

**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  
Attention: Melissa Shaw, Associate Planner  
TRPA File No. 20021321

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

This Deed Restriction is made this 4<sup>th</sup> day of October, 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 and having Assessor's Parcel Number 07-100-01.

Said parcel was recorded in the Office of the County Recorder of Douglas County on October 9, 2001 in Book 1001, Pages 2502 and 2503 as Document Number 0524684.

The above-referenced parcel is hereinafter referred to as "Sending Parcel".

2. The Declarants received approval from the Tahoe Regional Planning Agency (TRPA) on October 4, 2002, to transfer 5,397 square feet of land coverage from the Sending Parcel to a receiving parcel, described as follows:

See "Exhibit B" attached hereto, and having Assessor's Parcel Numbers 05-350-05 and 05-350-06.

Said parcels were recorded in Document Number 0506814, Book 0101, Pages 2522 and 2523 on January 12, 2001, in the Official Records of Douglas County, Nevada.

The above-referenced parcels are hereinafter referred to as "Receiving Parcels".

3. Both the Sending parcel and the Receiving Parcels 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, 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 the transferred land coverage on the

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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. 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 5,397 square feet of Class 1b banked land coverage and to now contain 76,781 square feet of Class 1b banked land coverage.
2. Declarants also hereby declare 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 if not redeveloped pursuant to a TRPA permit. Declarants also declare that Declarants are permanently restricted from transferring the coverage back to the Sending Parcel. Declarants likewise declare that Declarants 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 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 Declarants 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, Declarants have executed this Deed Restriction this the day and year written above.

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DECLARANT'S SIGNATURE:

[Signature]

Dated: 10/4/02

Randy Lane, Managing Member  
Falcon Capital, LLC

STATE OF )  
                  ) SS.  
COUNTY OF )

On this 4<sup>th</sup> day of October, 2002, before me, personally appeared Gordon B. 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.

[Signature]  
NOTARY PUBLIC



APPROVED AS TO FORM:

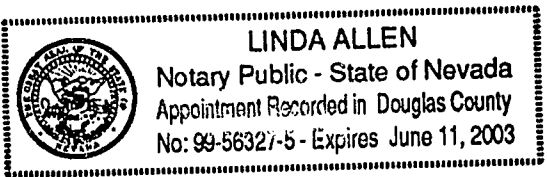
[Signature]  
Tahoe Regional Planning Agency



STATE OF NEVADA )  
                  ) SS.  
COUNTY OF DOUGLAS )

On this 4<sup>th</sup> day of October, 2002, before me, personally appeared Jordan Kane 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



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# Exhibit A

## 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.B. & 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 Northeasterly line of MICHELE DRIVE the following distances and courses; North  $18^{\circ} 23' 35''$  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  $10^{\circ} 25' 14''$  for an arc distance of 104.58 feet; thence North  $28^{\circ} 48' 49''$  East, a distance of 257.22 feet to the point of intersection with the Southwesterly line of Kahle Drive extended Northwesterly; thence along the Southwesterly line of said Kahle Drive extended North  $61^{\circ} 11' 11''$  West, a distance of 486.87 feet to the TRUB POINT OF BEGINNING; thence continuing along said line North  $61^{\circ} 11' 11''$  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  $90^{\circ} 00'$ , an arc distance of 31.42 feet; thence South  $28^{\circ} 48' 49''$  West, a distance of 295.29 feet to a point; thence South  $60^{\circ} 40' 41''$  East, a distance of 585.65 feet; thence North  $28^{\circ} 48' 49''$  East, a distance of 320.54 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 AFFECT, 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 *bl* DEPUTY

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0524684

BK 1001 PG 2503

BK 1002 PG 02112

# EXHIBIT B

Order No. TSL-21384  
Document Transfer Tax \$780.00  
APN 05-350-050 & 05-350-060

Mail Tax Bill to Grantee:  
P.O. Box 456  
Zephyr Cove, NV 89448

2000-24637-702

## GRANT, BARGAIN and SALE DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged

KENNETH BITLER and PEGGY L. BITLER, as Trustees of the Ken and Peggy Bitler Family Trust dated May 13, 1992

do hereby GRANT, BARGAIN and SELL TO

LEWIS S. FELDMAN and MARTA JO. SCHACHTILI, as Trustees of the FELDMAN FAMILY TRUST under Trust Agreement dated 12/24/95 as to an undivided 1/2 interest in and to Parcels I and II and LESLIE J. SHAW and JANICE E. SHAW, husband and wife as Joint Tenants with the Right of Survivorship as to an undivided 1/2 interest in and to Parcels I and II;

LAKE SALMON, LLC, a Nevada Limited Liability Company as to Parcel III

the real property situate in the County of Douglas, State of Nevada, described as follows:

### PARCEL I

A parcel of land situate in the SW 1/4 of the SE 1/4 of Section 15, Township 13, North, range 18 East, M.D.B.&M., Douglas County, Nevada, being more particularly described as follows:

BEGINNING at the intersection of the South line of the SE 1/4 of said Section 15 and the southwesterly right of way of U.S. Highway 50; thence along said right of way North 47°36'00" West 60.41' to the southeasterly corner of that certain parcel as described in Book Y of Deeds at Page 264 and recorded September 27, 1947; thence along the boundary of said parcel the following courses: South 85°30'00" West 150.00'; North 47°36'00" West 150.00'; North 85°30'00"; East 150.00' to the right of way of U.S. Highway 50; thence along said right of way North 47°36'00" West 131.49' to a 2" iron pipe; thence South 59°52'38" West 168.73'; thence South 47°06'07" East 70.94'; thence South 36°08'08" West 120.20' to the section line common to Sections 22 and 15; thence along said section line South 89°55'52" east 417.34' to the point of beginning.

### PARCEL II

That certain non-exclusive easement for the purposes of ingress and egress over and across the Southwesterly 20' of the adjacent parcel of property, more particularly described as follows:

COMMENCING at a 1" iron pipe at the intersection of the Southerly line of said Section 15 and the Southwesterly line of U.S. Highway 50, 80 feet wide; thence North 47°36'00" West along said Southwesterly line 341.05 feet to the point of beginning; thence continuing along said Southwesterly line North 47°36'00" West 150.00 feet to the Southeasterly line of Elks Point Road 50 feet wide; thence South along said Southeasterly line South 42°17'45" West 68.38 feet; thence South 42°53'53" West 91.62 feet; thence South 47°06'07" East 110.00 feet; thence North 59°52'38" East 168.74 feet to the true point of beginning.

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EXHIBIT B (PAGE 2)

PARCEL III

All that real property situate in the Southwest 1/4 of the Southeast 1/4 of Section 15, Township 13 North, Range 18 East, M.D.B.&M., in the County of Douglas, State of Nevada, described as follows:

COMMENCING at the intersection of the Westerly right of way line of the Nevada State Highway with the South line of said Section 15, whence the South quarter corner of said Section bears North 89°51' West 1003.75 feet; thence North 47°36' West 60.41 feet along said right of way line to the Point of Beginning; thence North 47°36' West 150 feet along said right of way line; thence South 85°30' West 150 feet; thence South 47°36' East 150 feet to the line of a fence; thence North 85°30' East 150 feet along said fence line to the Point of Beginning.

TOGETHER WITH all tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversion, remainders, rents, issues or profits thereof.

DATED JAN 9, 2001

KEN AND PEGGY BITLER FAMILY TRUST

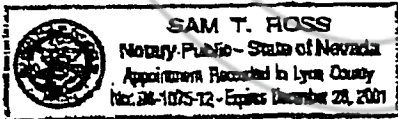
Kenneth Bitler  
KENNETH BITLER, Trustee

Peggy L. Bitler  
PEGGY L. BITLER, Trustee

STATE OF NEVADA )  
COUNTY OF LYON ) ss.

On JAN 9, 2001 personally appeared before me, a Notary Public (or Judge or other authorized person, as the case may be), KENNETH BITLER and PEGGY L. BITLER, Trustees of the KEN AND PEGGY BITLER FAMILY TRUST who acknowledged to me that they executed the within instrument.

[Signature]  
Notary Public



RECORDERS USE  
REQUESTED BY  
FIRST AMERICAN TITLE CO.  
IN OFFICIAL RECORDS OF  
DOUGLAS CO. NEVADA  
2001 JAN 12 PM 4:22  
LINDA SLATER  
RECORDER  
580 PAID DEPUTY

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COPY

REQUESTED BY  
**MARQUIS TITLE & ESCROW**  
IN OFFICIAL RECORDS OF  
DOUGLAS CO., NEVADA

2002 OCT -7 AM 9: 53

LINDA SLATER  
RECORDER

\$25<sup>00</sup> PAID *K2* DEPUTY

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