

OFFICIAL RECORD

Requested By:

RYE DEVELOPMENT

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-1207 PG-2458 RPTT: 0.00

WHEN RECORDED MAIL TO:

✓ Tahoe Regional Planning Agency
Post Office Box 5310
Stateline, Nevada 89449
Attention: Patrick Dobbs, Associate Planner
TRPA File No. TRAN2007-0442



**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 11th day of DECEMBER, 2007, by Rory Rye pursuant to an irrevocable Power-of-Authority recorded June 11, 2007, in the Douglas County Recorder's Office as Document Number 0702759 entitled by John C. Serpa, dated April 27, 2007. (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 property 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 13138-26-501-002). (Hereinafter "Sending Parcel")

2. The Declarant has received approval from the Tahoe Regional Planning Agency (TRPA) on December 7, 2007, to transfer 1,361 square feet of Class 6 base allowable land coverage from the Sending Parcel to a receiving parcel, described as follows:

Lot 509, as shown on the Amended Map of SUMMIT VILLAGE recorded in the Office of the County Recorder of Douglas County, Nevada, on September 17, 1968, as Document No. 42231, and on SECOND AMENDED MAP recorded on January 13, 1969, as Document No. 43419, Official Records of Douglas County, Nevada.

Said parcel was recorded in Document Number 0599121, Book 1203, Page 04196, on December 10, 2003, in the Official Records of Douglas County, Nevada, and having Assessor's Parcel Number 1319-19-212-092. (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 1,361 square feet of Class 6 base allowable land coverage and to now contain 23,014 square feet of Class 6 base allowable land coverage 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 Project Area 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 Project Area 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:

Rory Rye
Rory Rye, Power-of-Attorney

Dated: Dec. 11, 2007

STATE OF CA)
) SS.
COUNTY OF Santa Barbara)

On this 11th day of December, 2007, before me, Tricia L. Armour Notary Public, personally appeared Rory Rye 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.

Tricia L. Armour
NOTARY PUBLIC

NOT CLEAR and over
Tricia L. Armour
11th Dec 2007
TRICIA L. ARMOUR
COMM. #1622049
Notary Public - California
Ventura County
My Comm. Expires Nov. 15, 2009

APPROVED AS TO FORM:

Wendy Jepson
Tahoe Regional Planning Agency

TRICIA L. ARMOUR
COMM. #1622049
Notary Public - California
Ventura County
My Comm. Expires Nov. 15, 2009

STATE OF NEVADA)
) SS.
COUNTY OF DOUGLAS)

On this 7th day of December, 2007, before me, Linda Allen, Notary Public, personally appeared Wendy Jepson 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.

Linda Allen
NOTARY PUBLIC

OFFICIAL SEAL
LINDA ALLEN
NOTARY PUBLIC - STATE OF NEVADA
DOUGLAS COUNTY
My Commission Exp. June 11, 2011
98-56327-5

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 69°36'59" West 307.72 feet;
thence North 12°43'46" West 611.62 feet;
thence North 76°58'34" East 126.88 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 514.11 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."

0617855

BN 0704 PG 01125

Description: Douglas, NV Document-DocID 617855 Page: 2 of 2
Order: 237 Comment:

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BK- 1207
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