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January 9, 2014

Mr. Bob Shelton  
Treasurer and Acting Secretary  
Dilley Ranch Property Owners' Association  
7220 Crandon Park Ave.  
Las Vegas, NV 89131

Dear Bob:

Re: Perimeter Fencing

You contacted me at the request of the Board of Directors of the Dilley Ranch Property Owners' Association (DRPOA) with regard to some questions that have arisen in connection with the perimeter fencing project that is underway for Dilley Ranch Filing No. 1 through 4. The specific questions that I have been asked to address deal with perimeter fencing in Dilley Ranch Filing No. 4. My understanding is that the fencing or agreement for fencing has been secured for most of Filing No. 4 but there are questions that have arisen along the eastern boundary of Filing No. 4.

The private roads that are platted within Dilley Ranch Filing No. 4 are owned by the DRPOA. Tibby Trail and Dilley Road are both shown on the recorded plat of the Dilley Ranch Filing No. 4 as being 60 feet in width. While the ownership is 60 feet in width, it is my understanding that the actual road, as built, is significantly narrower leaving a substantial margin adjacent to the roadway owned by the DRPOA. I understand that the owner of a lot which is within Dilley Ranch Filing No. 4 and another parcel which is not within Dilley Ranch Filing No. 4, but which lies adjacent to Dilley Road, does not wish to have fencing placed on his property.

Because the Property Owners' Association owns the roadway, the Property Owners' Association may choose to erect the fence within its ownership along the boundary of Dilley Road adjacent to Lot 16 of Dilley Ranch Filing No. 4 and Lot 1 of Dilley Ranch Filing No. 5. I understand there is a driveway located on Lot 16 which is used by the owner of the two lots for access onto Dilley Road. Nothing should preclude the fencing so long as the fence is constructed within the ownership of the DRPOA and there is a gate or cattle guard which retains the access point for the owner. I understand that Lot 1 of Dilley Ranch Filing No. 5 has access onto Custer County Road 271. Because Lot 1 of Filing No. 5 is not part of the Dilley Ranch filings that have a right of access to the private road system there does not appear to be a right of access for

Lot 1 of Filing No. 5 onto Dilley Road. If Lot 1 of Filing No. 5 does have an historic access onto Dilley Road there could be a question of a prescriptive easement but we would need more information to make that determination. In constructing the fence, the fencing contractor should avoid going onto the Lots of the owner who objects to the fencing being placed on his lots.

Additionally, I understand there is a need to construct the fence along the eastern border of Lot 18 and Lot 17 of Dilley Ranch, Filing No. 4. I understand that the owner of Lot 18 has agreed to such fencing being constructed along the property boundary and that the owner of Lot 17 has already fenced the entire perimeter of that lot. It would be preferable to tie the fence along Lot 18 into the corner post of the Lot 17 fencing, with permission of the Lot 17 owner. If permission is not given, and depending on the location of the Lot 17 fencing it may be possible to locate the fence post adjacent to the Lot 17 fence post but on Lot 18 to create an effective blockage to passage by cattle. Any consents which are being obtained should be by written document.

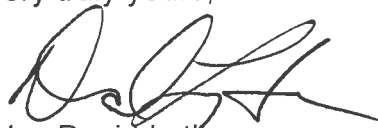
Lastly, I understand that the owner of Lot 13, Dilley Ranch Filing No. 4, has no objection to fencing being located along Dilley Road adjacent to Lot 13 and fencing along the western lot line of Lot 13 to its intersection of Dilley Ranch Filing No. 3 so long as access to Dilley Road is maintained. If the owner of Lot 13 is agreeable, fencing could be run from Dilley Road all along the interior boundary of Lot 13 and then back to the point of intersection with Dilley Ranch Filing No. 3.

Ideally it would be nice to be able to run the fencing along the exterior of filing No. 4 and the County Road but that would require the consent of the additional property owners.

Colorado statutory fence law defines not only what constitutes a lawful fence (C.R.S. 35-46-101) for purposes of controlling livestock and also provides that it is unlawful for anyone to willfully break down or cause to be broken down any fence or gate or to leave open any gate in such fence.

Please let me know if there is additional information or assistance that you need.

Very truly yours,



Wm. David Lytle

WDL/dlw