

# Exhibit 1

October 13, 1997

P.O. 34

Virginia City, Nv. 89440

Story County Planning Commission

Att: Lydia Hammack

Regarding Radio Towers in Highland Ranches  
Several years ago Dick Smith, living  
on Crestview Road put a radio tower on his  
roof as he is a "ham" radio operator. A  
couple years after that he allowed  
a friend to put up a tower on the  
west side of his property for a radio  
station. When Mr & Mrs Laormina bought  
Dick Fuentes home on Panmint they  
immediately put up a radio tower.  
Although we see all 3 of these from  
our home none were so large as to  
be obtrusive even though they do  
disrupt television signals.

As of today I now have a  
radio tower approximately 75 ft. tall  
with a very large grid work on the  
top looming at me from my livingroom  
window view.

Overnight we gone from

a "Country Forest" look to  
"Silicon Valley Gridwork"

I have not approached  
Mrs & Mrs. Laormina about the new  
tower as I do not know what  
my rights are regarding this problem.  
Basically we need to know  
if you plan to keep the Highlands  
area for "Country Estate Living"  
or are you looking at a "High  
Impact City".

I feel if the pristine view  
from homes established in area is  
downgraded the property values of  
the area will also suffer.

Please advise us of any  
possible action and/or decision.

For your information I have  
checked with Story County to see  
if Mrs & Mrs. Laormina have a  
Business license - They do not under their  
name; however, it could be under another persons  
name or Business name.

Regards,

Virginia Cornight

## **Exhibit 2**

Copy

**Tom Taormina**  
Certified Quality Manager  
Certified Management Consultant  
Certified Professional Consultant to Management

November 28, 2000

Rick McDowell  
Storey County Building Department  
PO Box 526  
Virginia City NV 89440

Dear Rick;

Thank you for coming by today and leaving a copy of page 17 of the revised Storey County Building Codes. My wife informs me that your visit was at the behest of Ms Lydia Hammack, President of the HRPOA, concerning one of my amateur radio towers.

I am a bit confused and disappointed that my neighbors had to summon you to answer questions about activities on my property and in our neighborhood. I spoke with Ms Hammack at the Fire Station on November 7<sup>th</sup> when I was voting and there was no mention of any issues at that time. I am aware that there is disdain among some HRPOA Board members for my towers and former President Ed Detrich informed me (verbally) on several occasions that he thought they were eyesores, but that I was fully within my rights under our CC&R's to have them.

Confusion and disappointment aside, I would like to answer your questions. The main tower is on the highest point of our ten acres. The tower structure is 70' above its base and the highest antenna is 80'. The second tower is 45' above its base and the highest antenna is 55'. There is a third tower that is 33' above its base and the antenna on it is 36'. I refer to "above its base" because I am not sure what "above grade" means in the Codes. The FCC and FAA elevation measurements are calculated at Height Above Average Terrain (HAAT). In that context, the highest point on the highest tower is 80' HAAT. Since the property slopes to the north, the highest point on the second tower would be about 40' HAAT and the third tower 30' HAAT. Again, in FAA and FCC parlance, the highest object on the site determines obstruction height calculations, so the height of the second and third towers is not germane to those regulations. I hope this answers your questions. Now, I have several questions for you and the HRPOA.

1. I know your trip was in response to a complaint. Was your visit informational or is there some action that the Building Department expects me to take? Is the Building Department planning any action on this subject?
2. You mentioned that the Building Code was revised in July 1999, to include the tower height restriction. We've read the Comstock Chronicle every week since mid 1996 and don't recall any public mention of pending changes in this section. Was this change announced as a proposal and were hearings conducted in the affected neighborhoods? What caused the change to be adopted? What offensive activity did the change intend to remedy? If these questions are out of your province, please point me to the correct authority,

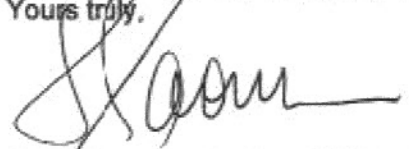
Cops

3. I am neither an attorney nor an expert on preemption, but do not the CC&R's take precedent over the County Building Codes when there is a conflict? (The CC&R's do not limit antenna structure height). Also, are you aware that FCC Rule PRB-1 gives the FCC preemption over Federally Licensed radio stations? (My wife and I both hold valid amateur radio licenses issued by the FCC).
4. One of the reasons the amateur radio service exists is because of our expertise in providing emergency communication to the public in time of disaster. Is the HRPOA aware that my wife and I both have emergency communication experience and we are prepared to provide secondary and tertiary communications backup, should it be necessary? I have been involved in emergency communications for over 40 years and will be here for my neighbors, should the need arise. That is one of the reasons I have erected radio towers.
5. You mentioned to my wife that my larger tower would be "grandfathered" under the revised Code. Where is this provision specified? Since the subject of radio communication masts is being discussed, how are others in the County being notified of their compliance or non-compliance with the revised statutes?

Those are my questions. Let me close first with my position on the towers on my property. They exist to support an avocation that is totally benign to anyone in the Highlands. They are within the province of the rules of the FCC and FAA. They do not violate the CC&R's that we agreed to abide by when we moved here nearly four years ago. They are no more offensive than the telephone poles that litter the countryside. In fact, several neighbors have told me that they did not even notice them until someone pointed them out. Part of our hobby is ongoing design and experimentation to advance the state-of-the-art in radio wave propagation. All that said, I plan to continue to build, rebuild and experiment with antennas, as I have done for over four decades.

Second, I must question why my neighbors are spending your valuable time on such a trivial matter. I know that it is trivial because we live in a home (built by its previous owner) that has so many building code violations that we have already been forced to spend \$80,000 in repairs on a house that was five years old when we bought it. The owner/builder blatantly circumvented building codes that were in effect at the time it was constructed. The Storey County inspector (at the time) did not cite any of these critical violations and there has been no recourse for us but to "live with it" because the previous owner has no assets and the County cannot be held liable. In fact, as part of this ongoing odyssey, we will be seeking a permit shortly to replace the septic field lines because they are ineffective. We have been having the septic tank pumped every six months for nearly four years. The plumber has stated that the leech field could not have been installed to code. There is no evidence there was ever a perc test performed and yet we are spending time discussing innocuous radio towers. In order for us to ever move, we still have a costly list of structural repairs to perform, all of which should have been discovered during construction inspections. We accept our responsibility and would never offer the property for sale with any Code violations. Since we will never get our money out of the house, we will be living here for a very long time, being responsible citizens of Storey County and enjoying our hobby. Our hope is that the HRPOA will find more beneficial uses of your time and their energy.

Please feel free to drop by any time.  
Yours truly,



Tom Tarmina, CQMGr, CMC, CPCM

Cc: Lydia Hammack, HRPOA

## **Exhibit 3**

\* \* \* HIGHLAND RANCHES POA \* \* \*

P.O. Box 1039, Virginia City, NV 89440

*File Copy*

Date: April 13, 2001  
To: Tom Taormina  
PO Box 1126  
Virginia City, NV 89440  
From: Highland Ranches Property Owners Association Board of Directors  
Re: Radio Towers and Non-Compliance

Dear Mr. Taormina,

The Board of Directors has received several more complaints regarding the Radio Towers on your property. As you probably know, when you purchased your property here in the Highland Ranches you agreed to conform to the C. C. & R.'s and Architectural Guidelines. The C.C.& R.'s and Architectural Guidelines do not allow any antenna to be placed on a property that are in excess of Fifteen (15) feet in height above the house roof ridge, regardless of where the antenna is installed on the property. Enclosed is a copy of the Architectural Guidelines filed with the county on February 24, 1998. We believe the first antenna you installed was before that date so that one antenna would be grandfathered in under the old guidelines. However, you may not add on to this first antenna without being out of compliance. Any antenna installed after February 24, 1998 must be removed or lowered to comply with the guidelines.

I am also in receipt of a copy of your letter to the Storey County Building Department dated November 28, 2000. Three issues in that letter need to be addressed in writing, by me, at this time.

1. You mentioned that when you voted on November 7, 2000 that you spoke with me and said there was no mention of any issues at that time in regards to the radio towers. The fact that you handed me your completed ballot and said "Hi" does not constitute a discussion of this issue. Furthermore, that would have been a violation of my duties as Precinct Captain to discuss any business of that nature while conducting a duly held election.
2. You also questioned the revision of the County Building Codes in July 1999. The Planning Commission, of which I am a member of, held public meetings for 2 years while the code was being revised. There were several duly noticed meetings held in the Highlands so we could gather public input about the proposed changes. The fact that a specific section of the code was not noticed in the local paper does not give anyone the right to violate it. All meetings are public and members of the community should attend to educate themselves.
3. To answer your question about the C.C.& R.'s and Architectural Guidelines. Per County code, the stricter of the two documents are enforced when there is a conflict. A copy of the County Code is available at the building department if you would like a complete set of all the regulations. If you need just the section that applies to the Highlands, I would be happy to make a copy for you.

Should you have any questions about this issue please phone me evenings at home- 847-7199.  
Thank you for your time and we hope this can be worked out to everyone's satisfaction.

Sincerely,



Lydia Hammack

President for the Board of Directors - HRPOA

CC: Association Attorney Michael E. Cirac & HRPOA Files

Enclosed: Articles of Incorporation, Bylaws, CC & R's & Architectural Guidelines (1998 & 2000 editions)



## **Exhibit 4**

CONFORMED COPY

# Highland Ranches Property Owners Association Architectural Guidelines Revised June 9, 2001

## **Statement of Policy from Board of Directors**

Property in the Highland Ranches is subject to the recorded subdivision declaration of Covenants, Conditions and Restrictions. These restrictions provide that design of building construction or property improvements of any kind require the approval of the Highland Ranches Architectural Control and Planning Committee. (Herein called "committee")

## **Committee Structure and Review process.**

The committee meets once a month on the last Tuesday of each month except the months of November and December to conduct Association business. The architectural review committee can submit plans at these meetings for subsequent review. The plan approval process is as follows:

1. Three sets of drawings are required to be submitted. Each set shall provide all side elevations, a plot plan showing setbacks from property lines, well location, septic location and orientation of buildings. All construction material samples need to be submitted along with the plans when required.
2. Colors and materials that are already approved and described in Appendix A and Appendix B do not need to have samples submitted with plans. Pantone colors/shades selected from appendix A or B should be stated on plans. Samples submitted will not be returned upon plan approval. The samples submitted are retained for record keeping purposes.
3. Plans will be reviewed outside of the normal monthly meeting and will be available for pickup at the following months meeting.
4. If plans are found to not be in compliance, the areas of the drawings will be notated and returned to the owner for changes.
5. A fee of 100 dollars is required at time of plan submittal with the check made out to the Highland Ranches Property Owners Association. Plans for out buildings can be submitted without additional fees.
6. Approved plans are valid for one year from time of approval.

## **Specific Requirements.**

1. In order to preserve the individuality of the Highland Ranches, duplication of plans is strongly discouraged. In no event shall the same plan (regardless of exterior treatment and or reversal of layout) be approved on lots within 2500 feet in all directions.
2. One travel trailer, connected to a permanent water and sewer source, may be utilized as the owner's living quarters, during construction of a residence, for a period not to exceed 1 year.
3. Foundations: Foundations exposed more than two feet above grade shall be finished in natural wood or native rock.

4. Roof Pitch. Pitch is to be no less than six (6) rise for every twelve (12) inches of run.

#### **Exterior Surfaces.**

In all cases, the intent of the CC&R's is to have the home and outlying buildings blend into the natural surroundings as much as possible.

##### 1. Siding. Siding shall be:

- Natural wood siding, horizontal shiplap, vertical board and batten or wood shingles.
- Native rock, brick or split face cinder block. Note: Brick and split face cinder block must comply with the colors as per Appendix B.
- Logs, unpeeled or peeled and stained or clear stained.
- Plywood, rough sawn exterior, grooved to represent siding or board and batten.
- Composite exterior materials. Materials of composite construction are acceptable as long as they are textured to represent wood siding, horizontal shiplap, vertical board and batten or wood shingles.
- In no case will stucco be used as an exterior siding material.

#### **Roofing.**

Class A roofing materials are the only acceptable roofing materials. Asphalt shingles shall be thick butt in approved colors only. See appendix A for approved colors. Tiles shall be used only if they resemble wood shingles in shape and color. Metal roofing must be non-glare and in all cases require a sample to be submitted.

#### **Windows.**

Windows shall be wood framed, bronzed or trim color anodized or trim colored vinyl.

#### **Doors.**

Doors shall be wood or metal finished in colors and hues per Appendix B.

#### **Exterior lighting.**

Incandescent lighting must be functional and not interfere with vehicles or be a nuisance to neighbors. It is recommended that outside lights that can be seen from adjoining property be limited to 45 watts per fixture. Vapor lights of any kind such as mercury or sodium vapor are not permitted.

#### **Regular Painting and Maintenance**

Normal maintenance and repainting will not need approval as long as the finish and colors are identical to those previously approved by the committee.

#### **Fences.**

Fences are to be constructed of wood or native rock, natural or synthetic. Metal fence lining is permitted with the Committee's approval only. Corrals, pens and enclosures for animals must have Committee approval.

**Signs.**

No signs except real estate "for sale" signs are allowed on unoccupied lots. Only one "for sale" sign is allowed per lot regardless of occupancy.

**Antennae.**

Antennae of any type may not extend more than fifteen feet above the house roof ridge regardless of where the antenna is installed on the property.

**Winter Construction.**

It is highly recommended that all construction be planned to be done exclusive of the months of November through March. Any damage to Association roads caused by movement of heavy equipment or semi trailers used in the construction of buildings or improvements will result in the property owner being liable for the repair costs incurred to repair the road surface.

**Variance Process.**


The committee may allow reasonable variances and adjustments of these guidelines in order to overcome practical difficulties. In no case will a variance be granted for solely economic convenience. All variances have to follow the guidelines as follows:

A fee of 100 dollars is required at the initiation of the variance process. All property owners adjacent to the property will be notified of the variance request via certified letter sent by the Committee. A public posting of the variance request is required on all telephone poles adjoining the property and one copy will be posted at the public mail enclosures on Cartwright rd. The public posting period is for 30 days. If no objections are voiced by any Highland Ranch Property owner via formal written letter to the association or any of it's board of directors, the variance will be approved. It is within the discretion of the board to decide whether to submit a variance or not.


Note; It strongly suggested that you first contact the Storey County Building Department and obtain the current local and state regulations regarding well and septic system permits as well as current Storey County Building Department regulations and necessary permits and fee schedules. Storey County Building Department, P.O. Box 526, Virginia City, NV. 89440. Telephone 775-847-0966. Nevada State Licensed contractors/sub-contractors shall be used for constructing/remodeling homes in the Highland Ranches except when the property owner is the owner/builder and performing all work. All Storey County building Codes must be conformed to.

IN WITNESS WHEREOF, the undersigned, being the Board of Directors of the Highland Ranches Property Owner's Association, have executed these Guidelines this

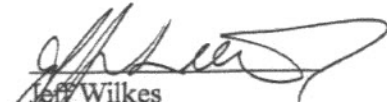
9<sup>th</sup> day of June, 2001

  
Lydia J. Hammack

  
Gary Brownwell

  
Louis B. Tassone

  
Jim Dakin

  
Jeff Wilkes

*Lydia Hammack, President for HRPOA*

State of Nevada  
County of Storey

This instrument was acknowledged before me on 6-28-2001

by Lydia Hammack

Marie Gibbons

