

OFFICIAL RECORD

Requested By:

STEWART TITLE OF DOUGLAS

COUNTY

Douglas County - NV
Werner Christen - Recorder

Page: 1 OF 3 Fee: 16.00
BK-0106 PG- 7684 RPTT: 0.00



RECORDING REQUESTED BY:

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

WHEN RECORDED MAIL TO:

Tahoe Regional Planning Agency
Post Office Box 5310
Stateline, Nevada 89449
Attention: Chris M Chambers, Assistant Planner
TRPA File No. 20050534

**DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR LAND COVERAGE TRANSFER ("DEED RESTRICTION")
TO BE RECORDED AGAINST ACCESSOR'S PARCEL NUMBER (APN) 01418-15-511-021**

This Deed Restriction is made this 17th day of October, 2005, by Uppaway Estates Inc, a Nevada corporation ("UPPAWAY") (hereinafter "Declarant").

RECITALS

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

All that property designated as "common area" on the Map of Uppaway, filed in the Office of the County Recorder of Douglas County, Nevada, on May 21, 1976, as Document No. 00394.

Excepting therefrom and together with that property as shown in Record of Survey Map and Boundary Line Adjustment Deed recorded May 2, 2005 as Document Number 634294 and 634295 respectively.

Said parcel was recorded in Document Number 14316, in Book 1077, on Page 1442 on October 24, 1977, and Document Number 0643295, in Book 0505, on Page 394 on May 2, 2005, in the Official Records of Douglas County, Nevada, and having Assessor's Parcel Number 1418-15-511-021 (hereinafter "Sending Parcel").

2. The Declarant received approval from the Tahoe Regional Planning Agency (TRPA) on August 2, 2005, to transfer 1,098 square feet of banked land coverage from the Sending Parcel to the Receiving Parcel, described as follows:

Lot 111, as shown on the official map of Zephyr Knolls Subdivision Unit No. 4, filed in the office of the County Recorder of Douglas County, Nevada on October 14, 1957, as Document No. 12699.

Said parcel was recorded in Document Number 0628736, in Book 1104, on Page 03662 on November 8, 2004, in the Official Records of Douglas County, Nevada, and having Assessor's Parcel Number 1318-10-314-018 (hereinafter "Receiving Parcel").

3. Both the Sending Parcels 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 declare 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 and retired **1,098 square feet of banked land coverage** and to now contain 1,402 square feet of banked land coverage.
2. Declarant also hereby declares that the transferred coverage can never be transferred back to the Sending Parcel, and that such area shall be restored in a natural or near natural state if not redeveloped pursuant to a TRPA permit. Declarant also declares that Declarant is permanently restricted from transferring the coverage back to the Sending Parcel. Declarant likewise declares the 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.

(DOCUMENT CONTINUED ON NEXT PAGE)

This document is recorded as an ACCOMMODATION ONLY and without liability for this consideration therefore, or as to the validity or sufficiency of said instrument, or for the effect of such recording on the title of the property involved.

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

DECLARANT'S SIGNATURE:

Norman Hansen

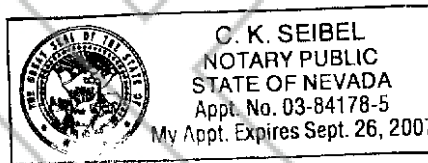
Dated: 10-19-05

Norman Hansen, President
Uppaway Estates Inc., a Nevada corporation

STATE OF Nevada)
COUNTY OF Douglas) SS.

On this 19th day of October, 2005, before me, personally appeared Norman Hansen 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.

C. K. Seibel
NOTARY PUBLIC



APPROVED AS TO FORM:

J. M. [Signature]
Tahoe Regional Planning Agency

STATE OF NEVADA)
COUNTY OF DOUGLAS) SS.

On this 9th day of August, 2005, before me, personally appeared Leanne McNamara 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

