

16

Sally Huttenmayer  
Box 1268  
Zephyr Cove NV 89448

REQUESTED BY:  
Sally Huttenmayer  
IN OFFICIAL RECORDS OF  
DOUGLAS CO., NEVADA

**RECORDING REQUESTED BY:**

Tahoe Regional Planning Agency  
Post Office Box 5310  
Stateline, Nevada 89449

2003 JUL 22 AM 9:56

WERNER CHRISTEN  
RECORDER

**WHEN RECORDED MAIL TO:**

Tahoe Regional Planning Agency  
Post Office Box 5310  
Stateline, Nevada 89449  
Attn: Katie Guthrie, Associate Environmental Specialist

\$16.00 PAID OK DEPUTY

**DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS  
CONCERNING THE USE OF THE GARAGE AND THE LIVING  
AREA ABOVE THE GARAGE ("DEED RESTRICTION")**

This Deed Restriction is made by Helmut H. Huttenmayer and Sally Huttenmayer, husband and wife as joint tenants (hereinafter collectively referred to as "Declarant").

**RECITALS**

1. Declarant is the owners of certain real property described as follows:  
  
Lot 18, Block 3, as shown on the Map of Zephyr Heights Subdivision filed for record July 5, 1947, in Book 1 of Maps as Document No. 5160 in the office of the County Recorder of Douglas County, State of Nevada.  
  
Said parcel was recorded on January 23, 1989, as Document No. 194874, Book 189, Page 2782, in the Office of County Recorder, Douglas County, and having Assessor's Parcel Number ("APN") 1318-10-417-016, formerly having APN 05-181-18 (hereinafter the "Property").
2. The Property is 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.
3. Declarant has received approval from the Tahoe Regional Planning Agency (TRPA) on December 31, 1991 to construct a single family residence on the Property, including a garage with a living area over the garage.
4. As a condition of the above approval, Chapter 18 of the TRPA Code of Ordinances requires the appropriate deed restriction be recorded documenting the limits to the use of the garage and the second floor living area above the garage on the Property.

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**DECLARATIONS**

1. Declarant hereby declares that the garage, including the second floor living area over the garage, is and shall be an accessory use to and part of the primary residence on the Property, and shall not be used in a fashion as to constitute a secondary residence or separate residential unit. The garage and second floor living area, as accessory uses, shall not be permitted to contain cooking facilities. The garage and second floor area shall not be leased rented, or used separate from the primary residence on the Property. Use of the garage or second floor living areas as a separate residential unit shall constitute a violation of the TRPA approval.
2. 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 Property described above and shall be binding on the Declarant and Declarant's assigns and all persons hereafter 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 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 Deed Restriction this the day and year written above.

Declarant's Signature:

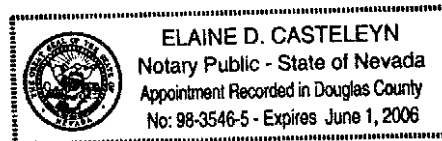
Helmut H. Huttenmayer  
Helmut H. Huttenmayer

Dated: 7-15-03

STATE OF )  
                  ) SS.  
COUNTY OF )

On this 15 day of July, 2003, before me, personally appeared Helmut H. Huttenmayer, 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.

Elaine D. Casteleyn  
NOTARY PUBLIC



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Declarant's Signature:

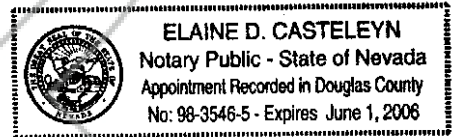
Sally Huttenmayer  
Sally Huttenmayer

Dated: 7-15-03

STATE OF )  
                  ) SS.  
COUNTY OF )

On this 15 day of July, 2003, before me, personally appeared Sally Huttenmayer 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.

Elaine D. Casteleyn  
NOTARY PUBLIC



APPROVED AS TO FORM:

Jordan Kahn  
Tahoe Regional Planning Agency Jordan Kahn

STATE OF NEVADA )  
                  ) SS.  
COUNTY OF DOUGLAS )

On this 10<sup>th</sup> day of June, 2003, 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.

Katherine S. White  
NOTARY PUBLIC



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