



KAREN ELLISON, RECORDER

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**RECORDING REQUESTED BY:**  
TAHOE REGIONAL PLANNING AGENCY  
Post Office Box 5310  
Stateline, NV 89449

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**WHEN RECORDED MAIL TO:**  
TAHOE REGIONAL PLANNING AGENCY  
Post Office Box 5310  
Stateline, NV 89449  
Attention: Julie Roll, Associate Planner

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**DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS  
CONCERNING CONVERSION OF THE GARAGE TO ACCESSORY LIVING SPACE  
("DEED RESTRICTION")**

This Deed Restriction is made by Timothy Gilbert and Nancy Gilbert, a married couple, (hereinafter "Declarants").

**RECITALS**

1. Declarant is the owner of certain real property described as follows:

Lot 124 and the East ½ of Lot 125, of the ELKS SUBDIVISION PLAT, according to the official map thereof, filed in the office of the County Recorder of Douglas County, Nevada, on May 5, 1927 and as shown on the Amended Plat of the Elks Subdivision, on January 5, 1928 and as shown on the Second Amended Plat of the Elks Subdivision, on June 5, 1952, as Document No. 8537.

Said parcel was recorded on August 22, 2014, in document number 848509 in the Office of the Douglas County Recorder. Assessor's Parcel Number 1318-16-810-045 (hereinafter "Property").

2. The Declarant has received approval from the Tahoe Regional Planning Agency (hereinafter "TRPA") on June 18, 2015 to construct a residential addition on the Property, including a second floor addition to the residence and conversion of the garage to accessory living space.

3. The Property is 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 TRPA pursuant to the Tahoe Regional Planning Compact.

4. As a condition of the above approval, Chapter 21 of the TRPA Code of Ordinances requires the appropriate deed restriction be recorded documenting the limits to the use of the accessory living space.

## DECLARATION

1. Declarant declares that the garage is being converted to accessory living space, which shall be an accessory use to and part of the primary residence on the Property, and shall not be used in a fashion as to constitute a secondary residence or separate residential unit. This accessory living space shall not be permitted to contain cooking facilities and shall not be leased, rented, or used separate from the primary residence on the Property. Use of the accessory living space as a separate residential unit shall constitute a violation of the TRPA approval.

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 Property described above and shall be binding on the Declarant and Declarant's assigns and all persons hereafter acquiring or owning any interest in the Property.

3. This Deed Restriction may not be revoked or modified without the prior express written and recorded consent of the Tahoe Regional Planning Agency 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.

APPROVED AS TO FORM:

Wendy Gerson  
Tahoe Regional Planning Agency

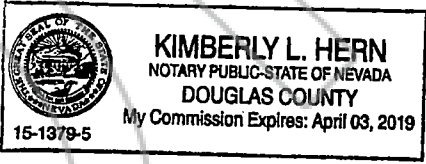
STATE OF NEVADA            )  
  ) SS..  
COUNTY OF DOUGLAS    )

On this 23<sup>rd</sup> day of JUNE, 2015, before me, Kim Hern, personally appeared Wendy Gerson 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 L. Hern  
NOTARY PUBLIC



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

DECLARANTS' SIGNATURE:

Timothy Gilbert  
Timothy Gilbert

Dated: 6/26/2015

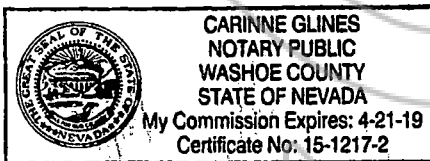
STATE OF )  
                  ) ss.  
COUNTY OF )

On this 26 day of June, 2015, before me, Carinne Glines personally appeared Timothy Gilbert 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.

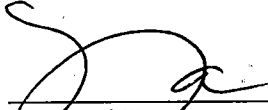
WITNESS my hand and official seal.

Carinne Glines  
NOTARY PUBLIC



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

DECLARANTS' SIGNATURE:

  
\_\_\_\_\_  
Nancy Gilbert

Dated: 6/26/15<sup>14</sup>

STATE OF )  
                  ) ss.  
COUNTY OF )

On this 26 day of June, 2015, before me, Carinne Glines personally appeared Nancy Gilbert 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.

  
\_\_\_\_\_  
NOTARY PUBLIC

