

REQUESTED BY
Debbi Jacobson
IN OFFICIAL RECORDS OF
DOUGLAS CO. NEVADA

RECORDING REQUESTED BY:

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

2004 SEP 20 AM 11:04

WERNER CHRISTEN
RECORDER

\$ 17⁰⁰ PAID Bh DEPUTY

WHEN RECORDED MAIL TO:

- ✓ Tahoe Regional Planning Agency
Post Office Box 5310
Stateline, Nevada 89449
Attn: Kathy Canfield, Senior Planner
TRPA File 20040454

**DEED RESTRICTION AND
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR TRANSFER OF EXISTING DEVELOPMENT CONSISTING
OF A RESIDENTIAL UNIT OF USE ("DEED RESTRICTION")
TO BE RECORDED AGAINST APN 1318-22-002-003**

This Deed Restriction is made this 1st day of September, 2004, by Meadow Brook Associates, LP, a Nevada Limited Partnership, (hereinafter "Declarant").

RECITALS

1. Declarant is the owners of certain real property located in Douglas County, State of Nevada, described as follows:

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°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 Kahle Drive extended Northwesterly; thence along the Southwesterly line of said Kahle 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 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

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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 320.54 feet to the POINT OF BEGINNING.

The above metes and bounds description appeared previously in that certain document recorded October 9, 2001, in Book 1001, page 2502 as Document No. 524684.

Said parcel was recorded on November 7, 2003, as Document Number 0596233 in the Official Records of Douglas County, Nevada and having Assessor's Parcel Number (APN): 1318-22-002-003 (formerly APN 07-100-01, hereinafter "Sending Parcel").

2. The Declarant has received approval from the Tahoe Regional Planning Agency (TRPA) on June 10, 2004, to transfer existing development consisting of one existing residential unit of use from the Sending Parcel to the Receiving Parcel, described as follows:

Lot 22 of Angora Highlands Unit No. 1, filed in the office of the County Recorder of El Dorado County, State of California on December 18, 1963 in Book D of Maps, Map No. 16.

Said parcel was recorded as Document Number 19699 on May 10, 1977, in the office of the County Recorder of El Dorado County, State of California and having Assessor's Parcel Number 32-331-05 (hereinafter "Receiving Parcel").

Said parcel was also recorded as Document Number 28572 on July 24, 1980 in the office of the County Recorder of El Dorado County, State of California.

3. The Sending Parcel and the Receiving Parcel are all 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 34 of the TRPA Code of Ordinances requires that an appropriate deed restriction be recorded documenting both the transfer of one existing residential unit of use from the Sending Parcel, and the requirement that the sending parcel be restricted to reflect the use remaining thereon. The Deed Restriction must likewise document that the structure or facility accounting for the existing use on the Sending Parcel shall be removed or modified and the land restored and maintained in as natural a state as possible, so as to eliminate the transferred development.

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DECLARATIONS

1. Declarant hereby declares that for the purpose of transferring one existing residential unit of use, and applying TRPA ordinances relating to the transfer of existing development, the Sending Parcel described above is and shall be, deemed by TRPA to have transferred one existing residential unit of use to the Receiving Parcel, and to now contain twenty-four (24) banked residential units of use available for transfer. No new residential units of use shall be allowed on the Sending Parcel without prior written approval by TRPA.
2. Declarant shall cause the subject residential unit of use on the Sending Parcel to be removed and shall restore and maintain that area in a natural state, so as to eliminate the one dwelling unit transferred insofar as is possible. Declarant shall further maintain the Sending Parcel free of hazard and nuisance.
3. Declarants agree to pay or cause to be paid all real property taxes and other assessments levied or assessed against the Sending Parcel.
4. 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 Declarants' assigns and all persons acquiring or owning any interest in the Sending Parcel and the Receiving Parcel.
5. 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.

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

Declarants' Signatures:

Randy Lane
Randy Lane, Managing Partner
Meadow Brook Associates, LP

Dated: 9-1-04

STATE OF Nevada)
COUNTY OF Douglas) SS.

On this 1st day of September, 2004, before me, personally appeared Randy 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.

A. Kalamaras
NOTARY PUBLIC

A. KALAMARAS
Notary Public - State of Nevada
Appointment Recorded in Douglas Co.
No: 00-60942-5 Exp. March 1, 2008

APPROVED AS TO FORM:

John Z...
Tahoe Regional Planning Agency

STATE OF NEVADA)
COUNTY OF DOUGLAS) SS.

On this 14th day of June, 2004, 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

OFFICIAL SEAL
LINDA ALLEN
NOTARY PUBLIC - STATE OF NEVADA
DOUGLAS COUNTY
99-56327-5 My Commission Exp. June 11, 2007

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