

17-
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 # 20021467

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

This Deed Restriction is made this 25th day of September, 2002, 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.

Said parcel was recorded in the Office of the County Recorder of Douglas County on October 9, 2001 in Book 1001, Page 2502 as Document Number 0524684 and having Assessor's Parcel Number 07-100-01. (hereinafter "Sending Parcel").

2. The Declarants have received approval from the Tahoe Regional Planning Agency (TRPA) on September 5, 2002 to transfer 149 square feet of Class 1b banked land coverage from the Sending Parcel to the Receiving Parcel, described as follows:

A portion of the Northwest quarter of Section 15, Township 16 North, Range 18 East, M.D.B.&M. , more particularly described as follows; Parcel 1 of Parcel Map No. 426 for Boise Cascade, filed in the office of the Washoe County Recorder, State of Nevada, on May 19, 1977 as File Number 465601, Official Records.

Said parcel was recorded on July 9, 2002 as Document Number 2708680, and having Assessor's Parcel Number 132-012-05 (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.

0552936

BK0902PG08269

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 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 149 square feet of Class 1b banked land coverage and to now contain 81,939 square feet of Class 1b banked 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.

0552936

BK0902PG08270

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: 9/25/02

STATE OF Nevada)
)
 COUNTY OF DOUGLAS) SS.

On this 25th day of September, 2002, before me, personally appeared _____ 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.

Hannah Perotti
 NOTARY PUBLIC



APPROVED AS TO FORM:

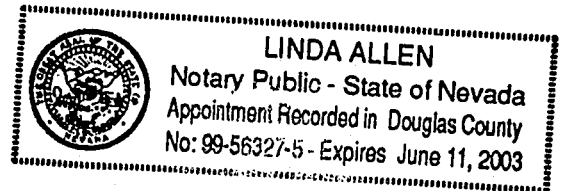
Jordan Kahn
 Tahoe Regional Planning Agency

Dated: 9/6/02

STATE OF NEVADA)
)
 COUNTY OF DOUGLAS) SS.

On this 6th day of September, 2002, 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



0552936

BK0902PG08271

EXHIBIT A

DOUGLAS COUNTY

DESCRIPTION

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

Being a portion of Section 22, Township 13 North, Range 18 East, M.D. 11 & M.

COMMENCING at the Northeast corner of Lot 16, in Block 3 of OLIVER PARK, as shown on the Map thereof, filed in the office of the County Recorder of Douglas County, Nevada, on February 2, 1959; thence along the Northeastly line of MICHELE DRIVE the following distances and courses: North 18° 23' 35" East, a distance of 111.645 feet; thence on a curve to the right having a radius of 575.00 feet through a central angle of 10° 25' 14" for an arc distance of 104.58 feet; thence North 28° 48' 49" East, a distance of 257.22 feet to the point of intersection with the Southwesterly line of Xable Drive extended Northwesterly; thence along the South westerly line of said Xable Drive extended North 61° 11' 11" West, a distance of 486.87 feet to the TRUE POINT OF BEGINNING; thence continuing along said line North 61° 11' 11" West a distance of 565.63 feet; thence along a curve to the left having a radius of 20.00 feet through a central angle of 90° 00', an arc distance of 31.42 feet; thence South 28° 48' 49" West, a distance of 295.29 feet to a point; thence South 60° 40' 41" East, a distance of 585.65 feet; thence North 28° 48' 49" East, a distance of 328.54 feet to the POINT OF BEGINNING.

*THIS DESCRIPTION APPEARS OF RECORD
IN DOCUMENT RECORDED 12-30-1999 AS
DOCUMENT NUMBER 483581 BOOK 1259
PAGE 5438*

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 EFFECT, IF ANY, UPON TITLE TO ANY REAL PROPERTY DESCRIBED THEREIN. FIRST AMERICAN TITLE COMPANY OF NEVADA

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

2001 OCT -9 PM 3: 53

LINDA SLATER
RECORDER

\$1500 PAID RL DEPUTY

REQUESTED BY
Tahoe Regional Planning
IN OFFICIAL RECORDS OF
DOUGLAS CO. NEVADA

0524684
BK 1001 PG 2503

2002 SEP 25 PM 12: 03

LINDA SLATER
RECORDER

\$1700 PAID K2 DEPUTY

0552936
BK 0902 PG 08272