

RECORDING REQUESTED BY:

Tahoe Regional Planning Agency
Post Office Box 1038
Zephyr Cove, Nevada 89448

APL 07-292-19
07-292-20

WHEN RECORDED MAIL TO:

Tahoe Regional Planning Agency
Post Office Box 1038
Zephyr Cove, Nevada 89448
Attn: Kathy Canfield

THIS INSTRUMENT IS BEING RECORDED AS AN ACCOMMODATION ONLY. NO LIABILITY, EXPRESS, OR IMPLIED, IS ASSUMED AS TO ITS REGULARITY OR SUFFICIENCY NOR AS TO ITS AFFECT, IF ANY, UPON TITLE TO ANY REAL PROPERTY DESCRIBED THEREIN.

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

This Deed Restriction is made this 11th day of MAY, 2001, by Kenneth C. Kjer Trust, Kenneth C. Kjer Trustee, by Kevin Kjer his Attorney-in-Fact (hereinafter "Declarant").

RECITALS

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

Being portions of the Southwest quarter of the Southwest quarter of Section 24, Township 13 North, Range 18 East, M.D.B.&M more particularly described as follows:

Parcels A and B, as set forth on the Parcel Map for Kenneth Kjer, recorded June 9, 1981 in Book 681, Page 770, as Document No. 57043 of Official Records, and having Assessor's Parcel Numbers 07-292-19 and 07-292-20 (hereinafter "Sending Parcel").
2. The Declarant has received approval from the Tahoe Regional Planning Agency (TRPA) on October 12, 2000, to transfer 25,225 square feet of land coverage from the Sending Parcel to a linear public facility, located on APNs 07-130-03 which was recorded on September 3, 1982, document number 70693, Book 982, Page 108, and 07-130-20 which was recorded on September 3, 1982, document number 70693, Book 982, Page 108, approved by the Tahoe Regional Planning Agency on October 12, 2000, TRPA File # 200398, described in Exhibit "A", (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.

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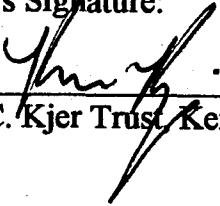
4. As a condition of the above approval, Chapter 20 of the TRPA Code of Ordinances requires that the appropriate deed restriction be recorded documenting the transfer of coverage.

DECLARATIONS

1. Declarant hereby declares that, for the purpose 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 25,225 square feet of unused base allowable land coverage and now contain 0 square feet of banked land coverage.
2. Declarant also hereby declares that the Sending Parcel shall be restored and maintained in a natural or near natural state. Declarant acknowledges that land coverage may be returned to the Sending Parcel only if TRPA approves the transfer of such pursuant to TRPA's Ordinances in effect at the time of such development. Declarant further acknowledges that any such future transfer to the Sending Parcel shall be evidenced by a recorded instrument approved by TRPA. Declarant likewise declares that Declarant shall protect the Sending Parcel from soil disturbance and that Declarant shall make provisions for the future maintenance of the Sending Parcel.
3. This Deed Restriction shall be deemed a covenant running with the land, or and 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.
4. 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.

In witness whereof, Declarant has executed this declaration on the day and year written above.

Declarant's Signature:



Dated: 5/16/01

Kenneth C. Kjer Trust, Kenneth C. Kjer, Trustee by Kevin Kjer his Attorney-in-Fact

STATE OF NEVADA)
) ss.
COUNTY OF DOUGLAS)

On this 11 day of MAY 2001, before me, personally appeared KEVIN KJER, 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




APPROVED AS TO FORM:

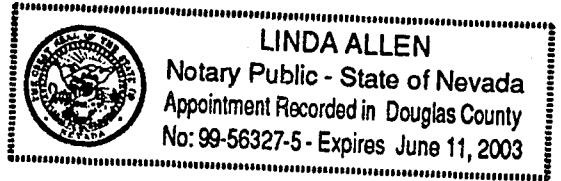

JORDAN KAHN Dated: 5/16/01

TAHOE REGIONAL PLANNING AGENCY EXECUTIVE DIRECTOR OR DESIGNEE

STATE OF Nevada)
) ss.
COUNTY OF Douglas)

On this 16th day of May 2001, before me, personally appeared Jordan Kahn, 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



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EXHIBIT A

05-10-01
00210-3

DESCRIPTION
APN 07-130-03

All that real property situate in the County of Douglas, State of Nevada, more particularly described as follows:

All that portion of the Southwest $\frac{1}{4}$ of Section 23, Township 13 North, Range 18 East, M.D.M. follows:

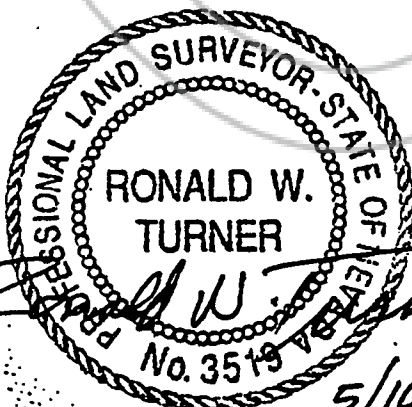
Beginning at a point on the Easterly line of U.S. Highway 50 which bears North $26^{\circ}41'42''$ East 221.49 feet from the Southwest corner of said Section 23;
thence along said Easterly line along curve concave to the Northwest with a radius of 2,540 feet, a central angle of $17^{\circ}46'29''$, and an arc length of 787.98 feet, the chord of said curve bears North $12^{\circ}34'58''$ East 784.83 feet;
thence South $89^{\circ}11'34''$ East 313.59 feet;
thence South $00^{\circ}48'26''$ West 250.00 feet;
thence North $89^{\circ}11'34''$ West 100.55 feet;
thence South $00^{\circ}48'26''$ West 490.11 feet;
thence South $01^{\circ}10'20''$ West 30.23 feet;
thence North $88^{\circ}53'34''$ West 372.64 Feet to the Point of Beginning.

Containing 6.09 Acres, more or less.

The Basis of Bearing for this description is the above referenced to that Record of Survey, Document No. 477533.

Note: Refer this description to your title company before incorporating into any legal document.

Prepared by: Turner & Associates, Inc.
Land Surveying
P.O. Box 5067
Stateline, NV 89449



0514341

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EXHIBIT A

05-10-01
00210-5

**DESCRIPTION
APN 07-130-20**

All that real property situate in the County of Douglas, State of Nevada, more particularly described as follows:

All that portion of the Southwest ¼ of Section 23, Township 13 North, Range 18 East, M.D.M. follows:

Beginning at a point which bears North 47°49'37" East 641.80 feet from the Southwest corner of said Section 23;

thence North 00°48'26" East 280.11 feet;

thence South 89°11'34" East 100.55 feet;

thence North 00°48'26" East 500.55 feet;

thence South 89°17'34" East 649.46 feet;

thence South 00°48'26" West 1185.72 feet;

thence North 88°53'34" West 545.64 feet to the beginning of a tangent curve to the left with a radius of 1040 feet, a central angle of 0°41'01";

thence along said curve an arc length of 27.79 feet;

thence along a curve concave to the Northwest with a radius of 24 feet, a central angle of 51°03'19", and an arc length of 21.39 feet, the chord of said curve bears North 26°38'35" East 20.69 feet;

thence North 01°06'55" East 13.39 feet to the beginning of a tangent curve to the right with a radius of 56 feet, a central angle of 38°44'30";

thence along said curve and an arc length of 37.87 feet;

thence North 39°51'25" East 68.75 feet;

thence North 00°48'26" East 91.40 feet;

thence North 89°11'34" West 141.50 feet;

thence North 00°48'26" East 189.00 feet;

thence North 88°33'34" West 100.00 feet to the Point of Beginning.

Containing 17.72 Acres, more or less.

The Basis of Bearing for this description is the above referenced to that Record of Survey, Document No. 477533.

Note: Refer this description to your title company before incorporating into any legal document.

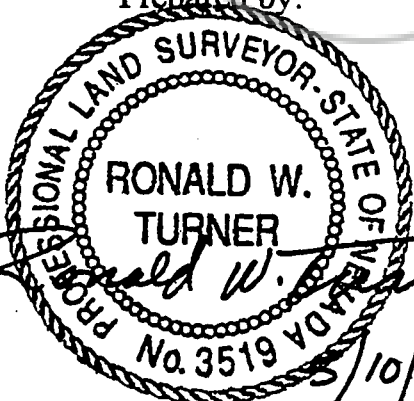
Prepared by: **Turner & Associates, Inc.**
 Land Surveying
 P.O. Box 5067
 Stateline, NV 89449

REQUESTED BY
FIRST AMERICAN TITLE CO.
 IN OFFICIAL RECORDS OF
 DOUGLAS CO., NEVADA

2001 MAY 17 PM 3:40

LINDA SLATER
RECORDER

\$11.00 PAID *KD* DEPUTY



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