

23

REQUESTED BY
Kjirsten Frank
IN OFFICIAL RECORDS OF
DOUGLAS CO., NEVADA

RECORDING REQUESTED BY:

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

2004 MAY -7 PM 4:38

WERNER CHRISTEN
RECORDER

WHEN RECORDED MAIL TO:

2300 PAID 132 DEPUTY

✓ Tahoe Regional Planning Agency
Post Office Box 5310
Stateline, Nevada 89449
Attn: Theresa Avance, Associate Planner
TRPA File # 20030363

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

This Deed Restriction is made this 7th day of January, 2004 ^{2004 NESP} by Herbert Schilling II, a married man as his sole and separate property, and Dennis V. Raggi and Michele L. Raggi, husband and wife as joint tenants (hereinafter collectively referred to as "Declarants"). ^{E. NESP}

RECITALS

1. Herbert Schilling II is the owner of certain real property located in Douglas County, State of Nevada, described as follows:

See attached "Exhibit A".

Said parcel was recorded under Document number 0511015, Book 0301, Page 6073, on March 26, 2001 in the Office of the Douglas County Recorder, and having Assessor's Parcel Numbers (APN) 1318-24-310-001, 1318-24-310-002, 1318-24-310-003, 1318-24-310-004, 1318-24-310-005, 1318-24-310-007, 1318-24-310-008.

Herbert Schilling II is the owner of certain real property located in Douglas County, State of Nevada, described as follows:

See attached "Exhibit B".

Said parcel was recorded under Document number 0509000, Book 0201, Page 3765, on February 20, 2001 in the Office of the Douglas County Recorder, and having Assessor's Parcel Number (APN) 1318-24-310-006.

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Dennis V. Raggi and Michele L. Raggi are the owners of certain real property located in Douglas County, State of Nevada, described as follows:

Lot 1, Block C, as shown on the map of Kingsbury Highlands Subdivision, recorded in the office of the County Recorder on November 21, 1961, as Document No. 16916, Official Records, of Douglas County, State of Nevada.

Said parcel was recorded under Document Number 0483121, Book 1299, Page 4031, on December 21, 1999 in the Office of the County Recorder of Douglas County, and having Assessor's Parcel Number (APN) 1318-24-311-002.

The above described parcels 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 a revised approval from the TRPA on October 17, 2003 to adjust property lines and consolidate parcels, 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 Property be treated as if legally consolidated for the purpose of future land coverage calculations within the project area. Due to the previously approved and recorded subdivision calculations and project area, the parcels within the project area (Property) will be treated as if legally consolidated for the purpose of future land coverage calculations within the project area. The maximum coverage for the project area shall not exceed 43,939 square feet. This figure includes coverage for the building sites, the access roadway, and 5,000 square feet of coverage that has been previously recognized as a local road by TRPA, and which is unavailable for relocation.

DECLARATIONS

1. Declarant hereby declares that, for the purpose of satisfying TRPA's October 17, 2003 condition of approval, the Property 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.

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- 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.

IN WITNESS WHEREOF, Declarant has executed this Deed Restriction this the day and year written above.

Declarant's Signature:

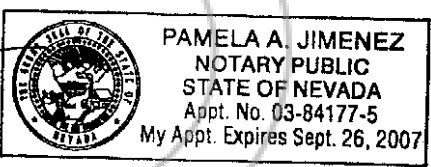
Herbert E Schilling II
 Herbert Schilling II
 E. NEV.

Dated: 1/7/04

STATE OF)
 COUNTY OF) SS.

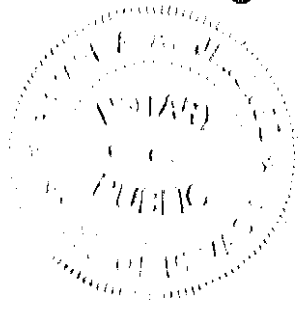
On this 7th day of January, 2004, before me, personally appeared _____ personally known to me, or proved to me to be on the basis of satisfactory evidence to be the person whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same in his/her/their 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.

Pamela A. Jimenez
 NOTARY PUBLIC



///
 ///
 ///

SEAL



Declarant's Signature:

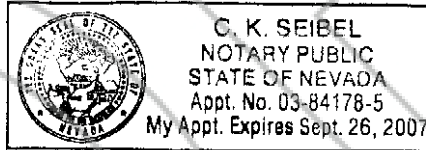
[Handwritten Signature]
Dennis V. Raggi

Dated: 5-5-04

STATE OF)
) SS.
COUNTY OF)

On this 5th day of May, ²⁰⁰⁴~~2003~~, before me, personally appeared Dennis Raggi 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.

[Handwritten Signature]
NOTARY PUBLIC



Declarant's Signature:

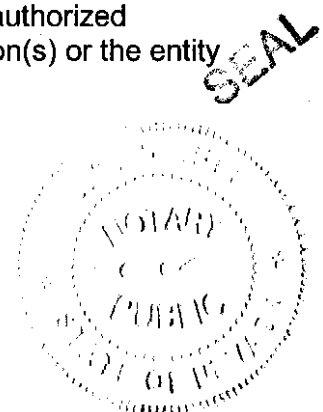
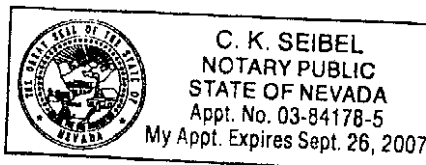
[Handwritten Signature]
Michele L. Raggi

Dated: May 5, 2004

STATE OF)
) SS.
COUNTY OF)

On this 5th day of May, ²⁰⁰⁴~~2003~~, before me, personally appeared Michele Raggi 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.

[Handwritten Signature]
NOTARY PUBLIC



0612588

EXHIBIT A
LEGAL DESCRIPTION

ESCROW NO.: 010200110

PARCEL NO. 1:

All of Lot 1 of Hansen Heights Estates, filed for record on December 6, 1979, as Document No. 39361, and that portion of the Southwest 1/4 of Section 24, Township 13 North, Range 10 East, M.D.M., more particularly described as follows:

Beginning at the Southwest corner of said Hansen Heights Estates; thence North $00^{\circ}24'57''$ East 330.96 feet; thence South $85^{\circ}43'00''$ East 99.74 feet; thence South $61^{\circ}47'00''$ East 25.04 feet; thence South $28^{\circ}13'00''$ West 70.93 feet; thence along a tangent curve to the right with a radius of 75.00 feet, a central angle of $19^{\circ}52'00''$, and an arc length of 26.01 feet; thence along a tangent curve to the left with a radius of 75.00 feet, a central angle of $183^{\circ}28'00''$, and an arc length of 240.16 feet; thence along a tangent curve to the right with a radius of 75.00 feet, a central angle of $28^{\circ}17'00''$, and an arc length of 37.02 feet; thence North $72^{\circ}54'00''$ East 95.00 feet; thence along a tangent curve to the right with a radius of 120.00 feet, a central angle of $78^{\circ}30'00''$, and an arc length of 164.41 feet; thence South $28^{\circ}36'00''$ East 130.69 feet; thence North $89^{\circ}27'45''$ West 509.26 feet to the Point of Beginning.

The Basis of Bearing for this description is the above referenced Hansen Heights Estates.

Said land is further shown on that certain Record of Survey for Olive Enterprises, recorded February 16, 2001, in Book 0201, Page 2957, Document No. 508806, Official Records of Douglas County, Nevada.

APN 07-480-010

All of Lot 2 of Hansen Heights Estates, filed for record on December 6, 1979, as Document No. 39361, and that portion of the Southwest 1/4 of Section 24, Township 13 North, Range 10 East, M.D.M., more particularly described as follows:

Beginning at the Southwest corner of said Lot 2; thence North $85^{\circ}43'00''$ West 9.39 feet; thence North $00^{\circ}24'57''$ East 51.27 feet; thence South $85^{\circ}43'00''$ East 153.30 feet; thence South $28^{\circ}13'00''$ West 67.07 feet; thence North $61^{\circ}47'00''$ West 25.04 feet; thence North $85^{\circ}43'00''$ West 90.35 feet to the Point of Beginning.

The Basis of Bearing for this description is the above referenced Hansen Heights Estates.

Said land is further shown on that certain Record of Survey for Olive Enterprises, recorded February 16, 2001, in Book 0201, Page 2957, Document No. 508806, Official Records of Douglas County, Nevada.

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ESCROW NO.: 010200110

APN 07-480-020

All of Lot 3 of Hansen Heights Estates, filed for record on December 6, 1979, as Document No. 39361, and that portion of the Southwest 1/4 of Section 24, Township 13 North, Range 18 East, N.D.M., more particularly described as follows:

Beginning at the center of the Summer Place cul-de-sac; thence North 85°43'00" West 153.30 feet; thence North 00°24'57" East 137.52 feet; thence South 45°33'13" East 212.73 feet to the Point of Beginning.

The Basis of Bearing for this description is the above referenced Hansen Heights Estates.

Said land is further shown on that certain Record of Survey for Olive Enterprises, recorded February 16, 2001, in Book 0201, Page 2957, Document No. 508806, Official Records of Douglas County, Nevada.

APN 07-480-030

All of Lot 4 of Hansen Heights Estates, filed for record on December 6, 1979, as Document No. 39361, and that portion of the Southwest 1/4 of Section 24, Township 13 North, Range 18 East, N.D.M., more particularly described as follows:

Beginning at the center of the Summer Place cul-de-sac; thence North 45°33'13" West 212.73 feet; thence North 00°24'57" East 133.36 feet; thence South 89°18'57" East 128.39 feet; thence South 04°35'10" East 281.69 feet to the Point of Beginning.

The Basis of Bearing for this description is the above referenced Hansen Heights Estates.

Said land is further shown on that certain Record of Survey for Olive Enterprises, recorded February 16, 2001, in Book 0201, Page 2957, Document No. 508806, Official Records of Douglas County, Nevada.

APN 07-480-040

All of that portion of Lot 5 of Hansen Heights Estates, filed for record on December 6, 1979, as Document No. 39361, and that portion of the Southwest 1/4 of Section 24, Township 13 North, Range 18 East, N.D.M., more particularly described as follows:

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ESCROW NO.: 010200110

Beginning at the center of the Summer Place cul-de-sac; thence North $04^{\circ}35'10''$ West 281.69 feet; thence South $89^{\circ}18'57''$ East 531.63 feet; thence South $00^{\circ}23'02''$ West 70.56 feet; thence North $89^{\circ}20'49''$ West 409.27 feet; thence South $25^{\circ}28'31''$ West 231.01 feet to the Point of Beginning.

The Basis of Bearing for this description is the above referenced Hansen Heights Estates.

Said land is further shown on that certain Record of Survey for Olive Enterprises, recorded February 16, 2001, in Book 0201, Page 2957, Document No. 508806, Official Records of Douglas County, Nevada.

APN 07-480-050

All of Lot 7 of Hansen Heights Estates, filed for record on December 6, 1979, as Document No. 39361, and that portion of the Southwest $1/4$ of Section 24, Township 13 North, Range 18 East, N.D.M., more particularly described as follows:

Beginning at the center of the Summer Place cul-de-sac; thence South $61^{\circ}43'44''$ East 205.00 feet; thence South $18^{\circ}34'31''$ West 163.57 feet; thence North $38^{\circ}53'40''$ West 131.01 feet; thence North $31^{\circ}27'57''$ West 119.03 feet to the Point of Beginning.

The Basis of Bearing for this description is the above referenced Hansen Heights Estates.

Said land is further shown on that certain Record of Survey for Olive Enterprises, recorded February 16, 2001, in Book 0201, Page 2957, Document No. 508806, Official Records of Douglas County, Nevada.

APN 07-480-070

PARCEL NO. 2:

An easement 50 feet in width for access and utility purposes described as follows:

COMMENCING at the Northeast corner of the Northeast $1/4$ of the Southwest $1/4$ of the Northeast $1/4$ of the Southwest $1/4$ of Section 24, Township 13 North, Range 18 East, N.D.B.E.M., thence along the Northerly boundary North 89 degrees $43'34''$ West, 162.68 feet to the centerline and TRUE POINT OF BEGINNING of

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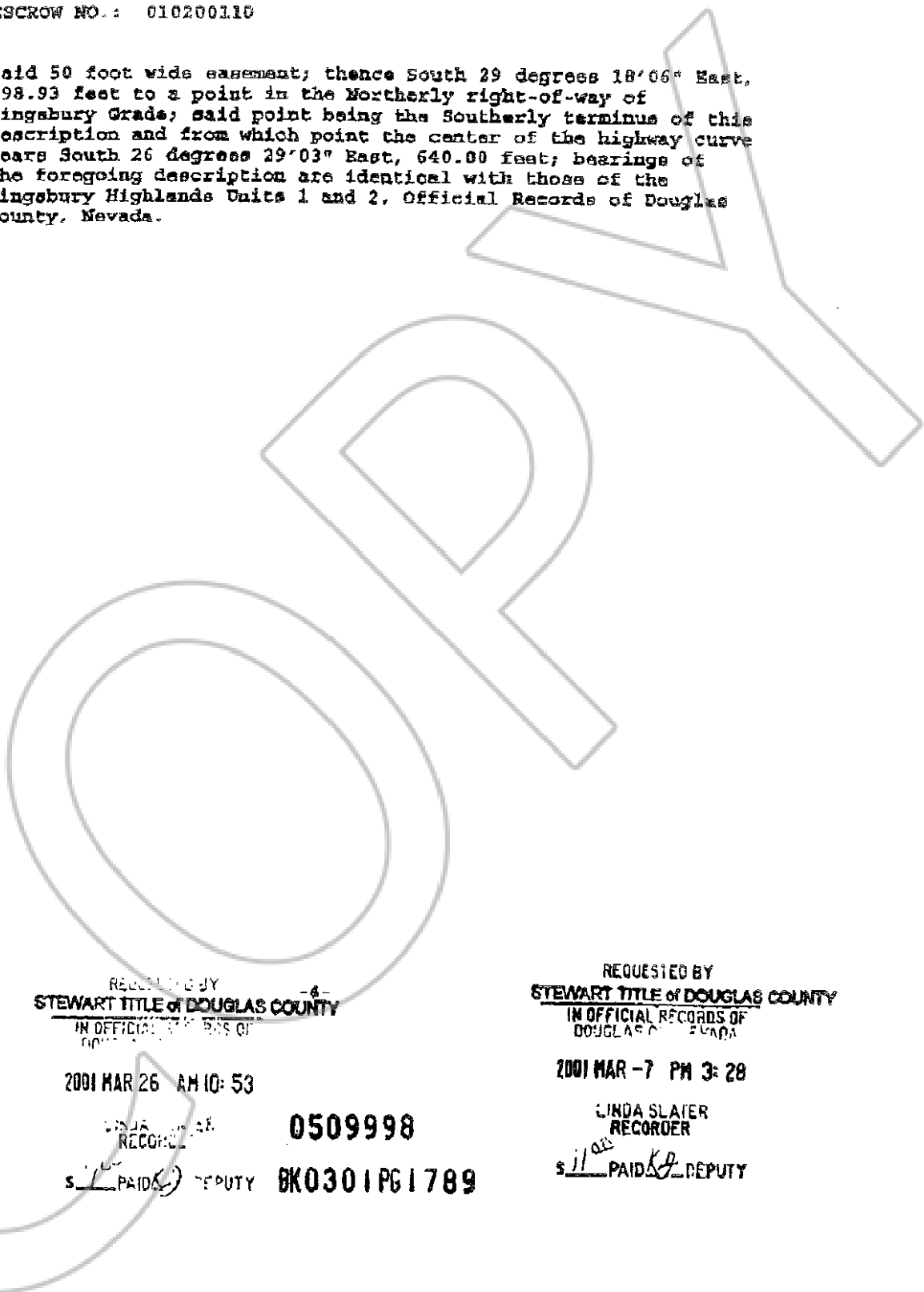
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0612588
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ESCROW NO.: 010200110

said 50 foot wide easement; thence South 29 degrees 18'06" East, 298.93 feet to a point in the Northerly right-of-way of Kingsbury Grade; said point being the Southerly terminus of this description and from which point the center of the highway curve bears South 26 degrees 29'03" East, 640.00 feet; bearings of the foregoing description are identical with those of the Kingsbury Highlands Units 1 and 2, Official Records of Douglas County, Nevada.



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0511015

RECEIVED BY
STEWART TITLE OF DOUGLAS COUNTY

IN OFFICIAL RECORDS OF
DOUGLAS COUNTY, NEVADA

2001 MAR 26 AM 10: 53

LINDA SLATER
RECORDER

PAID BY DEPUTY

0509998

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REQUESTED BY
STEWART TITLE OF DOUGLAS COUNTY

IN OFFICIAL RECORDS OF
DOUGLAS COUNTY, NEVADA

2001 MAR -7 PM 3: 28

LINDA SLATER
RECORDER

PAID BY DEPUTY

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EXHIBIT B

LEGAL DESCRIPTION

ESCROW NO.: 010200109

PARCEL NO. 1:

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

All those portions of Lots 5 and 6 of Hansen Heights Estates, filed for record on December 6, 1979, as Document No. 39361, and that portion of the Southwest 1/4 of Section 24, Township 13 North, Range 18 East, N.D.M., more particularly described as follows:

Beginning at the center of the Summer Place cul-de-sac; thence North 25°28'31" East 231.01 feet; thence South 89°20'49" East 409.27 feet; thence South 80°23'02" West 580.86 feet; thence North 89°27'45" West 157.12 feet; thence North 28°36'00" West 130.69 feet; thence along a tangent curve to the left with a radius of 120.00 feet, central angle of 78°30'00", and an arc length of 164.41 feet; thence North 18°34'31" East 183.57 feet; thence North 81°43'44" West 205.00 feet to the Point of Beginning.

The Basis of Bearing for this description is the above referenced Hansen Heights Estates.

Said property is shown on that certain Record of Survey Recorded February 16, 2001, in Book 0201, Page 2957, as Document No. 508806.

Assessors Parcel No. 07-480-100 AND A PORTION OF 07-480-050

PARCEL NO. 2:

An easement 50 feet in width for access and utility purposes described as follows:

COMMENCING at the Northeast corner of the Northeast 1/4 of the Southwest 1/4 of the Northeast 1/4 of the Southwest 1/4 of Section 24, Township 13 North, Range 18 East, N.D.B.&M., thence along the Northerly boundary North 89 degrees 43'34" West, 162.68 feet to the centerline and TRUE POINT OF BEGINNING of said 50 foot wide easement; thence South 29 degrees 18'06" East, 298.93 feet to a point in the Northerly right-of-way of Kingsbury Grade; said point being the Southerly terminus of this description and from which point the center of the highway curve bears South 26 degrees 29'03" East, 640.00 feet; bearings of the foregoing description are identical with those of the Kingsbury Highlands Units 1 and 2, Official Records of Douglas County, Nevada.

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