

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. 77721

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

Electronically Filed
Jun 21 2019 02:28 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 2 – PAGES 204-437

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Ruby Lakes Estates Homeowner's Association

APPENDIX SUMMARY
(Chronological Order)

Document	Date	Vol.	Respondent's Appendix "RA" Page Numbers
Ruby Lake Estates Homeowner's Association's ("RLEHOA") Motion for Summary Judgment ("MSJ").	May 30, 2012	1	001-037
RLEHOA Composite of Exhibits in Support of: (1) RLEHOA's Opposition to Plaintiff's Motion for Summary Judgment: and (2) RLEHOA'S MSJ. [Exh 1-25]	May 30, 2012	1	038-203
RLEHOA Composite of Exhibits in Support of: (1) RLEHOA's Opposition to Plaintiff's Motion for Summary Judgment: and (2) RLEHOA'S MSJ. [Exh 26-52]	May 30, 2012	2	204-371
RLEHOA's Reply to Plaintiff's Opposition to RLEHOA's Motion for Summary Judgment.	July 5, 2012	2	372-399
Exhibit "53" Affidavit of Stephen Wright.	July 5, 2012	2	400-415
Exhibit "65" Risk and Hazard Assessment	July 5, 2012	2	416-425

Case Appeal Statement	March 6, 2018	2	426-431
Case Appeal Statement	December 14, 2018	2	432-437

EXHIBIT “26”

EXHIBIT “26”

Mr. & Mrs. G. M. Essington
HC 60 Box 760
Ruby Valley, NV 89833

August 16, 2006

Mr. L. A. Perks
765 East Greg Street #103
Sparks, NV 89431


Dear Lee;

Enclosed please find our personal check in the amount of \$150.00. This amount will cover our Ruby Lake Estates Homeowners Association dues for 2006.

It is my understanding that Bob Wines will be researching the contention that there is a sunset date on the CCR's that was raised at the meeting. I would appreciate learning what he finds on the subject.

Regarding the county commissioners concerns about illegal dumping in Ruby Valley let me offer some thoughts. I know that both the Harmons and we take our garbage into the regional landfill in Elko regularly (I cannot speak for Mr. Nobel). Few of the other owners are here frequently enough to generate much refuse of concern. It should be noted the County is big on outdoor recreation/fishing/hunting and the revenue it brings in each year. However, the County does nothing to provide for the collection or cleanup after the hundreds of hunters, fishermen, and visitors in this area each year. It is entirely possible the dumping they are so concerned about is more the result of their lack of planning and provision for these visitors. Bob Wines needs to mention this omission on the part of the County when the opportunity arises.

Sincerely,


Mel Essington

RLE 027A

2RA205

EXHIBIT “27”

EXHIBIT “27”

#13

STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY
REAL ESTATE DIVISION

788 Fairview Drive, Suite 200 * Carson City, NV 89701-5453 * (775) 687-4280
2501 East Sahara Avenue, Suite 102 * Las Vegas, NV 89104-4137 * (702) 486-4033
e-mail: realest@red.state.nv.us http://www.red.state.nv.us

Declaration of Certification
Common-Interest Community Board Member
NRS 116.31034(9)

I George M. Essington, an appointed
(print name)

or elected member of the executive board of Ruby Lake Estates,
homeowner association, Secretary of State (SOS) File # E00472020069,

certify that I have read and understand, to the best of my ability, the governing
documents of the association and the provisions of Chapter 116 of Nevada Revised
Statutes ("NRS") and the Nevada Administrative Code ("NAC").

Date of election or appointment to the board August 11, 2007
month day year

"I declare under penalty of perjury under the law of the State of Nevada that the
foregoing is true and correct."

Executed on 1-11-08 G.M. Essington
Date Signature

*The Administrator of the Real Estate Division requires the association to submit a copy of this
certification for each member of the executive board at the time the association registers
annually with the Office of the Ombudsman pursuant to Nevada Revised Statutes ("NRS")
116.31158. All declarations are to be submitted to the Las Vegas address listed above.*

EXHIBIT “28”

EXHIBIT “28”

#14

RUBY LAKE ESTATES HOMEOWNERS ASSOCIATION

RUBY VALLEY, NEVADA

BOARD OF DIRECTORS AND LANDOWNERS MEETING MINUTES

SATURDAY, AUGUST 09, 2008 11:00 AM

AT

Ruby Valley Community Hall

Board Members Present: Lee Perks, Mike Cecchi, Dennis McIntyre, Valeri McIntyre
Bill Harmon, Bill Noble.

Board Members Absent: None

Members Present: 29 parcel owners represented (22 in attendance 7 via
Proxy)

Call Meeting to Order

Lee Perks called Meeting to order.

Minutes of previous meeting: Mike Cecchi motions for approval of the minutes.
Dennis McIntyre seconds motion. All Board members in favor - Pass

Treasurer's Report: Dennis McIntyre updates financial report. Dennis discusses 2009
budget. Mike Cecchi motions to approve 2009 Budget, Mel Essington seconds motion.
All Board members in favor - Pass

Old Business:

- a. **Survey Results** - Discussion and survey results. The board discussed
member comments of survey. Hand out provided to members in
attendance of survey results. Board listens to member's comments and
ideas in regards to CC&R's, Livestock and concerns. Mike Cecchi
motions to accept survey except for livestock provisions for animal
allotment as was stated by member comments in surveys and member
input. Dennis McIntyre seconds. All Board members in favor - Pass.

- #14
- b. **Dues Adjustment** – Board discusses road conditions, insurance and such as per Financial Statement and Budget. The Board discusses appropriate fees. Mike Cecchi motions for increase in dues to \$225.00 per year. Mel Essington seconds. All Board members in favor - Pass
 - c. **Weed Abatement** – Discussion as to the direction to be taken for spraying, possible grants, liability insurance to cover persons applying material and other hazards. Board discusses a work share program. Board discusses application time for spraying. Board agrees that the spraying will need to be done in early September. Mike Cecchi motions to approve payment for liability insurance for Associations protection. Mel Essington seconds motion. All Board Members in favor - Pass

New Business:

Items submitted by members via mail.

- a. **Status of Roads** – Updated discussion on the conditions of the Roads. The roads in the association have been deemed in need of extensive work to bring them up so they do not continually blow away. There was discussion on prioritizing repairs and maintenance due to limited budget. Questions were brought up about having the County take over the roads. If the county would even consider taking over the roads, the roads would have to be brought up to county code prior to release of the roads. This would cost the members (property owners) of the association Hundreds of Thousands or even Million's of dollars in improvements. It was decided to improve the roads with out bringing in the County. The Board decided that it was going to research options as to the best way to begin the project.
- b. **Adoption of definitions of Recreational Vehicles and Livestock** – The board after reviewing the survey results and listening to Member input have instructed Bob Wines to prepare an document for exhibit to clarify the language in the CC&R's in regards to Livestock and Recreational vehicles.
- c. **Sign Repair** – Board discusses sign at North entrance that is in need of repair. Mike Cecchi has received a proposal from an Elko Sign Shop. The board voted to enter the estimate into the 2009 budget.

Good of the Association

- a. **Fire Department** – The Fire Department has at this time informed us that they would contact the association if their needs change. There has been

#14
an approved budget for \$1,000.00 in donations for the next fiscal year. It was discussed by the members and the board to hold that money and see which other charitable organization in the valley would be in need of assistance in the coming year, such as the Ruby Valley 4H and their annual Fourth of July picnic. How the money will be dispersed will be decided at a later Board meeting.

Additional items requested at the meeting:

- a. The board receives input on the increase of the annual dues may cause a hard ship on some property owners. It was discussed by the board and the members in attendance that the annual billing should be sent out early in order to give the members extra time to prepare and make their payments on time. Bill noble makes a motion to expedite the billing. Mike Cecchi seconds the motion. All Board members in favor – Pass.
- b. Meeting Date Change – A member brought it to the attention of the board that the date in August is a hardship for them. It is discussed the procedures it will take to change the date. Some members make suggestions as to an alternate date. The third Saturday in June is suggested. The Board discusses the alternate date and agrees to send a questionnaire in regards to the balance of the Members input into changing the date. The survey will be classified as a special meeting to start procedures to make changes to the meeting date.
- c. The board discusses with the members the procedure to change language in the CC&R's. Mainly changing wording for our current Livestock issue. It is decided by the board to add to the meeting date survey questions that would give all members a chance to voice there opinion on changing language on the CC&R's and if they were willing to take the burden of additional fees to make the changes.

Election Committee – Lee requests volunteers to enlist in the election committee. Dennis Cunningham and Robert Clark volunteer.

Adjournment - Lee Motions for adjournment. Dennis McIntyre seconds.

EXHIBIT “29”

EXHIBIT “29”

#116
mike

From: beth essington [eeess@wellsrec.net]
 Sent: Sunday, August 17, 2008 3:47 PM
 To: mike; Perks
 Subject: Inspection of Ruby Lake Estates

Mike

In response to your request that I make an inspection of the subdivision, I have done so this date. I have attempted to be impartial, fair, consistent and in compliance with the CCR's in what I observed and am reporting. The following is a listing of variances from the CCR's by Block and lot number:

Block Lot

H	6	Stored slide-on, cab-over camper; no vegetation control.
E	4	Metal shipping/storage container stored on lot.
	1	Metal storage container stored in front of lot, miscellaneous materials a debris surrounding the container.
B	1	Five horses.
B	4	Dirt pile (lot grade maintenance issue), accumulating miscellaneous materials and debris.
	1	Three horses, one goat, ten cattle, two camper shells, miscellaneous structures, vehicle storage etc. The ten head of cattle are to my personal knowledge used temporarily for three months of the summer to provide practice roping exercises for the local ranchers. The twice weekly event also provides a major event and gathering of the otherwise scattered ranching families. The event further allows for essential communications between the HOA and the locals. Because of the social importance of this event I recommend approval of it by the board through a variance applied for and granted to the owners of the commercial lot.
D	4	Metal shipping/storage container. I understand its use is temporary and in conjunction with an approved building permit.
Other		
H to through	3	No horses. One horse on H 4, two horses on G 5. One of the horses is an older mare which is not expected to survive the winter. It has been provided a home to live out its remaining time. H-3 rotates the horses six lot with approval of the owners.

Mel

2/21/2011

RLE 076

2RA213

EXHIBIT “30”

EXHIBIT “30”

From: butte@cableone.net [mailto:butte@cableone.net]

Sent: Sunday, January 17, 2010 6:18 PM

To: 'Lee Perks'; 'Mike Cecchi'; 'Valeri'

Cc: 'Bob Wines'

Subject: Addition for News Letter

I've written up some thoughts about the function of the ARC as Lee asked at the meeting. The file is attached to this message. The file is in Works Word. It may not be compatable with your Microsoft Word unless you have down loaded a patch to work with it. We had this problem before. If you can't open the file e-mail me your FAX number and I'll FAX the letter to you.

Mel

Msg sent via CableONE.net MyMail - <http://www.cableone.net>

Role and Function
of the
Architectural Review Committee

A large percentage of what you observe as the functioning and operation of the Executive Board of the Homeowners Association (HOA) is the work of the Architectural Review Committee (ARC). The ARC was established by provisions contained in the Declaration of Reservations, Conditions and Restrictions (CCRs) attached to your deed. The ARC is responsible for maintaining a high standard of construction in the development and the continued maintenance of the subdivision. To accomplish this the ARC is charged with the review and acceptance of plans for any form of construction within the subdivision and compliance with the conditions listed in the CCRs. This requirement was not established by the land owners through the HOA but rather for them by the developer before the land was originally sold. As stated in the CCRs, authority of the ARC was ultimately transferred from the real estate developer (Declarant) to the HOA. Bylaws adopted by the subsequently formed HOA established that the ARC will be comprised of the Vice President as chairperson and two directors, each duly elected by the membership.

Therefore, when you wish to build anything including a fence on your lot you must first submit appropriate plans to the ARC for its review and approval, modification, or rejection. Currently, that is accomplished by submitting the plans in duplicate to Mr. Bob Wines, legal counsel for the HOA. He provides a both clearinghouse and records keeping function for the HOA; that means he accepts and dates, in this case the building plans, applies an official HOA stamp, routes them to the ARC members, and thereafter maintains the records. Given these first order requirements, the county building inspector's office will not accept any building applications for construction within the subdivision that have not first been approved by signature of two members of the ARC. The CCRs provide the ARC with authority to grant variances to the CCRs when sufficient good cause is shown and does not cause a material change in the high standards of development and maintenance of the subdivision.

The ARC's responsibilities further include determining if the CCRs are being complied with (maintaining the subdivision) and to take steps to correct non-compliance as necessary. Those corrective steps are noted elsewhere in this news letter. Although the owner of any lot is entitled to bring action at law or in equity to address a violation of the CCRs; this maintenance/compliance function of the ARC is designed to preclude that necessity by addressing such issues before they become elevated. The stated purpose of this requirement is to insure the maintenance of an aesthetically pleasing and harmonious community of a residential or recreational community for the purpose of preserving a high quality of use, appearance, and of maintaining the value of each and every lot.

That goal is not always equally envisioned by all parties or easily accomplished. As

exemplified by recent controversy which arose following the construction of a storage building within the subdivision. In this instance, one member believed the structure was inappropriate for inclusion in the subdivision and voice that opinion. Most of you were unofficially informed and provided an opportunity to also voice an opinion. Subsequently, as no other member chose to speak to the issue, the ARC and Board are now left with the belief that, collectively, the membership is not concerned about that aspect of community development. Therefore, the ARC will proceed accordingly with its future review of building plans.

The functioning of your HOA including the ARC works best when its members actively participate. As always, complacency constitutes a form of expression as it has in that issue. All of the elected Executive Board members and especially those comprising the ARC have an important and admittedly intrusive management function to perform on behalf of the HOA. At times that function will appear onerous. It is essential the individuals you elect into these positions reflect your opinions as well as possible and; at times you need to either voice your opinion (in writing to the Board) or become involved in the management process for it to best serve your individual needs. This form of management system will work best with the active participation of its membership.

EXHIBIT “31”

EXHIBIT “31”

From: beth essington [mailto:eeess@wellsrec.net]

Sent: Friday, September 12, 2008 7:40 PM

To: mike

Subject: Meeting Agenda

Mike

There are a few subjects that I would like to have added to the agenda for the Oct. 17th board meeting.

1. I agreed to the annual association fee increase with the understanding that it would be in place only until the roads were graded. After that we would look at the possible need to haul in material in some locations if needed and it is justified. I specifically requested in an e-mail a letter be sent with the fee increase notice explaining to those not in attendance at the annual meeting the reason for the need of the increase and a statement that the board would return the fee to its previous level if possible after the road work was completed. Further the notice was to provide owners with the option of making a partial payment now and the remainder in January. None of this was expressed in the letter and I want to discuss the failure of its inclusion in some detail. If this understanding is not born out in the meeting notes then we need to correct the notes and insure adequate detail is provided in the notes for important subjects like this fee increase in the future.
2. The information on board duties and responsibilities that was sent out notes that the under NAC 116 the location of the financial records must be within 60 miles from the physical location. We need to discuss keeping duplicated financial files in Bob Wines office.
3. Again NAC 116 stresses the obligation for uniformly enforcing the provisions of the governing documents of the Association. We're way behind on compliance in this area and need to discuss how we are going to achieve compliance.
4. The document states the board needs to formerly establish the Association's fiscal year on page 35. This is mere house keeping but needs to be done.

Mel

EXHIBIT “32”

EXHIBIT “32”

#17
Dear Member:

The Executive Board of the Ruby Lake Estates Homeowners Association wishes to provide further explanation to you concerning the increase in annual dues announced at the annual meeting. Many of you were unable to attend this year's meeting and therefore did not hear the explanation of the need for the increase.

The Ruby Lake Estates is a common-interest ownership community as defined by State statute. The community has been established by proper recording of the CCR's with the county and the Homeowners Association (HOA) through filing with the Secretary of State. Within the State of Nevada the community and HOA are governed primarily by chapter 116 of the Nevada Revised Statutes. The statutes, among many other things, establish guidelines, regulations, and requirements for the operation and management of the HOA. They also establish both the rights and obligations of the individual owners. If you wish to familiarize yourself with the statutes or download a copy for reference they are easily available on the State's website.

Under section 3107 of the statutes "the association is responsible for maintenance, repair and replacement of the common elements, and each unit's owner is responsible for maintenance, repair and replacement of his unit". The common elements in the Ruby lake Estates include two small land parcels and the several access roads. The two land parcels are comprised of the lot on the north end of Kiln road and the parcel containing the well, pump, and water truck fill point on the CCC road near its intersection with the Overland road.

Under the statutes both the HOA and each individual unit owner share the responsibility and liability for the common elements. It is the expressed responsibility of the HOA executive board to insure sufficient maintenance of the common elements in this instance the community roads. Our roads are open to the public and carry responsibility and liability. Accepted unsurfaced road maintenance standards include shoulder and drainage features as well as the road surface. Because the community roads have not received any maintenance for 8 years the shoulders have become weed and brush infested, and some sections lack adequate drainage. Obviously, it is past time to reestablish minimal road maintenance requirements. The HOA's budget does not currently permit meeting a contractor's fees to perform such maintenance. Hence, a temporary annual fee increase is necessary to raise those funds. It is anticipated that once the maintenance work is completed the fees may be reduced to their former level.

Executive Board

From: beth essington [mailto:eeess@wellsrec.net]

Sent: Monday, October 13, 2008 1:12 PM

To: Perks; mike

Subject: Proposed Correspondence

Attached is a draft of the type of letter I had in mind to be sent to the membership regarding the fee increase. See what you think and we can discuss it at the meeting Friday.

Mel

RLE 079

2RA222

Dear Member:

The Executive Board of the Ruby Lake Estates Homeowners Association wishes to provide further explanation to you concerning the increase in annual dues announced at the annual meeting. Many of you were unable to attend this year's meeting and therefore did not hear the explanation of the need for the increase.

The Ruby Lake Estates is a common-interest ownership community as defined by State statute. The community has been established by proper recording of the CCR's with the county and the Homeowners Association (HOA) through filing with the Secretary of State. Within the State of Nevada the community and HOA are governed primarily by chapter 116 of the Nevada Revised Statutes. The statutes, among many other things, establish guidelines, regulations, and requirements for the operation and management of the HOA. They also establish both the rights and obligations of the individual owners. If you wish to familiarize yourself with the statutes or download a copy for reference they are easily available on the State's website.

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Executive Board

EXHIBIT “33”

EXHIBIT “33”

Mel Essington Bill Noble
HC 60 Box 760 HC 60 Box 735
Ruby Valley, NV 89833 Ruby Valley, NV 89833

June 20, 2010

Dear Fellow Ruby Lake Estates Landowner;

We are writing to inform you of recent events affecting the Ruby Lake Estates Homeowners Association. As you may be aware in December of 2009 the question was raised concerning the formation of the Homeowners Association (HOA). A less than satisfactory response from the Association has resulted in filing a formal complaint with the office of the Nevada State Ombudsman for Common Interest Communities. That office being overloaded with a large workload has yet to issue a formal response to the complaint. Bill has called their offices and discussed the issue with their staff. Other interested landowners aware of the complaint have called that office seeking information on its progress. Their administrative staff have completed their review and stated it has been forwarded to their legal staff. It is our understanding that means it has gone to the Attorney General. As this particular issue represents something completely new and unusual they are proceeding carefully.

Many if not all of us were wholly unfamiliar with the details associated with an HOA at the time it was allegedly formed. We say *allegedly* because it is increasing apparent the Ruby Lake Estates HOA may have been improperly established under state statutes. Due to the extreme level of controversy and dispute over HOA's in Nevada the Legislature enacted an entire section of the Nevada Revised Statutes to provide a level of oversight of HOA activities. Section 116 of the NRS's provides those governing regulations. NRS 116.301 requires that an HOA must be registered with the State "no later than the date the first unit in the common-interest community was conveyed." A copy of that regulation is attached for your information and files. As the Ruby Lake Estates HOA was formed some 16 years after the first unit was conveyed, it seems apparent the Ruby Lake Estates HOA fails this basic requirement.

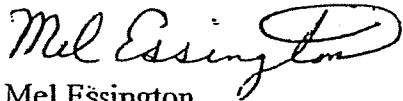
For those of you not more closely associated with the operation of the alleged HOA, a difference in opinion concerning its management has led to an increasing division between the officers and we two directors as well as several of the landowners. The response of the officers has been an attempt to remove the dissenting directors. The issue at hand is greater than a simple dispute over management style or between personalities.

Membership in an HOA conveys considerable latitude, discretion, and authority over your deed and individual property rights to its officers and board. That level of authority has a similar affect within the HOA as law in society. Indeed elected HOA officials are considered under State Statue to be the same as elected State officials. The HOA officers and Board can at their sole discretion establish and set annual dues, fees, fines,

rules, including their enforcement, enter into financial obligations, and make errors in judgment subject to financial penalties that affect all of the landowners equally. That level of authority is subject to abuse. In extreme cases in southern Nevada homeowners have lost their homes to HOA's and their attorneys. Some of those cases are under investigation by the FBI. Entering into a HOA is a serious legal undertaking having potentially severe personal, social, and financial consequences. By joining an HOA you are giving up substantial personal rights for yourself, your family, heirs, and assigns in perpetuity.

It is our belief given the significance of the act of joining and the degree of personal rights which are thereby given over to an HOA such a serious undertaking cannot be done after the fact, as in the case of the Ruby Lake Estates, without 100% of the individual landowners signing proper legal documentation to that effect. In the case of the alleged Ruby Lake Estates HOA we believe a mere show of hands vote by a purported simple majority of landowners was wholly inadequate to convey their rights and bind themselves, as well as those who did not attend and vote, to such an HOA and its serious legal obligations.

Sincerely,



Mel Essington

Bill Noble



enclosure

Mel Essington Bill Noble
HC 60 Box 760 HC 60 Box 735
Ruby Valley, NV 89833 Ruby Valley, NV 89833

June 20, 2010

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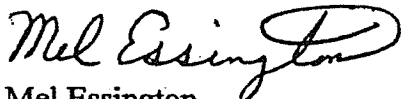
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rules, including their enforcement, enter into financial obligations, and make errors in judgment subject to financial penalties that affect all of the landowners equally. That level of authority is subject to abuse. In extreme cases in southern Nevada homeowners have lost their homes to HOA's and their attorneys. Some of those cases are under investigation by the FBI. Entering into a HOA is a serious legal undertaking having potentially severe personal, social, and financial consequences. By joining an HOA you are giving up substantial personal rights for yourself, your family, heirs, and assigns in perpetuity.

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Sincerely,


Mel Essington

Bill Noble



enclosure

EXHIBIT “34”

EXHIBIT “34”

Better Reserve Consultants
2171 W. Williams Ave. #214
Fallon, Nevada 89406
Phone 775-427-1617
Fax 775-428-5818

Funding Reserve Analysis

for

Ruby Lake Estates Homeowners Association

July 14, 2009

RLE 084

Funding Reserve Analysis

for

Ruby Lake Estates Homeowners Association

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12	Present Cost Report
13	Cash Flow
14	Dues Summary
15 to 16	Revenue Report
17 to 18	Expense Report

RLE 085

Better Reserve Consultants
2171 W. Williams Ave. #214
Fallon, Nevada 89406
Phone 775-427-1617
Fax 775-428-5818

July 14, 2009

Ruby Lake Estates Homeowners Association - Lee Perks
765 East Greg St. #103
Sparks, Nevada 89431

Subject: Ruby Lake Estates Homeowners Association

Better Reserve Consultants is pleased to present to Ruby Lake Estates Homeowners Association the requested Reserve Funding study. We believe that you will find the attached study to be thorough and complete. After you have had an opportunity to review the report you may have questions. Please do not hesitate to write or call - we would be pleased to answer any questions you may have.

Project Description

Homeowners Association Reserve Study.

Depth of Study

Full Service Reserve Study with Field Inspection

A field inspection was made to verify the existing condition of the various reserve study components, their physical condition, and to verify component quantities. In place testing, laboratory testing, and non-destructive testing of the reserve study components were not performed. Field measurements of component quantities were made to either verify improvement plan take offs or determine directly the quantities of various components. If possible, actual Bids or recent costs from Contractors were used. Photographs were not taken of the site improvements.

Summary of Financial Assumptions

The below table contains a partial summary of information provided by Ruby Lake Estates Homeowners Association for the Ruby Lake Estates Homeowners Association funding study.

<i>Reserve Study by Calendar Year Starting</i>	<i>January 1, 2009</i>
<i>Funding Study Length</i>	<i>30 Years</i>
<i>Number of Dues Paying Members</i>	<i>51</i>
<i>Reserve Balance as of January 1, 2009</i>	<i>\$0</i>
<i>Annual Inflation Rate</i>	<i>2.50%</i>
<i>Tax Rate on Reserve Interest ¹</i>	<i>30.00%</i>
<i>Minimum Reserve Account Balance</i>	<i>\$0</i>
<i>Dues Change Period</i>	<i>5 Years</i>
<i>Annual Operating Budget</i>	<i>\$7,161</i>

¹ Taxed as an IRS exempt association

Reserve Study Assumptions

- Cost estimates and financial information are accurate and current.
- No unforeseen circumstances will cause a significant reduction of reserves.
- Sufficient comprehensive property insurance exists to protect from insurable risks.

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Ruby Lake Estates Homeowners Association Funding Study Summary - Continued

- The association plans to continue to maintain the existing common areas and amenities.
- Reserve payments occur at the end of every calendar month.
- Expenses occur at the end of the expense year.

Impact of Component Life

The projected life expectancy of the major components and the reserve funding needs of the association are closely tied. Performing the appropriate routine maintenance for each major component generally increases the component useful life, effectively moving the component expense into the future which reduces the reserve funding payments of the association. Failure to perform such maintenance can shorten the remaining useful life of the major components, bringing the replacement expense closer to the present which increases the reserve funding payments of the association.

Inflation Estimate

The Report includes an inflation rate based on the National Inflation Average.

Initial Reserves

The Beginning Reserve Balance for this Reserve Study has been provided by the Management Company. If the Reserve Study Start Date is not the date that the Reserve Study was prepared, the Initial Reserves may be an estimation of a future Reserve Bank Account Balance.

Reserve Funding Goal

The reserve fund is set to be at or above the prescriptive value- Minimum Reserve Value-- listed in this Study.

Study Method

Component Funding Method

Funding studies may be done in several ways, but we believe that the value of a funding study lies in the details. "Bulk" studies are quick, usually inexpensive, and almost always border on worthless. We believe that meaningful answers to funding studies lie in the details. In this study, we have used the "Component" method because it is the only method which allows scrutiny of the funding details. The method is pragmatic, and allows human judgement and experience to enter into the equation.

Unless noted otherwise, the present cost of every reserve item in this report has been estimated using the "National Construction Estimator", a nationally recognized standard, and modified by an area cost adjustment factor. Where possible, known costs have been used. In addition, every reserve item has been given an estimated remaining useful life, an estimated useful life when new, and has been cast into the future to determine the inflated cost.

Equal annual payments are calculated for each reserve item based upon a payment starting year and a payment ending year using the end of period payment method. Interest earned on accumulated reserve funds and taxes on the reserve interest are also calculated. Initial reserve funds are consumed as expenses occur until fully depleted, reducing annual reserve payments to a minimum. As you review this report, we are certain that you will appreciate the level of detail provided, allowing you to review each reserve item in detail.

Summary of Findings

Better Reserve Consultants has estimated future projected expenses for Ruby Lake Estates Homeowners Association based upon preservation of existing improvements.

The attached funding study is limited in scope to those expense items listed in the attached "Ruby Lake Estates Homeowners Association Reserve Study Expense Items". Expense items which have an expected life of more than 30 Years are not included in this reserve study unless payment for these long lived items occurs within the 30 Years of the reserve study envelope.

Of primary concern is the preservation of a positive funding balance with funds sufficient to meet projected expenses throughout the study life. Based upon the attached funding study, it is our professional opinion that member monthly

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Ruby Lake Estates Homeowners Association Funding Study Summary - Continued

fees as shown in the attached "Ruby Lake Estates Homeowners Association Dues Summary" will realize this goal. Some reserve items in the "Revenue Summary Table" may not contain payments. In this analysis the initial reserves were used to make annual payments for expense items in their order of occurrence until the initial reserve was consumed. As a result reserve items without payments may be expected, particularly in the first few years of the funding study. Reserve items that have been paid with initial reserve funds are highlighted in the color gray in the Expense Reports and Revenue Reports.

A summary of our recommended Capital Reserve payments for the next five years is shown below.

Proposed Payment Schedule

Calendar Year	Member Monthly Operations Payment*	Member Monthly Reserve Payment	Member Total Monthly Payment	Member Total Annual Payment	Monthly Reserve Payment	Annual Reserve Payment	Proposed Reserve Balance
2009	\$11.70	\$6.92	\$18.62	\$223.48	\$353.00	\$4,237.00	\$4,294
2010	\$11.99	\$6.92	\$18.92	\$226.99	\$353.00	\$4,237.00	\$8,385
2011	\$12.29	\$6.92	\$19.22	\$230.59	\$353.00	\$4,237.00	\$12,614
2012	\$12.60	\$6.92	\$19.52	\$234.28	\$353.00	\$4,237.00	\$8,144
2013	\$12.92	\$6.92	\$19.84	\$238.06	\$353.00	\$4,237.00	\$10,362
2014	\$13.24	\$6.92	\$20.16	\$241.93	\$353.00	\$4,237.00	\$9,986

* Operations Payments Include an annual inflation factor of 2.5%

Percent Funded

Many reserve studies use the concept of "Percent Funded" to measure the reserve account balance against a theoretically perfect value. Percent Funded is often used as a measure of the "Financial Health" of an association. The assumption is, the higher the percentage, the greater the "Financial Health". The question of substance is simply: How much is enough?

To answer the question, some understanding of Percent Funded is required. Percent Funded is the ratio of current cash reserves divided by the Fully Funded value at any instant in time. Fully Funded is defined as the present value of the sum of all reserve items divided by the expected life of each item. In essence, Fully Funded is simply the total of the average net present value of the association improvements.

Reserve items with a remaining life greater than the study life are not included in the calculation. For example; building framing, foundations, water lines, sewer lines and other long-lived items that fall outside the envelope of the reserve study are excluded from the calculation. Percent Funded is then, the current reserve balance divided by the Fully Funded value multiplied by 100 (to give a percentage).

The concept of percent funded is useful when the reserve study is comprehensive, but misleading when the reserve study is superficial or constrained. As a result, we recommend that the statement "Percent Funded" be used with caution.

Keeping Your Reserve Study Current

Better Reserve Consultants believes that funding studies are an essential part of property management. People and property are constantly changing and evolving. As a result, the useful life of a funding study is at best a few years, and certainly not more than five years. This reserve study should be updated:

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Ruby Lake Estates Homeowners Association Funding Study Summary - Continued

- At least once a year
- At changes in interest rates
- At changes in inflation rates
- At changes in the number of dues paying members
- Before starting new improvements
- Before making changes to the property
- After a flood or fire
- After the change of ownership or management
- After Annexation or Incorporation

Items Beyond the Scope of this Report

- Building code or zoning ordinance violations.
- Geological stability or soils conditions.
- Structural stability or engineering analysis.
- Termites, pests or other destroying organisms.
- Asbestos, radon, formaldehyde, lead, water or air quality, electromagnetic radiation or any environmental hazards.
- Building value or appraisals.
- Those portions of pools and spas below grade, including piping and pool bodies.
- Specific components noted as excluded on the report.
- Adequacy of efficiency of any system or component.
- Information not provide by the management company or association necessary to identify all assets.

Statement of Qualifications

Mari Jo Betterley – Reserve Specialist
Nevada Permit RSS.0000025
CAI RS-169

Better Reserve Consultants is a professional in the business of preparing reserve studies for community associations. I have inspected the association improvements, and have made a complete review of all components required to complete a reserve study. I have completed a physical inspection of the components listed in this reserve study. My inspection included a review of current condition, economic life, remaining useful life, and replacement cost of all components included in this reserve study. No destructive testing was done. This was done by field measurements not drawing take-offs.

Conflict of Interest

As the preparer of this reserve study, Better Reserve Consultants certifies that we do not have any vested interests, financial interests, or other interests that would cause a conflict of interest in the preparation of this reserve study.


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Prepared by Better Reserve Consultants

Ruby Lake Estates Homeowners Association Funding Study Summary - Continued

Better Reserve Consultants would like to thank for the opportunity to be of service in the preparation of the attached Funding Study. Again, please feel free to write or call at our letterhead address if you have any questions.

Prepared by:



Mari Jo and Tim Betterley
Better Reserve Consultants

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Ruby Lake Estates Homeowners Association Reserve Study Expense Item Summary

Reserve Items	Current Cost When New	Estimated Remaining Life	Expected Life When New	First Replacement Cost	Raw Annual Payment	Repeating Item?
Common Area						
Cattle Guards	\$2,500	10 Years	20 Years	\$3,290	\$225	Yes
Dirt Road Maintenance	\$8,000	3 Years	3 Years	\$8,840	\$2,001	Yes
Fencing	\$1,000	5 Years	5 Years	\$1,162	\$166	Yes
Gates	\$1,500	10 Years	30 Years	\$1,974	\$135	Yes
Entrance Signs	\$3,000	5 Years	15 Years	\$3,485	\$499	Yes
Street Signs	\$500	10 Years	30 Years	\$658	\$45.00	Yes
Reserve Study						
Full Reserve Study	\$1,750	4 Years	5 Years	\$1,983	\$350	Yes
Annual Reserve Study Update	\$350	1 Year	1 Year	\$368	\$175	Yes

Missing table information is identical to the first printed information above.

Raw Annual Payments do not include earned interest, tax adjustments or payments made with initial reserves.

Months Remaining in Calendar Year 2009: 12

Expected annual inflation: 2.50%

Interest earned on reserve funds: 5.00%

Initial Reserve: \$0

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Ruby Lake Estates Homeowners Association Funding Study Expense Item Summary - Continued

Abbreviations

AC - Asphalt	EP - Electrical Panelboard	PNT - Paint
AQ - Average Quality	EXT - Exterior	PVMT - Pavement
BLDG - Building	FA - Fire Alarm	PWD - Plywood
BLK - Block	FLR - Floor	QT - Quarry Tile
BUR - Built up Roof	FN - Fence	R/R - Remove and Replace
C&G - Curb and Gutter	FND - Foundation	RA - Return Air
CAB - Cabinet	FPL - Fireplace	RCP - Reinforced Concrete Pipe
CB - Catch Basin	FTG - Footing	RD - Roof Drain
CEM - Cement	FY - Fiscal Year	REM - Remove
CFT - Cubic Foot	HQ - High Quality	RL - Rail
CIP - Cast-in-place Concrete	LAM - Laminate	S - South
CMU - Concrete Masonry Unit	LAV - Lavatory	SCB - Speed Control Bump
COL - Column	LC - Light Control	SHTH - Sheathing
CPT - Carpet	LW - Lightweight Concrete	SQ - Square
CT - Ceramic Tile	MAS - Masonry	ST - Steel
CTR - Counter	MFD - Metal Floor Decking	STO - Storage
CYD - Cubic Yard	MH - Manhole	SYS - System
D - Drain	MQ - Medium Quality	VB - Vapor Barrier
DEM - Demolish	MRB - Marble	W - West
DR - Door	MRD - Metal Roof Decking	WC - Water Closet
DS - Downspout	N - North	WIN - Window
DW - Dumb Waiter	PCC - Portland Cement Concrete	YD - Yard
E - East	PCC - Portland Cement Concrete	
EA - Each	PG - Plate Glass	
ELEC - Electrical	PNL - Panel	

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Ruby Lake Estates Homeowners Association Reserve Study Expense Item Listing

Reserve Items	Unit Cost	No Units	Current Cost When New	Estimated Remaining Life	Expected Life When New	Calendar Year	Estimated Future Cost	Raw Annual Payment
Common Area								
Cattle Guards	\$1,250 ea	2	\$2,500	10 Years 20 Years	20 Years	2019 2039	\$3,290 \$5,422	\$224.98 \$158.30
Dirt Road Maintenance	\$8,000 ea	1	\$8,000	3 Years	3 Years	2012 2015 2018 2021 2024 2027 2030 2033 2036 2039	\$8,840 \$9,528 \$10,270 \$11,069 \$11,930 \$12,858 \$13,858 \$14,936 \$16,098 \$17,351	\$2,001.05 \$2,950.43 \$3,179.97 \$3,427.37 \$3,694.02 \$3,981.42 \$4,291.17 \$4,625.02 \$4,984.85 \$5,372.67
Fencing	\$1,000 ea	1	\$1,000	5 Years	5 Years	2014 2019 2024 2029 2034 2039	\$1,162 \$1,316 \$1,491 \$1,690 \$1,914 \$2,169	\$166.42 \$232.24 \$263.13 \$298.13 \$337.78 \$382.70
Gates	\$500 ea	3	\$1,500	10 Years 30 Years	30 Years	2019 2049	\$1,974 \$4,176	\$134.99 \$60.21
Entrance Signs	\$1,500 ea	2	\$3,000	5 Years 15 Years	15 Years	2014 2029 2044	\$3,485 \$5,069 \$7,372	\$499.25 \$227.56 \$330.96
Street Signs	\$500 ea	1	\$500	10 Years 30 Years	30 Years	2019 2049	\$658 \$1,392	\$45.00 \$20.07
Reserve Study								
Full Reserve Study	\$1,750 ea	1	\$1,750	4 Years 5 Years	5 Years	2013 2018 2023 2028 2033 2038 2043	\$1,983 \$2,246 \$2,545 \$2,884 \$3,267 \$3,702 \$4,194	\$349.87 \$396.40 \$449.12 \$508.85 \$576.53 \$653.21 \$740.09
Annual Reserve Study Update	\$350 ea	1	\$350	1 Year	1 Year	2010 2011	\$368 \$377	\$175.30 \$368.66

Ruby Lake Estates Homeowners Association Reserve Study Expense Item Listing - Continued

Reserve Items	Unit Cost	No Units	Current Cost When New	Estimated Remaining Life	Expected Life When New	Calendar Year	Estimated Future Cost	Raw Annual Payment
Annual Reserve Study Update	\$350 ea	1	\$350	1 Year	1 Year	2012	\$387	\$377.99
						2013	\$397	\$387.54
						2014	\$407	\$397.35
						2015	\$417	\$407.39
						2016	\$427	\$417.70
						2017	\$438	\$428.26
						2018	\$449	\$439.09
						2019	\$461	\$450.19
						2020	\$472	\$461.58
						2021	\$484	\$473.25
						2022	\$496	\$485.22
						2023	\$509	\$497.49
						2024	\$522	\$510.07
						2025	\$535	\$522.97
						2026	\$549	\$536.19
						2027	\$563	\$549.75
						2028	\$577	\$563.65
						2029	\$591	\$577.91
						2030	\$606	\$592.52
						2031	\$622	\$607.51
						2032	\$637	\$622.87
						2033	\$653	\$638.62
						2034	\$670	\$654.77
						2035	\$687	\$671.33
						2036	\$704	\$688.31
						2037	\$722	\$705.71
						2038	\$740	\$723.56
						2039	\$759	\$741.86
						2040	\$778	\$760.62

Missing table information is identical to the first printed information above.

Raw Annual Payments do not include earned interest, tax adjustments or payments made with initial reserves.

Months Remaining in Calendar Year 2009: 12

Expected annual inflation: 2.50% Interest earned on reserve funds: 5.00% Initial Reserve: \$0

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Present Costs

Category	Item Name	No Units	Unit Cost	Present Cost	Net Present Value	Depreciation
Common Area	Cattle Guards	2	\$1,250.00 ea	\$2,500.00	\$1,250.00	\$1,250.00
	Dirt Road Maintenance	1	\$8,000.00 ea	\$8,000.00	\$8,000.00	\$0.00
	Fencing	1	\$1,000.00 ea	\$1,000.00	\$1,000.00	\$0.00
	Gates	3	\$500.00 ea	\$1,500.00	\$500.00	\$1,000.00
	Entrance Signs	2	\$1,500.00 ea	\$3,000.00	\$1,000.00	\$2,000.00
	Street Signs	1	\$500.00 ea	\$500.00	\$166.67	\$333.33
Common Area Sub Total =				\$16,500.00	\$11,916.67	\$4,583.33
Reserve Study	Full Reserve Study	1	\$1,750.00 ea	\$1,750.00	\$1,400.00	\$350.00
	Annual Reserve Study Update	1	\$350.00 ea	\$350.00	\$350.00	\$0.00
Reserve Study Sub Total =				\$2,100.00	\$1,750.00	\$350.00
Total of All Costs Above =				\$18,600.00	\$13,666.67	\$4,933.33

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Ruby Lake Estates Homeowners Association Funding Study Cash Flow Analysis

Calendar Year	Annual Payment	Annual Interest	Annual Expenses	Annual Income Tax	Net Reserve Funds	% Funded
2009	\$4,237	\$82		\$25	\$4,294	46.9 %
2010	\$4,237	\$318	\$368	\$95	\$8,385	66.9 %
2011	\$4,237	\$527	\$377	\$158	\$12,614	80.2 %
2012	\$4,237	\$744	\$9,227	\$223	\$8,144	43.0 %
2013	\$4,237	\$515	\$2,379	\$155	\$10,362	72.6 %
2014	\$4,237	\$629	\$5,053	\$189	\$9,986	60.3 %
2015	\$5,036	\$628	\$9,945	\$188	\$5,516	33.6 %
2016	\$5,036	\$399	\$427	\$120	\$10,405	89.7 %
2017	\$5,036	\$649	\$438	\$195	\$15,457	94.7 %
2018	\$5,036	\$908	\$12,965	\$272	\$8,164	38.8 %
2019	\$5,036	\$535	\$7,700	\$160	\$5,875	43.2 %
2020	\$5,407	\$426	\$472	\$128	\$11,108	95.3 %
2021	\$5,407	\$694	\$11,553	\$208	\$5,449	32.1 %
2022	\$5,407	\$404	\$496	\$121	\$10,643	92.7 %
2023	\$5,407	\$670	\$3,054	\$201	\$13,465	78.9 %
2024	\$5,407	\$815	\$13,943	\$244	\$5,500	27.3 %
2025	\$6,068	\$422	\$535	\$127	\$11,328	88.7 %
2026	\$6,068	\$721	\$549	\$216	\$17,352	92.4 %
2027	\$6,068	\$1,029	\$13,420	\$309	\$10,720	43.2 %
2028	\$6,068	\$689	\$3,461	\$207	\$13,810	75.6 %
2029	\$6,068	\$848	\$7,349	\$254	\$13,121	60.2 %
2030	\$6,854	\$831	\$14,464	\$249	\$6,092	28.1 %
2031	\$6,854	\$471	\$622	\$141	\$12,654	85.6 %
2032	\$6,854	\$807	\$637	\$242	\$19,434	89.3 %
2033	\$6,854	\$1,154	\$18,857	\$346	\$8,238	28.7 %
2034	\$6,854	\$581	\$2,584	\$174	\$12,914	71.8 %
2035	\$7,629	\$838	\$687	\$251	\$20,443	86.7 %
2036	\$7,629	\$1,223	\$16,803	\$367	\$12,126	39.0 %
2037	\$7,629	\$798	\$722	\$239	\$19,591	85.5 %
2038	\$7,629	\$1,180	\$4,442	\$354	\$23,604	76.5 %
2039	\$7,629	\$1,385	\$25,701	\$415	\$6,502	18.5 %
Totals :	\$180,391	\$21,918	\$189,232	\$6,575		

The cash distribution shown in this table applies to repair and replacement cash reserves only.

Basis of Funding Study

Cash reserves have been set to a minimum of \$0

Months Remaining in Calendar Year 2009: 12 Inflation = 2.50 % Interest = 5.00 %

Study Life = 30 years Initial Reserve Funds = \$0.00 Final Reserve Value = \$0.00

Annual Payments Held Constant for 5 years

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Ruby Lake Estates Homeowners Association Reserve Payment Summary

Projected Payments by Month and by Calendar Year

Calendar Year	Member Monthly Operations Payment	Member Monthly Reserve Payment	Member Total Monthly Payment	Member Total Annual Payment	Monthly Reserve Contribution	Annual Reserve Contribution
2009	\$11.70	\$6.92	\$18.62	\$223.48	\$353	\$4,237
2010	\$11.99	\$6.92	\$18.92	\$226.99	\$353	\$4,237
2011	\$12.29	\$6.92	\$19.22	\$230.59	\$353	\$4,237
2012	\$12.60	\$6.92	\$19.52	\$234.28	\$353	\$4,237
2013	\$12.92	\$6.92	\$19.84	\$238.06	\$353	\$4,237
2014	\$13.24	\$6.92	\$20.16	\$241.93	\$353	\$4,237
2015	\$13.57	\$8.23	\$21.80	\$261.59	\$420	\$5,036
2016	\$13.91	\$8.23	\$22.14	\$265.66	\$420	\$5,036
2017	\$14.26	\$8.23	\$22.49	\$269.83	\$420	\$5,036
2018	\$14.61	\$8.23	\$22.84	\$274.11	\$420	\$5,036
2019	\$14.98	\$8.23	\$23.21	\$278.49	\$420	\$5,036
2020	\$15.35	\$8.84	\$24.19	\$290.26	\$451	\$5,407
2021	\$15.74	\$8.84	\$24.57	\$294.87	\$451	\$5,407
2022	\$16.13	\$8.84	\$24.97	\$299.59	\$451	\$5,407
2023	\$16.53	\$8.84	\$25.37	\$304.43	\$451	\$5,407
2024	\$16.95	\$8.84	\$25.78	\$309.39	\$451	\$5,407
2025	\$17.37	\$9.91	\$27.29	\$327.42	\$506	\$6,068
2026	\$17.80	\$9.91	\$27.72	\$332.63	\$506	\$6,068
2027	\$18.25	\$9.91	\$28.16	\$337.97	\$506	\$6,068
2028	\$18.71	\$9.91	\$28.62	\$343.45	\$506	\$6,068
2029	\$19.17	\$9.91	\$29.09	\$349.06	\$506	\$6,068
2030	\$19.65	\$11.20	\$30.85	\$370.22	\$571	\$6,854
2031	\$20.14	\$11.20	\$31.34	\$376.11	\$571	\$6,854
2032	\$20.65	\$11.20	\$31.85	\$382.15	\$571	\$6,854
2033	\$21.16	\$11.20	\$32.36	\$388.35	\$571	\$6,854
2034	\$21.69	\$11.20	\$32.89	\$394.70	\$571	\$6,854
2035	\$22.24	\$12.47	\$34.70	\$416.42	\$636	\$7,629
2036	\$22.79	\$12.47	\$35.26	\$423.09	\$636	\$7,629
2037	\$23.36	\$12.47	\$35.83	\$429.92	\$636	\$7,629
2038	\$23.94	\$12.47	\$36.41	\$436.93	\$636	\$7,629
2039	\$24.54	\$12.47	\$37.01	\$444.12	\$636	\$7,629

In the context of the Reserve Payment Summary, the "Annual Reserve Payment" corresponds with the "Annual Revenue" in the Cash Flow report.

Operations Payments Include an annual inflation factor of 2.50%

Number of Payment Months in Calendar Year 2009: 12

Number of Years of Constant Payments: 5

Number of Dues Paying Members: 51

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Prepared by Better Reserve Consultants
Ruby Lake Estates Homeowners Association Funding Adjusted Revenue by Calendar Year

Item Name	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Reserve Category : Common Area															
Cattle Guards	\$265	\$265	\$252	\$251	\$200	\$198	\$245	\$233	\$233	\$232	\$218	\$169	\$168	\$159	\$159
Dirt Road Maintenance	\$2,357	\$2,357	\$2,237	\$2,231	\$2,627	\$2,596	\$3,217	\$3,296	\$3,289	\$3,282	\$3,325	\$3,657	\$3,649	\$3,728	\$3,720
Fencing	\$196	\$196	\$186	\$185	\$148	\$146	\$253	\$240	\$240	\$239	\$225	\$281	\$280	\$265	\$265
Gates	\$159	\$159	\$151	\$151	\$120	\$119	\$147	\$140	\$140	\$139	\$131	\$64	\$64	\$61	\$60
Entrance Signs	\$588	\$588	\$558	\$556	\$444	\$439	\$249	\$236	\$236	\$235	\$221	\$243	\$243	\$230	\$230
Street Signs	\$53	\$53	\$50	\$50	\$40	\$40	\$49	\$47	\$47	\$46	\$44	\$21	\$21	\$20	\$20
Common Area Subtotal:	\$3,618	\$3,618	\$3,434	\$3,424	\$3,579	\$3,538	\$4,160	\$4,192	\$4,185	\$4,173	\$4,164	\$4,435	\$4,425	\$4,463	\$4,454
Reserve Category : Reserve Study															
Full Reserve Study	\$412	\$412	\$391	\$390	\$312	\$348	\$432	\$410	\$410	\$409	\$436	\$479	\$478	\$453	\$452
Annual Reserve Study Update	\$206	\$206	\$412	\$421	\$345	\$349	\$444	\$433	\$443	\$453	\$437	\$493	\$504	\$489	\$500
Reserve Study Subtotal:	\$618	\$618	\$803	\$811	\$657	\$697	\$876	\$843	\$853	\$862	\$873	\$972	\$982	\$942	\$952
Total Revenue:	\$4,237	\$4,237	\$4,237	\$4,237	\$4,237	\$4,237	\$5,036	\$5,036	\$5,036	\$5,036	\$5,036	\$5,407	\$5,407	\$5,407	\$5,407

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Prepared by Better Reserve Consultants
Ruby Lake Estates Homeowners Association Funding Adjusted Revenue by Calendar Year - Continued

Item Name	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038
Reserve Category : Common Area															
Cattle Guards	\$157	\$166	\$166	\$165	\$156	\$154	\$170	\$161	\$161	\$160	\$150	\$166	\$166	\$157	\$157
Dirt Road Maintenance	\$3,671	\$4,181	\$4,171	\$4,162	\$4,249	\$4,193	\$4,618	\$4,720	\$4,708	\$4,698	\$4,745	\$5,237	\$5,225	\$5,335	\$5,322
Fencing	\$261	\$313	\$312	\$312	\$295	\$291	\$364	\$345	\$344	\$343	\$322	\$402	\$401	\$380	\$379
Gates	\$60	\$63	\$63	\$63	\$59	\$59	\$65	\$61	\$61	\$61	\$57	\$63	\$63	\$60	\$59
Entrance Signs	\$227	\$239	\$239	\$238	\$226	\$223	\$356	\$338	\$337	\$336	\$315	\$348	\$347	\$329	\$328
Street Signs	\$20	\$21	\$21	\$21	\$20	\$20	\$22	\$20	\$20	\$20	\$19	\$21	\$21	\$20	\$20
Common Area Subtotal:	\$4,396	\$4,983	\$4,972	\$4,961	\$5,005	\$4,940	\$5,595	\$5,645	\$5,631	\$5,618	\$5,608	\$6,237	\$6,223	\$6,281	\$6,265
Reserve Category : Reserve Study															
Full Reserve Study	\$506	\$535	\$533	\$532	\$504	\$564	\$621	\$589	\$587	\$586	\$622	\$686	\$684	\$648	\$647
Annual Reserve Study Update	\$507	\$549	\$562	\$575	\$558	\$565	\$638	\$620	\$634	\$649	\$623	\$705	\$721	\$701	\$717
Reserve Study Subtotal:	\$1,013	\$1,084	\$1,095	\$1,107	\$1,062	\$1,129	\$1,259	\$1,209	\$1,221	\$1,235	\$1,245	\$1,391	\$1,405	\$1,349	\$1,364
Total Revenue:	\$5,407	\$6,068	\$6,068	\$6,068	\$6,068	\$6,068	\$6,854	\$6,854	\$6,854	\$6,854	\$6,854	\$7,629	\$7,629	\$7,629	\$7,629

RLE 099

2RA245

Prepared by Better Reserve Consultants
Ruby Lake Estates Homeowners Association Funding Study - Expenses by Item and by Calendar Year

Item Description	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029
Reserve Category : Common Area																				
Cattle Guards										\$3,290										
Dirt Road Maintenance			\$8,840			\$9,528			\$10,270			\$11,069			\$11,030			\$12,858		
Fencing					\$1,162					\$1,316					\$1,481					\$1,680
Gates										\$1,974										
Entrance Signs					\$3,465															\$5,089
Street Signs										\$658										
Category Subtotal :			\$8,840		\$4,647	\$9,528			\$10,270	\$7,238		\$11,069			\$13,421			\$12,858		\$8,759
Reserve Category : Reserve Study																				
Full Reserve Study				\$1,983					\$2,246						\$2,545				\$2,864	
Annual Reserve Study Update	\$368	\$377	\$387	\$397	\$407	\$417	\$427	\$438	\$449	\$461	\$472	\$484	\$496	\$509	\$522	\$535	\$549	\$563	\$577	\$591
Category Subtotal :	\$368	\$377	\$387	\$397	\$407	\$417	\$427	\$438	\$449	\$461	\$472	\$484	\$496	\$509	\$522	\$535	\$549	\$563	\$577	\$591
Expense Totals :	\$368	\$377	\$9,227	\$2,379	\$5,053	\$9,945	\$427	\$438	\$12,965	\$7,700	\$472	\$11,553	\$496	\$2,054	\$13,943	\$535	\$549	\$13,420	\$3,461	\$7,349

Prepared by Better Reserve Consultants
Ruby Lake Estates Homeowners Association Funding Study Expenses by Calendar Year - Continued

Item Description	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039
Reserve Category : Common Area										
Cattle Guards										\$5,422
Dirt Road Maintenance	\$13,858			\$14,936			\$16,098			\$17,351
Fencing					\$1,914					\$2,169
Gates										
Entrance Signs										
Street Signs										
Category Subtotal:	\$13,858			\$14,936	\$1,914		\$16,098			\$24,942
Reserve Category : Reserve Study										
Full Reserve Study				\$3,267					\$3,702	
Annual Reserve Study Update	\$608	\$622	\$637	\$653	\$670	\$687	\$704	\$722	\$740	\$759
Category Subtotal:	\$608	\$622	\$637	\$3,920	\$670	\$687	\$704	\$722	\$4,442	\$759
Expense Totals :	\$14,464	\$622	\$637	\$18,857	\$2,584	\$687	\$16,803	\$722	\$4,442	\$25,701

Expense Table Calendar Years 2009, do not contain any expenses and have been eliminated to save space.

EXHIBIT “35”

EXHIBIT “35”

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

**BOARD OF DIRECTORS
AND LANDOWNERS MEETING
MINUTES**

**SATURDAY, AUGUST 08, 2009 11:00 AM
AT
Ruby Valley Community Hall**

Board Members Present: Lee Perks, Mike Ceechi, Dennis McIntyre, Valeri McIntyre
Mel Essington, Bill Noble.

Board Members Absent: None

Members Present: 19 parcel owners represented

Call Meeting to Order

Lee Perks called Meeting to order.

Minutes of previous meeting: Mike Cecchi motions for approval of the minutes.
Rhonda Keife seconds motion. All Members in favor – Pass

Presidents Address: Lee discusses all the work the Board has done in regards to
developing the association to the States Standards, The Reserve Study and its purpose,
and what is required for a Board Member.

Treasurer's Report: Dennis McIntyre updates financial report. Dennis discusses 2010
budget. Roger Clark motions to approve 2010 Budget, Kris Cecchi seconds motion. All
Members in favor - Pass

Old Business:

- a. **Weed Abatement** - The Board updated the Members in regards to the
progress of our weed abatement program and the future plans for plan for
the program. The weed abatement was not very successful last year and
this fall the plan will be to use alternate chemicals. Last year the chemical
that were used were recommended by the Local Farm Bureau and persons
from the Refuge, but did not work. The weeds were so thick since it had

never been done that it wasn't very effective. This year with the road grading and the ditches have been cleared we should be more successful.

- b. **Sign Repair** – The sign repair has been completed. Future repairs will be addressed in the Reserve Study.
- c. **Status of Roads** – The Board updates the Members on the current status of the roads. The grading has been completed per the available funds that were approved at last years meeting. Since the roads were graded we have had a lot of rain and it is clear where culverts need to be placed to keep the quality of the roads. Members discuss some of their concerns as to way the roads were graded. Mike explains how they were graded and the reason as to why. He also explains that this will be the closest we can come to a standard with the funds we have available. He also advises that we do not want the county coming in and taking control as this would increase taxes and the county would impose a special assessment to complete the work. Members discuss bringing in gravel for the roads. There is discussion of getting gravel from the Forestry Division, but who will bring it in and lay it down? Where are the funds? Who would volunteer?

New Business:

- a. **Reserve Study** – Lee presents the Reserve Study to the Members. He advises that the Reserve Study is a requirement from the State of Nevada Ombudsman's Office. The purpose of the Reserve Study is to make sure that Association's in Nevada have the required money available to maintain the infrastructure of the Association. The Reserve Specialists are licensed by the State to study the needs of the Association. They advise repair/replacement costs, Life expectancy of materials/equipment, plus insurance, dues and operating costs. The Reserve study also helps maintain and guide the amount of dues needed to maintain the integrity of the Association. The Study does need to be updated every couple of years, but can be done by the board at that time, yet it still needs to be has to be certified every 5 years.
- b. **Council Interpretation of CC&R's**
Bob Wines updates the Members of the 2 years of work that the Board has put in trying to please all the Members in regards to the interpretation of the livestock clarification of the CC&R's. There have been several surveys of the Members, many arguments and lots of frustration trying to make a few happy. After hours of deliberation with the Board, the Board approved the attached interpretation as a Rule to the Associations CC&R's. Bob Wines informs the Members how difficult it is to change the CC&R's but interpretations addressed as rules can be used to clarify/interpret unclear language. He also advises that Rules can be changed and a New Board may interpret things differently. He also discusses a

process for a variance in regards to additional Livestock (not to exceed 4 horses) that a property owner can apply for. The Board has approved this method to allow exceptions to the CC&R's.

- c. **Dues** – The dues are reflected by the Reserve Study. This year they will be slightly less than last year. The new amount will be \$223.48 per lot.
- d. **Culverts and Cattle Guards** - After the grading was completed and the rains came. It was made clear where the culverts need to be placed. It is discussed that culverts will need to be placed at driveways, but it is the responsibility of the property owner to purchase and place them in their driveways. It is discussed that the Cattle Guard at the North entrance has begun to sink. It will have to be addressed as a repair item shortly. Who will repair? Volunteers? More discussion will need to be addressed as to the timing of repair and who it will be completed by.
- e. **In need of Volunteers** – The Board discusses with the Members all the time they have put in with the quarterly meetings, meeting with contractors, required classes, weed abatement, maintenance. They advise that it would be greatly appreciated if we could get some help with administering the Reserve Study, Elections committees, helping with projects for the upkeep of the Association. We all enjoy having a nice place to go to. It would be appreciated if we had some members other than the Board Members to take an active interest in the Association. Any one interested in volunteering can contact any Member of the Board with how they would like to help.

Good of the Association

- a. **Donations** – The Members discuss that it is a neighborly to keep our budget at its current level to make contributions to the local community. This last year the Association made a contribution to the Friendship Fund. The funds were used to repair the Community Hall after it was damaged from weather. The Members were able to see the repairs at this year's meeting since we use the Community Hall for our Meetings. All members were in agreement and the vote passed.

Additional items requested at the meeting:

- a. A Member requested from the Board an explanation of the new procedures the Architectural Committee is using in regards to Violations. As having received a notice she was concerned as she was unsure how to interpret the letter she received. She felt that it was unclear as to what the actual violations were for as it only referenced paragraphs from the CC&R's. She would have liked to see a more personal notification such as a visit to their place rather than a letter. It is explained as to why it needs

to be properly addresses in writing rather than personally. She still feels the letter should express better detail into why a person is receiving a violation letter. It is discussed that she will submit an alternate procedure for the Board to review.

Election Committee – Lee requests volunteers to enlist in the election committee. Nora Perks, Rhonda Keife and Kris Cecchi volunteer for the Election Committee

Adjournment – Steve Forbes Motions for adjournment. Rhonda Keife seconds. All Members are in favor and adjourn to the Bar-B-Que.

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

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Adjournment – Steve Forbes Motions for adjournment. Rhonda Keife seconds. All Members are in favor and adjourn to the Bar-B-Que.

Statement of Interpretation of language for Covenants, Conditions, and Restrictions
Ruby Lake Estates Homeowner's Association
July, 2009

Whereas, the Ruby Lake Estates Homeowner's Association (hereinafter "Association") has considered the desirability of amending certain provisions of the Covenants, Conditions, and Restrictions (hereinafter "CCR's") recorded on October 25, 1989, in Book 703, Page 287, as Document No. 283759, Official Records, Elko County, Nevada Recorder's Office; and

Whereas, the Board of Directors of Ruby Lake Estates Homeowner's Association, (hereinafter "Board:") do not believe they will have unanimous agreement to amend those CCR's, and therefore, have elected not to amend them; and

Whereas, circumstances exist which require the interpretation of certain provisions of the CCR's, and the Board desires to make this written record of their interpretation, so that all property owners of property within Ruby Lake Estates Subdivision (hereinafter "RLE") will be able to review whether the Board is following its own interpretation.

Based on the foregoing, the Board does hereby adopt the following interpretations:

FIRST: Article III states:

The following conditions are imposed upon and apply to each and every lot contained within the aforesaid real property:

Article III, Paragraph H currently states:

Animals and pets: No livestock of any name or nature will be permitted within the subdivision save and except domestic animals such as dogs, cats, and other household pets and up to four head of livestock (except during hunting and fishing season, at which time there may be more than two horses which may not be kept longer than a 45-day period) . . .

SECOND: The Board has been presented with several interpretations or issues associated with this language, which are as follows: Does hunting season include bow, black powder and rifle seasons for deer? Does hunting season include duck and goose hunting season? Does it apply to Sage Hen season? There are only about two months of each year that are not a "hunting season" for something. Additionally, there are issues relating to "fishing season", which exceeds the 45 day period. The provision allows "four head of livestock" without limiting they number of any particular type, and then allows more than "two horses" during hunting and fishing season. Is this an enforceable limitation limiting the number of horses to "two horses" during all other periods of the year? If a person owns more than one lot, is that person allowed to possess more than the "four head of livestock"? Is

this application different when a person owns two lots that are contiguous, versus lots that are not contiguous? Is the interpretation different if one lot is owned, and another leased? Is the CCR designed to prevent overgrazing? Is the CCR designed to limit the buildup of Nitrates in the soil?

THIRD: The Board does hereby adopt the following basic considerations:

1. Any lot owner may have two horses as a matter of right. Lots owned by or controlled by any single person or family shall all be considered as a single lot
2. Any lot owner may have a total of "4 head of livestock" but not more than "2 horses" on each lot that is individually fenced, as a matter of right, whether there is a residence located on both lots or not.
3. Any lot owner who owns or controls more than one lot, either contiguous or separated, and whether owned or leased, and who asserts a right to stable more than two horses on the premises controlled by that individual, shall apply to the Board for a Conditional Use Exception. Said Conditional Use Exception shall govern for all horses in excess of the two authorized animals, for all periods of time. The entire property owned or controlled must be enclosed by a fence.
4. Conditional Use Exception shall disclose the number of horses which the applicant desires to maintain on the premises, the period of time the horses will be maintained on the premises, the use to which the horses will be put, and a proposal regarding maintenance of the lot or pen which will prevent waste to the property or the accumulation of feces. Said Conditional Use Exception shall also contain a disclosure whether the applicant has conferred with his immediate adjoining neighbors (including neighbors across any road or street), and whether those neighbors approve the proposed use or oppose it.
5. Conditions for granting Conditional Use Exception, shall include the following: payment of an application fee of \$175.00; filing of a complete application; Consent by more than 50% of adjoining neighbors; membership in the Association must be in good standing; the member shall not have any pending violations of any covenant; no application for Conditional Use Exception shall be granted if there is opposition by more than 1 adjoining neighbor; the Board may consider historical violations which may affect either the issuance or conditions placed on any Use Exception; a Conditional Use Exception may contain any provision the Board shall deem necessary or reasonable to maintain the quality of living in RLE, and which shall be reasonably necessary for the protection of the adjoining neighbors; the Board may require such insurance as the Board shall deem necessary for any Conditional Use Exception for as Special Event. No Conditional Use Exception shall be granted allowing in excess of four horses per lot.

5. Any Conditional Use Exception shall be valid until December 31 unless granted for a Special Event or for a specific period of time (for example, for a special event, such as a roping); upon written request, a Conditional Use Exception shall be extended for an additional year, upon payment of a fee of \$40.00, provided there have not been any written complaints regarding any matter placed as a condition of the exception; no Conditional Use Exception for a special event shall be automatically renewed.
6. All Conditional Use Exceptions shall be issued to the applicant, and shall be personal to the applicant; no Conditional Use Exception shall be transferrable, and any issued Exception shall expire upon sale, conveyance or transfer of the lot, except to a wholly owned corporation or to a family trust.
7. Issuance of a Conditional Use Exception shall require an affirmative vote of a majority of the Board.
8. The Board recognized that homeowners may have children involved with 4-H projects. Any member whose children shall desire to undertake an active 4-H project which shall include the rearing or raising of livestock shall be subject to the following conditions: In the event the 4-H project shall increase the number of livestock above the allowable number, the homeowner shall apply for a Conditional Use Exception for the active 4-H project. There shall not be an application fee charged. Any such application shall be approved if the child is an active member of a 4-H club and if the project has been approved by the 4-H leader. The Board shall be entitled to contact the 4-H leader to determine that the project is an active, approved project. Provided that all conditions are met, approval of the Conditional Use Exception shall be approved.

AESTHETICALLY PLEASING/ SHEDS, CONTAINERS, AND STORAGE STRUCTURES WITHIN RLEHA

Sheds, containers and Storage Structures must adhere to the Ruby Lake Estates Declaration of Reservations, Conditions and Restrictions, Article #3, Condition Sections D, F, I, K, L, M, N, O, P or other conditions within the Ruby Lake Estates Declaration of Reservations, Conditions and Restrictions; in addition, all such structures must comply with all Local, State or Federal Regulations that might apply.

Should a residential dwelling exist prior to the installation/erection of the shed, container or storage structure, such buildings must be painted of a complimentary color as the residential dwelling with the roof pitched to conform with The Elko County Building Departments codes/regulations and must be of complimentary color as the existing residential dwelling roof.

Should a temporary building be placed upon the lot prior to the erection or placement of a residential dwelling, the temporary building, storage structure, shed must be approved by the Architectural Review Committee prior to installation, and shall meet with the Architectural Review Committee's approval per The Ruby Lake Estates Declaration of Reservation, Conditions and Restrictions Article #3, Conditions. Any such approval may limit the time that such temporary structure may remain on the premises. In the event the resident shall desire to convert the temporary storage structure to a permanent improvement, the resident shall be required to obtain approval from the Architectural Review Committee. However, should a residential dwelling be installed or erected after the placement of the temporary building, storage structure or shed, the residential dwelling and the temporary building, storage structure or shed shall have complimentary color roof and exterior color. All colors shall be muted and complimentary with desert and earth tones.

EXHIBIT “36”

EXHIBIT “36”

7-5-09

My following signature acknowledges
that I have completed and submitted
my nomination form for selection
as a director of the Board for the
RLE HOA

G.M. Essington

EXHIBIT “37”

EXHIBIT “37”

10-26-09

Ruby Lakes Home Owners Association Member

I am writing this letter to inform you of recent construction activity in the Ruby Lake Estate subdivision. Contrary to the expressed purpose of the CCR's a very large, commercial type structure has been erected in the subdivision. The building is 40' W 80' L and 23' High. It is a standard metal commercial type of structure common to industrial developments. It is out of place in a residential/vacation home subdivision. Due to its size, it interferes with the view from several lots.

The CCRs clearly express the intention to establish and maintain a residential and recreational home environment. This building is definitely not within that standard and thereby serves to degrade the value of the homes and land owners that are in keeping with the CCR's. Other home owners have built barns that look fully appropriate for the subdivision and provide the same storage function. Unbelievably, this monstrosity was ordered by the supervisor of Perks Plumbing secretary of the HOA, built by the president of the HOA, and approved by the vice president/chairman of the Architectural Review Committee. These are the very individuals elected and charged with the preservation of the CCRs. The President and Vice President are plumbers and business associates that live and work in Reno, and visit the subdivision only a few times each year. The second signature from the Architectural Review Committee approving the construction plans was by an individual totally unaccustomed to reviewing such construction plans who states he did not understand what it was he was approving.

If you also believe this type of over-sized, commercial building is inappropriate you can protest to the Architectural Review Committee and Board of Directors. Objections can be directed to Bob Wines, attorney for the HOA, who provides a clearinghouse function for the association. Mr. Wines can be reached at 687 6th Street, Elko, Nevada 89801 (775) 738-3171. In addition or alternatively protests can be placed with the Nevada State Ombudsman, who provides oversight of HOAs, they can be reached 2501 East Sahara Avenue, Suite 102, Las Vegas, Nevada 89104-4137 (702) 486-4033. The Ombudsman will investigate in full.

Sincerely

E. Essington

EXHIBIT “38”

EXHIBIT “38”

RUBY LAKE ESTATES HOMEOWNERS ASSOCIATION

765 East Greg Street, #103
Sparks, Nevada 89431
(Remit to)

687 6th Street, Suite 1
Elko, Nevada 89801
(Correspondence)

November 16, 2009

To: All lot owner of the Ruby Lake Estates Homeowners Association

Re: E. Essington correspondence dated 10-26-09

Dear Lot Owners of the Ruby Lake Estates,

This correspondence is being transmitted as a result to correspondence that I'm sure most, if not all of the lot owners have received from an E. Essington (lot owner within the Ruby Lake Estates), with regards to a shop/structure that has recently been constructed within the Ruby Lake Estates. Personally as a lot owner myself I have not received the E. Essington correspondence and only have knowledge of the correspondence as sent to me through other lot owners requesting clarification of the E. Essington correspondence contents. Should I or The Ruby Lake Estates Homeowners Association received this correspondence when initially transmitted I would have made every attempt to address the E. Essington contents and concerns in a more timely fashion!

As to the structure being of the size that is described with in the correspondence; yes it is of those dimensions described. The Ruby Lake Estates Declaration of Reservations, Conditions and Restrictions (CC&R's), does not stipulate as to any square footage size or height restrictions for either a residential structure or to any attached/detached structure and apparently neither does the Elko County Building Department codes as they were the governing authority to which issued the building permit for the construction of this structure.

The correspondence proceeds to ascertain that the CC&R's INTENTION is to establish and maintain a residential and recreation home environment; and I do believe to some extent that this is a true statement, although the CC&R's do not specifically allude to such! However; to say that this structure (that will house boats, trailers, off road ATV's and a backhoe along with other recreational items), is not within the norm for structures being built with in the Estates, degrades property values along with obstructing views is in nothing more than one persons opinion! Obstruction of views from an existing dwelling/structure is always impacted by building progress; as the view from my place of residence within the Estates has been impaired by at least five to six structures built within the last two to three years; I don't condemn the right of anyone to position a structure any place within their own property as long as it does not violate the CC&R's as

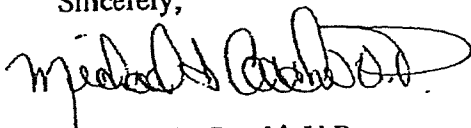
#51
originally implemented (9-6-89), and as the Board of Directors have interpreted the CC&R's through survey results/opinions transmitted to the board from the lot owners.

With regard to the defamatory statements that the President, Vice President and Secretary (actually the Treasurer, for clarification), of the Ruby Lake Estates Home Owners Association conspired to erect this structure in some illegal manner is ludicrous at best! The same individuals as listed in the E. Essington correspondence are the very same individuals that have worked very diligently in assuring that the Association is a legal binding authority (to which it wasn't in the past), with the State of Nevada and are the very same individuals that you the lot owners voted to office to insure the implementation and preservation of the CC&R's in an effort to assure a community that all of us can be proud of.

Any and all structures, fences, additions to structures, ECT require two Architectural Review Committee signatures, either to submit for an Elko County Building Department Permit or to construct a non-permit improvement. In this specific case two signatures were obtained prior to the submittal of plans and specifications to the Elko County Building Department for approval to construct. For the E. Essington correspondence to allude to the fact that the other elected Board member that approved this structure was an individual totally unaccustomed to reviewing such construction plans and who did not understand what it is was he was approving is mind boggling to me! If in the fact, the second individual didn't understand the process perhaps the second signature shouldn't been attached to the plans and specifications until further review of the issue was implemented, commented on or voted upon by the entire Executive Board as perhaps another interpretation issue of the CC&R's!

In conclusion; I hope that this correspondence, clarifies any and all questions you may have in regards to the E. Essington correspondence, however should you have additional questions/concerns please do not hesitate to contact me at your earliest convenience.

Sincerely,



Michael L. Cecchi, V.P.
Ruby Lake Estates Homeowners Association
Chairman Architectural Review Committee
325 South 18th Street
Sparks, Nevada 89431
7756-356-1781
775-356-6122 (Fax)
775-741-7610 (Cell)
Mike@bramcoconst.com

P.S. Should you not have received a copy of the E. Essington correspondence, please see the attached for your reference to this response.

EXHIBIT “39”

EXHIBIT “39”

Elizabeth Essington
HC 60 Box 760
Ruby Valley, NV 89833

December 4, 2009

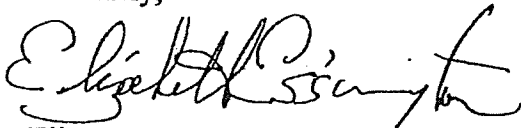
Mr. Lee Perks,
President Ruby Lake Estates HOA
765 E. Greg St. #103
Sparks, NV 89431-7133

Dear Mr. Perks:

A question concerning the HOA has arisen in my mind to which I am seeking an answer from you and or Mr. Wines. Given my research into the Nevada Revised Statutes and level of knowledge I have a question as to just how the Ruby Lake Estates Home Owners Association was formed. Specifically, I am researching the legal relationship of my land and home to the HOA given that my land was purchased and my home/office was constructed prior to formation of the HOA. I have signed no documentation legally binding or obligating my land or home to the HOA, as is also true of several other of the home owners. My research indicates a HOA is normally formed first by the developer and it is attached to the deed before the land/home is sold or alternatively some form of legally binding affidavit from all of the home owners is required. To my knowledge this has not been done in the case of the Ruby Lake Estates.

Further, my research leads me to question the actual manner in which the HOA was actually formed. Was there an acceptable written record of how many and specifically which verified land owners attended and voted at the meeting at which the HOA was supposed to have been formed? I did not attend the meeting and do not know. Did the each of the verified land owners at the organizational meeting sign any legitimate document or documents acknowledging they were legally signing away their individual rights thus binding and obligating their land and homes to the HOA and implied authority of the Executive Board? I certainly have not. In the strictest legal sense just how did our land and homes come under this implied obligation in the absence of pertinent legal documentation and supposedly via a mere show of hands by God only knows who? In short just what is the legal status of the Ruby Lake Estates HOA under the NRS's? I am greatly perplexed by this issue and am seeking your response and clarification.

Sincerely,



Elizabeth Essington

Cc.: Bob Wines, Esq., Legal Counsel for the RLEHOA

RECEIVED DEC 07 2009

Elizabeth Essington
HC 60 Box 760
Ruby Valley, NV 89833

December 4, 2009

Mr. Lee Perks,
President Ruby Lake Estates HOA
765 E. Greg St. #103
Sparks, NV 89431-7133

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Sincerely,



Elizabeth Essington

Cc.: Bob Wines, Esq., Legal Counsel for the RLEHOA

2RA00065

EXHIBIT “40”

EXHIBIT “40”

#25

HARRIS & THOMPSON
AN ASSOCIATION OF ATTORNEYS

RICHARD W. HARRIS
RICHARD K. THOMPSON

received
6-14-10

6121 LAKESIDE DRIVE
SUITE 260
RENO, NEVADA 89511
PHONE (775) 825-4300
FAX (775) 825-4829

June 9, 2010

Robert J. Wines, Esq.
687 Sixth Street, Suite 1
Elko, Nevada 89801

Re: Ruby Lake Estates

Dear Mr. Wines:

Please be advised that our office has been retained by Ms. Elizabeth Essington, whose company, Artemis Exploration Corp., owns property in Ruby Lake Estates, Elko County, Nevada. Ms. Essington has asked me to contact you regarding formation of Ruby Lake Estates Homeowner's Association in January 2006. Ms. Essington has filed a written objection with the Office of the Ombudsman of the Nevada Real Estate Division regarding formation of the Association without unanimous consent of the homeowners.

In reviewing NRS 116.3101(1), I note that "A unit-owners' association must be organized no later than the date the first unit in the common-interest community is conveyed." It would appear that the Association was formed well after the 1989 subdivision of Ruby Lake Estates.

May I have your comments in this regard? Thank you for your attention.

Very truly yours,



Richard W. Harris

RWH:hhr
(w) Artemis Exploration/8186/letters 2010
Cc: Ms. Elizabeth Essington

RLE 119

2RA272

HARRIS & THOMPSON
AN ASSOCIATION OF ATTORNEYS

RICHARD W. HARRIS
RICHARD K. THOMPSON

6121 LAKESIDE DRIVE
SUITE 260
RENO, NEVADA 89511
PHONE (775) 825-4300
FAX (775) 825-4829

June 9, 2010

Robert J. Wines, Esq.
687 Sixth Street, Suite 1
Elko, Nevada 89801

Re: Ruby Lake Estates

Dear Mr. Wines:

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May I have your comments in this regard? Thank you for your attention.

Very truly yours,



Richard W. Harris

RWH:hbr
(w) Artemis Exploration/8186/letters 2010
Cc: Ms. Elizabeth Essington

EXHIBIT “41”

EXHIBIT “41”

RUBY LAKE ESTATES HOMEOWNERS ASSOCIATION

765 EAST GREG ST #103
SPARKS, NEVADA 89431
(remit to)

687 6th Street, Suite 1
Elko, Nevada 89801
(correspondence)

December 9, 2009

Elizabeth Essington
HC 60 Box 760
Ruby Valley, NV 89833

Dear Mrs. Essington,

I am in receipt of your letter requesting information on the Ruby Lake Estates Homeowners Association. I will try and answer your questions as best I can.

- 1) The HOA was formed by the developer Steve Wright when he subdivided the properties originally. The formation of a committee was required in the original documents. Your property deed lists the CC&R's so you signed originally for this and agreed to a committee. This is your original signature and agreement. State law is very clear about this.
- 2) Steve Wright had the authority to appoint a committee to manage the CC&R's. Steve Wright had a meeting which I was appointed president, Mike Cecchi, VP, Dennis McIntyre sec/tres, Bill Harmon and Bill Noble, directors.
- 3) Once this happened I began researching the requirements of handling the committee and money required to operate. Federal law required that we obtain a Federal Id number to operate. (Steve Wright could operate under his existing). To do this we had to have a fictitious name and non profit status. This led to having an official name and registration.
- 4) To continue through our research we found out we are required per NRS 116 that insurance and council are required. We have done that.
- 5) We added to the architectural committee to lighten the load of the volunteers, which we researched and is legal. This is now our Executive committee.
- 6) There is no implied obligation or absence of legal documentation; it is there clearly in your deed.

Under the developers requirements Steve Wright did turn over the committee to the homeowners. He had the right to appoint. Steve Wright did not need any particular lot owner's permission to do this, it was strictly his choice. Now we are following the NRS

statues and administration code though the direction of our council Bob Wines. I hope this helps you understand your obligations.

Sincerely,



Lee Perks
President RLEHA

Cc: RLEHA Board members
Robert Wines, Esq.

RUBY LAKE ESTATES HOMEOWNERS ASSOCIATION

765 EAST GREG ST #103
SPARKS, NEVADA 89431
(remit to)

687 6th Street, Suite 1
Elko, Nevada 89801
(correspondence)

December 9, 2009

Elizabeth Essington
HC 60 Box 760
Ruby Valley, NV 89833

Dear Mrs. Essington,

I am in receipt of your letter requesting information on the Ruby Lake Estates Homeowners Association. I will try and answer your questions as best I can.

- 1) The HOA was formed by the developer Steve Wright when he subdivided the properties originally. The formation of a committee was required in the original documents. Your property deed lists the CC&R's so you signed originally for this and agreed to a committee. This is your original signature and agreement. State law is very clear about this.
- 2) Steve Wright had the authority to appoint a committee to manage the CC&R's. Steve Wright had a meeting which I was appointed president, Mike Cecchi, VP, Dennis McIntyre sec/tres, Bill Harmon and Bill Noble, directors.
- 3) Once this happened I began researching the requirements of handling the committee and money required to operate. Federal law required that we obtain a Federal Id number to operate. (Steve Wright could operate under his existing). To do this we had to have a fictitious name and non profit status. This led to having an official name and registration.
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- 6) There is no implied obligation or absence of legal documentation; it is there clearly in your deed.

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statues and administration code though the direction of our council Bob Wines. I hope this helps you understand your obligations.

Sincerely,



Lee Perks

President RLEHA

Cc: RLEHA Board members
Robert Wines, Esq.

EXHIBIT “42”

EXHIBIT “42”

RUBY LAKE ESTATES HOMEOWNERS ASSOCIATION

Ruby Valley, Nevada

January 7, 2008

Dear RLEHA Members,

Again this year I would like to thank everyone for attending the August 11, 2007 Association meeting. This year the meeting was held at the Ruby Valley Community Center and worked out very well. I would like to thank Valeri McIntyre for putting everything together to have a barbecue after the meeting. It was nice to have the time to meet with all of our neighbors.

I would like to welcome on the board this year Mel Essington who was elected this year as a director. Valeri McIntyre, Secretary and I, president were reelected for the next two years.

Again this year there were discussions regarding the storage and use of recreation vehicles and raising livestock. With the assistance of Bob Wines a questionnaire is being sent out to help the board clarify definitions and interpretations of our CC&R's. Please take the time to review the questionnaire and fill it out. The board will be able to propose resolutions with the findings of the questionnaire to help us all with a clear direction in the future.

We spent quite a while discussing the budget and being able to format a much more comprehensive budget forecast for our association. Dennis McIntyre has enclosed his new budget proposal. Please comment if more info is needed. We have set aside \$10,000.00 for any emergencies that may arise due to fires, floods or other unforeseen event. With the association's permission this year we would like to make this a permanent fund.

We have established a budget for our roads and can do very limited work presently. We are working with Susie Wines currently to be able and obtain weed abatement spray chemicals that the Dept. of Wildlife uses at the marshes. We are hoping to spray early spring. We should be able to use or rent the Dept. of Wildlife spray equipment.

There have been quite a few new water wells drilled this year and several members are planning construction this upcoming year. Everyone needs to be reminded to send their plans to the architectural committee first before applying for a permit. This includes any fences that you propose on your property.

Our next meeting will be August 9, 2008.

Lee Perks

RLE 058A

2RA280

EXHIBIT “43”

EXHIBIT “43”

RUBY LAKE ESTATES
687 6TH Street, Suite 1
Elko, Nevada 89801

Artemis Exploration
HC 60 Box 755
Ruby Valley, NV 89833

Attention: Ms. Elizabeth Essington
President

Dear Ms. Essington

I am sure you are aware that your association fees are delinquent for 2010.
We have sent numerous communications requesting payment.

Please remit \$273.48 (Two Hundred Seventy Three Dollars and Forty Eight Cents) within 15 days of receipt or we will be forced as required by state law to pursue collections through legal council and NRS 116.

Sincerely,



Dennis McIntyre
Treasurer
Ruby Lake Estates

Certified Mail: 7010 1060 0001 9219 7163

Enclosures

cc: Richard Harris (Resident Agent) Artemis Exploration
Certified Mail: 7010 1060 0001 9219 7170

Robert Wines (Legal Counsel) Ruby Lake Estates

Fax

From: Beth Essington

To: Travis Gerber, Fax # (775)738-8198

Date 11/18/2010

Attached please find the invoice I received to day



Beth

Ruby Lake Estates Home Owners Association

687 6th Street Ste 1
Elko, NV 89801

Invoice

Date	Invoice #
12/31/2009	253

Bill To
ARTEMIS EXPLORATION HC 60 BOX 755 RUBY VALLEY, NV 89833

PLEASE REMIT TO:
RLEHA
765 EAST GREG ST #103
SPARKS, NV 89431

P.O. No.	Terms	Project
	DUE JANUARY 1, 2...	

Quantity	Description	Rate	Amount
1	YEARLY ASSESSMENT	223.48	223.48
PLEASE REMIT TO: 765 E. GREG ST #103 SPARKS, NEVADA 89431			Total \$223.48

00103

2RA284

Ruby Lake Estates Homeowners Association

687 6th Street Ste 1
Elko, NV 89801

Invoice

Date	Invoice #
3/8/2010	269

Bill To
ARTEMIS EXPLORATION HC 60 BOX 755 RUBY VALLEY, NV 89833

PLEASE REMIT TO:
RLEHA
765 EAST GREG ST #103
SPARKS, NV 89431

P.O. No.	Terms	Project
	DUE JANUARY 1, 2...	

Quantity	Description	Rate	Amount
	LATE FEE	25.00	25.00
			00104
		Total	\$25.00

Ruby Lake Estates Homeowners Association

687 6th Street Ste 1
Elko, NV 89801

Invoice

Date	Invoice #
4/19/2010	271

Bill To
ARTEMIS EXPLORATION HC 60 BOX 755 RUBY VALLEY, NV 89833

PLEASE REMIT TO:
RLEHA
765 EAST GREG ST #103
SPARKS, NV 89431

P.O. No.	Terms	Project
	Due on receipt	

Quantity	Description	Rate	Amount
	LATE FEE FOR SECOND NOTICE	25.00	25.00
		00105	

PLEASE REMIT IMMEDIATELY TO STOP FURTHER ACTION

Total 2RA286 \$25.00

Ruby Lake Estates Homeowners Association
 687 6th Street Ste 1
 Elko, NV 89801

Statement

Date
7/13/2010

To:
ARTEMIS EXPLORATION HC 60 BOX 755 RUBY VALLEY, NV 89833

PLEASE REMIT TO:
 RLEHA
 765 EAST GREG ST #103
 SPARKS, NV 89431

		Amount Due	Amount Enc.		
		\$273.48			
Date	Transaction	Amount	Balance		
11/30/2009	Balance forward		0.00		
12/31/2009	INV #253. Due 12/31/2009.		223.48		
03/08/2010	INV #269. Due 03/08/2010.	223.48	248.48		
04/19/2010	INV #271. Due 04/19/2010.	25.00	273.48		
		25.00			
		00106			
CURRENT	1-30 DAYS PAST DUE	31-60 DAYS PAST DUE	61-90 DAYS PAST DUE	OVER 90 DAYS PAST DUE	Amount Due
0.00	0.00	0.00	25.00	248.48	\$273.48
					2RA287

RUBY LAKE ESTATES

765 EAST GREG ST #103
SPARKS, NEVADA 89431
(Remit to)

687 6th Street, Suite 1
Elko, Nevada 89801
(Correspondence)

December 16, 2010

Dear New Property Owner,

Welcome to Ruby Lake Estates and congratulations on your purchase. Please find enclosed your Annual Assessment for 2011. If you did not receive a copy the CC&R's, Reserve Study or the By-Laws when you purchased your property please let me know and I will forward them to you.

If you could please supply me with all your contact information such as phone numbers, email and any other way you would like to be contacted it would be appreciated.

Also, for your information we would like you to know that the Association has an annual Members Meeting the second Saturday of August to bring you up to date with all the Associations Business. This meeting is followed by a Bar-B-Que so you can meet and visit your neighbors. We also try to get a newsletter out at least twice a year to keep you up to date that way too.

The Board of Directors meet quarterly and you are also welcome to attend those meetings. The dates are posted in the newsletter. The meetings are held at the Office of Robert Wines, the Associations attorney his address is listed above.

If you need to submit plans please submit plans to the Elko address listed above and they will be forwarded to our architectural committee. If you have architectural questions please contact Mike Cecchi the Chairman of the Architectural Committee @775-356-1781 or mike@bramcoconst.com.

If you have any governing questions please contact Lee Perks, President. He can be contacted at 775-358-4403 or lee@perkspetroleum.com.

I hope you will be able to enjoy your property and the beautiful valley. Please do not hesitate to call me or any of the Board Members. My contact information is 775-358-4403 or Valeri@perkspetroleum.com.

Sincerely,

Valeri McIntyre
Secretary
Ruby Lake Estates

Ruby Lake Estates

687 6th Street Ste 1
Elko, NV 89801

Invoice

Date	Invoice #
12/16/2010	321

Bill To
ROCKY ROA HC 60 BOX 755 RUBY VALLEY, NV 89833

Payment remit to:
Ruby Lake Estates C/O L. A Perks
765 East Greg Street, Suite 103
Sparks, Nevada 89431

P.O. No.	Terms	Project
	1/1/2011	

Quantity	Description	Rate	Amount
1	2011 YEARLY ASSESSMENT	226.99	226.99
Payment Due By: January 31, 2011			
REMIT TO: 765 E. GREG ST #103 PARKS, NEVADA 89431			Total \$226.99

00108
2RA289

Ruby Lake Estates

687 6th Street Ste 1
Elko, NV 89801

Invoice

Date	Invoice #
12/16/2010	318

Bill To
ARTEMIS EXPLORATION HC 60 BOX 755 RUBY VALLEY, NV 89833

Payment remit to:
Ruby Lake Estates C/O L. A Perks
765 East Greg Street, Suite 103
Sparks, Nevada 89431

		P.O. No.	Terms	Project
			1/1/2011	
Quantity	Description	Rate		Amount
1	2011 YEARLY ASSESSMENT	226.99		226.99
<div>Payment Due By:</div> <div>January 31, 2011</div>				
EASE REMIT TO: 765 E. GREG ST #103 ARKS, NEVADA 89431			Total	\$226.99

Ruby Lake Estates

687 6th Street Ste 1
Elko, NV 89801

Invoice

Date	Invoice #
12/16/2010	320

Bill To
ARTEMIS EXPLORATION H2 HC 60 BOX 760 RUBY VALLEY, NV 89833-9804

Payment remit to:
Ruby Lake Estates C/O L. A Perks
765 East Greg Street, Suite 103
Sparks, Nevada 89431

P.O. No.	Terms	Project
	1/1/2011	

Quantity	Description	Rate	Amount
1	2011 YEARLY ASSESSMENT	226.99	226.99
Payment Due By: January 31, 2011			
PLEASE REMIT TO: 765 E. GREG ST #103 SPARKS, NEVADA 89431		Total	\$226.99

Statement

12/15/2010

ARTEMIS EXPLORATION
HC 60 BOX 755
RUBY VALLEY, NV 89833

00111

2RA292

FAX Message

January 14, 2011

To: Travis Gerber 775-738-8198

From: Beth Essington

I received four different copies the attached Bill of Collection from the Ruby lake Estates Homeowners Association in today's mail. I trust you will deal with this at your earliest opportunity.

Attachment: Bill of Collection

**ANGIUS
& TERRY
COLLECTIONS
LLC**

A Division of ANGIUS & TERRY LLP
ATTORNEYS

January 4, 2011

VIA CERTIFIED AND FIRST CLASS MAIL

Artemis Exploration Company
HC 60 Box 755
Ruby Valley, NV 89833

Re: Ruby Lake Estates / 2010-3298
Artemis Exploration Company
3817 Indian Springs Drive
Ruby Valley, NV 89833

Dear Homeowner(s):

Angius & Terry Collections, LLC ("ATC") represents Ruby Lake Estates ("Association"), and has been directed to act on your delinquent account with respect to the above-referenced property ("Property"). This is our NOTICE OF INTENT TO RECORD A NOTICE OF DELINQUENT ASSESSMENT LIEN ("Demand").

As of the date of this Demand, there is a total of \$662.92 owing and unpaid to the Association. Please ensure that all amounts due to the Association, plus all additional amounts which become due and payable to the Association including recoverable fees and costs be paid, in full, and physically received in our office on or before 5:00 P.M. on 2/4/2011. Payment should be made payable to Angius & Terry Collections, LLC. Call our office, at least 48 hours prior to your deadline date, at (702) 255-1124 or (877) 781-8885 to obtain the correct payment amount as the total amount owed is subject to change. Please note, that should a reinstatement amount be provided by our office prior to our receiving notification of a change in the Association's assessments, you will be responsible for the account balance that reflects the change in the Association's assessment. Should you elect to ignore this demand, a Notice of Delinquent Assessment Lien will be prepared and forwarded to the County Recorder's office and additional collections fees and costs will be added to your account.

If we receive partial payments, they will be credited to your account, however, we will continue with the collection process on the balance owed as described above. You should direct all communications relating to this demand to the above-referenced office.

Please note all payments must be in the form of a cashier's check or money order. Personal check's and cash will not be accepted.

This is a serious matter and your immediate attention is imperative. Should you have any questions, please contact our office at (702) 255-1124 or (877) 781-8885.

Sincerely,


Carolyn Swanson
Angius & Terry Collections, LLC

cc: Ruby Lake Estates
Enclosures: Fair Debt Collection Practices Act Notice

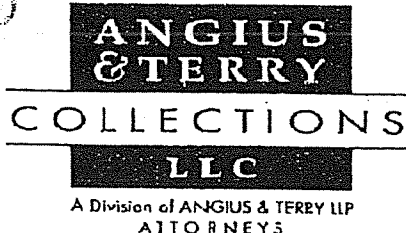
Angius & Terry Collections, LLC is a debt collector and is attempting to collect a debt. Any information obtained will be used for that purpose.

1120 North Town Center Drive, Suite 260 • Las Vegas, NV 89144-6304

tel 877.781.8885 fax 877.781.8886

ATCollections.com

00113
2RA294



Angius & Terry Collections, LLC
1120 North Town Center Drive, Suite 260
Las Vegas, NV 89144
Office Phone (702) 255-1124 – Office Fax (702) 255-1125
Toll Free Phone (877) 781-8885 – Toll Free Fax (877) 781-8886

TO: Homeowner(s)

RE: NOTICE REQUIRED BY THE FAIR DEBT COLLECTION PRACTICES ACT (FDCPA)
15 U.S.C. Section 1601, As Amended

1. The estimated amount to reinstate your membership account must be requested. Please call Angius & Terry Collections, LLC ("ATC") for the most current amount to reinstate your membership account.

The creditor is set forth in the enclosed notice and it is the creditor to whom the debt is owed.
3. The homeowner(s) may dispute the validity of this notice/delinquency within 30 days. If the homeowner(s) does not dispute the delinquency within 30 days, then the creditor will assume the same valid.
4. If the homeowner(s) notifies ATC in writing within 30 days from receipt of this notice, ATC will obtain verification of the delinquency and ATC will mail a copy of the verification to the homeowner(s).
5. If the named creditor is not the original creditor, and if the homeowner(s) makes a written request to ATC within 30 days of receipt of this notice the name and address of the original creditor will be mailed to the homeowner(s) by ATC.
6. Written requests pursuant to this notice should be addressed to the above address.
7. This communication is for the purpose of collecting a debt, and any information obtained from the homeowner(s) will be used for that purpose. This notice is required by the provisions of the Fair Debt Collection Practices Act (FDCPA) and does not imply that we are attempting to collect money from anyone who has discharged the debt under the Bankruptcy laws of the United States.

Angius & Terry Collections, LLC is a debt collector and is attempting to collect a debt. Any information obtained will be used for that purpose.

1120 North Town Center Drive, Suite 260 • Las Vegas, NV 89144-6304
tel 877.781.8885 fax 877.781.8886
ATCollections.com

Ruby Lake Estates
687 6th Street Ste 1
Elko, NV 89801

Statement

Date
2/15/2011

To:
ARTEMIS EXPLORATION H2 HC 60 BOX 760 RUBY VALLEY, NV 89833-9804

RECEIVED FEB 14 2011

		Amount Due	Amount Enc.		
		\$251.99			
Date	Transaction	Amount	Balance		
11/30/2010	Balance forward		0.00		
12/16/2010	INV #320. Due 01/15/2011.	226.99	226.99		
02/15/2011	INV #342. Due 02/15/2011.	25.00	251.99		
Ruby Lake Estates C/O L. A. Perks 765 East Greg Street, Suite 103 Sparks, Nevada 89431					
CURRENT	1-30 DAYS PAST DUE	31-60 DAYS PAST DUE	61-90 DAYS PAST DUE	OVER 90 DAYS PAST DUE	Amount Due
25.00	0.00	226.99	0.00	0.00	\$251.99

00115

2RA296

Ruby Lake Estates

687 6th Street Ste 1
Elko, NV 89801

Invoice

Date	Invoice #
2/15/2011	341

Bill To
ARTEMIS EXPLORATION HC 60 BOX 755 RUBY VALLEY, NV 89833

RECEIVED FEB 23 2011

		P.O. No.	Terms	Project
		Duc on receipt		
Quantity	Description	Rate		Amount
1	LATE FEE #1 CERTIFIED MAIL RECEIPT #7010 1060 0001 9219 7262 MAILED 2/15/11	25.00		25.00
We appreciate your prompt payment.		Total		\$25.00

00116

2RA297

Ruby Lake Estates
687 6th Street Ste 1
Elko, NV 89801

Statement

Date
2/15/2011

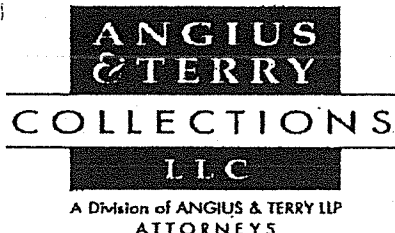
To:
ARTEMIS EXPLORATION HC 60 BOX 755 RUBY VALLEY, NV 89833

RECEIVED FEB 15 2011

		Amount Due	Amount Enc.		
		\$525.47			
Date	Transaction	Amount	Balance		
11/30/2010	Balance forward		273.48		
12/16/2010	INV #318. Due 01/15/2011.	226.99	500.47		
02/15/2011	INV #341. Due 02/15/2011.	25.00	525.47		
<div>Payment remit to: Ruby Lake Estates C/O L. A Perks 765 East Greg Street, Suite 103 Sparks, Nevada 89431</div>					
CURRENT	1-30 DAYS PAST DUE	31-60 DAYS PAST DUE	61-90 DAYS PAST DUE	OVER 90 DAYS PAST DUE	Amount Due
25.00	0.00	226.99	0.00	273.48	\$525.47

00117
2RA298

#33



Angius & Terry Collections, LLC
1120 North Town Center Drive, Suite 260
Las Vegas, NV 89144
Office Phone (702) 255-1124 – Office Fax (702) 255-1125
Toll Free Phone (877) 781-8885 – Toll Free Fax (877) 781-8886

TO: Homeowner(s)

RE: NOTICE REQUIRED BY THE FAIR DEBT COLLECTION PRACTICES ACT (FDCPA)
15 U.S.C. Section 1601, As Amended

1. The estimated amount to reinstate your membership account must be requested. Please call Angius & Terry Collections, LLC ("ATC") for the most current amount to reinstate your membership account.
2. The creditor is set forth in the enclosed notice and it is the creditor to whom the debt is owed.
3. The homeowner(s) may dispute the validity of this notice/delinquency within 30 days. If the homeowner(s) does not dispute the delinquency within 30 days, then the creditor will assume the same valid.
4. If the homeowner(s) notifies ATC in writing within 30 days from receipt of this notice, ATC will obtain verification of the delinquency and ATC will mail a copy of the verification to the homeowner(s).
5. If the named creditor is not the original creditor, and if the homeowner(s) makes a written request to ATC within 30 days of receipt of this notice the name and address of the original creditor will be mailed to the homeowner(s) by ATC.
6. Written requests pursuant to this notice should be addressed to the above address.
7. This communication is for the purpose of collecting a debt, and any information obtained from the homeowner(s) will be used for that purpose. This notice is required by the provisions of the Fair Debt Collection Practices Act (FDCPA) and does not imply that we are attempting to collect money from anyone who has discharged the debt under the Bankruptcy laws of the United States.

Angius & Terry Collections, LLC is a debt collector and is attempting to collect a debt. Any information obtained will be used for that purpose.

1120 North Town Center Drive, Suite 260 • Las Vegas, NV 89144-6304
tel 877.781.8885 fax 877.781.8886
ATCollections.com

RLE 132

2RA299

#33

**ANGIUS
& TERRY
COLLECTIONS
LLC**
A Division of ANGIUS & TERRY LLP
ATTORNEYS

January 4, 2011

VIA CERTIFIED AND FIRST CLASS MAIL

Artemis Exploration Company
HC 60 Box 755
Ruby Valley, NV 89833

Re: Ruby Lake Estates / 2010-3298
Artemis Exploration Company
3817 Indian Springs Drive
Ruby Valley, NV 89833

Dear Homeowner(s):

Angius & Terry Collections, LLC ("ATC") represents Ruby Lake Estates ("Association"), and has been directed to act on your delinquent account with respect to the above-referenced property ("Property"). This is our **NOTICE OF INTENT TO RECORD A NOTICE OF DELINQUENT ASSESSMENT LIEN** ("Demand").

As of the date of this Demand, there is a total of \$662.92 owing and unpaid to the Association. Please ensure that all amounts due to the Association, plus all additional amounts which become due and payable to the Association including recoverable fees and costs be paid, in full, and physically received in our office on or before 5:00 P.M. on 2/4/2011. Payment should be made payable to Angius & Terry Collections, LLC. Call our office, at least 48 hours prior to your deadline date, at (702) 255-1124 or (877) 781-8885 to obtain the correct payment amount as the total amount owed is subject to change. Please note, that should a reinstatement amount be provided by our office prior to our receiving notification of a change in the Association's assessments, you will be responsible for the account balance that reflects the change in the Association's assessment. Should you elect to ignore this Demand, a Notice of Delinquent Assessment Lien will be prepared and forwarded to the County Recorder's office and additional collections fees and costs will be added to your account.

If we receive partial payments, they will be credited to your account, however, we will continue with the collection process on the balance owed as described above. You should direct all communications relating to this demand to the above-referenced office.

Please note all payments must be in the form of a cashier's check or money order. Personal check's and cash will not be accepted.

This is a serious matter and your immediate attention is imperative. Should you have any questions, please contact our office at (702) 255-1124 or (877) 781-8885.

Sincerely,


Carolyn Swanson
Angius & Terry Collections, LLC

cc: Ruby Lake Estates
Enclosures: Fair Debt Collection Practices Act Notice

Angius & Terry Collections, LLC is a debt collector and is attempting to collect a debt. Any information obtained will be used for that purpose.

1120 North Town Center Drive, Suite 260 • Las Vegas, NV 89144-6304
tel 877.781.8885 fax 877.781.8886
ATCollections.com

RLE 133

2RA300

EXHIBIT “44”

EXHIBIT “44”

Ruby Lake Estates Home Owners Association

687 6th Street Ste 1
Elko, NV 89801

Invoice

Date	Invoice #
12/31/2009	253

Bill To
ARTEMIS EXPLORATION HC 60 BOX 755 RUBY VALLEY, NV 89833

PLEASE REMIT TO:
RLEHA
765 EAST GREG ST #103
SPARKS, NV 89431

P.O. No.	Terms	Project
	DUE JANUARY 1, 2...	

Quantity	Description	Rate	Amount
1	YEARLY ASSESSMENT	223.48	223.48

PLEASE REMIT TO:
765 E. GREG ST #103
SPARKS, NEVADA 89431

Total \$223.48

00103

2RA302

Ruby Lake Estates Homeowners Association

687 6th Street Ste 1
Elko, NV 89801

Invoice

Date	Invoice #
3/8/2010	269

Bill To
ARTEMIS EXPLORATION HC 60 BOX 755 RUBY VALLEY, NV 89833

PLEASE REMIT TO:
RLEHA
765 EAST GREG ST #103
SPARKS, NV 89431

P.O. No.	Terms	Project
	DUE JANUARY 1, 2...	

Quantity	Description	Rate	Amount
	LATE FEE	25.00	25.00
			00104
		Total	\$25.00

Ruby Lake Estates Homeowners Association

687 6th Street Ste 1
Elko, NV 89801

Invoice

Date	Invoice #
4/19/2010	271

Bill To
ARTEMIS EXPLORATION HC 60 BOX 755 RUBY VALLEY, NV 89833

PLEASE REMIT TO:
RLEHA
765 EAST GREG ST #103
SPARKS, NV 89431

P.O. No.	Terms	Project
	Due on receipt	

Quantity	Description	Rate	Amount
	LATE FEE FOR SECOND NOTICE	25.00	25.00
		00105	

PLEASE REMIT IMMEDIATELY TO STOP FURTHER ACTION

Total

2RA304

\$25.00

Ruby Lake Estates Homeowners Association
 687 6th Street Ste 1
 Elko, NV 89801

Statement

Date
7/13/2010

To:
ARTEMIS EXPLORATION HC 60 BOX 755 RUBY VALLEY, NV 89833

PLEASE REMIT TO:
 RLEHA
 765 EAST GREG ST #103
 SPARKS, NV 89431

		Amount Due	Amount Enc.		
		\$273.48			
Date	Transaction	Amount	Balance		
11/30/2009	Balance forward		0.00		
12/31/2009	INV #253. Due 12/31/2009.	223.48	223.48		
3/08/2010	INV #269. Due 03/08/2010.	25.00	248.48		
4/19/2010	INV #271. Due 04/19/2010.	25.00	273.48		
			00106		
CURRENT	1-30 DAYS PAST DUE	31-60 DAYS PAST DUE	61-90 DAYS PAST DUE	OVER 90 DAYS PAST DUE	Amount Due
0.00	0.00	0.00	25.00	248.48	\$273.48
					2RA305

RUBY LAKE ESTATES

765 EAST GREG ST #103
SPARKS, NEVADA 89431
(Remit to)

687 6th Street, Suite 1
Elko, Nevada 89801
(Correspondence)

December 16, 2010

Dear New Property Owner,

Welcome to Ruby Lake Estates and congratulations on your purchase. Please find enclosed your Annual Assessment for 2011. If you did not receive a copy the CC&R's, Reserve Study or the By-Laws when you purchased your property please let me know and I will forward them to you.

If you could please supply me with all your contact information such as phone numbers, email and any other way you would like to be contacted it would be appreciated.

Also, for your information we would like you to know that the Association has an annual Members Meeting the second Saturday of August to bring you up to date with all the Associations Business. This meeting is followed by a Bar-B-Que so you can meet and visit your neighbors. We also try to get a newsletter out at least twice a year to keep you up to date that way too.

The Board of Directors meet quarterly and you are also welcome to attend those meetings. The dates are posted in the newsletter. The meetings are held at the Office of Robert Wines, the Associations attorney his address is listed above.

If you need to submit plans please submit plans to the Elko address listed above and they will be forwarded to our architectural committee. If you have architectural questions please contact Mike Cecchi the Chairman of the Architectural Committee @775-356-1781 or mike@bramcoconst.com.

If you have any governing questions please contact Lee Perks, President. He can be contacted at 775-358-4403 or lee@perkspetroleum.com.

I hope you will be able to enjoy your property and the beautiful valley. Please do not hesitate to call me or any of the Board Members. My contact information is 775-358-4403 or Valeri@perkspetroleum.com.

Sincerely,

Valeri McIntyre
Secretary
Ruby Lake Estates

Ruby Lake Estates

687 6th Street Ste 1
Elko, NV 89801

Invoice

Date	Invoice #
12/16/2010	321

Bill To
ROCKY ROA HC 60 BOX 755 RUBY VALLEY, NV 89833

Payment remit to:
Ruby Lake Estates C/O L. A Perks
765 East Greg Street, Suite 103
Sparks, Nevada 89431

P.O. No.	Terms	Project
	1/1/2011	

Quantity	Description	Rate	Amount
1	2011 YEARLY ASSESSMENT	226.99	226.99
Payment Due By: January 31, 2011			
REMIT TO: 765 E. GREG ST #103 SPARKS, NEVADA 89431			Total \$226.99

00108
2RA307

Ruby Lake Estates

687 6th Street Ste 1
Elko, NV 89801

Invoice

Date	Invoice #
12/16/2010	318

Bill To
ARTEMIS EXPLORATION HC 60 BOX 755 RUBY VALLEY, NV 89833

Payment remit to:
Ruby Lake Estates C/O L. A Perks
765 East Greg Street, Suite 103
Sparks, Nevada 89431

P.O. No.	Terms	Project
	1/1/2011	

Quantity	Description	Rate	Amount
1	2011 YEARLY ASSESSMENT	226.99	226.99
Payment Due By: January 31, 2011			
EASE REMIT TO: 765 E. GREG ST #103 SPARKS, NEVADA 89431			Total 226.99

00109

2RA308

Ruby Lake Estates

687 6th Street Ste 1
Elko, NV 89801

Invoice

Date	Invoice #
12/16/2010	320

Bill To
ARTEMIS EXPLORATION H2 HC 60 BOX 760 RUBY VALLEY, NV 89833-9804

Payment remit to:
Ruby Lake Estates C/O L. A Perks
765 East Greg Street, Suite 103
Sparks, Nevada 89431

		P.O. No.	Terms	Project
			1/1/2011	
Quantity	Description		Rate	Amount
1	2011 YEARLY ASSESSMENT		226.99	226.99
<p><i>Payment Due By:</i></p> <p><i>January 31, 2011</i></p>				
PLEASE REMIT TO: 765 E. GREG ST #103 SPARKS, NEVADA 89431			Total	\$226.99

00110

2RA309

Statement

12/15/2010

ARTEMIS EXPLORATION
HC 60 BOX 755
RUBY VALLEY, NV 89833

2RA310

FAX Message

January 14, 2011

To: Travis Gerber 775-738-8198

From: Beth Essington

I received four different copies the attached Bill of Collection from the Ruby lake Estates Homeowners Association in today's mail. I trust you will deal with this at your earliest opportunity.

Attachment: Bill of Collection

**ANGIUS
& TERRY
COLLECTIONS
LLC**

A Division of ANGIUS & TERRY LLP
ATTORNEYS

January 4, 2011

VIA CERTIFIED AND FIRST CLASS MAIL

Artemis Exploration Company
HC 60 Box 755
Ruby Valley, NV 89833

Re: Ruby Lake Estates / 2010-3298
Artemis Exploration Company
3817 Indian Springs Drive
Ruby Valley, NV 89833

Dear Homeowner(s):

Angius & Terry Collections, LLC ("ATC") represents Ruby Lake Estates ("Association"), and has been directed to act on your delinquent account with respect to the above-referenced property ("Property"). This is our NOTICE OF INTENT TO RECORD A NOTICE OF DELINQUENT ASSESSMENT LIEN ("Demand").

As of the date of this Demand, there is a total of \$662.92 owing and unpaid to the Association. Please ensure that all amounts due to the Association, plus all additional amounts which become due and payable to the Association including recoverable fees and costs be paid, in full, and physically received in our office on or before 5:00 P.M. on 2/4/2011. Payment should be made payable to Angius & Terry Collections, LLC. Call our office, at least 48 hours prior to your deadline date, at (702) 255-1124 or (877) 781-8885 to obtain the correct payment amount as the total amount owed is subject to change. Please note, that should a reinstatement amount be provided by our office prior to our receiving notification of a change in the Association's assessments, you will be responsible for the account balance that reflects the change in the Association's assessment. Should you elect to ignore this demand, a Notice of Delinquent Assessment Lien will be prepared and forwarded to the County Recorder's office and additional collections fees and costs will be added to your account.

If we receive partial payments, they will be credited to your account, however, we will continue with the collection process on the balance owed as described above. You should direct all communications relating to this demand to the above-referenced office.

Please note all payments must be in the form of a cashier's check or money order. Personal check's and cash will not be accepted.

This is a serious matter and your immediate attention is imperative. Should you have any questions, please contact our office at (702) 255-1124 or (877) 781-8885.

Sincerely,


Carolyn Swanson
Angius & Terry Collections, LLC

cc: Ruby Lake Estates
Enclosures: Fair Debt Collection Practices Act Notice

Angius & Terry Collections, LLC is a debt collector and is attempting to collect a debt. Any information obtained will be used for that purpose.

1120 North Town Center Drive, Suite 260 • Las Vegas, NV 89144-6304

tel 877.781.8885 fax 877.781.8886

ATCollections.com

00113
2RA312

**ANGIUS
& TERRY**
COLLECTIONS
LLC
A Division of ANGIUS & TERRY LLP
ATTORNEYS

Angius & Terry Collections, LLC
1120 North Town Center Drive, Suite 260
Las Vegas, NV 89144
Office Phone (702) 255-1124 – Office Fax (702) 255-1125
Toll Free Phone (877) 781-8885 – Toll Free Fax (877) 781-8886

TO: Homeowner(s)

RE: NOTICE REQUIRED BY THE FAIR DEBT COLLECTION PRACTICES ACT (FDCPA)
15 U.S.C. Section 1601, As Amended

1. The estimated amount to reinstate your membership account must be requested. Please call Angius & Terry Collections, LLC ("ATC") for the most current amount to reinstate your membership account.
The creditor is set forth in the enclosed notice and it is the creditor to whom the debt is owed.
3. The homeowner(s) may dispute the validity of this notice/delinquency within 30 days. If the homeowner(s) does not dispute the delinquency within 30 days, then the creditor will assume the same valid.
4. If the homeowner(s) notifies ATC in writing within 30 days from receipt of this notice, ATC will obtain verification of the delinquency and ATC will mail a copy of the verification to the homeowner(s).
5. If the named creditor is not the original creditor, and if the homeowner(s) makes a written request to ATC within 30 days of receipt of this notice the name and address of the original creditor will be mailed to the homeowner(s) by ATC.
6. Written requests pursuant to this notice should be addressed to the above address.
7. This communication is for the purpose of collecting a debt, and any information obtained from the homeowner(s) will be used for that purpose. This notice is required by the provisions of the Fair Debt Collection Practices Act (FDCPA) and does not imply that we are attempting to collect money from anyone who has discharged the debt under the Bankruptcy laws of the United States.

Angius & Terry Collections, LLC is a debt collector and is attempting to collect a debt. Any information obtained will be used for that purpose.

1120 North Town Center Drive, Suite 260 • Las Vegas, NV 89144-6304
tel 877.781.8885 fax 877.781.8886

ATCollections.com

Ruby Lake Estates
687 6th Street Ste 1
Elko, NV 89801

Statement

Date
2/15/2011

To:
ARTEMIS EXPLORATION H2 HC 60 BOX 760 RUBY VALLEY, NV 89833-9804

RECEIVED FEB 14 2011

		Amount Due	Amount Enc.		
		\$251.99			
Date	Transaction	Amount	Balance		
11/30/2010	Balance forward		0.00		
12/16/2010	INV #320. Due 01/15/2011.	226.99	226.99		
02/15/2011	INV #342. Due 02/15/2011.	25.00	251.99		
Ruby Lake Estates C/O L. A. Perks 765 East Greg Street, Suite 103 Sparks, Nevada 89431					
CURRENT	1-30 DAYS PAST DUE	31-60 DAYS PAST DUE	61-90 DAYS PAST DUE	OVER 90 DAYS PAST DUE	Amount Due
25.00	0.00	226.99	0.00	0.00	\$251.99

00115

2RA314

Ruby Lake Estates

687 6th Street Ste 1
Elko, NV 89801

Invoice

Date	Invoice #
2/15/2011	341

Bill To
ARTEMIS EXPLORATION HC 60 BOX 755 RUBY VALLEY, NV 89833

RECEIVED FEB 23 2011

P.O. No.	Terms	Project
	Due on receipt	

Quantity	Description	Rate	Amount
1	LATE FEE #1 CERTIFIED MAIL RECEIPT #7010 1060 0001 9219 7262 MAILED 2/15/11	25.00	25.00
We appreciate your prompt payment.		Total	\$25.00

00116

2RA315

Ruby Lake Estates
687 6th Street Ste 1
Elko, NV 89801

Statement

Date
2/15/2011

To:
ARTEMIS EXPLORATION HC 60 BOX 755 RUBY VALLEY, NV 89833

RECEIVED FEB 15 2011

		Amount Due	Amount Enc.
		\$525.47	
Date	Transaction	Amount	Balance
11/30/2010	Balance forward		273.48
12/16/2010	INV #318. Due 01/15/2011.	226.99	500.47
02/15/2011	INV #341. Due 02/15/2011.	25.00	525.47

EXHIBIT “45”

EXHIBIT “45”

George M. Essington
HC 60 Box 760
Ruby Valley, NV 89833

January 6, 2011

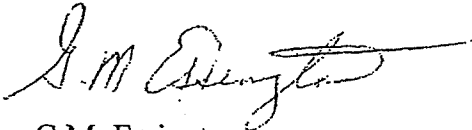
Mr. Lee Perks
765 E. Greg St.
Sparks, NV 89431

Dear Mr. Perks;

I have noted in recent documents you mailed to the property owners of the Ruby Lake Estates Subdivision you erroneously listed my name in association with your alleged Ruby Lake Estates Home Owners Association. As I clearly stated in the correspondence I coauthored with Mr. Bill Noble and, mailed to the same property owners in June 2010, it is evident to us that you never legally formed or constituted a Home Owners Association under the Nevada Revised Statutes. You are well aware that I have divorced and disassociated myself from any manner or form of association with you or your alleged organization since well before that mailing. Although I feel no need to resign from your alleged organization, as one does not legally exist I now do so. Consider this my formal resignation. I will not be associated with such illicit activities. Please correct your mailings, documentation, and any necessary files to the effect that I have no association with your alleged Home Owners organization; to state otherwise is misleading to the property owners and others.

My wife, Beth, continues to receive dues invoices for Artemis Exploration Company's parcel. You have also disregarded her lawyer's letter, on her behalf, requiring you to cease sending demands for dues. Artemis Exploration Company is preparing a Complaint against the alleged homeowners association and its officers and directors unless you **IMMEDIATELY** contact Artemis Exploration Company, or its attorney, in writing and agree to cease holding yourselves out as a legitimate homeowners association and sending such demands.

Sincerely,



G.M. Essington
Cc: Travis Gerber
Bob Wines

George M. Essington
HC 60 Box 760
Ruby Valley, NV 89833

January 6, 2011

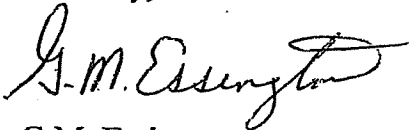
Mr. Lee Perks
765 E. Greg St.
Sparks, NV 89431

Dear Mr. Perks;

I have noted in recent documents you mailed to the property owners of the Ruby Lake Estates Subdivision you erroneously listed my name in association with your alleged Ruby Lake Estates Home Owners Association. As I clearly stated in the correspondence I coauthored with Mr. Bill Noble and, mailed to the same property owners in June 2010, it is evident to us that you never legally formed or constituted a Home Owners Association under the Nevada Revised Statutes. You are well aware that I have divorced and disassociated myself from any manner or form of association with you or your alleged organization since well before that mailing. Although I feel no need to resign from your alleged organization, as one does not legally exist I now do so. Consider this my formal resignation. I will not be associated with such illicit activities. Please correct your mailings, documentation, and any necessary files to the effect that I have no association with your alleged Home Owners organization; to state otherwise is misleading to the property owners and others.

My wife, Beth, continues to receive dues invoices for Artemis Exploration Company's parcel. You have also disregarded her lawyer's letter, on her behalf, requiring you to cease sending demands for dues. Artemis Exploration Company is preparing a Complaint against the alleged homeowners association and its officers and directors unless you **IMMEDIATELY** contact Artemis Exploration Company, or its attorney, in writing and agree to cease holding yourselves out as a legitimate homeowners association and sending such demands.

Sincerely,



G.M. Essington
Cc: Travis Gerber
Bob Wines

RECEIVED

JAN 10 2011

00102

2RA319

EXHIBIT “46”

EXHIBIT “46”

November 24, 2010

Artemis Exploration Company
Beth Essington
HC 60 Box 760
Ruby Valley, NV 89833

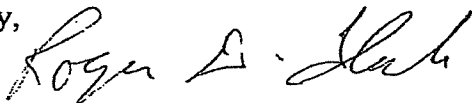
Dear Beth,

I just received another letter that rehashes the same things again. I recall seeing a letter from the state saying we have and need an association to manage our neighbor hood, which they disagreed with your take on our association.

I enjoy my time in Ruby Valley and I think our association is doing a good job and keeping things low key. Steve Wright explained to me when I purchased my property that the roads, culverts weeds etc were our responsibility to handle as a group. I have no problem with the couple of hundred dollars a year needed to help with this.

Please consider being a good neighbor and making it easier for all of us that are involved with the Ruby Lake Estates and do not create unwanted tension in the Ruby Lake Estates.

Sincerely,



Roger Clark
Lot H8
754 Balzar Cir.
Reno, NV 89502

CC: Gerber Law Offices
Robert Wines esq.

RECEIVED

NOV 30 2010

00094

2RA321

11/24/2010

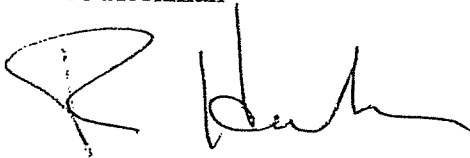
Dear Beth,

After reading this letter it appears you are continuing your vendetta against the board for allowing the building that was built last year that you did not like. It seems you are just taking a different angle to the same conclusion. I am disappointed to see this starting again.

What is it you want to accomplish? Have every decision or disagreement handled by attorneys? Who ever has the most money wins? Or is it just to make it a free for all so you can do what you want and attempt to create chaos?

I am supportive of the association and all of the things that they are accomplishing.

Bob Heckman

A handwritten signature in black ink, appearing to read 'R Heckman', written over the printed name.

RECEIVED
NOV 30 2010

00095
2RA322

EXHIBIT “47”

EXHIBIT “47”

LEONARD I. GANG
ATTORNEY AT LAW
ARTIBRATION * MEDIATION

P.O. Box 4394
Incline Village, Nevada 89450
Tel: (702) 525-2742
Fax: (775) 593-2765
Email: leonardgang@gmail.com

RECEIVED

FEB - 9 2012

GAYLE A. KERN, LTD

February 7, 2012

Travis W. Gerber, Esq.
491 Fourth Street
Elko, NV 89801

Gayle A. Kern, Esq.
5421 Kietzke Lane, #200
Reno, NV 89511

Re: Artemis Exploration Company v. Ruby Lake Estates Architectural Review
Committee & Ruby Lake Estates Homeowner's Association & Leroy Perks &
Valerie McIntyre & Dennis McIntyre & Michael Cecchi
ADR Control No. 11-82

The salient facts in this case are not in dispute. The legal effect of certain provisions of the Uniform Common-Interest Ownership Act (Chapter 116 of NRS) as applied to lots located in Ruby Lakes Estates, a subdivision located in Elko County, forms the essence of this complaint. Only the facts necessary to understanding this decision will be set forth.

FACTS

Artemis Exploration Company, the Complainant (hereinafter Artemis), owns two lots in Ruby Lakes Estates. The first was purchased in June 1994 and the second in March 2010. CC&Rs applicable to Ruby Lake Estates were recorded on October 25, 1989. The deeds clearly reflect that the property is subject to CC&Rs.

NRS 116.3101(1) entitled, "Organization of Unit-Owners Association" provides in part as follows:

"1. A unit-owners association must be organized no later than the date the first unit in the common-interest community is conveyed."

This act was passed by the Nevada legislature in 1991. The Ruby Lakes Homeowner's Association (hereinafter RLHOA or Association) filed its Articles of Incorporation on January 18, 2006. This action was taken after consulting counsel. The RLHOA assessed dues. Artemis paid dues for a period of time but now claims that the Association lacks the authority to "impose any fee, penalty, or assessment for any reason." It basis its argument on the fact that the Association was not formed prior to the conveyance of the first lot as required in NRS 116.3101(1) quoted above..

Artemis filed an "Intervention Affidavit" with the Real Estate Division on December 18, 2009, claiming that Ruby Lakes Estates Homeowner's Association was an invalid homeowner's association. After reviewing the complaint, the Ombudsman's Office of the Real Estate Division opined as follows:

"***For these reasons, we are not, as you requested, going to declare that Ruby Lakes Estates Homeowner's Association is invalid. In other words, it is our view that the Association is required to comply with the laws pertaining to homeowner's associations, specifically NRS 116 and related laws and regulations." Emphasis added.

RLHOA filed Articles of Association Cooperative Association with the Secretary of State approximately October 27, 2005. Acting on advice of counsel, RLHOA filed its initial Association Registration Form with the Real Estate Division approximately March 31, 2006. It adopted By Laws on August 12, 2006.

DISCUSSION

Artemis interprets the Ombudsman's Office decision as, "The Ombudsman took no action," in regard to their Intervention Affidavit. It asserts a myriad of reasons why, in its opinion, the RLHOA is not valid. RLHOA continues to comply with the laws and regulations pertaining to homeowner's associations as the Real Estate Ombudsman's office opined it should, including assessing dues to pay for insurance, having a reserve study conducted, leveeing assessments in accordance with the requirements of the reserve study and, in the case of Artemis, referring it to a collection agency due to its refusal to pay its assessments.

Artemis appears to argue that since the RLHOA was not formed until after the first lot was sold, it could never thereafter be brought into compliance with the law. It takes the position even though the law, requiring it to be formed no later than the date the first lot was sold, was not passed until two years after the first lot in the Association was sold.

DECISION

It is difficult to understand why, faced with the overwhelming evidence that RLHOA is a valid HOA, any one would continue to maintain that it is not. The HOA owns property within the subdivision, it maintains roads, signs, gates, culverts and fencing. It is incorporated as required by law. Indeed, Mr. Essington was at one time on the board of directors of RLHOA and was a moving force in its formation and incorporation. He signed and filed a "Declaration of Certification Common -Interest Community Board Member" with the Real Estate Division certifying that he read and understood the governing documents of the Association and the provisions of Chapter 116 of Nevada Revised Statutes and the Administrative Code. His wife, Elizebeth Essington, apparently owns all of the stock in Artemis.

Artemis has filed a complaint against each of the members of the board alleging misrepresentation, fraud and oppression and seeks punitive damages. I have carefully considered all of the many allegations and arguments of the Claimant and find them unpersuasive. Indeed, I find the interpretation of counsel that the Real Estate Ombudsman took no action when it opined that RLHOA had to comply with the laws of Nevada pertaining to homeowner's associations

illogical. The Ombudsman clearly opined that the HOA was subject to the laws of Nevada that applied to HOA's. The Ombudsman took no action on the complaint of Artemis because the HOA was validly formed and obliged to comply with the law relating to HOA's.

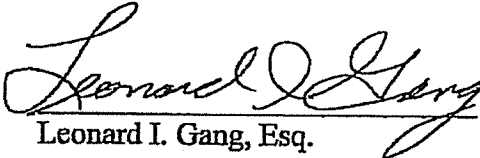
ORDER

1. Ruby Lake Estates is a Common -Interest Community and is subject to NRS Chapter 116. It was lawfully formed and is a validly existing non-profit common interest association.
2. The complaint against the individual board members is dismissed since no evidence was presented that they acted with willful or wanton misfeasance or gross negligence or were guilty of intentional misrepresentation or negligence.
3. Claimant is not entitled to punitive damages as a matter of law and no evidence was presented that would warrant such an award.
4. Respondent is entitled to an award of attorney's fees in the amount of \$22,092.00 and costs in the amount of \$4,718.67. I make this award taking into consideration the Brunzell factors. These factors were clearly articulated in the affidavit of Mrs. Kerns in support of her request for attorney's fees and costs and I find them to be accurate based upon my personal observations of Mrs. Kern's performance as an attorney representing homeowner's associations in these types of matters.

IT IS SO ORDERED.

Dated this 7th day of February, 2012.

ARBITRATOR,


Leonard I. Gang, Esq.

LIG:rg

CERTIFICATE OF MAILING

I hereby certify that on the 8th day of February, 2012 I mailed a copy of the foregoing DECISION AND AWARD in a sealed envelope to the following counsel of record and the Office of the Ombudsman, Nevada Real Estate Division and that postage was fully prepaid thereon.

Travis W. Gerber, Esq.
491 Fourth Street
Elko, NV 89801

Gayle Kern, Esq.
5421 Kietzke Lane, Ste. 200
Reno NV 89511


ROBERTA GANG

EXHIBIT “48”

EXHIBIT “48”

G-6

RUBY LAKE ESTATES 2006

SURVEY QUESTIONNAIRE

JUL 05 2006

Date: 6-28-06

Property owners name Artemis Exploration - Mel/Beth Essington
Lot Number? Block G lot 6
Phone Number 775-397-0370 Cell

Do you have a present house or structure on your property? Yes
Are you planning to construct a house or structure within the next 5 years?
Was your purchase strictly for investment purposes? Yes

Do you have a copy of the CCR's? Yes
Would you like a copy of the CCR's
Do you have any concerns or questions regarding the CCR's? No
If yes what section(s)?

The Fire Department has requested that we keep the roads graded and free of weeds. We are to provide fire breaks on lots to protect your neighbors and remove weeds and brush around structures. If we do this we will meet the intent of NRS 474.580.

If the Ruby Lake Estates fails to maintain the roads, the property owner(s) can petition the county for road maintenance for safety and fire protection. All property owners will be billed equally on there tax bill for this service. The special assessment for this would be collected at the same time and in the same manner as ordinary county taxes are collected, and subject to the same penalties and the same procedures and sale in case of delinquency.

Are you in favor of Elko County providing road maintenance? No, Or would you be in favor of Ruby Lake Estates Association provide the road maintenance? Yes

Are you in favor of Ruby Lake Estates providing a management plan to the local Fire Department in an attempt to meet the requirements of NRS.474.580? Yes

Would you like to see garbage service provided for the entire estate? Yes
Would you be willing to pay a fee for such a service? Yes

Would you like to have telephone service within the Ruby Lake Estates? Yes
Would you apply for a phone if available? Yes When? Immediately

Do you visit the Ruby Lake Estates in the winter months? Yes
Would you like to see snow removal on the CCC road during the winter months? Yes

Would you like to see snow removal on all of the Ruby Lake Estate roads? No
Would you be willing to pay extra for snow removal through Elko County Road Department? At a reasonable rate

While the declaration of Reservation, Conditions and Restrictions does not specifically provide that property 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 authority or powers granted to it by the restrictions, it must be able to engage in legal accounting, maintenance and other professional services.

Would \$150.00 to \$200.00 per year be reasonable for road maintenance and other services? Yes

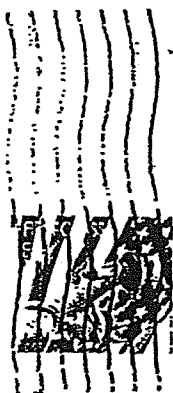
To change or raise fees would you want a simple majority of land owner to approve? Yes, or 2/3 of land owners approval _____.

Are there any other issues that need to be addressed by the Architectural Committee or Ruby Lake Estates? Yes, the uniform compliance with the CCR's

Please respond by July 21, 2006

Lee Perks (775) 358-4403
Dennis McIntyre
Bill Harmon
Mike Cecchi
Bill Noble

Essington
HC 60 Box 760
Ruby Valley, NV 89833



RUBY LAKE HOA
C/O L. A. PERKS PLUMBING
765 E GREG STREET #103
SPARKS, NEVADA, 89431

89833-28 COA1

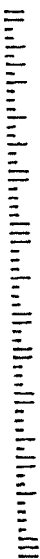


EXHIBIT “49”

EXHIBIT “49”



JIM GIBBONS
Governor

STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY
REAL ESTATE DIVISION
OFFICE OF THE OMBUDSMAN FOR OWNERS IN
COMMON-INTEREST COMMUNITIES AND CONDOMINIUM HOTELS
CICombudsman@red.state.nv.us
<http://www.red.state.nv.us>

DIANNE CORNWALL
Director

GAIL J. ANDERSON
Administrator

LINDSAY WAITE
Ombudsman

July 1, 2010

Ms. Elisabeth Essington
HC60 Box 760
Ruby Valley, Nevada 89833

Dear Ms. Essington:

This office has completed the review of your Intervention Affidavit dated December 18, 2009, received in this Office on December 22, 2009 and forwarded to me initially on January 28, 2010. On March 8, 2010, I wrote to you indicating there would be a review of the matter.

We have carefully reviewed your allegations – that Ruby Lakes Estates Homeowners Association (RLEHOA) is an invalid homeowner association. Your association, on the other hand, asserts that RLEHOA is a proper homeowner association under NRS 116 per advice from its legal counsel.

We reviewed information sent from you with your Intervention Affidavit, which included the Ruby Lake Estates Declaration of Reservations, Conditions and Restrictions (dated September 6, 1989).

We also received information sent to this office by the Association Board President and the Board's attorney, as follows: a newsletter (that appears to be from 1987) that pertained to collecting association fees for road maintenance, weed control and possible legal fees; an August 12, 2006 copy of Board minutes, in part, adopting association bylaws; the bylaws; a February 21, 2000 letter to property owners regarding (in part) the landowners' responsibility to maintain the roads, the establishment of a fee for road grading, and the deeding of the wells from the Wrights to the Association; a June 18, 2010 letter from Attorney Wines to this office indicating his legal advice to the Association that it is an association obligated to comply with the provisions of NRS 116.

For these reasons, we are not, as you requested, going to declare that Ruby Lake Estates Homeowners Association is invalid. In other words, it is our view that this Association is

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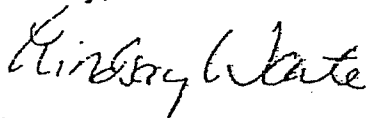
2501 E. Sahara Avenue, Suite 202 • Las Vegas, Nevada 89104-4137
(702) 486-4480 • Fax (702) 486-4520 • Toll Free 1-877-829-9907

L 15210-01

2RA333

required to comply with the laws pertaining to homeowner associations, specifically.
NRS 116 and related laws and regulations.

Sincerely,



Lindsay Waite
Ombudsman

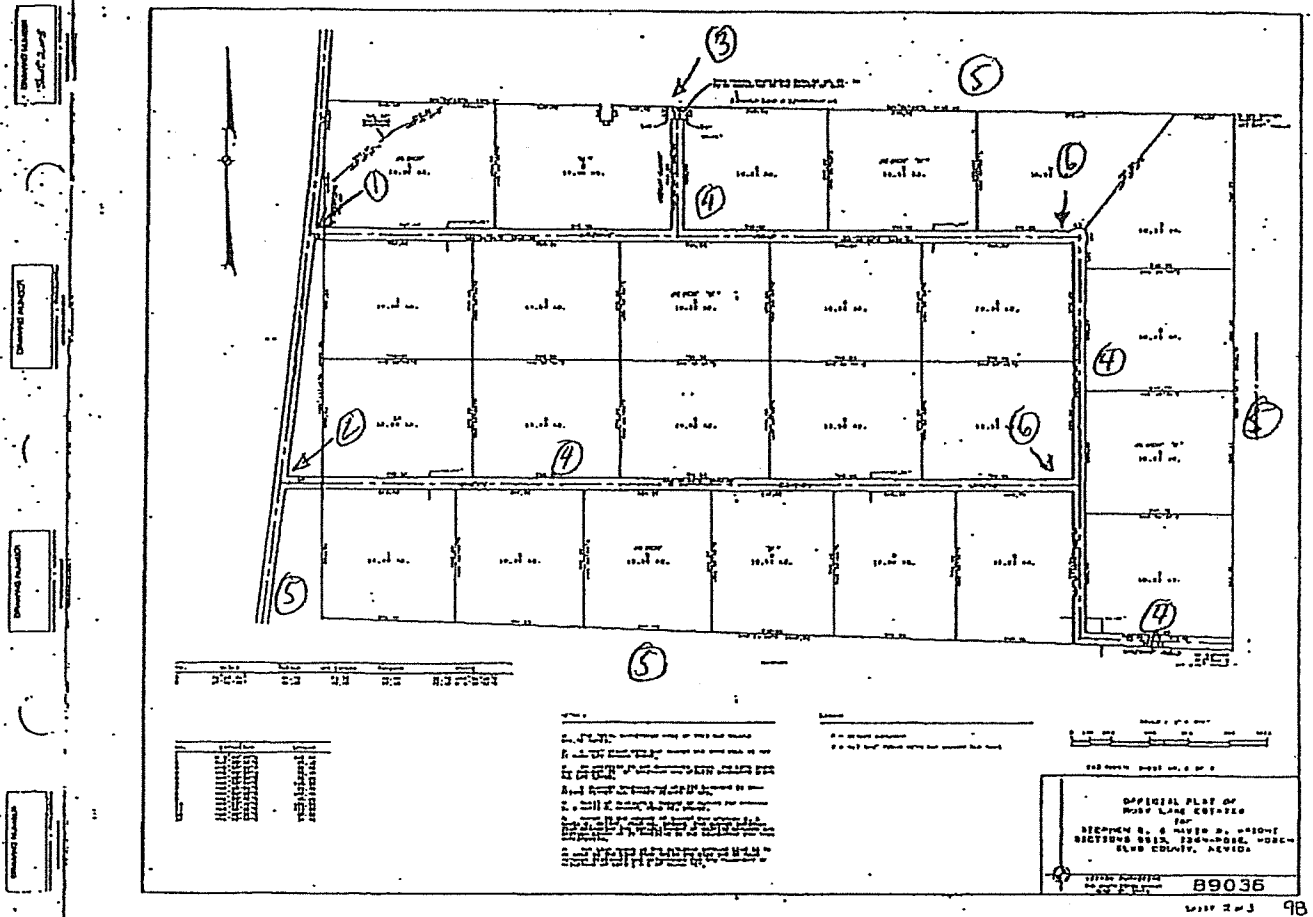


Sonya Meriweather
Program Officer III

cc: Gail Anderson, Administrator, Nevada Real Estate Division
Lee Perks, President, RLEHA, 687 6th St., Suite #1, Elko, NV 89801
Robert J. Wines, Attorney at Law, P.O. Box 511, Elko, NV 89803

EXHIBIT “50”

EXHIBIT “50”



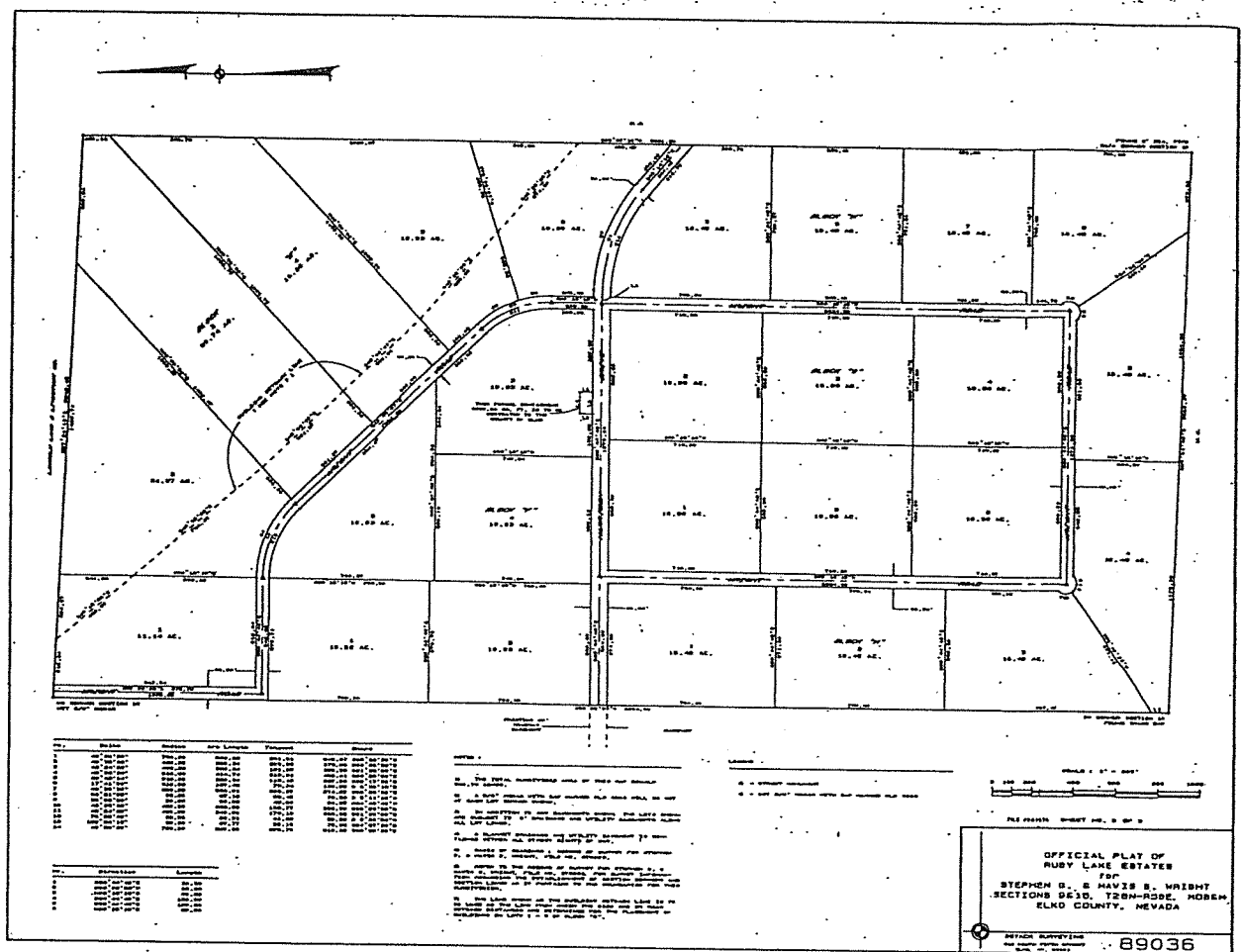
- ① CATTLE GUARD - RLE ENTRANCE OVER hand sign - street sign
- ② SAME AS ABOVE
- ③ Property owned By RLEHA
- ④ ALL ~~RA~~ ROADS EXCEPT RUBY VALLEY Rd
- ⑤ ALL PERIMETER FENCING
- ⑥ CULVERTS

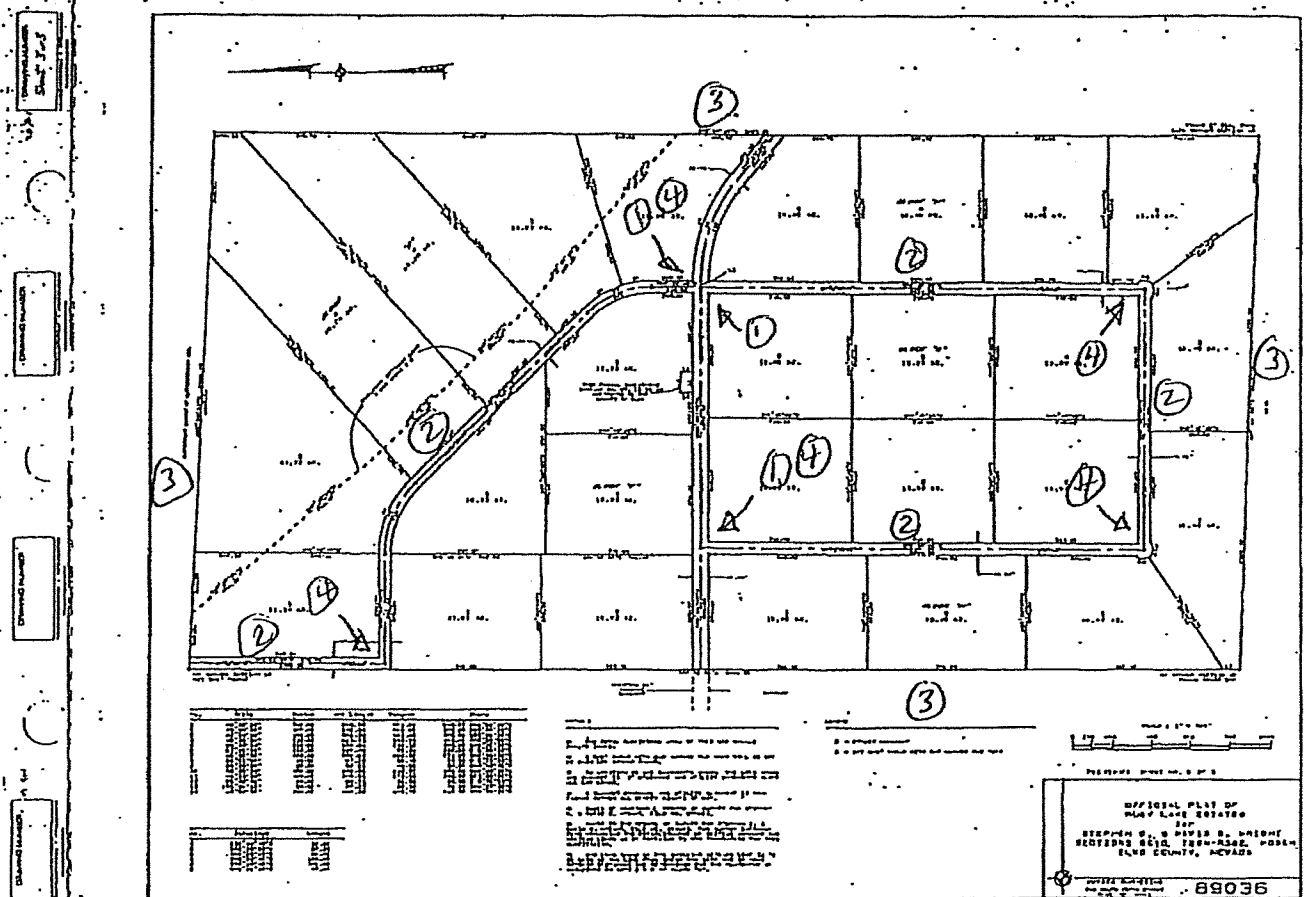
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Sheet 3 of 3

DRAWING NUMBER

DRAWING NUMBER

DRAWING NUMBER





- ① GATES
- ② ALL Rds except CCC Rd
- ③ ALL perimeter Fencing
- ④ STREET SIGNS

EXHIBIT “51”

EXHIBIT “51”

STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY - REAL ESTATE DIVISION
OFFICE OF THE OMBUDSMAN FOR COMMON-INTEREST COMMUNITIES

788 Fairview Drive, Suite 200 • Carson City, Nevada 89701-5453 • (775) 687-4280
2501 East Sahara Avenue, Suite 102 • Las Vegas, Nevada 89104-4137 • (702) 486-4033
2501 East Sahara Avenue, Suite 201 • (702) 486-4480 • fax: (702) 486-4520
Toll free: (877) 829-9907 <http://www.red.state.nv.us>

INITIAL ASSOCIATION REGISTRATION FORM

Note: Please read instructions on reverse side before completing registration form.

¹ Indicate by checking which type of entity the association will be organized with the SOS, pursuant to NRS 116.3101:

<p>Corporation:</p> <p><input type="checkbox"/> Profit <input checked="" type="checkbox"/> Nonprofit</p>	<p><input type="checkbox"/> Trust</p>	<p>Partnership:</p> <p><input type="checkbox"/> General <input type="checkbox"/> Limited <input type="checkbox"/> Limited Liability</p>
--	---------------------------------------	--

² Association

Name Ruby lake Estates Homeowner's Association

Address:

Number and Street 687 6th Street suite 1

City/State/Zip Code Elko, NV 89801

Telephone Number (775) 738-3171

⁴ County Elko

⁵ Number of Units 51 and Maximum Number of Units that may be built 51

³ Indicate by checking the type of Common-Interest Community for association:

☐ Condominium
☐ Cooperative
☒ Planned Community (PC)
 If PC, select type(s) of units in association:
☒ Single Family Dwelling ☐ Condominium
☐ Townhouse ☐ Manufactured Housing

⁶ Please indicate by checking the type of association: Master Association ☒ Sub-Association ☐ Not Applicable ☐

Note: If Sub-Association, please record the following information in the space provided:

- Name of the Master Association that the Sub is part of: _____
- Association responsible for payment of the Ombudsman's Unit Fees: Master Association ☐ Sub-Association ☐

Executive Board	President	Secretary	Treasurer
Board Member's Name	LeRoy Perks	Dennis McIntyre	Mike Cecchi
Address: Number and Street City / State / Zip Code	3030 Brenda Way Carson City, NV 89704	1530 Southview Dr. Sparks, Nv 89436	10890 Osage Rd. Reno, NV 89506
Telephone Number	(775) 358-4403	(775) 358-4403	(775) 356-1781
E-mail Address (Optional)	lee@perksplumbing.com	dennis@perksplumbing.com	mike@bramcoconst.com

Community Manager	Custodian of Records	Attorney	Declarant
Business Name	Executive Board of Association	Mathews & Wines	Mathews & Wines
Contact Name	LeRoy Perks	Robert Wines	Robert Wines
Address: Number and Street City / State / Zip Code	3030 Brenda Way Carson City, NV 89704	687 6th St. Suite 1 Elko, NV 89801	687 6th St. suite 1 Elko, NV 89801
Telephone Number	(775) 358-4403	(775) 738-3171	(775) 738-3171
E-mail Address (Optional)	lee@perksplumbing.com	bobwines@citlink.net	bobwines@citlink.net

¹² Signature/Title (Individual completing form): LeRoy Perks Date signed: 3/31/06

To be completed by Ombudsman Office only. SOS Filing Date: _____ SOS File Number: _____		Fiscal Year: _____
Initials and Date received: _____		Initials and Date entered: _____

STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY - REAL ESTATE DIVISION
OFFICE OF THE OMBUDSMAN FOR COMMON-INTEREST COMMUNITIES AND CONDOMINIUM HOTELS
788 Fairview Drive, Suite 200 • Carson City, Nevada 89701-5453 • (775) 687-4280
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• (702) 486-4480 • Toll free: (877) 829-9907 • Fax: (702) 486-4520
<http://www.red.state.nv.us>

ANNUAL ASSOCIATION REGISTRATION

NOTE: Please read instructions on pages 3 & 4 of how to complete the form correctly.

Association name: Ruby Lake Estates Homeowners Association

Subdivision name(s) for the Association: Ruby Lake Estates

Nevada Secretary of State (SOS) File Number: E0047202006 **SOS Original Filing Date:** 1/18/06

(For SOS filing information, log onto <https://esos.state.nv.us/SOSServices/AnonymousAccess/CorpSearch/CorpSearch.aspx>)

Pursuant to NRS 116.3101 and NRS 116B.415, indicate the type of common-interest community (choose one):

☐ For-profit corporation ☒ Non-profit corporation ☐ Trust ☐ General partnership ☐ Limited partnership ☐ Limited liability partnership

Association's physical address (if no address, list closest cross streets): 687 6th Street, Suite 1

City: Elko State: Nevada Zip: 89801 County in which association is located: Elko

Current billing/contact address for Division purposes: 687 6th Street, Suite 1

City: Elko State: nv Zip: 89801 Telephone: (775) 738-3171

**** Is the association a (check one)?** ☐ Condominium ☐ Cooperative ☐ Condominium Hotel ☒ Planned Community

**** If a planned community, indicate which types of units it includes:**

☒ Single Family Dwelling ☐ Condominium ☐ Townhouse ☐ Manufactured Housing ☐ Duplex

Is the common-interest community a master association or sub-association? (If so, indicate which.) ☒ Master ☐ Sub ☐ N/A

If a sub-association, to which master association does sub association belong? N/A

As of this date, the number of units that currently have liens filed for unpaid owner assessments: 0 (Zero)

Number of foreclosures, in the prior calendar year, based on liens for failure of unit owner to pay assessments: 0 (Zero)

Units/Budget/Assessments

Date of conveyance/closing of first residential unit (Mo./day/yr.): 02/02/90 Units conveyed/closed to date: 51

When/If all units have been conveyed/closed how many total units will be/are in the community? 51

Have the declarant's developmental rights (right to annex additional units) expired? ☐ Yes ☐ No

Date most recent annual meeting was held: (Mo./day/yr.): 08/08/09 Fiscal Year End Date (Mo./day/yr.): 12/31/09

Total annual budgeted assessments (combined assessment amounts for all units within the community): \$ 11397.48

Total annual budgeted revenue (combined assessment amounts for all units, including interest, other income, etc.): \$ 11500.00

The most recent independent CPA financial statements, required by NRS 116.31144 were: ☒ reviewed ☐ audited

The fiscal or calendar year for which the reviewed or audited financial statements represent: 2009

The date the reviewed or audited financial statements were completed by the CPA: (Mo./day/yr.): 01/14/2010

For office use only

Check No.: _____ Amount: _____ First Date Stamp: _____

Receipt No.: _____ Fiscal Year: _____ Second Date Stamp: _____

Third Date Stamp: _____

RECEIVED FEB 1 2010
COPY

Reserve Study (NRS 116.31152 or NRS 116B.605 and NRS 116B.610)

Has a reserve study ever been conducted? ☒ Yes ☐ No Date of the most recent reserve study was performed: (Mo./day/yr.): 7/14/09

Was the most recent study adopted by Board? ☒ Yes ☐ No Date the board adopted the study: (Mo./day/yr.): 07/19/09

Was the most recent Reserve Summary Form (# 609) mailed/sent to Ombudsman? ☐ Yes ☒ No (Mo./day/yr.): _____

Name of Reserve Specialist who conducted recent study, if applicable: Better Reserve Consultants Registration #: RS025

If not prepared by a Reserve Specialist, provide the name and title of Executive Board Member responsible for preparation of the reserve study: Name _____ Title _____

If the common-interest community contains 20 or fewer units and is located in a county whose population is 50,000 or less, the study of the reserves required by NRS 116.31152 may be conducted by any person whom the executive board deems qualified to conduct the study (AB 207, Sec. 1.3(2)) (2009 Legislation)

Has the executive board performed its annual review of the reserve study pursuant to NRS 116.31152 (1) (b)? ☒ Yes ☐ No

Has the executive board made the necessary adjustments after the review pursuant to NRS 116.31152 (1) (c)? ☒ Yes ☐ No

Required reserve balance as of the end of the current fiscal year, per the most recent adopted reserve study: 4237.00

Projected reserve account balance as of the end of the association's current fiscal year, per most recent adopted study: 4392.50

Is there currently a Reserve Assessment in effect? ☐ Yes ☒ No If so, how long is the assessment? _____

Board/Management/Declarant

Current number of board members: 6 Number of board members per governing documents: 6

Have all board members completed and signed Form 602 within 90 days of appointment or election per NRS 116.31034 (9) or NRS 116B.445(9)? ☒ Yes ☐ No / Have copies of Form 602 for each board member been submitted to the Ombudsman ☐ Yes ☐ No / If no, why not? _____

Please use a separate sheet of paper for additional board members and attach to this form.

Executive Board	President	Secretary	Treasurer
Board Member's Name			
Physical address: Number & Street City / State / Zip Code			
Telephone Number			
E-mail Address (Optional)			

	Director	Director	Hotel Unit Owner (if applicable)
Board Member's Name			
Physical address: Number & Street City / State / Zip Code			
Telephone Number			
E-mail Address (Optional)			

	Management Company, if applicable	Custodian of Records	Attorney, if applicable	Declarant
Business Name		Robert Wines, Prof	Robert Wines, Prof	Steve & Mavis Wright
Contact Name		Robert Wines	Robert Wines	Steve Wright
Address, Number & Street City / State / Zip Code		687 6th ST. Suite 1 Elko, NV 89801	687 6th ST., Suite 1 Elko, NV 89801	P. O. Box 486 Wells, NV 89835
Telephone Number and (Fax Number - Optional)	T () F ()	T (775) 738-3171 F (775) 753-9860	T (775) 738-3171 F (775) 753-9860	T (775) 752-2477 F ()
E-mail Address (Optional)				

Name of person completing form (last): _____

Signature: _____

Date signed: 2/8/10

Title: Secretary

Mgr. License # _____

STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY - REAL ESTATE DIVISION
OFFICE OF THE OMBUDSMAN FOR COMMON-INTEREST COMMUNITIES AND CONDOMINIUM HOTELS
788 Fairview Drive, Suite 200 • Carson City, Nevada 89701-5453 • (775) 687-4280
2501 East Sahara Avenue, Suite 202 • Las Vegas, Nevada 89104-4137
• (702) 486-4480 • Toll free: (877) 829-9907 • Fax: (702) 486-4520
<http://www.rcd.state.nv.us>

RECEIVED

JAN 27 2010

ANNUAL ASSOCIATION REGISTRATION

DEPT OF BUSINESS & INDUSTRY
Real Estate Division - LV

NOTE: Please read instructions on pages 3 & 4 of how to complete the form correctly.

Association name: Ruby Lake Estates Homeowners Association

Subdivision name(s) for the Association:

Nevada Secretary of State (SOS) File Number: E00472020061 SOS Original Filing Date: 1/18/06

(For SOS filing information, log onto <https://esos.state.nv.us/SOSServices/AnonymousAccess/CorpSearch/CorpSearch.aspx>)

Pursuant to NRS 116.3101 and NRS 116B.415, indicate the type of common-interest community (choose one):

☐ For-profit corporation ☒ Non-profit corporation ☐ Trust ☐ General partnership ☐ Limited partnership ☐ Limited liability partnership

Association's physical address (if no address, list closest cross streets): 687 6th Street, Suite 1

City: Elko State: Nevada Zip: 89801 County in which association is located: Elko

Current billing/contact address for Division purposes: 687 6th Street, Suite 1

City: Elko State: NV Zip: 89801 Telephone: (775) 738-3171

** Is the association a (check one)? ☐ Condominium ☐ Cooperative ☐ Condominium Hotel ☒ Planned Community

** If a planned community, indicate which types of units it includes:

☒ Single Family Dwelling ☐ Condominium ☐ Townhouse ☐ Manufactured Housing ☐ Duplex

Is the common-interest community a master association or sub-association? (If so, indicate which.) ☒ Master ☐ Sub ☐ N/A

If a sub-association, to which master association does sub association belong? N/A

As of this date, the number of units that currently have liens filed for unpaid owner assessments: 0 (Zero)

Number of foreclosures, in the prior calendar year, based on liens for failure of unit owner to pay assessments: 0 (Zero)

Units/Budget/Assessments

Date of conveyance/closing of first residential unit (Mo./day/yr.): 02/02/90 Units conveyed/closed to date: 51

When/If all units have been conveyed/closed how many total units will be/are in the community? 51

Have the declarant's developmental rights (right to annex additional units) expired? ☐ Yes ☐ No

Date most recent annual meeting was held: (Mo./day/yr.): 08/08/09 Fiscal Year End Date (Mo./day/yr.): 12/31/09

Total annual budgeted assessments (combined assessment amounts for all units within the community): \$ 11397.48

Total annual budgeted revenue (combined assessment amounts for all units, including interest, other income, etc.): \$ 11500.00

The most recent independent CPA financial statements, required by NRS 116.31144 were: ☒ reviewed ☐ audited

The fiscal or calendar year for which the reviewed or audited financial statements represent: 2009

The date the reviewed or audited financial statements were completed by the CPA: (Mo./day/yr.): 01/14/2010

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Check No.: 1054 Amount: 153.00 First Date Stamp: RECEIVED JAN 27 2010
Receipt No.: 201176 Fiscal Year: 09-10 Second Date Stamp:
Third Date Stamp:

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Reserve Study (NRS 116.31152 or NRS 116B.605 and NRS 116B.610)

Has a reserve study ever been conducted? ☒ Yes ☐ No Date of the most recent reserve study was performed: (Mo./day/yr.): 7/14/09

Was the most recent study adopted by Board? ☒ Yes ☐ No Date the board adopted the study: (Mo./day/yr.): 07/19/09

Was the most recent Reserve Summary Form (# 609) mailed/sent to Ombudsman? ☐ Yes ☒ No (Mo./day/yr.):

Name of Reserve Specialist who conducted recent study, if applicable: Better Reserve Consultants Registration #: RS025

If not prepared by a Reserve Specialist, provide the name and title of Executive Board Member responsible for preparation of the reserve study: Name _____ Title _____

If the common-interest community contains 20 or fewer units and is located in a county whose population is 50,000 or less, the study of the reserves required by NRS 116.31152 may be conducted by any person whom the executive board deems qualified to conduct the study (AB 207, Sec. 1.3(2)) (2009 Legislation)

Has the executive board performed its annual review of the reserve study pursuant to NRS 116.31152 (1) (b)? ☒ Yes ☐ No

Has the executive board made the necessary adjustments after the review pursuant to NRS 116.31152 (1) (c)? ☒ Yes ☐ No

Required reserve balance as of the end of the current fiscal year, per the most recent adopted reserve study: 4237.00

Projected reserve account balance as of the end of the association's current fiscal year, per most recent adopted study: 4392.50

Is there currently a Reserve Assessment in effect? ☐ Yes ☒ No If so, how long is the assessment? _____

Board/Management/Declarant

Current number of board members: 6 Number of board members per governing documents: 6

Have all board members completed and signed Form 602 within 90 days of appointment or election per NRS 116.31034 (9) or NRS 116B.445(9)? ☒ Yes ☐ No / Have copies of Form 602 for each board member been submitted to the Ombudsman

☐ Yes ☐ No / If no, why not? _____

Please use a separate sheet of paper for additional board members and attach to this form.

Executive Board	President	Secretary	Treasurer
Board Member's Name			
Physical address: Number & Street City / State / Zip Code			
Telephone Number			
E-mail Address (Optional)			

	Director	Director	Hotel Unit Owner (if applicable)
Board Member's Name			
Physical address: Number & Street City / State / Zip Code			
Telephone Number			
E-mail Address (Optional)			

	Management Company, if applicable	Custodian of Records	Attorney, if applicable	Declarant
Business Name		Robert Wines, Prof	Robert Wines, Prof	Steve & Mavis Wright
Contact Name		Robert Wines	Robert Wines	Steve Wright
Address: Number & Street City / State / Zip Code		687 6th ST. Suite 1 Elko, NV 89801	687 6th ST., Suite 1 Elko, NV 89801	P. O. Box 486 Wells, NV 89835
Telephone Number and (Fax Number - Optional)	T () F ()	T (775) 738-3171 F (775) 753-9860	T (775) 738-3171 F (775) 753-9860	T (775) 752-2477 F ()
E-mail Address (Optional)				

Name of pe:

Signature: _____

title: Secretary

Date signed: 1/22/10

Mgr. License # _____

STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY - REAL ESTATE DIVISION
OFFICE OF THE OMBUDSMAN FOR COMMON-INTEREST COMMUNITIES AND CONDOMINIUM HOTELS
788 Fairview Drive, Suite 200 • Carson City, Nevada 89701-5453 • (775) 687-4280
2501 East Sahara Avenue, Suite 202 • Las Vegas, Nevada 89104-4137
• (702) 486-4480 • Toll free: (877) 829-9907 • Fax: (702) 486-4520
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ANNUAL ASSOCIATION REGISTRATION

DEPT OF BUSINESS AND INDUSTRY
Real Estate Division

NOTE: Please read directions on page 3 before filling out this form. Questions? Call (877) 829-9907.

Association name: Ruby Lake Estates Homeowners Association

Nevada Secretary of State (SOS) File Number: E004-472020069 SOS Original Filing Date: 1/18/06
(For SOS filing information, log onto <https://esos.state.nv.us/SOSServices/AnonymousAccess/CorpSearch/CorpSearch.aspx>)

Pursuant to NRS 116.3101 and NRS 116B.415, indicate the type of common-interest community (choose one):

- ☐ For-profit corporation ☒ Nonprofit corporation ☐ Trust
☐ General partnership ☐ Limited partnership ☐ Limited liability partnership

Physical Address: 687 6th Street Ste 1 City: Elko State: NV Zip: 89801
Mailing Address: Same as above City: State: Zip:
Telephone: (775) 738-3171 County where association is located: Elko

** Is the association a (check one) ☐ Condominium ☐ Cooperative ☒ Planned Community ☐ Condominium Hotel?

** If a planned community, indicate which types of units it includes:

- ☒ Single Family Dwelling ☐ Condominium ☐ Townhouse ☐ Manufactured Housing ☐ Duplex

Is the common-interest community a master association or sub-association? (If so, indicate which.) ☐ Master ☐ Sub ☐ N/A

If a sub-association, to which master association does it belong? N/A

NOTE: Pursuant to NRS 116.31155(2), all master associations are responsible for payment of the annual unit fee with the Ombudsman for each sub-association unless governing documents provide otherwise; verification required by this office.

Number of foreclosures in prior calendar year based on liens for failure to pay assessments: 0

Units/Budget/Assessments

Date of conveyance of first residential unit (Mo./day/yr.): 02/20/90 Units conveyed to date: 51
Maximum number units that may be built: 51 Have declarant's development rights expired? ☐ Yes ☒ No
Annual meeting date (Mo./day/yr.): 08/08/09 Fiscal Year End Date (Mo./day/yr.): 12/31/09
Total annual assessment: \$ 11,475.00 How are assessments paid? ☐ Monthly ☐ Quarterly ☐ Semi-Annually ☒ Annually
Total annual budgeted revenue: \$ 11,475.00
Current year's financial statements were: ☐ Audited ☐ Reviewed ☒ Neither Date (Mo./day/yr.):
If audited, was the opinion ☐ qualified or ☐ unqualified? If reviewed, was report ☐ modified or ☐ unmodified?

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Check No.: 1033 Amount: 153.00 First Date Stamp: RECEIVED JAN 09 2008
Receipt No.: 162666 Fiscal Year: 08-09 Second Date Stamp: RECEIVED JAN 28 2009
MISSING INFO ON BACK OF FORM Third Date Stamp: COPIED

Reserve Study (NRS 116.31152 or NRS 116B.605 and NRS 116B.610)

Was a reserve study conducted? ☐ Yes ☒ No Date of most recent study (Mo./day/yr.): _____

Was the most recent study adopted by board? ☐ Yes ☒ No Adoption date (Mo./day/yr.): _____

Study performed by: _____

Was a Reserve Study Summary, Form 609 sent to Ombudsman? ☐ Yes ☒ No Date mailed (Mo./day/yr.): _____

Type of funding method used: ☐ Full funding ☐ Threshold funding ☐ Baseline funding ☒ other: Waiting on Study

Required reserve balance as of the beginning of the association's fiscal year, per reserve study: Waiting on Study

Actual reserve account balance as of the beginning of the association's fiscal year, per approved budget: Waiting on Study

Type of account in which reserve funds are kept: Waiting on Study Reserve Special Assessment in effect? ☐ Yes ☒ No

If the association is a condo/hotel, are there any other reserve accounts? ☐ Yes ☒ No (If yes, please file addendum.)

Board/Management/Declarant

Current number of board members: 6 Number of board members per governing documents: 6

Have all board members completed and signed Form 602 per NRS 116.31034 (9) or NRS 116B.445(9)? ☒ Yes ☐ No

Have copies of Form 602 been submitted to the Ombudsman for each board member? ☒ Yes ☐ No

Executive Board	President	Secretary	Treasurer
Board Member's Name			
Physical address: Number & Street City / State / Zip Code			
Telephone Number			
E-mail Address (Optional)			

	Director	Director	Director
Board Member's Name			
Physical address: Number & Street City / State / Zip Code			
Telephone Number			
E-mail Address (Optional)			

Please use a separate sheet of paper for additional board members and attach to this form

	Management Company	Custodian of Records	Attorney	Declarant
Business Name		Robert Wines, Prof.	Robert Wines, Proff	Steve & Mavis Wright
Contact Name		Robert Wines	Robert Wines	Steve Wright
Address: Number & Street City / State / Zip Code		687 6th Street Ste. 1 Elko, NV 89801	687 6th Street, Ste. 1 Elko, NV 89801	P. O. Box 486 Wells, NV 89835
Telephone Number	()	(775) 738-3171	(775) 738-3171	(775) 752-2477
E-mail Address (Optional)				

Name of person completing form (print)

Signature: _____

Title: Secretary

Date signed: 1/7/09

Revised 12/15/07

Page 2 of 3

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Form 562

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STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY - REAL ESTATE DIVISION
OFFICE OF THE OMBUDSMAN FOR COMMON-INTEREST COMMUNITIES AND CONDOMINIUM HOTELS
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JAN 09 2009

DEPT OF BUSINESS & INDUS
Real Estate Division - LV

ANNUAL ASSOCIATION REGISTRATION

NOTE: Please read directions on page 3 before filling out this form. Questions? Call (877)829-9907.

Association name: Ruby Lake Estates Homeowners Association

Nevada Secretary of State (SOS) File Number: E004-472020069 SOS Original Filing Date: 1/18/06
(For SOS filing information, log onto <https://esos.state.nv.us/SOSServices/AnonymousAccess/CorpSearch/CorpSearch.aspx>)

Pursuant to NRS 116.3101 and NRS 116B.415, indicate the type of common-interest community (choose one):

- ☐ For-profit corporation ☒ Nonprofit corporation ☐ Trust
☐ General partnership ☐ Limited partnership ☐ Limited liability partnership

Physical Address: 687 6th Street Ste 1 City: Elko State: NV Zip: 89801
Mailing Address: Same as above City: _____ State: _____ Zip: _____
Telephone: (775) 738-3171 County where association is located: Elko

** Is the association a (check one) ☐ Condominium ☐ Cooperative ☒ Planned Community ☐ Condominium Hotel?

** If a planned community, indicate which types of units it includes:

- ☒ Single Family Dwelling ☐ Condominium ☐ Townhouse ☐ Manufactured Housing ☐ Duplex

Is the common-interest community a master association or sub-association? (If so, indicate which.) ☒ Master ☐ Sub ☐ N/A

If a sub-association, to which master association does it belong? N/A

NOTE: Pursuant to NRS 116.31155(2), all master associations are responsible for payment of the annual unit fee with the Ombudsman for each sub-association unless governing documents provide otherwise; verification required by this office.

Number of foreclosures in prior calendar year based on liens for failure to pay assessments: 0

Units/Budget/Assessments

Date of conveyance of first residential unit (Mo./day/yr.): 02/20/90 Units conveyed to date: 51

Maximum number units that may be built: 51 Have declarant's development rights expired? ☐ Yes ☒ No

Annual meeting date (Mo./day/yr.): 08/08/09 Fiscal Year End Date (Mo./day/yr.): 12/31/09

Total annual assessment: \$ 11,475.00 How are assessments paid? ☐ Monthly ☐ Quarterly ☐ Semi-Annually ☒ Annually

Total annual budgeted revenue: \$ _____

Current year's financial statements were: ☐ Audited ☐ Reviewed ☒ Neither Date (Mo./day/yr.): _____

If audited, was the opinion ☐ qualified or ☐ unqualified? If reviewed, was report ☐ modified or ☐ unmodified?

For office use only

Check No.: 1033 Amount: 153.00 First Date Stamp: RECEIVED JAN 09 2009
Receipt No.: 162666 Fiscal Year: 08-09 Second Date Stamp: _____
Third Date Stamp: _____

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Reserve Study (NRS 116.3115 or NRS 116B.605 and NRS 116B.610)

Was a reserve study conducted? ☐ Yes ☒ No Date of most recent study (Mo./day/yr.): _____

Was the most recent study adopted by board? ☐ Yes ☒ No Adoption date (Mo./day/yr.): _____

Study performed by: _____

Was a Reserve Study Summary, Form 609 sent to Ombudsman? ☐ Yes ☒ No Date mailed (Mo./day/yr.): _____

Type of funding method used: ☐ Full funding ☐ Threshold funding ☐ Baseline funding ☐ other: _____

Required reserve balance as of the beginning of the association's fiscal year, per reserve study: _____

Actual reserve account balance as of the beginning of the association's fiscal year, per approved budget: _____

Type of account in which reserve funds are kept: _____ Reserve Special Assessment in effect? ☐ Yes ☒ No

If the association is a condo/hotel, are there any other reserve accounts? ☐ Yes ☒ No (If yes, please file addendum.)

Board/Management/Declarant

Current number of board members: 6 Number of board members per governing documents: 6

Have all board members completed and signed Form 602 per NRS 116.31034 (9) or NRS 116B.445(9)? ☒ Yes ☐ No

Have copies of Form 602 been submitted to the Ombudsman for each board member? ☐ Yes ☒ No

Executive Board	President	Secretary	Treasurer
Board Member's Name	/	/	✓
Physical address: Number & Street City / State / Zip Code			
Telephone Number			
E-mail Address (Optional)			

	Director	Director	Director
Board Member's Name	✓	✓	✓
Physical address: Number & Street City / State / Zip Code			
Telephone Number			
E-mail Address (Optional)			

Please use a separate sheet of paper for additional board members and attach to this form

	Management Company	Custodian of Records	Attorney	Declarant
Business Name		Robert Wines, Prof.	Robert Wines, Proff	Steve & Mavis Wright
Contact Name		Robert Wines	Robert Wines	Steve Wright
Address: Number & Street City / State / Zip Code		687 6th Street Ste. 1 Elko, NV 89801	687 6th Street, Ste. 1 Elko, NV 89801	P. O. Box 486 Wells, NV 89835
Telephone Number	()	(775) 738-3171	(775) 738-3171	(775) 752-2477
E-mail Address (Optional)				

Name of person:

Signature:

Revised 12/15/07

Title: Secretary

Date signed: 1/7/09

Page 2 of 3

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STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY - REAL ESTATE DIVISION
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<http://www.red.state.nv.us>

ANNUAL ASSOCIATION REGISTRATION

NOTE: Please read directions on page 3 before filling out this form. Questions? Call (877) 829-9907.

Association name: Long Lake Lake Homeowners Assoc.

Nevada Secretary of State (SOS) File Number: 12-1720200-7 SOS Original Filing Date: 1/15/08

(For SOS filing information, log onto <https://sos.state.nv.us/SOSServices/AnonymousAccess/CorpSearch/CorpSearch.aspx>)

Pursuant to NRS 116.3101 and NRS 116B.415, indicate the type of common-interest community (choose one):

- ☐ For-profit corporation ☒ Nonprofit corporation ☐ Trust
☐ General partnership ☐ Limited partnership ☐ Limited liability partnership

Physical Address: 687 E. 4th St. City: Elko State: NV Zip: 87801
Mailing Address: 687 E. 4th St. City: Elko State: NV Zip: 87801
Telephone: (775) 738-3171 County where association is located: Elko

** Is the association a (check one) ☒ Condominium ☐ Cooperative ☒ Planned Community ☐ Condominium Hotel?

** If a planned community, indicate which types of units it includes:

- ☒ Single Family Dwelling ☐ Condominium ☐ Townhouse ☐ Manufactured Housing ☐ Duplex

Is the common-interest community a master association or sub-association? (If so, indicate which.) ☒ Master ☐ Sub ☐ N/A

If a sub-association, to which master association does it belong? N/A

NOTE: Pursuant to NRS 116.31155(2), all master associations are responsible for payment of the annual unit fee with the Ombudsman for each sub-association unless governing documents provide otherwise; verification required by this office.

Number of foreclosures in prior calendar year based on liens for failure to pay assessments: 2

Units/Budget/Assessments

Date of conveyance of first residential unit (Mo./day/yr.): 02/20/90 Units conveyed to date: 51

Maximum number units that may be built: 51 Have declarant's development rights expired? Yes ☐ No ☒

Annual meeting date (Mo./day/yr.): 08/09/08 Fiscal Year End Date (Mo./day/yr.): 12/31/07

Total annual assessment: \$ 7652.00 How are assessments paid? ☐ Monthly ☐ Quarterly ☐ Semi-Annually ☒ Annually

Total annual budgeted revenue: \$ 7652.00

Current year's financial statements were: ☐ Audited ☐ Reviewed ☒ Neither Date (Mo./day/yr.): _____

If audited, was the opinion ☐ qualified or ☐ unqualified? If reviewed, was report ☐ modified or ☐ unmodified?

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Check No.: 1018 Amount: 153 First Date Stamp: RECEIVED JAN 25 2008
Receipt No.: 123986 Fiscal Year: 07-08 Second Date Stamp: RECEIVED FEB 21 2008
* MUST BE IN MM/DD/YY FORMAT Third Date Stamp: _____

Revised 12/15/07

Page 1 of 3

Form 562

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12/22/08
TRA351

Reserve Study (NRS 116.3115, NRS 116B.605 and NRS 116B.610)Was a reserve study conducted? ☐ Yes ☒ No Date of most recent study (Mo./day/yr.): _____Was the most recent study adopted by board? ☐ Yes ☐ No Adoption date (Mo./day/yr.): _____

Study performed by: _____

Was a Reserve Study Summary, Form 609 sent to Ombudsman? ☐ Yes ☒ No Date mailed (Mo./day/yr.): _____Type of funding method used: ☐ Full funding ☐ Threshold funding ☐ Baseline funding ☐ other: _____Required reserve balance as of the beginning of the association's fiscal year, per reserve study: 11/14Actual reserve account balance as of the beginning of the association's fiscal year, per approved budget: 12,080Type of account in which reserve funds are kept: Checking Reserve Special Assessment in effect? ☐ Yes ☒ NoIf the association is a condo/hotel, are there any other reserve accounts? ☐ Yes ☐ No (If yes, please file addendum.)**Board/Management/Declarant**Current number of board members: 6 Number of board members per governing documents: 6Have all board members completed and signed Form 602 per NRS 116.31034 (9) or NRS 116B.445(9)? ☒ Yes ☐ NoHave copies of Form 602 been submitted to the Ombudsman for each board member? ☒ Yes ☐ No

Executive Board	President	Secretary	Treasurer
Board Member's Name			
Physical address: Number & Street City / State / Zip Code			
Telephone Number			
E-mail Address (Optional)			

	Director	Director	Director Hotel Unit Owner (if applicable)
Board Member's Name			
Physical address: Number & Street City / State / Zip Code			
Telephone Number			
E-mail Address (Optional)			

Please use a separate sheet of paper for additional board members and attach to this form

	Management Company	Custodian of Records	Attorney	Declarant
Business Name		Robert Wines, Prof	Robert Wines, Prof	Steven M. Wines, Prof
Contact Name		Robert Wines	Robert Wines	Steven M. Wines
Address: Number & Street City / State / Zip Code		687 6th St. Ste 1 Elko NV 89801	687 6th St. Ste 1 Elko NV 89801	P.O. Box 416 Elko NV 89801-0416
Telephone Number	()	(775) 738-3171	(775) 738-3171	(775) 738-3177
E-mail Address (Optional)				

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Name of person completing form (print): _____

Signature: _____

Date signed: 1/27/08Title: President

STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY - REAL ESTATE DIVISION
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<http://www.red.state.nv.us>

ANNUAL ASSOCIATION REGISTRATION

NOTE: Please read directions on page 3 before filling out this form. Questions? Call (877) 829-9907.

Association name: Ruby Lake Estates Homeowners Assoc.

Nevada Secretary of State (SOS) File Number: E00472020067 SOS Original Filing Date: 1/15/06
(For SOS filing information, log onto <https://esos.state.nv.us/SOSServices/AnonymousAccess/CorpSearch/CorpSearch.aspx>)

Pursuant to NRS 116.3101 and NRS 116B.415, indicate the type of common-interest community (choose one):
☐ For-profit corporation ☒ Nonprofit corporation ☐ Trust
☐ General partnership ☐ Limited partnership ☐ Limited liability partnership

Physical Address: 687 6th St Ste 1 City: Elko State: NV Zip: 89801
Mailing Address: 687 6th St Ste 1 City: Elko State: NV Zip: 89801
Telephone: (775) 738-3171 County where association is located: Elko

** Is the association a (check one) ☐ Condominium ☐ Cooperative ☒ Planned Community ☐ Condominium Hotel?

** If a planned community, indicate which types of units it includes:

☒ Single Family Dwelling ☐ Condominium ☐ Townhouse ☐ Manufactured Housing ☐ Duplex

Is the common-interest community a master association or sub-association? (If so, indicate which.) ☒ Master ☐ Sub ☐ N/A

If a sub-association, to which master association does it belong? n/a

NOTE: Pursuant to NRS 116.31155(2), all master associations are responsible for payment of the annual unit fee with the Ombudsman for each sub-association unless governing documents provide otherwise; verification required by this office.

Number of foreclosures in prior calendar year based on liens for failure to pay assessments: 0

Units/Budget/Assessments

Date of conveyance of first residential unit (Mo./day/yr.): _____ Units conveyed to date: 51

Maximum number units that may be built: 51 Have declarant's development rights expired? ☐ Yes ☐ No

Annual meeting date (Mo./day/yr.): Second Sat Aug 08 Fiscal Year End Date (Mo./day/yr.): 12/31/08

Total annual assessment: \$ 7650⁰⁰ How are assessments paid? ☐ Monthly ☐ Quarterly ☐ Semi-Annually ☒ Annually

Total annual budgeted revenue: \$ 7650⁰⁰

Current year's financial statements were: ☐ Audited ☐ Reviewed ☒ Neither Date (Mo./day/yr.): _____

If audited, was the opinion ☐ qualified or ☐ unqualified? If reviewed, was report ☐ modified or ☐ unmodified?

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Check No.: 1019 Amount: 153 First Date Stamp: RECEIVED JAN 25 2003
Receipt No.: 123984 Fiscal Year: 07-08 Second Date Stamp: _____
Third Date Stamp: _____

Reserve Study (NRS 116.311 or NRS 116B.605 and NRS 116B.610)

Was a reserve study conducted? ☐ Yes ☒ No Date of most recent study (Mo./day/yr.): _____

Was the most recent study adopted by board? ☐ Yes ☐ No Adoption date (Mo./day/yr.): _____

Study performed by: _____

Was a Reserve Study Summary, Form 609 sent to Ombudsman? ☐ Yes ☒ No Date mailed (Mo./day/yr.): _____

Type of funding method used: ☐ Full funding ☐ Threshold funding ☐ Baseline funding ☐ other: _____

Required reserve balance as of the beginning of the association's fiscal year, per reserve study: n/a

Actual reserve account balance as of the beginning of the association's fiscal year, per approved budget: 12,080.00

Type of account in which reserve funds are kept: Checking Reserve Special Assessment in effect? ☐ Yes ☒ No

If the association is a condo/hotel, are there any other reserve accounts? ☐ Yes ☐ No (If yes, please file addendum.)

Board/Management/Declarant

Current number of board members: 6 Number of board members per governing documents: 6

Have all board members completed and signed Form 602 per NRS 116.31034 (9) or NRS 116B.445(9)? ☒ Yes ☐ No

Have copies of Form 602 been submitted to the Ombudsman for each board member? ☒ Yes ☐ No

Executive Board	President	Secretary	Treasurer
Board Member's Name			
Physical address: Number & Street City / State / Zip Code			
Telephone Number			
E-mail Address (Optional)			

	Director	Director	Director Hotel Unit Owner (If applicable)
Board Member's Name			
Physical address: Number & Street City / State / Zip Code			
Telephone Number			
E-mail Address (Optional)			

Please use a separate sheet of paper for additional board members and attach to this form

	Management Company	Custodian of Records	Attorney	Declarant
Business Name		Robert Wines, Prof	Robert Wines, Prof	Steven Mavis Wright
Contact Name		Robert Wines	Robert Wines	Steve Wright
Address: Number & Street City / State / Zip Code		687 6th St Ste 1 Elko NV 89801	687 6th St Ste 1 Elko NV 89801	P.O. Box 486 Wells NV 89835
Telephone Number	()	(775) 738-3171	(775) 738-3171	(775) 752-2477
E-mail Address (Optional)				

Name of person:

Signature: _____

Date signed: 1/22/08

Title: President

Revised 12/15/07

STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY
REAL ESTATE DIVISION

788 Fairview Drive, Suite 200 • Carson City, NV 89701-5453 • (775) 687-4280
2501 East Sahara Avenue, Suite 102 • Las Vegas, NV 89104-4137 • (702) 486-4033
e-mail: realest@red.state.nv.us http://www.red.state.nv.us

Declaration of Certification
Common-Interest Community Board Member
NRS 116.310(9)

I _____, an appointed
(print name)

or elected member of the executive board of ROBY LAKE ESTATES,
homeowner association, Secretary of State (SOS) File # E00472020069.

certify that I have read and understand, to the best of my ability, the governing
documents of the association and the provisions of Chapter 116 of Nevada Revised
Statutes ("NRS") and the Nevada Administrative Code ("NAC").

Date of election or appointment to the board 08 12 2006
month day year

"I declare under penalty of perjury under the law of the State of Nevada that the
foregoing is true and correct."

Executed on 1/13/08
Date

Signature

The Administrator of the Real Estate Division requires the association to submit a copy of this
certification for each member of the executive board at the time the association registers
annually with the Office of the Ombudsman pursuant to Nevada Revised Statutes ("NRS")
116.31158. All declarations are to be submitted to the Las Vegas address listed above

STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY
REAL ESTATE DIVISION

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2501 East Sahara Avenue, Suite 102 * Las Vegas, NV 89104-4137 * (702) 486-4033
e-mail: realest@red.state.nv.us http://www.red.state.nv.us

**Declaration of Certification
Common-Interest Community Board Member
NRS 116.31034(9)**

I _____, an appointed
(print name)

or elected member of the executive board of Ruby Lake Estates Homeowners Assoc
homeowner association, Secretary of State (SOS) File # E00472020069,

certify that I have read and understand, to the best of my ability, the governing
documents of the association and the provisions of Chapter 116 of Nevada Revised
Statutes ("NRS") and the Nevada Administrative Code ("NAC").

Date of election or appointment to the board 8 12 06
month day year

***"I declare under penalty of perjury under the law of the State of Nevada that the
foregoing is true and correct."***

Executed on Jan. 18, 2008
Date

Signature _____

***The Administrator of the Real Estate Division requires the association to submit a copy of this
certification for each member of the executive board at the time the association registers
annually with the Office of the Ombudsman pursuant to Nevada Revised Statutes ("NRS")
116.31158. All declarations are to be submitted to the Las Vegas address listed above.***

COPY

STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY
REAL ESTATE DIVISION

788 Fairview Drive, Suite 200 * Carson City, NV 89701-5453 * (775) 687-4280
2501 East Sahara Avenue, Suite 102 * Las Vegas, NV 89104-4137 * (702) 486-4033
e-mail: realest@red.state.nv.us http://www.red.state.nv.us

Declaration of Certification
Common-Interest Community Board Member
NRS 116.31034(9)

I _____, an appointed
(print name)

or elected member of the executive board of Ruby Lake Estates Homeowners
Association
homeowner association, Secretary of State (SOS) File # ED0472020069
certify that I have read and understand, to the best of my ability, the governing
documents of the association and the provisions of Chapter 116 of Nevada Revised
Statutes ("NRS") and the Nevada Administrative Code ("NAC").

Date of election or appointment to the board 8 11 2007
month day year

"I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct."

Executed on 1-8-2008
Date

Signature _____

The Administrator of the Real Estate Division requires the association to submit a copy of this certification for each member of the executive board at the time the association registers annually with the Office of the Ombudsman pursuant to Nevada Revised Statutes ("NRS") 116.31158. All declarations are to be submitted to the Las Vegas address listed above.

COPY

STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY
REAL ESTATE DIVISION

788 Fairview Drive, Suite 200 * Carson City, NV 89701-5453 * (775) 687-4280
2501 East Sahara Avenue, Suite 102 * Las Vegas, NV 89104-4137 * (702) 486-4033
e-mail: realest@red.state.nv.us http://www.red.state.nv.us

**Declaration of Certification
Common-Interest Community Board Member
NRS 116.31034(9)**

I _____, an appointed
(print name)

or elected member of the executive board of Ruby Lake Estates Homeowners Assoc.
homeowner association, Secretary of State (SOS) File # 600472020069,

certify that I have read and understand, to the best of my ability, the governing
documents of the association and the provisions of Chapter 116 of Nevada Revised
Statutes ("NRS") and the Nevada Administrative Code ("NAC").

Date of election or appointment to the board 8 12 06
month day year

"I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct."

Executed on 1-8-08
Date

Signature

The Administrator of the Real Estate Division requires the association to submit a copy of this certification for each member of the executive board at the time the association registers annually with the Office of the Ombudsman pursuant to Nevada Revised Statutes ("NRS") 116.31158. All declarations are to be submitted to the Las Vegas address listed above.

COPY

STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY
REAL ESTATE DIVISION

788 Fairview Drive, Suite 200 * Carson City, NV 89701-5453 * (775) 687-4280
2501 East Sahara Avenue, Suite 102 * Las Vegas, NV 89104-4137 * (702) 486-4033
e-mail: realest@red.state.nv.us http://www.red.state.nv.us

Declaration of Certification
Common-Interest Community Board Member
NRS 116.31034(9)

I _____, an appointed
(print name)

or elected member of the executive board of Ruby Lake Estates,
homeowner association, Secretary of State (SOS) File # E00472020069,

certify that I have read and understand, to the best of my ability, the governing
documents of the association and the provisions of Chapter 116 of Nevada Revised
Statutes ("NRS") and the Nevada Administrative Code ("NAC").

Date of election or appointment to the board August 11, 2007
month day year

*"I declare under penalty of perjury under the law of the State of Nevada that the
foregoing is true and correct."*

Executed on 1-11-08
Date

Signature

*The Administrator of the Real Estate Division requires the association to submit a copy of this
certification for each member of the executive board at the time the association registers
annually with the Office of the Ombudsman pursuant to Nevada Revised Statutes ("NRS")
116.31158. All declarations are to be submitted to the Las Vegas address listed above.*

COPY

all 6
6/13/08 602

STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY - REAL ESTATE DIVISION
OFFICE OF THE OMBUDSMAN FOR COMMON-INTEREST COMMUNITIES
788 Fairview Drive, Suite 200 • Carson City, Nevada 89701-5453 • (775) 687-4280
2501 East Sahara Avenue, Suite 202 • Las Vegas, Nevada 89104-4137
• (702) 486-4480 • Toll free: (877) 829-9907 • Fax: (702) 486-4520
<http://www.red.state.nv.us>

ANNUAL ASSOCIATION REGISTRATION FORM
Please read directions on page 3 before filling out this form

For SOS filing information, log onto: <https://esos.state.nv.us/SOSServices/AnonymousAccess/CorpSearch/CorpSearch.aspx>

Nevada Secretary of State (SOS) File Number: E00472020069 SOS Original Filing Date: 1/18/06

Indicate by checking which type of entity the association is organized with the SOS, pursuant to NRS 116.3101

Corporation:

☐ Profit ☒ Nonprofit

☐ Trust

Partnership:

☐ General ☐ Limited ☐ Limited Liability

Association's Physical Address:

Association Name: Ruby Lake Estate Homeowners Assoc

Number and Street: 687 6th St Ste 1

City/State/Zip Code: Elko, NV 89801

Telephone Number: () 775-738-3171

County: Elko

Association's Mailing Address:

Association Name: Ruby Lake Estates Homeowners Assoc

Number and Street: 687 6th St Ste 1

City/State: Elko, NV

Zip: 89801

Number of foreclosures in prior year: 0

Indicate by checking the type of Common Interest Community for association:

☐ Condominium

☒ Planned Community (PC)

If Planned Community, select type(s) of units in association:

☒ Single Family Dwelling ☐ Condominium

☐ Townhouse ☐ Manufactured Housing

☒ Cooperative

Indicate if the association is one of the following: ☒ Master Association ☐ Sub-association

Note: If Sub-association, please record the following information in the space provided:

• Name of the Master Association which the Sub is part: _____

Note: Effective Oct. 1, 2005, Senate Bill 325, Sec. 69 indicates that all Master Associations are responsible for payment of the Ombudsman's fee for each sub-association unless governing documents provide otherwise; verification required by this office.

Units/Budget/Assessments

Date of first conveyance of unit: 2/20/90

* (Mo./date/yr.)

Total Number of current units conveyed: 51

Annual Meeting Date: 2ND SAT AUG. 2007

(Mo./day/yr.)

Maximum Number of Units that may be built: 51

Fiscal Year Ending Date: 12/31/2007

(Mo./day/yr.)

Total Annual Assessment: \$ 76.50

☐ Monthly ☐ Quarterly ☐ Semi-Annually ☒ Annually

Total Annual Budgeted Revenue: \$ UNAVAILABLE

Where financial statements audited or reviewed?: ☐ Yes ☒ No

Date audit or review completed: _____

(Mo./day/yr.)

Circle whether the audit opinion was qualified or unqualified or whether the review report was modified or unmodified.

Revised 11/14/06

* Missing information

on back Thank you

RECEIVED JAN 05 2007

Page 1 of 3

RECEIVED MAR 12 2007

RECEIVED JAN 20 2007
2RA360

562

COPY

Reserve Study (NRS 116.31152)Study Conducted: ☐ Yes ☒ No

Summary form mailed to Ombudsman's office

☒ No

Date Mailed

(Mo./date/yr)

Date of most current Study: _____
(Mo./date/yr)

Study performed by: _____

Adoption date: _____

(Mo./date/yr)

Type of funding method used: ☐ Full funding ☐ Threshold funding ☐ Baseline funding ☐ other _____

Total reserve requirement January 1 of current year: _____

Actual reserve account balance January 1 of current year: _____

Total current year annual funding: _____

Current month actual reserve balance: Month 5757⁰⁰ \$ _____

Annual Funding Requirement on Reserve Study: \$ _____

Type of account for reserve fund: CHECKINGAre there restrictions in association documents regarding special assessments? ☐ Yes ☒ NoReserve Special Assessment: ☐ Yes ☒ No Duration of Special Assessment: _____Indicate by checking payment of assessment: ☐ Monthly ☐ Quarterly ☐ Semi-Annually ☐ Annual ☐ One-time**Board/Management/Declarant**Current number of board members: 6Number of board members per governing docs: 6Have all board members signed declarations per NRS 116.31034 (9) and submitted to Ombudsman's office: ☒ Yes ☐ No

Executive Board	President	Secretary	Treasurer
Board Member's Name			
Home address: Number & street			
City / State / Zip Code			
Telephone Number			
E-mail Address (Optional)			

	Director	Director	Director
Board Member's Name			
Home address: Number & Street			
City / State / Zip Code			
Telephone Number			
E-mail Address (Optional)			

	Community Manager	Custodian of Record	Attorney	Declarant
Business Name	Executive Board of Assoc	Mathews & Wines	Mathews & Wines	Steve & Mavis Wright
Contact Name	LeRoy Perks	Robert Wines	Robert Wines	Steve Wright
Address: Number & Street City / State / Zip Code	3030 Brenda Way Carson City, NV 89701	687 6th St Ste 1 Elko, NV 89801	687 6th St Ste 1 Elko, NV 89801	P. O. Box 486 Wells, NV 89835
Telephone Number	() 775-849-2494	() 775-738-3171	() 775-738-3171	() 775-752-2477
E-mail Address (Optional)				

Signature (Individual completing form): _____

Date signed: 1-3-2007

To be completed by Ombudsman Office only

Fiscal Year

Initials and Date received

RECEIVED

JAN 6 8 2007

Initials and Date entered

STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY - REAL ESTATE DIVISION
OFFICE OF THE OMBUDSMAN FOR COMMON-INTEREST COMMUNITIES
788 Fairview Drive, Suite 200 • Carson City, Nevada 89701-5453 • (775) 687-4280
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ANNUAL ASSOCIATION REGISTRATION FORM
Please read directions on page 3 before filling out this form

For SOS filing information, log onto: <https://esos.state.nv.us/SOSServices/AnonymousAccess/CorpSearch/CorpSearch.aspx>

Nevada Secretary of State (SOS) File Number: E00472020069 SOS Original Filing Date: 1/18/06

Indicate by checking which type of entity the association is organized with the SOS, pursuant to NRS 116.3101

Corporation:

☐ Profit ☒ Nonprofit

☐ Trust

Partnership:

☐ General ☐ Limited ☐ Limited Liability

Association's Physical Address:

Association Name: Ruby Lake Estate Homeowners Assoc

Number and Street: 687 6th St Ste 1

City/State/Zip Code: Elko, NV 89801

Telephone Number: () 775-738-3171

County: Elko

Association's Mailing Address:

Association Name: Ruby Lake Estates Homeowners Assoc

Number and Street: 687 6th St Ste 1

City/State: Elko, NV

Zip: 89801

Number of foreclosures in prior year: 0

Indicate by checking the type of Common Interest Community for association:

☐ Condominium

☒ **Planned Community (PC)**

If Planned Community, select type(s) of units in association:

☒ Single Family Dwelling ☐ Condominium

☐ Townhouse ☐ Manufactured Housing

☒ **Cooperative**

Indicate if the association is one of the following : ☒ Master Association ☐ Sub-association

Note: If Sub-association, please record the following information in the space provided:

• Name of the Master Association which the Sub is part: _____

Note: Effective Oct. 1, 2005, Senate Bill 325, Sec. 69 indicates that all Master Associations are responsible for payment of the Ombudsman's fee for each sub-association unless governing documents provide otherwise; verification required by this office.

Units/Budget/Assessments

Date of first conveyance of unit: 2/20/90
* (Mo./date/yr.)

Total Number of current units conveyed: 51

Maximum Number of Units that may be built: 51

Annual Meeting Date: 2ND SAT AUG. 2007
(Mo./day/yr.)

Fiscal Year Ending Date: 12/31/2007
(Mo./day/yr.)

Total Annual Assessment: \$ 7650⁰⁰

☐ Monthly ☐ Quarterly ☐ Semi-Annually ☒ Annually

Total Annual Budgeted Revenue: \$ UNAVAILABLE

Where financial statements audited or reviewed? : ☐ Yes ☒ No Date audit or review completed: _____

(Mo./day/yr.)

Circle whether the audit opinion was qualified or unqualified or whether the review report was modified or unmodified.

Reserve Study (NRS 116.31152)Study Conducted: ☐ Yes ☒ No Reserve Summary form mailed to Ombudsman's office: ☐ Yes ☒ No Date Mailed _____ (Mo./date/yr)

Date of most current Study: _____ Study performed by: _____ Adoption date: _____ (Mo./date/yr.)

Type of funding method used: ☐ Full funding ☐ Threshold funding ☐ Baseline funding ☐ other _____

Total reserve requirement January 1 of current year: _____

Actual reserve account balance January 1 of current year: _____

Total current year annual funding: _____

Current month actual reserve balance: Month 5757⁰⁰ \$ _____

Annual Funding Requirement on Reserve Study: \$ _____

Type of account for reserve fund: CHECKINGAre there restrictions in association documents regarding special assessments? ☐ Yes ☒ NoReserve Special Assessment: ☐ Yes ☒ No Duration of Special Assessment: _____Indicate by checking payment of assessment: ☐ Monthly ☐ Quarterly ☐ Semi-Annually ☐ Annual ☐ One-time**Board/Management/Declarant**Current number of board members: 6 Number of board members per governing docs: _____Have all board members signed declarations per NRS 116.31034 (9) and submitted to Ombudsman's office: ☒ Yes ☐ No

Executive Board	President	Secretary	Treasurer
Board Member's Name			
Home address: Number & street			
City / State / Zip Code			
Telephone Number			
E-mail Address (Optional)			

	Director	Director	Director
Board Member's Name			
Home address: Number & Street			
City / State / Zip Code			
Telephone Number			
E-mail Address (Optional)			

	Community Manager	Custodian of Record	Attorney	Declarant
Business Name	Executive Board of Assoc	Mathews & Wines	Mathews & Wines	Steve & Mavis Wright
Contact Name	LeRoy Perks	Robert Wines	Robert Wines	Steve Wright
Address: Number & Street	3030 Brenda Way	687 6th St Ste 1	687 6th St Ste 1	P. O. Box 486
City / State / Zip Code	Carson City, NV 89701	Elko, NV 89801	Elko, NV 89801	Wells, NV 89835
Telephone Number	() 775-849-2494	() 775-738-3171	() 775-738-3171	() 775-752-2477
E-mail Address (Optional)				

Signature (Individual completing form)

Date signed: 1-3-2007

To be completed by Ombudsman Office only

Fiscal Year: _____

Initials and Date received: **RECEIVED** JAN 08 2007

Initials and Date entered: _____

COPY

STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY - REAL ESTATE DIVISION
OFFICE OF THE OMBUDSMAN FOR COMMON-INTEREST COMMUNITIES
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• (702) 486-4480 • Toll free: (877) 829-9907 • Fax: (702) 486-4520
<http://www.red.state.nv.us>

ANNUAL ASSOCIATION REGISTRATION FORM
Please read directions on page 3 before filling out this form

For SOS filing information, log onto: <https://esos.state.nv.us/SOSServices/AnonymousAccess/CorpSearch/CorpSearch.aspx>

Nevada Secretary of State (SOS) File Number: E00472020069 SOS Original Filing Date: 1/18/06

Indicate by checking which type of entity the association is organized with the SOS, pursuant to NRS 116.3101

Corporation:

☐ Profit ☒ Nonprofit

☐ Trust

Partnership:

☐ General ☐ Limited ☐ Limited Liability

Association's Physical Address:

Association Name: Ruby Lake Estate Homeowners Assoc

Number and Street: 687 6th St Ste 1

City/State/Zip Code: Elko, NV 89801

Telephone Number: () 775-738-3171

County: Elko

Association's Mailing Address:

Association Name: Ruby Lake Estates Homeowners Assoc

Number and Street: 687 6th St Ste 1

City/State: Elko, NV

Zip: 89801

Number of foreclosures in prior year: 0

Indicate by checking the type of Common Interest Community for association:

☐ Condominium

☒ Planned Community (PC)

If Planned Community, select type(s) of units in association:

☒ Single Family Dwelling ☐ Condominium

☐ Townhouse ☐ Manufactured Housing

☒ Cooperative

Indicate if the association is one of the following: ☒ Master Association ☐ Sub-association

Note: If Sub-association, please record the following information in the space provided:

• Name of the Master Association which the Sub is part: _____
Note: Effective Oct. 1, 2005, Senate Bill 325, Sec. 69 indicates that all Master Associations are responsible for payment of the Ombudsman's fee for each sub-association unless governing documents provide otherwise; verification required by this office.

Units/Budget/Assessments

Date of first conveyance of unit: _____
(Mo./date/yr.)

Total Number of current units conveyed: 51 Maximum Number of Units that may be built: 51

Annual Meeting Date: 2ND SAT AUG. 2007 Fiscal Year Ending Date: 12/31/2007
(Mo./day/yr.) (Mo./day/yr.)

Total Annual Assessment: \$ 7650.00 ☐ Monthly ☐ Quarterly ☐ Semi-Annually ☒ Annually

Total Annual Budgeted Revenue: \$ UNAVAILABLE

Where financial statements audited or reviewed?: ☐ Yes ☒ No Date audit or review completed: _____
(Mo./day/yr.)

Circle whether the audit opinion was qualified or unqualified or whether the review report was modified or unmodified.

Reserve Study (NRS 116.311)

Study Conducted: ☐ Yes ☒ No Reserve Summary form mailed to Ombudsman's office: ☐ Yes ☒ No Date Mailed _____ (Mo./date/yr)

Date of most current Study: _____ Study performed by: _____ Adoption date: _____ (Mo./date/yr)

Type of funding method used: ☐ Full funding ☐ Threshold funding ☐ Baseline funding ☐ other _____

Total reserve requirement January 1 of current year: _____

Actual reserve account balance January 1 of current year: _____

Total current year annual funding: _____

Current month actual reserve balance: Month 5757⁰⁰ \$ _____

Annual Funding Requirement on Reserve Study: \$ _____

Type of account for reserve fund: CHECKING

Are there restrictions in association documents regarding special assessments? ☐ Yes ☒ No

Reserve Special Assessment: ☐ Yes ☒ No Duration of Special Assessment: _____

Indicate by checking payment of assessment: ☐ Monthly ☐ Quarterly ☐ Semi-Annually ☐ Annual ☐ One-time

Board/Management/Declarant

Current number of board members: 6 Number of board members per governing docs: _____

Have all board members signed declarations per NRS 116.31034 (9) and submitted to Ombudsman's office: ☐ Yes ☒ No

Executive Board	President	Secretary	Treasurer
Board Member's Name			
Home address: Number & street			
City / State / Zip Code			
Telephone Number			
E-mail Address (Optional)			

	Director	Director	Director
Board Member's Name			
Home address: Number & Street			
City / State / Zip Code			
Telephone Number			
E-mail Address (Optional)			

	Community Manager	Custodian of Record	Attorney	Declarant
Business Name	Executive Board of Assoc	Mathews & Wines	Mathews & Wines	Steve & Mavis Wright
Contact Name	LeRoy Perks	Robert Wines	Robert Wines	Steve Wright
Address: Number & Street	3030 Brenda Way	687 6th St Ste 1	687 6th St Ste 1	P. O. Box 486
City / State / Zip Code	Carson City, NV 89701	Elko, NV 89801	Elko, NV 89801	Wells, NV 89835
Telephone Number	() 775-849-2494	() 775-738-3171	() 775-738-3171	() 775-752-2477
E-mail Address (Optional)				

Signature (Individual completing form)

Date signed: 1-3-2007

to be completed by Ombudsman Office only

Fiscal Year: _____

Initials and Date Received: **RECEIVED JAN 11 8 2007**

Initials and Date entered: _____

STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY - REAL ESTATE DIVISION
OFFICE OF THE OMBUDSMAN FOR COMMON-INTEREST COMMUNITIES

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2501 East Sahara Avenue, Suite 201 • (702) 486-4480 • fax: (702) 486-4520
Toll free: (877) 829-9907 <http://www.red.state.nv.us>

INITIAL ASSOCIATION REGISTRATION FORM

Note: Please read instructions on reverse side before completing registration form.

¹ Indicate by checking which type of entity the association will be organized with the SOS, pursuant to NRS 116.3101:

Corporation: <input type="checkbox"/> Profit <input checked="" type="checkbox"/> Nonprofit	<input type="checkbox"/> Trust	Partnership: <input type="checkbox"/> General <input type="checkbox"/> Limited <input type="checkbox"/> Limited Liability
--	--------------------------------	---

² Association

Name Ruby lake Estates Homeowner's Association

Address:

Number and Street 687 6th Street suite 1

City/State/Zip Code Elko, NV 89801

Telephone Number (775) 738-3171

⁴ County Elko

⁵ Number of Units 51 and Maximum Number of Units that may be built 51

³ Indicate by checking the type of Common-Interest Community for association:

☐ Condominium
☐ Cooperative
☒ Planned Community (PC)
If PC, select type(s) of units in association:
Single Family Dwelling ☒ Condominium ☐
Townhouse ☐ Manufactured Housing ☐

⁶ Please indicate by checking the type of association:

Master Association ☒

Sub-Association ☐

Not Applicable ☐

Note: If Sub-Association, please record the following information in the space provided:

• Name of the Master Association that the Sub is part of:

• Association responsible for payment of the Ombudsman's Unit Fees:

Master Association ☐

Sub-Association ☐

Executive Board	President	Secretary	Treasurer
Board Member's Name			
Address: Number and Street City / State / Zip Code			
Telephone Number			
E-mail Address (Optional)			

Community Manager	Custodian of Records	Attorney	Declarant
Business Name	Mathews & Wines	Mathews & Wines	Steve & Mavis Wright
Contact Name	Robert Wines	Robert Wines	Steve Wright
Address: Number and Street City / State / Zip Code	687 6th St. Suite 1 Elko, NV 89801	687 6th St. suite 1 Elko, NV 89801	P.O. Box 486 Wells, NV 89835
Telephone Number	(775) 738-3171	(775) 738-3171	(775) 752-2477
E-mail Address (Optional)	bobwines@citlink.net	bobwines@citlink.net	

¹² Signature/Title (Individual completing form): _____

Date signed: 11-21-2005

To be completed by Ombudsman Office only.

Fiscal Year: _____

SOS Filing Date: _____ SOS File Number: _____

Initials and Date received: _____

Initials and Date entered: _____

COPY

EXHIBIT “52”

EXHIBIT “52”

DOC #

580650

08/31/2007

11:37 AM

Official Record

Requested By
ROBERT J. WINES PROF. CORP.

Elko County - NV

Jerry D. Reynolds - Recorder

Page 1 of 3 Fee: \$16.00
Recorded By: HR RPT: \$3.90

APN: 007-03A-053

Send tax statement to:

Ruby Lake Estates, Homeowner's Association
c/o Lee Perks
765 E Greg Ste # 103
Sparks, NV 89431



GRANT, BARGAIN AND SALE DEED

THIS INDENTURE, made and entered into as of the 28 day of Aug., 2007,
by STEPHEN G. WRIGHT and MAVIS S. WRIGHT, husband and wife as joint tenants with right
of survivorship, Grantors; and RUBY LAKE ESTATES HOMEOWNER'S ASSOCIATION, a
Nevada nonprofit co-operative association, Grantee;

WITNESSETH:

That the Grantors, for and in consideration of the sum of TEN DOLLARS (\$10.00), lawful,
current money of the United States of America, to them in hand paid by the said Grantee, the receipt
whereof is hereby acknowledged, do by these presents grant, bargain, sell, convey and confirm unto
the said Grantee, and to the successors or assigns of the Grantee, forever, all that certain real property
situate, lying and being in the County of Elko, State of Nevada, and more particularly described as
follows:

See Exhibit "A" attached hereto and incorporated herein.

TOGETHER WITH any and all buildings and improvements situate thereon.

TOGETHER WITH the tenements, hereditaments and appurtenances thereunto
belonging or in anywise appertaining, and the reversion and reversions, remainder
and remainders, rents, issues and profits thereof.



580650

08/31/2007
002 of 3

SUBJECT TO all rights of way, easements, assessments, reservations and restrictions of record.

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances unto the said Grantee, and to the successors and assigns of the Grantee forever.

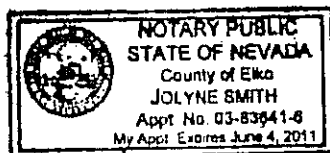
IN WITNESS WHEREOF, the said Grantors have hereunto set their hands as of the day and year first hereinabove written.

Stephen G. Wright
STEPHEN G. WRIGHT

MAVIS S. WRIGHT
MAVIS S. WRIGHT

STATE OF NEVADA)
) SS.
COUNTY OF ELKO)

On this 28 day of August, 2007, personally appeared before me, a Notary Public, STEPHEN G. WRIGHT and MAVIS S. WRIGHT, who acknowledged that they executed the foregoing instrument.



Jolyne Smith
NOTARY PUBLIC



580650

08/31/2007
003 of 3**EXHIBIT "A"**

That Certain parcel of land located in Section 9, T 28 N, R 58 E, MDB & M., Elko County, Nevada, being those parcels offered for dedication as shown on the official plat of RUBY LAKE ESTATES SUBDIVISION on file in the office of the Elko County Recorder, Elko, Nevada, as file number 281674, more particularly described as follows:

Commencing at the East $\frac{1}{4}$ corner of said Section 9, thence N 89° 21' 10" W, 2,726.17 feet along the North line of said RUBY LAKE ESTATES SUBDIVISION to corner number 1, the true point of beginning;

Thence continuing N 89° 21' 10" W, 100.01 feet along the said North Line of the RUBY LAKE ESTATES to corner number 2;

Thence South, 61.41 feet to corner number 3;

Thence East, 100.00 feet to corner number 4;

Thence North, 60.28 feet to corner number 1, the point of beginning, containing 6,084.50 square feet more or less.

(Metes & Bounds description contained in deed recorded January 18, 1991, Book 744, page 260, as file number 302103, Official Records, Elko County, Nevada Recorder's office.)

DOC # DV —

580650

02/31/2007

11:37 AM

Official Record

STATE OF NEVADA DECLARATION OF VALUE

Requested By
ROBERT J. WINES PROF. CORP.

Elko County — NV

Jerry D. Reynolds — Recorder

FOR RECORDER

Document/Instru

Book: _____

Date of Recording

Notes: _____

Page 1 of 1 Fee: \$15.00
Recorded By: NR RPTT: \$3.90

1. Assessor Parcel Number (s)

- a) 007-03A-053
b) _____
c) _____
d) _____

2. Type of Property:

- | | |
|--|---|
| a) <input checked="" type="checkbox"/> Vacant Land | b) <input type="checkbox"/> Single Fam Res. |
| c) <input type="checkbox"/> Condo/Twnhse | d) <input type="checkbox"/> 2-4 Plex |
| e) <input type="checkbox"/> Apt. Bldg. | f) <input type="checkbox"/> Comm'l/Ind'l |
| g) <input type="checkbox"/> Agricultural | h) <input type="checkbox"/> Mobile Home |
| i) <input type="checkbox"/> Other | |

3. Total Value/Sales Price of Property:

Deed in Lieu of Foreclosure Only (value of property) \$ 4,000-
Transfer Tax Value: \$ _____
Real Property Transfer Tax Due: \$ 3.90

4. If Exemption Claimed:

- a. Transfer Tax Exemption, per NRS 375.090, Section: _____
b. Explain Reason for Exemption: _____

5. Partial Interest: Percentage being transferred: _____ %

The undersigned declares and acknowledges, under penalty of perjury, pursuant to NRS 375.060 and NRS 375.110, that the information provided is correct to the best of their information and belief, and can be supported by documentation if called upon to substantiate the information provided herein. Furthermore, the disallowance of any claimed exemption, or other determination of additional tax due, may result in a penalty of 10% of the tax due plus interest at 1% per month.

Pursuant to NRS 375.030, the Buyer and Seller shall be jointly and severally liable for any additional amount owed.

Signature Robert J. Wines Capacity Attorney
Signature _____ Capacity _____

SELLER (GRANTOR) INFORMATION

(REQUIRED)

Print Name: Stephen G. & Mavis Wright
Address: P.O. Box 486
City: Wells
State: NV Zip: 89835

BUYER (GRANTEE) INFORMATION

(REQUIRED)

Print Name: Ruby Lake Estates Homeowner's Assoc.
Address: 765 E. Greg Ste 103
City: Sparks
State: NV Zip: 89431

COMPANY/PERSON REQUESTING RECORDING

(REQUIRED IF NOT THE SELLER OR BUYER)

Print Name: _____ Escrow # _____
Address: _____
City: _____ State: _____ Zip: _____

(AS A PUBLIC RECORD THIS FORM MAY BE RECORDED)

RLE057
2RA371

1 CASE NO. CV-C-12-175

2 DEPT. NO. I

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

FILED

2012 JUL -5 P 12: 27

CLERK CO DISTRICT COURT

CLERK _____ DEPUTY MA

6 IN THE FOURTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7
8 IN AND FOR THE COUNTY OF ELKO

9 ARTEMIS EXPLORATION COMPANY, a
10 Nevada Corporation,

11 Plaintiff,

12 vs.

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

14 Defendants.
15 _____ /

16 RUBY LAKE ESTATES HOMEOWNER'S
ASSOCIATION,

17 Counterclaimant,

18 vs.

19 ARTEMIS EXPLORATION COMPANY, a
20 Nevada Corporation,

21 Counterdefendant.
22 _____ /

RUBY LAKE ESTATES
HOMEOWNER'S ASSOCIATION'S
REPLY TO PLAINTIFF'S
OPPOSITION TO RLEHOA'S
MOTION FOR SUMMARY
JUDGMENT

23 Defendant RUBY LAKE ESTATES HOMEOWNER'S ASSOCIATION ("the Association" or
24 "RLEHOA"), a Nevada non-profit corporation, by and through its counsel, Gayle A. Kern, Esq. of KERN
25 & ASSOCIATES, LTD., hereby submits its Reply to ARTEMIS EXPLORATION COMPANY's,
26 ("Artemis" or "Plaintiff") Opposition to RLEHOA's Motion for Summary Judgment as to all claims made
27 by Plaintiff. This Reply is made and based upon the accompanying memorandum of points and authorities,
28 the attached exhibits, all papers and pleadings on file herein, and any oral argument the Court deems

1 necessary. Due to Plaintiff's incorporation by reference of arguments made by Plaintiff in its Motion for
2 Summary Judgment and Reply, RLEHOA incorporates by reference, as if set forth herein, all arguments and
3 authorities set forth in its Opposition to Plaintiff's Motion for Summary Judgment ("Plaintiff's MSJ").
4 Unless otherwise denoted, all Exhibits referenced herein are as previously provided to the Court by
5 RLEHOA in its Composite of Exhibits in Support of: (1) RLEHOA's Opposition to Plaintiff's MSJ; and
6 (2) RLEHOA's Motion for Summary Judgment. All additional referenced exhibits in support of: (1)
7 RLEHOA's Opposition to Plaintiff's MSJ; (2) RLEHOA's Motion for Summary Judgment; and (3) this
8 Reply, are attached hereto and Exhibit numbers are continued sequentially.

9 RLEHOA is entitled to summary judgment as to all claims asserted by Plaintiff on the grounds that
10 (i) Plaintiff has "abandoned" the claims made in its Second and Third Claims for Relief; (ii) Plaintiff has
11 failed to state a *prima facie* claim for declaratory relief; (iii) Plaintiff's claim for declaratory relief is time
12 barred by NRS 11.190(3)(a); (iv) and, as a matter of law, Ruby Lake Estates is a common-interest
13 community subject to the provisions of NRS Chapter 116.

14 **I.**
15 **ARGUMENTS IN REPLY**

16 **A. Judgment Should be Entered in Favor of the Association on Plaintiff's Third**
17 **Claim for Relief.**

18 In its Opposition, Plaintiff states, "Plaintiff hereby abandons its claim of fraud to expedite litigation."
19 See Opposition, 3: 5-6, 11-12. Such statement, although procedurally incorrect, is unequivocal. Therefore,
20 in lieu of Plaintiff filing a dismissal of its Third Claim for Relief, judgment should be immediately entered
21 in favor of the Association as to Plaintiff's Third Claim For Relief (Fraud).

22 **B. Judgment Should be Entered in Favor of the Association on Plaintiff's Second**
23 **Claim For Relief.**

24 In its Opposition, Plaintiff asserts that summary judgment should be entered in its favor on its First
25 Claim for Relief (Declaratory Relief) and that damages as pled in its Second Claim for Relief should be
26 determined at trial. However, Plaintiff's claim for damages, set forth in its Second Claim for Relief, is
27 based solely upon the alleged "false representations" of RLEHOA. See Complaint, 5: 3-4. Plaintiff asserts
28 no claim for damages other than those arising from the alleged "false representations" of RLEHOA. Plaintiff
repeats its allegations regarding the alleged false representations in both its Second and Third Claims for

1 Relief. In essence, Plaintiff's Second and Third Claims for Relief are really only a single claim for relief
2 based upon fraud or misrepresentation.

3 Having "abandoned" its claims based upon fraud and misrepresentation, by its own words, Plaintiff
4 has no basis for recovery of monetary damages, whether punitive or general. Punitive damages are clearly
5 precluded by NRS 116.4117(5). Accordingly, judgment should be immediately entered in favor of the
6 Association on Plaintiff's Second Claim for Relief (Damages).

7 **C. Damages Are Not Available In Connection With a Claim for Declaratory Relief.**

8 The Nevada Supreme Court has held that attempts to obtain damages are not appropriate for
9 declaratory relief actions. *Arnoff v. Katleman*, 75 Nev. 424, 345 P.2d 221 (1959), *Baldonado v. Wynn Las*
10 *Vegas, LLC*, 124 Nev. 424, 345 P.2d 221 (1959). Plaintiff admits this fact. See Opposition, 2-3: 26-1. In
11 *Aronoff*, the Nevada Supreme Court stated "...a declaratory judgment in essence does not carry with it the
12 element of coercion as to either party. Rather, it determines their legal rights without undertaking to compel
13 either party to pay money or to take some other action to satisfy such rights as are determined to exist by the
14 declaratory judgment." *Aronoff*, 75 Nev. at 432, 345 P.2d at 225. Therefore, there is no basis for an award
15 of general damages in connection with an action for declaratory relief.

16 **D. Plaintiff's Claim for Declaratory Relief is Time Barred by NRS 11.190(3)(a).**

17 Nevada law, NRS 11.190(3)(a), establishes a three (3) year period for "an action [based] upon a
18 liability created by statute, other than a penalty or forfeiture." Throughout all of its pleadings filed in this
19 action, Plaintiff repeatedly and adamantly asserts that Ruby Lakes Estates is not a common-interest
20 community nor is RLEHOA a valid community association with mandatory assessment powers under NRS
21 116.3115 and NRS 116.3102 because of the Association's alleged failure to comply with NRS 116.021 and
22 NRS 116.3101. See Opposition, pg. 1-2: 27-1; pg. 30: 4-6; pg. 32-33: 18-8. See also Complaint, pg. 4, para.
23 24 and para. 26, and Affidavit of Elizabeth Essington attached as Exhibit "B" to Plaintiff's Opposition, pg.
24 4, para. 21:4-6. These arguments are legally incorrect. However, even if they were correct, Plaintiff's Claim
25 for Declaratory Relief based upon the liability created by these statutes is time barred by NRS 11.190(3)(a).

26 The power of the Association to levy assessments is based upon statute, *i.e.*, NRS 116.3102, and the
27 liability of Plaintiff to pay assessments is based upon statute, *i.e.*, NRS 116.3115. Plaintiff repeatedly asserts
28 that it cannot be compelled to pay assessments based on the application of either of these statutes and that

1 the Association's application of NRS Chapter 116 is in error. Plaintiff is wrong. But even if Plaintiff were
2 correct, NRS 11.190(3)(a) clearly provides a three-year statute for an action based upon a liability created
3 by statute.

4 Plaintiff tries to avoid the application of NRS 11.190(3)(a) by arguing that its claim is based upon
5 a contract or an instrument in writing, i.e., the CC&Rs. Quite the contrary, Plaintiff's fundamental assertions
6 made throughout its pleadings are that there is nothing in the CC&Rs which provides for the formation of
7 a community association and the payment of assessments, and therefore, RLEHOA has no basis for the
8 collection of assessments and Plaintiff has no liability for the payment of assessments. Plaintiff specifically
9 argues that "NRS 116.3102 does not allow RLEHOA to levy mandatory assessments against lot owners."
10 See Opposition, 23:25-26. Plaintiff's concludes its Opposition with a request, "that a declaratory judgment
11 be entered against Defendant . . . establishing that Defendant is not a valid common-interest community
12 under Chapter 116 of the Nevada Revised Statutes." See Opposition 32:21-22. Plaintiff goes further and
13 asks that "a declaratory judgment be entered declaring the Association invalid under NRS 116.3101(1). . .".
14 *Id.* at 32:25-26. Finally, Plaintiff asks for a declaratory judgment that the Association be declared invalid
15 under NRS 116.021. *Id.* at 33:5-6. These same requests for relief are repeated in paragraph 21 of Mrs.
16 Essington's Affidavit. The issue presented to this Court, therefore, is a determination of the liability of
17 Plaintiff arising under statute.

18 Plaintiff admits in its Opposition that its cause of action against the Association accrued when the
19 Articles of Incorporation were filed on January 16, 2006. See Opposition, 4: 15-17. More than five (5)
20 years elapsed from this date until Plaintiff filed its ADR Complaint on May 6, 2011. Furthermore, Plaintiff
21 first paid assessments, as required by NRS 116.3115, almost five (5) years before it filed its ADR
22 Complaint. On August 16, 2006, Mel Essington sent a letter to Lee Perks, President of the Association,
23 "enclosing a check for \$150 to cover the 2006 dues for the Ruby Lakes Estates Homeowners Association."
24 See Exhibit "26", RLE 027A; see also Exhibit "9" at RLE 027. The check was written on the account of
25 "George M. Essington and Elizabeth Essington."

26 In order to try to escape the effect of the proper application of the statute of limitation that bars its
27 claim arising under statutes, Plaintiff argues it did not discover the alleged violations of Chapter 116 until
28 2009. Plaintiff's argument does not save its claim from being time barred by NRS 11.190(3)(a). All of

1 Plaintiff's arguments about a cause of action for fraud accruing when the aggrieved party discovers the fraud
2 or mistake are completely inapplicable to NRS 11.190 (3)(a). Neither NRS 11.190(1) nor NRS 11.190(3)(a)
3 are based upon when facts are "discovered" and Plaintiff has "abandoned" its claims for fraud and
4 misrepresentation against the Association.

5 The passage of almost five (5) years, from the time Plaintiff first paid assessments to RLEHOA and
6 the time Plaintiff filed its ADR Complaint alleging it had no obligation to pay assessments pursuant to NRS
7 116.3115 because of the Association's alleged failed to comply with NRS 116.021 and NRS 116.3101, is
8 a clear bar to the bringing of this action. All of Plaintiff's claims for Declaratory Relief are time barred by
9 NRS 11.190(3)(a) and judgment should be entered in favor of the Association on Plaintiff's First Claim for
10 Relief (Declaratory Relief).

11 **E. Plaintiff Has Failed to State a Claim for Declaratory Relief; There is No**
12 **Justiciable Controversy and Plaintiff's Claims are No Longer Ripe for**
13 **Determination.**

14 **1. Plaintiff's Claims Present no Justiciable Controversy.**

15 Even if Plaintiff's claims were not time barred by NRS 11.190(3)(a), Plaintiff's claims fail to meet
16 the fundamental elements of a cause of action for declaratory relief. Attached hereto as Exhibit "53" is the
17 Affidavit of Stephen Wright, developer of the Ruby Lakes Estates subdivision and the original Declarant
18 under the CC&Rs. Mr. Wright's Affidavit casts extreme doubt upon the truth and veracity of many of the
19 factual the statements made by Plaintiff in its Motion for Summary Judgment, its Opposition to RLEHOA's
20 Motion for Summary Judgment, and in its Reply, as well as many of the statements made by Elizabeth
21 Essington in her Affidavit. The correctness of the information set forth in Mr. Wright's Affidavit is
22 confirmed by Plaintiff's own words.

23 In a letter dated August 22, 2005, addressed to all lot owners, Mel Essington wrote:

24 "Dear Fellow Lakes Estates Property Owner:

25 I am writing to each of you concerning the need to revitalize the Ruby Lakes Estates property
26 owners association. The organizer of the subdivision and property owners association, Mr.
27 Steve Wright, has stepped aside and turned his duties and responsibilities over to the property
28 owners as was described to each of us in the sales literature. [Emphasis added.]¹

See Exhibit "11", RLE 021A-021D. This statement is an admission by Plaintiff that in 1994, or before the

¹ In a violation of Nev.R.Civ.P. 16.1, Plaintiff failed to provide copies of those documents.

1 time of its purchase of Lot G-6, Plaintiff knew that a property owners association would be formed and that
2 the Association's responsibilities would be to maintain the roadways, culverts, cattle guards, and other
3 community assets, as was described by Mr. Steve Wright. Mr. Wright's Affidavit confirms that he told
4 potential purchasers of this obligation. Mr. Wright's affidavit states in pertinent part:

5 4. In conjunction with the sale of the lots, I routinely told purchasers that I would
6 maintain the roadways and other common assets within the subdivision until such time that
7 all lots within the subdivision were sold. Commercial lenders also required the roadways,
8 culverts, and cattle guards within the roadways, as well as weed abatement on the surface and
9 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 roadways within the subdivision. See
Exhibit "1" attached hereto, Letter dated November 19, 1999, to me from attorney Robert J.
Wines.

10 5. In conjunction with the sale of the lots, I also routinely told purchasers that
11 after all the lots were sold, it would be the collective responsibility of the homeowners,
12 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.

13 6. It was always my understanding and intent that a homeowners association
14 would be created at some future point in time to assume the obligation of road and asset
15 maintenance after all lots were sold. I so informed prospective purchasers. The other assets
16 that I had been maintaining and expected the homeowners association to continue to maintain
17 after the last lot was sold, were the perimeter fences, culverts, cattle guards, and street signs.
18 After the Ruby Lakes Estates Homeowners Association was formed in 2006, I offered to
19 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 water for fire protection for the
Ruby Lakes Estates as well as for any other purpose that the Volunteer Fire Department
desired.

20 7. In accordance with my expressed intentions, prior to the filing of the Articles
21 of Incorporation for the Ruby Lakes Estates Homeowners Association, the Architectural
22 Review Committee ("ARC"), of which I was a member, served as the executive body of an
23 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.

24 8. It was always my intent by recording the CC&Rs that a community
25 association would collect money from the homeowners for these purposes, as the obligation
26 to maintain the roadways and other community assets rested with the lot owners. Elko
27 County would not maintain the roads yet required that they be maintained. After I sold the
28 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,
and weed abatement, and asset maintenance.

1 See Exhibit "53", attached hereto.

2 When the truthful facts are considered, there can be no justiciable controversy between the parties
3 relating to the formation of a homeowners association and the obligation of that association to levy and
4 collect assessments. Plaintiff admits in both the August 22, 2005 letter and in the Affidavit of Elizabeth
5 Essington, that Plaintiff knew from the time it purchased Lot G-6, that a homeowners association would
6 be formed. Plaintiff simply claims she thought the Association was "voluntary" and that no one was
7 obligated to maintain the roads. This argument is non-sensical and demonstrates a complete lack of
8 responsibility for the safety and welfare of the Ruby Lakes Estates community and the general public. The
9 myriad of evidence provided by the Association in support of its Opposition to Plaintiff's MSJ, as well as
10 in support of its own Motion for Summary Judgment and this Reply, as well as the Affidavit of Mr. Wright,
11 show Mrs. Essington's statements to be untrue.

12 Furthermore, the Ruby Lakes Estates Fire Risk and Hazard Assessment report prepared as part of
13 the Fire Plan for Elko County, shows Ruby Lakes Estates to be in the "High Hazard" category for fire risk.
14 The report calls for fuels reduction treatment on a community basis and calls for the formation "of a local
15 community based organization to provide leadership and be responsible for community wide fuels reduction
16 and community fire safety." See Exhibit "65" at RLE 111G. No one other than a community association
17 could perform these duties as well as enforce the individual owner's responsibility to perform fuels reduction
18 on its lot. These rights are granted to the Association under NRS 116.310312. If the Association is declared
19 invalid, who is going to make sure the roads are passable for fire crews and free of excess fire fuels?
20 Obviously, not the Plaintiff or Mrs. Essington.

21 Plaintiff's arguments in its pleadings regarding the inapplicability of NRS Chapter 116 to the Ruby
22 Lakes Estates community are analogous to the following hypothetical: Mrs. Essington buys a piece of
23 property and for over five years, always drives 80 mph on the road leading to her property. The Nevada
24 legislature then imposes a speed limit of 55 mph on the road. Mrs. Essington had no knowledge that a speed
25 limit would be imposed when she purchased her property. Because she owned the property before the speed
26 limit was imposed, she argues she does not have to comply with the speed limit. Mrs. Essington's
27 construction of the law is incorrect and no amount of argument by Plaintiff can make it so.

28 Just as Plaintiff must comply with the speed limit or face the consequences, Plaintiff cannot avoid

1 the imposition and requirements of NRS Chapter 116 when the subdivision is clearly a common-interest
2 community. Not only are there recorded CC&Rs as required by NRS 116.2101, there are common roadways
3 and other assets within Ruby Lakes Estates which must be maintained for the benefit of the public and
4 members of the community. Together with CC&Rs, these roadways and assets depicted on the Plat Map,
5 are part of the declaration. *See* NRS 116.037, 116.2109(1). The evidence clearly shows that this obligation
6 is imposed by Elko County and is recognized by a large majority of members of the RLEHOA. *See* Exhibit
7 "53", Wright Affidavit, *see also* Exhibit "4", Wines Affidavit; Exhibit "5", RLE 120-121; Exhibit "10",
8 Perks Affidavit; Exhibit "14", RLE 020-021; Exhibit "19" at RLE 022; Exhibit "20" at RLE 021E; Exhibit
9 "28" at RLE 060; Exhibit "32" at RLE 078; Exhibit "35" at RLE 105B; Exhibit "65", RLE 111A-RLE 111I.
10 Every budget and increased assessment since 2006 has been ratified by well over a majority of lot owners,
11 including Plaintiff.

12 There can be no doubt that "Artemis/Mel -Beth Essington" knew from the time it (they) purchased
13 Lot G-6, there were CC&Rs governing Ruby Lakes Estates, there was a recorded Plat Map as part of the
14 Declaration, and that there were collective maintenance obligations for the roadways, culverts, cattle guards,
15 signs and perimeter fencing created by those CC&Rs and the recorded Plat Map. The Plat Map was part of
16 the Declaration and clearly included the roadways, as well as the fixtures located on the real property.
17 Plaintiff's knowledge of these facts is again demonstrated by Mr. Essington's August 22, 2005 letter,
18 which continues:

19 Each of us purchased lots in the subdivision with the knowledge, understanding, and
20 acceptance of the Covenants, Conditions, and Restriction's (CCR's [sic]) that attended our
21 property deeds. The CCR's [sic] were designed to work for the good of the owners, assure
22 the aesthetic qualities of the subdivision, protect the value of our investments, and the beauty
23 of Ruby Valley. The association also has the capability of providing services for the
24 subdivision that might otherwise elude the individual owners. Those services include:
25 assisting in acquiring telephone service, periodic road maintenance, coordinating with
26 County officials on planning issues, . . . and getting regular snow removal on the CCC road,
27 organizing an annual meeting and BBQ, and publishing an annual news letter. The
28 effectiveness of the CCR's [sic] and the association is the responsibility of the owners as
expressed through the association; although any individual owner may pursue the
enforcement of the CCRs.

Mr. Leroy Perks and others recognized and accepted the responsibility past [sic] on by Mr.
Wright several years ago when they organized the association and worked towards achieving
progress toward its stated goals. . . Several years have passed now and due largely to a
period of inactivity at the subdivision that organizational attempt has become dysfunctional.
**I have discussed the situation with Mr. Perks as well as some of the other owners and
believe he and nearly all of the other property owners agree we need to reorganize the**

1 **association and move ahead with its intent.. . .** [Emphasis added.]

2 See Exhibit "11", RLE 021A-021D. Mr. Essington's obviously agrees with the Association's position that
3 for the members of the community, acting through the Association, to not maintain the roads, contravenes
4 the spirit and intent of Article I of the CC&Rs. Mr. Essington's statements undermine all of Plaintiff's
5 arguments.

6 The Survey completed by "Artemis Exploration-Mel/Beth Essington after RLEHOA was
7 incorporated in 2006, also conflicts with the arguments and statements made by Plaintiff in its Opposition.
8 See Exhibit "48" at RLE 021F. The following statement and question was posed by the Association and
9 answered by Artemis - Mel/Beth Essington:

10 While the Declaration of Reservations, Conditions and Restrictions does not specifically
11 provide that property owners will be required to pay annual dues, it is implicit in the
12 requirement that such dues may be assessed. If the review committee is to exercise any
 authority or powers granted to it by the restrictions, it must be able to engage in legal
 accounting, maintenance and other professional services.

13 Would \$150.00 to \$200.00 per year be reasonable for road maintenance and other services?

14 "Artemis - Mel/Beth Essington" answered "Yes". See Exhibit "48" at RLE 021G. This evidence
15 conclusively demonstrates that not only did the Essingtons know about and support the Association, they
16 wanted and *expected* the Association to take care of the roads and were willing to pay assessments to the
17 Association for that purpose. See also Exhibit "10", Perks Affidavit.

18 Mrs. Essington's statements that she thought the Association was "voluntary" and not governed by
19 the provisions of NRS Chapter 116 is also contradicted by the evidence. In a letter addressed to "Mr. Lee
20 Perks, President, Ruby Lake Homeowners Association," dated January 14, 2007. Mr. Essington wrote:

21 . . . As head of the homeowners Association you need to work to protect the value of the
22 investments of all of the individual owners and be able to look beyond your own more
23 restricted outlook. . . . I assume you are aware Nevada has found it necessary to create a
24 commission to oversee the operation of the many HOA's [sic] in the state. I would also
 assume you are aware that NRS 116, Section 10, 8(f) [sic] now requires that the HOA
 records including financial records be located within sixty miles of the physical location of
 the community for inspection purposes. I presume that Mr. Wines will fulfill that function
 for the Association.

25 See Exhibit "25" at RLE 037-039.

26 Artemis was clearly aware of the applicability and requirements of NRS Chapter 116. This is
27 forcefully demonstrated by Mr. Essington's letter to members of the Association on behalf of the owner of
28

1 Lot G-6 dated October 13, 2008. Mr. Essington wrote:

2 The Ruby Lakes Estates is a common-interest ownership community as defined by State
3 statute. The Community has been established by proper recording of the CCR's [sic] with
4 the county and the Homeowners Association (HOA) through filing with the Secretary of
5 State. Within the State of Nevada, the community and the HOA are governed primarily by
6 Chapter 116 of the Nevada Revised Statutes. The statutes, among many other things,
7 establish guidelines, regulations, and requirements for the operation and management of the
8 HOA. They also establish both the rights and obligations of the individual owners. . . .

9 Under section 3107 [NRS 116.3107] of the statutes, 'the Association is responsible for
10 maintenance, repair and replacement of the common elements, and each unit's owner is
11 responsible for maintenance, repair and replacement of his unit'. The common elements in
12 the Ruby Lakes Estates include two small land parcels and several access roads. The two
13 land parcels are comprised of the lot on the north end of Kiln road and the parcel containing
14 the well, pump, and water truck fill point on the CCC road near its intersection with the
15 Overland road.

16 Under the statutes both the HOA and each individual unit owner share responsibility and
17 liability for the common elements. It is the expressed responsibility of the HOA executive
18 board to insure sufficient maintenance of the common elements in this instance the
19 community roads. Our roads are open to the public and carry responsibility and liability.
20 Accepted surface road maintenance standards include shoulder and drainage features as well
21 as the road surface. Because community roads have not received any maintenance for 8 years
22 the shoulders have become weed and brush infested, and some sections lack adequate
23 drainage. Obviously, it is past time to reestablish minimal road maintenance requirements.
24 The HOA's budget does not currently permit meeting a contractor's fee to perform such
25 maintenance. Hence, a temporary annual fee increase is necessary to raise those funds. It
26 is anticipated that once the maintenance work is completed the fees may be reduced to their
27 former level.

28 *See* Exhibit "32" at RLE 078. Mrs. Essington thereafter paid the increased assessment as levied by the
Board members, ratifying the authority of Mr. Essington, acting as Artemis' representative, to serve on the
Board of Directors, and the ability of the Association to levy and collect assessments pursuant to NRS
116.3115. *See* Exhibit "9" at RLE 081. Mr. Essington's communications, clearly made on behalf of Artemis,
and Mrs. Essington's actions, completely undercut Plaintiff's arguments and false assertions in Mrs.
Essington's affidavit² regarding the invalidity of the Association and the inapplicability of NRS Chapter 116.

Mr. Essington also signed a Declaration of Certification- Common-Interest Community Board
Member - NRS 116.31034(9), after being elected to the Board as the representative of Artemis. He declared
under penalty of perjury that he had read and understood "the governing documents of the association and
the provisions of Chapter 116 of the Nevada Revised Statutes ("NRS") and the Nevada Administrative Code

² When there is a question as to the veracity of a witness, all of the assertions made may be
disregarded. *See, e.g.,* Nevada Pattern Jury Instructions 2.07.

1 ("NAC"). See Exhibit "27", RLE 053. Plaintiff's assertions that it believed the Association to be
2 "voluntary" and without authority to compel the payment of assessments, is completely without merit.

3 The evidence cannot be denied, ignored or falsely presented. Plaintiff has failed to state a *prima*
4 *facie* cause of action for declaratory relief against the Association. There is no justiciable controversy
5 between the parties. Plaintiff is bound by its own actions and admissions. All of the assessments for Lot G-6
6 were paid by the Essingtons in an amount less than \$800 from 2006 to 2009.

7 Prior to the time the building which Mrs. Essington does not like was built, Plaintiff expounded upon
8 the virtues and benefits of the Association, urged its formation and functions, regularly paid the assessments
9 levied by the Association, and knew the Association was responsible for maintenance of the roadways and
10 other community assets. For Mrs. Essington to attempt to disavow the actions of her husband, taken over
11 a period of fifteen (15) years, with her full knowledge and consent, stretches the bounds of credibility and
12 any reliance upon her veracity. In her deposition, Mrs. Essington admitted that Mr. Essington was the agent
13 of Artemis. Specifically, she stated:

14 Q: Did you ever tell him that he did not have authority to represent Artemis Exploration
15 at any association meeting? Answer: "No."

16 See Exhibit "8", at 69:19-25; 78:11-14. Mrs. Essington clearly knew Mr. Essington was serving on the
17 Board of Directors of the Association. *Id.*, at 71:17-25; 72:1-7. With respect to Mr. Essington's authority
18 to act on behalf of Artemis, Mrs. Essington had no problem with Mr. Essington representing Artemis:

19 Q: So your concern for Artemis Exploration wasn't whether or not he had the authority
20 to represent the corporation. It was simply to what entity he was purporting to have
authority?

21 A: Correct. The architectural review committee is- it's in the CC&Rs.
22 *Id* at 92:17-21.

23 There is absolutely no credible evidence and no legal or factual basis for Plaintiff to challenge the
24 overwhelming amount of evidence which demonstrates there is *no justiciable controversy* between the
25 parties regarding the formation of the Association and the applicability of NRS Chapter 116. There is no
26 legal or equitable basis for Plaintiff's claims for a declaratory judgment that the Association is "invalid".
27 There can be no other conclusion; this action is specious and without merit. Plaintiff's actions and false
28 assertions fail to support this action.

2. ***Plaintiff's Claims Are No Longer Ripe for Determination.***

Closely related to the requirements that the controversy be presently justiciable is the requirement that the issue be "ripe" for judicial determination. The Nevada Supreme Court has noted, "[R]ipeness focuses on the timing of the action rather than on the party bringing the action . . . The factors to be weighed in deciding whether a case is ripe for judicial review include: (1) the hardship to the parties of withholding judicial review, and (2) the suitability of the issues for review. . . ." *Herbst Gaming v. Secretary of State*, 122 Nev. 877, 887, 141 P.3d 1224, 1230-1231 (2006), citing *T.R. v. State*, 119 Nev. 646, 561 80 P.3d 1276, 1279-80 (2003).

Again, there can be no dispute; the evidence is overwhelming. Plaintiff clearly knew that an association would necessarily be formed to assume the responsibilities of the developer in maintaining the roadways, culverts, cattle guards, fencing signs and perform weed abatement. Plaintiff was made aware of this in 1994, as evidence by Mr. Essington's statements. Plaintiff was also aware that the developer, Stephen Wright, informally established the Ruby Lakes Estates Landowners Association in 1997 after he sold the last lot in the subdivision. *See* Exhibit "11", RLE 021A-021D. This informal owners association levied and collected assessments for purposes of maintaining these assets from 1997 through 2005. *See* Exhibit "53", Wright Affidavit.

Plaintiff was also aware that Articles of Incorporation for the RLEHOA were filed in January 2006. *See* Exhibit "4", Wines' Affidavit. The Essingtons were prepared to file Articles of Incorporation for an association if Articles of Incorporation for RLEHOA were not filed by Mr. Perks. *See* Exhibit "16", RLE 143. Plaintiff's knowledge about the applicability and requirements of NRS Chapter 116 is also evident and cannot be denied. *See* Exhibit "25", RLE 037-039; Exhibit "32" at RLE 078.

For the past fifteen (15) years, the Ruby Lakes Estates community has functioned as a community association. Since 1999 when Chapter 116 became applicable to RLEHOA, any lot(s) sold has carried with it an implicit, if not express, representation that there is a community association governed by the provisions of NRS Chapter 116 responsible for maintaining the roadways and other common assets of the community.

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1 Since Chapter 116 is a consumer protection statute³, to deny the existence of the Association after twelve
2 (12) years takes away substantial homeowner benefits and protections. If not the Association, who is going
3 to maintain the roadways, culverts, cattle guards, signs, fencing and the common area of the Association?
4 Plaintiff's answer, "No one is responsible for this maintenance," is irresponsible and just plain wrong.

5 Such a position is unsupported by the overwhelming evidence that Elko County does require these
6 road ways, cattle guards, and culverts to be maintained by the Association for public health and safety
7 reasons. *See, e.g.*, Exhibit "65", the Ruby Lakes Estates Fire Risk and Hazard Assessment prepared by the
8 Elko County Fire Department. If the roads are not maintained by a community association, then the County
9 requires a road maintenance agreement be executed and a community improvement district be formed. The
10 evidence of this fact is clear. *See* Exhibit "53", Wright Affidavit; *see also*, Exhibit "55", RLE 019E-019P.
11 If the roads are not maintained and cleared of weeds, then the fire danger is increased and access to homes
12 in the event of fire is compromised. It is also clear that the homeowners, including Plaintiff, knowingly
13 assumed these responsibilities through the Association rather than pay for the increased costs of maintenance
14 assessed as increased real property taxes.

15 In *Colby v Colby*, 78 Nev. 150, 369 P.2d. 1019 (1962), the Nevada Supreme Court held that an action
16 seeking a declaration of the marital status of the parties was no longer ripe when an action for declaratory
17 relief was commenced almost five (5) years after the divorce decree was entered. Similar facts exist here.
18 The Articles were filed on January 6, 2006 and Plaintiff paid its first assessment to the Association in August
19 2006. Plaintiff's ADR Complaint seeking to have the Association declared invalid for allegedly failing to
20 comply with NRS 116.021 and NRS 116.3101, was filed more than five (5) years after the Articles of
21 Incorporation for RLEHOA were filed, and 4 ½ years after Plaintiff first paid an assessment to the
22 Association. The statute of limitations has run on Plaintiff's cause of action for declaratory relief which is
23 based upon a statutory liability, i.e., the obligation to pay assessments under NRS 116.3115. The issues
24 presented by Plaintiff, even if legally sound, which they are not, are no longer ripe for determination.

25 Declaratory relief is discretionary with the court. *El Capital Club v. Fireman's Fund Ins. Co.*, 89

26
27 ³ The comments of the drafters to the Uniform Common Interest Ownership Act include the
28 suggested model act be adopted by states, as Nevada did, in order to provide standards to protect
consumers.

1 Nev. 65, 506 P.2d 426 (1973). In exercising its equitable discretion, the court should always consider the
2 harm and possible unintended consequences of its decision. The evidence establishes that well over a
3 majority of homeowners support the Association and want the protections provided by NRS Chapter 116.
4 Plaintiff's own words support this statement: "I have discussed the situation with Mr. Perks as well as some
5 of the other owners and believe he and nearly all of the other owners agree we need to reorganize the
6 association and move ahead with its intent." See Exhibit "11", RLE 021A. The significant passage of time
7 and the injury which will result to the homeowners and the general public if the Association is declared in
8 valid cannot be ignored. The issues presented by Plaintiff are no longer ripe for judicial determination.
9 Plaintiff has failed to meet the fundamental elements of a claim for declaratory relief.

10 **F. As A Matter of Law, RLEHOA Is a Common-interest Community Subject to**
11 **the Provisions of NRS Chapter 116.**

12 Plaintiff's assertion that RLEHOA "presents no covenant, law or argument to justify its validity" is
13 simply wrong and flies in the face of the provisions of NRS Chapter 116 and the intent of the Nevada
14 legislature in adopting the Common-Interest-Community Association Act, and in 1999, making that Act
15 applicable to communities created prior to 1992.

16 Plaintiff's continued arguments that Ruby Lakes Estates is not a common-interest community and
17 that RLEHOA is not a valid community association are based on nonsensical assertions. Plaintiff asserts
18 that RLEHOA failed to comply with statutes which were not in effect when the subdivision was created
19 through the recording of the Plat Map and CC&Rs. Plaintiff asserts NRS 116.021, as amended in 2009, and
20 NRS 116.3101, were not followed, therefore there is no Association. This simply makes no sense at all.
21 Contrary to Plaintiff's assertions regarding NRS 116.3101, there is no provision within NRS Chapter 116
22 that is a codification of common law and Plaintiff presents no authority for this argument. Additionally,
23 Plaintiff's reliance upon the *Cauglin Ranch* and *Lakeland Property Owners Assn'* decisions is completely
24 misplaced and misconstrues the applicability of those decisions to the instant facts.

25 Every judge, arbitrator and ombudsman who has examined this case and considered Plaintiff's
26 arguments, has come to the same conclusion: Ruby Lakes Estates is a common-interest community and is
27 required to comply with the provisions of NRS Chapter 116. Plaintiff's own statements concur with this
28 conclusion. See, e.g., Exhibit "32" at RLE 078.

1 Plaintiff's criticisms and characterization of the Ombudsman's Opinion as well as Judge Leonard
2 Gang's Arbitration Decision and Award is without merit and unnecessary. Leonard Gang is a retired District
3 Court Judge and during a lengthy arbitration hearing that was fully briefed by the parties, he sat patiently and
4 listened to every argument advanced by Plaintiff, including all that have been made by Plaintiff in this action.
5 There can be little doubt, Judge Gang read all documents presented to him by Plaintiff, including the CC&Rs.
6 Judge Gang is a competent, impartial and diligent jurist. The fact the Judge Gang chose not to provide
7 lengthy findings of fact and conclusions of law in his arbitration Decision and Award, does not mean that he
8 did not thoroughly review and thoughtfully consider all documents and arguments presented by Plaintiff.
9 Plaintiff's criticism of Judge Gang's Decision and Award is unprofessional and unwarranted.

10 Plaintiff also has no basis for criticizing the Ombudsman's Opinion. Again, Plaintiff made all of its
11 arguments and submitted its evidence to the Ombudsman's office. Contrary to Plaintiff's assertions, the
12 Ombudsman did take action; it just did not take the action Plaintiff wanted. That is because Plaintiff's
13 arguments lack legal merit in light of the facts that Ruby Lakes Estates is a common-interest community, by
14 definition.

15 ***1. The Caughlin Ranch and Lakeland Property Owners Decisions Are***
16 ***Inapplicable.***

17 Ruby Lakes Estates is a common-interest community governed by the provisions of NRS Chapter 116
18 *because of legislative mandate*, not because of any attempt by the members of the Association to add, change
19 or enforce a covenant in the CC&Rs. Plaintiff has obviously done a 180 degree turn in its position, as
20 numerous communications from Mr. Essington, written during the past seven (7) years, clearly recognize the
21 validity of the Association and the applicability of NRS Chapter 116. The Association was properly formed
22 and is a presently existing and valid community Association charged with the power and responsibilities
23 given to it by NRS Chapter 116, regardless of the provisions of the CC&Rs. The *Caughlin Ranch* and
24 *Lakeland Property Owners* decisions are simply inapplicable to the instant facts.

25 The analogy previously given regarding the enactment of a 55 mph speed limit on a road on which
26 the Plaintiff/Essingtons historically drove 80 mph, is particularly appropriate. Just as Plaintiff/Essingtons
27 would be required to comply with the newly enacted speed limit which they had no previous notice of,
28 Plaintiff/Essingtons are required to recognize and comply with the provisions of NRS Chapter 116 when the

1 community clearly meets the statutory definition of a common interest community. It's the law. Artemis and
2 the Essingtons cannot simply choose to ignore the provisions of NRS Chapter 116, just as they could not
3 ignore the speed limit, imposed by law, after they purchased the property.

4 2. ***NRS 116.021, as amended in 2009, is Irrelevant. RLEHOA is a Common-***
5 ***Interest Community By Definition.***

6 Citing the 2009 amendments to NRS 116.021, Plaintiff asserts that RLEHOA does not meet the
7 definition of a common-interest community for purposes of the application of NRS Chapter 116, because the
8 real estate of the community must be "described in a declaration." Plaintiff's arguments fail for a number
9 of reasons.

10 First, the real estate of the community is described in the declaration; the Plat Map is part of the
11 Declaration. NRS 116.2109. The Plat Map clearly describes the lots, including the lot deeded to the
12 Association in 2007⁴ as common area by the Declarant, as well as the roadways. In 1999, when NRS
13 Chapter 116 was made applicable to the Ruby Lakes Estates as a community created prior to 1992, the Ruby
14 Lakes Estates subdivision met the statutory definition of a common interest community, not because there
15 were just CC&Rs, of which Plaintiff was aware,⁵ but because there was real estate in the form of roadways
16 which the homeowners were required to maintain⁶. These roadways are described in the Plat Map and the
17 Plat Map is part of the Declaration, *as a matter of law*.

18 The definition of "common-interest community" as provided by NRS 116.021, as it existed in 1999,
19 not as revised in a 2009 amendment, is the relevant statute which must be considered. In 1999, "common-

20
21 ⁴ Prior to January 2006 when the Articles of Incorporation were filed, there was no legal entity
22 capable of holding title to the Association's common area.

23 ⁵ Even though Mrs. Essington states otherwise, Plaintiff was charged with knowledge of the
24 CC&Rs when it purchased Lot G-6. The CC&Rs were shown as an encumbrance on the Policy of Title
25 Insurance. *See* Exhibit "3", 00021-00027. The numerous communications of Mr. Essington also
26 demonstrate Plaintiff's knowledge of the CC&Rs and the obligations of the owners to maintain the
27 roads.

28 ⁶ Contrary to Plaintiff's arguments, RLEHOA has never asserted that Ruby Lakes Estates meets
the definition of a common-interest community simply because there are recorded CC&Rs. Plaintiff's
arguments to the contrary are without merit and irrelevant, as are its discussions of the Opinion of the
Attorney General and the 2009 Amendments to NRS 116.021. NRS 116.2101 does require the
recording of a declaration as a foundational requirement of a common-interest community association.

1 interest community" was defined as "real estate with respect to which a person, by virtue of his ownership
2 of a unit, is obligated to pay for . . . other than that unit." See NRS 116.021 (substituted in revision for NRS
3 116.110323) as enacted in 1991 pursuant to Assembly Bill 221. The roadways and fixtures attached to the
4 property described in the Plat Map, are that real estate, not just the CC&Rs. In 1999, "Real estate" was
5 defined in NRS 116.110378 as:

6 . . . any leasehold or other estate or *interest in, over, or under the land*, including structures,
7 fixtures and other improvements and interests that by custom, usage or law pass with a
conveyance of land though not described in the contract of sale or instrument of conveyance...
[Emphasis added.]

8 The same definition was in effect in 2006 as NRS 116.081 when the Articles of the Association were filed.

9 The statements of Stephen Wright regarding the maintenance obligations of the homeowners, as well
10 as the fact that the roadways were never accepted for maintenance by Elko County, yet are required to be
11 maintained, put the Ruby Lakes Estates community squarely within the definition of a common-interest
12 community. This was the position of counsel, Robert Wines, and his opinion has been confirmed by both the
13 Ombudsman's Office and Judge Leonard Gang. See Exhibits "4", "47" and "49".

14 Contrary to every argument advanced by Plaintiff, NRS 116.021, as amended in 2009, is completely
15 inapplicable to Ruby Lakes Estates, just as it is inapplicable to any other common-interest community whose
16 declaration of covenants, conditions and restrictions was recorded prior to the effective date of the
17 amendment. The 2009 amendment to NRS 116.021, was intended to require common-interest communities
18 created *after* the statute's effective date, to specifically describe the real property in the declaration. The
19 amendment has no effect upon common-interest communities, like Ruby Lakes Estates, that do include the
20 real estate in the plat, *a part of the declaration*, or ones created prior to 1992. All of Plaintiff's discussion
21 of the legislative intent regarding the 2009 amendment is irrelevant and does not change the applicability of
22 Chapter 116.

23 Furthermore, the 2009 amendment made to NRS 116.021 was obviously intended only to address
24 communities that had no maintenance responsibilities for real estate. It certainly was not intended to create
25 a situation where roads would be completely abandoned with no maintenance, creating dangerous fire and
26 safety conditions for the public and members of the community who depend on those roads. The Ruby Lakes
27 Estates Fire Risk and Hazard Assessment report makes this danger quite clear. See Exhibit "65".
28

1 Plaintiff's arguments also fail because even if the Court were to construe the CC&Rs as not describing
2 the real estate, as a matter of law, the CC&Rs of Ruby Lakes Estates are *not required* to describe the real
3 estate. Plaintiff simply does not understand, or chooses to ignore, the provisions of NRS 116.1201(3)(b).
4 This statute specifically provides that the provisions of "this Chapter do not: . . . (b) Require a common-
5 interest community created before January 1, 1992, to comply with the provisions of NRS 116.2101 to
6 116.2122, inclusive; . . ." NRS 116.2105 specifies the contents of the Declaration. However, as a pre-1992
7 community, RLEHOA is not required to comply with these requirements. In essence, there is no requirement
8 that the CC&Rs contain a description of the real estate included in the common-interest community. *See*
9 NRS 116.2105(1)(c). This is especially true where the real estate was depicted in the Declaration, the plat.
10 Furthermore, as to pre-1992 communities, there is no requirement that the Declaration contain a description
11 of "any real estate that is or must become common elements." NRS 116.2105(1)(f).⁷

12 The provision of NRS 116.021 is not an affirmative obligation; it is a definition. The affirmative
13 obligation to describe the real estate is found in NRS 116.2105(1)(c) and such requirement is not applicable
14 to a pre-1992 Association. In fact, the 2009 change to the definition of a common-interest community is not
15 applied to any Association formed before January 1, 2010. It can't be. If Artemis was correct, there would
16 be ever changing requirements for what constitutes a common- interest community; one year a community
17 would qualify and the next it would not? Such a result would be absurd.

18 Plaintiff's argument that RLEHOA is not a common-interest community because it fails to meet the
19 definition of a common-interest community as such definition exists as of January 1, 2010, is simply wrong
20 and fails, *as a matter of law*. RLEHOA met the definition in 1992 and 1999 and that is the foundational
21 requirement.

22 3. *Plaintiff's Arguments Regarding NRS 116.3101 Also Fail, As A Matter of Law.*

23 Citing NRS 116.3101, Plaintiff asserts that "RLEHOA is an invalid association [because] RLEHOA
24 was not organized before the 'first unit in the common-interest community [was] conveyed'." *See* Opposition
25 16:24-26. Plaintiff's arguments regarding the applicability of NRS 116.3101 defy logic and legal reasoning.

26 NRS 116.3101 is clearly not applicable to Ruby Lakes Estates as a pre-1992 community. How could
27

28 ⁷ However, as noted, RLEHOA's Declaration does include the real estate as depicted in the plat.

1 a common-interest community be compelled to comply with a provision that was not in effect when its Plat
2 Map and CC&Rs were recorded and the common-interest community was created? Plaintiff's reasoning
3 defies logic. Interestingly, Plaintiff asserts that NRS Chapter 116 is not applicable to Ruby Lakes Estates,
4 while at the same time Plaintiff asserts that Chapter 116 required the formation of the entity in 1989 - two
5 years before Chapter 116 even existed, and ten (10) years before Chapter 116 was made applicable to Ruby
6 Lakes Estates. As with its contention the roads should not be maintained by the Association, this argument
7 is nonsensical.

8 Once again Plaintiff's arguments ignore the fact that some eight years after enacting NRS Chapter
9 116, the Nevada legislature made certain provisions of NRS Chapter 116 retroactively applicable to pre-1992
10 communities. This was because the Legislature wanted *all* communities in which there was a collective
11 responsibility for payment of "real estate", other than the individual units, to have the protections afforded
12 by NRS Chapter 116. This is made clear by NRS 116.1201(1). Plaintiff certainly availed itself of the rights
13 and protections afforded by NRS Chapter 116 by having Mr. Essington serve as a Board member of the
14 Association for over four (4) years, attend annual meetings from 1997 through 2009, conduct compliance
15 inspections, direct the preparation of Reserve Studies, prepare and approve budgets, levy and collect
16 assessments, and otherwise govern and direct the actions of the community association. *See* Exhibits "10",
17 "11", "12", "13", "27", "28", "29", "30", "31", "32", "35", "36", "48", "57", "58", "59", "60", "61", "62", "63"
18 and "64".

19 Plaintiff's interpretation of NRS 116.3101(1) would mean that a community created prior to 1992
20 could never form an Association. Such a construction is directly contrary to NRS 116.1201(1) and
21 NRS 116.3101(3)(a). Plaintiff's construction of the statutes is non-sensical and would mean that a
22 requirement that was not even in existence in 1992 would forever be a bar to filing of the articles of a
23 community association. Once the legislature decided that Chapter 116 would apply to *all* common-interest
24 communities within the state, including pre 1992-communities, the practical effect must be that the
25 community take those steps to form an entity if one had not been formed before.

26 Further, NRS 116.3101 does not state that absent formation at the time of conveyance of the first unit,
27 the ability or requirement to form an Association is forever lost. In this case, the provisions of NRS Chapter
28 116 were not even in effect as to Ruby Lake Estates until 1999. Notwithstanding that fact, in accordance with

his expressed intent, in 1997 Mr. Wright formed the Ruby Lakes Estates Landowners Association and the community thereafter functioned as a common-interest community adopting budgets, collecting assessments, and maintaining the roadways and other common assets.

Further, under the Plaintiff's analysis, a developer who failed to file Articles of Incorporation for a community association could avoid the obligations of Chapter 116 in perpetuity. Such a result would be nonsensical and clearly contrary to the legislative intent to make the protections and requirements of Chapter 116 applicable to members of all common-interest communities.

Plaintiff's statement that NRS 116.3101 is a "codification of common law" is in error and Plaintiff cites no authority for this statement. There is virtually nothing in NRS Chapter 116 that is a codification of common law. Moreover, while creative, Plaintiff's argument that "a covenant to create a homeowner's association must exist before the first lot conveyance" within the CC&Rs, is also wrong. Again, Plaintiff cites no legal authority for such a statement.

Ruby Lakes Estates met the definition of a common-interest community both in 1992 when NRS Chapter 116 went into effect, and in 1999, when NRS Chapter 116 was made applicable to pre-1992 communities. Therefore, compliance with NRS Chapter 116 *is mandated by law*, and the powers and duties of the Association are created by statute, not necessarily by expressed covenant contained in the CC&Rs. Unlike Nevada, neither Arizona nor North Carolina have adopted the Uniform Common-Interest Ownership Act, and the decisions in *Dreamland Villa Cmty. Club, Inc., v. Rainy*, 224 Ariz. 42, 226 P.3d 411 (2010), and *Armstrong v. Ledges Homeowners Ass'n, Inc.* 360 N.C. 547 (2006), cited by Plaintiff, are inapplicable to the case at bar.

Once a community meets the definition of a common-interest community, the requirements and protections of NRS Chapter 116 apply, regardless of the provisions of the Declaration. This is black letter law. NRS 116.1206(1)(a)(b) specifically provides:

1. Any provision contained in a declaration, bylaw or other governing document of a common-interest community that violates the provisions of this chapter:

(a) Shall be deemed to conform with those provisions by operation of law, and any such declaration, bylaw or other governing document is not required to be amended to conform to those provisions.

(b) Is superseded by the provisions of this chapter, regardless of whether the provision contained in the declaration, bylaw or other governing document became effective before the

1 enactment of the provisions of this chapter that is being violated.

2 In sum, there is nothing in Nevada law which precludes the filing of articles of incorporation for a
3 community association at any time, even after the first conveyance of a unit by the Declarant. This is
4 especially true where there is the clear necessity of a community association for purposes of maintaining
5 common roadways and other common elements, and when the members of the community have been
6 conducting themselves as a members' association for purposes of levying assessments and maintaining the
7 common areas for many years.

8 **4. Assessments Have Been Properly Levied by the Association as Required by**
9 **NRS 116.3115.**

10 Plaintiff's assertion that "NRS 116.3102 does not allow RLEHOA to levy mandatory assessments
11 against lot owners", is clearly wrong. To the contrary, NRS 116.3102 (1)(b) *requires* RLEHOA to adopt
12 budgets and collect assessments for common expenses from the units owners. Furthermore, NRS 116.3115
13 governs the mandatory imposition of assessments. This statute even confirms the propriety of the declarant,
14 Stephen Wright, paying all common expenses before the association makes an assessment. *See* NRS
15 116.3115(1). Furthermore, Plaintiff's argument that Mrs. Essington thought assessments were completely
16 "voluntary", is undermined by the provisions of NRS 116.3115 which *requires* assessments to be assessed
17 against all owners. "Voluntary" assessments are prohibited. Plaintiff's claims as to Mrs. Essington's belief
18 that assessments were "voluntary" are not credible by reason of Plaintiff's own assertions and actions
19 regarding the application of NRS Chapter 116. *See, e.g.,* Exhibit "16", Exhibit "27", Exhibit "31", and
20 Exhibit "32".

21 **G. The Statements Made by Elizabeth Essington In Her Affidavit Are Contravened**
22 **by Admissible Evidence.**

23 As demonstrated by the uncontroverted evidence submitted by the Association in support of its
24 Motion for Summary Judgment, its Opposition to Plaintiff's MSJ, and this Reply, many of the statements
25 made by Elizabeth Essington in her Affidavit are simply not true.⁸ Much of this evidence was created by
26 Plaintiff's agent, Mel Essington. Furthermore, Mrs. Essington's Affidavit is fundamentally suspect given the

27 ⁸ As noted above, the Court could reject the Affidavit in its entirety. *See* Nevada Pattern Jury
28 Instructions 2.07.

1 fact it was not made in connection with Plaintiff's MSJ but rather, given only after RLEHOA pointed out in
2 its Opposition, that Plaintiff's Motion for Summary Judgment must be denied for failure to meet the
3 requirements of NRCP 56(e).

4 What follows is a brief analysis of the statements made by Mrs. Essington's in her Affidavit, as
5 contradicted by the undisputed evidence.

6 **Statement No. 3.** Mrs. Essington's statement regarding her lack of knowledge of the CC&Rs at the
7 time of purchase of Lot G-6, is contradicted by the terms and conditions of the Real Estate Purchase
8 Agreement executed by Artemis for Lot G-6, as well as the Deed given to Artemis by the Wrights. *See*
9 Exhibit "54" 00014-00020. Artemis' Purchase Agreement states that title to Lot G-6 will be conveyed
10 subject to "conditions, covenants, easements, encumbrances, exceptions, reservations, restrictions, rights, and
11 rights of way of record." *Id.* at 00014. The Deed states that title is conveyed "subject to covenants,
12 conditions, restrictions, exceptions and reservations, easements, encumbrances, leases or licenses, rights and
13 rights of way of record, if any." *Id.* at 00019. Finally, Artemis' Policy of Title Insurance specifically
14 references the recorded CC&Rs for Ruby Lakes Estates as Exception No. 10. *See* Exhibit "3" at 00027. There
15 is no truth to Mrs. Essington's statement she had no knowledge of the CC&Rs.⁹

16 **Statement No. 4:** Mrs. Essington states: "There was never any mention or disclosure by Stephen or
17 Mavis Wright, nor any documentation that would support the creation of a common interest community then
18 or at any time in the future." This statement is also contradicted by the Affidavit testimony of Stephen
19 Wright. *See* Exhibit "53". More importantly, it is shown to be false by the 2005 statement of Mel Essington
20 that the intent of Mr. Wright to create an association was contained in the sales literature. *See* Exhibit "11"
21 at RLE 021A. Despite numerous requests, Mrs. Essington has refused to produce any records for Artemis
22 supporting its purchase of Lot G-6, including the sales literature referenced by Mr. Essington. This is a
23 violation of NRCP 16.1 as is Plaintiff's failure to produce the "variance" Plaintiff claims was part of her
24 Purchase Agreement. *See* Exhibit "75".

25 **Statement No. 5:** Despite Mrs. Essington's statement that "in 2006, Mel retired and began living
26

27 ⁹ She even obtained a waiver or variance from enforcement of the CC&Rs. *See* Exhibit "75". If
28 there were no CC&Rs, why on earth would she need a waiver or variance? Of course, the answer is that
Mrs. Essington is not to be believed.

1 with me at my residence in Ruby Lakes Estates," Mr. Essington was obviously involved and knowledgeable
2 about the 1994 purchase of Lot G-6. This knowledge is evidenced by his August 5, 2005 letter in which he
3 encouraged all homeowners to revitalize the association in order to carry out the responsibilities of
4 maintenance as set forth in the CC&Rs and in the "sales literature." See Exhibit "11", RLE 021A-021D.
5 Mr. Essington was also involved enough with the Association to get himself nominated and elected to the
6 Board of Directors in 2007.

7 **Statement No. 7.** Mrs. Essington's assertion that she never attended any homeowner meeting is
8 irrelevant to the facts and the law. The evidence of Mr. Essington's actions and statements is overwhelming
9 and not disputed by Plaintiff or Mrs. Essington. Mr. Essington was the authorized agent of Artemis. Mrs.
10 Essington admitted this in her deposition. See Exhibit "8" at 78:11-14; 92:17-21. Therefore, there is no
11 question presented regarding the agency of Mr. Essington to act on behalf of Artemis. All of his statements
12 and actions must be attributed to Plaintiff. These statements and actions clearly undermine all of Plaintiff's
13 claims for declaratory relief.

14 **Statement No. 8:** Mrs. Essington's statement that she "believed that a voluntary association may be
15 appropriate if people wanted to contribute to road maintenance," is less than credible given the fact that in
16 2005, she and her husband prepared Articles of Incorporation for a community association. See Exhibit "16",
17 RLE 143. Mrs. Essington's statement is also undermined by the fact James Copenhaver, who represented
18 both of the Essingtons, threatened to file these Articles of Incorporation if the other members did not file
19 Articles. See Exhibit "4", Wines' Affidavit. The fact that Mr. Copenhaver represented both Mr. and Mrs.
20 Essington is confirmed by Mrs. Essington's deposition testimony. See Exhibit "8", 12:5-6, 13:20-22; 18:12-
21 14; 81:10-11. Mr. Essington also confirmed that Mr. Copenhaver represented both he and Mrs. Essington.
22 See Exhibit "22", 11: 8-12, 15-17. These admissions are directly contrary to the statements made by Plaintiff
23 in its Reply to RLEHOA's Opposition to Plaintiff's MSJ. See Artemis' Reply, 23:21-28.

24 Finally, the fact that the Association was not "voluntary" but mandated by NRS Chapter 116, is
25 undercut by numerous communications sent by Mel Essington. Mrs. Essington's "belief" regarding these
26 matters is completely irrelevant. Plaintiff is bound by the acts and admissions of its agent, Mel Essington.
27 See, for example, Exhibit "11", RLE 021A-021D; Exhibit "27", RLE 053; Exhibit "29", RLE 076; Exhibit
28 "31", RLE 076A; Exhibit "32", RLE 078-080.

1 **Statement No. 14.** Mrs. Essington's statements regarding what she was orally told by the
2 Ombudsman's office is clearly inadmissible hearsay and cannot be considered as evidence of the truth of the
3 matters asserted therein. *See* NRS 51.035. Moreover, such alleged oral statements are directly contrary to
4 what was written by the Ombudsman. *See* Exhibit "49".

5 **Statement No. 16:** Again, Mrs. Essington deliberately misstates the contents of Mr. Wines' June
6 18, 2010, letter to the Ombudsman's Office of the Nevada Real Estate Division. *See* Exhibit "5". In no
7 portion of the letter does Mr. Wines state "his opinion that the Architectural Review Committee" was
8 obligated to maintain the 'public (roads)' within the subdivision. No mention of the Architectural Review
9 Committee is made in the letter. Mr. Wines' letter clearly states, in part,

10 "Based upon my discussions with Steve, particularly that Elko County had required him to
11 prepare and record Covenants, Conditions and Restrictions (CCR's) before they would
12 approve the Subdivision Map, because the County had accepted the roads within the
13 Subdivision for Public Use, but not for Public Maintenance, it was determined that the entity
14 would have to comply with NRS Chapter 116. The CCR's [sic] contained a requirement that
an organization be created to not only review architectural plans, but also to 'promulgate and
adopt reasonable rules and regulations in order to carry out its purpose.' The CCR's [sic] also
obligate the entity to 'maintain' the subdivision."

15 **Statement No. 17.** Contrary to Mrs. Essington's implications, Mel Essington never voluntarily
16 withdrew as a Board member. Mr. Essington was asked to resign because he refused to provide written
17 evidence of his authority to act on behalf of Artemis and Artemis had not paid its assessments. *See* Exhibit
18 "2", RLE 118, 131. Therefore, in accordance with the Bylaws which Mr. Essington approved as the purported
19 owner of Lot G-6, Artemis was ineligible to have its representative serve on the Board of Directors. *See*
20 Exhibit "23". RLE 007-010; 00040-00043. *See also* Exhibit "12", at RLE 024; Exhibit "67", RLE 117D-
117E.

21 **Statement No. 19.** In speaking about the notice Plaintiff received regarding its "Delinquent
22 Assessment Lien", Plaintiff fails to acknowledge that she was given notice of the Association's statutory lien
23 for unpaid assessments and its collection policy long before Artemis/the Essingtons stopped paying
24 assessments. In a letter sent to all homeowners in August 2006 following the Annual Meeting of Members
25 which Mr. Essington attended, she was so advised. The letter, attached as Exhibit "55", RLE 029(1)-029(2),
26 states in pertinent part:

27 "The Association will enforce unpaid charges by commencing a collection action,
28 obtaining a judgment as a lien and doing an execution sale against any delinquent lot. You

1 should be aware that any costs, charges or fees incurred for enforcing the indebtedness will
2 be assessed to the lot owner. It would be unfair to make the other lot owners pay the costs
association with the collection of fees."

3 See Exhibit "55", RLE 029(1)-029(2).

4 **Statement No. 20.** Mrs. Essington's statements about the oral complaints of other homeowners
5 is clearly inadmissible hearsay and cannot be used as proof of the matters asserted therein. See NRS 51.035.

6 The Court should disregard the entire Affidavit testimony of Mrs. Essington offered in support of
7 Plaintiff's Motion for Summary Judgment and Plaintiff's Reply. When the credibility of a witness has
8 legitimately been called into question, the Court may disregard the entire testimony of that witness or any
9 portion of the testimony that is not proved by other evidence. See Nevada Pattern Jury Instructions 2.07. The
10 evidence produced, including Mrs. Essington's deposition testimony given under penalty of perjury,
11 contradicts virtually all of Mrs. Essington's Affidavit testimony.

12 **II.**
13 **CONCLUSION**

14 Based upon the uncontested facts and the application of those facts to the law, the Association is
15 entitled to summary judgment as to each, every and all of Plaintiff's claims for relief. Artemis fails to assert
16 any claim that is meritorious. The Association urges the Court to reject the Plaintiff's claims to abandon the
17 needed road maintenance and avoid the dangerous situation that would be created by lack of such
18 maintenance. The owners within Ruby Lake Estates should be assured of the continued maintenance of all
19 common elements to insure a safe community.

20 DATED this 3rd day of July, 2012.

21 KERN & ASSOCIATES, LTD.

22 

23 GAYLE A. KERN, ESQ.

24 NEVADA BAR #1620

25 5421 Kietzke Lane, Suite 200

26 RENO, NEVADA 89511

27 Telephone: 775-324-5930

28 Fax: 775-324-6173

Email: gaylekern@kernltd.com

Attorneys for Ruby Lake Estates Homeowners Association

1 CERTIFICATE OF SERVICE

2 Pursuant to NRCPC 5(b), I certify that I am an employee of the law firm of Kern & Associates, Ltd.,
3 and that on this day I served the foregoing document described as follows:

4 RUBY LAKE ESTATES HOMEOWNER'S ASSOCIATION'S
5 REPLY TO PLAINTIFF'S OPPOSITION TO RLEHOA'S
6 MOTION FOR SUMMARY JUDGMENT

on the parties set forth below, at the addresses listed below by:

7 X Placing an original or true copy thereof in a sealed envelope place for collection and mailing
8 in the United States Mail, at Reno, Nevada, first class mail, postage paid, following ordinary
business practices, addressed to:

9 Via facsimile transmission

10 Personal delivery, upon:

11 United Parcel Service, Next Day Air, addressed to:

12
13 Travis Gerber, Esq.
Gerber Law Offices, LLP
14 491 4th Street
Elko, NV 89801

15 DATED this 3rd day of July, 2012.

16 *Teresa A. Gearhart*
17 TERESA A. GEARHART
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INDEX OF EXHIBITS

EXHIBIT NO.	DESCRIPTION	BATES NO.
53	Affidavit of Stephen Wright dated June 28, 2012	
54	Real Estate Purchase Agreement dated July 26, 1993, and Deed to Artemis	00014 - 00020
55	Letter from Robert J. Wines, Esq. to Steve Wright dated November 19, 1999	RLE 019E - RLE 019P
56	RLEHOA letter to members dated August 21, 2006	RLE 029(1) - RLE 029(2)
57	RLEHOA Sign in Sheet for August 9, 2008 Members' Meeting	RLE 061A - RLE 061C
58	RLEHOA Board of Directors Meeting Minutes, October 17, 2008	RLE 080A - RLE 080D
59	RLEHOA Board of Directors Meeting Minutes, January 16, 2009	RLE 081A - RLE 081D
60	RLEHOA Board of Directors Meeting Minutes, April 17, 2009	RLE 081E - RLE 081G
61	RLEHOA Board of Directors Meeting Minutes, July 17, 2009	RLE 101A - RLE 101C
62	RLEHOA Sign in Sheet for August 8, 2009 Members' Meeting	RLE 105E - RLE 105G
63	RLEHOA Board of Directors Meeting Minutes, October 16, 2009	RLE 105H - RLE 105J
64	RLEHOA Board of Directors Meeting Minutes, January 15, 2010	RLE 111J - RLE 111L
65	Ruby Lake Estates Fire Risk and Hazard Assessment	RLE 111A - RLE 111I
66	RLEHOA Board of Directors Meeting Minutes, April 16, 2010	RLE 117A - RLE 117C
67	RLEHOA Board of Directors Meeting Minutes, April 16, 2010 (Special Meeting)	RLE 117D - RLE 117E
68	RLEHOA Board of Directors Meeting Minutes, July 16, 2010	RLE 128B - RLE 128D

EXHIBIT NO.	DESCRIPTION	BATES NO.
69	RLEHOA Board of Directors Meeting Minutes, October 15, 2010	RLE 133A - RLE 133C
70	RLEHOA Board of Directors Meeting Minutes, January 21, 2011	RLE 134C - RLE 134E
71	RLEHOA Board of Directors Meeting Minutes, April 22, 2011	RLE 145A - RLE 145D
72	RLEHOA Board of Directors Meeting Minutes, July 15, 2011	RLE 145E - RLE 145G
73	RLEHOA Board of Directors Meeting Minutes, October 14, 2011	RLE 145H - RLE 145J
74	RLEHOA Board of Directors Meeting Minutes, January 22, 2012	RLE 145K - RLE 145M
75	Artemis Exploration Co.'s Request for Variance dated July 12, 1993; MSW, Inc.'s Acceptance of Variance dated July 29, 1993	RLE 006A - RLE 006B

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
Stephen G. Wright

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

Layla Walz
NOTARY PUBLIC

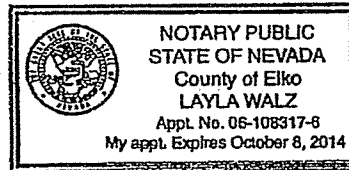


EXHIBIT “1”

EXHIBIT “1”

MATTHEWS AND WINES, P.C.

A PROFESSIONAL LAW CORPORATION

MAILING ADDRESSP. O. Box 511
Elko, Nevada 89803RICHARD J. MATTHEWS
ROBERT J. WINES
Telephone: (775) 738-3171
Telefax: (775) 753-9869**OFFICE LOCATION**687 Sixth Street, No. 1
Elko, Nevada 89801**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
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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

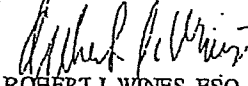
Association Dues.

While the declaration 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.

RLE 019F

2RA408

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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RLE 019H

2RA409

required to correct or remedy such violations or defects within a reasonable time, and which, 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

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RLE 0191

2RA410

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; 1989, 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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RLE 019L

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; 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 estray 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 “65”

WWW. RCI-NV.COM /REPORTS/ELKO/SECTION 18

Resource Concepts, Inc.

Celebrating 31 Years 1978-2009

Engineering • Surveying • Resources & Environmental Services

 RCI Reports  Elko County Fire Plan

<-- 17.0 Osino ^ Table of Contents ^ 19.0 Ten Mile -->

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.

RLE 111A

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

12/22/2009

RLE 111B

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 Grissold, 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**

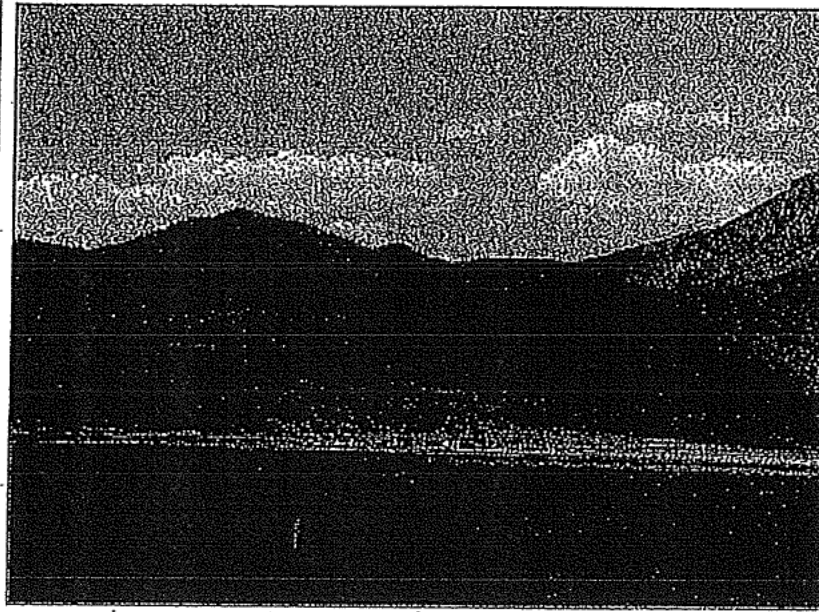


Photo Point 1. 446393N, 0632091E, 290°NW. Vegetative fuels in the community consist primarily of big sagebrush, rabbitbrush, perennial grasses, and cheatgrass. The fuel hazard was considered moderate and fuel loads estimated at one to four tons per acre.

[<-- 17.0 Osino](#) [^ Table of Contents ^](#) [19.0 Ten Mile -->](#)

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1 CASE NO. CV-C-12-175

2 DEPT. 2

3 Affirmation: This document does
4 not contain the social security
5 number of any person.

6 **IN THE FOURTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
7 **IN AND FOR THE COUNTY OF ELKO**

8
9 ARTEMIS EXPLORATION COMPANY, a
Nevada Corporation,
Plaintiff,

10 vs.

11 RUBY LAKE ESTATES HOMEOWNER'S
ASSOCIATION, STEPHEN WEST;
12 DOMINIC DIBONA; EVELYN DIBONA;
MICHAEL BRENNAN AND MARNIE
BRENNAN; RICHARD BECKERDITE;
13 BILL NOBLE AND CHERYL NOBLE;
AARON MOTES; BILL HARMON AND
14 TERI HARMON; LEROY PERKS AND
NORA PERKS; JUAN LA CHICA AND
15 VICTORIA LA CHICA; BRAD KEIFE;
SEVEN K PROPERTIES; MIKE CECCHI
16 AND KRIS CECCHI; WAYNE CIRONE
AND ILA CIRONE; CONNIE STAFFORD;
17 AARON YOHEY; PAUL LUCAS; DAVE
MILLER; JAMES TAYLOR; MIKE MASON
18 AND SHELLY MASON; JIMMY SARGENT
AND ELLEN SARGENT; JACK HEALY
19 AND YVETTE HEALY; BO HARMON;
MICHAEL GOWAN; PHIL FRANK AND
20 DOROTHY FRANK; JOE HERNANDEZ
AND PAULA HERNANDEZ; DENNIS
21 MCINTYRE AND VALERI MCINTYRE;
ROBERT HECKMAN AND NATHAN
22 HECKMAN; JAMES VANDER MEER;
HAROLD WYATT AND MARY WYATT;
23 ROBERT CLARK; BETH TEITLEBAUM;
DANIEL SPILSBURY AND DELAINE
24 SPILSBURY; TERRY HUBERT AND
BONNIE HUBERT; RUSSELL ROGERS
25 AND SUSAN ROGERS; ROCKY ROA;
BEVERLY PATTERSON; DENNIS
26 CUNNINGHAM; RILEY MANZONIE;
DAVID NORWOOD; DAVID JOHNSON;
27 and DOES I-X,

Defendants.

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FILED

2018 MAR -6 PM 4:09
ELKO DISTRICT COURT

CASE APPEAL STATEMENT

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CASE APPEAL STATEMENT

Appellants, ARTEMIS EXPLORATION COMPANY, a Nevada corporation, Plaintiff, and MARY WYATT and HAROLD WYATT, Defendants, hereby file their Case Appeal Statement, pursuant to Rule 3 of the Nevada Rules of Appellate Procedure, as follows:

1. Name of appellant filing this case appeal statement:

Plaintiff Artemis Exploration Company, a Nevada corporation; and Defendants Harold Wyatt and Mary Wyatt.

2. Identify the judge issuing the decision, judgment, or order appealed from:

Honorable Judge Alvin R. Kacin, Fourth Judicial District Court, Department 2.

3. Identify each appellant and the name and address of counsel for each appellant:

Plaintiff Artemis Exploration Company, a Nevada corporation; and Defendants Harold Wyatt and Mary Wyatt are the appellants. Counsel for appellants are as follows:

TRAVIS W. GERBER, ESQ.
Nevada State Bar No. 8083
ZACHARY A. GERBER, ESQ.
Nevada State Bar No. 13128
GERBER LAW OFFICES, LLP
491 4th Street
Elko, Nevada 89801
(775) 738-9258

4. Identify each respondent and the name and address of appellate counsel, if known, for each respondent (if the name respondent's appellate counsel is unknown, indicate as much and provide the name and address of that respondent's trial counsel):

Defendant Ruby Lake Estates Homeowner's Association is the respondent in this case. Respondent's counsel are as follows:

GAYLE A. KERN, ESQ.
Nevada State Bar No. 1620
KAREN M. AYARBE, ESQ.
Nevada State Bar. No. 3358
KERN & ASSOCIATES, LTD.
5421 Kietzke Lane, Suite 200
Reno, Nevada 89511
(775) 324-5930

5. Indicate whether any attorney identified above in response to question 3 or 4 is not licensed to practice law in Nevada and, if so, whether the district court granted that attorney

1 permission to appear under SCR 42 (attach a copy of any district court order granting such
2 permission):

3 No. Appellants' and Respondent's counsel are licensed to practice law in the State of Nevada.

4 6. Indicate whether appellant was represented by appointed or retained counsel in the
5 district court:

6 Appellant was represented by retained counsel in the district court.

7 7. Indicate whether appellant is represented by appointed or retained counsel on appeal:

8 Appellant is represented by retained counsel on appeal.

9 8. Indicate whether appellant was granted leave to proceed in forma pauperis, and the date
10 of entry of the district court order granting such leave:

11 No. Appellant is not proceeding in forma pauperis.

12 9. Indicate the date the proceedings commenced in the district court (e.g., date complaint,
13 indictment, information, or petition was filed):

14 Plaintiff/Appellant filed its Complaint on March 2, 2012.

15 10. Provide a brief description of the nature of the action and result in the district court
16 including the type of judgment or order being appealed and the relief granted by the district
17 court:

18 The central issues in this case are whether Ruby Lake Estates subdivision is a
19 common-interest community pursuant to NRS 116.021, whether RLEHOA is a valid unit-owners'
20 association pursuant to NRS 116.3101, and whether Ruby Lake Estates Homeowner's Association
21 has authority to levy mandatory assessments against lot owners.

22 Artemis Exploration Company ("Artemis") and Harold and Mary Wyatt ("Wyatts") are lot
23 owners in Ruby Lake Estates, a rural subdivision of 51 lots that was subdivided in 1989. The
24 recorded Declaration, Restrictions and Covenants of Ruby Lake Estates subdivision does not contain
25 any covenant or provision for the organization of a homeowner's association or for the payment of
26 dues or any common expenses. Ruby Lake Estates Homeowner's Association ("RLEHOA") was
27 organized by a group of lot owners in Ruby Lake Estates in 2006, 17 years after the conveyance of
28

1 the first lots. RLEHOA began assessing mandatory dues and compelling payment under threat of
2 liens.

3 The matter was submitted for non-binding arbitration through the Nevada Real Estate Division
4 pursuant to NRS 38.300 - NRS 38.360. An Arbitration Award was granted in RLEHOA's favor on
5 February 7, 2012. Artemis filed the instant case for judicial review on March 2, 2012, pursuant to
6 NRS 38.330(5) seeking a declaratory judgment establishing that RLEHOA is not a valid unit-owners'
7 association and that RLEHOA is not authorized by the Declaration, Restrictions and Covenants of
8 Ruby Lake Estates to assess or compel the payment of dues. RLEHOA filed counterclaims and a cross
9 claim. The District Court subsequently ordered the joinder of all property owners within Ruby Lake
10 Estates, including the Wyatts. All property owners were defaulted except for Artemis and the Wyatts,
11 and the parties subsequently stipulated to dismiss RLEHOA's counterclaims and cross claim, which
12 were dismissed by order entered on February 26, 2016.

13 Artemis and RLEHOA submitted Motions for Summary Judgment in the District Court action.
14 The District Court denied Artemis's Motion for Summary Judgment and entered its Order Granting
15 Defendant's Motion for Summary Judgment on February 14, 2013, in favor of RLEHOA.

16 In its Order Granting Defendant's Motion for Summary Judgment, the District Court
17 concluded that Ruby Lake Estates is a common-interest community because "1) the CC&R's are 'real
18 estate' within the meaning of NRS 116.081; and 2) the CC&Rs constitute contractual interests for
19 which Ruby Lake Estates lot owners were obligated to pay at the time of the HOA's incorporation."
20 The District Court also concluded that Ruby Lake Estates Homeowner's Association is a valid
21 homeowner's association because it was not bound by NRS 116.3101(1), which requires that "[a]
22 unit-owner's association must be organized no later than the date the first unit in the common-interest
23 community is conveyed." NRS 116.3101 (1).

24 On February 26, 2018, the District Court entered its Final Judgment, from which this appeal
25 is taken.

26 **11. Indicate whether the case has previously been the subject of an appeal to or original writ**
27 **proceeding in the Supreme Court and, if so, the caption and Supreme Court docket number of**
28 **the prior proceeding:**

1 Yes. ARTEMIS EXPLORATION COMPANY, a Nevada corporation, Appellant, vs. RUBY
2 LAKE ESTATES HOMEOWNER'S ASSOCIATION, Respondent. Supreme Court Case No. 63338.

3 12. Indicate whether this appeal involves child custody or visitation:


4 No.

5 13. If this is a civil case, indicate whether this appeal involves the possibility of settlement:

6 No.

7 Dated this 6th day of March, 2018.

8 GERBER LAW OFFICES, LLP

9 By: 
10 TRAVIS W. GERBER, ESQ.
11 Nevada State Bar No. 8083
12 ZACHARY A. GERBER, ESQ.
13 Nevada State Bar No. 13128
14 491 4th Street
15 Elko, Nevada 89801
16 (775) 738-9258
17 ATTORNEYS FOR PLAINTIFF, and
18 DEFENDANTS HAROLD AND
19 MARY WYATT
20
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1 CERTIFICATE OF SERVICE

2 Pursuant to NRCP 5(b), I hereby certify that I am an employee of GERBER LAW OFFICES,
3 LLP, and that on the 6 day of March, 2018, I deposited for mailing, postage prepaid, at Elko,
4 Nevada, a true and correct copy of the foregoing *Case Appeal Statement* addressed as follows:

5 Gayle A. Kern, Esq.
6 KERN & ASSOCIATES, LTD.
7 5421 Kietzke Lane, Suite 200
8 Reno, Nevada 89511

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Madison Wallock
Employee of Gerber Law Offices, LLP

1 CASE NO. CV-C-12-175

2 DEPT. 2

3 Affirmation: This document does
4 not contain the social security
5 number of any person.

FILED

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ELKO CO DISTRICT COURT

CLERK _____ DEPUTY *Be*

6 **IN THE FOURTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
7 **IN AND FOR THE COUNTY OF ELKO**

8
9 ARTEMIS EXPLORATION COMPANY, a
Nevada Corporation,
Plaintiff,

10 vs.

11 RUBY LAKE ESTATES HOMEOWNER'S
ASSOCIATION, STEPHEN WEST;
12 DOMINIC DIBONA; EVELYN DIBONA;
MICHAEL BRENNAN AND MARNIE
BRENNAN; RICHARD BECKERDITE;
13 BILL NOBLE AND CHERYL NOBLE;
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BEVERLY PATTERSON; DENNIS
26 CUNNINGHAM; RILEY MANZONIE;
DAVID NORWOOD; DAVID JOHNSON;
27 and DOES I-X,

Defendants.

CASE APPEAL STATEMENT

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CASE APPEAL STATEMENT

Appellants, ARTEMIS EXPLORATION COMPANY, a Nevada corporation, Plaintiff, hereby files its Case Appeal Statement, pursuant to Rule 3 of the Nevada Rules of Appellate Procedure, as follows:

1. Name of appellant filing this case appeal statement:

Plaintiff Artemis Exploration Company, a Nevada corporation.

2. Identify the judge issuing the decision, judgment, or order appealed from:

Honorable Judge Alvin R. Kacin, Fourth Judicial District Court, Department 2.

3. Identify each appellant and the name and address of counsel for each appellant:

Plaintiff Artemis Exploration Company, a Nevada corporation. Counsel for appellant is as follows:

TRAVIS W. GERBER, ESQ.
Nevada State Bar No. 8083
ZACHARY A. GERBER, ESQ.
Nevada State Bar No. 13128
GERBER LAW OFFICES, LLP
491 4th Street
Elko, Nevada 89801
(775) 738-9258

4. Identify each respondent and the name and address of appellate counsel, if known, for each respondent (if the name respondent's appellate counsel is unknown, indicate as much and provide the name and address of that respondent's trial counsel):

Defendant Ruby Lake Estates Homeowner's Association is the respondent in this case. Respondent's counsel is as follows:

GAYLE A. KERN, ESQ.
Nevada State Bar No. 1620
KAREN M. AYARBE, ESQ.
Nevada State Bar. No. 3358
LEACH KERN GRUCHOW ANDERSON SONG
5421 Kietzke Lane, Suite 200
Reno, Nevada 89511
(775) 324-5930

5. Indicate whether any attorney identified above in response to question 3 or 4 is not licensed to practice law in Nevada and, if so, whether the district court granted that attorney

1 permission to appear under SCR 42 (attach a copy of any district court order granting such
2 permission):

3 No. Appellant's and Respondent's counsel are licensed to practice law in the State of Nevada.

4 6. Indicate whether appellant was represented by appointed or retained counsel in the
5 district court:

6 Appellant was represented by retained counsel in the district court.

7 7. Indicate whether appellant is represented by appointed or retained counsel on appeal:

8 Appellant is represented by retained counsel on appeal.

9 8. Indicate whether appellant was granted leave to proceed in forma pauperis, and the date
10 of entry of the district court order granting such leave:

11 No. Appellant is not proceeding in forma pauperis.

12 9. Indicate the date the proceedings commenced in the district court (e.g., date complaint,
13 indictment, information, or petition was filed):

14 Plaintiff/Appellant filed its Complaint on March 2, 2012.

15 10. Provide a brief description of the nature of the action and result in the district court
16 including the type of judgment or order being appealed and the relief granted by the district
17 court:

18 The central issues in this case are whether Ruby Lake Estates subdivision is a
19 common-interest community pursuant to NRS 116.021, whether Ruby Lake Estate's Homeowners
20 Association ("RLEHOA") is a valid unit-owners' association pursuant to NRS 116.3101, and whether
21 RLEHOA has authority to levy mandatory assessments against lot owners.

22 Artemis Exploration Company ("Artemis") filed the instant case for judicial review with the
23 District Court on March 2, 2012, seeking a declaratory judgment establishing that RLEHOA is not
24 a valid unit-owners' association and that RLEHOA is not authorized by the Declaration, Restrictions
25 and Covenants of Ruby Lake Estates to assess or compel the payment of dues. RLEHOA filed
26 counterclaims and a cross claim. The District Court subsequently ordered the joinder of all property
27 owners within Ruby Lake Estates, including Mary and Harold Wyatt. All property owners were
28 defaulted except for Artemis and the Wyatts. After Artemis and the Wyatts filed their Motion to

1 Dismiss RLEHOA's Counterclaims and Cross-Claim pursuant to NRCP 41(e), RLEHOA, Artemis,
2 and the Wyatts stipulated to dismiss RLEHOA's counterclaims and cross claim, stipulated that the
3 dismissal did "not constitute an adjudication on the merits," and "stipulate[d] and agree[d] to bear
4 their own fees and costs incurred in the prosecution and/or defense of the Counterclaims and
5 Crossclaim." The Court ordered the Stipulation on February 26, 2016.

6 Artemis and RLEHOA submitted Motions for Summary Judgment in the District Court action
7 on Artemis's claim for declaratory relief. The District Court denied Artemis's Motion for Summary
8 Judgment and entered its Order Granting Defendant's Motion for Summary Judgment on February
9 14, 2013, in favor of RLEHOA. On February 26, 2018, the District Court entered its Final Judgment,
10 for which an appeal is pending in the Supreme Court of the State of Nevada, Case No. 75323.

11 On November 1, 2018, the District Court entered its Order Awarding Attorney's Fees and
12 Costs ("Attorney's Fees Order") and on December 3, 2018, entered a Judgment for Attorney's Fees
13 and Costs in Favor of Ruby Lake Estates Homeowner's Association that repeated the November 1,
14 2018 Order ("Attorney's Fees Judgment"). The District Court's Order erroneously awarded attorney's
15 fees pursuant to NRS 116.4117 stating "Defendant's countersuit for a declaration of validity
16 constitutes a civil action for 'appropriate relief' that is obviously necessary for the collection of
17 assessments authorized by governing documents." This was error because the Defendant's countersuit
18 was dismissed and it was stipulated and ordered in the Stipulation and Order for Dismissal of
19 Counterclaims and Cross-Claim Without Prejudice, Withdrawal of Pending Motions, and for Final
20 Judgment, that the Defendant is prohibited from receiving an award of attorney's fees and costs
21 relating to the countersuit. Therefore, this appeal is from the District Court's Attorney's Fees Order
22 and Judgment.

23 **11. Indicate whether the case has previously been the subject of an appeal to or original writ**
24 **proceeding in the Supreme Court and, if so, the caption and Supreme Court docket number of**
25 **the prior proceeding:**

26 Yes. There was a previous appeal and there is a pending appeal: ARTEMIS EXPLORATION
27 COMPANY, a Nevada corporation, Appellant, v. RUBY LAKE ESTATES HOMEOWNER'S
28 ASSOCIATION, Respondent, Supreme Court Case No. 63338; and ARTEMIS EXPLORATION

1 COMPANY, a Nevada Corporation, HAROLD WAYTT, and MARY WYATT, Appellants, v. RUBY
2 LAKE ESTATES HOMEOWNER'S ASSOCIATION, Respondent, Supreme Court Case No. 75323.

3 **12. Indicate whether this appeal involves child custody or visitation:**

4 No.

5 **13. If this is a civil case, indicate whether this appeal involves the possibility of settlement:**

6 No.

7 Dated this 14th day of December, 2018.

8 **GERBER LAW OFFICES, LLP**

9 By: 

10 TRAVIS W. GERBER, ESQ.

Nevada State Bar No. 8083

11 ZACHARY A. GERBER, ESQ.

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12 491 4th Street


Elko, Nevada 89801

13 (775) 738-9258

14 ATTORNEYS FOR PLAINTIFF

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