

OFFICIAL RECORD  
Requested By:  
ALLING & JILLSON

Douglas County - NV  
Karen Ellison - Recorder

Page: 1 Of 4 Fee: 17.00  
BK-1208 PG- 3906 RPTT: 0.00



APN's

1318-10-417-050  
1318-10-417-051

**RECORDING REQUESTED BY:**

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

**WHEN RECORDED MAIL TO:**

✓ Tahoe Regional Planning Agency  
Post Office Box 5310  
Stateline, Nevada 89449  
Attn: Jessica Schwing  
TRPA File # BMPE2008-0004

**DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS  
PROJECT AREA ("DEED RESTRICTION")  
TO BE RECORDED AGAINST APNS 1318-10-417-050 and 1318-10-417-051**

This Deed Restriction is made this 30<sup>th</sup> day of September 2008, by McLane Tilton, Trustee of The A & M Tilton 1996 Trust dated December 20, 1996 (herein "Tilton"), and Alexander Graf, a Nevada resident (herein "Graf") (Tilton and Graf collectively hereinafter "Declarants").

**RECITALS**

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

Parcel One (Tilton)

LOT 10, IN BLOCK 1, AS SHOWN ON THE PLAT OF ZEPHYR HEIGHTS SUBDIVISION, WHICH PLAT WAS FILED IN THE OFFICE OF THE COUNTY RECORDER OF DOUGLAS COUNTY, NEVADA ON JULY 5, 1947.

APN 1318-10-417-050

Parcel Two (Graf)

LOT 11, IN BLOCK 1, AS SHOWN ON THE PLAT OF ZEPHYR HEIGHTS SUBDIVISION, WHICH PLAT WAS FILED IN THE OFFICE OF THE COUNTY RECORDER OF DOUGLAS COUNTY, NEVADA ON JULY 5, 1947.

1318-10-417-051

- B. The referenced parcels are located in the Tahoe Region as described in the Tahoe Regional Planning compact (P.L. 96-551, Stat. 3233, 1980), which region is subject to the regional plan and the ordinances adopted by the Tahoe Regional Planning Agency (hereafter "TRPA") pursuant to the Tahoe Regional Planning Compact.
- C. Tilton and Graf received approval from the TRPA on September 18, 2008, for installation of a joint water infiltration system to satisfy TRPA Best Management Practices (hereafter "BMP") requirements, subject to certain conditions contained on said approval, including a condition that Tilton and Graf record a deed restriction establishing a project area for the purpose of ensuring that the water infiltration requirements for the parcels within the project area shall always be made as if the parcels had been legally consolidated.

### DECLARATIONS

1. Declarants hereby declare that, for the purpose of satisfying TRPA's September 18, 2008, conditions of approval, the Property consisting of Parcels One and Two identified herein shall always be treated as if the lots had been legally consolidated for the purposes of water infiltration requirements within the project area, and the TRPA ordinances pertaining to BMP's.
2. The parties hereto agree that Tilton may undertake any action on Parcels One without the consent of Graf, and Graf may undertake any action on Parcel Two without the consent of Tilton, to the extent that any such actions do not in any way affect the water infiltration qualities, BMP's or other rights of the other. Any action by either party which would in any way affect water infiltration qualities, BMP's or other rights of the other party shall be subject to the prior express written consent of the affected party prior to the submittal of an application for that activity to the TRPA.
3. This Deed Restriction shall be deemed a covenant running with the land, or an equitable servitude, as the case may be, and shall be binding on the Declarants and Declarants' assigns, and all persons acquiring or owning any interest in the property.
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 shall be 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 the day and year written above.



Declarant's Signature:

McLane Tilton Trustee

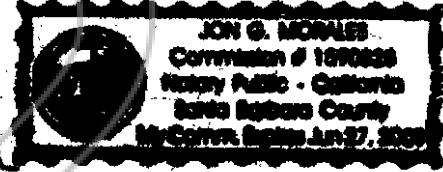
Dated: 30 Sept 2008

McLane Tilton, Trustee of The A & M Tilton 1996 Trust dated December 20, 1996.

STATE OF California  
SS.  
COUNTY OF Santa Barbara

On this 30 day of September 2008, before me, personally appeared Tilton McLane 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.

[Signature]  
NOTARY PUBLIC



Declarant's Signature:

Adelle Tilton

Dated: 9/30/08

Adelle Tilton, Trustee of The A & M Tilton 1996 Trust dated December 20, 1996.

STATE OF California  
SS.  
COUNTY OF Santa Barbara

On this 30 day of September 2008, before me, personally appeared Tilton Adelle 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.

[Signature]  
NOTARY PUBLIC



Declarant's Signature:

Alexander Graf

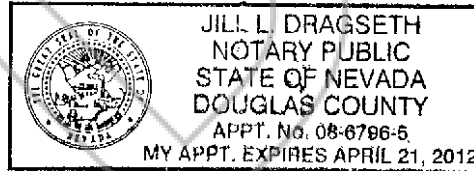
Dated: 10-15-2008

Alexander Graf

STATE OF )  
                  ) SS.  
COUNTY OF )

On this 15<sup>th</sup> day of October 2008, before me, personally appeared Alexander Graf 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.

Jill L. Dragseth  
NOTARY PUBLIC



APPROVED AS TO FORM

Tahoe Regional Planning Agency Sarah Dunlap

STATE OF )  
                  ) SS.  
COUNTY OF )

On this 11<sup>th</sup> day of December 2008, before me, personally appeared Sarah Dunlap 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.

Danna M. Meyer  
NOTARY PUBLIC

