

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
Attn: Brandy McMahan, Local Government Coordinator
TRPA File # ERSP2019-0757

**DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS CONCERNING
THE USE OF THE LIVING AREA ABOVE THE GARAGE ("DEED RESTRICTION")
TO BE RECORDED AGAINST APN 1318-10-412-010**

This Deed Restriction is made this 12 day of August, 2019 by Brett L. Mathieson and Rosalie Lanza (hereinafter "Declarants").

RECITALS

1. Declarants are the owners of certain real property described as follows:

Lot 7, of ZEPHYR HEIGHTS SUBDIVISION, UNIT NO. 3, according to the map thereof filed in the office of the County Recorder of Douglas County, State of Nevada, on October 5, 1953, as Document No. 9224.

APN: 1318-10-412-010

2. On July 15, 2019, Declarants received approval from the Tahoe Regional Planning Agency (TRPA) for a project that includes the construction of a detached garage, including accessory living area above the garage. Said garage and living area is to be accessory to the primary single family use associated with the Property.
3. 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 TRPA pursuant to the Tahoe Regional Planning Compact.
4. Subsection 21.3.6 of the TRPA Code of Ordinances requires the appropriate deed restriction be recorded documenting the limits to the use of the accessory living area on the second level of the garage.

DECLARATIONS

1. Declarant hereby declares that the living area above the garage is and 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 separate residential unit. Said living area, as an accessory use, shall not be permitted to contain cooking facilities, and shall not contain both a wet bar and bathing facilities. Either a wet bar or bathing facilities is permissible. Said living area shall not be leased, rented, or used separate from the primary residence on the Property. Said living area shall not exceed 640 square feet. Use of the living area above the garage 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 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:



Brett L. Mathieson

Dated: 8/12/19

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.

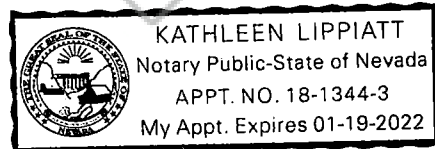
STATE OF Nevada)
) SS.
COUNTY OF Douglas)

On August 12th 2019 before me, Kathleen Lippiatt a Notary Public,
personally appeared Brett Mathieson,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) 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: Kathleen Lippiatt (Seal)
Name: Kathleen Lippiatt
(typed or printed)



Declarant's Signature:



Rosalie Lanza

Dated: 08/08/2019

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.

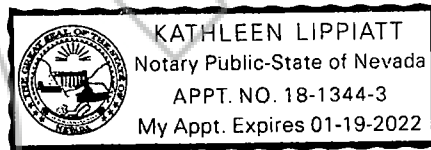
STATE OF Nevada)
) SS.
COUNTY OF Douglas)

On August 8, 2019 before me, Kathleen Lippiatt a Notary Public, personally appeared Rosalie Lanza 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: Kathleen Lippiatt (Seal)
Name: Kathleen Lippiatt
(typed or printed)



APPROVED AS TO FORM:

Brandy McMahon
Brandy McMahon, AICP, Local Government Coordinator
Tahoe Regional Planning Agency

Dated: 7/31/2019

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 July 31st, 2019 before me, TRACY CAMPBELL a Notary Public,
personally appeared BRANDY MCMAHON,
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: Tracy Campbell (Seal)
Name: TRACY CAMPBELL
(typed or printed)

