

**RECORDING REQUESTED BY:**  
TAHOE REGIONAL PLANNING AGENCY  
Post Office Box 1038  
Zephyr Cove, Nevada 89448

**WHEN RECORDED MAIL TO:**  
TAHOE REGIONAL PLANNING AGENCY  
Post Office Fox 1038  
Zephyr Cove, Nevada 89448  
Attention: Charles Donaldson, Assistant Planner

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**DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS  
CONCERNING THE USE OF THE GARAGE AND THE SECOND FLOOR  
LIVING AREA ABOVE THE GARAGE ("DEED RESTRICTION")**

This Deed Restriction is made by William A. Downey, a married man as his sole and separate property (hereinafter "Declarant").

**RECITALS**

1. Declarant is the owner of certain real property located in Douglas County, State of Nevada, described as follows:

Lot 2, in Block F, as shown on the Amended Map of Zephyr Cove Properties, Inc., in Sections 9 and 10, Township 13 North, Range 18 East, M.D.B. & M., filed in the office of the County Recorder of Douglas County, Nevada, on August 5, 1929.

Said parcel was recorded on March 19, 1996, in Book 0396 at Page 2964 in Document No. 383586 in the Douglas County Recorder's Office, Douglas County, State of Nevada. Assessor's Parcel Number 005-090-02.

2. The Declarant has received approval from the Tahoe Regional Planning Agency (hereinafter "TRPA") on September 28, 1996, to rebuild a single-family dwelling on the Property, including a detached 3-car garage with a second floor living area above the garage.

3. The Property is located in the Tahoe Region as described in the Tahoe Regional Planning Compact (P.L. 96-551, Stat. 3233, 1980), which region is subject to the regional plan and the ordinances adopted by the TRPA pursuant to the Tahoe Regional Planning Compact.

4. As a condition of the above approval, Chapter 18 of the TRPA Code of Ordinances requires the appropriate deed restriction be recorded documenting the limits to the use of the garage and the second floor living area above the garage.

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DECLARATION

1. Declarant declares that the garage, including the second floor living area above the garage, is and shall be an accessory use to and part of the primary residence on the Property, and shall not be used in a fashion as to constitute a secondary residence or separate residential unit. The garage and second floor living area, as an accessory use, shall not be permitted to contain cooking facilities. The garage and second floor area shall not be leased rented, or used separate from the primary residence on the Property. Use of the garage or second floor living area as a separate residential unit shall constitute a violation of the TRPA approval.

2. This Deed Restriction shall be deemed a covenant running with the land or an equitable servitude, as the case may be, and shall constitute benefits and burdens to the Property described above and shall be binding on the Declarant and Declarant's assigns and all persons hereafter acquiring or owning any interest in the Property.

3. This Deed Restriction may not be revoked or modified without the prior express written and recorded consent of the Tahoe Regional Planning Agency or its successor agency, if any. TRPA is deemed and agreed to be a third party beneficiary of this Deed Restriction and as such, can enforce the provisions of this Deed Restriction.

IN WITNESS WHEREOF, Declarant has executed this Deed Restriction on the day and year written.

DECLARANT'S SIGNATURE:

[Signature]  
William A. Downey

Dated: 3/6/98

STATE OF )  
                  ) ss.  
COUNTY OF )

On this 6TH day of March, 1998, before me, personally appeared William A. Downey personally known to me, or proved to me to be on the basis of satisfactory evidence to be the person whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument, the person(s) or the entity upon behalf of which the person(s) acted executed the instrument.

[Signature]  
NOTARY PUBLIC



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APPROVED AS TO FORM:

  
TAHOE REGIONAL PLANNING AGENCY  
Rachelle J Nicolle

Dated: 3/2/98

STATE OF NEVADA            )  
  ) ss.  
COUNTY OF DOUGLAS    )

On this 2nd day of March, 1998, before me, personally appeared Rachelle J Nicolle personally known to me, or proved to me to be on the basis of satisfactory evidence to be the person whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument, the person(s) or the entity upon behalf of which the person(s) acted executed the instrument.

  
NOTARY PUBLIC

  
JUDY A. McINTIRE  
Notary Public - State of Nevada  
Appointment Recorded in Douglas County  
MY APPOINTMENT EXPIRES JUNE 6, 1998

REQUESTED BY  
Basin Strategies  
IN OFFICIAL RECORDS OF  
DOUGLAS CO., NEVADA

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LINDA SLATER  
RECORDER  
\$ 9.00 PAID K2 DEPUTY