

RECORDING REQUESTED BY:

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

WHEN RECORDED MAIL TO:

Tahoe Regional Planning Agency
Post Office Box 5310
Stateline, Nevada 89449
Attn: Theresa Avance, Senior Planner
TRPA File # 20030363 and ERSP2022-0070

**AMENDED AND RESTATED DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR PROJECT AREA AND COVERAGE CALCULATION TO BE RECORDED AGAINST
APNS 1318-24-310-009, 1318-24-310-010, 1318-24-310-011, AND 1318-24-311-002
("AMENDED AND RESTATED DEED RESTRICTION")**

This Amended and Restated Deed Restriction is made this 9th day of August, 2023 by Schilling Development, LLC, a Nevada limited liability company, and Dennis V. Raggi and Michele L. Raggi as trustees of the SOMBA FAMILY TRUST (created by a Trust Instrument dated July 18, 2007) (hereinafter collectively referred to as "Declarants"). This Amended and Restated Deed Restriction amends and restates in its entirety that certain Declaration of Covenants, Conditions and Restrictions for Project Area and Coverage Calculation recorded under Document No. 0612588, Book 0504, Page 03157 on May 7, 2004 in the Office of the Douglas County Recorder.

RECITALS

1. Schilling Development, LLC is the owner of certain real property located in Douglas County, State of Nevada, described as follows:

See attached "Exhibit A".

Said parcel was recorded under Document number 0632571, Book 1204, Page 09990, on December 21, 2004 in the Office of the Douglas County Recorder, and having Assessor's Parcel Numbers (APN) 1318-24-310-009, 1318-24-310-010, and 1318-24-310-011 (hereinafter "Parcel 1").

Somba Family Trust is the owner of certain real property located in Douglas County, State of Nevada, described as follows:

Lot 1, Block C, as shown on the map of Kingsbury Highlands Subdivision, recorded in the office of the County Recorder on November 21, 1961, as Document No. 16916, Official Records, of Douglas County, State of Nevada.

Said parcel was recorded under Document Number 0709304, Book 0907, Page 3297, on September 14, 2007 in the Office of the County Recorder of Douglas County, and having Assessor's Parcel Number (APN) 1318-24-311-002 (hereinafter "Parcel 2").

The above described parcels are hereinafter collectively referred to as the "Property."

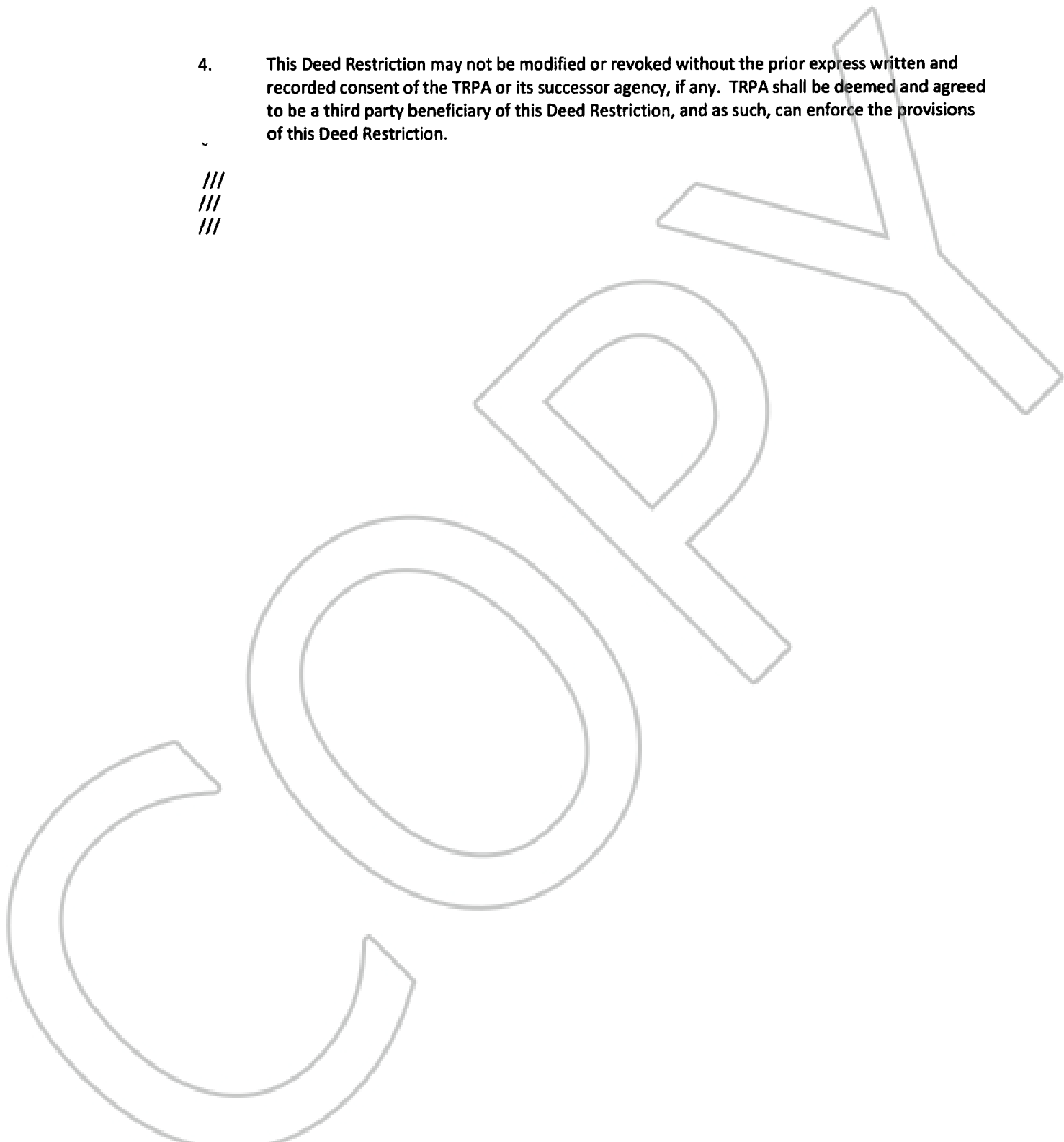
2. The Property is located in the Tahoe Region as described in the Tahoe Regional Planning Compact (P.L. 96-551, Stat. 3233, 1980), which region is subject to the regional plan and the ordinances adopted by the Tahoe Regional Planning Agency (hereafter "TRPA") pursuant to the Tahoe Regional Planning Compact.
3. Parcel 2 received approval from the TRPA on June 28, 2022 to rebuild the existing single family dwelling, subject to certain conditions contained on said approval, including a condition that Declarants provide agreement from all parties of the project area to authorize the use of more than 2,500 sq. ft. of the recognized project area land coverage within Parcel 2.
4. As a condition of previous project approvals, the Property has been deed restricted as a project area consistent with Chapter 30, Land Coverage, Section 30.4.1.C.2.a.(iii) of the TRPA Code of Ordinances, which ensures that the Property be treated as if legally consolidated for the purpose of future land coverage and density calculations. Due to the previously approved and recorded subdivision calculations and project area, the parcels within the project area (Property) are treated as if legally consolidated for the purpose of future land coverage calculations within the project area. The maximum coverage for the project area shall not exceed 43,939 square feet. This figure includes coverage for the building sites and access roadways. 5,000 square feet of coverage has been previously recognized as a local road by TRPA within Parcel 1 and is unavailable for relocation. A portion of verified land coverage associated with roadway and driveway encroachments on Parcel 2 is also unavailable for relocation.

DECLARATIONS

1. Declarants hereby declare that, for the purpose of satisfying TRPA's June 28, 2022 condition of approval, the Property identified herein shall always be treated as if the parcels had been legally consolidated for the purposes of land coverage calculations within the project area, and applying TRPA ordinances pertaining to land coverage, with a clear and agreed upon distribution of the available land coverage.
2. Declarants further declare that the Property has a maximum of 43,939 square feet of land coverage. Of the total coverage, Parcel 2 will be limited to using a maximum of 3,775 sq. ft. of the coverage, inclusive of the Laurel Lane roadway encroachment and the driveway encroachment by 486 Laurel Lane. No additional land coverage will be authorized for use on Parcel 2. The remaining coverage rights for the Property will remain with Parcel 1.
3. This Deed Restriction shall be deemed a covenant running with the land, or an equitable servitude, as the case may be, and shall be binding on the Declarants and Declarants' assigns, and all persons acquiring or owning any interest in the property.

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 shall be 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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Declarant's Signature:

Michele L. Raggi
Michele L. Raggi, Trustee
Somba Family Trust

Dated: July 28, 2023

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 ARIZONA)
) SS.
COUNTY OF MARICOPA

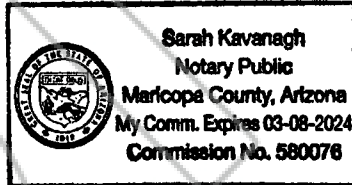
On 07/28/2023 before me, Sarah Kavanagh a Notary Public, personally appeared MICHELE L. RAGGI TRZ OF THE SOMBA FAMILY TRUST, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed 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 ARIZONA that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: [Signature] (Seal)

Name: Sarah Kavanagh
(typed or printed)



Sarah Kavanagh
Notary Public
Maricopa County, Arizona
My Comm. Expires 03-08-2024
Commission No - 580076

APPROVED AS TO FORM:

Theresa Avance
Theresa Avance, Senior Planner
Tahoe Regional Planning Agency

Dated: 7/17/23

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 7/17/23 before me, Georgina Balkwell 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: GB (Seal)

Name: Georgina Balkwell
(typed or printed)

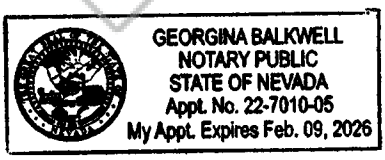


EXHIBIT A

**HERBERT E. SCHILLING
NEW PARCEL A - APN: 1318-24-310-011
226 EAGLES HEAVEN
HANSEN HEIGHTS ESTATES
LEGAL DESCRIPTION**

February 10, 2004

A parcel of land located within a portion of the Northwest one-quarter of the North east one-quarter of the Southwest one-quarter of Section 24, Township 13 North, Range 18 East, MDM, Douglas County, Nevada, being more particularly described as follows:

Beginning at the Northwest corner of Lot 4, being a ¾" iron pipe with cap stamped RLS 3519 as shown on the Record of Survey to Support a Boundary Line Adjustment for Nello Olivo, Document No. 508806 of the Douglas County Recorder's Office, which bears S. 89°18'57" E., 1321.69 feet from the West one-quarter corner of said Section 24;

thence S. 89°26'13" E., along the Northerly line of Lots 4 and 5 of said Record of Survey, 660.95 feet to the Northeast corner thereof being a ¾" iron pipe with cap PLS 3519;

thence S. 00°22'57" W., along the Easterly line of Lots 5 and 6 of said Record of Survey, 652.5 feet to the Southeast corner thereof being a ¾" iron pipe with cap RLS 3519;

thence N. 89°27'45" W., along the Southerly line of Lots 6 and 1 of said Record of Survey, 660.34 feet to the Southwest corner thereof being a ¾" iron pipe with cap RLS 3519;

thence N. 00°19'43" E., feet along the Westerly line of Lots 1, 2, 3, and 4 of said Record of Survey, 652.82 feet to the POINT OF BEGINNING.

Excepting therefrom that portion lying within Lots B and C being more particularly described as follows:

Beginning at a point being common to the Southwest corner of lot B and the Southeast corner of lot C which bears S. 73°00'51" E., 1683.72 feet from the West one-quarter corner of said section 24;

32.40 feet along the arc of a curve to the left having a central angle of 08°48'25" and a radius of 210.77 feet, (chord bears S. 74°58'42" W., 32.36 feet);

thence S. 70°34'29" W., 134.72 feet;

thence 130.04 feet along the arc of a curve to the right having a central angle of $139^{\circ}39'12''$ and a radius of 53.35 feet, (chord bears N. $39^{\circ}35'55''$ W., 100.15 feet);

thence N. $30^{\circ}13'41''$ E., 143.42 feet;

thence 11.85 feet along the arc of a curve to the left having a central angle of $34^{\circ}04'36''$ and a radius of 19.92 feet, (chord bears N. $57^{\circ}14'28''$ E., 11.67 feet);

thence 13.55 feet along the arc of a curve to the left having a central angle of $25^{\circ}50'29''$ and a radius of 30.03 feet, (chord bears N. $75^{\circ}28'38''$ E., 13.43 feet), to the Northeast corner of Lot C being a point on the Westerly line of Lot B;

thence 61.99 feet along the arc of a curve to the left having a central angle of $118^{\circ}03'34''$ and a radius of 30.08 feet, (chord bears N. $3^{\circ}32'15''$ W., 51.59 feet);

thence N. $30^{\circ}01'04''$ E., 223.17 feet;

thence S. $18^{\circ}14'57''$ E., 250.34 feet;

thence S. $18^{\circ}34'31''$ W., 171.69 feet;

thence 11.55 feet along the arc of a curve to the left having a central angle of $03^{\circ}08'22''$ and a radius of 210.77 feet, (chord bears S. $80^{\circ}57'06''$ W., 11.55 feet), to the POINT OF BEGINNING.

Containing 362,120 square feet more or less.

Basis Of Bearing

The Southerly line of Lots 1 and 6 as shown on the Record of Survey to Support a Boundary Line Adjustment for Nello Olivo, Document No. 508806 of the Douglas County Recorder's Office, (N. $89^{\circ}27'45''$ W.).

**HERBERT E. SCHILLING
NEW PARCEL B - APN: 1318-24-310-010
229 EAGLES HEAVEN
HANSEN HEIGHTS ESTATES
LEGAL DESCRIPTION**

February 10, 2004

A parcel of land located within a portion of the Northwest one-quarter of the Northeast one-quarter of the Southwest one-quarter of Section 24, Township 13 North, Range 18 East, MDM, Douglas County, Nevada, being more particularly described as follows:

Beginning at the Southwest corner of lot B and the Southeast corner of lot C which bears S. 73°00'51" E., 1683.72 feet from the West one-quarter corner of said section 24;

thence N. 38°53'40" W., 202.47 feet;

thence 61.99 feet along the arc of a curve to the left having a central angle of 118°03'34" and a radius of 30.08 feet, (chord bears N. 3°32'15" W., 51.59 feet);

thence N. 30°01'04" E., 223.17 feet;

thence S. 18°14'57" E., 250.34 feet;

thence S. 18°34'31" W., 171.69 feet;

thence 11.55 feet along the arc of a curve to the left having a central angle of 03°08'22" and a radius of 210.77 feet, (chord bears S. 80°57'06" W., 11.55 feet) to the POINT OF BEGINNING.

Containing 41,822 square feet more or less.

Basis Of Bearing

The Southerly line of Lots 1 and 6 as shown, on the Record of Survey to Support a Boundary Line Adjustment for Nello Olivo, Document No. 508806 of the Douglas County Recorder's Office, (N. 89°27'45" W.).

**HERBERT E. SCHILLING
NEW PARCEL C - APN: 1318-24-310-009
223 EAGLES HEAVEN
HANSEN HEIGHTS ESTATES
LEGAL DESCRIPTION**

February 10, 2004

A parcel of land located within a portion of the Northwest one-quarter of the Northeast one-quarter of the Southwest one-quarter of Section 24, Township 13 North, Range 18 East, MDM, Douglas County, Nevada, being more particularly described as follows:

Beginning at the Southwest corner of lot B and the Southeast corner of lot C which bears S. 73°00'51" E., 1683.72 feet from the West one-quarter corner of said section 24;

thence 32.40 feet along the arc of a curve to the left having a central angle of 08°48'25" and a radius of 210.77 feet, (chord bears S. 74°58'42" W., 32.36 feet);

thence S. 70°34'29" W., 134.72 feet;

thence 130.04 feet along the arc of a curve to the right having a central angle of 139°39'12" and a radius of 53.35 feet, (chord bears N. 39°35'55" W., 100.15 feet);

thence N. 30°13'41" E., 143.42 feet;

thence 11.85 feet along the arc of a curve to the left having a central angle of 34°04'36" and a radius of 19.92 feet, (chord bears N. 57°14'28" E., 11.67 feet);

thence 13.55 feet along the arc of a curve to the left having a central angle of 25°50'29" and a radius of 30.03 feet, (chord bears N. 75°28'38" E., 13.43 feet), to the Northeast corner of Lot C being a point on the Westerly line of Lot B;

thence S. 38°53'40" E., 202.47 feet to the POINT OF BEGINNING;

Containing 27,241 square feet more or less.

Basis Of Bearing

The Southerly line of Lots 1 and 6 as shown on the Record of Survey to Support a Boundary Line Adjustment for Nello Olivo, Document No. 508806 of the Douglas County Recorder's Office, (N. 89°27'45" W.).

Pursuant to NRS §111.312, this legal description was previously recorded on June 14, 2004, as Document No. 0616033, in Book 0604, on Pages 06762 through 06767 in the Official Records of Douglas County, Nevada.