

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 Box 1038
Zephyr Cove, Nevada 89448
Attn: Jon-Paul Harries, Assistant Planner

**DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR COVERAGE ASSIGNMENT ("DEED RESTRICTION")**

This Deed Restriction is made this 1 day of July, 1998, by William A. Downey, a married man, (hereinafter "Declarant").

RECITALS

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

See exhibit "A" attached hereto and incorporated herein by reference. Assessor's Parcel Number (APN) 005-034-09 (hereinafter "Sending Parcel")
2. The Declarant has received approval from the Tahoe Regional Planning Agency (TRPA) on June 22, 1998 to transfer 71 square feet of land coverage from the Sending Parcel to the Receiving Parcel, described as follows:

See exhibit "B" attached hereto and incorporated herein by reference. Assessor's Parcel Number (APN) 005-241-09 (hereinafter "Receiving Parcel")
3. Both the Sending Parcel and the Receiving Parcel are located in the Tahoe Region as described in the Tahoe Regional Planning Compact (P.L. 96-551, 94 Stat. 3233, 1980), which region is subject to the Regional Plan and Ordinances adopted by the TRPA pursuant to the Tahoe Regional Planning Compact.

THIS DOCUMENT IS BEING RE-RECORDED TO ATTACH EXHIBITS WHICH WERE PREVIOUSLY OMITTED.

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BK0798PG0890

4. As a condition of the above approval, Chapter 20 of the TRPA Code of Ordinances requires that the appropriate deed restriction be recorded documenting both the transfer of coverage and the requirement that the area of transferred land coverage on the Sending Parcel be restored and maintained in a natural or near-natural state. The Deed Restriction must likewise document that the area of the transferred land coverage on the Sending Parcel must be protected from soil disturbance, and that provisions must be made for the future maintenance of the Sending Parcel.

DECLARATIONS

1. The Declarant hereby declares that, for the purposes of calculating land coverage and applying TRPA ordinances relating to land coverage, the Sending Parcel described above is and shall be, deemed by TRPA to have transferred and retired 71 square feet of unused based allowable land coverage and to now contain 1,004 square feet of unused base allowable land coverage.
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 Sending Parcel and the Receiving Parcel and shall be binding on the Declarant and Declarant's assigns and all persons acquiring or owning any interest in the Sending Parcel and the Receiving Parcel.
3. This Deed Restriction may not be modified or revoked without the prior express written and recorded consent of the TRPA 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.

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

Declarants' Signatures:

[Signature]
William Downey

Dated: 7/1/98

STATE OF)
) SS.
COUNTY OF)

On this 1st day of July, 1998, before me, personally appeared William 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/their signature(s) on the instrument the person(s) or the entity upon their behalf of which the person(s) acted executed the instrument.

[Signature]
NOTARY PUBLIC



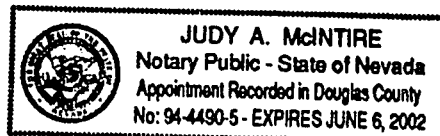
APPROVED AS TO FORM:

[Signature]
Tahoe Regional Planning Agency
James R. Lawrence

STATE OF)
) SS.
COUNTY OF)

On this 22nd day of June, 1998, before me, personally appeared James R. Lawrence 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 their behalf of which the person(s) acted executed the instrument.

[Signature]
NOTARY PUBLIC 0445033



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COPY

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0443698

BK0798PG0893

REQUESTED BY
STEWART TITLE of DOUGLAS COUNTY
IN OFFICIAL RECORDS OF
DOUGLAS CO., NEVADA

'98 JUL -7 P1:39

LINDA SLATER
RECORDER
\$10⁰⁰ PAID *bl* DEPUTY

Downey Skyland SENSING PARCEL

EXHIBIT A p.1

ORDER NO: 94020884/DR

GRANT, BARGAIN, AND SALE DEED

THIS INDENTURE WITNESSETH: That

LAWRENCE W. LAMB and ALICE LAMB, husband and wife

in consideration of the sum of TEN DOLLARS (\$10.00) lawful money of the United States, and other good and valuable consideration, the receipt of which is hereby acknowledged, do hereby Grant, Bargain, Sell and Convey to

WILLIAM A. DORNEY, a married man as his sole and separate property

and to the heirs and assigns of such Grantee forever, all that real property situated in the County of DOUGLAS, State of Nevada, bounded and described as follows:

LOT 113, AS SHOWN ON THE MAP OF SKYLAND SUBDIVISION NO. 2, FILED IN THE OFFICE OF THE COUNTY RECORDER OF DOUGLAS COUNTY, NEVADA, ON JULY 22, 1959, AS FILE NO. 14668.

TOGETHER WITH THE RIGHT OF ACCESS OVER LOTS 32 AND 33; AS SHOWN ON THE FILED MAP REFERRED TO HEREIN AS RESERVED IN THE DEED FROM STOCKTON GARDEN HOMES, INC., A CALIFORNIA CORPORATION TO SKYLAND WATER CO., A NEVADA CORPORATION, RECORDED FEBRUARY 5, 1960 IN BOOK 1, AT PAGE 268, OFFICIAL RECORDS.

ASSESSMENT PARCEL NO. 05-034-09

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, remainders, rents, issues or profits thereof.

Witness our hands this 25 day of July, 1994.

Lawrence W. Lamb

LAWRENCE W. LAMB

Alice Lamb

ALICE LAMB

STATE OF NEVADA)
COUNTY OF DOUGLAS) :55

On July 25, 1994 personally appeared before me, a Notary Public,

Lawrence W. Lamb & Alice Lamb
personally known or proved to me to be the persons whose names are subscribed to the above instrument who acknowledged that they executed the same for the purposes therein stated.

Deirdre Randolph

Notary Public



WHEN RECORDED MAIL TO:
WILLIAM A. DORNEY
3637 LARCH AVE. #C
SOUTH LAKE TAHOE, CA 96150

The Grantor(s) declare(s):
Document Transfer Tax is \$277.55
(X) computed on full value of property conveyed

MAIL TAX STATEMENTS TO:
SAME AS ABOVE

REQUESTED BY
STEWART TITLE OF DOUGLAS COUNTY
IN OFFICIAL RECORDS OF
DOUGLAS COUNTY, NEVADA

94 JUL 27 P3:22

342692

BK0794PG4123

700
DEPUTY

0445033

BK0798PG4629

EXHIBIT A p.2

ORDER NO: 94020884/DR

GRANT, BARGAIN, AND SALE DEED

THIS INDENTURE WITNESSETH: That

JULIE L. DOWNEY, wife of Grantee

in consideration of the sum of TEN DOLLARS (\$10.00) lawful money of the United States, and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby Grant, Bargain, Sell and Convey to

WILLIAM A. DOWNEY, a married man as his sole and separate property and to the heirs and assigns of such Grantee forever, all that real property situated in the County of DOUGLAS, State of Nevada, bounded and described as follows:

LOT 113, AS SHOWN ON THE MAP OF SKYLAND SUBDIVISION NO. 2, FILED IN THE OFFICE OF THE COUNTY RECORDER OF DOUGLAS COUNTY, NEVADA, ON JULY 22, 1959. AS FILE NO. 14668.

TOGETHER WITH THE RIGHT OF ACCESS OVER LOTS 32 AND 33; AS SHOWN ON THE FILED MAP REFERRED TO HEREIN AS RESERVED IN THE DEED FROM STOCKTON GARDEN HOMES, INC., A CALIFORNIA CORPORATION TO SKYLAND WATER CO., A NEVADA CORPORATION, RECORDED FEBRUARY 5, 1960 IN BOOK 1, AT PAGE 268, OFFICIAL RECORDS.

ASSESSMENT PARCEL NO. 05-036-09

It is the intention of the grantor herein by the execution of this deed to acknowledge the fact that she has no interest in the property which is the subject of this deed and that she further acknowledges that she relinquishes any interest which might otherwise accrue to her in the future by way of community property or other rights.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, remainders, rents, issues or profits thereof.

Witness my hand this 25 day of July, 1994.

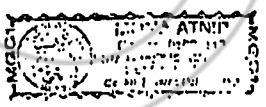
Julie L. Downey
JULIE L. DOWNEY

STATE OF CA)
COUNTY OF EL DORADO) :SS

On July 25, 1994 personally appeared before me, a Notary Public, William A. Downey

personally known or proved to me to be the persons whose names are subscribed to the above instrument who acknowledged that they executed the same for the purposes therein stated.

Mona A. Trip
Notary Public



WHEN RECORDED MAIL TO:
WILLIAM A. DOWNEY
3637 LARCH AVE, #C
SOUTH LAKE TAHOE, CA 96150

The Grantor(s) declare(s):
Document Transfer Tax is 90.00⁶⁰
(X) computed on full value of property conveyed

MAIL TAX STATEMENTS TO:
SAME AS ABOVE

342693

BK0794PG4124

0445033

BK0798PG4630

EXHIBIT A p. 3

COPY

REQUESTED BY
STEWART TITLE OF DOUGLAS COUNTY
IN OFFICIAL RECORDS OF
DOUGLAS COUNTY, NEVADA

'94 JUL 27 P3 27

DAVID SANDREAU
\$ 800
DEPUTY

342693
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0445033

BK0798PG4631

McCALL
RECEIVING
PARCEL

CONFIRMED COPY
Has not been compared
to the original.

After recordation, return Grant
Deed and mail future property tax
statements to the following address:
George E. McCall and Carole J. McCall,
Co-Trustees
The McCall Family Trust
1600 South Figueroa
Los Angeles, California 90015
97021651

EXHIBIT B p.1

GRANT DEED

For value received, Patricia G. Best, as Trustee under The Patricia G. Best Family Trust Agreement dated March 6, 1997, hereby grants, bargains, and sells to George E. McCall and Carole J. McCall, as Co-Trustees of The McCall Family Trust under the Trust Agreement dated March 6, 1997, the real property situated in Douglas County, Nevada, described as follows:

Parcel No. 1:

Lot Numbered 93, as the same is laid down, delineated and numbered upon a certain map entitled "Elks Subdivision Lake Tahoe, Nev.," filed in the office of the County Recorder of Douglas County, Nevada, on May 5, 1927, and as shown on the Amended Plat of the ELKS SUBDIVISION, filed in the office of the County Recorder of Douglas County, Nevada, on January 5, 1928, and as shown on the Second Amended Plat of the Elks Subdivision filed in the office of the County Recorder of Douglas County, Nevada, on June 5, 1952, as Document No. 8537, reserving and excepting therefrom, however, a wedge shaped parcel of land extending along the east side of said lot which parcel of land is five (5) feet wide on its north end measuring from the northeast corner of said Lot 93, its east boundary line being the boundary line common to Lot 93 and Lot 94 as shown on the map herein referred to; said parcel of land having for its western boundary a line beginning on the meander line of Lake Tahoe five (5) feet west from the north corner common to Lots 93 and 94, and extending through the south corner common to Lots 93 and 94.

Parcel No. 2:

A portion of Lot 94, as shown on the Amended Plat of the ELKS SUBDIVISION, filed in the office of the County Recorder of Douglas County, Nevada, on January 5, 1928, and as shown on the Second Amended Plat of the Elks Subdivision, filed in the office of the County Recorder

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WALTHER, KEY, MAUFUK, OATS, COX, FLAICH & LEGG, ATTORNEYS AT LAW, RENO, NEVADA

EXHIBIT B p.2

of Douglas County, Nevada, on June 5, 1952, as Document No. 8537, more particularly described as follows:

Commencing at the southwest corner of Lot 94, as shown on the official "Second Amended Map of Elks Subdivision," filed for record in the office of the County Recorder of Douglas County, Nevada; thence from the point of commencement along the westerly line of said Lot 94, North 09°58'35" West a distance of 20.00 feet to the northwest corner of said lot; thence along the northerly line of said lot North 32°32'35" East, a distance of 18.79 feet; thence leaving said northerly lot line South 18°23'29" East, a distance of 93.52 feet to a point on the southerly line of Lot 94; on the northerly line of Lakeview Drive, thence along said lot line along a curve to the right with a radius of 260.57 feet, a central angle of 5°48'45", an arc length of 26.44 feet to the point of commencement.

Excepting therefrom all that portion thereof lying below the natural ordinary high water line of Lake Tahoe.

Street address: 458 Lakeview Avenue
Zephyr Cove, Nevada 89449

APN: 05-241-09

This conveyance is subject to the following liens and encumbrances:

1. The lien of real property taxes and assessments for the fiscal year July 1, 1997, through June 30, 1998.
2. Covenants, conditions, restrictions, reservations, easements, and rights-of-way of record.

This conveyance includes the tenements, hereditaments, and appurtenances of the real property, and the rents, issues, and profits thereof.

Dated this 26th day of November, 1997.

The Patricia G. Best
Family Trust

By Patricia G. Best
Patricia G. Best, Trustee

2.

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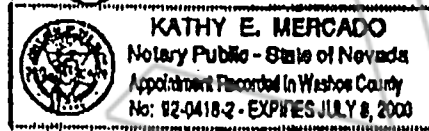
STATE OF NEVADA
COUNTY OF WASHOE

SS.

EXHIBIT B p.3

This Grant Deed was acknowledged before me on November 26, 1997, by Patricia G. Best, as Trustee under The Patricia G. Best Family Trust Agreement dated March 6, 1997.

Kathy E. Mercado
Notary Public



WALTHER, KEV, MAUPIN, OATE, COX, KLACH & LOBOY, ATTORNEYS AT LAW, RENO, NEVADA

COPY

CONFORMED COPY
Has not been compared to the original.

1297/394
0427459

3.

REQUESTED BY

OFFICIAL RECORDS OF
DOUGLAS CO., NEVADA

'97 DEC -1 P3:38

LINDA SLATER
RECORDER

\$ _____ PAID _____ DEPUTY

0445033

TOTAL P.04

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COPY

REQUESTED BY
STEWART TITLE of DOUGLAS COUNTY
IN OFFICIAL RECORDS OF
DOUGLAS CO., NEVADA

'98 JUL 22 P3:42

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LINDA SLATER
RECORDER
\$17.⁰⁰ PAID *SL* DEPUTY