

RECORDING REQUESTED BY:

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



KAREN ELLISON, RECORDER

WHEN RECORDED MAIL TO:

Tahoe Regional Planning Agency
Post Office Box 5310
Stateline, Nevada 89449
Attention: Theresa Avance, Senior Planner
TRPA File No. TRAN2016-0429

**DECLARATION OF COVENANTS, CONDITIONS AND
RESTRICTIONS FOR LAND COVERAGE TRANSFER
("DEED RESTRICTION") TO BE RECORDED AGAINST
ASSESSOR'S PARCEL NUMBER (APN) 1318-15-611-053**

This Deed Restriction is made this 17th day of June, 2016, by Gary A. Michelsen and Ronald J. Michelsen, pursuant to an irrevocable Power-of-Attorney recorded March 28, 2014 in the Douglas County Recorder's Office as Document Number 0840319, entitled by SOZE Trust dated October 16, 2009, (hereinafter "Declarant").

RECITALS

1. Declarant is authorized to transfer land coverage from certain real property located in Douglas County, State of Nevada, described as follows:

Lot 5 in Block D of ROUND HILL VILLAGE UNIT NO. 4, in according to the map thereof, filed in the office of the County Recorder of Douglas County, State of Nevada, on April 25, 1966, as File No. 31837.

Said parcel was recorded in Document Number 2015-866952, on July 28, 2015, in the official Records of Douglas County, Nevada, and having Assessor Parcel Number 1318-15-611-053 (hereinafter "Sending Parcel").

2. The Declarant has received approval from the Tahoe Regional Planning Agency (TRPA) on June 15, 2016 to transfer **1,171 square feet of Class 4 banked land coverage and 100 square feet of Class 2 banked land coverage** from the Sending Parcel to a receiving parcel, described as follows:

Lot 4 in Block D as shown on the map of Round Hill Village Unit No. 4, filed in the office of the County Recorder of Douglas County, Nevada on April 25, 1966 as Document No. 31837.

Said parcel was recorded in Document Number 2016-879186, in the Official Records of Douglas County, Nevada, and having Assessor's Parcel Number 1318-15-611-054 (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, Chapter 30 of the TRPA Code of Ordinances requires that the appropriate deed restriction be recorded documenting both the transfer of land coverage and the requirement that the area of the transferred land coverage on the Sending Parcel be restored and maintained in a natural or near-natural state. The Deed Restriction must likewise document that the area of the transferred land coverage on the Sending Parcel must be protected from soil disturbance, and that provisions must be made for the future maintenance of the Sending Parcel.

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 **1,171 square feet of Class 4 banked land coverage and 100 square feet of Class 2 banked land coverage** and to now contain no remaining banked land coverage.
2. Declarant also hereby declares that the transferred Class 2 land 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 the Declarant is permanently restricted from transferring the coverage back to the Class 2 portion of 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.

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

Declarant's Signature:

[Handwritten Signature]

Dated: 6/17/2016

Gary A. Michelsen, Power of Attorney
Entitled by SOZE Trust

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF Nevada
) SS.
COUNTY OF Douglas

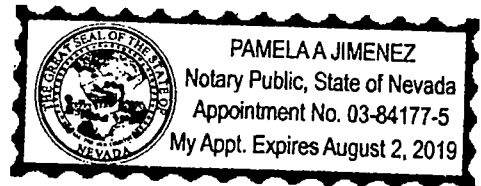
On June 17, 2016 before me, Pamela A. Jimenez a Notary Public, personally appeared Gary A. Michelsen who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their 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 Nevada that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: *[Handwritten Signature]* (Seal)

Name: Pamela A. Jimenez
(typed or printed)



Declarant's Signature:

Ronald J. Michelsen
Ronald J. Michelsen, Power of Attorney
Entitled by SOZE Trust

Dated: 6/17/2016

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STATE OF Nevada)

) SS.

COUNTY OF Douglas)

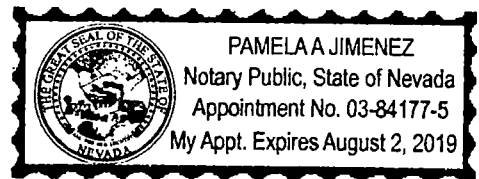
On June 17, 2016 before me, Pamela A. Jimenez a Notary Public, personally appeared Ronald J. Michelsen, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their 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 Nevada that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: Pamela A. Jimenez (Seal)

Name: Pamela A. Jimenez
(typed or printed)



APPROVED AS TO FORM:

Theresa Avance

Dated: 6/15/16

Tahoe Regional Planning Agency

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF NEVADA)
) SS.
COUNTY OF DOUGLAS)

On June 15, 2016 before me, Kimberly L. Hoen a Notary Public, personally appeared Theresa Avance, 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 Nevada that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: Kimberly L. Hoen (Seal)

Name: Kimberly L. Hoen
(typed or printed)

