

**RECORDING REQUESTED BY:**  
Tahoe Regional Planning Agency  
Post Office Box 5310  
Stateline, Nevada 89449

Douglas County - NV  
Werner Christen - Recorder  
Page: 1 Of 4 Fee: 17.00  
BK-0106 PG- 6422 RPTT: 0.00

✓ **WHEN RECORDED MAIL TO:**  
Tahoe Regional Planning Agency  
Post Office Box 5310  
Stateline, Nevada 89449  
Attention: Wendy Jepson, Assistant Planner  
TRPA File No. 20051521



**DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS  
FOR COVERAGE ASSIGNMENT ("DEED RESTRICTION")  
TO BE RECORDED AGAINST APN 1318-26-501-005**

This Deed Restriction is made this 13<sup>th</sup> day of January, 2006, by John C. Serpa, pursuant to Agreement and Irrevocable Power of Attorney recorded on September 12, 2005 as Document Number 0654741, book 0905, at Page 3539 in the office of County Recorder, Douglas County (hereinafter "Declarant").

**RECITALS**

1. Declarant is authorized to transfer land coverage off of certain real property located in Douglas County, State of Nevada, described as follows:

See Exhibit "A" Attached Hereto and Made a Part Hereof

Said parcel was recorded in Document Number 0617855, Book 0704, Page 1124 on July 2, 2004, in the Official Records of Douglas County, Nevada, and having Assessor's Parcel Number 1318-26-501-005 (formerly 1318-26-501-002) (Hereinafter "Sending Parcel").

2. The Declarant has received approval from the Tahoe Regional Planning Agency (TRPA) on December 27, 2005, to transfer **1,966 square feet of Class 6** base allowable land coverage from the Sending Parcel to a receiving parcel, described as follows:

Beginning at the North quarter corner of Section 22, T13N, R18E, M.DB.&M., South 89°55'52" East 186.92 feet along North line of said section to the 6"x6" concrete State Highway monument; thence along the arc of a curve whose tangent bears South 54°36'06" West with a radius of 1970 feet through an angle of the 7°22'39" a distance of 253.66 feet; thence South 63°10'53" West 124.71 feet; thence South 63°46'45" West 6.09 feet; thence South 64°48'27" West 51.80 feet; thence North 0°03'23" East 214.66 feet to the North line of Section 22; thence South 89°56'37" East 192.15 feet along said section line to the Point of Beginning, containing 1.00 acres, more or less.

Said parcel was recorded in Document Number 65827, Book 473, Page 1146 on April 27, 1973, in the Official Records of Douglas County, Nevada, and having Assessor's Parcel Number 1318-22-001-003. (Hereinafter "Receiving Parcel")

3. Both the Sending parcel and the Receiving Parcel 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 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. Declarant hereby declares 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 1966 square feet of Class 6 base allowable land coverage and to now contain 33,853 square feet of Class 6 base land coverage.
2. Declarant also hereby declares that the area of the transferred coverage on the sending parcel shall be restored and maintained in a natural state or near natural state if not redeveloped pursuant to a TRPA permit. Declarant acknowledges that land coverage may be returned to the sending parcel only if TRPA approves of the transfer of such pursuant to TRPA's ordinances in effect at the time of such development. Declarant further acknowledges that any such transfer to the Sending Parcel shall be evidenced by a recorded instrument approved by TRPA. Declarant likewise declares that Declarant 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 Declarant 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, Declarant has executed this Deed Restriction this the day and year written above.

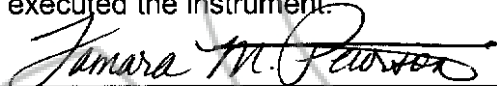
Declarant's Signature:

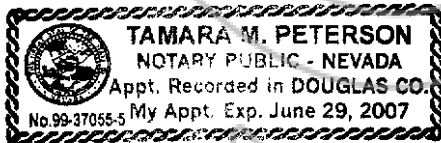
  
\_\_\_\_\_ Dated: 1/13/06

John C. Serpa, pursuant to Agreement and Irrevocable Power of Attorney recorded on September 12, 2005 as Document Number 0654741, book 0905, at Page 3539.

STATE OF NEVADA )  
                                  ) SS.  
COUNTY OF DOUGLAS )

On this 13<sup>th</sup> day of JANUARY, 2006, 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.

  
NOTARY PUBLIC

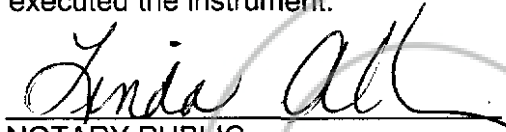


APPROVED AS TO FORM:

  
Tahoe Regional Planning Agency  
**Jordan Kahn**

STATE OF NEVADA        )  
                                  ) SS.  
COUNTY OF DOUGLAS    )

On this 11<sup>th</sup> day of January, 2006, 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.

  
NOTARY PUBLIC

