

OFFICIAL RECORD

Requested By:

JUDITH AHERN

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-0806 PG-1589 RPTT: 0.00



✓ **WHEN RECORDED MAIL TO:**

Tahoe Regional Planning Agency
Post Office Box 5310
Stateline, Nevada 89449
Attention: Patrick R. Dobbs, Assistant Planner
TRPA File No. 20060604

**DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR COVERAGE ASSIGNMENT ("DEED RESTRICTION")
TO BE RECORDED AGAINST APN 1318-16-810-020**

This Deed Restriction is made this 4th day of August, 2006, by John F. Ahern and Judith Ahern, Husband and Wife, as Community Property (hereinafter "Declarants").

RECITALS

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

All that portion of Lots 33 and 34 of Second Amended Plat of The Elks Subdivision, filed for record on June 5, 1952, Document No. 8537, more particularly described as follows:

Beginning at the Northeast corner of Lot 33; thence South 05° 17' 27" West 100.00 feet; thence North 84° 42' 33" West 46.30 feet; thence North 05° 17' 27" East 42.50 feet; thence North 07° 19' 30" West 58.92 feet; thence South 84° 42' 33" East 59.17 feet to the Point of the Beginning.

Said parcel was recorded in Document Number 0462516, Book 0399, Page 0897, on March 02, 1999, in the Official Records of Douglas County, Nevada, and having Assessor's Parcel Number 1318-16-810-020. (Hereinafter "Sending Parcel")

2. The Declarants have received approval from the Tahoe Regional Planning Agency (TRPA) on July 14, 2006, to transfer 54 square feet of Class four banked land coverage from the Sending Parcel to a receiving parcel, described as follows:

Lot 20 in Block G, as Delineated on that Certain map Entitled Amended Map of Subdivision No. 2, Zephyr Cove Properties, Inc. in Sections 9 and 10, Township 13 North, Range 18 East which was filed for Record August 5, 1929 in the Office of the County recorder, Douglas County Nevada. This Subdivision is sometimes called "Marla Bay".

Said parcel was recorded in Document Number 0577150, Book 0503, Page 08596, on May 14, 2003, in the Official Records of Douglas County, Nevada, and having Assessor's Parcel Number 1318-09-810-083. (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. Declarants 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 54 square feet of banked land coverage and to now contain 97 square feet of Class four banked land coverage.
2. Declarants also hereby declare that the transferred coverage can never be transferred back to the Sending Parcel, and that such area shall be restored in a natural state or near natural state if not redeveloped pursuant to a TRPA permit. Declarants also declare that Declarants are permanently restricted from transferring the coverage back to the Sending Parcel. Declarants likewise declare that Declarants 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:

John F. Ahern
John F. Ahern

Dated: 7/31/06 8/1/06 JFA

STATE OF NEVADA)
) SS.
COUNTY OF DOUGLAS)

On this 1 day of AUGUST, 2006, before me, STEPHEN M. ATKINSON
personally appeared JOHN F. AHERN personally known to me (or proved
to me on the basis of satisfactory evidence) to be the person(s) 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 behalf of which the person(s) acted,
executed the instrument.

WITNESS my hand and official seal.

Stephen M. Atkinson
NOTARY PUBLIC



Declarant's Signature:

Judith Ahern
Judith Ahern

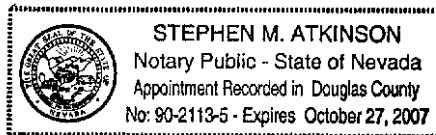
Dated: 7/31/06 8/1/06 JFA

STATE OF NEVADA)
) SS.
COUNTY OF DOUGLAS)

On this 1 day of AUGUST, 2006, before me, STEPHEN M. ATKINSON
personally appeared JUDITH AHERN personally known to me (or proved
to me on the basis of satisfactory evidence) to be the person(s) 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 behalf of which the person(s) acted,
executed the instrument.

WITNESS my hand and official seal.

Stephen M. Atkinson
NOTARY PUBLIC



APPROVED AS TO FORM:


Tahoe Regional Planning Agency

STATE OF NEVADA)
) SS.
COUNTY OF DOUGLAS)

On this 14th day of July, 2006, before me, Linda Allen,
personally appeared Jordan Kahn personally known to me (or proved
to me on the basis of satisfactory evidence) to be the person(s) 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 behalf of which the person(s) acted,
executed the instrument.

WITNESS my hand and official seal.


NOTARY PUBLIC

