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DOC # 0774769  
12/02/2010 12:23 PM Deputy: GB  
OFFICIAL RECORD  
Requested By:  
ALLING & JILLSON

**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-1210 PG-0402 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 Number: TRAN2009-0253



**DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR  
REVOKING DEED RESTRICTION FILED ON AUGUST 28, 2009  
("DEED RESTRICTION")**

This Deed Restriction is made this 30<sup>th</sup> day of November, 2010, by and between Frank T. DeVerse and Patsy J. DeVerse Living Trust u/a/d January 10, 1978, Frank T., Trustee and Patsy J. DeVerse, Trustee, pursuant to an irrevocable Power-of-Attorney recorded in Document No. 0749083, on August 18, 2008, in the Official Records of Douglas County (hereinafter "Declarants").

**RECITALS**

1. Declarants are the owners of certain real property located in Douglas County, described as follows:  
  
 Lot "J", in Block D, of GLENBROOK SUBDIVISION UNIT 3-B, according to the map thereof, filed in the office of the County Recorder of Douglas County, State of Nevada, on June 13, 1980, in Book 680, of Maps, Page 1269, as File No. 45299.  
  
 Certificate of Amendment recorded March 3, 1981, in Book 381, Page 117, Official Records of Douglas County, Nevada, as Document No. 53983.  
  
 Said parcel was recorded in Document Number 0456984, on December 21, 1998, in the Official Records of Douglas County, Nevada, and having Assessor's Parcel Number 1418-03-711-011. (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 (hereafter "TRPA") pursuant to the Tahoe Regional Planning Compact.
3. Declarants have received approval from the TRPA on March 12, 2009 (File Number ADMIN2008-0002) to transfer 517 square feet of land coverage to act as an access

easement for the abutting property's (107 Tobey Lane) driveway, subject to certain conditions contained in the letter, including a condition that the Declarants record a deed restriction to permanently transfer land coverage for the aforementioned project. That deed restriction was recorded on August 28, 2009 in Document 0749864, attached hereto as Exhibit "A" and incorporated herein by reference.

4. The Declarants are aware of the error and agrees to rescind the recorded deed restriction to replace with a new restriction which identifies the correct land capability. Therefore, the deed restriction attached in Exhibit "A" is no longer necessary and shall be rescinded.

### DECLARATIONS

1. Declarants hereby declare that the transfer of potential land coverage previously approved by TRPA on August 28, 2009 is hereby withdrawn and that said approval shall have no further force or effect.
2. Declarants hereby revoke, with TRPA's consent, the deed restriction attached in Exhibit "A". Declarants and TRPA declare that the deed restriction in Exhibit "A" 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 Property described above and shall be binding on the Declarant and Declarant's 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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IN WITNESS WHEREOF, Declarant has executed this Deed Restriction this day and year written above.

Declarant(s) Signature:

Patsy J. DeVerse, Trustee  
Patsy J. DeVerse, Trustee

Dated: 11-30-10

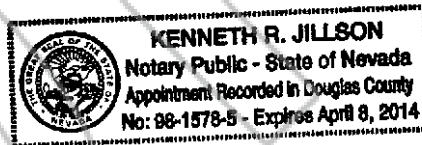
STATE OF Nevada )  
COUNTY OF Douglas ) SS.

On this 30<sup>th</sup> day of November, 2010, before me, Kenneth R. Jillson, personally appeared, Patsy J. DeVerse 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 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.

[Signature]  
NOTARY PUBLIC



APPROVED AS TO FORM:

Wendy Jepson  
Tahoe Regional Planning Agency  
Wendy Jepson  
STATE OF Nevada )  
COUNTY OF Douglas ) SS.

On this 4<sup>th</sup> day of October, 2010, before me, Linda Allen,  
Notary Public, personally appeared Wendy Jepson 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 certify under PENALTY OF PERJURY under the laws of the State of Nevada that the foregoing  
paragraph is true and correct.

Linda Allen  
NOTARY PUBLIC





OFFICIAL RECORD  
Requested By:  
TRPA

# EXHIBIT A

**RECORDING REQUESTED BY:**

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

RECEIVED

SEP 17 2009

TAHOE REGIONAL  
PLANNING AGENCY

Douglas County - NV  
Karen Ellison - Recorder

Page: 1 of 3 Fee: 16.00  
BK-0809 PG- 7282 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 Number: TRAN2009-0253

**DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS  
FOR DEVELOPMENT RIGHT TRANSFER FROM NON-SENSITIVE PARCEL  
("DEED RESTRICTION")**

**TO BE RECORDED AGAINST APN 1418-03-711-011**

This Deed Restriction is made this 28<sup>th</sup> day of August, 2009, by and between Frank T. DeVerse and Patsy J. DeVerse Living Trust u/a/d January 10, 1978, Frank T., Trustee and Patsy J. DeVerse, Trustee ("Sending Parcel Owner"); The Boyd 1988 Trust dated 9/12/1988, Robert J., Trustee and Mary Ann Boyd, Trustee ("Purchaser"); and the Caroline S. Wing Survivor's Trust created 10/30/04, Caroline S. Wing, Trustee, Seller of Coverage ("Seller"), pursuant to an irrevocable Power-of-Attorney recorded in Document No. 0749083, on August 18, 2008, in the Official Records of Douglas County (hereinafter "Declarant")

**RECITALS**

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

Lot "J", in Block D, of GLENBROOK SUBDIVISION UNIT 3-B, according to the map thereof, filed in the office of the County Recorder of Douglas County, State of Nevada, on June 13, 1980, in Book 680, of Maps, Page 1269, as File No. 45299.

Certificate of Amendment recorded March 3, 1981, in Book 381, Page 117, Official Records of Douglas County, Nevada, as Document No. 53983.

Said parcel was recorded in Document Number 0456984, on December 21, 1998, in the Official Records of Douglas County, Nevada, and having Assessor's Parcel Number 1418-03-711-011. (Hereinafter "Sending Parcel")

2. The Declarant received approval from the Tahoe Regional Planning Agency (TRPA) on August 28, 2009 to transfer 517 square feet of potential land coverage; Map Zone 6 (Class 6) from the Sending Parcel to a receiving parcel, described as follows:

See Exhibit A

Said parcel was recorded in Document Number 728629, on August 19, 2008, in the Official Records of Douglas County, Nevada, and having Assessor's Parcel Number 1418-03-811-019. (Hereinafter "Receiving Parcel")

3. The above real 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 TRPA pursuant to the Tahoe Regional Planning Compact.
4. 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, 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 517 square feet of Map Zone 6 (Class 6) potential land coverage and to now contain 16,483 square feet of Map Zone 6 (Class 6) potential land coverage.
2. Declarant also hereby declares that the transferred coverage can never be transferred back to the Sending Parcel, and that such area shall be restored in a natural state or near natural state if not redeveloped pursuant to a TRPA permit. Declarant also declares that Declarant is permanently restricted from transferring the coverage back to the Sending Parcel. 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 Declarant's 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.
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.

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IN WITNESS WHEREOF, Declarant has executed this Deed Restriction this the day and year written above.

Declarant(s) Signature:

Gary D. Midkiff  
Gary D. Midkiff, Agent

Dated: 8-28-09

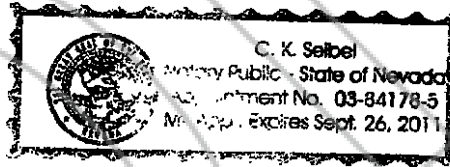
STATE OF NV )  
COUNTY OF Douglas ) SS.

On this 28<sup>th</sup> day of August, 2009, before me, C. K. Seibel, personally appeared, GARY D MIDKIFF 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 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.

C. K. Seibel  
NOTARY PUBLIC



APPROVED AS TO FORM:

Wendy Japson  
Tahoe Regional Planning Agency

STATE OF NEVADA )  
 ) SS.  
COUNTY OF DOUGLAS )

On this 28 day of August, 2009, before me, Kimberly Wenger, Notary Public, personally appeared Wendy Japson 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 certify under 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.

Kimberly Wenger  
NOTARY PUBLIC

