

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: Julie Roll, Associate Planner
TRPA File No. TRAN2016-0428

**DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR TRANSFER OF EXISTING DEVELOPMENT CONSISTING OF A RESIDENTIAL UNIT OF USE
("DEED RESTRICTION")
TO BE RECORDED AGAINST APN1318-16-801-003**

This Deed Restriction is made this 22nd day of June, 2016, by Gary Michelsen, Purchaser identified in Irrevocable Limited Power-of-Attorney Regarding Transfer of Banked Rights, recorded in the official records of Douglas County, State of Nevada, on December 16, 2015 as Document Number 2015-874152 (Hereinafter "Declarant").

RECITALS

1. Declarant is authorized to transfer one (1) existing residential unit of use from certain real property located in Douglas County, State of Nevada, described as follows:

Parcel 1:

BEGINNING at a point twenty feet North of the South line of Section 16, Township 13 North, Range 18 East, M.D.B.& M., and twenty feet West of the East line of said Section 16, said point being marked by an iron pipe set in concrete, running thence North 0 degrees, 2-1/2 minutes West 148.05 feet parallel to the East line of said Section, to an iron pipe in concrete;

THENCE South 86 degrees, 25-1/2 minutes West 368.26 feet to an iron pipe set in concrete on the meander line of Lake Tahoe;

THENCE South 28 degrees, 00 minutes East along said meander line 142.32 feet to an iron pipe set in concrete at a point 20 feet North of the South line of said Section 16 produced;

THENCE North 89 degrees, 50-1/2 minutes East parallel to the South line of said section 300.82 feet to the point of beginning.

Parcel 2:

That certain right-of-way for road purposes, as set forth under those certain agreements recorded in Book "R" of Deed, Page 557 and in Book "F" of Agreements, Page 45 Douglas County Records, said right-of-way extending from the above described property to the public road.

Parcel 3:

A right-of-way for driveway purposes twenty feet wide as conveyed by deed recorded in Book T of Deeds, Page 356, Douglas County Records.

Parcel 4:

A parcel of land having as its East boundary, the West boundary of said Parcel 1 description, its North boundary being the North boundary of said Parcel 1 description extended Westerly, its South boundary being the South boundary of said Parcel 1 description extended Westerly and being bounded on the West by a line drawn on contour at elevation 6,223 feet, Lake Tahoe Datum.

Excepting any portion of the above described property lying within the bed of Lake Tahoe below the line of natural ordinary high water and also excepting any artificial accretions to the land waterward of the line of natural ordinary high water or, if lake level has been artificially lowered, excepting any portion lying below an elevation of 6,223.00 feet, Lake Tahoe Datum established by NRS 321.595.

Reference is hereby made to that certain Record of Survey Map for John E. Mason, Kenneth Bitler and Lynn Hill Peterson, recorded in the office of the County Recorder of Douglas County, State of Nevada, on July 8, 1992, in Book 792 at Page 1105 as Document No. 282954, Official Records.

Note: Legal description previously contained in Document No. 682106, in Book 806 at Page 5269 recorded on August 14, 2006 and Document No. 781364, in Book 411, Page 1774 recorded April 11, 2011, Official Records of Douglas County, State of Nevada.

Said parcel was recorded in Document Number 2014-854615, on December 18, 2014, in the Official Records of Douglas County, Nevada, and having Assessor's Parcel Number 1318-16-801-003 (Hereinafter "Sending Parcel").

2. The Declarant has received approval from the Tahoe Regional Planning Agency (TRPA) on June 21, 2016, to transfer existing development consisting of one (1) existing residential unit of use 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 51 of the TRPA Code of Ordinances requires that an appropriate deed restriction be recorded documenting both the transfer of one (1) existing residential unit of use from the sending parcel, and the requirement that the sending parcel be restricted to reflect the use remaining thereon. The Deed Restriction must likewise document that the structure or facility accounting for the existing use on the sending parcel shall be removed or modified and the land restored and maintained in as natural a state as possible, so as to eliminate the transferred development.

DECLARATIONS

1. Declarant hereby declares that for the purpose of transferring one (1) existing residential unit of use, and applying TRPA ordinances relating to the transfer of existing development, the sending parcel described above is and shall be, deemed by TRPA to have transferred **one (1)** existing residential unit of use to the receiving parcel, and to now contain **two (2)** banked residential unit of use and 10 existing residential units of use on the sending parcel and. No new residential units of use shall be allowed on the sending parcel without prior written approval by TRPA.
2. Declarant shall cause the subject residential unit of use on the sending parcel to be removed and shall restore and maintain that area in a natural state, so as to eliminate the one dwelling unit transferred insofar as is possible. Declarant shall further maintain the sending parcel free of hazard and nuisance.
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.

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

Declarant's Signature:

Gary D. Midliff, Agent Dated: 6-22-16
Gary Michelsen, Power of Attorney
Enabled by Wavedance, LLC

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.

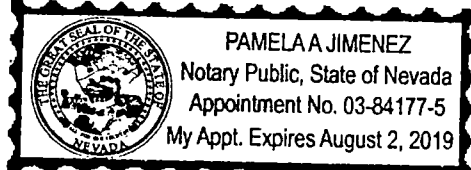
STATE OF Nevada)
) SS.
COUNTY OF Douglas)

On June 22, 2016, before me, Pamela A. Jimenez, Notary Public, personally appeared Gary D. Midliff, 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



APPROVED AS TO FORM:

Theresa Vance
Tahoe Regional Planning Agency

Dated: 6/21/16

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 21, 2016 before me, Kimberly L. Hearn a
Notary Public, personally appeared THE ROSA ADVANCE
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. Hearn

Name: Kimberly L. Hearn

(typed or printed)

(Seal)

