

INSTRUMENT NO. 108248

Instrument # **108248**
COUNCIL, ADAMS, IDAHO
2005-02-22 02:47:34 No. of Pages: 3
Recorded for : FRANK BROWN
MICHAEL FISK Fee: 9.00
Ex-Officio Recorder Deputy *Sarah Wilson*
Index to: COVENANTS

SUPPLEMENTAL
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
OF
KING'S PINES ESTATES IV

THIS SUPPLEMENTAL DECLARATION is made on the date hereinafter set forth by **KING'S PINES ESTATES, INC.**, an Idaho Corporation, hereafter referred to as "Declarant".

ARTICLE I: GENERAL

Section 1.1: Property Affected: Declarant owns certain real property in Adams County, Idaho, hereinafter referred to as "the Phase IV Property", more particularly described as follows:

KING'S PINES ESTATES IV, according to the official plat thereof, recorded in BOOK 3 at Page 9, as Instrument No. 108247, recorded on the 22 day of FEBRUARY, 2005, records of Adams County, Idaho.

Section 1.2: Annexation to Existing Property: Pursuant to Sections 3.2.B and 12.2 of the **Declaration of Covenants, Conditions and Restrictions for King's Pines Estates III**, dated July 14, 2000, and filed of record with the Office of Recorder of Adams County, Idaho, on July 24, 2000, as Instrument No. 98394 (hereinafter referred to as the "Phase III Declaration"), Declarant hereby annexes the Phase IV Property to the Existing Property, as the same is described in the Phase III Declaration.

Section 1.3: Adoption of Phase III Declaration: The Phase III Declaration is hereby incorporated by reference, adopted, and declared to be applicable to and binding on the Phase IV Property, except as modified hereinbelow.

ARTICLE 2
MODIFICATION OF PHASE III DECLARATION

For the purposes of this Supplemental Declaration, the Phase III Declaration shall be incorporated by reference, adopted, and declared to be applicable and binding on the Phase IV Property, with the following modifications:

Section 2.1: Section 3.2.D of the Phase III Declaration shall be modified as follows: The following paragraph shall be inserted after the fourth paragraph in Section 3.2.D:

"No cross connections shall be made to the King's Pines Estates Water System from existing wells or other sources unless a DEQ approved backflow device has been installed and inspected by the system manager. Unapproved cross connections will result in a discontinuance of service."

Section 2.2: Section 6.A of the Phase III Declaration shall be modified as follows:
Section 6.A shall be deleted and replaced in its entirety with the following:

"A. Lot Use: All Lots shall be used for single family residential purposes and such uses as are customarily incidental thereto, except as follows: Lot 9, Block 1, King's Pines Estates IV may be used for the purposes of operating a Bed and Breakfast. The Owner of such Bed and Breakfast shall be required to operate in manner which is courteous to the remaining Lot Owners, and which causes as little impact to such Owners as possible. No other Lot shall be used at any time for commercial or business purposes except for such business purposes as shall be conducted and maintained solely within a residential Dwelling unit; provided that no signs relating to said business activities shall be displayed where visible from any public or private road within the subdivision; and further provided that such business purposes shall not generate more than an average of three (3) customer visits in non-commercial vehicles per day calculated over a five (5) day work week; and further provided that such business purposes shall not cause or result in the parking of vehicles on any public or private road within the subdivision; and, further, provided that such business does not employ more than one person not living within the Dwelling Unit constructed on the said Lot. Notwithstanding the foregoing, the Declarant, or persons authorized by the Declarant, may use a Lot or Lots for development and sales activities relating to the subdivision, including but not limited to use of Lots for model homes or a real estate marketing and sales office."

Section 2.3: Section 6.B of the Phase III Declaration shall be modified as follows:
Section 6.B shall be deleted and replaced in its entirety with the following:

"B. Animals: No animals, birds, insects, pigeons, poultry, or livestock shall be kept on the property except as otherwise permitted in this Section 6.B. This paragraph is not intended to prohibit the keeping of domesticated dogs, domesticated cats, or other household pets which do not unreasonably bother or constitute a nuisance to others as determined by a board of the Association, in its reasonable judgment, so long as such animals are kept in compliance with the laws and ordinances of the City of McCall. Without limiting the generality of the foregoing, consistent and/or chronic barking by dogs shall be considered a nuisance. Each dog in the subdivision shall be subject to all "leash laws" of the City of McCall when such animal is off the premises of its owner. No horses or llamas shall be maintained within the Subdivision unless an Owner owns more than more than four (4) contiguous acres within the Phase IV Property, in which case horses and/or llamas shall be allowed in a number not to exceed one (1) animal for each two (2) acres owned within the Phase IV Property. Any animals not on an Owner's Lot must be accompanied by the Owner or other responsible person and must be on a leash or other appropriate tether, and the Owner or custodian of the animal shall be responsible for the immediate cleanup of the animal's droppings. Each Owner shall be further responsible for any damage caused by any such Owner's animals. No animals whose habits or odors are

deemed by the Architectural Control Committee to be a nuisance or offensive shall be permitted to be kept or maintained on any Lot. No kennel or other area intended to restrain or enclose animals shall be constructed without the approval of the Architectural Control Committee and, if approved, shall not be located on the Lot in such a fashion as to create a nuisance for any adjacent Lot Owner and shall at all times be kept in a clean and odor free condition."

Section 2.4: Except as modified in this Article 2, the terms and conditions set forth in the Phase III Declaration shall be applicable to and binding on the Phase IV Property.

**ARTICLE 3
KING'S PINES ESTATES III HOMEOWNERS' ASSOCIATION**

Every Owner of a Lot within the Phase IV Property which is subject to assessment shall be a member of the King's Pines Estates III Homeowners' Association, and shall be subject to the terms and conditions of the Articles and Bylaws of such Association, in addition to the Phase III Declaration as provided in Article 2 above. Such Owners shall also have the right to the use of, and the obligation to connect to, the King's Pines III Water System.

IN WITNESS WHEREOF, the Declarant has caused its corporate name to be hereunto subscribed this 1st day of FEBRUARY, 2005.

KING'S PINES ESTATES, INC.
an Idaho Corporation.

By: *Frank E. Brown*
FRANK E. BROWN, President

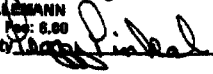
STATE OF IDAHO,)
 { ss.
County of Valley,)

On this 1st day of FEBRUARY, 2005, before me, the undersigned, *Amy Pemberton*, a Notary Public in and for said State, personally appeared **FRANK E. BROWN**, known or identified to me to be the President of **KING'S PINES ESTATES, INC.**, the corporation that executed the foregoing instrument, or the person who executed the foregoing instrument on behalf of said corporation, and acknowledged to me that such Corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.



Amy Pemberton
NOTARY PUBLIC FOR IDAHO
My Commission Expires: 5/9/2009



**SUPPLEMENTAL
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR
LOT 3 BLOCK 2 KING'S PINES ESTATES IV**

THIS SUPPLEMENTAL DECLARATION is made on the date hereinafter set forth by **KING'S PINES ESTATES, INC.**, an Idaho Corporation, hereafter referred to as "Declarant".

ARTICLE I: PROPERTY AFFECTED

Declarant owns certain real property in Adams County, Idaho, hereinafter referred to as "Lot 3", more particularly described as follows:

LOT 3, BLOCK 2 KING'S PINES ESTATES IV, according to the official plat thereof, recorded in BOOK 3 at Page 9, as Instrument No. 108247, recorded on the 22nd day of February, 2005, records of Adams County, Idaho.

**ARTICLE 2
ADDITIONAL COVENANTS, CONDITIONS AND RESTRICTIONS**

Section 2.1: Lot 3 is currently subject to the following declarations: **Declaration of Covenants, Conditions and Restrictions for King's Pines Estates III**, dated July 14, 2000, and filed of record with the Office of Recorder of Adams County, Idaho, on July 24, 2000, as Instrument No. 98394 (hereinafter referred to as the "Phase III Declaration"); and, the **Supplemental Declaration of Covenants, Conditions and Restrictions of King's Pines Estates IV**, filed of record with the Office of Recorder of Adams County, Idaho, on February 22, 2005, as Instrument No. 108248.

Section 2.2: Pursuant to this Supplemental Declaration, Lot 3 shall be subject to the following additional covenants, conditions and restrictions:

No road of any kind may be constructed, nor may any right of way or access be granted, on any portion of Lot 3 for use by or access to any real property other than Lot 3.

**ARTICLE 3
ENFORCEMENT**

The terms and conditions of this Supplemental Declaration shall constitute a covenant burdening and running with Lot 3 in perpetuity, and shall benefit and may be enforced by the members of the **Kings Pines Estates III Homeowners' Association** in perpetuity, and by Declarant until December 31, 2015. The provisions of this Supplemental Declaration shall bind and inure to the benefit of the heirs, assigns and successors-in-interest of the owner of Lot 3 and the members of the **Kings Pines Estates III Homeowners' Association** in perpetuity, and Declarant until December 31, 2015. In the event that any dispute arises regarding the legal consequence,

interpretation, application or enforcement of this Supplemental Declaration, then the prevailing party in such dispute shall be entitled to recover their attorneys fees and costs incurred, including attorneys fees and costs incurred on appeal.

**ARTICLE 4
AMENDMENT**

This Supplemental Declaration may be amended by the Owner of Lot 3, with the prior written approval of the Kings Pines Estates III Homeowners' Association pursuant to the terms of Section 13.3 of the Phase III Declaration; and, until December 31, 2015, the prior written approval of Declarant must be obtained.

IN WITNESS WHEREOF, the Declarant has caused its corporate name to be hereunto subscribed this 25th day of August, 2005.

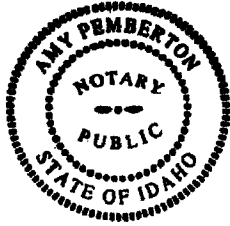
KING'S PINES ESTATES, INC.
an Idaho Corporation.

By *Frank E. Brown*
FRANK E. BROWN, President

STATE OF IDAHO,)
(ss.
County of Valley.)

On this 25th day of August, 2005, before me, the undersigned, *Amy Pemberton*, a Notary Public in and for said State, personally appeared **FRANK E. BROWN**, known or identified to me to be the President of **KING'S PINES ESTATES, INC.**, the corporation that executed the foregoing instrument, or the person who executed the foregoing instrument on behalf of said corporation, and acknowledged to me that such Corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.



Amy Pemberton
NOTARY PUBLIC FOR IDAHO
My Commission Expires: 3/9/2009

**SUPPLEMENTAL
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR
LOT 4 BLOCK 2 KING'S PINES ESTATES IV**

THIS SUPPLEMENTAL DECLARATION is made on the date hereinafter set forth by KING'S PINES ESTATES, INC., an Idaho Corporation, hereafter referred to as "Declarant".

ARTICLE I: PROPERTY AFFECTED

Declarant owns certain real property in Adams County, Idaho, hereinafter referred to as "Lot 4", more particularly described as follows:

LOT 4, BLOCK 2 KING'S PINES ESTATES IV, according to the official plat thereof, recorded in BOOK 3 at Page 9, as Instrument No. 108247, recorded on the 22nd day of February, 2005, records of Adams County, Idaho.

**ARTICLE 2
ADDITIONAL COVENANTS, CONDITIONS AND RESTRICTIONS**

Section 2.1: Lot 4 is currently subject to the following declarations: Declaration of Covenants, Conditions and Restrictions for King's Pines Estates III, dated July 14, 2000, and filed of record with the Office of Recorder of Adams County, Idaho, on July 24, 2000, as Instrument No. 98394 (hereinafter referred to as the "Phase III Declaration"); and, the Supplemental Declaration of Covenants, Conditions and Restrictions of King's Pines Estates IV, filed of record with the Office of Recorder of Adams County, Idaho, on February 22, 2005, as Instrument No. 108248.

Section 2.2: Pursuant to this Supplemental Declaration, Lot 4 shall be subject to the following additional covenants, conditions and restrictions:

No road of any kind may be constructed, nor may any right of way or access be granted, on any portion of Lot 4 for use by or access to any real property other than Lot 4.

**ARTICLE 3
ENFORCEMENT**

The terms and conditions of this Supplemental Declaration shall constitute a covenant burdening and running with Lot 4 in perpetuity, and shall benefit and may be enforced by the members of the Kings Pines Estates III Homeowners' Association in perpetuity, and by Declarant until December 31, 2015. The provisions of this Supplemental Declaration shall bind and inure to the benefit of the heirs, assigns and successors-in-interest of the owner of Lot 4 and the members of the Kings Pines Estates III Homeowners' Association in perpetuity, and Declarant until December 31, 2015. In the event that any dispute arises regarding the legal consequence,

interpretation, application or enforcement of this Supplemental Declaration, then the prevailing party in such dispute shall be entitled to recover their attorneys fees and costs incurred, including attorneys fees and costs incurred on appeal.

**ARTICLE 4
AMENDMENT**

This Supplemental Declaration may be amended by the Owner of Lot 4, with the prior written approval of the Kings Pines Estates III Homeowners' Association pursuant to the terms of Section 13.3 of the Phase III Declaration; and, until December 31, 2015, the prior written approval of Declarant must be obtained.

IN WITNESS WHEREOF the Declarant has caused its corporate name to be hereunto subscribed this 25th day of August, 2005.

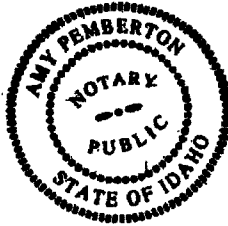
KING'S PINES ESTATES, INC.
an Idaho Corporation.

By: *Frank E. Brown*
FRANK E. BROWN, President

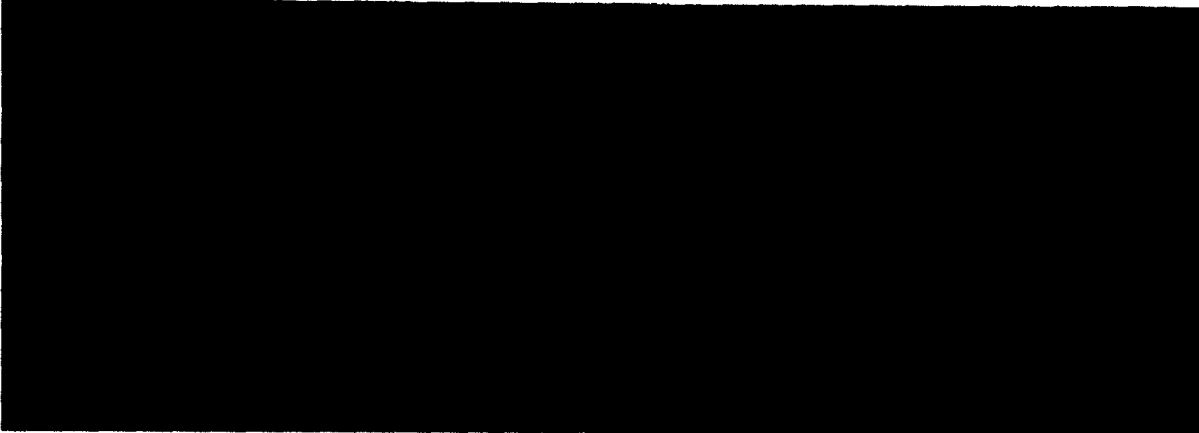
STATE OF IDAHO,)
(ss.
County of Valley.)

On this 25th day of August, 2005, before me, the undersigned, *Amy Pemberton*, a Notary Public in and for said State, personally appeared **FRANK E. BROWN**, known or identified to me to be the President of **KING'S PINES ESTATES, INC.**, the corporation that executed the foregoing instrument, or the person who executed the foregoing instrument on behalf of said corporation, and acknowledged to me that such Corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.



Amy Pemberton
NOTARY PUBLIC FOR IDAHO
My Commission Expires: 5/19/2009



INSTRUMENT NO. 109288

INSTRUMENT NO. 109098

Instrument # 109098

COUNCIL, ADAMS, IDAHO

2005-06-10

02:31:32 No. of Pages: 2

Recorded for : MILLEMAN, RYTTENGER, MCMAHAN

MICHAEL FISK

Fee: 6.00

Ex-Officio Recorder Deputy

Index to: COVENANTS

SUPPLEMENTAL

**DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR
LOT 14 BLOCK 2 KING'S PINES ESTATES IV**

THIS SUPPLEMENTAL DECLARATION is made on the date hereinafter set forth by **KING'S PINES ESTATES, INC.**, an Idaho Corporation, hereafter referred to as "Declarant".

ARTICLE I: PROPERTY AFFECTED

Declarant owns certain real property in Adams County, Idaho, hereinafter referred to as "Lot 14", more particularly described as follows:

LOT 14 BLOCK 2 KING'S PINES ESTATES IV, according to the official plat thereof, recorded in BOOK 3 at Page 9, as Instrument No. 108247, recorded on the 22nd day of February, 2005, records of Adams County, Idaho.

ARTICLE 2

ADDITIONAL COVENANTS, CONDITIONS AND RESTRICTIONS

Section 2.1: Lot 14 is currently subject to the following declarations: **Declaration of Covenants, Conditions and Restrictions for King's Pines Estates III**, dated July 14, 2000, and filed of record with the Office of Recorder of Adams County, Idaho, on July 24, 2000; as Instrument No. 98394 (hereinafter referred to as the "Phase III Declaration"); and, the **Supplemental Declaration of Covenants, Conditions and Restrictions of King's Pines Estates IV**, filed of record with the Office of Recorder of Adams County, Idaho, on February 22, 2005, as Instrument No. 108248.

Section 2.2: Pursuant to this Supplemental Declaration, Lot 14 shall be subject to the following additional covenants, conditions and restrictions:

No road of any kind may be constructed, nor may any right of way or access be granted, on any portion Lot 14 for use by or access to any real property other than Lot 14.

**ARTICLE 3
ENFORCEMENT**

The terms and conditions of this Supplemental Declaration shall constitute a covenant burdening and running with Lot 14 in perpetuity, and shall benefit and may be enforced by the members of the Kings Pines Estates III Homeowners' Association in perpetuity, and by Declarant until December 31, 2015. The provisions of this Supplemental Declaration shall bind and inure to the benefit of the heirs, assigns and successors-in-interest of the owner of Lot 14 and the members of the Kings Pines Estates III Homeowners' Association in perpetuity, and Declarant until December 31, 2015. In the event that any dispute arises regarding the legal consequence,

SUPPLEMENTAL DECLARATION OF COVENANTS, CONDITIONS
AND RESTRICTIONS OF LOT 14 BLOCK 2 KING'S PINES ESTATES IV - 1

**RE-RECORDED TO ADD
NOTARY SEAL**

interpretation, application or enforcement of this Supplemental Declaration, then the prevailing party in such dispute shall be entitled to recover their attorneys fees and costs incurred, including attorneys fees and costs incurred on appeal.

**ARTICLE 4
AMENDMENT**

This Supplemental Declaration may be amended by the Owner of Lot 14, with the prior written approval of the Kings Pines Estates III Homeowners' Association pursuant to the terms of Section 13.3 of the Phase III Declaration; and, until December 31, 2015, the prior written approval of Declarant must be obtained.

IN WITNESS WHEREOF, the Declarant has caused its corporate name to be hereunto subscribed this 9th day of June, 2005.

KING'S PINES ESTATES, INC.
an Idaho Corporation.

By: Frank E. Brown
FRANK E. BROWN, President

STATE OF IDAHO,)
(ss.
County of Valley.)

On this 9th day of June, 2005, before me, the undersigned, Debra Martens, a Notary Public in and for said State, personally appeared **FRANK E. BROWN**, known or identified to me to be the President of **KING'S PINES ESTATES, INC.**, the corporation that executed the foregoing instrument, or the person who executed the foregoing instrument on behalf of said corporation, and acknowledged to me that such Corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.



Debra Martens
NOTARY PUBLIC FOR IDAHO
My Commission Expires: 6/11/2008

Instrument # 109288
COUNCIL, ADAMS, IDAHO
2005-06-30 07:14:15 No. of Pages: 2
Recorded for: MILLEMAN/PITTINGER/MCMAHAN
MICHAEL FISK Fee: 8.00
Ex-Officio Recorder Deputy [Signature]
Index to: COVENANTS

SUPPLEMENTAL DECLARATION OF COVENANTS, CONDITIONS
AND RESTRICTIONS OF LOT 14 BLOCK 2 KING'S PINES ESTATES IV - 2

RE-RECORDED TO ADD
NOTARY SEAL

**AMENDMENT TO SUPPLEMENTAL
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR
KING'S PINES ESTATES IV**

THIS AMENDMENT TO SUPPLEMENTAL DECLARATION is made on the date hereinafter set forth by **KING'S PINES ESTATES, INC.**, an Idaho Corporation, hereafter referred to as "Declarant".

A Supplemental Declaration of Covenants, Conditions and Restrictions of King's Pines Estates IV was recorded with the Adams County, Idaho Recorder as Instrument # 108248 on February 22, 2005 ("Supplemental Declaration").

The Supplemental Declaration is hereby amended as follows:

1. A new article shall be added as follows:

Article 4. Notwithstanding any provision to the contrary, a public or private road may be constructed on the following property:

LOT 14 BLOCK 2 KING'S PINES ESTATES IV, according to the official plat thereof, recorded in BOOK 3 at Page 9, as Instrument No. 108247, recorded on the 22nd day of February, 2005, records of Adams County, Idaho ("Lot 14");

together with any Common Areas adjoining Lot 14 as shown on the said official plat for King's Pines Estates IV as may be necessary for construction and platting of such a road pursuant to Adams County requirements.

2. All other covenants and conditions in the Supplemental Declaration shall remain in full force and effect.

This Amendment to Supplemental Declaration has been approved as follows: (1) by Declarant pursuant to Declarant's signature below; and, (2) by greater than sixty six and two-thirds percent (66-2/3%) of the votes of the membership at a meeting of the Kings Pines Estates III Homeowners' Association held on January 5, 2005, as evidenced by their signatures attached at **Exhibit A**.

Instrument # 110942

COUNCIL, ADAMS, IDAHO

2006-01-27 12:10:01 No. of Pages: 4

Recorded for : TIMBERLINE TITLE & ESCROW

MICHAEL FISK

Ex-Officio Recorder Deputy

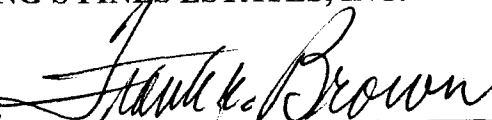
Index to: AMENDMENT

Fee: 12.00

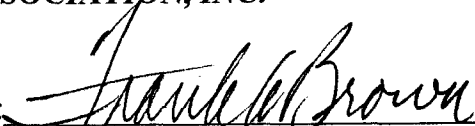
Sarah J. Wilson

DATED this 5th day of JANUARY, 2006.

KING'S PINES ESTATES, INC.

By: 
FRANK E. BROWN, President

**KING'S PINES ESTATES III HOMEOWNERS
ASSOCIATION, INC.**

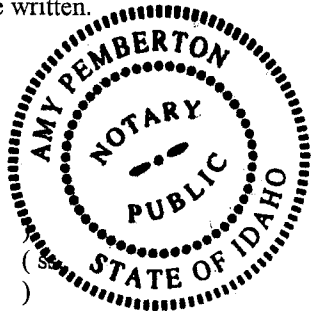
By: 
FRANK E. BROWN, President

By: 
AMY DAGUE, Secretary

STATE OF IDAHO,)
(ss.
County of Valley.)

On this 5th day of JANUARY, 2006, before me, the undersigned, Amy Pemberton, a Notary Public in and for said State, personally appeared **FRANK E. BROWN**, known or identified to me to be the President of **KING'S PINES ESTATES, INC.**, the corporation that executed the foregoing instrument, or the person who executed the foregoing instrument on behalf of said corporation, and acknowledged to me that such Corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

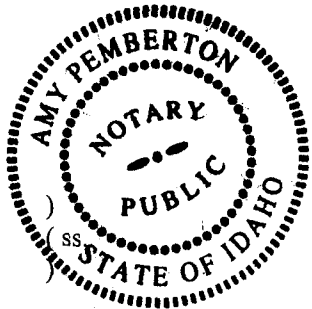


Amy Pemberton
NOTARY PUBLIC FOR IDAHO
My Commission Expires: 5/9/2009

STATE OF IDAHO,)
(ss.
County of Valley.)

On this 5th day of JANUARY, 2006, before me, the undersigned, Amy Pemberton, a Notary Public in and for said State, personally appeared **FRANK E. BROWN**, known or identified to me to be the President of **KING'S PINES ESTATES III HOMEOWNERS ASSOCIATION, INC.**, the corporation that executed the foregoing instrument, or the person who executed the foregoing instrument on behalf of said corporation, and acknowledged to me that such Corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

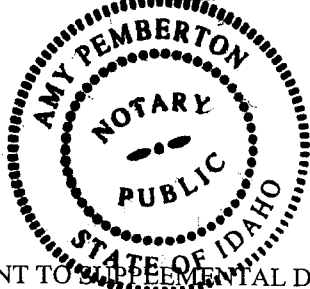


Amy Pemberton
NOTARY PUBLIC FOR IDAHO
My Commission Expires: 5/9/2009

STATE OF IDAHO,)
(ss.
County of Valley.)

On this 5th day of JANUARY, 2006, before me, the undersigned, Amy Pemberton, a Notary Public in and for said State, personally appeared **AMY DAGUE**, known or identified to me to be the Secretary of **KING'S PINES ESTATES III HOMEOWNERS ASSOCIATION, INC.**, the corporation that executed the foregoing instrument, or the person who executed the foregoing instrument on behalf of said corporation, and acknowledged to me that such Corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.



Amy Pemberton
NOTARY PUBLIC FOR IDAHO
My Commission Expires: 5/9/2009

