

010200200

Recording requested by:
Tahoe Regional Planning Agency

APN 0000-07-180-040

When recorded mail to:
Tahoe Regional Planning Agency
P.O. Box 1038
Zephyr Cove, NV 89448
Attn: Kathy Canfield

**DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR COMMERCIAL FLOOR AREA DOCUMENTATION
"DEED RESTRICTION"**

This declaration is made this 6 day of June, 2001, by Mountain Greenery LLC, an Oklahoma Limited Liability Company, by James Milligan, its Manager (hereinafter "Declarant").

RECITALS

- A. Declarant is the owner of certain real property described as follows:
- That certain real property located in Douglas County, State of Nevada, commonly known as Assessor's Parcel Number 0000-07-180-040, and more particularly described in the attached Exhibit "A". Said parcel was recorded on March 30, 2001, as document number 0511424 bk 0301 pg 8371, in the Official Records of Douglas County, hereinafter referred to as the "Property"
- B. The Property is located in the Tahoe Region as described in the Tahoe Regional Planning Compact (P.L. 96-551, State. 3233, 1980), which region is subject to the regional plan and the ordinances adopted by the TRPA pursuant to the Tahoe Regional Planning Compact.
- C. TRPA has, by condition of the June 24, 1999 approved commercial addition and rebuild (TRPA File#990158) required that a deed restriction be recorded which documents the TRPA acknowledged commercial floor area for the proposed commercial building.

DECLARATIONS

1. Declarant hereby declares that, for the purpose of satisfying TRPA's June 24, 1999, condition of approval, the Property, on which the proposed commercial building is to be built consists of 5,921 square feet of commercial floor area more particularly described in Exhibit "B".
2. This Deed Restriction shall be deemed a covenant running with the land or an equitable servitude, as the case may be, and shall be binding on the Declarant and Declarants' assigns, and all persons 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 party, 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, Declarant has executed this declaration on the day and year written above.

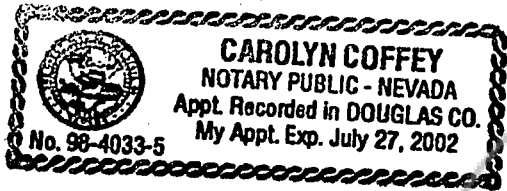
James H. Milligan
Mountain Greenery LLC, by James Milligan, its Manager

Dated: 6/6/01

STATE OF Nevada)
COUNTY OF Douglas) ss.
)

On this 6th day of June, in the year 2001, before me personally appeared James H. Milligan personally known to me to be the person whose name is ascribed to this instrument, and acknowledge that they executed it.

WITNESS my hand and official seal



Carolyn Coffey
Notary Signature

My commission expires 7-27-02

APPROVED AS TO FORM:

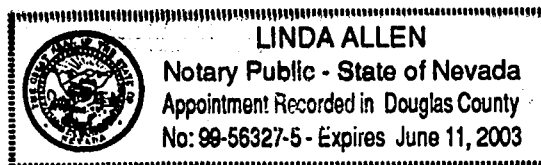
Judith Kahr Dated: 6/5/01

TAHOE REGIONAL PLANNING AGENCY EXECUTIVE DIRECTOR OR DESIGNEE

STATE OF NEVADA)
COUNTY OF DOUGLAS) ss.
)

On this 5th day of June, 2001, before me, personally appeared brdan kahr, 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.

Linda Allen
NOTARY PUBLIC



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EXHIBIT A

LEGAL DESCRIPTION

The land referred to herein is situated in the State of Nevada, County of Douglas, described as follows:

PARCEL 1:

The Northerly 190 feet of that certain lot, piece or parcel of land situate in the County of Douglas, State of Nevada, described as follows:

Beginning at a point on the Section line between Sections 23 and 26, Township 13 North, Range 18 East, M.D.B.&M., which is 1146.6 feet West from the quarter corner between Sections 23 and 26; thence South $0^{\circ}08'$ East 1317.13 feet; thence North $89^{\circ}42'$ West 157.02 feet; thence North $0^{\circ}08'$ West 1316.93 feet; thence South $89^{\circ}46'$ East 160.95 feet to the Point of Beginning. This parcel is also described as a portion of Lot 8 of Palady Tract in the Northeast quarter of the Northwest quarter of Section 26, Township 13 North, Range 18 East, M.D.B.&M.

PARCEL 2:

A roadway easement over the Westerly 30 feet of the following described parcel as shown in document recorded January 22, 1970, Book 73, Page 38, Document No. 46935. Beginning at a point on the Section Line between Sections 23 and 26, Township 13 North, Range 18 East, M.D.B.&M., which is 1146.6 feet West from the Quarter corner between Sections 23 and 26; thence South $0^{\circ}08'$ East 1317.13 feet, thence East 163.80 feet; thence North 1316.93 feet; thence West 160.80 feet to the Point of Beginning.

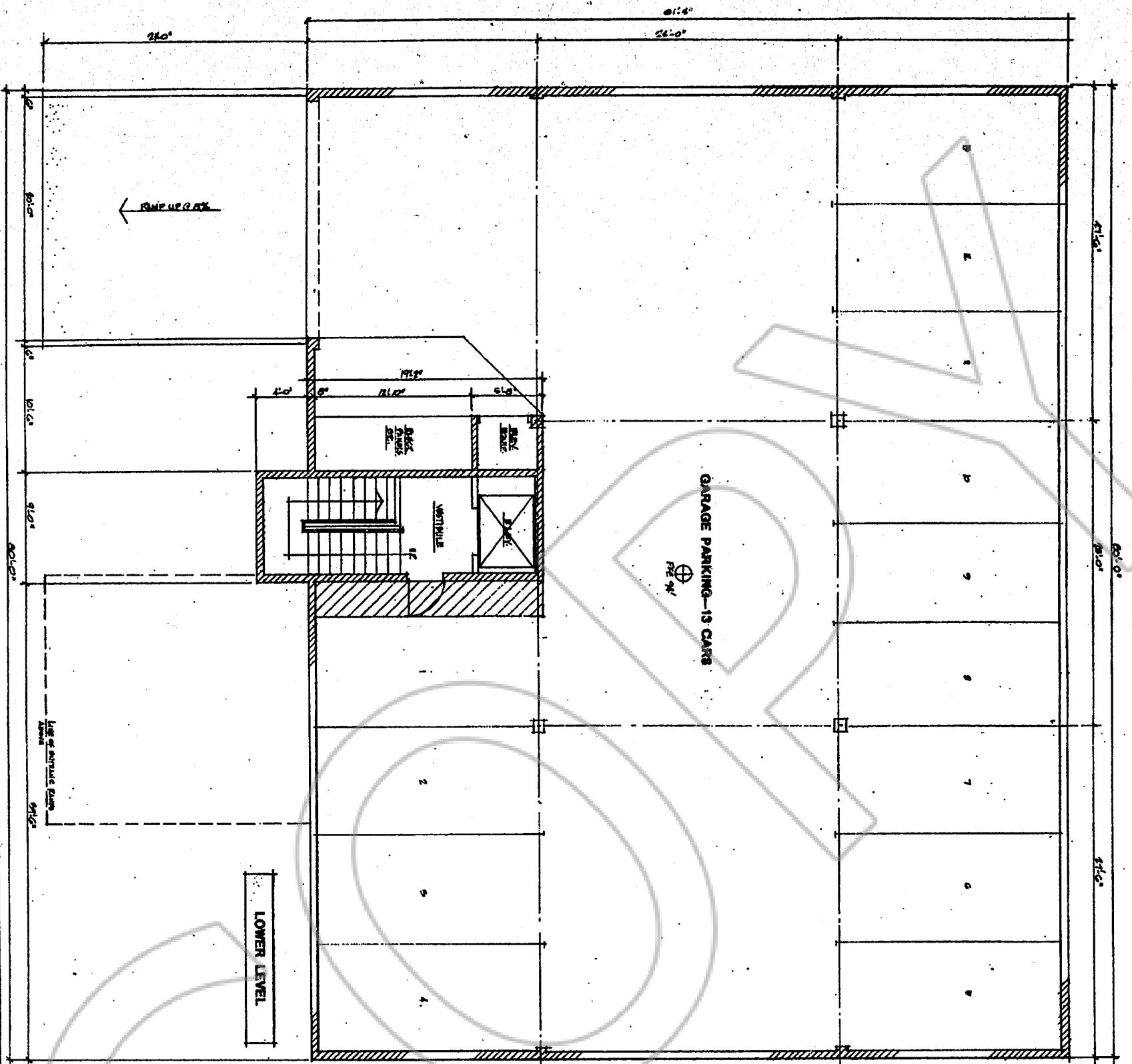
EXCEPTING THEREFROM that portion of said land lying within Kingsbury Grade as described in quitclaim deed to State of Nevada Department of Transportation recorded May 21, 1984, Book 584, Page 1784, Document No. 101099.

Assessors Parcel No. 07-180-040

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exhibit B



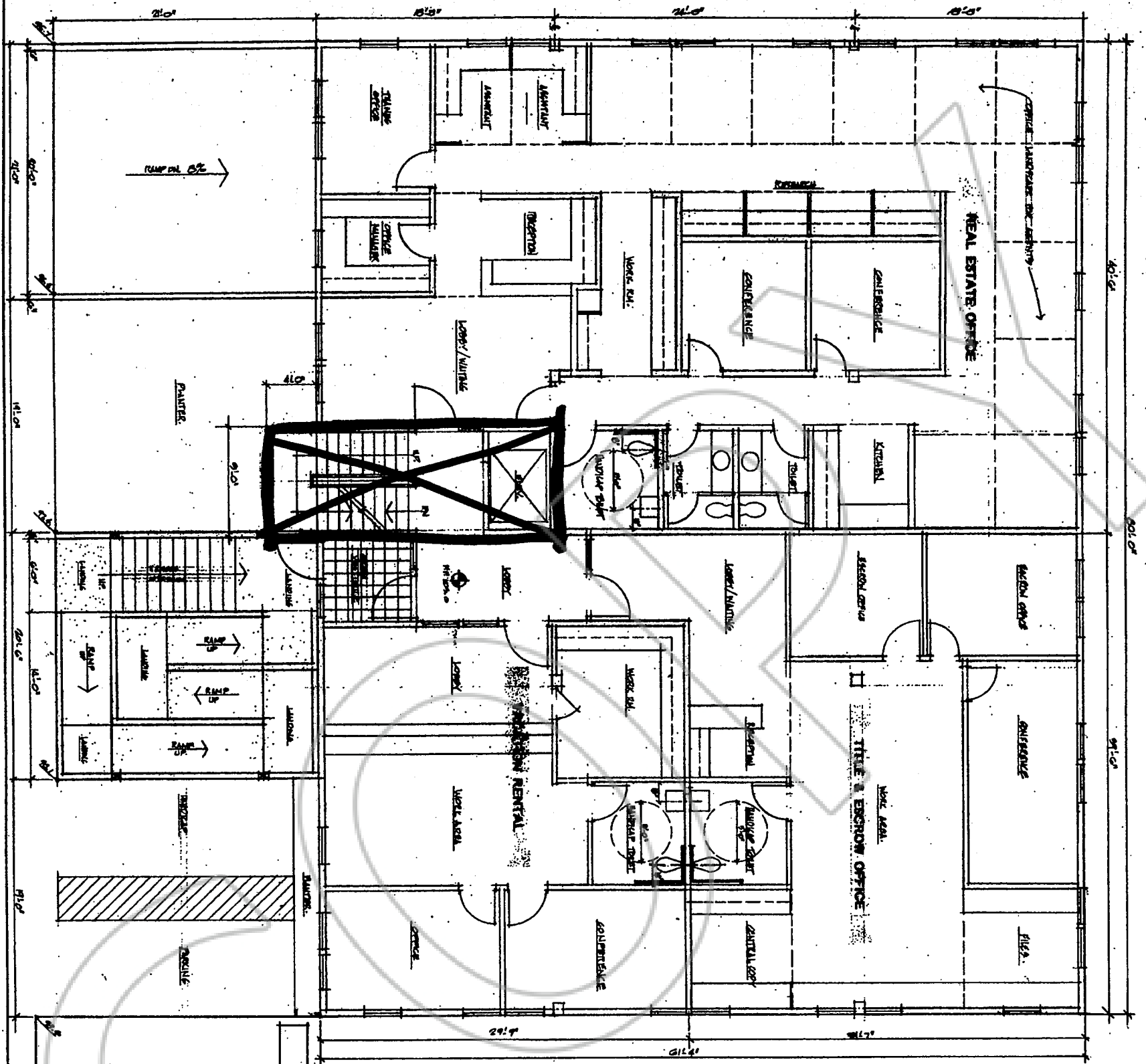
This floor does not contain commercial floor area as defined by TRPA.

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exhibit B



Area marked out not
 considered commercial
 floor area as
 defined by TRPA

FIRST LEVEL

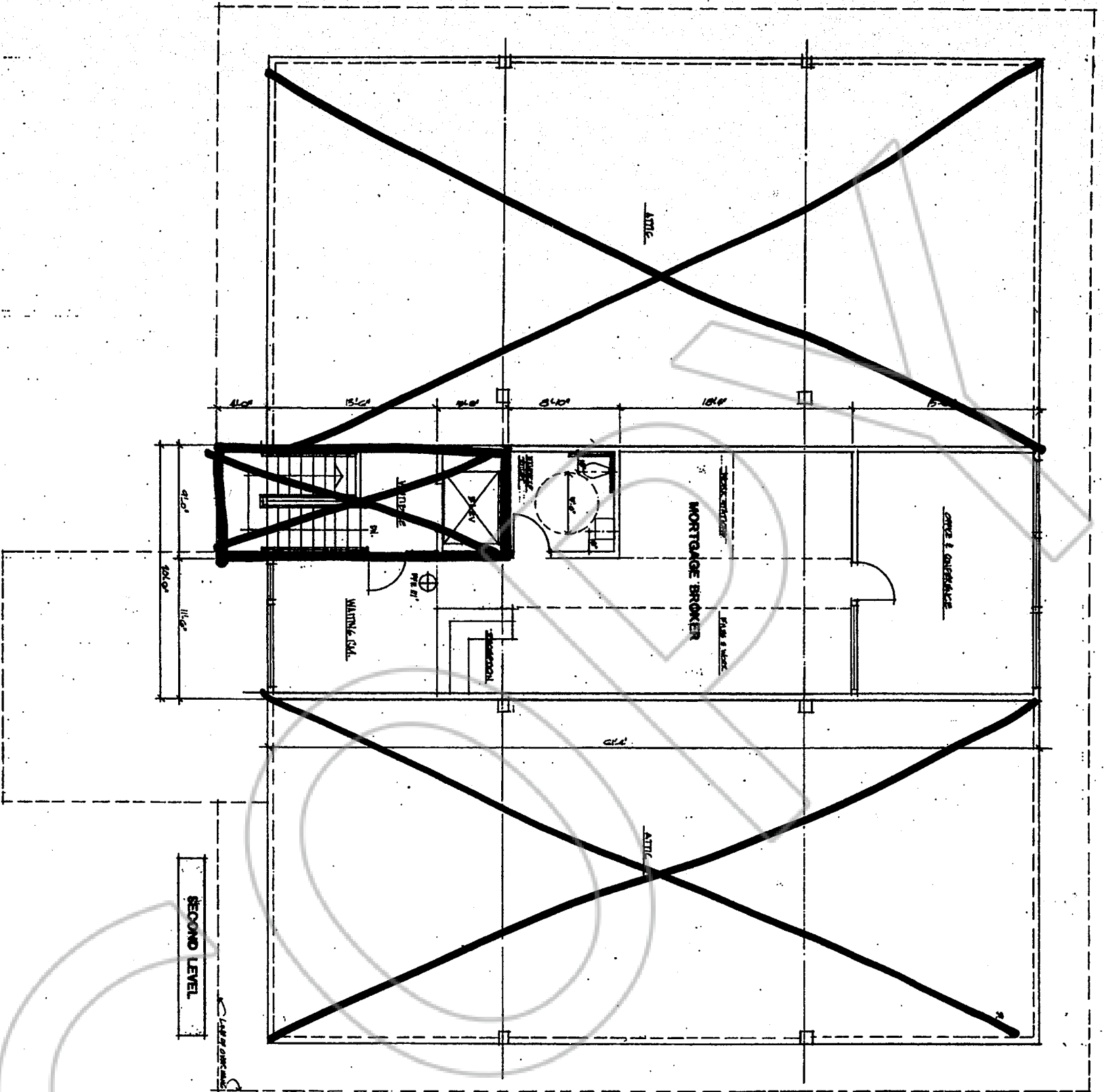
KINGSBURY REAL ESTATE CENTER-APN: 07-180-04

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BK0601PG1618

SHT. 6

exhibit B



SECOND LEVEL

Areas marked out
not considered
commercial floor
area as defined
by TRPA.

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COPY

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

2001 JUN -7 AM 10: 57

LINDA SLATER
RECORDER

\$1300 PAID *Be* DEPUTY

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