

OFFICIAL RECORD
Requested By:
LEWIS AND ROCA LLP

RECORDING REQUESTED BY:
Tahoe Regional Planning Agency
Post Office Box 5310
Stateline, Nevada 89449

Douglas County - NV
Karen Ellison - Recorder

Page: 1 of 15 Fee: 28.00
BK-0909 PG-1949 RPTT: 0.00



WHEN RECORDED MAIL TO:
Tahoe Regional Planning Agency
Post Office Box 5310
Stateline, Nevada 89449
Attention: Chantal Charette, Associate Planner
TRPA File No. Admin 2007-0021

**DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR
RESCINDING DEED RESTRICTION FILED ON SEPTEMBER 12, 2006
("DEED RESTRICTION") TO BE RECORDED AGAINST APN 1318-22-001-008**

This Deed Restriction is made this 25 day of AUGUST, 2009, by Paul P. Flynn and Sandra M. Flynn, Trustees of the PSF Trust dated April 9, 1997 (hereinafter "Declarants").

RECITALS

1. Declarants are the owners of certain real property located in Douglas County, State of Nevada, described as follows, and hereafter referred to as the "Property":

See Exhibit "A" attached hereto

Said parcel was recorded in Document Number 0657526, on October 11, 2005, in the Official Records of Douglas County, Nevada, and having Assessor's Parcel Number 1318-22-001-008. (Hereinafter "Sending Parcel")

2. The property 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 Tahoe Regional Planning Agency pursuant to the Tahoe Regional Planning Compact.
3. Declarants received approval from the TRPA on January 27, 2005 to transfer 14,287 square feet of Class 4 potential land coverage from the Sending Parcel to an easement on the adjacent property conveyed to the Declarants by the adjacent property owner, for the purpose of constructing a driveway to the Declarants property. This parcel is described as follows:

See Exhibit "B" attached hereto

Said parcel was recorded in Document Number 17228, on February 1, 1978, in the Official Records of Douglas County, Nevada, and having Assessor's Parcel Number 1318-22-001-009. (Hereinafter "Receiving Parcel")

4. On September 12, 2006, a deed restriction transferring 14,287 square feet of potential land coverage from the Sending Parcel to the Receiving Parcel,

Deed Restriction APN 1318-22-001-008
Flynn
Page 2 of 5

Document Number 0684338, was recorded in Douglas County, Nevada. The deed restriction was recorded as a condition of TRPA permit 20041263, authorizing the construction of a driveway within an access easement on the receiving parcel. The September 12, 2006 deed restriction is attached hereto as Exhibit "C" and incorporated herein by reference.

- 5. Declarants no longer wish to proceed with the construction of a driveway within the access easement or with the transfer of 14,287 square feet of potential land coverage to the Receiving Parcel. Therefore, the deed restriction attached in Exhibit "C" is no longer necessary and is rescinded.

DECLARATIONS

- 1. Declarant hereby declares that, for the purpose of calculating land coverage and applying TRPA ordinances relating to land coverage, the transfer of 14,287 square feet of potential land coverage from the Sending Parcel to the Receiving Parcel is rescinded.
- 2. Declarants hereby revoke, with TRPA's consent, the deed restriction attached in Exhibit "C". Declarants and TRPA declare that the deed restriction in Exhibit "C" shall have no further force and effect from this day forward.
- 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 Declarants 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.

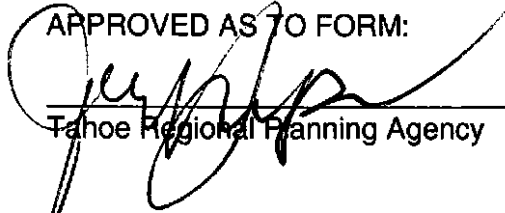
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Deed Restriction APN 1318-22-001-008
Flynn
Page 5 of 5

APPROVED AS TO FORM:



Tahoe Regional Planning Agency

Dated: 8/19/09

STATE OF NEVADA)
) SS.
COUNTY OF DOUGLAS)

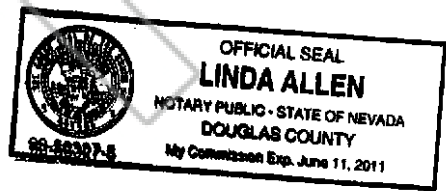
On 8-19-09, before me, Linda Allen, Notary Public,
personally appeared Jordan Dunlap,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s)
is/are subscribed to the within instrument and acknowledged to me that he/she/they executed
the same in his/her/their authorized 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.



NOTARY PUBLIC





BK- 0909
PG- 1954

0750398 Page: 6 of 15 09/09/2009

OFFICIAL RECORD

Requested By:

T S I TITLE & ESCROW

Douglas County - NV
Werner Christen - Recorder

Page: 1 of 3 Fee: 16.00

BK-1005 PG- 4831 RPTT: 6240.00

A.P. N.: 1318-22-001-008
Escrow No.: 05-51183-RM
R.P.T.T.: \$6,240.00

WHEN RECORDED MAIL TO:
Mr. & Mrs. Flynn, Trustees
9804 Winter Palace Drive
Las Vegas, NV. 89145

GRANT, BARGAIN and SALE DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

Thane McCall, Trustee of the Thane McCall Family Trust dated October 28, 1993

do(es) hereby GRANT, BARGAIN and SELL to

Paul P. Flynn and Sandra M. Flynn, Trustees of the PSF Trust dated April 9, 1997

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

A parcel of land situated in and being a portion of the North 1/2 of the North East 1/4 of Section 22, Township 13 North, Range 18 East., M.D.B. & M, more particularly described as follows:

Parcel A:

Parcel 2 as set forth on that certain parcel map for LOIS ELIZABETH RABE SARMAN and EDWIN CARL SARMAN, Co-executors of the ESTATE OF ELIZABETH SCHULZ RABE, deceased, filed for record in the Office of the County Recorder of Douglas County, Nevada on January 10, 1978, in Book 178, Page 562, as Document No.16586.

Said premises further imposed on that certain Record of Survey for Judy Alexander recorded September 1, 1994 as Document No. 345711.

Parcel B:

TOGETHER with an 80 foot wide easement for access and utility purposes lying Southerly and Westerly of the above described parcel and being more particularly described as follows:

Commencing at a point on Southerly right of way line of Elks Point Road, said point being the most Westerly point on the Boundary of that parcel shown on the Parcel Map recorded May 7, 1974, Document No. 73081 and from which point the center of a right-of-way curve for Elks Point Road bears North 33 degrees, 32' 38" West, 2,030.00 feet, said point being the TRUE POINT OF BEGINNING of the herein described easement; thence along said boundary South 43 degrees 18' 57" East, 327.76 feet to a point; thence along the boundary of the above described parcel South 43 degrees 18' 57" East, 350.00 feet to a point; thence South 80 degrees 14' 42" East, 237.94 feet; thence South 47 degrees 36' 00" East, 148.30 feet; thence leaving said commercial area boundary North 80 degrees 14' 42" West, 389.54 feet; thence North 43 degrees 18' 57" West, 719.91 feet to a point on the South boundary of Elks Point Road and from which point the center of a curve concave to the Northwest bears North 31 degrees 14' 39" West, 2030.00 feet; thence Northeasterly along said right-of-way along said curve with a central angle of 2 degrees 17' 59" and a radius of 2030.00 feet and arc distance of 81.48 feet to the point of beginning of the herein described easement as set forth in Deed executed by LOIS ELIZABETH RABE SARMAN and EDWIN CARL SARMAN, Co-executors of the Estate of ELIZABETH SCHULZ RABE, recorded November 16, 1977, in Book 1177, Page 1074, Document No. 15111, Official Records of Douglas County, Nevada.

Per N.R.S. 111.312, this legal description was previously recorded on March 28, 2001 in Book 0301, Page 6969 as Document No. 511168, Official Records, Douglas County, State of Nevada TOGETHER with all tenements, hereditaments and appurtenances, including easements and water rights, if any, thereto belonging or appertaining, and any reversions, remainders, rents, issues or profits thereof.

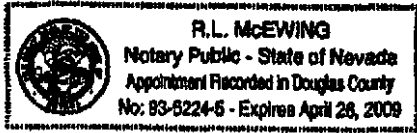
Date: 10/1/05

Thane McCall
Thane McCall, Trustee

State of Nevada)
) ss:
County of Douglas)

On 10-7-2005
Before me, a Notary Public, personally appeared
Thane McCall, Trustee

[] personally known to me -or- [] 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



WITNESS my hand and official seal

R L McEWING
NAME (TYPED OR PRINTED)

EXHIBIT B (1)

GRANT DEED

KNOW ALL MEN BY THESE PRESENTS, that THE NATURE CONSERVANCY, a non-profit corporation of the District of Columbia, with principal offices in Arlington, Virginia,

That portion of Sections 22 and of the Northwest 1/4 of the Southwest 1/4 of Section 23, Township 13 North, Range 18 East, M.D.B.&M., more particularly described as follows:

COMMENCING at the Section corner common to Sections 22, 23, 26 and 27, in said Township and Range; thence North 05°13'14" East, a distance of 1,542.02 feet to the beginning of a curve to the right from a tangent which bears South 10°19'00" East, in the Westerly right of way line of U.S. Highway 50, as described in the conveyance to the STATE OF NEVADA, recorded October 23, 1935, in Book U of Deeds, at Page 110, Douglas County, Nevada, records; thence along said right of way line North 10°19'00" West, a distance of 182.78 feet to a point at the Northeasterly corner of the property conveyed to THOMAS K. HINES and TED JENNINGS, recorded November 30, 1965, in Book 36 of Official Records, at Page 183, Official Records of Douglas County, Nevada, the True Point of Beginning; thence along the Northerly and Westerly line of said Hines and Jennings property the following three courses and distances: South 79°41'00" West, a distance of 150.00 feet; North 61°09'47" West, a distance of 987.36 feet; and South 28°53'33" West, a distance of 754.71 feet to a point on the Northerly line of Kahle Drive, as shown on the map of OLIVER PARK, filed February 2, 1959, in the office of the County Recorder of Douglas County, Nevada; said point being a point in the Northerly line of the property conveyed to THOMAS P. KIERNAN and CHESTER D. FIPPIN, by Deed recorded July 14, 1954, in Book B-1 of Deeds, at Page 142, Douglas County, Nevada, records; thence North 61°11'11" West (recorded as North 61°11'00" West) along the Northerly line of the property conveyed to said Kiernan and Fippin, a distance of 2,427.13 feet; thence continuing along said Northerly line South 86°51'12" West (recorded as

Handwritten notes: This deed is subject to... [unclear] Realty Officer Jan 18, 1978

17023 [unclear] (Rev. 6-77)

276 001

EXHIBIT B(2)

North 86°57'00" East), a distance of 561.67 feet to a point at the Southeasterly corner of the property as conveyed to SHERMAN C. DODGE, by Deed recorded September 2, 1948, in Book Y of Deeds, at Page 479, Douglas County, Nevada, records; said point being the West 1/16th corner of said Section 22; thence North along the East line of Lots 2 and 1 of said Section 22, being the East line of said Dodge property and the property conveyed to the UNITED STATES OF AMERICA by Deed recorded July 23, 1942, Book W of Deeds, at Page 289, Douglas County, Nevada, records, a distance of 2,638.33 feet to a point on the North line of said Section 22; thence South 89°58'33" East along the North line of said Section, a distance of 1,319.47 feet, to the 1/4 corner common to said Section 22 and to Section 15, in said Township and Range; thence continuing along the North line of Section 22 South 89°50'16" East, a distance of 1,004.16 feet to a point on the Westerly right of way line of U.S. Highway 50, as described in Book U of Deeds, at Page 110, Douglas County, Nevada, records; thence South 47°36'00" East along said Westerly right of way line, a distance of 772.00 feet, more or less, to the beginning of a tangent curve to the right, having a radius of 2,960.0 feet and a central angle of 37°17'00"; thence Southeasterly along said curve an arc distance of 1926.12 feet; thence tangent to said curve South 10°19'00" East, a distance of 1,408.34 feet along said right of way line to the POINT OF BEGINNING.

EXCEPTING THEREFROM that portion thereof described as follows:

A parcel of land in the Northwest 1/4 of the Northeast 1/4 of Section 22, Township 13 North, Range 18 East, M.D.B.&M., Douglas County, Nevada, more particularly described as follows:

BEGINNING at the intersection of the North line of said Section 22 and the Southeasterly line of Elks Point Road (60 feet in width) said point of intersection being marked on the ground by a 6 x 6 inch concrete marker; thence from said True Point of Beginning, South 89°55'52" East, along said Section line, a distance of 200 feet, more or less, to a point which is 100.00 feet, Westerly, along said Section line, from the Southeast corner of the parcel of land described in the Deed from S.H. BOURNE to the LAKE TAHOE FIRE PROTECTION DISTRICT, said Deed being recorded in Book 20, Page 353, Records of said County; thence leaving said Section line at right angles, South 0°04'08" West, a distance of 26.00 feet; thence South 88°21'04" West, along the line of an existing fence, 244 feet, more or less, to said Southeasterly line of Elks Point Road; thence Northeasterly, along said Southeasterly line, 55 feet, more or less, to the POINT OF BEGINNING.

AND ALSO EXCEPTING THEREFROM a parcel of land in Section 22, Township 13 North, Range 18 East, M.D.B.&M., within Douglas County, Nevada, being a strip of land 25.00 feet in width parallel to, contiguous with, and South of the North line of said Section 22, and more particularly described as follows:

BEGINNING at the Southeast corner of that parcel of land described in the Deed from S.H. BOURNE to the LAKE TAHOE FIRE PROTECTION DISTRICT, said Deed being recorded in Book 20, Page 353, Records of said County; thence South 89°55'52" East, along said North line of Section 22, a distance of 417.3 feet, more or less, to the Southwesterly line of U.S. Highway 50 (80 feet in width); thence Southeasterly, along said Southwesterly line, a distance of 35.2 feet, more or less; thence leaving said Southwesterly line, North 89°55'52" West, along a line parallel to the aforesaid Section line and 26 feet distant therefrom a distance of 541.0 feet, more or less; thence North 0°04'08" East, a distance of 26.00 feet to said Section line; thence South 89°55'52" East, a distance of 100.00 feet to the POINT OF BEGINNING.

ALSO EXCEPTING FURTHER, the following described parcel:

A parcel of land in the North 1/2 of Section 22, Township 13 North, Range 18 East, M.D.B.&M., in Douglas County, Nevada, containing 1.00 acres more or less, more particularly described as follows:

EXHIBIT B (3)

BEGINNING at the North 1/4 corner of Section 22, Township 13 North, Range 18 East, M.D.B.&M., South 89°55'52" East, a distance of 186.92 feet along North line of said Section to the 6" x 6" concrete State Highway Monument; thence along the arc of a curve to the right whose tangent bears South 54°36'06" West, with a radius of 1,970 feet through an angle of 7°22'39", a distance of 253.66 feet; thence South 63°10'53" West, a distance of 124.71 feet; thence South 63°46'45" West, a distance of 6.09 feet; thence South 64°48'27" West, a distance of 51.80 feet; thence North 0°03'23" East, a distance of 214.66 feet to the North line of Section 22; thence South 89°56'37" East, a distance of 192.15 feet along said Section line to the POINT OF BEGINNING.

ALSO EXCEPTING FURTHER, the following described parcel:

A parcel of land in the North 1/2 of Section 22, Township 13 North, Range 18 East, M.D.B.&M., in Douglas County, Nevada, containing 1.00 acres more or less, more particularly described as follows:

COMMENCING at the North 1/4 corner of Section 22, Township 13 North, Range 18 East, M.D.B.&M., North 89°56'37" West, a distance of 192.15 feet along Northerly Section line to the Point of Beginning; thence South 0°03'23" West, a distance of 214.66 feet to a point on the Northerly right of way line of Elk Point Road; thence along said right of way South 64°48'27" West, a distance of 119.69 feet; thence along the arc of a curve to the right whose tangent bears South 66°52'45" West, with a radius of 1,570 feet through an angle of 2°27'36", a distance of 67.41 feet; thence North 0°03'23" East, a distance of 290.96 feet to the North line of Section 22; thence along said Section line, a distance of 170.76 feet to the POINT OF BEGINNING.

ALSO EXCEPTING FURTHER, the following described parcel:

A parcel of land in the North 1/2 of Section 22, Township 13 North, Range 18 East, M.D.B.&M., in Douglas County, Nevada, containing 1.00 acres more or less, more particularly described as follows:

COMMENCING at the North 1/4 corner of Section 22, Township 13 North, Range 18 East, M.D.B.&M., North 89°56'37" West, a distance of 362.91 feet to the Point of Beginning; thence South 0°03'23" East, a distance of 290.96 feet to the Northerly right of way line of Elk Point Road; thence along said right of way along the arc of a curve to the right whose tangent bears South 59°20'21" West, with a radius of 1,570 feet through an angle of 5°19'47", a distance of 146.04 feet; thence North 0°03'23" East, a distance of 336.14 feet to the North line of Section 22; thence along said Section line South 89°56'37" East, a distance of 138.93 feet to the POINT OF BEGINNING.

ALSO FURTHER EXCEPTING THEREFROM that portion of said land described as follows, to-wit:

All that certain piece or parcel of land located in the Northwest 1/4 of the Northeast 1/4 of Section 22, Township 13 North, Range 18 East, M.D.B.&M., and more particularly described as follows:

COMMENCING at the North 1/4 corner of said Section 22; thence South 89°55'52" East, along the North line of said Section 22, a distance of 286.41 feet to a point that intersects the Southerly right-of-way line of Elk Point Road and being the True Point of Beginning for this description; thence continuing South 89°55'52" East, along the North line of said Section 22, a distance of 700.00 feet; thence South 36°00'00" West, a distance of 400.00 feet; thence West, a distance of 360.00 feet; thence North 43°18'57" West, a distance of 327.76 feet to a point on the Southerly right-of-way line of Elk Point Road; thence following said right-of-way line in a Northeasterly direction along a circular curve to the left, having a radius of 2,030 feet and a central angle of 4°10', a distance of 147.63 feet to the POINT OF BEGINNING.

EXHIBIT B (4)

Said parcel being the same as shown on that certain Parcel Map recorded May 7, 1974, as Document No. 73081.

ALSO FURTHER EXCEPTING THEREFROM the following described parcel:

That certain parcel of land located in the North 1/2 of the Northeast 1/4 of Section 22, Township 13 North, Range 18 East, M.D.B.&M., and more particularly described as follows:

COMMENCING at the North 1/4 corner of Section 22; thence South 89°55'52" East, along the North line of Section 22, a distance of 1,004.16 feet to a point on the Westerly right-of-way line of U.S. Highway 50, said point being the True Point of Beginning; thence along the Westerly right-of-way line South 47°36'00" East, a distance of 630.00 feet; thence leaving said right-of-way South 42°24'00" West, a distance of 550.00 feet; thence North 47°36'00" West, a distance of 315.00 feet; thence North 80°14'42" West, a distance of 237.94 feet; thence North 43°18'57" West, a distance of 350.00 feet to a point on the South boundary of a parcel as shown on the Parcel Map recorded May 7, 1974, as Document No. 73081; thence along the boundary of said parcel East, a distance of 360.00 feet to a point; thence North 36°00'00" East, a distance of 400.00 feet to a point, said point being on the North Section line of Section 22 as described above; thence along the Section line South 89°55'52" East, a distance of 17.75 feet to the POINT OF BEGINNING.

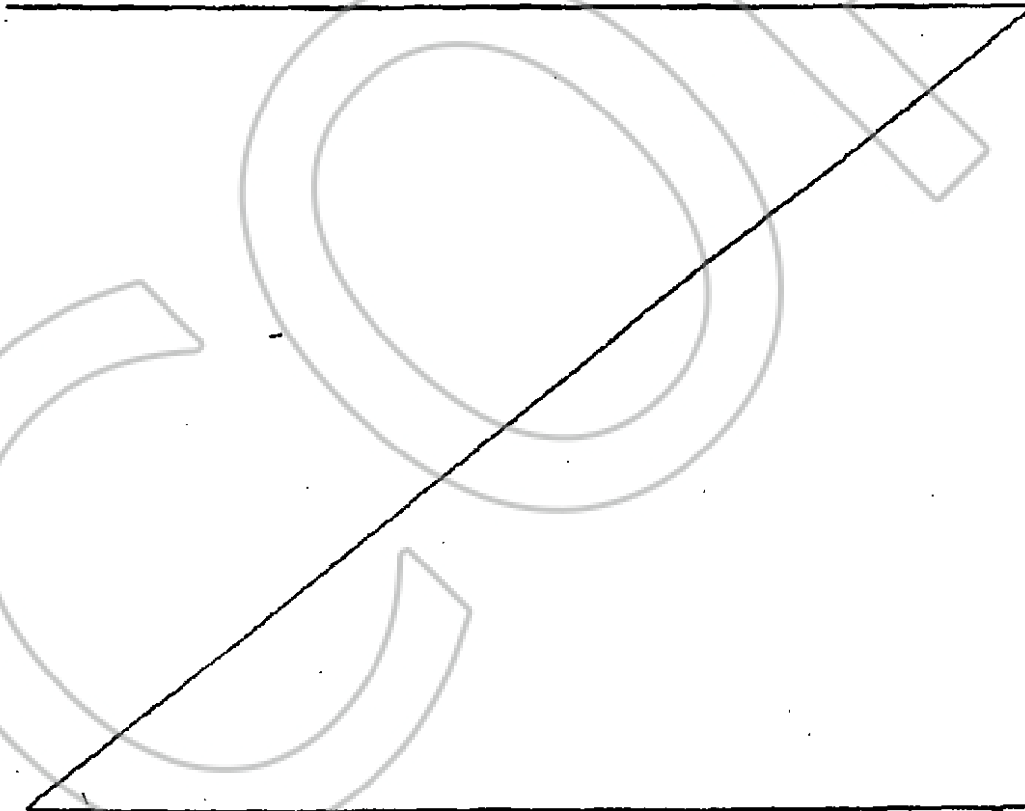


EXHIBIT "C" (1)

DC # 0684338
09/12/2006 02:15 PM Deputy: CF
OFFICIAL RECORD
Requested By:
BASIN STRATEGIES

RECORDING REQUESTED BY:

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

Douglas County - NV
Werner Christen - Recorder
Page: 1 of 8 Fee: 21.00
BK-0906 PG- 3777 RPTT: 0.00

WHEN RECORDED MAIL TO:

Tahoe Regional Planning Agency
Post Office Box 5310
Stateline, Nevada 89449
Attn: David L. Landry, Associate Planner
TRPA File Number ~~20030650~~ 20041263

BK- 0909
PG- 1961
0750398 Page: 13 Of 15 09/09/2009

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR COVERAGE ASSIGNMENT ("DEED RESTRICTION")
TO BE RECORDED AGAINST APN 1318-22-001-008

This Deed Restriction is made this 12 day of September, 2006, by Paul F. Flynn, Trustee of the PSF Trust dated April 9, 1997 (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 hereto:


Said parcel was recorded on August 14, 2002 in Document Number 0549442 in Book 0802, Page 03907, in Douglas County Recorder's Office, and having Assessor's Parcel Number 1318-22-001-008 (hereinafter "Sending Parcel").
2. The Declarant has received approval from the Tahoe Regional Planning Agency (TRPA) on January 28, 2005 to transfer 14,287 square feet of potential land coverage from the Sending Parcel to the receiving parcel, described as follows:

See Exhibit 'B' attached hereto:

Said parcel was recorded on February 1, 1978 in Document Number 17228 in Book 278, Page 001, in Douglas County Recorder's Office, State of Nevada, and having Assessor's Parcel Number 1318-22-001-009 (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 and pursuant to Chapter 20 of the TRPA Code of Ordinances, TRPA requires that the appropriate deed restriction be recorded documenting the transfer of land coverage.

EXHIBIT "C" (2)

Deed Restriction APN 1318-22-001-008
Paul F. Flynn
Page 2 of 3


0750398 Page: 14 Of 15 09/09/2009
BK- 0909
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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 permanently transferred 14,287 square feet of potential land coverage to the Receiving Parcel, APN 1318-22-001-009. Declarant further declares that 68,054 square feet of land coverage now remains available for future projects or land coverage transfers as may be approved by TRPA.
2. Declarant also hereby declares that the area of the transferred land coverage on the Sending Parcel shall be restored and maintained in a natural or near natural state. Declarant acknowledges that land coverage may be returned to the Sending Parcel only if TRPA approves the transfer of such pursuant to TRPA's ordinances in effect at the time of such development. Declarant further acknowledges that any such future transfer to the Sending Parcel shall be evidenced by a recorded instrument approved by TRPA. Declarant likewise declares that Declarant shall protect the Sending Parcel from soil disturbance and 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 Declarants 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.

End of Page


0684338 Page: 2 Of 8 09/12/2006
BK- 0906
PG- 3778

