

REQUESTED BY
Alling + Jilka Ltd
IN OFFICIAL RECORDS OF
DOUGLAS CO., NEVADA

2003 AUG 26 AM 11:17

WERNER CHRISTEN
RECORDER

26.00 PAID *Ka* DEPUTY

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: Jeanne McNamara, Associate Planner
TRPA File No.: 210194

**DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
PROJECT AREA AND COVERAGE CALCULATION
("DEED RESTRICTION")**

This Deed Restriction is made this 31st day of June, 2003, by Judy Cuthbertson, a married woman as her sole and separate property; Evie Viera, a married woman as her sole and separate property; Gary A. Michelsen, an unmarried man; Ronald J. Michelsen and Carole A. Michelsen, husband and wife as joint tenants; Gary A. Michelsen, Administrator of the Estate of Mark L. Michelsen, Deceased; John E. Michelsen, Trustee of the John E. Michelsen Family Trust Agreement (hereinafter collectively referred to as "Declarants")

RECITALS

- 1. Declarants are the owners of the following real property located in Douglas County, Nevada, as set forth below:

Parcel One:

Judy Cuthbertson and Evie Viera are owners of certain real property located in Douglas County, State of Nevada, described as follows:

The parcel described in Exhibit "A" attached hereto and incorporated by reference.

Said parcel was recorded in the Official Records of Douglas County, Nevada on October 17, 2002, in Document Number 0555098, Book 1002, Page 07326, and also recorded on April 30, 2002, in Document Number 0541065, Book 0402, Page 09875, having Assessor's Parcel Number (APN) 1318-10-416-062 (formerly APN 05-185-01).

Parcel Two:

Gary A. Michelsen, as to an undivided 1/3 interest; Ronald J. Michelsen and Carole A. Michelsen, as to an undivided 1/3 interest; and Gary A. Michelsen, Administrator of the Estate of Mark L. Michelsen, Deceased, as to an undivided 1/3 interest, are owners of certain real property located in Douglas County, State of Nevada, described as follows:

The parcel described in Exhibit "B" attached hereto and incorporated by reference.

SEAL

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Said parcel was recorded in the Official Records of Douglas County, Nevada on October 17, 2002, in Document Number 0555097, Book 1002, Page 07324, having APN 1318-15-102-002 (formerly APN 05-185-02).

Parcel Three:

John E. Michelsen, Trustee of the John E. Michelsen Family Trust, is the owner of certain real property located in Douglas County, State of Nevada, described as follows:

The parcel described in Exhibit "C" attached hereto and incorporated by reference.

Said parcel was recorded in the Official Records of Douglas County, Nevada on October 17, 2002, in Document Number 0555096, Book 1002, Page 07322, having APN 1318-15-102-003 (formerly APN 05-220-22).

PARCEL ONE, PARCEL TWO, and PARCEL THREE are hereinafter collectively referred to as the "Property."

2. The Property is located in the Tahoe Region as described in the Tahoe Regional Planning Compact (P.L. 96-551, Stat. 3233, 1980), which region is subject to the regional plan and the ordinances adopted by the Tahoe Regional Planning Agency (hereafter "TRPA") pursuant to the Tahoe Regional Planning Compact.
3. Declarants received approval from the TRPA on October 10, 2001 to adjust the lot lines between Parcels One, Two and Three (TRPA file 210194), subject to certain conditions contained on said approval, including a condition that Declarants record a deed restriction permanently assuring that the coverage calculations for the parcels within the project area shall always be made as if the parcels had been legally consolidated.
4. As a condition of the above approval, Chapter 20, Land Coverage, Section 20.3.D(1)(a) of the TRPA Code of Ordinances, requires that the parcels within the above project area be treated as if legally consolidated for the purpose of future land coverage calculations within the project area.

DECLARATIONS

1. Declarants hereby declare that, for the purpose of satisfying TRPA's October 10, 2001 condition of approval, the Property, consisting of PARCEL ONE, PARCEL TWO, and PARCEL THREE identified herein, shall always be treated as if the parcels had been legally consolidated for the purposes of land coverage calculations within the project area, and the applying TRPA ordinances pertaining to land coverage.
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 Declarants and Declarants' assigns, and all persons acquiring or owning any interest in the property. **SEAL**
3. 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 shall be deemed and agreed to be a third party beneficiary of this Deed Restriction, and as such, can enforce the provisions of this Deed Restriction.

0587774

BK0803PG13868

IN WITNESS WHEREOF, Declarants have executed this Deed Restriction as of the day and year written above.

Declarant's Signature:

By: Judy Cuthbertson
Judy Cuthbertson

Dated: 8-20-03

STATE OF CALIFORNIA)
) SS.
COUNTY OF CONTRA COSTA

On this 20th day of AUG, 2003, before me, personally appeared JUDY CUTHBERTSON, 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.

Miao-Ju Slimp
NOTARY PUBLIC



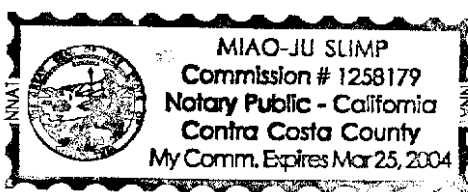
Declarant's Signature:
By: Evie Viera
Evie Viera

Dated: 8-20-03

STATE OF CALIFORNIA)
) SS.
COUNTY OF CONTRA COSTA

On this 20th day of AUG, 2003, before me, personally appeared EVIE VIERA, 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.

Miao-Ju Slimp
NOTARY PUBLIC



SEAL

0587774

BK0803PG13869

Declarant's Signature:

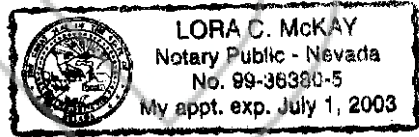
By: [Signature]
Gary A. Michelsen

Dated: 6/3/3

STATE OF Nevada)
COUNTY OF Douglas) SS.

On this 3rd day of June, 2003, before me, personally appeared Gary A. Michelsen, 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



Declarant's Signature:

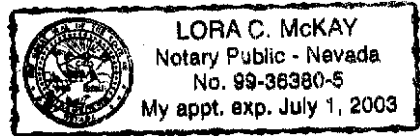
By: [Signature]
Ronald J. Michelsen

Dated: 6/3/03

STATE OF Nevada)
COUNTY OF Douglas) SS.

On this 3rd day of June, 2003, before me, personally appeared Ronald J. Michelsen, 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



0587774

BK 0803 PG 13870

Michelsen

Page 5 of 6

Declarant's Signature:

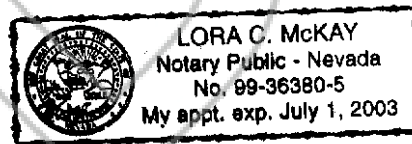
By: Carole A. Michelsen
Carole A. Michelsen

Dated: 6/3/03

STATE OF Nevada)
COUNTY OF Douglas) SS.

On this 30 day of June, 2003, before me, personally appeared Carole A. Michelsen, 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.

Lora C. McKay
NOTARY PUBLIC



Declarant's Signature:

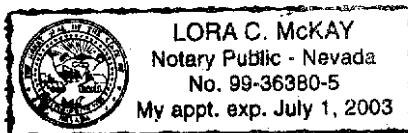
By: Gary A. Michelsen
Gary A. Michelsen
Administrator of the Estate of Mark L. Michelsen, Deceased

Dated: 6/3/3

STATE OF Nevada)
COUNTY OF Douglas) SS.

On this 30 day of June, 2003, before me, personally appeared Gary A. Michelsen, 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.

Lora C. McKay
NOTARY PUBLIC



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Declarant's Signature:

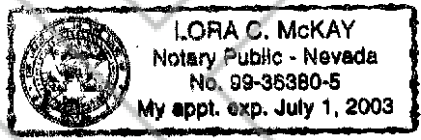
By: John E. Michelsen
John E. Michelsen
Trustee of the John E. Michelsen Family Trust Agreement

Dated: 6/3/03

STATE OF Nevada)
COUNTY OF Douglas) SS.

On this 30 day of June, 2003, before me, personally appeared John E. Michelsen 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.

Lora C. McKay
NOTARY PUBLIC



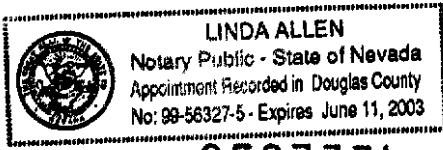
APPROVED AS TO FORM:

Jordan Kahn
Tahoe Regional Planning Agency

STATE OF NEVADA)
COUNTY OF DOUGLAS) SS.

On this 21st day of May, 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.

Linda Allen
NOTARY PUBLIC



0587774

EXHIBIT A

August 20, 2002
01285-2

DESCRIPTION
Adjusted APN 05-185-01

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

All that portion of Sections 10 & 15, Township 13 North, Range 18 East, M.D.M., more particularly described as follows:

Beginning at the Northwest corner of Lot 13, Block 6, of Zephyr Heights Second Addition, filed for record as Document No. 6530, and as shown on that Record of Survey filed for record on November 25, 1998, Document No. 455048;

thence along a curve concave to the Northeast with a radius 80.00 feet, a central angle of 52°15'20", and an arc length of 72.96 feet, the chord of said curve bears South 70°45'53" East 70.46 feet;

thence North 83°06'27" East 34.75 feet;

thence along a tangent curve to the left with a radius of 80.00 feet, a central angle of 48°35'17", and an arc length of 67.84 feet;

thence South 76°16'41" East 15.86 feet;

thence South 18°18'38" East 148.00 feet;

thence South 06°19'14" West 27.64 feet;

thence North 89°52'07" West 202.46 feet;

thence South 17°58'38" West 97.17 feet;

thence North 51°56'47" West 150.50 feet;

thence North 51°57'28" West 23.91 feet;

thence North 21°12'43" West 71.20 feet;

thence along a tangent curve to the right with a radius of 80.00 feet, a central angle of 23°19'40", and an arc length of 32.57 feet;

thence North 02°06'57" East 42.71 feet;

thence along a tangent curve to the right with a radius of 80.00 feet, a central angle of 21°17'20", and an arc length of 29.72 feet;

thence North 23°24'17" East 84.19 feet;

thence along a tangent curve to the right with a radius of 20.00 feet, a central angle of 111°57'30", and an arc length of 39.08 feet;

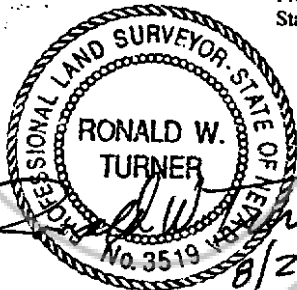
thence South 44°38'13" East 157.39 feet to the Point of Beginning.

Containing 1.73 acres, more or less.

The Basis of Bearing for this description is the above referenced Record of Survey, Document No. 455048.

Note: Refer this description to your title company before incorporating into any legal document.

Prepared by: Turner & Associates, Inc.
Land Surveying
P.O. Box 5067
Stateline, NV 89449



REQUESTED BY
Stewart Title of Douglas County
IN OFFICIAL RECORDS OF
DOUGLAS CO. NEVADA

2002 OCT 17 AM 11:08

LINDA SLATER
RECORDER

\$15.00 PAID *KJ* DEPUTY

0555098

BK1002PG07326

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BK0803PG13873

EXHIBIT B

August 20, 2002
01285-3

DESCRIPTION ⁰²
Adjusted APN 05-185-0102

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

All that portion of Sections 10 & 15, Township 13 North, Range 18 East, M.D.M., more particularly described as follows:

Beginning at the most Southerly corner of adjusted APN 05-185-03, as shown on that Record of Survey filed for record on November 25, 1998, Document No. 455048;

Thence North 51°56'47" West 481.25 feet;

Thence North 17°58'38" East 97.17 feet;

Thence South 89°52'07" East 202.46 feet;

Thence North 06°19'14" East 27.64 feet;

Thence North 18°18'38" West 148.00 feet;

Thence North 76°16'41" West 15.86 feet;

Thence along a curve concave to the Northwest with a radius of 80.00 feet, a central angle of 07°09'43", and a arc length of 10.00 feet, the chord of said curve bears North 30°56'18" East 9.99 feet;

Thence North 27°21'27" East 27.13;

Thence along a tangent curve to the right with a radius of 11.56 feet, a central angle of 109°59'00", and an arc length of 22.19 feet;

Thence South 42°39'33" East 99.25 feet;

Thence along a curve concave to the Northeast with a radius of 40.00 feet, a central angle of 118°25'04", and an arc length of 82.67 feet, the chord of said curve bears South 42°14'51" east 68.72 feet;

Thence South 04°55'59" East 216.72 feet;

Thence South 51°56'47" East 186.70 feet;

Thence South 38°03'13" West 178.65 feet to the Point of Beginning.

Containing 2.57 acres, more or less.

The Basis of Bearing for this description is the above referenced Record of Survey, Document No. 455048.

Note: Refer this description to your title company before incorporating into any legal document.

Prepared by: Turner & Associates, Inc.
Land Surveying
P.O. Box 5067
Stateline, NV 89449

RONALD W. TURNER
Ronald W. Turner
 8/20/02

0555097
BK1002PG07324

REQUESTED BY
Stewart Title of Douglas County
IN OFFICIAL RECORDS OF
DOUGLAS COUNTY, NEVADA

2002 OCT 17 AM 11:07

LINDA SLATER
RECORDER

\$15.00 PAID *kg* DEPUTY

0587774

BK0803PG13874

EXHIBIT C

12-19-01
01285

DESCRIPTION
APN 05-220-22

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

All that portion of Sections 10& 15, Township 13 North, Range 18 East, M.D.M., more particularly described as follows:

Beginning at the Southeast corner of Lot 10, Block 6, of Zephyr Heights Second Addition, filed for record as Document No. 6530, and as shown on that Record of Survey filed for record on November 25, 1998, Document No. 455048;

thence South 89°52'07" East 89.72 feet;
thence South 00°07'53" West 60.00 feet;
thence South 38°03'13" West 237.47 feet;
thence North 51°56'47" West 186.70 feet;
thence North 04°55'59" West 216.72 feet to a point on the Southerly line of

Marge Circle;

thence along a curve concave to the Northwest with a radius of 40.00 feet, a central angle of 79°27'25", and an arc length of 55.47 feet, the chord of said curve bears North 38°48'55" East 51.13 feet;

thence North 81°56'25" East 153.79 feet;

thence along a curve concave to the Northeast with a radius of 40.00 feet, a central angle of 74°33'16", and an arc length of 52.05 feet, the chord of said curve bears South 52°23'53" East 48.45 feet;

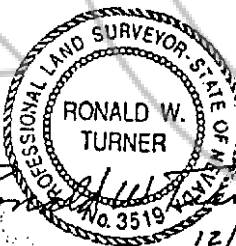
thence South 00°07'53" West 115.64 feet to the Point of Beginning.

Containing 1.81 acres, more or less.

The Basis of Bearing for this description is the above referenced Record of Survey, Document No. 455048.

Note: Refer this description to your title company before incorporating into any legal document.

Prepared by: Turner & Associates, Inc.
Land Surveying
P.O. Box 5067
Stateline, NV 89449



REQUESTED BY
Stewart Title of Douglas County
IN OFFICIAL RECORDS OF
DOUGLAS COUNTY, NEVADA

2002 OCT 17 AM 11:06

LINDA SLATER
RECORDER

\$15.00 PAID *kg* DEPUTY

0555096

BK 1002 PG 07322

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BK 0803 PG 13875

Agreement Between Parties to Accompany TRPA Project Area Deed Restriction

This Agreement is entered into by Judy Cuthbertson, Evie Viera, Gary A. Michelsen, Ronald J. Michelsen, and John E. Michelsen as Trustee of the John E. Michelsen Family Trust Agreement, under the following circumstances:

As the subject parcels are required to be treated as though merged for purposes of calculating coverage, the parties wish to clearly document the legally existing land coverage on their parcels and to protect their respective parcels and coverage from potential impacts due to modifications elsewhere within the project area. This agreement hereby sets out existing coverage for each parcel.

Parcel One, otherwise known as APN# 1318-10-416-062 (formerly 05-185-01), has been approved for a TRPA Boundary Line Adjustment project showing the following existing land coverage:

A/C Driveway and Parking	21,756 sf
Compacted Dirt Road & Parking	946 sf
Building	6,801 sf
Building Decks and Stairs	1,091 sf
Pool and Pool Deck	3,831 sf
Walkways and Steps	1,459 sf
Brick Patio Area	1,627 sf
Concrete	<u>23 sf</u>
Total	37,534 sf

Parcel Two, otherwise known as APN# 1318-15-102-002 (formerly 05-185-02), has been verified by TRPA (File #200703) as having the following legally existing land coverage:

A/C Driveway & Parking	4,021 sf
Buildings	1,649 sf
Decks & Stairs	664 sf
Walkways & Steps	229 sf
Concrete Patio & Walk	<u>490 sf</u>
Total	7,053 sf

Parcel Three, otherwise known as APN# 1318-15-102-003 (formerly 05-220-22), has been approved for a TRPA Boundary Line Adjustment project showing the following existing land coverage:

A/C Driveway & Parking	2,572 sf
Compacted Dirt	1,917 sf
House	2,006 sf
Pool, Rock Wall & Pond	1,809 sf

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BK0803PG13876

Deck and Porch	1,001 sf
(Upper) Concrete & Planter	495 sf
(Lower) Concrete Slab	<u>915 sf</u>
Total	10,715 sf

Although treated as though legally merged for purposes of identifying a project area as required by the TRPA approval, the parties hereby agree that the legally existing land coverage of each parcel shall be reserved exclusively for the use of each parcel, and that no party may make any modification to the coverage on their parcel that would in anyway exceed the coverage allocated herein to that parcel. This agreement will accompany the TRPA deed restriction, and both documents will be recorded at the same time.

Upon recordation, this agreement shall be binding on all parties as signed below.

Judy Cuthbertson _____ 8-20-03
 Judy Cuthbertson Date

STATE OF ~~NEVADA~~ ^{CALIFORNIA})
 COUNTY OF ~~DOUGLAS~~ ^{CONTRA COSTA}) SS.

On this 20th day of AUG, 2003, before me, personally appeared Judy Cuthbertson, personally known to me, or proved to be 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 be 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.

Miao-Ju Slimp
 NOTARY PUBLIC



Evie Viera _____ 8-20-03
 Evie Viera Date

STATE OF ~~NEVADA~~ ^{CALIFORNIA})
 COUNTY OF ~~DOUGLAS~~ ^{CONTRA COSTA}) SS.

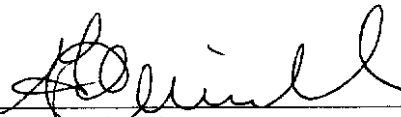
0587774

BK0803PG13877

On this 20th day of AUG, 2003, before me, personally appeared Evie Viera, personally known to me, or proved to be 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 be 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.


NOTARY PUBLIC




Gary A. Michelsen

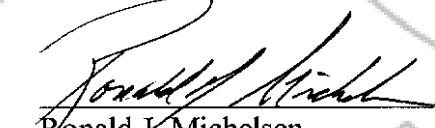
8/18/03
Date

STATE OF NEVADA)
) SS.
COUNTY OF DOUGLAS)

On this 18th day of August, 2003, before me, personally appeared Gary A. Michelsen, personally known to me, or proved to be 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 be 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.


NOTARY PUBLIC




Ronald J. Michelsen

8/18/03
Date

STATE OF NEVADA)
) SS.
COUNTY OF DOUGLAS)

On this 18th day of August, 2003, before me, personally appeared Ronald J. Michelsen, personally known to me, or proved to be to be, on the basis


0587774

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of satisfactory evidence to be the person whose name(s) is/are subscribed to the within instrument, and acknowledged to be 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.


NOTARY PUBLIC



 8/18/03
John E. Michelsen Date
Trustee of the John E. Michelsen Family Trust Agreement

STATE OF NEVADA)
) SS.
COUNTY OF DOUGLAS)

On this 18th day of August 2003, before me, personally appeared John E Michelsen, personally known to me, or proved to be 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 be 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.


NOTARY PUBLIC



0587774

BK0803PG13879