

ENVIRONMENTAL COVENANT

DOC # 459627

05/26/2010

01:52 PM

Official Record

Requested By
RESOURCE CONCEPTS INC

Lyon County - NV

Mary C. Milligan - Recorder

Page 1 of 16 Fee: \$54.00

Recorded By: MCM RPTT:



APN# _____

Recording Requested by:

Name: Resource Concepts, Inc.

Address: 340 North Minnesota Street

City/State/Zip: Carson City, Nevada 89703

Mail Tax Statements to:

Name: _____

Address: _____

City/State/Zip: _____

ENVIRONMENTAL COVENANT

Title of Document

(Required Field)

FILL IN ALL THAT APPLY:

The Undersigned Hereby Affirms That This Document Submitted For Recording Contains Personal Information As Required By Law*:

Specify Law* _____

Signature _____

Specify Law* _____

Print Name _____ Title _____

*If there is no applicable State or Federal Law, Personal Information must be removed prior to recording.

If this document is a re-record or correction, fill out below:

Correcting Document#: 401012 Amending: Environmental Covenant and Legal Description

Reason for re-record:

Correct language and update legal description (Exhibits "C," "D," and "E," attached
(For Re-records, all pages from original document must be included, \$25 Non-conforming Fee Applies)

If legal description is in metes & bounds, indicate where it was obtained:

_____ (Document Title), Book _____ Page _____ or

Document # _____ recorded _____ (date) in the

Lyon County Recorder's Office.

-OR-

If prepared by a surveyor, provide name and address:

"Personal information" means a natural person's first name or first initial and last name in combination with any one or more of the following data elements

1. Social security number.
2. Driver's license number or identification card number.
3. Account number, credit card number or debit card number, in combination with any required security code, access code or password.

This page added to provide additional information required by NRS 111.312 Sections 1-4.
(\$1.00 Additional Recording Fee Applies)



459627

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DOC # 401012

02/21/2007

08:49 AM

Official Record

Requested By
RESOURCE CONCEPTS INC

Lyon County NV

Mary C. Milligan - Recorder

Page 1 of 9 Fee: \$47.00

Recorded By: MCM RPTT:



0401012

APN# _____

Recording Requested by:

Name: Resource Concepts, Inc.

Address: 340 N. Minnesota St.

City/State/Zip: Carson City, NV 89703

Mail Tax Statements to:

Name: _____

Address: _____

City/State/Zip: _____

Environmental Covenant

Title of Document

Complete All That Apply:

The undersigned hereby affirms that this document submitted for recording contains a Social Security Number as required by law:

Specify Law* _____

Signature _____

Specify Law* _____

Print Name _____ Title _____

*If there is no applicable State or Federal Law, Social Security Number must be removed prior to recording.

This document is being recorded to accomplish:

Correcting Document#: 399104 ~~Amending~~ Adding Legal Description

Other: _____
(For Re-records, all pages from original document must be included, \$25 Non-conforming Fee Applies)

Legal description is a metes & bounds description and was obtained from:

_____ (Document Title), Book _____ Page _____ or

Document # _____ recorded _____ (date) in the

Lyon County Recorder's Office.

-OR-

If prepared by a surveyor, provide name and address:

This page added to provide additional information required by NRS 111.312 Sections 1-4.
(\$1.00 Additional Recording Fee Applies)
This document is available on our website: www.lyon-county.org Recorder Department, Forms



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DOC # 399104

01/19/2007

08:58 AM

Official Record

Requested By
RESOURCE CONCEPTS INC

Lyon County NV

Mary C. Milligan - Recorder

Page 1 of 7 Fee: \$45.00

Recorded By: JAK RPTT:



0399104

APN# _____

Recording Requested by:

Name: Resource Concepts Inc.

Address: 340 N Minnesota St.

City/State/Zip: Carson City, NV 89703

Mail Tax Statements to:

Name: _____

Address: _____

City/State/Zip: _____

Environmental Covenant
Title of Document

Complete All That Apply:

The Undersigned Hereby Affirms That This Document Submitted For Recording Contains A Social Security Number As Required By Law:

Specify Law* Signature

Specify Law* Print Name Title

*If there is no applicable State or Federal Law, Social Security Number must be removed prior to recording.

This document is being recorded to accomplish:

Correcting Document#: _____ Amending: _____

Other: _____
(For Re-records, all pages from original document must be included, \$25 Non-conforming Fee Applies)

Legal description is a metes & bounds description and was obtained from:

_____ (Document Title), Book ____ Page ____ or

Document # _____ recorded _____ (date) in the

Lyon County Recorder's Office.

-OR-

If prepared by a surveyor, provide name and address:

This page added to provide additional information required by NRS 111.312 Sections 1-4.
(\$1.00 Additional Recording Fee Applies)
This document is available on our website: www.lyon-county.org Recorder Department, Forms

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ENVIRONMENTAL COVENANT

LENNAR RENO, LLC, (hereafter "Grantor") this 12th day of May, 2006, grant this Environmental Covenant (hereafter "Covenant") to the State of Nevada, Department of Conservation and Natural Resources, Division of Environmental Protection (hereafter "NDEP").

WHEREAS, Grantor is the record owner of certain property commonly referred to as the Riverpark Subdivision, located in Dayton, Nevada, and more particularly described in Exhibit "A", attached hereto and incorporated herein by reference (hereafter "the Property"); and

WHEREAS, the Property is the subject of enforcement and remedial action pursuant to the Nevada Revised Statutes, Title 40, (hereafter "Uniform Environmental Covenants Act") and the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. §§ 9601, et seq. (hereafter "CERCLA") ; and

WHEREAS, the purpose of this Covenant is to ensure protection of human health and the environment by notifying the public that the Property is located within the Carson River Mercury Site. Mining activities in the mid 1800's resulted in the discharge of mercury into the Six Mile Canyon drainage and the Carson River. Residual mercury was identified within these drainages, and in August 1990, the Carson River Basin and the Carson Sink were placed on the United States Environmental Protection Agency's (hereafter "EPA") National Priority List under CERCLA; and

WHEREAS, after numerous studies, the EPA established a health-based exposure limit for residential areas within the Carson River Mercury Site of 80mg/Kg total mercury in soil and 300 mg/Kg of total mercury in soils for non-residential areas; and

WHEREAS, concentrated sampling on a parcel-by-parcel basis was conducted for statistical evaluation of the potential for mercury on the Property. Sampling was confined to the top two (2) feet of soil, as required by the NDEP. Sample results from each parcel, and a detailed and extensive report is on file and available for review at the NDEP, and on record with the Lyon County Recorder's Office, Doc. No. , Dated ; and

WHEREAS, Grantor desires to subject the Property to certain covenants and restrictions as provided in the Uniform Environmental Covenants Act, which covenants and restrictions shall burden the Property and bind Grantor and all parties having any right, title or interest in the Property, or any part thereof, their heirs, successors and assigns, and any persons using the land, as described herein, for the benefit of the NDEP.

NOW THEREFORE, Grantor hereby grants this Environmental Covenant to the NDEP and declare that the Property as described in Exhibit "A" shall hereinafter be bound by, held, sold, and conveyed subject to the following requirements set forth in paragraphs 1 through 8, below, which shall run with the Property in perpetuity and be



binding on Grantor and all parties having any right, title or interest in the Property, or any part thereof, their heirs, successors and assigns, and any persons using the land, as described herein. As used in this Covenant, the term "Owner" means the record owner of the Property and, if any, any other person or entity otherwise legally authorized to make decisions regarding the transfer of the Property or placement of encumbrances on the Property, other than by the exercise of eminent domain.

- 1) Modifications: This Covenant runs with the land and is perpetual, unless modified or terminated pursuant to this paragraph or the Uniform Environmental Covenants Act. Owner may request that the NDEP approve a modification or termination of the Covenant. The request shall contain information showing that the proposed modification or termination shall, if implemented, ensure protection of human health and the environment. The NDEP shall review any submitted information, and may request additional information. If the NDEP determines that the proposal to modify or terminate the Covenant will ensure protection of human health and the environment, it shall approve the proposal. No modification or termination of this Covenant shall be effective unless the NDEP has approved such modification or termination in writing. Information to support a request for modification or termination may include one or more of the following:
 - a. a proposal to perform additional remedial work;
 - b. new information regarding the risks posed by the residual contamination;
 - c. information demonstrating that residual contamination has diminished;
 - d. information demonstrating that the proposed modification would not adversely impact the remedy and is protective of human health and the environment; and
 - e. other appropriate supporting information.
- 2) Notice to Lessees: Owner agrees to incorporate either in full or by reference the restrictions in this Covenant in any leases, licenses, or other instruments granting a right to use the Property.
- 3) Notification for proposed construction and land use: Soil sampling has only been done and approved by NDEP at a depth of two (2) feet. Prior to engaging in any grading, digging, construction, and/or building at a depth below two (2) feet, Owner shall obtain a soils management plan approval from NDEP.
- 4) Inspections: The NDEP shall have the right of entry to the Property at reasonable times with prior notice for the purpose of determining compliance with the terms of this Covenant. Nothing in this Covenant shall impair any other authority the NDEP may otherwise have to enter and inspect the Property.



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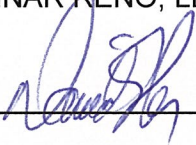
- 5) No Liability: The NDEP does not acquire any liability under Nevada law by virtue of accepting this Covenant.
- 6) Enforcement: The NDEP may enforce the terms of this Covenant pursuant to Uniform Environmental Covenants Act. Included in the statutory rights and remedies afforded to NDEP, is the ability to file suit in district court to enjoin actual or threatened violations of this Covenant.
- 7) Notices: Any document or communication required under this Covenant shall be sent or directed to:

State of Nevada
Division of Environmental Protection
Bureau of Corrective Actions
901 South Stewart Street, Suite 4001
Carson City, Nevada 89701-5249

Grantor has caused this instrument to be executed this day of May, 2006

LENNAR RENO, LLC

By

 as Vice President



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STATE OF Nevada)
)
COUNTY OF Washoe)

The foregoing instrument was acknowledged before me this 4th day of May, 2006, by David Siler on behalf of LENNAR RENO, LLC.



Diane L. Disney
Notary Public
10315 Professional Circle
Address
Reno, NV 89501

My commission expires: July 26, 2008

ACCEPTED BY the Nevada Division of Environmental Protection this 12th day of May, 2006

By: [Signature]
Title: Administrator



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STATE OF Nevada)

COUNTY OF Carson)

The foregoing instrument was acknowledged before me this 12th day of May, 2006, by [Signature] on behalf of the Nevada Division of Environmental Protection.

[Signature: Karen Howard]
Notary Public



901 S. Stewart St.
Address

Carson City, NV 89701

My commission expires: 3/24/09



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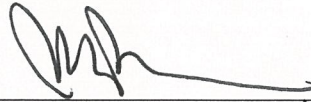
399104

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CONSENT

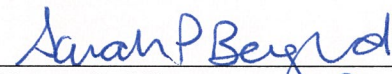
GMAC Model Home Finance, LLC, a Delaware limited liability company and successor by statutory conversion to GMAC Model Home Finance, Inc., a Virginia corporation, hereby joins in the execution of the attached Environmental Covenant executed as of May 12, 2006 by Lennar Reno, LLC, for the purpose of acknowledging that GMAC Model Home Finance, LLC hereby consents to the Environmental Covenant and to the recordation of the Environmental Covenant against properties owned in the River Park Subdivision which are owned by GMAC Model Home Finance, LLC.

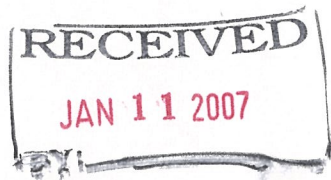
GMAC Model Home Finance, LLC, a Delaware limited liability company and successor by statutory conversion to GMAC Model Home Finance, Inc., a Virginia corporation

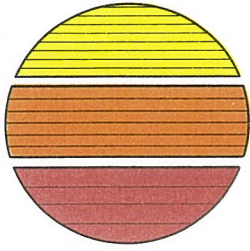
By 
Its: Vice President

State of Virginia)
) ss
County of Henrico)

The foregoing instrument was acknowledged before me this 4 day of January, 2007 by Mark P. Paniccia on behalf of GMAC Model Home Finance, LLC.


Notary Public Sarah P. Berglund
My commission expires: 10/31/08





ENGINEERING • SURVEYING • RESOURCES & ENVIRONMENTAL SERVICES

RESOURCE CONCEPTS, INC.

EXHIBIT "B"

May 24, 2010

Lyon County Recorder's Office
27 South Main Street
Yerington, NV 89447

SUBJECT: Explanation of modifications to Environmental Covenant, Lyon County Document Number 401012.

To Whom It May Concern:

This letter provides an explanation of the modifications to the Environmental Covenant, Lyon County Document Number 401012, and is provided as EXHIBIT "B."

After review by the Nevada Division of Environmental Protection (NDEP), Lennar Reno, LLC, and Resource Concepts, Inc. a substantive change to paragraph 6 on page 1 of the Environmental Covenant, is required to comply with document handling in accordance with NDEP's requirements. The changes to paragraph 6 on page 1 of the Environmental Covenant are described in EXHIBIT "C."

Also at the request of NDEP, an updated legal description of the properties encumbered by this Environmental Covenant is being recorded as EXHIBIT "D."



EXHIBIT "C"
Corrected Language for Environmental Covenant,
Lyon County Document Number 401012, Page 1, Paragraph 6

"WHEREAS, concentrated sampling on a parcel-by-parcel basis was conducted for statistical evaluation of the potential for mercury on the Property. Sampling was confined to the top two (2) feet of soil, as required by the Nevada Division of Environmental Protection (NDEP). Sample results from each parcel, and a detailed and extensive Reference Document is on file and available for review through the Superfund Program at the Corrective Actions Branch of the NDEP, and electronically on the NDEP website; and"



EXHIBIT "D"

LEGAL DESCRIPTION

Riverpark Phase 3 Unit 13

All of that certain real property located in Lyon County, Nevada described as lots 111 through 157 and 167 through 183 as depicted on that certain Final Map of Riverpark, Phase 3, Unit 13 for GMAC Model Home Finance, a Delaware LLC, recorded in the Official Records of Lyon County, Nevada on September 14, 2006 as Document No. 390739, as amended by that certain Certificate of Amendment recorded December 7, 2006, as Document No. 396664.

Riverpark Phase 3 Unit 15

All of that certain real property located in Lyon County, Nevada described as lots 155, 225 through 270 as depicted on that certain Final Map of Riverpark, Phase 3, Unit 15 for GMAC Model Home Finance, a Delaware LLC, recorded in the Official Records of Lyon County, Nevada on December 7, 2006, Document No. 396662.