

BOULDER OAKS COMMUNITY ASSOCIATION
DBA RED MOUNTAIN RV RESORT
1010 INDUSTRIAL ROAD, BOULDER CITY, NEVADA 89005

March 18, 2010

All Members
Boulder Oaks Community Association

Re: Boulder Oaks Community Association dba Red Mountain RV Resort (the "Association")
Removal of Section 5.04 from the Association's CC&Rs

Dear Members:

As you know, Gary Lein, CPA, was at the Association's clubhouse last Monday, March 15, 2010, for a public opening and counting of the ballots regarding whether or not to remove Section 5.04.

The response by the members was amazing with over 90% of all eligible owners casting a ballot. In addition to Gary Lein and his son, two other members from the audience assisted and oversaw the opening and counting.

Gary Lein then announced the results, which is 210 votes in favor of deleting Section 5.04, and 40 votes opposed. Therefore, the Association has now executed and recorded a Fourth Amendment to the CC&Rs. A copy of that recorded document is enclosed for your information and records as required by NRS 116.12065. Except for Section 5.04, the Second Amendment and Restated Declaration provisions are controlling, as clarified by the recent Nevada Supreme Court ruling.

Very truly yours,

BOULDER OAKS COMMUNITY ASSOCIATION

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Inst #: 201003170003408

Fees: \$18.00

N/C Fee: \$0.00

03/17/2010 03:15:42 PM

Receipt #: 274434

Requestor:

PEZZILLO ROBINSON

Recorded By: CYV Pgs: 5

DEBBIE CONWAY

CLARK COUNTY RECORDER

Recording requested by and
when Recorded Return To:

Michael T. Schulman, Esq.
Wolf, Rifkin, Shapiro, Schulman & Rabkin, LLP
3556 E. Russell Road, 2nd Floor
Las Vegas, Nevada 89120

APN: 186-05-810-001 through 186-05-810-147
186-05-410-001 through 186-05-410-57

**FOURTH AMENDMENT TO THE DECLARATION
OF COVENANTS, CONDITIONS, & RESTRICTIONS FOR
BOULDER OAKS COMMUNITY ASSOCIATION,
A PLANNED RECREATIONAL VEHICLE COMMUNITY**

**FOURTH AMENDMENT TO THE DECLARATION OF
COVENANTS, CONDITIONS, AND RESTRICTIONS
FOR BOULDER OAKS COMMUNITY ASSOCIATION,
A PLANNED RECREATIONAL VEHICLE COMMUNITY**

THIS AMENDMENT TO THE DECLARATION is made on this 16th day of March, 2010, by Boulder Oaks Community Association, a Nevada non-profit corporation (the "Association").

RECITALS

WHEREAS, the Declaration of Covenants Conditions and Restrictions for Boulder Oaks Community Association (The "Declaration" or "CC&Rs") governs certain operations of the Association, a Nevada non-profit corporation, and vested the Board of Directors (the "Board") with the power to govern and control the Boulder Oaks recreational vehicle community (the "Community"); and

WHEREAS, the Declaration was recorded in the office of the Clark County Recorder on November 29, 1995, in Book No. 951129, Instrument No. 01686, which Declaration provides for a method to make amendments to the Declaration;

WHEREAS, the Second Amended and Restated Declaration ("Second Amendment") was recorded in the office of the Clark County Recorder on September 4, 1996 in Book No. 960904 Instrument No. 00937;

WHEREAS, the Third Amendment to the Declaration ("Third Amendment") was recorded in the office of the Clark County Recorder on March 16, 2005 in Book No. 20050316 Instrument No. 0000820 wherein Article V Section 5.04 was deleted;

WHEREAS, as a result of litigation in the District Court for the County of Clark ("District Court"), entitled *B & J Andrews Enterprises, Ltd vs. Boulder Oaks Community Association*, Case No: A507818 the Third Amendment was determined to be invalid;

WHEREAS, a Notice of Invalidity of the Third Amendment ("Notice of Invalidity of Third Amendment") was recorded in the office of the Clark County Recorder on March 16th, 2010 in Book No. 20100316 Instrument No. 0002544 reinstating the Second Amended and Restated Declaration, including Article V Section 5.04;

WHEREAS, the Association held a vote of the members on March 15, 2010, whereat more than 67% of the members entitled to vote approved the removal of Article V Section 5.04 from the CC&Rs;

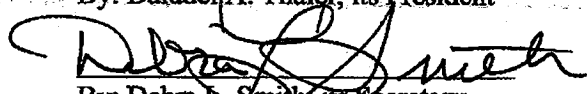
NOW, THEREFORE, the following sections of the Declaration of Covenants, Conditions, and Restrictions of the Association are hereby deleted and amended as follows:

PERMITTED USES AND RESTRICTIONS

Article V Section 5.04 of the Declaration, as amended, is hereby deleted in its entirety.

IN WITNESS WHEREOF, this Fourth Amendment has been executed by the Association as of the date first above written. The undersigned hereby certify that this Fourth Amendment has been adopted and approved in accordance with the Declaration.

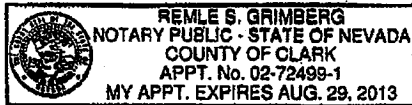

By: Daradel A. Thaler, its President


By: Debra L. Smith, its Secretary

STATE OF NEVADA)
) ss
COUNTY OF CLARK)

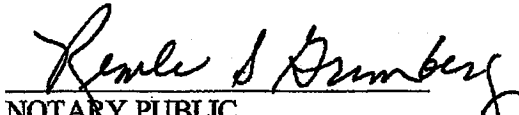
On the 16th day of March, 2010, before me, the undersigned, a Notary Public in and for said County and State, personally appeared **Daradel A. Thaler**, known to me to be the person whose name is subscribed to the within **FOURTH AMENDMENT** and who acknowledged to me that she executed the same.

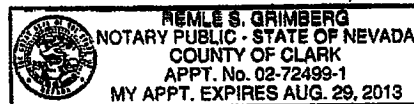

NOTARY PUBLIC



STATE OF NEVADA)
) ss
COUNTY OF CLARK)

On the 16th day of March, 2010, before me, the undersigned, a Notary Public in and for said County and State, personally appeared **Debra L. Smith**, known to me to be the person whose name is subscribed to the within **FOURTH AMENDMENT** and who acknowledged to me that she executed the same.


NOTARY PUBLIC



**EXHIBIT A
(PROPERTY)**

BEING PORTIONS OF THE SOUTH ½ SECTION 5 AND THE NORTHWEST 1/4 SECTION 8, T. 23 S., R. 64 E., M.D.M., BOULDER CITY, CLARK COUNTY, NEVADA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE QUARTER CORNER OF SAID SECTIONS 5 AND 8; THENCE SOUTH 85°34'26" EAST A DISTANCE OF 679.06 FEET TO THE SOUTHWEST CORNER OF TRACT 224, THE TRUE POINT OF BEGINNING; THENCE NORTH 15°45'43" WEST A DISTANCE OF 45.00 FEET; THENCE NORTH 13°23'44" WEST A DISTANCE OF 134.24 FEET; THENCE SOUTH 89°52'48" WEST A DISTANCE OF 5.42 FEET; THENCE NORTH 00°07'12" WEST A DISTANCE OF 70.00 FEET TO A POINT OF CURVATURE; THENCE FROM A TANGENT BEARING NORTH 89°52'48" EAST ALONG THE ARC OF A CURVE CONCAVE WESTERLY, HAVING A RADIUS OF 15.00 FEET, THROUGH A CENTRAL ANGLE OF 135°41'45", AN ARC DISTANCE OF 35.53 FEET; THENCE NORTH 45°48'57" WEST A DISTANCE OF 154.50 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A CURVE CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 128.77 FEET, THROUGH A CENTRAL ANGLE OF 01°19'41", AN ARC DISTANCE OF 2.99 FEET TO A POINT OF COMPOUND CURVATURE; THENCE FROM A TANGENT BEARING NORTH 45°55'44" WEST ALONG THE ARC OF A CURVE CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 15.00 FEET, THROUGH A CENTRAL ANGLE OF 44°18'15", AN ARC DISTANCE OF 11.60 FEET; THENCE SOUTH 89°52'48" WEST A DISTANCE OF 110.66 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A CURVE CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 59.00 FEET, THROUGH A CENTRAL ANGLE OF 29°13'41", AN ARC DISTANCE OF 30.10 FEET; THENCE NORTH 60°53'31" WEST A DISTANCE OF 77.76 FEET; THENCE NORTH 29°06'29" EAST A DISTANCE OF 30.00 FEET TO A POINT OF CURVATURE; THENCE FROM A TANGENT BEARING SOUTH 60°53'31" EAST ALONG THE ARC OF A CURVE CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 15.00 FEET, THROUGH A CENTRAL ANGLE OF 90°00'00", AN ARC DISTANCE OF 23.56 FEET ; THENCE NORTH 29°06'29" EAST A DISTANCE OF 110.00 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A CURVE CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 15.00 FEET, THROUGH A CENTRAL ANGLE OF 90°00'00", AN ARC DISTANCE OF 23.56 FEET; THENCE NORTH 29°06'29" EAST A DISTANCE OF 30.00 FEET; THENCE SOUTH 60°53'31" EAST A DISTANCE OF 11.97 FEET; THENCE NORTH 29°06'29" EAST A DISTANCE OF 70.00 FEET; THENCE NORTH 60°53'31" WEST A DISTANCE OF 368.16 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A CURVE CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 319.00 FEET, THROUGH A CENTRAL ANGLE OF 10°22'01", AN ARC DISTANCE OF 57.72 FEET; THENCE NORTH

50°31'30" WEST A DISTANCE OF 356.06 FEET; THENCE NORTH 39°28'30" EAST A DISTANCE OF 2.98 FEET; THENCE NORTH 05°31'30" WEST A DISTANCE OF 35.36 FEET; THENCE NORTH 39°28'30" EAST A DISTANCE OF 2.07 FEET; THENCE SOUTH 90°00'00" EAST A DISTANCE OF 792.67 FEET; THENCE SOUTH 13°17'57" EAST A DISTANCE OF 360.45 FEET; THENCE SOUTH 45°48'57" EAST A DISTANCE OF 849.62 FEET; THENCE SOUTH 13°23'44" EAST A DISTANCE OF 45.00 FEET; THENCE SOUTH 76°36'16" WEST A DISTANCE OF 612.90 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A CURVE CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 681.24 FEET, THROUGH A CENTRAL ANGLE OF 02°21'59", AN ARC DISTANCE OF 28.14 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 14.52 ACRES, MORE OR LESS.