

OFFICIAL RECORD

Requested By:

STEWART TITLE OF DOUGLAS

COUNTY

Douglas County - NV

Werner Christen - Recorder

Page: 1 Of 5 Fee: 43.00

BK-0406 PG- 8910 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: Wendy Jepson, Assistant Planner  
TRPA File No. 20060377

**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 24<sup>th</sup> day of April, 2006, by John C. Serpa pursuant to Agreement and Irrevocable Power of Attorney recorded on May 19, 2005 as Document Number 0644795, Book 0505, at Page 8749 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 01124 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 April 6, 2006, to transfer 2,990 square feet of Class 6 base allowable land coverage from the Sending Parcel to a receiving parcel, described as follows:

Lot 5 in Block 7 of Kingsbury Estates unit Number 2, according to the map thereof, filed in the Office of the County Recorder of Douglas County, State of Nevada on June 6, 1962 in Book 1 as Document Number 20174

Said parcel was recorded in Document Number 0616939, Book 0604, Page 11820 on June 23, 2004 in the Official Records of Douglas County, Nevada, and having Assessor's Parcel Number 1319-19-810-007. (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 2,990 square feet of Class 6 base allowable land coverage and to now contain 24,375 square feet of Class 6 base allowable and 4,893 square feet of Class 4 base allowable remaining 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.

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

Declarant's Signature:

  
\_\_\_\_\_

Dated: 4-24-06

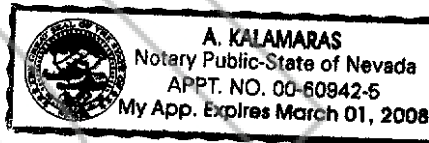
John C. Serpa, pursuant to Agreement and Irrevocable Power of Attorney recorded on  
May 19, 2005 as Document Number 0644795, Book 0505, Page 8749.

STATE OF Nevada )  
COUNTY OF Douglas ) SS.

On this 24<sup>th</sup> day of April, 2006, before me, A. Kalamaras,  
personally appeared John C. Serpa 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.

WITNESS my hand and official seal.

  
\_\_\_\_\_  
NOTARY PUBLIC



DOCUMENT CONTINUED ON NEXT PAGE



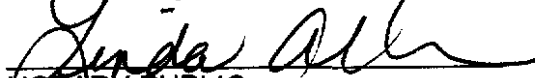
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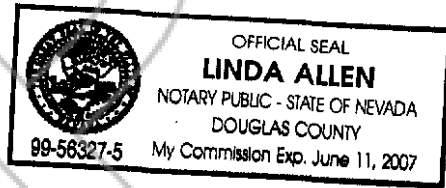
  
Tahoe Regional Planning Agency

STATE OF NEVADA     )  
                                  ) SS.  
COUNTY OF DOUGLAS    )

On this 20<sup>th</sup> day of April, 2006, before me, Linda Allen, 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.

WITNESS my hand and official seal.

  
NOTARY PUBLIC



**EXHIBIT A**  
**LEGAL DESCRIPTION**

The land referred to herein is situated in the State of Nevada, County of Douglas, described as follows:

All that portion of Section 26, Township 13 North, Range 18 East, M.D.M., more particularly described as follows:

Beginning at a point which bears South 00°09'40" West 654.66 feet from the Northeast corner of said Section 26; thence South 00°17'25" West 476.89 feet; thence North 68°36'59" West 307.72 feet; thence North 12°43'46" West 611.62 feet; thence North 76°58'34" East 126.98 feet; thence along a curve to the North with a radius of 440.00 feet, a central angle of 35°30'00", and an arc length of 272.62, the chord of said curve bears North 59°13'34" East 268.28 feet;

thence along a curve concave to the North with a radius of 390.00 feet, a central angle of 20°07'49", and an arc length 137.02, the chord of said curve bears North 31°24'40" East 136.32 feet; thence South 00°09'40" West 514.21 feet to the POINT OF BEGINNING

Reference is made to Record of Survey for Falcon Capital recorded June 14, 2004, Book 0604, Page 6773, as Document No. 616036.

A Portion of A.P.N. 1318-26-501-002 NOW KNOWN AS A.P.N. 1318-26-501-005

"IN COMPLIANCE WITH NEVADA REVISED STATUTE 111.312, THE HEREIN ABOVE LEGAL DESCRIPTION WAS TAKEN FROM INSTRUMENT RECORDED JUNE 14, 2004, BOOK 0604, PAGE 6769, AS FILE NO. 616035, RECORDED IN THE OFFICIAL RECORDS OF DOUGLAS COUNTY, STATE OF NEVADA."

617855

DN0704P001125