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OFFICIAL RECORD

Requested By:

AGAN CONSULTING CORPORATION

**RECORDING REQUESTED BY:**

Tahoe Regional Planning Agency  
Post Office Box 5310  
Stateline, Nevada 89449

Douglas County - NV  
Werner Christen - Recorder

Page: 1 of 7 Fee: 20.00  
BK-0808 PG- 3399 RPTT: 0.00



**WHEN RECORDED MAIL TO:**

Tahoe Regional Planning Agency  
Post Office Box 5310  
Stateline, Nevada 89449  
Attn: Kimberly Ellis, Assistant Planner  
TRPA File TRANS2008-0161

**DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR  
DEVELOPMENT RIGHT TRANSFER (DEED RESTRICTION) TO BE RECORDED  
AGAINST APN 1318-09-701-004**

This Deed Restriction is made this 12th day of AUGUST, 2008, by Peggy R. Peak, Trustee of the Peggy R. Peak Trust (hereinafter "Declarant").

**RECITALS**

1. Declarant is the owner of certain real property located in Douglas County, State of Nevada, described as follows:

See Exhibit "A", attached.

Said parcel was recorded on May 15, 2007 in Document No. 701253 in the Douglas County Recorder's Office, and having Assessor's Parcel Number 1318-09-701-004 (hereinafter "Sending Parcel").

2. The Declarant has received approval from the Tahoe Regional Planning Agency on August 8th, 2008 to transfer one residential development right from the Sending Parcel to a receiving parcel, located in Washoe County, State of Nevada, described as follows:

See Exhibit "B", attached.

Said parcel was recorded on March 21, 1995 in Document No. 1879492 in the Washoe County Recorder's Office, and having Assessor's Parcel Number 130-230-08 (hereinafter "Receiving Parcel").

3. The Sending Parcel and the Receiving Parcel are located in the Tahoe Region as described in the Tahoe Regional Planning Agency 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. The Sending Parcel and the Receiving Parcel are located in the Tahoe Region as described in the Tahoe Regional Planning Agency Compact (P.L. 96-551, 94 Stat. 3233, 1980), which region is subject to the regional plan and ordinances adopted by the TRPAQ pursuant to the Tahoe Regional Planning Compact.
5. As a condition of the above approval and pursuant to the TRPA Code of Ordinances, TRPA requires that the Sending Parcel be restricted in accordance with Subsection 34.5.1 of the TRPA Code.

### **DECLARATIONS**

1. Declarant hereby declares that the Sending Parcel described above is, and shall be, deemed by TRPA to have permanently transferred one verified residential development right assigned to the Sending Parcel as defined in Chapter 21 of the Code.
2. Declarant agrees to pay or cause to be paid all real property taxes and other assessments levied or assessed against the Sending Parcel.
3. Declarant declares that the Receiving Parcel, described above, is hereby deemed to have received one residential development right from the Sending Parcel. Said residential development right does not constitute project approval or a vested right to development.
4. 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 the Declarant's assigns and all persons acquiring or owning an interest in the Sending Parcel and the Receiving Parcel.
5. 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 day and year written above.

Declarant's signature:

Peggy R. Peak, Trustee  
Peggy R. Peak, Trustee  
Peggy R. Peak Trust

Dated: 8-12-08

STATE OF CALIFORNIA        )  
  ) SS.  
COUNTY OF                    )

On this \_\_\_\_ day of \_\_\_\_\_, 2008, before me, \_\_\_\_\_, notary public, personally appeared \_\_\_\_\_, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity and that by her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under the 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.

Signature \_\_\_\_\_

APPROVED AS TO FORM:

Wendy Jepson  
Tahoe Regional Planning Agency

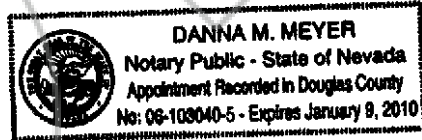
STATE OF NEVADA            )  
  ) SS.  
COUNTY OF DOUGLAS        )

On this 8<sup>th</sup> day of August, 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 whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity and that by her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

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

WITNESS my hand and official seal.

Signature Danna Meyer



# 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 the Northeast 1/4 of the Southeast ¼ of Section 9, Township 13 North, Range 18 East, M.D.B. & M., in Douglas County, Nevada, and further described by metes and bounds, as follows, to wit;

BEGINNING at the Northeast corner of said parcel on the East boundary of said Section 9, which point is the Southeast corner of the parcel conveyed by Gertrude S. Church to W. H. Moffat by a deed dated May 10, 1930, recorded in Book T of Deeds, Page 116, official records Douglas County, Nevada, which point of beginning is further described as bearing South 0°05'40" East, a distance of 453.23 feet from the 1/2 inch pipe used by the Zephyr Cove Properties Subdivision for the North meander corner between Sections 9 and 10; thence South 0°05'40" East, along the East boundary of said Section 9, a distance of 32.56 feet to a point on the left or Northerly forty (40) foot right-of-way line of State Highway Route 3 (U.S. 50); thence, from a tangent which bears South 87°09'51" West, curving to the left along said right-of-way line with a radius of 540 feet through an angle of 10°00'14", an arc distance of 94.28 feet to a point on the East property line of that certain parcel conveyed by Gertrude S. Church to Carl F. Johnson by a deed dated November 12, 1928, recorded in Book S of Deeds, Page 504, official records of Douglas County, Nevada; thence North along said property line, a distance of 45.39 feet to a point which is the Southwest corner of the aforesaid parcel conveyed by Gertrude S. Church to W.H. Moffat by deed dated May 10, 1930, recorded in Book T of Deeds, Page 116, official records of Douglas County, Nevada; thence East along said property line, a distance of 93.23 feet to the point of beginning.

Said land shown as Parcel 1 on that certain Record of Survey recorded November 20, 1952, in the office of the Douglas County Recorder as Document 8764.

APN 1318-09-701-004



## EXHIBIT B

All that real property situated in the County of Washoe, State of Nevada, being more particularly described as follows:

TRACT NO. 1

PARCEL 1: Commencing at the United States Government Meander Corner of Lake Tahoe, common to Sections 22 and 23, Township 16 North, Range 18 East, M.D.B.&M., from which the section corner common to Sections 14, 15, 22 and 23, Township 16 North, Range 18 East, M.D.B.&M., bears North 3372.60 feet; thence North 58°00' West 538.75 feet along the Meander Line to the true point of beginning; thence continuing North 58°00' West 210.00 feet along said Meander Line; thence North 19°43' East to the Southerly line of the State Highway; thence South 70°17' East along said Southerly line of the State Highway to a line drawn North 19°43' East from the true point of beginning; thence South 19°43' West to the true point of beginning. Being a portion of Lots V and VI of Section 22, Township 16 North, Range 18 East, M.D.B.&M.

PARCEL 2: Commencing at the United States Government Meander Corner of Lake Tahoe, common to Sections 22 and 23, Township 16 North, Range 18 East, M.D.B.&M., from which the section corner common to Sections 14, 15, 22 and 23, Township 16 North, Range 18 East, M.D.B.&M., bears North 3372.60 feet; thence North 58°00' West 538.75 feet along the Meander Line to the true point of beginning; thence continuing North 58°00' West 210 feet along said Meander Line; thence South 19°43' West to Lake Tahoe; thence Southerly along Lake Tahoe to a line drawn South 19°43' West from the point of beginning; thence North 19°43' East to the true point of beginning.

TRACT NO. 2

Commencing at the United States Government Meander Corner of Lake Tahoe common to Sections 22 and 23, Township 16 North, Range 18 East, M. D. B. & M., from which the section corner common to Sections 14, 15, 22 and 23, Township 16 North, Range 18 East, M. D. B. & M., bears North 3, 372. 60 feet; thence North 58°00' West; 748.75 feet along meander line to the true point of beginning; thence continuing North 58°00' West 210 feet along said meander line, thence North 19°43' East to the southerly line of the State Highway, thence South 70°17' East; along sa. southerly line of the State Highway to a line drawn North 19°43' East from the true point of beginning; thence South 19°43' West to the true point of beginning, being a portion of Lots V and VI of Section 22, Township 16 North, Range 18 East, M. D. B. & M., Washoe County, State of Nevada.

Commencing at the United States Government Meander Corner of Lake Tahoe common to Sections 22 and 23, Township 16 North, Range 18 East, M. D. B. & M., from which the section corner common to Sections 14, 15, 22 and 23, Township 16 North, Range 18 East, M. D. B. & M., bears North 3, 372. 69 feet; thence North 58°00' West; 748.75 feet along meander line to the true point of beginning; thence continuing North 58°00' West 210 feet along said meander line; thence South 19°43' West to Lake Tahoe; thence southerly along Lake Tahoe to a line drawn South 19°43' West from the true point of beginning; thence North 19°43' East to the true point of beginning. Washoe County, State of Nevada.

BK 4267PG0088

MAR 21 1998



# NEVADA

\*\*\*\*\* ALL-PURPOSE \*\*\*\*\*

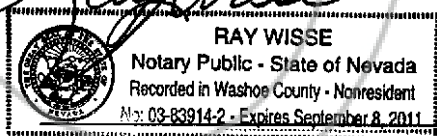
## ACKNOWLEDGEMENT

STATE OF NEVADA )  
                          )  
COUNTY OF WASHOE)

On AUGUST 12, 2008 before me, Ray Wisse, Notary Public personally appeared, PEGGY R. PEAK

personally known to me (~~or proved to me on the basis of satisfactory evidence~~) to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person or the entity upon behalf of which the person executed the instrument.

WITNESS my hand and official seal.



(SEAL)

\*\*\* OPTIONAL INFORMATION \*\*\*

TITLE OR TYPE OF DOCUMENT DEED RESTRICTION

DATE OF DOCUMENT 08-12-08 NUMBER OF PAGES 4 + 2 EXHIBITS