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
Attn: Theresa Avance, Associate Planner II
TRPA File # 20050675

DOC # 0674152 05/04/2006 12:36 PM Deputy: CF OFFICIAL RECORD Requested By: BASIN STRATEGIES

Douglas County - NV Werner Christen - Recorder

Page: 1 Of 9 Fee: BK-0506 PG-2117 RPTT:



22.00

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR BOUNDARY LINE ADJUSTMENTS ("DEED RESTRICTION") TO BE RECORDED AGAINST APNS 1319-19-810-006 AND 1319-19-810-007

This Deed Restriction is made this 18 day of April , 2006 2005 by Englekirk Construction LLC (hereinafter "Declarants").

RECITALS

 Declarants are the owners of certain real property located in Washoe County, State of Nevada, described as follows:

Parcel One

Lot 6, Block 7, of Kingsbury Estates Unit No. 2, filed as Document No. 20174 on June 6, 1962, Official Records, Douglas County, Nevada.

Said parcel was recorded under Document number 0616938, Book 0604, Page 11817 on June 23, 2004 in the Office of the Douglas County Recorder, and having Assessor's Parcel Number (APN) 1319-19-810-006.

Parcel Two

Lot 5, Block 7, of Kingsbury Estates Unit No. 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 under Book 0604, Page 11820, Document Number 0616939 on June 23, 2004 in the Office of the Douglas County Recorder, and having Assessor's Parcel Number (APN) 1319-19-810-007.

Parcels One and Two are hereinafter collectively referred to as the "Property."

APN 1319-19-810-006 and 1319-19-810-007 Englekirk Construction LLC Page 2 of 3

- 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.
- Declarant received approval from the TRPA on October 7, 2005 for an equal area adjustment of the boundary line between Assessor's Parcel Numbers 1319-19-810-006 and 1319-19-810-007, which required re-evaluation of the IPES scores for each parcel.
- 4. As a condition of the above approval, Chapter 34 of the TRPA Code of Ordinances, requires that appropriate deed restrictions be recorded documenting that the boundary line adjustment will not create any additional development or potential development.

DECLARATIONS

- 1. Declarants hereby declare that for the purpose of calculating land coverage and applying TRPA ordinances relating to land coverage, Assessor's Parcel Number (APN) 1319-19-810-006, described above, had (prior to TRPA's approval) 1,705 square feet of potential land coverage and 190 square feet of existing land coverage, and APN 1319-19-810-007, described above, had (prior to TRPA's approval) 410 square feet of potential land coverage. As a result of the TRPA approval, the available potential land coverage for the above-mentioned parcels shall be 1,705 square feet and 410 square feet, respectively.
- 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 Declarant and Declarant's assigns, and all persons acquiring or owning any interest in the property.
- 3. 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.

/// /// ///

BK- 0506 PG- 2118 05/04/2006 APN 1319-19-810-006 and 1319-19-810-007 Englekirk Construction LLC Page 3 of 3

IN WITNESS WHEREOF, Declarant has executed this Deed Restriction this the day and

your winter above.
Declarant's Signature: Dated: 4-18-06
Dwight D. Englekirk, Owner Englekirk Construction, LLC
STATE OF Newada, country of Dauglas, ss.
COUNTY OF Cauglas
On this 18th day of, 2005, before me, personally appeared
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 LISA DAVIS Notary Public, State of Nevada
APPROVED AS TO FORM: Non-Resident Notary Public Appointment No. 03-85510-5 My Appt. Expires Jan 1, 2008
Tanbe Regional Planning Agency
STATE OF Newada) SS. COUNTY OF Douglas
On this 7th day of DCH De 1, 2005, 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.
Genda al

NOTARY PUBLIC



BK-PG- 2119 05/04/2006 3 Of Page:

0506 2119

APN 1319-19-810-006 and 1319-19-810-007 Englekirk Construction LLC Page 3 of 3

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

Declarant's Signature:	~ \ \
	Dated:
Dwight D. Englekirk, Owner Englekirk Construction, LLC	
STATE OF)) SS.	
COUNTY OF	
On this day of	, 2005, before me, personally appeared ally known to me, or proved to me to be on the basis of
and acknowledged to me that he/she/the	nose name(s) is/are subscribed to the within instrument, y executed the same in his/her/their authorized inature(s) on the instrument the person(s) or the entity acted) executed the instrument.
NOTARY PUBLIC APPROVED AS TO FORM:	
Tahpe Regional Planning Agency	
STATE OF Nevada)) SS.	
COUNTY OF Douglas)	
satisfactory evidence to be the person whand acknowledged to me that he/she/they	2005, before me, personally appeared ally known to me, or proved to me to be on the basis of nose name(s) is/are subscribed to the within instrument, y executed the same in his/her/their authorized nature(s) on the instrument the person(s) or the entity acted) executed the instrument.
Chinder III	
NOTARY PUBLIC	OFFICIAL SEAL LINDA ALLEN NOTARY PUBLIC - STATE OF NEVADA DOUGLAS COUNTY

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My Commission Exp. June 11, 2007

BK- 0506 PG- 2120 05/04/2006

HICURS IEU BY

FIRST AMERICAN TITLE CO.

IH OFFILIAL RECORDS OF DOUGLAS CO., HEVAS

A.P.N.:

1319-19-810-006

File No:

141-2137220 (CD)

R.P.T.T.: \$1,267.50

Parcel One

2004 JUN 23 PM 4: 07

WERNER CHRISTEN RECORDER

DEPUTY

When Recorded, Mail Tax Statements To: Englekirk Construction, LLC PO Box 1274, Attn: Doug Englekirk Zenhyr Cove, NV 89448

GRANT, BARGAIN and SALE DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby admowledged

Falcon Capital, LLC, a Wyoming Limited Liability Company

do(es) hereby GRANT, BARGAIN and SELL to

Englekirk Construction, LLC

the real property situate in the County of Douglas, State of Nevada, described as follows:

PARCEL NO. 1:

LOT 6, BLOCK 7, OF KINGSBURY ESTATES UNIT 2, FILED AS DOCUMENT NO. 20174 ON JUNE 6, 1962, OFFICIAL RECORDS, DOUGLAS COUNTY, NEVADA.

PARCEL NO. 2

A PORTION OF LOT 7, OF KINGSBURY ESTATES UNIT NO. 2, FILED AS DOCUMENT NO. 20174 ON JUNE 5, 1962, OFFICIAL RECORDS, DOUGLAS COUNTY, NEVADA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST NORTHERLY CORNER OF LOT 7, BLOCK 7, SAID CORNER BEING ON THE EASTERLY RIGHT-OF-WAY LINE OF BENJAMIN DRIVE:

THENCE SOUTH 25°56'36" WEST 258.03 FEET ALONG SAID RIGHT-OF-WAY LINE; THENCE MORTH 50°55'12" EAST 217.60 FEET TO THE EASTERLY PROPERTY LINE OF SAID LOT 7:

THENCE MORTH 41.84 FEET ALONG SAID PROPERTY LINE TO THE NORTHEAST CORNER OF SAID LOT 7:

THENCE NORTH 46°35'46" WEST 77.15 FEET ALONG THE NORTH LINE OF SAID LOT 7 TO THE POINT OF BEGINNING

0616938

BK0604PG11817

BK-

PG-

0506

2121

Description: Douglas, NV Document-DocID 616938 Page: 1 of 3 Frder: 9 Comment:

> Page: 5 Of 9 05/04/2006 0674152

NOTE: THE ABOVE METES AND BOUND DESCRIPTION APPEARED PREVIOUSLY IN THAT CERTAIN DOCUMENT RECORDED FEBRUARY 4, 2002, IN BOOK 0202 PAGE 1367, AS INSTRUMENT NO. 0534026.

TOGETHER with all tenements, hereditaments and appurtenances, including easements and water rights, if any, thereto belonging or appertaining, and any reversions, remainders, rents, issues or profits thereof.

Date: 06/18/2004

0616938 BK 0 5 0 4 PG | 18 18

Description: Douglas, NV Document-DocID 616938 Page: 2 of 3

BK- 0506 PG- 2122 0674152 Page: 6 Of 9 05/04/2006

Falcon Capital, LLC, a Wyoming Limited Liability Company

By: Randy Lane, Managing Member

STATE OF

NEVADA

COUNTY OF

DOUGLAS

This instrument was acknowledged before me on

2004

—__ b

Faican Capital, LLG, a Wyoming Limited Liability Company:

Notary Public

(My commission expires: 11-15-06

JODI C. STOVALL
Notes by Public - State of Neveda,
Appointment Recorded in Douglas County
Not 03-79/73-5 - Expires Hovester 15, 2006

This Notary Acknowledgement is attached to that certain Grant, Bargain Sale Deed dated June 18, 2004 under Escrow No. 141-2137220.

9515938 BK0604PG11819

Description: Douglas, NV Document-DocID 616938 Page: 3 of 3 Order: 9 Comment:

0674152 Page: 7 Of 9

BK- 0506 PG- 2123 9 05/04/2006

Parcel Two

A.P.N.:

1319-19-810-007

File No:

141-2136826 (CD)

R.P.T.T.: \$1,150.50

MEGRETTED BY FIRST AMERICAN TITLE CO. IN OFFICIAL RECORDS OF BOUGLAS CO., NEW ON

2004 JUH 23 PH 4: 08

WERNER CHRISTEN RECORDER

DEPUTY

When Recorded, Mail Tax Statements To: Englekirk Construction, LLC PO Box 1274, Attn: Dwight D. Englekirk Zephyr Cove, NV 89448

GRANT, BARGAIN and SALE DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

Falcon Capital LLC, a Wyoming Limited Liability Company

do(es) hereby GRANT, BARGAIN and SELL to

Englekirk Construction, LLC Limited Liability Company

the real property situate in the County of Douglas, State of Nevada, 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.

TOGETHER with all tenements, hereditaments and appurtenances, including easements and water rights, if any, thereto belonging or appertaining, and any reversions, remainders, rents, issues or profits thereof.

Date: 06/18/2004

D616939

OK 0604 PG 1 1820

Description: Douglas, NV Document-DocID 616939 Page: 1 of 2 Order: 9 Comment:

> 0674152 Page: 8 Of

BK- 0506 PG- 2124 05/04/2006

Falcon Capital, LLC, a Wyoming Limited Liability Company

By: Randy Lane, Managing Member

STATE OF

NEVADA

DOUGLAS

COUNTY OF

This instrument was acknowledged before me on Randy Lane.

(My commission expires:

JODI O. STOVALL Notary Public - State of Nevacia Appointment Placement in Douples County No: 03-79473-5 - Explans Homeron: 15, 2006

This Notary Acknowledgement is attached to that certain Grant, Bargain Sale Deed dated June 18, 2004 under Escrow No. 141-2136826.

0616939

BK 0604 PG ! 1821

escription: Douglas, NV Document-DocID 615939 Page: 2 of 2 mder: 9 Comment:

> 0674152 Page: 9 Of

BK- 0506 PG- 2125 05/04/2006