

**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: Theresa Avance, Associate Planner  
TRPA File # 20010738

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

FIRST AMERICAN TITLE CO.

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

This Deed Restriction is made this 24<sup>th</sup> day of October, 2001, by Falcon Capital, LLC, a Wyoming Limited Liability Company (hereinafter "Declarants").

**RECITALS**

1. Declarants are the owners of certain real property located in Douglas County, State of Nevada, described as follows:  
  
See "Exhibit A" attached hereto and made a part here of Assessor's Parcel Number 07-020-07. Said parcel was recorded in the Office of the County Recorder of Douglas County on January 16, 1997 in Book 197, Page 2168 as Document Number 404775, and having Assessor's Parcel Number 07-020-07 (hereinafter "Sending Parcel")
2. The Declarants have received approval from the Tahoe Regional Planning Agency (TRPA) on October 24, 2001 to transfer 681 square feet of Class 2 base allowable land coverage, and 143 square feet of Class 1a base allowable land coverage from the Sending Parcel to the Receiving Parcel, described as follows:  
  
Lot #30, as shown on map of PONDEROSA PARK SUBDIVISION, filed for record in the office of the County Recorder of Douglas County on February 25, 1970 as Document Number 47249, and as recorded on March 9, 2001 in Book 301, Page 2241 as Document Number 0510122, and having Assessor's Parcel Number (APN) 07-161-12 (hereafter referred to as "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.
4. As a condition of the above approval and pursuant to Chapter 20 of the TRPA Code of Ordinances, TRPA requires that the appropriate deed restriction be recorded documenting the transfer of land coverage and the requirement that the area on the Sending Parcel from which the coverage has been transferred shall be restored to a natural or near-natural state. The deed restriction must likewise document that the

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Sending Parcel must be protected from soil disturbance, and that provisions must be made for the future maintenance of the Sending Parcel.

### DECLARATIONS

1. Declarants hereby declare 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 681 square feet of Class 2 base allowable land coverage, and 143 square feet of Class 1a base allowable land coverage and to now contain 50,116 square feet of Class 4 base allowable land coverage.
2. Declarant also hereby declares that the transferred coverage can never be transferred back to the Sending Parcel, and that such area shall be restored in a natural state or near natural state, which for this particular Sending parcel shall include landscaping, if not redeveloped pursuant to a TRPA permit. Declarant also declares that Declarant is permanently restricted from transferring the coverage back to the Sending Parcel. Declarant likewise declares that Declarant shall make provisions for the future maintenance of the Sending Parcel.
3. This declaration shall be deemed a covenant running with the land or as an equitable servitude, as the case may be, and shall constitute benefits and burdens to the parcels described above and shall be binding on the Declarants and Declarants' assigns and all persons acquiring or owning any interest in the above-described parcels.
4. This declaration 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 declaration.

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IN WITNESS WHEREOF, Declarant has executed this declaration on the day and year written above.

DECLARANTS' SIGNATURES:

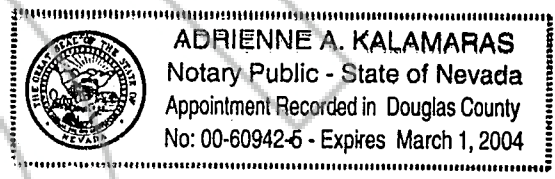
*Randy Lane*  
Randy Lane, Managing Member  
Falcon Capital, LLC

Dated: 11-1-01

STATE OF Nevada )  
COUNTY OF Douglas ) SS.

On this 1<sup>st</sup> day of November, 2001, before me, personally appeared Randy Lane 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.

*Adrienne A. Kalamaras*  
NOTARY PUBLIC



APPROVED AS TO FORM:

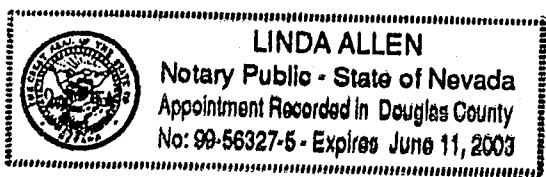
*Judith Zil*  
Tahoe Regional Planning Agency

Dated: 10/25/01

STATE OF NEVADA )  
COUNTY OF DOUGLAS ) SS.

On this 25<sup>th</sup> day of October, 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 their behalf of which the person(s) acted executed the instrument.

*Linda Allen*  
NOTARY PUBLIC



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**EXHIBIT**

**A**

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

A parcel of land situated in and being a portion of the North 1/2 of the North East 1/4 of Section 22, Township 13 North, Range 18 East, M.D.B. & M., more particularly described as follows:

Parcel 2 as set forth on that certain parcel map for LOIS ELIZABETH RABE SARMAN and EDWIN CARL SARMAN co-executors of the ESTATE OF ELIZABETH SCHULZ RABE, deceased, filed for record in the office of the County Recorder of Douglas County, Nevada on January 10, 1978, in Book 178, Page 562, as Document No. 16586.

TOGETHER with an 80 foot wide easement for access and utility purposes lying Southerly and Westerly of the above described parcel and being more particularly described as follows:

Commencing at a point on Southerly right of way line of Elks Point Road, said point being the most Westerly point on the Boundary of that parcel shown on the Parcel Map recorded May 7, 1974, Document No. 73081, and from which point the center of a right-of-way curve for Elks Point Road bears North 33° 32' 38" West, 2,030.00 feet, said point being the TRUE POINT OF BEGINNING of the herein described easement; thence along said boundary South 43° 18' 57" East, 327.76 feet to a point; thence along the boundary of the above described 9.1 acre commercial parcel South 43° 18' 57" East, 350.00 feet to a point; thence South 80° 14' 42" East, 237.94 feet; thence South 47° 36' 00" East, 148.30 feet; thence leaving said commercial area boundary North 80° 14' 42" West, 389.54 feet; thence North 43° 18' 57" West, 719.91 feet to a point on the South boundary of Elks Point Road and from which point the center of a curve concave to the Northwest bears North 31° 14' 39" West, 2030.00 feet; thence Northeasterly along said right-of-way along said curve with a central angle of 2° 17' 59" and a radius of 2030.00 feet and arc distance of 81.48 feet to the point of beginning of the herein described easement as set forth in Deed executed by LOIS ELIZABETH RABE SARMAN and EDWIN CARL SARMAN, co-executors of the Estate of ELIZABETH SCHULZ RABE, recorded November 16, 1977, in Book 1177, Page 1074, Document No. 15111, Official Records of Douglas County, Nevada.

Said Lands are set forth on Record of Survey for Judy Alexander Recorded September 1, 1994, as Document No. 345111.

A.P.N. 07-020-07

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

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LINDA SLATER  
RECORDER

\$17<sup>00</sup> PAID *Be* DEPUTY

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