district created pursuant to this chapter shall eliminate and remove a fire hazard on his property when directed to do so by the board.

2. If the owner does not comply within the time specified by the board, the board may eliminate and remove the fire hazard in the manner permitted by NRS 474.160 or 474.470, whichever applies, and may for this purpose contract with any person for the performance of the work.

3. The cost incurred by the district in eliminating and removing the fire hazard may be recovered directly from the owner of the property or the district may make the cost a special assessment against the real property. The special assessment may be collected at the same time and in the same manner as ordinary county taxes are collected, and is subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary county taxes. All laws applicable to the collection and enforcement of county taxes are applicable to the special assessment.

4. As used in this section, "board" means the board of directors or the board of fire commissioners of the district, as the case may be. (1991, ch. 209, § 3, p. 381.)

Effective date. — This section became effective May 23, 1991.

PUBLIC ROADS

SECTION:

- 12-5-1: Declaration Of Policy And Intent
- 12-5-2: Definitions
- 12-5-3: Map Of County Roads
- 12-5-4: Interference With Travel On Public Roads

12-5-1: DECLARATION OF POLICY AND INTENT:

(A) Except for State and Federal highways, Elko County, a political subdivision of the State of Nevada, holds title as trustee for the public to all public roads situated in Elko County, of every kind whatsoever and however such roads may have come into being, including title to those roads commonly known as R.S. 2477 which were irrevocably granted to the public by Act of Congress (Mining Law of 1866).

(B) Elko County will:

1. Oppose closure of any public road except as authorized by this Chapter.

2. Maintain the public roads by conventional or other appropriate means, as from time to time authorized by the Board of Elko County Commissioners, or designate certain public roads as roads to be maintained only by passage and use without liability to the County, as permitted by the Nevada Revised Statutes. (Ord. 1995-1, 7-6-95, eff. 7-20-95)



12-5-2: DEFINITIONS: As used in this Chapter, the following terms have the meanings ascribed to them in this Section:

Procedure for disposing of such estrays must follow the provisions of Acts 569.040 to 569.130, inclusive. (1923, p. 33; CL 1929, § 3987; 1961, p. 549; 1993, ch. 466, § 833, p. 1746.)

569.130. Penalties.

Any person, firm, company, association or corporation who takes up or retains in his or its possession any stray not his or its property, without the owner's consent, or except in accordance with the provisions of NRS 569.040 to 569.130, inclusive, shall be guilty of a misdemeanor. (1923, pp. 31, 33; CL 1929, §§ 3980, 3986; 1959, p. 643; 1961, p. 549.)

569.360 through 569.430. Repealed by Acts 1985, ch. 594, § 9, p. 1889.
569.430

LIVESTOCK

569.431. "Legal fence" defined.

As used in NRS 569.440 to 569.471, inclusive, "legal fence" means a fence with not less than four horizontal barriers, consisting of wires, boards, poles or other fence material in common use in the neighborhood, with posts set not more than 20 feet apart. The lower barrier must be not more than 12 inches from the ground and the space between any two barriers must be not more than 12 inches and the height of top barrier must be at least 48 inches above the ground. Every post must be so set as to withstand a horizontal strain of 250 pounds at a point 4 feet from the ground, and each barrier must be capable of withstanding a horizontal strain of 250 pounds at any point midway between the posts. (1991, ch. 430, § 2, p. 1147.)

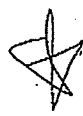


569.440. Liability caused by trespassing livestock; liability of landowner for injury to trespassing livestock; trespassing livestock treated as estrays.

1. Except as otherwise provided in NRS 569.461 and 569.471:

(a) If any livestock break into any grounds enclosed by a legal fence, the owner or manager of the livestock is liable to the owner of the enclosed premises for all damages sustained by the trespass. If the trespass is repeated by neglect of the owner or manager of the livestock, he is for the second and every subsequent offense or trespass, liable for double the damages of the trespass to the owner of the premises.

(b) If any owner or occupier of any grounds or crops trespassed upon by livestock entering upon or breaking into his grounds, whether enclosed by a legal fence or not, kills, maims or materially injures the livestock so trespassing, he is liable to the owner of the livestock for all damages, and for



upon may take up and safely keep, at the expense of the owner or owners thereof, after due notice to the owners, if known, the livestock, or so many of them as may be necessary to cover the damages he may have sustained, for 10 days, and if not applied for by the proper owner or owners before the expiration of 10 days, the livestock may be posted under the estray laws of the state, and before restitution may be had by the owner or owners of the livestock, all damages done by them, as well also as the expense of posting and keeping them, must be paid. Any justice of the peace in the township has jurisdiction of all such reclamation of livestock, together with the damages, and expense of keeping and posting the same, when the amount claimed does not exceed \$2,500.

2. When two or more persons cultivate lands under one enclosure, neither of them may place or cause to be placed any livestock on his ground, to the injury or damage of the other or others, but is liable for all damages thus sustained by the other or others. If repeated, after due notice is given, and for every subsequent repetition, double damages are recoverable in any court having jurisdiction. (1862, p. 13; CL 1873, §§ 3992-3994; GS 1885, §§ 741-743; CL 1900, §§ 777-779; RL 1912, §§ 2332-2334; CL 1929, §§ 4016-4018; 1961, p. 549; 1991, ch. 430, § 5, p. 1148.)

CASE NOTES

Cited in: United States v. Christiansen, 504 F. Supp. 364 (D. Nev. 1980).

RESEARCH REFERENCES

Liability for injury to trespassing stock from poisonous substances on the premises. 12 A.L.R.3d 1103.

569.450. Trespass on cultivated land: No award of damages unless land enclosed by legal fence.

No person is entitled to collect damages, and no court in this state may award damages, for any trespass of livestock on cultivated land in this state if the land, at the time of the trespass was not enclosed by a legal fence. (1917, pp. 415, 416; RL 1912 (1919 Supp.), §§ 1, 2, p. 2846; 1929, p. 255; CL 1929, §§ 4022, 4023; 1961, p. 550; 1991, ch. 430, § 6, p. 1149.)

569.461. Liability of developer of residential, commercial or industrial structure adjoining pasture for damages to legal fence.

1. When a residential, commercial, or industrial structure is erected, or any other commercial or industrial activity is undertaken, on land adjoining a pasture and separated from the pasture by a legal fence, the developer of the

EXHIBIT “56”

RUBY LAKE ESTATES HOMEOWNER'S ASSOCIATION
Ruby Valley, Nevada

August 21, 2006

Dear RLEHA members,

Last Saturday, August 12, 2006 I was very pleased with the turn out of lot owners and of the productive input. We had 31 lots represented (a majority is 26 lots) at this meeting. The meeting was very positive from start to finish. I would like to thank everyone in attendance especially Bill and Terry Harmon for offering their place for our meeting.

Our accomplishments and direction for the future were very encouraging. Every vote was unanimous. We have a set of By-laws that were approved. Everyone will receive a copy with this correspondence. Please review the Bylaws and then contact an officer or director with your questions.

The second item approved was the collection of membership fees required by all lot owners. The Bylaws require each lot to pay its fair share of expenses for Association obligations, including road maintenance, legal fees, taxes, insurance and other necessities. This year there is to be a One Hundred Fifty dollar (\$150.00) assessment per lot will be due this year. This was approved by a unanimous vote by everyone present. The 2007 dues will be invoiced in December and due January 1, 2007 for \$150.00.

The Association will enforce unpaid charges by commencing a collection action, obtaining a judgment as a lien and doing an execution sale against any delinquent lot. You should be aware that any costs, charges or fees incurred for enforcing the indebtedness will be assessed to the lot owner. It would be unfair to make the other lot owners pay the costs associated with the collection of fees.

Our last item was to hire Attorney Bob Wines until December 31, 2008 to assist RLEHA with interpretation of the "Declaration of Reservations, Conditions and Restrictions. Bob Wines is to assist the Architectural Committee with interpretations. He will also be our resident agent and assist with all filings required by the State of Nevada and Elko County. Bob Wines is to be legal council for the board and any questions from the membership can be forwarded THROUGH the RLEHA Board or Directors to Bob Wines.

We will be sending a form for nominations of officers due by January 31, 2007 in December 2006, for President, Secretary and one director. The election will be held on the second Saturday in August.

We are looking into garbage service but that will be paid by the individuals using the services. Steve Wright is going to deed a parcel of land to the Association. We will be able to fence a small area and have a dumpster put there for the lots needing the garbage service.

Dennis McIntyre has met with the telephone company and we should have a time table and cost within the next month for phone service for those who would like a phone.

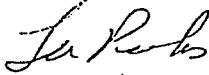
The Association is now registered with Elko County pursuant for all purposes relating to Elko County Code 4-9-4. Mike Cecchi is chairperson of the Architectural

RLE 029(1)

Committee (775)356-1781; Bill Harmon and Bill Noble are the other members of the Architectural Committee. All applications for permit need to be reviewed and approved by the Architectural Committee before Elko County will accept for permitting.

If you have questions or concerns you may contact me at (775) 358-4403 or e-mail lee@perksplumbing.com.

Thank you again,



Lee Perks
RLEHA President

RLE 029(2)

1RA038

EXHIBIT “57”

Ruby Lake Estates
 Sign in Sheet
 August 09, 2008

LOT #	SIGNATURE
A-1	Proceed
A-2	
B-1	Proceed
B-2	Proceed
B-3	
B-4	Chen Lynn Noble
B-5	" " "
B-6	Proceed
B-7	
C-1	Bryan Jeff. Bill Harmon
C-2	
C-3	WIAN KEFF
C-4	
C-5	
C-6	WAS CERCENT
C-7	Proceed
C-8	Proceed

Ruby Lake Estates
 Sign in Sheet
 August 09, 2008

C-9	John P. ...
C-10	John P. ...
D-1	Brad Keife
D-2	Clara D. ...
D-3	
D-4	DAVE MULLER
D-5	
D-6	
E-1	Sandra ...
E-2	Laura Healy
E-3	
E-4	Proced
E-5	
E-6	Joe R. ...
F-1	
F-2	James ...
F-3	Proced.
F-4	

RLE 061B

Ruby Lake Estates
 Sign in Sheet
 August 09, 2008

F-5	<i>Handwritten</i>	
G-1	<i>Robin Chen</i>	
G-2		
G-3		
G-4		
G-5		
G-6	<i>J.M. E. P. [Handwritten]</i>	
H-1	<i>[Handwritten]</i>	
H-2		
H-3	<i>Ruby [Handwritten]</i>	
H-4		
H-5		
H-6	<i>Dumont Community Home</i>	<i>977-6777 741-5993</i>
H-7	<i>Dumont Community Home</i>	<i>977-6777 741-5993</i>
H-8	<i>[Handwritten]</i>	
H-9		

RLE 061C

EXHIBIT “58”

**RUBY LAKE ESTATES HOMEOWNERS
ASSOCIATION
RUBY VALLEY, NEVADA**

**BOARD OF DIRECTORS
MEETING**

Friday, October 17, 2008 1:30 PM

at

**The Office of Robert Wines
687 6th Street, Ste 1, Elko, Nevada**

Board Members Present: Lee Perks, Mike Cecchi, Dennis McIntyre, Valeri McIntyre
Mel Essington

Board Members Absent: William Noble

Members Present: None

Legal Council Present: Robert Wines

Call Meeting to Order

Lee Perks called Meeting to order.

Review & Approve minutes from August 09, 2008 meeting: Lee Perks motions for approval of the minutes. Dennis McIntyre seconds motion. All Board members present in favor - Pass

Treasurer's Report: Dennis McIntyre updates financial report. There was discussion on the rainy day fund in regards to comments from surveys sent out in September. The board members discuss investing the rainy day fund in certificates of deposits. The goal is to have the money secured and growing for the Association. Dennis will check into rates and invest money. Mike Cecchi motions for approval of Financial Statement. Mel Essington Seconds the motion All Board members present in favor - Pass

Old Business:

- a. **Roads** – Discussion on plans for spring road work. Mike Cecchi will check on pricing for base and cost for having equipment brought in to spread material. The board discussed liability issues in regards to work that needs to be done. Board discusses Contractor versus volunteers. The

board discusses estimated time to start project due to weather and ground temperature. The board estimates the end of April or the first part of May to begin. The board will address start date at the January and April meetings. The board also decides that the roads with the worst conditions will be dealt with first.

- b. **Weed Abatement** – Board discusses the progress of the application of weed killers applied in August. The board discusses the spring application of weed killers. The board will investigate alternative chemicals for spring application.
- c. **Ruby Lake Estates Sign Repair** – The Board reviews the proposal for the sign repair. The board discusses there was an approval at the previous meeting for the repair. The board will work on getting the repair scheduled, weather permitting and contractor availability.
- d. **September 08 CC&R's survey results** - Discussion and survey results. The board discussed member comments of survey and member input. Survey sent out in September for final input on changing the CC&R's and willingness of the Members to support costs for change. Members input do not support changes in the CC&R's. Discuss having language drafted for Special Use Permits. Bob Wines to draft language for Special Use Permits.
- e. **Bob Wines review of CC&R violations and recommendations** - The board discusses current violations. The board discussed procedures for notifying members of violations on their properties. Mike Cecchi will draft violation letters for first and second warnings. Bob Wines will review for legal content. Mike will bring drafts to next meeting for approval.

New Business:

- a. **Review of Ombudsman Classes** – The board reviewed classes posted by the Ombudsman's office for continuing education of the board. The board discussed classes attended by the board members. The board discusses the importance of the up coming class on reserve studies because that study could affect budgets, dues and special assessments.
- b. **Review NRS 116** – The board discusses the importance of compliance in regards to NRS 116. The board discussed the importance of the statute when administering and complying with the CC&R's with regards to State intervention if the policies are not administered correctly.
- c. **Establish committee to interpret September 08 CC&R questionnaire** – The board had discussed that member support of changes to the CC&R's

did not support changes in the CC&R's so a committee would not be needed to interpret the survey.

- d. **Discuss comments and requests by lot owners listed in questionnaires**
- The board reviewed the comments on the questionnaires. Comments were addressed in new business c..
- e. **Discuss options to get information to members easier and more efficiently such as newsletters, web page, etc. Discuss cost of mailings webpage and etc.** The board discussed the need to streamline our mailings and notifications. The board discusses that a web page would not be monetarily feasible at this time. The board discusses starting a yearly newsletter to be mailed before the annual members meeting for preset executive quarterly meeting dates as required by NRS 116 so that quarterly letters would not have to be sent notifying members of the date. Also, the newsletter would state procedures for availability of the meetings agenda so that the members have avenues for retrieving the agenda's for those meeting for who would like them rather than mailing them to each member as most information to be discussed is updating issues already addressed. Further discussion will be needed also a proposed outline.
- f. **Discuss budget for annual members meeting.** The board discussed current budget figures and expenses. The board discussed that our budget is still a work in progress as we do not have any historical figures to help guide in assisting in preparation of the budget, but feels after this next year those figures will guide in the needed direction. Also, as required by NRS 116 and the Ombudsman's Office a reserve study will need to be completed by the end of 2009 for the association and budget figures will have to be adjusted per that study.
- g. **Discuss next executive board meeting date.** The board picked January 16, 2009 @ 1:30 P.M. at the office of Robert Wines to stay in compliance with the quarterly meeting rule.

Additional items discussed at the meeting:

- a. **Insurance and the Association.** The board discusses exposure of the Association in regards to the fiduciary responsibilities it may have to absorb if the property owners are under covered. The board has a discussion as to being an additionally insured in regards to the commercial lot. What would happen if someone were injured and the owners were not adequately insured?
- b. The board discusses that they would like to have volunteers on the Architectural committee to advise with aesthetics.

- c. The board discusses revamping the voting process for the members to make it more user friendly. The 3 envelope system is discussed and how it works. It will provide for easier member participation.
- d. The board also talks about adding provisions to the agenda for implementing avenues to address emergency issues not posted to the original agenda.

Adjournment – Mike Cecchi motions for adjournment. Lee Perks seconds

Valeri M. Stepien - 1/16/09

EXHIBIT “59”

**RUBY LAKE ESTATES HOMEOWNERS
ASSOCIATION
RUBY VALLEY, NEVADA**

**BOARD OF DIRECTORS
MEETING**

Friday, January 16, 2009 1:30 PM

at

**The Office of Robert Wines
687 6th Street, Ste 1, Elko, Nevada**

Board Members Present: Lee Perks, Mike Cecchi, Dennis McIntyre, Valeri McIntyre
Mel Essington

Board Members Absent: William Noble

Members Present: None

Legal Council Present: Robert Wines

Call Meeting to Order

Lee Perks called Meeting to order.

Lee calls for information if anyone is recording the meeting. Verify's no one wishes to record this meeting

Review & Approve minutes from October 17, 2008 meeting: Mike Cecchi motions for approval of the minutes. Mel Essington seconds motion. All Board members present in favor - Pass

Treasurer's Report: Dennis McIntyre updates financial report. Dennis explains the certificate of deposit he has invested the RLEHA funds into. Lee explains the avenues that an HOA must use with regards to investing RLEHA funds. The Financial Institution in which we invest has to be federally insured or the investment must be federally insured. Mike Cecchi discusses upcoming late fees. The board proposes a late fee schedule with late fees be assessed on February 10. A fee of 25.00 will be added to the delinquent account and an updated statement will be sent out. The third delinquent month an updated statement is to be sent out with a \$25.00 additional late fee via certified mail with a return receipt. The fourth delinquent month will force a small claims action with court cost and travel fees to Wells to appear. Also, the board will allow Dennis to use his best judgment in hardship issues. Mike Cecchi motions for approval of Financial

Statement with late fee schedule. Dennis McIntyre Seconds the motion. All Board members present in favor - Pass

Old Business:

- a. **Roads** – Mike Cecchi presents the soft quoted he has received to work on the roads this spring. Harder numbers will be supplied as the season approaches after a site visit. There will be a formal walk thru before the next board meeting. Goal is to see how much we can get completed for approximately \$10,000.00 (Grading and possible basing the roads).
- b. **Weed Abatement** – Dennis McIntyre and Mike Cecchi discuss spring weed abatement. They advise the alternate chemicals they will use this spring. This is to be timed as for its effectiveness and timing with road repair.
- c. **Ruby Lake Estates Sign Repair** – Mike Cecchi informs the board that the proposal for the repair was signed in July of 08. He has made calls into the contractor with no reply yet for a schedule.
- d. **Bob Wines review of CC&R violations and recommendations** – The board reviews draft of CC&R language regarding livestock. The board chose to review document until next meeting. The board discusses fee's that would be charged for Conditional Use Exception in the prepared draft. Bob Wines advises of his fee to draft a Conditional Use Exception per lot would be \$175.00.
- e. **Review of Ombudsman Classes** – Lee advises of the last class he attended. The board discusses that 2009 class schedule has not been set yet.
- f. **Quick Overview of NRS 116 questions** – There was no questions in regards to NRS 116 at this time.
- g. **Discuss comments and requests by lot owners listed on questionnaire** - On the additional surveys received since the last meeting, the comments were consistent with the prior ones received. No additional actions will be taken.
- h. **Discuss compliance letters and time limits for compliance.** The board reviews compliance letter drafted by Mike Cecchi, Architectural Board Chair, board discusses wording and amends some wording per Bob Wines suggestions. The board discusses April 1st for the date of initial mailings to property owners not in compliance. Mel motions for approval of compliance letters with amended language. Mike Cecchi seconds motion. All board members present in favor. Motion passes.

- i. **Discuss budget for annual members meeting.** The board discusses the importance and good to the community that the Bar-B-Que brings. They discuss cost of previous years for the Bar-B-Que. The board settles on the amount of \$250.00. Valeri McIntyre makes a motion to approve amount. Mel Essington seconds the motion. All board members present in favor. Motion passes.
- j. **Discuss next executive board meeting date.** The board sets April 17, 2009 @ 1:30 P.M. at the office of Robert Wines to stay in compliance with the quarterly meeting rule.

8. **New Business**

- a. Review Board Meeting Rules – Roberts Rules of Order will be the format
- b. Review and approve sign contractor – See (c) in Old Business
- c. Review and approve CC&R enforcement procedures – See (d) and (h) in Old business
- d. Establish committee to work election rules – Lee Perks discusses the three envelope system. The board agrees that it will simplify the election process and make it easier for all Members to vote. It is discussed that in the next mailing that we will ask for volunteers to participate on the election committee. The volunteers should not be any current board member or member running for office. Ballots will be mailed to Bob Wines office to be opened only at the Annual Meeting.
- e. Establish committee to work on Reserve Study Fund – Board discusses components of the Reserve Study. They discuss the importance of getting the Study completed before the end of 2009. Lee advises that he has received a list on persons qualified and licensed by the State of Nevada to complete the study. He also advises that he has received a “not to exceed” quote from a firm already doing work in the Eastern part of Nevada. The board discusses putting together a committee to work on the study, but due to time frames and expecting lack if desire from the members to participate. The board will do the work on getting the study started. It is discussed that Lee and Valeri will make an appointment with the firm that quoted Lee a “not to exceed” number of \$2,400.00. Dennis McIntyre & Mike Cecchi will check into construction cost for reserve components. Mike Cecchi makes a motion to give Lee Perks authority to hire Reserve Specialists if she meets his expectations and abides by the quote given. Mel Essington seconds the motion. All board members present in favor. Motion passes.

9. **Good of the Association**

- a. Board reviews request from Dennis Cunningham to leave travel trailer in place for the winter since he has a current building permit and the weather has been mild and would like to continue with construction. The Board discusses and will allow him to continue as requested.
- b. Valeri McIntyre presents a newsletter example for the board to review. The purpose will be an avenue to get information to the members rather than additional mass mailings. After review Mel Essington motions for Valeri to proceed with the newsletter. Lee Perks seconds motion. All board members present in favor. Motion passes.
- c. Mel Essington asks permission to draft a letter to the county to see if it is possible for the county to maintain the CCC road. There was discussion as to who would be responsible for the maintenance. Bob Wines informs the board as to the history of the CCC Road. The board gives Mel permission to continue as there could be no possible harm.

10. **Adjournment -**

Mike Cecchi motions for Adjournment. Dennis McIntyre seconds motion. All members present in favor. Motion passes

RLE 081D

Valeri McIntyre 4/17/09

EXHIBIT “60”

**RUBY LAKE ESTATES HOMEOWNERS
ASSOCIATION
RUBY VALLEY, NEVADA**

**BOARD OF DIRECTORS
MEETING**

Friday, April 17, 2009 1:30 PM

at

**The Office of Robert Wines
687 6th Street, Ste 1, Elko, Nevada**

Board Members Present: Lee Perks, Mike Cecchi, Dennis McIntyre, Valeri McIntyre
Mel Essington, William Noble

Board Members Absent: None

Members Present: None

Legal Council Present: Robert Wines

Call Meeting to Order

Lee Perks called Meeting to order at 1:40 P.M.

Lee calls for information if anyone is recording the meeting. Verify no one wishes to record this meeting

Review & Approve minutes from October 17, 2008 meeting: Mike Cecchi motions for approval of the minutes as revised for spelling. Dennis McIntyre seconds motion. All Board members in favor - Pass

Treasurer's Report: Dennis McIntyre updates financial report per balance sheet and profit and loss statement. Mike Cecchi motions for approval. Dennis McIntyre seconds the motion. All Board members in favor - Pass

Old Business:

- a. **Roads** – Mike Cecchi updates on the progress of bids that he has received since starting this process in October 08. He advises that he met with Canyon Construction on site. Ruby Dome also submitted a bid, but did not visit the site. Mike explained the differences between the bids and the process they will use to repair roads. It is discussed that we will need extra material for

some bad spots. This may take us over the budgeted amount for the 2009 road repairs. Discussion on what the future expense of road repair might be. That information will be unknown until the initial repair is completed.

Mike motions to spend the \$10,000.00 for the initial repair and receive material for the Ruby Lake south entrance. If money allows by not using a water truck additional materials can be brought in to use all \$10,000.00 for repair, but not to exceed that amount.

Valeri McIntyre seconds the motion. 5 Members in favor, Mike Cecchi, Dennis McIntyre, Lee Perks, Mel Essington and Valeri McIntyre. 1 member opposed, Bill Noble. Motion passes.

- b. **Weed Abatement** – Will be discussed after road repair is completed.
- c. **Ruby Lake Estates Sign Repair** – Mike Cecchi informs the board that the contract for the sign repair was signed in October 08. There was discussion on having a different type of sign purchased. The board is aware that the body voted on the repair and cannot be changed at this time. Mike is still unable to contact current contractor with the signed contract.
- d. **Bob Wines review of CC&R violations and recommendations** – First letter on Violation reviewed. Board makes language change to the first sentence. Also, add description of non-compliance. Mike makes motion to approve Violation letter as amended. Dennis seconds motion. All board members in favor. Passes

Second notice of violation draft letter reviewed. Mike motions to approve. Dennis seconds motion. All board members in favor. Passes.

Discussion of special use permits. Review of final draft. Board decides that it will need further work before draft can be re-looked at. Possible workshop May or June to review wording. Date to be assigned.

- e. **Review of Ombudsman Classes** – The Ombudsman's Office is no longer providing free trainings.
- f. **Quick Overview of NRS 116 questions** – There was no questions in regards to NRS 116 at this time.
- g. **Discuss compliance letters and time limits for compliance.** The Compliance letters were approved as above. Due to weather the violation Will go out when the weather allows possible compliance.
- h. **Discuss budget for annual members meeting.** The board discusses the Bar-B-Que and again agrees on the \$250.00 budget.

- i. **Discuss next executive board meeting date.** The board sets July 17, 2009 @ 1:30 P.M. to stay in compliance with the meeting rule. Also, reaffirms that the annual Members meeting will start @ 11:00 A.M. at the Ruby Valley Community Hall on August 8, 2009
- j. **Discussion of Nominations received to date for next term of Directors:** None have been received to date. Current officers elect to re-run.
- k. **Reserve Study.** Progress of the Reserve Study that was authorized to Proceed has been delayed due to weather as the Reserve Study Specialists Were unable to visit the Association Area.

8. **New Business**

- a. Discussion of items for New Business for next meeting

9. **Adjournment -**

Bill Noble motions for Adjournment. Dennis McIntyre seconds motion. All members in favor. Motion passes

RLE 081G

Dennis McIntyre 7/17/09

EXHIBIT “61”

**RUBY LAKE ESTATES HOMEOWNERS
ASSOCIATION
RUBY VALLEY, NEVADA**

**BOARD OF DIRECTORS
MEETING**

Friday, July 17, 2009 1:30 PM

at

**The Office of Robert Wines
687 6th Street, Ste 1, Elko, Nevada**

Board Members Present: Lee Perks, Valeri McIntyre, Mel Essington, William Noble
Mike Cecchi via Telephone

Board Members Absent: Dennis McIntyre

Members Present: None

Legal Council Present: Robert Wines

Call Meeting to Order

Lee Perks called Meeting to order at 1:30 P.M.

Lee calls for information if anyone is recording the meeting. Verify no one wishes to record this meeting

Review & Approve minutes from January 17, 2009 meeting: Mike Cecchi motions for approval minutes. Mel Essington seconds motion. All Board members in favor - Pass

Treasurer's Report: Lee Perks updates financial report per balance sheet and profit and loss statement. Mel Essington motions for approval. Valeri McIntyre seconds the motion. All Board members in favor - Pass

Old Business:

- a. **Roads** Grading has been completed. Rain has showed where culverts need to be placed. Discussion of appropriate sizes, 12" for driveways, 16" for roadway, intersections with flares. Look at culverts for next budget and repair/adjustment of cattle guard by Bar.

- b. **Weed Abatement** – Discussion of timing since grading has been completed. Look to spray in the fall for better weather and to be proactive rather than reactive.
- c. **Ruby Lake Estates Sign Repair** – Mike Cecchi informs board that the Sign Contractor has finally called back. The Contractor will begin repair soon. Before he proceeds he still has to complete New Vendor Packet.
- d. **Bob Wines review of CC&R violations and recommendations** – Review of interpretation of Livestock. Board reviews changes to wording for Livestock. Discussion of Special Events and 4H exceptions. Mel Essington makes motion to approve interpretation of Livestock. Bill Noble seconds. All Board Members in favor – Pass

When final draft of interpretation is written it will be mailed to the members.

Bob Wines reviews new NRS laws that went into effect as of July 1, 2009 and how they some may apply to our association.

Bob Wines and the board discuss violation letters that were sent out in regards to storage containers and aesthetically pleasing.

- e. **Quick Overview of NRS 116 questions** – There was no questions in regards to NRS 116 at this time.
- f. **Reserve Study.** – Reserve Study has been completed. Board reviews number's (reserve amounts) and items that are included in the Study. Board discusses how to implement and present to the Members at the Annual Members Meeting. Mel Essington motions to approve the Reserve Study and present it to the Members. Mike Cecchi seconds motion. All Board Members in favor - Pass

New Business

- a. Board discusses adding Earth Tones to previous aesthetically pleasing colors from Desert Colors to add Earth Tones. Mel Essington motions for approval. Lee Perks seconds. All Board Members in favor – Pass.
- b. Board Discusses 2010 Budget as to be presented to the Members at the Annual Members Meeting. The Budget will be based on figures supplied in the Reserve Study. Mel Essington motions to approve 2010 budget to be

presented to the Members. Mike Cecchi seconds. All Board Members in favor – Pass.

Good of the Association

- a. Mel Essington presents a letter addressed to Elko County for possible road maintenance of the CCC Road from Ruby Lake Road to beginning of Association, approximately 1.7 miles when the County is maintaining Ruby Lake Road. Valeri McIntyre motions to send letter as drafted to County. Mike Cecchi seconds. All Board members in favor – Pass.
- b. Board Discusses letter from property owner as to an action he would like to see if we could assist him in his complaint/concern. The Board discusses the issue and decides they can not take action as it is a Civil issue rather than an Association issue.

9. Adjournment -

Mike Cecchi motions for Adjournment. Mel Essington seconds motion. All members in favor. Motion passes

RLE 101C

Valeri McIntyre 10/16/07

EXHIBIT “62”

Ruby Lake Estates
 Sign in Sheet
 August 08, 2009

LOT #	SIGNATURE
A-1	
A-2	
B-1	
B-2	
B-3	
B-4	wm! Cheryl Mottley
B-5	" "
B-6	" "
B-7	Dennis & Valerie Woodhouse
C-1	Bill & Teri Anderson
C-2	JUAN & VICTORIA LACHICA
C-3	Brad & Rhonda Keife
C-4	
C-5	
C-6	Mike & Russ (Leah)
C-7	
C-8	Lee & Anna Fink

RLE 105E

Ruby Lake Estates
 Sign in Sheet
 August 08, 2009

✓ C-9	✓ Lee & Nikki Banks
✓ C-10	✓ Lee & Nikki Banks
✓ D-1	✓ Brad + Rhonda Keefe
✓ D-2	
D-3	
✓ D-4	✓ DAVE WALLER Dave
✓ D-5	
✓ D-6	
E-1	✓ Jimmy & Ellen Sargent
E-2	
E-3	
✓ E-4	
E-5	✓ STEVE FOREMAN
E-6	
F-1	✓ Dennis & Valeri McKeefrye
F-2	
✓ F-3	
F-4	

Ruby Lake Estates
 Sign in Sheet
 August 08, 2009

✓	F-5	
✓	G-1	
✓	G-2	
	G-3	
✓	G-4	
	G-5	JUAN + VICTORIA LAHUE
	G-6	J.M. Santiago
	H-1	
	H-2	
	H-3	
✓	H-4	
✓	H-5	
✓	H-6	
✓	H-7	
	H-8	R. Costa A. Silva
	H-9	

EXHIBIT “63”

**RUBY LAKE ESTATES HOMEOWNERS
ASSOCIATION
RUBY VALLEY, NEVADA**

**BOARD OF DIRECTORS
MEETING**

Friday, October 16, 2009 1:30 PM

at

**The Office of Robert Wines
687 6th Street, Ste 1, Elko, Nevada**

Board Members Present: Lee Perks, Valeri McIntyre, Mel Essington, William Noble
Mike Cecchi, Dennis McIntyre

Members Present: Rocky Roa

Legal Council Present: Robert Wines

Call Meeting to Order

Lee Perks called Meeting to order at 1:30 P.M.

Lee calls for information if anyone is recording the meeting. Verify no one wishes to record this meeting.

No comments from Members.

Review & Approve minutes from July 17, 2009 meeting: Dennis McIntyre motions for approval minutes. Mike Cecchi seconds motion. All Board members in favor - Pass

Treasurer's Report: Lee Perks updates financial report per balance sheet and profit and loss statement. Lee Perks motions for approval. Bill Noble seconds the motion. All Board members in favor - Pass

Old Business:

- a. **Roads** – Discuss Three Year projection of roads per Reserve Study. We will keep reviewing the culverts needed and look at the budget for monies available. Mel updates the condition of the CCC road and the wash board state. Bob will check into the status of the letter sent to the county in regards to maintenance of the CCC Road. The board discusses authorizing Bob to write a second letter to the county in regards to the CCC road. Mike Cecchi

makes motion to authorize Bob to send second letter to the county. Mel Essington seconds the motion. All board members in favor. Pass.

- b. **Weed Abatement** – Board discusses current budget figures for Weed abatement for the current budget and compares it to the 2010 budget figures. There is discussion on why we need weed abatement. The board discusses on where the boundary for the property owner lie and the Association's responsibilities. There is discussion on if the property owner does not want the chemicals along their property line. It is decided that in the next newsletter that the members will need to advise the board if they would rather be responsible for cleaning the weeds in front of their property or have the chemicals placed. There was further discussion on what chemicals to use and when to place. Spring will be the next optimal time to lay down the chemicals.
- c. **Ruby Lake Estates Sign Repair** – Mike Cecchi advises that the entrance sign repairs are completed. Bill Noble notifies the board that there are street signs missing, including a stop sign. Dennis advises that he has a stop sign. Bill Noble offers to install sign
- d. **Bob Wines review of CC&R violations and recommendations** – Bob will provide the final and approved draft of aesthetically pleasing and livestock clarifications
- e. **Quick Overview of NRS 116 questions** – There was no questions in regards to NRS 116 at this time.
- f. **Update on Compliance letters and Current Violations** – Discussion on the violation letters that have been sent out. The board is updated on who complied and who will need to receive a second notice. The draft of the second notice was reviewed by the board. Valeri McIntyre motions to approve second notice letter. Mel Essington seconds motion. All board members in favor.
- g. **Discuss next executive meeting date** – The next meeting will be January 15, 2010 at 1:30 at Bob Wines office.
- h. **Update on enforcement procedures** – The board discusses time procedures for violation notices. It is agreed that a 30 day time frame is acceptable between first and second notices if violation has not been corrected or if arrangements have not been made in regards to correcting the violation. Bob Wines also presents the Conditional Use Permit application.

New Business

- a. **Discuss culvert expenses and cattle guard repairs** - The board discusses the need for culverts. It is decided that the Cattle guard at the north entrance is the first one that needs to be addressed. The budget currently allows for an expenditure of \$1,000.00. It is discussed that we will need to get a quote on the installation of the culvert as it could be a hazard if not properly installed as it is an entrance to the association with additional traffic entering the store/bar.
- b. **Discuss budget approved by the Members at the Annual Meeting** – The board reviews the budget figures that were approved at the August 8 annual members meeting.
- c. **Discuss possible person(s) to work budget and reserve study** - Dennis McIntyre will be responsible for allocating funds to the appropriate categories for the Reserves. Valeri McIntyre will assist him in having this ready for next board members meeting.
- d. **Discuss 2010 Meeting schedule** – The board agrees to keep the same time table as the previous year for the Board Members meeting.

Good of the Association

- a. Lee discusses the importance of not discussing the business of the Association outside of the meeting. It has come to the Boards attention that information in regards to the association has been discussed with other persons or members of the association and is being taken out of context. Lee advises that the Newsletter should be the appropriate way of getting information to the members or the members should attend the meeting is they would like information in regards to information about the Association.
9. **Adjournment** – Lee motions for adjournment. Dennis McIntyre seconds. All members in favor - Pass

RLE 105J

Valeri McIntyre 1/15/16

EXHIBIT “64”

**RUBY LAKE ESTATES HOMEOWNERS
ASSOCIATION**

RUBY VALLEY, NEVADA

**BOARD OF DIRECTORS
MEETING**

Friday, January 15, 2010 1:30 PM

at

**The Office of Robert Wines
687 6th Street, Ste 1, Elko, Nevada**

Board Members Present: Lee Perks, Valeri McIntyre, Mel Essington,
Mike Cecchi, Dennis McIntyre

Board Member Absent: William Noble

Members Present: Roger Clark

Legal Council Present: Robert Wines

Call Meeting to Order

Lee Perks called Meeting to order at 1:38 P.M.

Lee calls for information if anyone is recording the meeting. Verify no one wishes to record this meeting.

No comments from Members.

Review & Approve minutes from October 17, 2009 meeting: Mike Cecchi motions for approval minutes. Dennis McIntyre seconds motion. All Board members present in favor - Pass

Treasurer's Report: Dennis presents the financial report. Discussion of Reserve Study Balances. The report needs tweaking. Mike Cecchi makes motion to move discussion and review of reserve balances to next meeting. Valeri McIntyre seconds motion. All members present in favor - Pass

Discussion on Balance sheet starting January 2010. Review Profit & Loss Statement for 2009 and expenditures. Mike Cecchi motions to approve current financials and 2009 Profit & Loss and expenditures. Mel Essington seconds the motion. All members present in favor - Pass

Old Business:

- a. **Roads** – No issues at this time.
- b. **Weed Abatement** – The chemicals have been purchased. Discussion on hiring someone to spray the weeds in the spring. Discussion on budget funds not used in 2009 to be used in 2010 for weed abatement. Discussion on exact amount needed to move over. Mike motions for exact figures to be presented at April meeting and to roll over unused funds for weed abatement from 2009 into 2010. Mel Essington seconds motion. All board members present in favor - Pass
- c. **Compliance Letters**– Discussion on current violations, time tables, who is failing to comply. Set spring date due to winter weather for members out of compliance to received letters and have time to come into compliance. Board sets May 15th as the spring date for compliance before further action is to be taken. Valeri motions to have Mike Cecchi write the letters about spring letter to members in violation. Mel Essington seconds the motion. All members present in favor – pass.
- d. **Enforcement Procedures.** Board discusses the fact that there has been no response from the members who volunteered to advise the board of how they would like to see violations presented to the members that are out of compliance. Board does not see fit to change the enforcement procedures from how they have been applied since there hasn't been any request to do so. Bob Wines suggests minimum fines for compliance violations. He suggests a \$100.00 fee plus costs (attorney, postage, delivery, filing fees) Bob drafts language to the fact of the fees. Mike Cecchi motions to approve language. Valeri McIntyre seconds the motion. There is further discussion on the language. Language is redrafted. Mike Cecchi motions to approve amended language. Mel Essington seconds motion. All members present in favor - Pass. Bob Wines is asked to readdress the letter previously sent to the county in regards to the CCC road and try to get a county response.

New Business

- a. **Reserve Study Categories** – Information was discussed with the financial statement and will be discussed as part of the financial statement in future meetings.

RLE 111K

Valeri McIntyre 4/16/10

- b. **Members Correspondence** – Board discusses correspondence received by some lot owners and not the majority in regards to construction of a building in the estates. It is also discussed, the letters in response to the letter received by the few lot owners. A board member that has some insight to the letter discusses on how and why the letter was written. The board discusses content of the contents of the next newsletter and correspondence going out in regards to nominations for the next elections.

Good of the Association

The board discusses the variances that are in the works for additional livestock. Everyone agrees that it feels good to finally have some sort of resolution to the livestock issue! The board reviews the new insurance policy and discusses the NRS requirements for obtaining insurance for an association. We also need to take a look at our water suppression system. Mike Cecchi presents the latest Water Resource Report for the area and the water requirements that we will need to address in the future. Lee offers to review the whole study and bring it back to the board with an update and interpretation.

Adjournment –Mike Cecchi motions for adjournment. Dennis McIntyre seconds. All members present in favor - Pass

RLE 111L

Dennis McIntyre 4/10/10

EXHIBIT “65”

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 RCI Reports  Elko County Fire Plan

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18.0 Ruby Lake Estates

18.1 RISK AND HAZARD ASSESSMENT

Ruby Lake Estates is located in the south portion of Ruby Valley, on the east side of Harrison Pass, and north of the junction with Ruby Valley Road. The community hazard assessment resulted in classifying the community in the **High Hazard** category (63 points). A summary of the factors that contributed to the hazard rating is included in Table 18-3. The primary factors that contributed to the rating were inadequate defensible space, unenclosed architectural features, and fire behavior factors related to fuels and topography. The community boundary identified for this report is shown in Figure 18-1.

18.1.1 Community Design

Ruby Lake Estates has an intermix wildland-urban interface condition. Structures are scattered throughout the community with no clear line of demarcation between structures and wildland fuels. All nine homes included in the assessment are on parcels of one to ten acres in size.

- **Access:** Ruby Valley Road is the only transportation route through Ruby Lake Estates. The road is twenty to 24 feet wide and has adequate turnaround space for fire suppression equipment to maneuver. There are some secondary roads in an area planned for future growth.

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corridors have been properly maintained to minimize wildfire damage to electric utilities and reduce the possibility that sparks could start a fire in adjacent vegetation.

18.1.2 Construction Materials

Eighty-nine percent of the homes observed in the interface area are built with non-combustible or highly fire resistant siding materials such as medium density fiberboard, and fire resistant roofing materials such as composition roofing, metal, or tile. Just over half of the homes had unenclosed porches, decks, or balconies that create drafts and provide areas where sparks and embers can be trapped, smolder, ignite, and rapidly spread fire to the house.

18.1.3 Defensible Space

Nearly half of the homes in the community do not meet the minimum recommended defensible space requirement to help protect the home from damage or loss during a wildfire.

18.1.4 Suppression Capabilities

Wildfire Protection Resources

Fire protection in Ruby Lake Estates is provided by the Ruby Valley Volunteer Fire Department. The department has several stations situated throughout the valley with seventeen volunteers and one chief. The Ruby Valley National Wildlife Refuge has three full time staff and three seasonal paid staff members. The Nevada Department of Wildlife Gallagher Fish Hatchery has equipment and trained staff as well. Additional resources are available through the Bureau of Land Management Elko Field Office and the Nevada Division of Forestry as requested. Table 18-1 lists the types of wildfire resources, cooperating partners, and equipment available for initial response to Ruby Lake Estates in the event of a reported wildfire. Additional resources are available from local, state, and federal agencies through mutual aid agreements as described in Section 4.1.1.

Table 18-1. Wildfire Suppression Resources Available to Ruby Lake Estates

Type of Equipment	Amount of Equipment	Cooperating Partner (Resource Location)
Type 6 Engine	2	Ruby Valley VFD (Secret Pass)
Type 3 Engine Water Tender	1 1	Ruby Valley VFD School Station (Ruby Valley)
Type 6 Engine Type 3 Engine	1 1	Nevada Department of Wildlife (Gallagher Fish Hatchery)
Type 4 Engine	1	Ruby Valley National Wildlife

Water Tender	1	Refuge (Ruby Valley)
Type 2 Engine	1	Spring Creek VFD (Station #1)
Type 6 Engine	1	Nevada Division of Forestry (Wells - seasonal)
Type 4 Engine	1	Bureau of Land Management (Wells)
Type 6 Engine	1	US Forest Service (Wells)
<i>Source: Sam Hicks, Nevada Division of Forestry Elko County Prevention Captain; Larry Burton, Ruby Valley VFD Fire Chief.</i>		

Water Sources and Infrastructure

Water available for fire suppression resources for Ruby Lake Estates includes three 10,000-gallon underground water storage tanks with one drafting hydrant for a total of 30,000-gallons. Several irrigation wells and wheel lines in the valley are equipped with fire hose connections to fill fire apparatus.

Wells

Fire Protection Personnel Qualifications

The Ruby Valley volunteers have received training from the Nevada Division of Forestry and cooperating agencies to meet the minimum National Wildfire Coordinating Group basic wildland standards.

Work Load

In a typical year the Ruby Valley VFD responds to the following annual calls:

- Three to four emergency medical calls.
- Six to twelve wildland/brush fire calls.
- Six other calls.

18.1.5 Factors Affecting Fire Behavior

The vegetative fuel hazard in the Ruby Lake Estates interface area is generally low to moderate, with fuel loads estimated at one to four tons per acre. Fuels in the community consist primarily of a shrub layer of big sagebrush and rabbitbrush. Ground fuels consist of perennial grasses and cheatgrass, an invasive annual grass that establishes on burned sites. Cheatgrass production is dependent on annual moisture and will increase in years of high precipitation. On slopes west of the community, the presence of pinyon and juniper trees increase the fuel load to between six and eight tons per acre. The fuel hazard was considered high to extreme on the west side of Ruby Valley Road.

The terrain within the community boundary is steep to the west of

the community where Harrison Pass opens into Ruby Valley. Several canyons and drainages extend out of the mountains in close proximity to the community. The prevailing winds are downslope from the mountains and are erratic with unpredictable direction. There is a history of afternoon thunderstorms and dry lightning strikes in the area.

18.1.6 Fire Behavior Worst Case Scenario

The worst-case scenario for a wildfire in the area surrounding Ruby Lake Estates would be a dry lightning storm west of the community upslope in pinyon-juniper and annual grass fuels. Erratic downslope winds would drive the fire toward residences. The community is somewhat protected because it is situated on the east side of the County Road and the road creates a fuel break. Initial response from fire suppression resources could be an hour or more away dependent on availability during normal working hours.

18.1.7 Ignition Risk Assessment

Ruby Lake Estates was determined to have a high risk of ignition based on fire history in the area and the potential for increased fuel loading from annual grass in high precipitation years. There is some wildfire history surrounding the community and a history of lightning strikes around the community. The primary risk of ignition in Ruby Lake Estates is lightning, although human caused ignitions are unpredictable and can occur at any time.

18.2 RISK AND HAZARD REDUCTION RECOMMENDATIONS

The responsibility to keep a community fire safe falls not only on the local fire protection district but also on the residents and local governments. The recommendations for the Ruby Lake Estates area focus primarily on the ongoing and additional efforts to create and maintain defensible space and on the community coordination and public education efforts that could be undertaken to enhance fire safety.

18.2.1 Defensible Space Treatments

Defensible space treatments are an essential first line of defense for residential structures. The goal of the treatments is to significantly reduce or remove flammable vegetation within a prescribed distance from structures. (Refer to Appendix E for the minimum recommended defensible space area). Defensible space reduces the fire intensity and improves firefighter and homeowner chances for successfully defending a structure against an oncoming wildfire.

Property Owners Recommendations

- Remove, reduce, and replace vegetation around homes according to the guidelines in Appendix E. This area should be kept:
 - **Lean:** There are only small amounts of flammable vegetation.
 - **Clean:** There is no accumulation of dead vegetation or other flammable debris.
 - **Green:** Existing plants are healthy and green during the fire season.
- Store firewood a minimum distance of thirty feet from structures.
- Remove all dead vegetation and other flammable materials a minimum of five feet from the exterior of the structure.
- Maintain areas under wood decks and porches free of weeds and other flammable debris. Enclose these areas when possible. Box in eaves and cover attic and other ventilation openings with very fine metal wire mesh to prevent embers from entering the attic or crawl space.
- Clear all vegetation and combustible materials around propane tanks for a minimum distance of ten feet.
- Immediately dispose of cleared vegetation when implementing defensible space treatments. This material dries quickly and poses a fire hazard if left on site.
- Where cheatgrass has become dominant within the defensible space zone, areas should be mowed prior to seed maturity or treated with an application of a pre-emergent herbicide. Treatments may need to be repeated for several years to ensure that the seed bank of unwanted annual grass seeds has been depleted. Refer to Appendix E for a recommended seed mixture and planting guidelines that can be used in conjunction with cheatgrass removal.
- Install spark arrestors on chimneys.
- Create defensible space around all wellheads for easy access and to protect the wellhead from damage in the event of a wildfire.

18.2.2 Fuels Reduction Treatments

Fuel reduction treatments are applied on a larger scale than defensible space treatments. Permanently changing the fuel characteristics over large blocks of land to one of a lower volume and one of altered distribution reduces the risk of a catastrophic wildfire in the treated area. Reducing vegetation along roadways and driveways could reduce the likelihood of blocking access and escape routes, help contain the fire perimeter, and improve firefighter access and safety for protecting homes.

Elko County

- Clear and maintain free of vegetation a minimum space of

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fifty feet from the edge of road on both sides of Smith Canyon Drive by mowing to a height of four inches on both sides of road. This fuel reduction treatment is to extend from the County road east to Griswold.

- Construct a greenstrip by clearing vegetation 100 feet from the edge of the road on the west side and fifty feet on the east side of Ruby Valley Road for a distance of approximately 1.5 miles as shown in Figure 18-1.
- Reduce vegetation and maintain community roads by mowing all vegetation to a height of no more than four inches for a distance of twenty feet from the edge of the road on both sides of the road.

Nevada Division of Forestry

- Create a defensible space zone of 100 feet around the wellhead of the irrigation well used as a fire suppression water source (located one mile east of the community at County Road and CCC Road intersection). Clearly mark the standpipe for easy visibility.



18.2.3 Fire Suppression Resources

Ruby Valley VFD Nevada Division of Forestry

- Continue to provide wildland firefighting training and Firefighter I training for all volunteers.
- Work with Elko County and the State of Nevada to create incentives for recruiting and retaining volunteers.
- Upgrade the VFD radio system to narrow band technology to ensure proper communication compatibility with cooperating agencies.
- Clearly mark and map all underground tanks and drafting hydrants in the community including the agricultural well.

18.2.4 Community Coordination

Property Owners

- Form a local community-based organization to take responsibility and provide leadership for community-wide fuels reduction and community fire safety. The Nevada Fire Safe Council is one option for community organization. Through the establishment of a local Nevada Fire Safe Council Chapter, local communities will become part of a large network for sharing information, including notification of programs and funding opportunities for fire mitigation projects such as those listed in this report. The Nevada Fire Safe Council will accept and manage grants and contracts on the Chapter's behalf through its non-profit status. The Nevada Fire Safe Council will provide assistance and support to communities to complete fire safe plans, set

priorities, educate and train community members, and promote success stories of its members. To form a local chapter or for more information contact the:

Nevada Fire Safe Council
210 South Rook Street Suite 101
Carson City, NV 89701
www.nvfsc.org

- Ensure residential addresses are easily visible from the road. Address characters should be at least four inches high, reflective on a dark background, and made of non-flammable material. Improving visibility of addresses will make it easier for those unfamiliar with the area to navigate under smoky conditions during a wildfire.

18.2.5 Public Education

A public education program that explains fire safe measures in clear and emphatic terms will have an impact on residents of the wildland-urban interface. Informed community members will be more inclined to make efforts to effectively reduce wildfire hazards around their homes and neighborhoods.

Ruby Valley VFD and Nevada Division of Forestry

- Distribute copies of the publication "*Living With Fire*" to all property owners. This publication is free of charge. Copies can be requested from the University of Nevada Cooperative Extension.

18.3 SUMMARY OF RECOMMENDATIONS

Table 18-2. Ruby Lake Estates Risk and Hazard Reduction Priority Recommendations

Involved Party	Recommended Treatment	Recommendation Description
Property Owners	Defensible Space	Remove, reduce, and replace vegetation around homes, equipment, and hay storage areas according to the guidelines in Appendix E. Maintain the defensible space annually.
	Community Coordination	Form a local community-based organization to provide leadership and be responsible for community-wide fuels reduction and community fire safety. Ensure residential addresses are easily visible from the road.
Elko County	Fuels Reduction	Clear and maintain free of vegetation a minimum space of fifty feet from the edge of the road on both sides of Smith Canyon Drive by mowing to a height of four inches on both sides of the road. This fuel reduction treatment is to extend from the County road east to Griswold, as detailed on Figure 18-1. Clear vegetation 100 feet from the edge of the road on the west side and fifty feet on the east side of Ruby Valley Road as it

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		runs through the community. Reduce vegetation and maintain community roads by mowing all vegetation to a height of no more than four inches for a distance of twenty feet from the edge of the road on both sides of the road.
Ruby Valley VFD and Nevada Division of Forestry	Fuels Reduction	Create a defensible space zone of 100 feet around the wellhead of the irrigation well used as a fire suppression water source. Clearly mark the standpipe for easy visibility.
	Fire Suppression Resources	Continue to provide wildland firefighting training and Firefighter I training for all volunteers. Work with Elko County and the State of Nevada to create incentives for recruiting and retaining volunteers. Upgrade the VFD radio system to narrow band technology to ensure proper communication compatibility with cooperating agencies. Clearly mark and map all underground tanks and drafting hydrants in the community including the agricultural well.
	Public Education	Distribute copies of the publication "Living With Fire" to all property owners.


Table 18-3	
Ruby Lake Estates Wildfire Hazard Rating Summary	


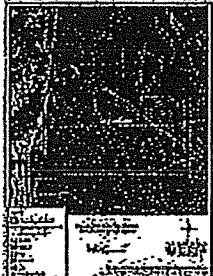
Figure 18-1	
Ruby Lake Estates Fire History and Proposed Mitigation Projects small large x-large	
Figure 18-2	
Ruby Lake Estates Classification of Fuel Hazard small large x-large	

Figure 18-3. Ruby Lake Estates Fuel Hazard Photo Point

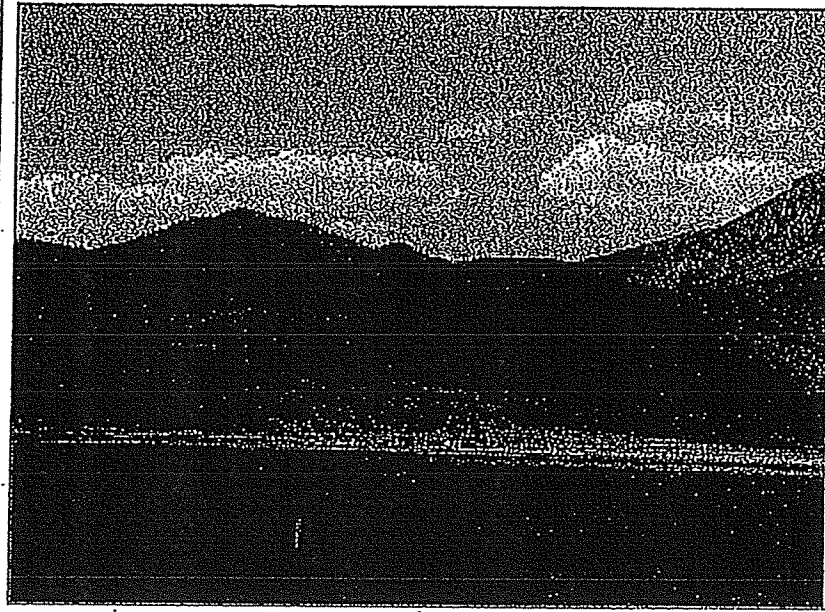


Photo Point 1. 446393N, 0632091E, 290°NW. Vegetative fuels in the community consist primarily of big sagebrush, rabbitbrush, perennial grasses, and cheatgrass. The fuel hazard was considered moderate and fuel loads estimated at one to four tons per acre.

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RLE 1111

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EXHIBIT “66”

**RUBY LAKE ESTATES HOMEOWNERS
ASSOCIATION
RUBY VALLEY, NEVADA**

**BOARD OF DIRECTORS
MEETING**

Friday, April 16, 2010 1:30 PM

at

**The Office of Robert Wines
687 6th Street, Ste 1, Elko, Nevada**

Board Members Present: Lee Perks, Valeri McIntyre,
Mike Cecchi, Dennis McIntyre

Board Member Absent: William Noble, Mel Essington

Members Present: Rocky Roa

Legal Council Present: Robert Wines

Call Meeting to Order

Lee Perks called Meeting to order at 1:30 P.M.

Lee calls for information if anyone is recording the meeting. Verify no one wishes to record this meeting.

Comments from Members: Rocky Roa questions the legality of the association. Lee and Mike explain where the association stands with the Ombudsman's Office and the status of the information. They discuss the gossip that is running through the Valley. They explain why there has to be an association and the services that the association provides rather than having the County maintain the area through a GID. They also explain how a GID Works. After understanding all the information he received Rocky asks for a waiver on his late penalties for his assessments due to his health issues he has dealt with this past winter. Valeri motions to withdraw Rocky's late fees for the 2010 assessment due to his health issues if they are paid by the 30th of April. Mike Cecchi seconds the motion. All members present in favor – Pass.

Review & Approve minutes from October 17, 2009 meeting: Mike Cecchi motions for approval minutes. Dennis McIntyre seconds motion. All Board members present in favor - Pass

RLE 117A

Treasurer's Report: Dennis presents the financial report. Discussion of Reserve Study and category balances.

The Board discusses Balance sheet and current receivables. Mike discusses his desire to use the balance of the weed abatement budget from 2009 and move that amount as an addition to the 2010 budget to allow the association to have funds to hire qualified persons to apply the product as they (Mike & Dennis) were unable to supply enough time last year to apply the poison effectively due to weather and time constraints. After discussion Mike motions to approve the roll over and amend the current budget and reserve balances to reflect the additional money. Valeri seconds the motion. All members present in favor – Pass.

The Board discusses the current accounts receivable balances. The board discusses the sending out the second late fees. Valeri motions to send out the additional late fees. Mike Cecchi seconds the motions. All members present in favor – Pass.

The Board reviews the 2009 Income Tax Filing and verifies it was done in a timely manner.

Old Business:

- a. **Roads** – No issues at this time.
- b. **Weed Abatement** – The last of the chemical that were purchased have come in and will be picked up – The rest of the discussion was tabled until after the executive meeting.
- c. **Compliance Letters**– Mike updates the Board on the Members who are not in compliance. Mike advises the board of the letter that will go out to a member not in compliance with time limits for compliance of violation. Dennis motions to approve the letter. Mike seconds the motion. All members present in favor – Pass.
- d. **Next Meeting Date** – No change in the scheduled meeting date of July 16, 2010 @ 1:30 P.M.

New Business

- a. **Review Member Correspondence** – Mike received a letter in regards to what is needed for an Architectural Review Committee Review. He informed the member of the procedures that have been put in place to date.

- b. **Ombudsman's Correspondence** – Board discusses the letter that was received in February from the Ombudsman's office in regards to the Essington complaint. Lee talks about the conversation he had with Sonya and the correspondence he forwarded to her. For example our By-Laws, Newsletters and Minutes from previous meetings. She said she was going to further investigate but to continue business as usual. The Board wanted to make a note that they feel Bob Wines (Legal Council for RLEHA) is doing a great job in representing the best interest of the association.
- c. **Discuss next mailing** – Newsletter – It is agreed the next mailing should be around June 15 and that Ballots should be sent with the newsletter to save money on mailings
- d. **Discuss current nominations** – Discussions that the only nominations that have been received were Dennis Cunningham for Director and Rocky Roa had delivered his at this meeting also for the position of Director. Mike Cecchi submits his for Vice-President along with Dennis McIntyre for Treasurer. It is discussed to close the nomination process as per the January notification. Mike Motions to close the nomination process. Valeri seconds the motion. All members present in favor - Pass

Good of the Association – Nothing to address at this time

Temporarily suspend regular meeting 2:35 for Special Executive Board Meeting

Resume regular meeting 2:50.

b-1. Weed Abatement continued – There is concern that the association needs a person licensed to apply chemicals for the weed abatement. There is discussion of who in the valley has a license to spray the chemicals. It is advised that Susie Wines is licensed to spray the chemicals. That is part of her duties at the Refuge. It is discussed the proper way to hire her. It is discussed that we can hire her as an independent contractor and have a contract written stating that she is an independent contractor and she is responsible for all her expenses and taxes. It is agreed that her services would be worth \$500.00. Dennis makes a motion to hire Susie Wines to apply the chemicals for weed abatement. Mike seconds the motion. All members in favor - Pass

Adjournment – Valeri McIntyre motions for adjournment. Mike Cecchi seconds. All members present in favor - Pass

RLE 117C

Cecchi McIntyre 7/16/10

EXHIBIT “67”

**RUBY LAKE ESTATES HOMEOWNERS
ASSOCIATION
RUBY VALLEY, NEVADA**

**SPECIAL
BOARD OF DIRECTORS
MEETING**

Friday, April 16, 2010 2:35 PM

at

**The Office of Robert Wines
687 6th Street, Ste 1, Elko, Nevada**

Board Members Present: Lee Perks, Valeri McIntyre,
Mike Cecchi, Dennis McIntyre

Board Member Absent: William Noble, Mel Essington

Legal Council Present: Robert Wines

Call Meeting to Order

Lee Perks called Meeting to order at 2:35 P.M.

The purpose of the special meeting is to discuss the Essington issue in regards to his status as a Board Member.

Currently Mel Essington is not a member in good standing with the Association. He currently has outstanding assessments and late fees.

The discussion involves the By-Laws that were put in place by the Members of the Association.

By-Laws

Page 2

Officers & Duties: All officers must be property owners and members of the Ruby Lake Estates Homeowners Association in good standing their entire term of office.

It is decided that Lee will write a letter suspending Mel from the Board until he is in good Standing. The letter will go out certified mail with a return receipt. He will have 15 days

to respond to the letter from the time he received it. If he does not respond in a time allowed, the Board will consider his no response his desire to resign from the Board.

There is also discussion that Mel is not a property owner either. The property in which he resides is owned by a Nevada Corporation in which he is not a member of the Board and the Board has not received any documentation that he has the authority to represent the property owner.

It is discussed that further investigation of this matter is needed and will need to be addressed also in the future pending on the outcome of the first issue.

Special meeting is adjourned @ 2:50.

RLE 117E

See Minutes 1/16/10

EXHIBIT “68”

**RUBY LAKE ESTATES HOMEOWNERS
ASSOCIATION
RUBY VALLEY, NEVADA**

**BOARD OF DIRECTORS
MEETING**

Friday, July 16, 2010 1:30 PM

at

**The Office of Robert Wines
687 6th Street, Ste 1, Elko, Nevada**

Board Members Present: Lee Perks, Valeri McIntyre,
Mike Cecchi, Dennis McIntyre

Board Member Absent: William Noble, Mel Essington

Members Present: Rocky Roa

Legal Council Present: Robert Wines

Call Meeting to Order

Lee Perks called Meeting to order at 1:37 P.M.

Lee calls for information if anyone is recording the meeting. Verify no one wishes to record this meeting.

Comments from Members Rocky Roa discusses that there are still Members who would like to get out or dissolve the association. Bob Wines explains to him how "low key" our association is in compared to others. He continues with explaining how the association benefits everyone and especially when it comes to property values. How this gives all the members an avenue to prevent our area in becoming a "Shanty Town".

Review & Approve minutes from April 16, 2010 meeting: Mike Cecchi motions for approval minutes. Dennis McIntyre seconds motion. All Board members present in favor – Pass

Review & Approve minutes from April 16, 2010 Special Meeting: Mike Cecchi motions for approval of the minutes. Valeri McIntyre seconds motion. All Board Members in favor – Pass.

Treasurer's Report: Dennis presents the financial report. Discussion of Reserve Study and category balances.

The Board discusses Balance sheet, Reserve Balances and current receivables: Mike Ceechi motions to accept the financials and balance sheets as presented. Valeri McIntyre seconds the motion. All Board Members present in favor – Pass.

The Board discusses the current past due balances. The board discusses the sending out the final 10 day notices prior to begin proceedings in Wells. Valeri McIntyre makes a motion to precede with the ten day notices. Mike Ceechi seconds the motion. All Board Members present in favor – Pass.

Bob Wines: Bob discusses the conversation he had with the Ombudsman's office in regards to the legality of the association. He explains he had to write a letter to the Ombudsman's office stating his opinion that the association was an entity that falls under the jurisdiction of NRS 116. He also advised in his letter that the intent by Steve Wright was to have an association when the subdivision was form as it was a requirement to subdivide the parcel. The Ombudsman's Office back up Bob opinion and said we were to follow NRS116. Bob also explained that the association could opt out of our filing with the Ombudsman's office, but that did not mean we could not follow the rules of NRS116. The opt out would mean the association would loose their services for mediation and our minimal fee of \$3.00 per lot which equals \$151.00 per year.

Old Business:

- a. **Roads** – No new business at this time.
- b. **Weed Abatement** – The chemicals are all in. We no longer have a person to spray. The spraying will have to be done in the fall
- c. **Compliance Letters**– Mike updates the Board on the Members who are out of compliance. There is only one member left who still has to finish his with his compliance issues all the other Members who received notices have completed the necessary repairs.
- d. **Review Ombudsman's Office Correspondence:** See above Bob Wines.
- e. **Next Board Member Meeting:** October 15, 2010 @ 1:30 PM

New Business

- a. **Review Member Correspondence** – Discussion of the last letter received by the Essington's

- b. **Newsletter** – The Newsletter needs to go out before the next meeting. We need to attach the Ombudsman's letter to the next Newsletter.
- c. **Election Mailing** –The election material should go out with the newsletter so save on postage
- d. **Annual Members Meeting**– The meeting will be August 8 at 11:00. The weekend is incorrect by the bylaws. It should have been the second Saturday in August, but the date was posted incorrectly on the newsletter all year so we will go with that date.
- e. **New NRS Opt out clause:** The board discusses the benefits of the Ombudsman's office rather than having to use attorneys for mediation. The Members decided that the Opt out clause would not be a benefit to the Association.
- f. **Next Board Meeting:** see e in old business
- g. **Discuss New Insurance Policy Renewal and NRS 116 requirements of 3 bids.** The State now requires that boards to review 3 different quotes for insurance. We are not required to use 3 different Brokers, but our Broker can get three different quotes. Enlisting more than one Broker could hurt the Associations ability to acquire a competitive bid as it would be like having several inquiries for credit at one time. It would lower your base score.

Good of the Association – Discussion on the Menu for the Annual Members Meeting. There is discussion on the contributions that should be made this year to the local clubs. We need to find out who needs assistance this year. There is discussion of the Thistle growing along the ditches. Bob suggests that it should be addressed quickly as it can become a problem quickly.

Adjournment –Mike makes a motion for adjournment. Dennis McIntyre seconds. All members present in favor – Pass (2:25 PM)

Dennis McIntyre 16/15/10

EXHIBIT “69”

**RUBY LAKE ESTATES HOMEOWNERS
ASSOCIATION
RUBY VALLEY, NEVADA**

**BOARD OF DIRECTORS
MEETING**

Friday, October 15, 2010 1:30 PM

at

**The Office of Robert Wines
687 6th Street, Ste 1, Elko, Nevada**

Board Members Present: Lee Perks, Valeri McIntyre,
Dennis McIntyre, Dennis Cunningham

Board Member Absent: Mel Essington, Mike Ceechi (Notified in advance)

Members Present: None

Legal Council Present: Robert Wines

Call Meeting to Order

Lee Perks called Meeting to order at 1:28 P.M.

Lee calls for information if anyone is recording the meeting. Verify no one wishes to record this meeting.

No Member Comments

Review & Approve minutes from July 16, 2010 meeting: Dennis Cunningham to abstain as he was not present at last meeting. Dennis M. motions for approval minutes. Valeri McIntyre seconds motion. All Board members present in favor – Pass

Treasurer's Report: Dennis presents the financial report. Discussion of Reserve Study and category balances.

The Board discusses Balance sheet, Reserve Balances and current receivables: the unrestricted funds need to be adjusted. Dennis M motions to accept the financials with the adjustments to be made. Valeri McIntyre seconds the motion. All Board Members present in favor – Pass.

Bob Wines: Bob discusses that he has been contacted by yet another attorney in regards to the legality of the association. The prior attorney has been put off. He advises that the new attorney has not been given all the back history of this matter. He will be forwarding that information as soon as it is possible. The attorney advises this Member has informed them that are not going to pay dues.

Bob advises that we look into a collection agency that specializes in Home Owners Associations. He advises that if the attorney's get involved the cost would be great and would/should have to be split among all the homeowners. This would be implemented using a Special Assessment.

Small Claims is not the best avenue as it could take years to resolve and the small claims court will say it is beyond there jurisdiction.

Valeri Motions to approve Dennis M to search for an appropriate collection agency, Dennis C seconds. All Members present in favor – pass.

Old Business:

- a. **Roads** – Roads are off until next year.
- b. **Weed Abatement** – The chemicals are all in. We no longer have a person to spray. The spraying will have to be done in the spring. Dennis M motions to move the weed abatement to spring. Dennis C seconds motion. All Members in favor - Pass
- c. **Compliance Letters**– No new issues at this time

New Business

- a. **Form 530-520:** There is discussion on the process for forms 520-530 as recommended possible resolution to a non-participating board member. Lee discusses the time an effort to follow thru with all the paper work and that natural attrition may be the best solution as it may take that long to complete the paper work before the next election. Valeri motions to table this matter. Dennis C seconds the motion. All Members in favor – Pass. Form 530 is a direction on how to collect moneys for delinquent accounts, Dennis C. motions to follow the direction of for 530. Dennis M seconds. All members in favor. - Pass

- b. **2011 Board Members Meeting Schedule** – The meeting schedule is set for the following.
- January 21, 2010 @ 1:30
 - April 22, 2011 @ 1:30
 - July 15, 2011 @ 1:30
 - October 14, 2011 @ 1:30

August 13, 2011 @ 11:00 Members Meeting

Dennis Motions to approve schedule, Dennis C seconds,
All members present in favor - Pass

- c. **Newsletter – Member Dues** – The next newsletter will go out with the annual dues. The newsletter will update the Name change that was approved by the Members at the annual meeting and was filed with the State of Nevada.
- d. **Update on Name Change:** The paperwork was filed and completed for the DBA. All letterhead will change to Ruby Lake Estates.
- e. **Board Member Trainings:** We need to check on trainings for Dennis C in regards to Board Member Classes. He did receive a copy of all training the other board Members have taken.

Good of the Association – We need to re-evaluate the Thistle bush issue that was previously brought up as a possible issue prior to the weed abatement in the spring. Check with the associations in the Valley to see if any donations are needed.

Adjournment – Valeri makes a motion for adjournment. Dennis C seconds. All members present in favor – Pass (2:00 PM)

Valeri R. [Signature] 1/21/11

EXHIBIT “70”

**RUBY LAKE ESTATES HOMEOWNERS
ASSOCIATION
RUBY VALLEY, NEVADA**

**BOARD OF DIRECTORS
MEETING**

Friday, January 21, 2011 1:30 PM

at

**The Office of Robert Wines
687 6th Street, Ste 1, Elko, Nevada**

Board Members Present: Lee Perks, Valeri McIntyre, Mike
Ceechi Dennis McIntyre, Dennis Cunningham

Board Member Absent: None (Vacant Seat)

Members Present: Kris Ceechi, Aaron Yohey

Legal Council Present: Robert Wines

Call Meeting to Order

Lee Perks called Meeting to order at 1:32 P.M.

Lee calls for information if anyone is recording the meeting. Verify no one wishes to record this meeting.

No Member Comments

Review & Approve minutes from Oct 22, 2010 meeting: Mike Ceechi to abstain as he was not present at last meeting. Dennis Cunningham motions for approval minutes. Dennis McIntyre seconds motion. All Board members present in favor – Pass

Treasurer's Report: Dennis Reviews 2010 Budget Status . The Board wants to add the \$500.00 Friendship Fund Donation to the 2010 expenses as we were unable to donate the funds at the August Meeting. The Board discusses the status of the Weed Abatement monies that were not used in 2010 and what should be done with them. Dennis McIntyre Motions to roll over Weed Abatement budget of \$1692.71 to 2011. Mike Ceechi seconds motion. All Members present in favor. Motions Passes

RLE 134C

The Board Discusses the remaining money not used from the 2010 budget and it's best use. Mike Ceechi makes a motion to move unspent 2010 budget money to the 2011 contingency money. Actual amount to be determined at next meeting. Valeri McIntyre seconds. All Board Members present in favor. Motion passes.

Accounts Receivables reviewed but no action necessary as the dues will not be past due until January 31, 2011.

Discussion on funding the 2011 Reserve Study out of dues already collected. Board agrees Reserve Fund money will be moved from checking to the CD account.

Mike Ceechi motions to approve the Financial Reports. Dennis Cunningham seconds the motion. All Members present in favor. Motion Passes.

Bob Wines: Bob reviews correspondence from the Essington's in regards to resignation. Lee will send letter of Thank you for his years of service and input in he gave in the forming the association. Valeri McIntyre makes a motion to approve Lee sending letter a Thank you letter to Mel Essington. Dennis Cunningham second the motion. All Members present in favor. The Motion passes.

Bob and Board discuss writing letter to the Artemis's Attorney stating that the issue that Artemis has with the Association should be directed at the State of Nevada Ombudsman's Office rather than the Association itself. The Board requests that the letter be stern in nature. Bob Advises that the letter should go to the Collection Agency (Angus & Terry) as the most recent letter was sent by Artemis to Angus and Terry with Bob Wines Office copied as to the content. Mike Ceechi motions to authorize council to write a stern letter to Angus and Terry in regards to letter sent by Artemis's attorney Travis Gerber. Dennis Cunningham seconds the motion. All Members present in favor. The Motion passes

Old Business:

- a. **Roads** – Roads are off for another year for work. We have culverts on site. We need to review county spec. on the culvert size and will have to work on installation dates.
- b. **Weed Abatement** – 2010 budget has been rolled over to the 2011 budget. Bob Wines may know of qualified person's to spray chemical and brush hog ditches.
- c. **Compliance Letters**– No new issues at this time. In regards to variances. We had one member apply for a horse variance but withdrew his horse variance request. If it is brought to the Boards attention that a violation is still in existence a violation notice will be sent out.

New Business

- a. **Nomination Forms for 2011 Board Election:** The Nomination forms will go out in the next two weeks. Nominations need to be turned into the Board by April 22, 2011. A replacement is going to be needed for Mel Essington's Directors position. The Board will seek a replacement.
- b. **Newsletter:** The Nomination forms will go out with the next newsletter to save on postage. Content in the Newsletter needs to address the Election, Dues and Volunteers needed to help to various Association projects.

Good of the Association – Board discusses how Facebook may be a useful tool for the Association. Currently there is a group called the Friend of Ruby Valley. We may need to look at setting up a page for the Association for Communication

Adjournment – Valeri makes a motion to suspend meeting to go to Executive Meeting called by Mike Ceechi.(2:38 PM). Mike Ceechi seconds. All members present in favor – Motion passes.

Meeting was Re-opened at 2:50 PM. Dennis Cunningham motions for Adjournment. Mike Ceechi seconds the Motion. All Members present in favor. The motion passes.

RLE 134E

Valeri M. [Signature]

EXHIBIT “71”

**RUBY LAKE ESTATES HOMEOWNERS
ASSOCIATION
RUBY VALLEY, NEVADA**

**BOARD OF DIRECTORS
MEETING**

**Friday, April 22, 2011 1:30 PM
at**

**The Office of Robert Wines
687 6th Street, Ste 1, Elko, Nevada**

Board Members Present: Lee Perks, Valeri McIntyre, Mike
Ceechi Dennis McIntyre, Dennis Cunningham

Board Member Absent: None (Vacant Seat)

Members Present: None

Legal Council Present: Robert Wines

Call Meeting to Order

Lee Perks called Meeting to order at 1:38 P.M.

Lee calls for information if anyone is recording the meeting. Verify no one wishes to record this meeting.

No Member Comments

Review & Approve minutes from Jan 22, 2010 meeting: Dennis Cunningham motions for approval minutes. Dennis McIntyre seconds motion. All Board members present in favor - Pass

Board Adjourns of the record to review minutes of Special Executive Meeting @ 1:39 PM. Meeting resumes at 1:41 PM

Treasurer's Report:

- a. **Reserve Study:** It is discusses that the 2011 allotment for the Reserve study has been moved to the CD account.

- b. **Current Standing Receivables:** The Board Discusses the current balance of receivables.
- c. **Past Due Accounts / Collections:** The Board discusses the past due Balances on the receivables report. Each account is discusses separately. The Board decides to remove late fees on 6 lots. Note: All the lots the late fees were removed paid the association dues, but had not paid the late fees. One lot the late fee was removed due to a hardship and 5 late fees were removed due to the confusion of the letter from an outside attorney to a portion of the Members in regards to the Authenticity of the Association. One lot will receive a refund as they overpaid their late fees. Collections will be moved to new business

The Board reviews the balance of the financial statement. The Board discusses to shortfall in the budget due to a unexpected deductable to the insurance company due to the Artemis Lawsuit. Mike Ceechi makes a motion to remove one thousand dollars from the rolled over Weed Abatement Money to cover the deductable due to the insurance company for the Artemis Lawsuit. Dennis Cunningham seconds the Motion. All Board Members in favor. Motion passes. The Balance of the financial Statement is reviewed and Valeri McIntyre motions to approve the Financial Statement Dennis Cunningham seconds the motion. All Board Members in Favor. Motion passes. Mike Ceechi makes a note that if the Profit and Loss keeps showing a negative balance we may need to address a possible special assessment. The cause mostly comes from the improperly filed lawsuit of Artemis.

Bob Wines: Bob comments on the Artemis Litigation. He updates the Board of the status of the filing date and dismissal due to the improperly filing of the lawsuit. He feels it will go back to the arbitration stage with the Ombudsman's Office. There is discussion of current costs.

Old Business:

- a. **Roads –** Roads are off for another year for work. The culverts project is still off until more research is done on the correct sizing and county code. Appropriate sizes will need to be purchased at that time.
- b. **Weed Abatement –** There is discussion with Bob about a qualified person for the project. Mike Cecchi will try and get in touch with possible candidate for the work. The Board discusses the importance of using a qualified person.
- c. **Compliance Letters–** No new issues at this time.

New Business

- a. **Nomination Forms for 2011 Board Election:** The Nomination's have been received to date.
- b. **Elko County Assessor Comments:** Dennis Cunningham discusses that many of the lots could be overvalued and you may be able to request a tax reduction through the Elko County Assessor's Office. The process requires you to fill out a tax protest form and then it goes in front of the Board for consideration. He feels we should write a letter to the Members or include the information in the Newsletter.
- c. **Discussion of the Artemis Lawsuit Status & Activities:** Travis Gerber dismissed the lawsuit without prejudice. He will most likely pursue Non-Binding Arbitration. Lee discusses that it may be in our best interest to have two Board Members meet with Gayle Kern to see possible pending litigation and options for the Association and how to proceed. Dennis McIntyre motions to have two board members meet with Gayle to discuss the Association's current and future status. Dennis Cunningham seconds motion. All Members in favor. The Motion passes.

Good of the Association – The Board needs to review and make changes in our bylaws. They need to be drafted and voted on during two meetings. Things that need to be addressed:

1. Election Changes
2. List the NRS 116 Procedures
3. Work of the Meeting Schedule of 4 a year and 1 Members Meeting.
Please make a note that 2 of the Meetings need to be during non-working hours.
4. Language on Proxies
5. Bylaws format changes that include a table of contents
6. Collection procedures.

A copy of the current bylaws will be brought to the next meeting.

It is requested that we add a time of 1:30 to 2:30 be added to the agenda for the next Executive Board Meeting for the By-Law work shop.

Valeri McIntyre makes a motion that we approve the ability to have a workshop to work on the Bylaws. Mike Cecchi seconds the motion. All Board Members in favor. The motion passes.

Adjournment - Mike Cecchi makes a motion to adjourn meeting. Dennis Cunningham seconds. All members present in favor - Motion passes.

RLE 145D

4

Valeri Mileva 7/15/11

1RA106

EXHIBIT “72”

**RUBY LAKE ESTATES HOMEOWNERS
ASSOCIATION
RUBY VALLEY, NEVADA**

**BOARD OF DIRECTORS
MEETING**

**Friday, July 15, 2011 1:30 PM
at**

**The Office of Robert Wines
687 6th Street, Ste 1, Elko, Nevada.**

Board Members Present: Lee Perks, Valeri McIntyre, Mike
Cecchi Dennis McIntyre, Dennis Cunningham

Board Member Absent: None (Vacant Seat)

Members Present: None

Legal Council Present: Robert Wines

Call Meeting to Order

Lee Perks called Meeting to order at 1:43 P.M.

Lee calls for information if anyone is recording the meeting. Verify no one wishes to record this meeting.

No Member Comments

Review & Approve minutes from April 22, 2011 meeting: There are some comments and grammar errors that were corrected. Mike Cecchi motions for approval of the corrected minutes. Dennis Cunningham seconds motion. All Board members present in favor – Pass

The Board begins its workshop on the update of the By-Laws. See attached for changes

Treasurer's Report:

- a. **Reserve Study Update:** The current balances are discussed and decided the categories need to be adjusted. To be looked at in October

- b. **Current Standing Receivables:** The Board Discusses the current balance of receivables.
- c. **Past Due Accounts / Collections:** The Board discusses the past due Balances on the receivables report.

Mike Cecchi motions to approve the Financial Statement. Dennis Cunningham seconds the motion. All Board Members in favor. Motion Passes.

Bob Wines: He has no comments at this time

Old Business:

- a. **Roads / Work Projects / Projections-** Roads are off for another year for work. The culverts project is still off until more research is done on the correct sizing and county code. There is discussion in regards to the northwest entrance cattle guard and how it is sinking. There is a discussion of looking into writing a letter to Barrick which owns the 7H to possible assist with repairs since it is their water that is causing the problem. The Board also discusses possibly moving monies around in the reserve study to make the repair as it may become a safety issue.
- b. **Weed Abatement -** On hold until Fall
- c. **Compliance Letters-** No new issues at this time.
- d. **Discuss Artemis Lawsuit Status -** Artemis went back to the Ombudsman's office and filed for Non-Binding Arbitration. The Arbitrator has been chosen and schedules need to be looked at for conflicts for the hearing December 14, 2011. Gayle is waiting for letter from arbitrator for further instructions on how he wants to proceed.

New Business

- a. **Look at changes in Compliance Letters:** The board will discuss changes when a letter need to be sent.
- b. **Agenda for Annual Members Meeting:** The agenda will cover the standard items, but adding discussion of changes to the bylaws. Also, to discuss possible Special Assessment to Annual dues to cover additional costs the Association had incurred this year.
- c. **Bar-B-Que for the Annual Meeting (Budget) -** The amount is discusses and the budget amount for the meeting should be \$225.00

Good of the Association – Next Executive Board Meeting October 14, 2011 1:30

Adjournment – Valeri makes a motion to adjourn meeting @ 3:21 Mike Cecchi seconds. All members present in favor – Motion passes.

RLE 145G

Valeri D. Montoya 10/14/11

EXHIBIT “73”

**RUBY LAKE ESTATES HOMEOWNERS
ASSOCIATION
RUBY VALLEY, NEVADA**

**BOARD OF DIRECTORS
MEETING**

Friday, October 14, 2011 1:30 PM

at

**The Office of Robert Wines
687 6th Street, Ste 1, Elko, Nevada**

Board Members Present: Lee Perks, Valeri McIntyre, Mike
Cecchi Dennis McIntyre, Dennis Cunningham

Board Member Absent: None (Vacant Seat)

Members Present: None

Legal Council Present: Robert Wines

Call Meeting to Order

Lee Perks called Meeting to order at 1:35 P.M.

Lee calls for information if anyone is recording the meeting. Verify no one wishes to record this meeting.

Mike Cecchi has a comment as a Member of the Association. He makes two formal complaints in regards to a CC& R violation. The Board is made aware of the violations and will address them

Dennis McIntyre makes a motion to formally address the complaints as presented. Dennis Cunningham seconds motion. All in favor

Review & Approve minutes from July 15, 2011 meeting: Board reviews the minutes from the July 15, 2011 meeting. Mike Cecchi motions for approval of the corrected minutes. Dennis Cunningham seconds motion. All Board members present in favor – Pass

The Board begins its workshop on the update of the By-Laws. See attached for changes

Treasurer's Report:

- a. **Reserve Study Update:** The current balances are discussed and updated balances were reviewed
- b. **Current Standing Receivables:** The Board Discusses the current balance of receivables.
- c. **Past Due Accounts / Collections:** The Board discusses the past due balances from the receivables report and action that needs to be taken.

Mike Cecchi motions to approve the Financial Statement. Dennis Cunningham seconds the motion. All Board Members in favor. Motion Passes.

Bob Wines: Makes a suggestion to change the standard agenda to add compliance issues to the agenda. Also, with the new laws we need to add time in the agenda for discussion of Member issues either after every topic or at the beginning or end of each meeting.

Presidents Address: No comment at this time

Old Business:

- a. **Roads / Work Projects / Projections-** Roads are off for another year for work. The culverts project is still off. Will be looking at bids for Road Maintenance in April depending on weather.
- b. **Weed Abatement -** Will commence after Road Maintenance in the Spring
- c. **Compliance Letters-** Discussion later.
- d. **Discuss Artemis Lawsuit Status -** Review of current status and that depositions were completed on October 13, 2011. The hearing is still scheduled for December 14, 2011. Bob Wines advises that we need to advise the Members that we may need a Special Meeting at the hearing if necessary. That would allow the Board to make any decisions if necessary.

New Business

- a. **2012 Meeting Schedules:** The Board will next meet on January 20, 2012 @ 1:30 and will revisit the rest of the year then.

Good of the Association – Bylaw changes were presented at the Members meeting in August. There were a few changes made at the meeting and have been updated and ready for final approval at the 2012 Annual Members Meeting,

Also, Gayle Kern has advised the Board to look at the late fee policy. She suggests a monthly late fee policy. After sufficient notice is given there would be no more deals.. The new assessment has been voted upon and the 2012 assessment will be \$250.00. Late fees will be advised by council. Late fees after notices go out will be \$25.00 per month. There will be a 15 grace period. 2012 late fees will begin February 1, 2012 and will be \$25.00 per month. After 6 months the late fee will increase to \$50.00 a month. We will review NRS 116 for new Collection laws for outside collections. We will also assess a \$10.00 fee for credit card processing. Members can ask for a hardship assistance, but requests have to formally be presented to the board for consideration.

Mike makes a motion to have Bob Wines draft up a new late fee schedule as per advised by Gayle Kern. Dennis Cunningham seconds. All in favor.

Bob Wines suggest that needs to add a new category to the budgets for late fees and misc income.

Adjournment – Valeri makes a motion to adjourn meeting @ 3:21 Mike Cecchi seconds. All members present in favor – Motion passes.

Valeri M. Cecchi 1/22/12

EXHIBIT "74"

**RUBY LAKE ESTATES HOMEOWNERS
ASSOCIATION
RUBY VALLEY, NEVADA**

**BOARD OF DIRECTORS
MEETING**

Friday, January 22 2012 1:30 PM

at

**The Office of Robert Wines
687 6th Street, Ste 1, Elko, Nevada**

Board Members Present: Lee Perks, Valeri McIntyre, Mike
Cecchi Dennis McIntyre,
Board Member Absent: Dennis Cunningham (Vacant Seat)
Members Present: Aaron Yohey (Lot D-2)
Legal Council Present: Robert Wines

Call Meeting to Order

Lee Perks called Meeting to order at 1:45 P.M.

Lee calls for information if anyone is recording the meeting. Verify no one wishes to record this meeting.

Mike Cecchi has a comment as a Member of the Association. He makes two formal complaints in regards to a CC& R violation. The Board is made aware of the violations and will address them

Dennis McIntyre makes a motion to formally address the complaints as presented. Dennis Cunningham seconds motion. All in favor

Review & Approve minutes from October 14, 2011 Meeting: Board reviews the minutes from the October 14, 2011 Meeting. Mike Cecchi motions for approval Minutes. Dennis McIntyre seconds motion. All Board members present in favor – Pass

President Comments: None. He will reserve any comments for Business Section

Treasurer's Report:

- a. **Reserve Study Update:** The current balances are discussed and updated balances were reviewed
- b. **Current Standing Receivables:** The Board Discusses the current balance of receivables.
- c. **Past Due Accounts / Collections:** The Board discusses the past due balances from the receivables report and action that needs to be taken.

Valeri McIntyre motions to approve the Financial Statement. Mike Cecchi seconds the motion. All Board Members in favor. Motion Passes.

Bob Wines: Notifies the Board that he had sent a letter out in regards to a violation that had been observed and he noted that he had not received any response.

The Board discusses as part of the letter that was sent out by Bob Wines, that the consequences for not complying with the CC&R's and violations. What is the penalty for failing to comply with the CC&R violations?

We need to set a fee schedule for CC&R Violations: We have current procedures in place for letters #1, #2 & #3 with letter #3 advises that the violation is subject to a fine or penalty. It is advised that the fee will be \$25.00 per month plus expenses while the violation continues. The Owner/Member will need to show cause at the next executive meeting why stiffer penalties should not be apply and then intentional failure to acknowledge or attempt to resolve the issue could result in penalties and fines up to \$250.00 per month plus fees per the Executive Board . Bob Wines will draft letter and actual language for Board Approval. Valeri McIntyre makes a motion to approve the updated 3 letter violation concept. Mike Ceechi seconds.

Executive Board Meeting Scheduled for 2:00 PM: Cannot act at this time as the invited participants did not appear as requested. Time checked again at 2:20 for participate arrival with no appearance. Actual violations will be verified and letter will be sent to start imposing fines.

Old Business:

- a. **Roads / Work Projects / Projections--** Roads are off until spring. Mike will start working on getting bids. We cannot upgrade the culverts to county specification until the annual assessments get caught up a bit.
- b. **Weed Abatement –** Will commence after Road Maintenance in the Spring

- c. Compliance Letters- Were discusses with Bob Wines comments
- d. Discuss Artemis Lawsuit Status - The lawsuit was discussed and brought up to date.

New Business

- a. 2012 Meeting Schedules: The balance of the meetings are as scheduled:

April	19	5:15 PM
July	20	1:30 PM
Aug	11	11:00 AM Annual Members Meeting
Oct	19	1:30 PM

Good of the Association: Aaron Yohey (D-2) had volunteered to fill the vacant Directors #2 seat that has been vacated. Dennis McIntyre motions to set his approval for a vote at the next Executive Board Meeting. Mike Cecchi Seconds the motion. All Members present in favor - Motion passes

Adjournment – Dennis makes a motion to adjourn meeting @ 2:35 Mike Cecchi seconds. All members present in favor – Motion passes.

RLE 145M

Valerie McIntyre
Sec. Minutes of April 19th
Dennis

EXHIBIT “75”

July 12, 1993

REQUEST FOR VARIANCE

Artemis Exploration, Inc. does hereby submit its request for a Variance under Article IV of the Declaration of Reservations, Conditions And Restrictions of the Declarant to the ownership of lots within the Ruby Lake Estates. Artemis wishes to enter into a sales agreement with the Seller/Declarant for lot G-6 for non-commercial purposes. Artemis conditions its willingness to enter into the Sales Agreement with the approval of this Variance to temporarily store several semitruck trailers on said lot. It is understood this constitutes a temporary condition. Artemis requests the Variance for a period of six months with possible extension for a second six months.


Elizabeth Essington, Prés.

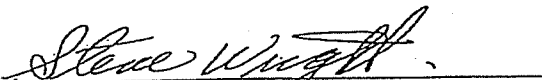
RLE 006A

MSW, INC.
HCR 60 Box 145
Clover Valley
Wells, NV 89801

July 29, 1993

ACCEPTANCE OF VARIANCE

MSW, INC. does hereby accept the request for variance from Artemis Exploration, Inc. under the Article IV of The Declaration of Reservations, Conditions and Restrictions. This variance will be granted for a period of six months with possible extension for a second six months.


Steve Wright for MSW, INC.

RLE 006B