

OFFICIAL RECORD

Requested By:

MARK REILLY SWEETLAND

RECORDING REQUESTED BY:

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

Douglas County - NV
Karen Ellison - Recorder
Page: 1 of 8 Fee: 21.00
BK-0908 PG- 3320 RPTT: 0.00



WHEN RECORDED MAIL TO:

✓ Tahoe Regional Planning Agency
Post Office Box 5310
Stateline, Nevada 89449
Attn: Jason Ramos, Associate Planner II/Shorezone
TRPA File ERSP2008-0066

**DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR COMBINING
TWO LITTORAL PARCELS INTO ONE PROJECT AREA FOR COVERAGE CALCULATION
PURPOSES AND FOR MAKING MULTIPLE USE SHOREZONE FINDINGS
("DEED RESTRICTION") TO BE RECORDED AGAINST
ASSESSORS PARCEL NUMBERS (APN) 1318-03-212-001 AND 1318-03-212-002**

This Deed Restriction is made this 12 day of September, 2008, by Mark Reilly Sweetland and Jenny Anna Sweetland, Trustees of the Sweetland Revocable Trust dated January 10, 2000, Max H. Hoseit and Eleanor C. Hoseit (hereinafter, the "Declarants").

RECITALS

1. Declarants are the owners of certain real property, consisting of two parcels, more particularly described as follows:

APN 1318-03-212-001

Lot 218 as shown on the map of SKYLAND SUBDIVISION No. 3, filed in the office of the County Recorder of Douglas County, Nevada, on February 24, 1960.

Said parcel was recorded in Document Number 47709, Book 74, page 644, on April 9, 1970, in the Official Records of Douglas County, Nevada, and having Assessor's Parcel Number 1318-03-212-01.

APN 1318-03-212-002

Lot 217, as shown on the map of SKYLAND SUBDIVISION NO. 3, filed in the office of the County Recorder of Douglas County, Nevada, on February 24, 1960, as Document No. 15653.

Said parcel was recorded in Document Number 0718299, Book 0208, page 4429, on February 21, 2008, in the Official Records of Douglas County, Nevada, and having Assessor's Parcel Number 1318-03-212-02.

These parcels are hereinafter collectively referred to as the "Project Area".

2. The Project Area is under common ownership of the Declarants, and is used for single family residential uses.
3. The Project Area is 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. The Declarants received approval from TRPA on August 27, 2008, for the demolition of two existing piers and a boat lift structure on APN 1318-03-212-001, and the rebuild of a new multiple-use pier on APN 1318-03-212-002 that will serve the properties located at 994 and 996 Skyland Drive, as described above. Said approval was subject to certain conditions of approval, including the recordation of a deed restriction that permanently assures that the pier is, and shall always be, a multiple-use facility for the use of and benefit of both parcels within the Project Area, and that provides permanent access to the pier for both parcels within the Project Area, and limits the number of piers that can be constructed on the parcels within the Project Area to one pier. This deed restriction serves to restrict 410 square feet of allowable visible area for shoreland structures in the Project Area, to be dedicated for the scenic mitigation for the pier pursuant to Condition 13 of TRPA Permit No. ERSP2008-0066. This deed restriction also permanently assures that the coverage calculations for the parcels within the Project Area shall always be made as if the parcels had been legally consolidated.
5. As a condition of the above approval, Chapter 20, Land Coverage, Section 20.3.D(1)(a) of the TRPA Code of Ordinances, requires that the Property be treated as if legally consolidated for the purpose of future land coverage calculations within the project area.

DECLARATIONS

1. Declarants hereby declare that for the purpose of satisfying TRPA's August 27, 2008 condition of approval, the Project Area identified herein shall always use the pier as a multiple-use facility, and shall acknowledge that both parcels within the Project Area shall have permanent access to the approved pier, and that a second pier can never be constructed in the Project Area. Declarants acknowledge that 410 square feet of allowable visible area for shoreland structures in the Project Area, is to be dedicated for the scenic mitigation for the pier. Declarants acknowledge that the Property identified herein shall always be treated as if the parcels had been legally consolidated for the purposes of land coverage calculations within the project area, and the applying TRPA ordinances pertaining to land coverage.
2. 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 Project Area. This Deed Restriction shall be binding on the Declarants and their assigns and all persons acquiring or owning any interest in the Project Area.
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 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.

COPY

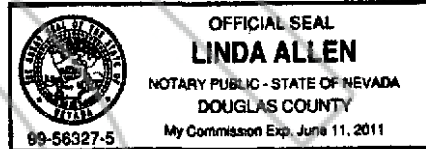
APPROVED AS TO FORM:

Jean Bauwens
Tahoe Regional Planning Agency

STATE OF NEVADA)) SS.
COUNTY OF DOUGLAS)

On this 11th day of September, 2008, before me, Linda Allen, Notary Public, personally appeared Jean Bauwens 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.

Linda Allen
I declare, under penalty of perjury, that the foregoing is true and correct.
NOTARY PUBLIC



END OF DOCUMENT

Declarant's Signature:

Max H. Hoseit
Max H. Hoseit

Dated: 9/13/08

STATE OF California
COUNTY OF Sacramento. SS.

On this 13th day of Sept, 2008, before me, Praveena Devi Deo Notary Public, personally appeared Max H. Hoseit 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.

I declare, under penalty of perjury, that the foregoing is true and correct.

Praveena Devi Deo
NOTARY PUBLIC



Notarized Declarant signatures continued on next page.

Declarant's Signature:

Eleanor C. Hoseit
Eleanor C. Hoseit

Dated: 9/13/08

STATE OF California
COUNTY OF Sacramento SS.

On this 13th day of Sept, 2008, before me, Praveena Devi Deo Notary Public, personally appeared Eleanor C. Hoseit 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.

I declare, under penalty of perjury, that the foregoing is true and correct.

Praveena Devi Deo
NOTARY PUBLIC



Declarant's Signature:

Jenny Anna Sweetland
Jenny Anna Sweetland, Trustee of the Sweetland
Revocable Trust dated January 10, 2000

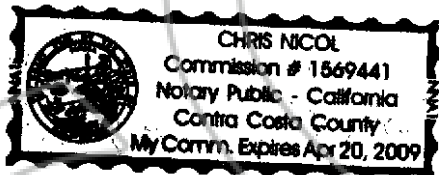
Dated: 9/12/2008

STATE OF California
COUNTY OF Contra Costa SS.

On this 12th day of September, 2008, before me, Chris Nicol Notary Public, personally appeared Jenny A. Sweetland 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.

I declare, under penalty of perjury, that the foregoing is true and correct.

Chris Nicol
NOTARY PUBLIC



Notarized Declarant signatures continued on next page.

IN WITNESS WHEREOF, Declarants have executed this Deed Restriction this
the day and year written above.

Declarant's Signature:

[Handwritten Signature]

Dated: 9/17/08

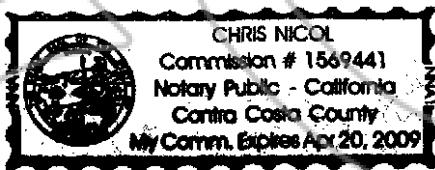
Mark Reilly Sweetland, Trustee of the Sweetland
Revocable Trust dated January 10, 2000

STATE OF California
COUNTY OF Contra Costa

On this 12th day of September, 2008, before me, Chris Nicol Notary
Public, personally appeared Mark R. Sweetland 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.

I declare, under penalty of perjury, that the foregoing is true and correct.

[Handwritten Signature]
NOTARY PUBLIC



Notarized Declarant signatures continued on next page.