

OFFICIAL RECORD

Requested By:
KIM ILIFFE

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-0608 PG-6025 RPTT: 0.00



✓ **WHEN RECORDED MAIL TO:**
Tahoe Regional Planning Agency
Post Office Box 5310
Stateline, Nevada 89449
Attention: Melanie Vincent, Associate Environmental Specialist
TRPA File No. TRAN2008-0017

**DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR COVERAGE ASSIGNMENT ("DEED RESTRICTION")
TO BE RECORDED AGAINST APN 1418-15-511-022 (Formerly 1418-15-511-021)**

This Deed Restriction is made this 13th day of June, 2008, by Uppaway Estates INC., (hereinafter "Declarant").

RECITALS

1. Declarant is authorized to transfer certain development rights from certain real property located in Douglas County, State of California, described as follows:

All that real property situated in the County of Douglas, State of Nevada, described as follows:

As set forth in Exhibit A, attached hereto and incorporated herein by reference, Assessor's Parcel Numbers (APN 1418-15-511-022)

Said parcel was recorded in Document Number 0643295, Book 0505, Page 00394 on May 2, 2005 in the Official Records Douglas County, California, and having Assessor's Parcel Number 1418-15-511-022. (Hereinafter "Sending Parcel")

2. The Declarants has received approval from the Tahoe Regional Planning Agency (TRPA) on June 5, 2008 to transfer **368 square feet of Class 4** land coverage from the Sending Parcel to a receiving parcel, described as follows:

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

Lot 1, in Block A, of Lincoln Park, Lake Tahoe, Nevada, According to the official Map thereof filed in the Office of the County Recorder of Douglas County, Nevada, on September 7, 1921, as Document No. 305;

Assessors Parcel No. 003-161-10;

Excepting therefrom all that portion thereof, lying below the natural ordinary high water line of Lake Tahoe, together with all and singular the hereditaments and appurtenances thereunto belonging.

Said parcel was recorded in Document Number 0490333 Book 0400, Page 3775 on April 21, 2000, in the Official Records of Douglas County, California, and having Assessor's Parcel Number 1418-34-110-001. (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 **368 square feet of Class 4** land coverage and to now contain **1034 square feet Class 4** 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 Declarants 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.



APPROVED AS TO FORM:

Wendy Jepson
Tahoe Regional Planning Agency
Wendy Jepson

Dated: 6-05-08

STATE OF NEVADA)
) SS.
COUNTY OF DOUGLAS)

On June 5th, 2008, before me, Danna Meyer, Notary Public, personally appeared Wendy Jepson, who 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.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Danna M Meyer
NOTARY PUBLIC

