

Douglas County APN: 1318-22-002-103
(Original Sending Parcel)

DOUGLAS COUNTY, NV **2023-994707**
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\$40.00 Pgs=4 03/15/2023 12:47 PM
STEWART TITLE COMPANY - NV
SHAWNYNE GARREN, RECORDER

RECORDING REQUESTED BY:

Falcon Capital, LLC
PO Box 217
Genoa, NV 89411

WHEN RECORDED MAIL TO:

Nevada Land Bank
Nevada Division of State Lands
901 S. Stewart Street, Suite 5003
Carson City, Nevada 89701

**DECLARATION OF COVENANTS, CONDITIONS AND
RESTRICTIONS FOR LAND COVERAGE TRANSFER
("DEED RESTRICTION") TO BE RECORDED AGAINST THE
ORIGINAL SENDING PARCEL DOUGLAS COUNTY 1318-22-002-103**

This Deed Restriction is made this 24 day of February, 2023 by Falcon Capital, LLC (hereinafter "Declarant").

RECITALS

1. WHEREAS, Declarant is the owner of Land Coverage associated with certain real property located in Douglas County, State of Nevada, Sending Parcel described as follows:

Parcel 1 as shown on Parcel Map LDA 03-088 for Meadow Brook Associates, LP, according to the map thereof, filed in the office of the County Recorder of Douglas County, State of Nevada, on November 12, 2004, in Book 1104, Page 5495, as File No.629016, Official Records.

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2. WHEREAS, Declarant desires to transfer from the Sending Parcel to the "Nevada Land Bank", 44,106 square feet of Land Coverage.

3. WHEREAS, the "Nevada Land Bank" was established per the Memorandum of Understanding dated August, 1993, between the Tahoe Regional Planning Agency (hereinafter "TRPA") and the Department of Conservation and Natural Resources, Nevada Division of State Lands (hereinafter "NDSL").

4. WHEREAS, the Sending parcel 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.
5. WHEREAS, 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 Parcels be 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

NOW THEREFORE, for a valuable consideration the receipt and sufficiency of which is hereby acknowledged, Declarant hereby declares:

6. For the purpose of calculating Land Coverage and applying TRPA ordinances relating to Land Coverage (Subsection 30.4, of the TRPA Code of Ordinances), the Sending Parcel described above hereby transfers to the Nevada Land Bank, 44,106 square feet of banked Restored Land Coverage, classified by the TRPA as, land capability Class 1b; and that

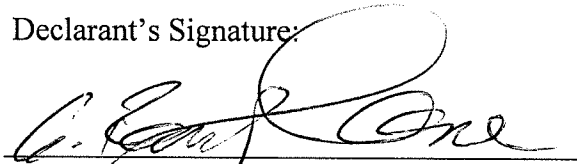
The Sending Parcel now contains 0 square feet of Class 1b Restored Land Coverage.

7. The area of the transferred Land Coverage on the Sending Parcel shall be maintained in a natural or near natural state, shall be protected from soil disturbance and that provisions shall be made for future maintenance of the Sending Parcel.
8. 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 shall be binding on the Declarant and Declarant's assigns and all persons acquiring or owning any interest in the Sending Parcel.
9. 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, and NDSL. TRPA and NDSL are deemed and agreed to be a third-party beneficiaries of this Deed Restriction and as such can enforce the provisions of this Deed Restriction.
10. Any costs incurred by the TRPA or the State of Nevada, its agents and assigns, in enforcing, judicially or otherwise, the terms of this Declaration, including, but not limited to, costs of suit and attorney's fees, shall be borne by Declarant.
11. Upon recordation of this Deed Restriction and the close of escrow, the transfer of the Land Coverage shall be deemed to have occurred.

12. Upon recordation of this Deed Restriction, half of the total Land Coverage, or 22,053 square feet, shall be deemed permanently retired.
13. The Land Coverage is verified by TRPA and is attached hereto as Exhibit "A" and incorporated by reference.

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


Declarant's Signature:

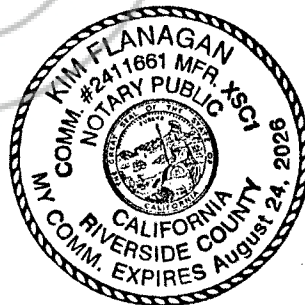

G. Randy Lane, Managing Member
Falcon Capital, LLC

Dated: 2-24-2023

STATE OF CALIFORNIA
) ss.
COUNTY OF RIVERSIDE)

On this 24 day of FEB, 2023, before me, the undersigned, a Notary Public in and for said State, personally appeared G. Randy Lane, personally known to me, (or proved on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon their behalf of which the person acted, executed the instrument.


NOTARY PUBLIC
KIM FLANAGAN





Nevada Division of
STATE LANDS

STATE OF NEVADA
Department of Conservation & Natural Resources
Joe Lombardo, Governor
Charles Donohue, Administrator

January 4, 2023

Sent Via Email

Tahoe Regional Planning Agency (TRPA)
c/o Julie Roll, Senior Planner
jroll@TRPA.gov

Re: Nevada Division of State Lands/Nevada Land Bank (NDSL) purchase of Land Coverage associated with Douglas County APN 1318-22-002-103 - 134 Kahle Drive, Stateline, NV 89449

Dear Julie:

The Nevada Land Bank is pursuing the purchase of land coverage from Falcon Capital, LLC. The above referenced parcel is currently owned by Meadow Brook Associates, LP. Per the attached Irrevocable Power-of-Attorney these Development Entitlements were transferred into Falcon Capital, LLC on September 29, 2004.

By way of this letter NDSL is requesting that the TRPA confirm that Falcon Capital, LLC has 44,106 square feet of Class 1b Restored Hard Land Coverage and 164 square feet of Class 1b Restored Hard Commercial Floor Area available for immediate transfer from sending parcel APN 1318-22-002-103.

We are attempting to purchase 44,106 square feet of Class 1b Restored Hard Land Coverage, and 164 square feet of Class 1b Restored Hard Commercial Floor Area. Would you please confirm by signing below that these development rights are available to purchase and that they are available for immediate transfer from Falcon Capital, LLC. into the Nevada Land Bank.

According to the records the above information is correct as of 1/5/2023.

Julie Roll, TRPA Senior Planner - Signature

Thank you for your assistance. Please contact me at (775) 684-2735 or at sbarker@lands.nv.gov if you wish to discuss the above.

Sincerely,

Sherri Barker
State Land Agent III
Nevada Tahoe Resource Team

State Land Office • State Land Use Planning Agency • Nevada Tahoe Resource Program
901 S Stewart Street, Suite 5003 • Carson City, Nevada 89701 • p: 775.684.2720 • f: 775.684.2721 • lands.nv.gov