

INSTRUMENT NO. **94640**  
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After Recording Return to:

WILDERNESS WEST, L.L.C.  
P.O. BOX 18213  
SEATTLE, WA 98118

INSTRUMENT NO. 94640  
State of Idaho )  
County of Adams ) **SS.**

Filed for record at the request of  
Timberline Title & Escrow  
10 min. past 11 o'clock A. M.  
this 4 day of Sept, 1998  
MICHAEL FISK, RECORDER  
by Peggy Lindal  
Deputy

Fee \$27.00

## DECLARATION OF BUILDING RESTRICTIONS AND PROTECTIVE COVENANTS

### Lower Johnson Creek

WILDERNESS WEST, L.L.C., a Washington Limited Liability Company, hereinafter referred to as Grantor, does hereby certify and declare:

**Section 1. General Provisions.** The Grantor is the owner of certain land which is legally described in Exhibit A attached hereto, located in Adams County, Idaho. Grantor does hereby establish a general plan for the development, improvement, maintenance and protection of the real property, and for that purpose does hereby establish the building restrictions and protective covenants set forth herein. Said building restrictions and protective covenants shall attach to and shall pass with the land, and shall bind all persons who may at any time hereafter and from time to time own or claim any right, title, or interest in and to said land, and the successors in title and interest to said land, whether acquired through voluntary act or through operation of law.

**Section 2. Definition of Terms.** That the term "Grantor" wherever used herein shall refer either singularly or collectively, to the above named Grantor, and to its successors, representatives and assigns, and to any person or persons, or other legal entity to whom the rights and obligations of the Grantor as set forth in these building restrictions and protective covenants shall be specifically transferred.

The term "Grantee" used herein shall refer not only to the person, corporation, association or other legal entity who originally purchased a Tract of land from the Grantor, but also to any person, corporation, association or other legal entity who hereafter shall assert or claim any right, title, claim or interest in and to said land or any lot piece or parcel thereof, whether as successors in title voluntarily or by operation of law.

Final 08/07/98  
Lower Johnson Creek

The term "Tract" shall refer to a piece of real estate which is separately described as set forth in Exhibit A, and which is recognized by Adams County as a legal and separate piece of real estate, and which property is included in the land which is subject to these building restrictions and protective covenants.

**Section 3. Violation and Enforcement.** If any Grantee violates or attempts to violate any of the provisions of these building restriction and protective covenants, then any person or persons, corporation, association or other legal entity, owning a Tract described in Exhibit A attached hereto, or any other adjacent land, on which these building restrictions, and protective covenants have been recorded by Grantor, or by any lawful municipal authority, shall have full power and authority, to prosecute any proceeding at law or in equity against the grantee violating or attempting to violate any of the provisions of these building restrictions and protective covenants, and either to prevent him or them from so doing or to recover damages sustained by reason of such violation.

In the event that any provision, sentence or paragraph contained in these building restrictions and protective covenants is invalidated by judgment or court order, it shall not affect or invalidate any of the other provisions, sentences or paragraphs of these building restrictions and protective covenants, but the same shall remain in full force and effect.

**Section 4. Term of Restrictions/Amendment.** These building restrictions and protective covenants shall run with the land described herein and shall be binding upon the parties hereto, and all successors in title and interest of any of the said parties, or any part thereof, until January 1, 2007, at which time said restriction shall be automatically extended for a successive period of ten years, unless the owner or owners of the legal title to not less than two thirds of the Tracts, agree to amend or terminate these building restrictions and protective covenants. In addition, so long as Grantor retains fee title to any Tract, Grantor shall have the right and power to unilaterally amend these building restrictions and protective covenants provided that any amendment shall not materially diminish the general quality and character of the property development required under these building restrictions and protective covenants. Any amendment or termination of these building restrictions and protective covenants shall be in writing, duly signed and acknowledged, and shall become effective upon the filing of the same in the office of the county recorder of Adams County, Idaho.

**Section 5. Temporary Structures.** No structure of a temporary character, camp trailer, basement, tent or shack shall be used on any Tract at any time as a residence, except as temporary living quarters while a permanent dwelling is under construction. Any such temporary structure will be permitted on the Tract for a maximum of six months, after which it must be removed or properly garaged. No working or commercial vehicle, one and one half ton or greater, or trailers or mobile homes shall regularly or as a matter of practice be parked on any Tract, nor on the street adjacent thereof, unless properly garaged.

**Section 6. Building Restrictions.** Each Tract shall constitute a building site and not more than one family dwelling and one detached guest house shall be placed, constructed or maintained on each building site. Except as specifically provided herein, no building site shall be used except for residential or agricultural purposes, and no building shall be erected, altered, placed, or permitted to remain on any building site other than one detached primary single family home and one detached guest house.

Each primary residential dwelling erected, constructed, maintained, or permitted on each building site shall contain a minimum of at least one thousand two hundred (1,200) square feet of floor area, exclusive of garages, open entries, porches, basements, and terraces, and each primary residential dwelling shall cost at least a minimum of EIGHTY THOUSAND DOLLARS (\$80,000.00) based upon minimum construction cost levels of \$66.00 per square foot prevailing on date these covenants are recorded, exclusive of the cost of said building site; and for this purpose, the cost shall be construed to mean the actual cost or contract price of erecting and constructing said primary residential dwelling and garage. Any detached guest house shall likewise have a minimum construction cost of \$66.00 per square foot based upon cost levels prevailing on the date these covenants are recorded as provided herein. However, the detached guest house shall not be subject to the minimum size requirement of the primary residential dwelling.

It shall be permissible, where a single family residence has been constructed on a particular Tract, to erect in connection therewith appropriate fences, corrals, stalls, barns, and shop buildings, for the storage and keeping of machinery, hay and feed, and for the keeping of livestock, provided that any building shall have a finished exterior and shall be compatible with the constructed single family residence.

Any building plans and buildings erected on said land shall be subject to approval by the authorities of the lawful municipal authority, and shall comply with all present and future existing codes of Adams County.

**Section 7. Prosecution of Work.** The work of construction of all buildings, alterations, and additions thereof, shall be prosecuted diligently and continuously from commencement of construction until such buildings, alterations and additions are completed and painted. All buildings, alterations and additions shall be fully completed as to external appearance, within six months of commencement unless prevented by cause not due to grantee's neglect, or failure to prosecute diligently the work to completion.

**Section 8. Limitation of Use.** No prefabricated home, manufactured home, trailer house, mobile home, or so-called double-wide mobile home shall be maintained or installed upon any building site as a residence or for any other purpose. All buildings shall be constructed on site. All residential dwellings shall have concrete foundations with vertical frost walls cast upon spread footings.

**Section 9. No Subdivision of Tracts.** Any Tract of land which is subject to these Building Restrictions and Protective Covenants, and which is conveyed to any Grantee by Grantor, shall at no time be divided or subdivided into smaller tracts or lots.

**Section 10. Other Development Projects of Grantor.** With regard to any real estate owned by Grantor, other than the real estate described in Exhibit A attached hereto, which Grantor shall seek to subdivide, rezone, improve or otherwise develop, each Grantee, as a condition for purchasing a parcel from Grantor designates and appoints Grantor as Grantee's special attorney-in-fact to approve, consent to and support any such land use action or development sought by Grantor. This designation of authority and proxy, is coupled with an interest and shall not be revoked without the written consent of Grantor. Further, all Grantees waive any and all right of protest and shall not act in any way inconsistent with this designation of authority to Grantor.

**Section 11. Sewage Disposal.** All bathroom sinks and toilet facilities shall be inside the dwelling house and shall be connected by underground pipes with a septic tank of a depth and type of construction approved by Adams County and State of Idaho Health Authorities. The drains from said septic tanks shall be kept within the building lot limits of each building site and the effluent from septic tanks shall not be permitted to discharge into any streams or open drains, as provided by Idaho law and Southwest District Health Department regulations.

**Section 12. Refuse.** No car bodies, discarded appliances or unsightly materials may be stored upon the real property.

**Section 13. Garbage and Trash.** No Tract shall be used or maintained as a dumping ground for rubbish. Trash, garbage and other waste shall not be kept except in sanitary containers properly screened and shielded from adjacent properties. All equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition. No trash, refuse pile, vehicles, compost pile, or other unsightly objects shall be allowed to group, accumulate or remain on any Tract so as to be a detriment to the neighborhood or become a fire hazard. It shall be the responsibility of each Owner of a Tract to transport his garbage and trash to the Adams County designated land fill on a regular basis until such time as a regular public collection route is established.

**Section 14. Noxious or Offensive Activity.** No noxious or offensive activity shall be carried on upon any Tract, nor shall anything be done or maintained thereon which may become an annoyance or nuisance to the neighborhood or detract from its value.

**Section 15. Billboards and Signs.** No signs or billboards of any kind for any use shall be erected, painted or displayed upon any of the land; except, however, there shall be a right to display signs during the period that a grantor or grantee, or its authorized agents, are placing any building site or sites upon the market for sale.

**Section 16. Utility Easements.** Grantor reserves easements appurtenant to each Tract in Exhibit A and grants easements appurtenant to each Tract in Exhibit A for installation and maintenance of utilities, storm sewers and electrical, gas, telephone, and water lines over, under and across a ten-foot (10') strip along each side of the lot line between adjoining Tracts and twenty feet (20') along the exterior boundary line of the Tracts described in Exhibit A. Within these easements, no structure, such as patios, outbuildings, etc., shall be placed or permitted to remain which may damage or interfere with the installation and maintenance of utilities, or which may change the directional flow of drainage piping in the easements. A utility or storm sewer in the easement area of each Tract shall be maintained continuously by the person benefitting most directly from the utility or storm drain except for those improvements for which a public authority or utility company is responsible. In the case where a utility or storm sewer is installed in the easements herein defined, the cost to restore the property to its original state prior to this installation shall be borne by the Grantee or Grantees who require the utility or storm sewer. Any and all drainage collected or sufficiently concentrated to create erosion problems shall be piped at the expense of the Owner discharging the water to the nearest suitable discharge point.

So long as Grantor owns any Tract, it shall have the right to grant to other real property the right to use said easements appurtenant, provided that any such use of the easements shall in all respects conform to the provisions hereof.

DATED this 1 day of September, 1998.

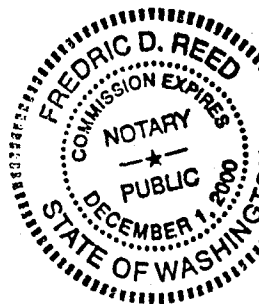
WILDERNESS WEST, L.L.C.

By: Eugene R. Cederstrand  
Eugene R. Cederstrand, Member/Manager

STATE OF WASHINGTON )  
 ) ss.  
County of King )

On this 15<sup>th</sup> day of September, 1998, before me personally appeared EUGENE R. CEDERSTRAND, to me known to be the Member/Manager of WILDERNESS WEST, L.L.C, the limited liability company that executed the within and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said limited liability company, for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute said instrument.

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



*Fredric D. Reed*  
 Name (printed): Fredric D. Reed  
 Notary Public in and for the State  
 of Washington, residing at Seattle  
 My commission expires: 12-1-00

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EXHIBIT A

POOR COPY

LEGAL DESCRIPTION TRACT G

A TRACT OF LAND LOCATED IN THE N 1/2 SW 1/4 OF SECTION 2, T. 15 N., R. 2 W., BOISE MERIDIAN, ADAMS COUNTY, IDAHO; MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE 1/4 CORNER COMMON TO SECTIONS 2 AND 3, T. 15 N., R. 2 W., BOISE MERIDIAN, ADAMS COUNTY, IDAHO: THENCE N 89°23'03"E, 2033.11 FEET ALONG THE EAST-WEST MIDSECTION LINE OF SECTION 2; THENCE S 30°25'00"E, 154.81 FEET; THENCE ALONG A 125.00 FOOT RADIUS CURVE TO THE RIGHT, AN ARC DISTANCE OF 187.44 FEET (CHORD S 12°32'30"W, 170.37 FEET); THENCE S 55°30'00"W, 86.04 FEET; THENCE ALONG A 275.00 FOOT RADIUS CURVE TO THE LEFT, AN ARC DISTANCE OF 197.99 FEET (CHORD S 34°52'30"W, 193.74 FEET); THENCE S 14°15'00"W, 304.75 FEET; THENCE ALONG A 125.00 FOOT RADIUS CURVE TO THE RIGHT, AN ARC DISTANCE OF 216.35 FEET (CHORD S 83°50'00"W, 190.34 FEET); THENCE N 86°35'00"W, 49.10 FEET; THENCE ALONG A 180.00 FOOT RADIUS CURVE TO THE LEFT, AN ARC DISTANCE OF 186.39 FEET (CHORD S 43°37'30"W, 158.99 FEET); THENCE S 53°50'00"W, 193.74 FEET; THENCE ALONG A 319.86 FOOT RADIUS CURVE TO THE LEFT, AN ARC DISTANCE OF 223.41 FEET (CHORD S 37°25'00"W, 220.37 FEET) TO A POINT ON A COMPOUND CURVE WITH CENTER BEING S 89°00'00"E, 80.00 FEET RADIAL DISTANCE: THENCE COUNTERCLOCKWISE ALONG SAID COMPOUND CURVE, AN ARC DISTANCE OF 93.12 FEET (CHORD S 23°27'45"E, 84.05 FEET) TO A POINT ON A REVERSE CURVE WITH CENTER BEING S 22°04'30"W, 592.65 FEET, RADIAL DISTANCE: THENCE CLOCKWISE ALONG SAID REVERSE CURVE, AN ARC DISTANCE OF 56.12 FEET (CHORD S 63°16'43"E, 96.02 FEET) TO A POINT ON THE EAST

LEGAL DESCRIPTION TRACT H

A TRACT OF LAND LOCATED IN THE N 1/2 SW 1/4, SE 1/4 SW 1/4 AND SW 1/4 SE 1/4 OF SECTION 2, T. 15 N., R. 2 W., BOISE MERIDIAN, ADAMS COUNTY, IDAHO; MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE CENTER 1/4 CORNER OF SECTION 2, T. 15 N., R. 2 W., BOISE MERIDIAN, ADAMS COUNTY, IDAHO: THENCE S 00°32'47"W, 1292.38 FEET ALONG THE NORTH-SOUTH MIDSECTION LINE OF SECTION 2 TO THE C-S 1/16TH CORNER OF SECTION 2; THENCE S 89°53'57"E, 317.60 FEET ALONG THE SOUTH LINE OF THE NW 1/4 SE 1/4 OF SECTION 2; THENCE S 07°55'00"E, 720.32 FEET; THENCE S 20°50'00"E, 25.00 FEET TO A POINT ON A NONTANGENT CURVE WITH CENTER BEING N 20°50'00"W, 124.87 FEET; THENCE CLOCKWISE ALONG SAID NONTANGENT CURVE, AN ARC DISTANCE OF 71.18 FEET (CHORD S 85°30'00"W, 70.23 FEET); THENCE N 78°10'00"W, 168.46 FEET; THENCE N 49°35'00"W, 180.27 FEET; THENCE N 84°29'00"W, 210.23 FEET; THENCE N 43°25'00"W, 237.14 FEET; THENCE ALONG A 500.00 FOOT RADIUS CURVE TO THE LEFT, AN ARC DISTANCE OF 183.99 FEET (CHORD N 53°57'30"W, 182.95 FEET); THENCE N 64°30'00"W, 312.67 FEET; THENCE N 70°30'00"W, 146.02 FEET; THENCE ALONG A 100.00 FOOT RADIUS CURVE TO THE LEFT, AN ARC DISTANCE OF 94.68 FEET (CHORD S 82°22'30"E, 91.19 FEET); THENCE S 55°15'00"W, 114.64 FEET; THENCE ALONG A 250.00 FOOT RADIUS CURVE TO THE LEFT, AN ARC DISTANCE OF 163.48 FEET (CHORD S 36°31'00"W, 160.58 FEET); THENCE S 17°47'00"W, 78.47 FEET; THENCE ALONG A 420.00 FOOT RADIUS CURVE TO THE RIGHT, AN ARC DISTANCE OF 194.48 FEET (CHORD S 31°02'58"W, 192.75 FEET) TO A POINT ON THE WEST LINE OF THE SE 1/4 SW 1/4 OF SECTION 2; THENCE N 00°29'53"E, 489.01 FEET ALONG SAID WEST LINE TO THE SW 1/16TH CORNER OF SECTION 2; THENCE N 00°25'53"E, 29.92 FEET ALONG THE WEST LINE OF THE NE 1/4 SW 1/4 OF SECTION 2 TO A POINT ON A NONTANGENT CURVE WITH CENTER BEING S 31°22'05"W, 592.65 FEET RADIAL DISTANCE: THENCE COUNTERCLOCKWISE ALONG SAID NONTANGENT CURVE, AN ARC DISTANCE OF 96.12 FEET (CHORD N 63°16'43"W, 96.02 FEET) TO A POINT ON A REVERSE CURVE WITH CENTER BEING N 22°04'30"E, 80.00 FEET RADIAL DISTANCE: THENCE CLOCKWISE ALONG SAID REVERSE CURVE AN ARC DISTANCE OF 93.12 FEET (CHORD N 23°27'45"W, 84.05 FEET) TO A POINT ON A COMPOUND CURVE WITH CENTER BEING S 89°00'00"E, 319.86 FEET RADIAL DISTANCE: THENCE CLOCKWISE ALONG SAID COMPOUND CURVE, AN ARC DISTANCE OF 223.41 FEET (CHORD N 37°25'00"E, 220.37 FEET); THENCE N 53°50'00"W, 193.74 FEET; THENCE ALONG A 180.00 FOOT RADIUS CURVE TO THE RIGHT, AN ARC DISTANCE OF 197.99 FEET (CHORD N 83°37'30"E, 158.99 FEET); THENCE S 86°35'00"E, 49.10 FEET; THENCE ALONG A 125.00 FOOT RADIUS CURVE TO THE LEFT, AN ARC DISTANCE OF 216.35 FEET (CHORD N 83°50'00"E, 190.34 FEET); THENCE N 14°15'00"E, 304.75 FEET; THENCE ALONG A 275.00 FOOT RADIUS CURVE TO THE RIGHT, AN ARC DISTANCE OF 187.44 FEET (CHORD N 12°32'30"E, 170.37 FEET); THENCE N 14°15'00"E, 304.75 FEET; THENCE ALONG A 125.00 FOOT RADIUS CURVE TO THE LEFT, AN ARC DISTANCE OF 187.44 FEET (CHORD N 89°23'03"E, 154.81 FEET) TO A POINT ON THE EAST-WEST MIDSECTION LINE OF SECTION 2; THENCE N 89°23'03"E, 154.81 FEET ALONG SAID MIDSECTION LINE TO THE POINT OF BEGINNING; CONTAINING 40.37 ACRES, MORE OR LESS, BEING SURVEYED AND MONUMENTED ACCORDING TO THIS RECORD OF SURVEY; SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD AND/OR APPARENT.

LEGAL DESCRIPTION TRACT I

A TRACT OF LAND LOCATED IN THE SE 1/4 SW 1/4 AND SW 1/4 SE 1/4 OF SECTION 2, AND NW 1/4 NE 1/4 OF SECTION 11, T. 15 N., R. 2 W., BOISE MERIDIAN, ADAMS COUNTY, IDAHO; MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE W 1/16 CORNER COMMON TO SECTIONS 2 AND 11, T. 15 N., R. 2 W., BOISE MERIDIAN, ADAMS COUNTY, IDAHO: THENCE N 00°29'53"E, 816.32 FEET ALONG THE WEST LINE OF THE SE 1/4 SW 1/4 OF SECTION 2 TO A POINT ON A NONTANGENT CURVE WITH CENTER BEING N 43°41'04"W, 420.00 FEET RADIAL DISTANCE: THENCE COUNTERCLOCKWISE ALONG SAID NONTANGENT CURVE, AN ARC DISTANCE OF 194.48 FEET (CHORD N 31°02'56"E, 192.75 FEET); THENCE N 17°47'00"E, 78.47 FEET; THENCE ALONG A 250.00 FOOT RADIUS CURVE TO THE RIGHT, AN ARC DISTANCE OF 183.48 FEET (CHORD N 36°31'00"E, 180.58 FEET); THENCE N 55°15'00"E, 114.64 FEET; THENCE ALONG A 100.00 FOOT RADIUS CURVE TO THE RIGHT, AN ARC DISTANCE OF 94.68 FEET (CHORD N 82°22'30"E, 91.19 FEET); THENCE S 70°30'00"E, 146.02 FEET; THENCE S 64°30'00"E, 312.67 FEET; THENCE ALONG A 500.00 FOOT RADIUS CURVE TO THE RIGHT, AN ARC DISTANCE OF 183.99 FEET (CHORD S 53°57'30"E, 182.95 FEET); THENCE S 43°25'00"E, 237.14 FEET; THENCE S 88°25'00"E, 210.23 FEET; THENCE S 49°35'00"E, 168.46 FEET; THENCE S 55°30'00"E, 70.23 FEET TO A POINT ON A REVERSE CURVE WITH CENTER BEING S 20°50'00"E, 250.00 FEET RADIAL DISTANCE: THENCE CLOCKWISE ALONG SAID REVERSE CURVE, AN ARC DISTANCE OF 176.71 FEET (CHORD N 89°25'00"E, 173.06 FEET); THENCE S 18°40'00"W, 23.00 FEET; THENCE S 41°00'05"E, 373.84 FEET; THENCE S 27°15'17"E, 45.00 FEET TO A POINT ON THE THREAD OF THE WEISER RIVER; THENCE S 52°15'00"W, 527.63 FEET ALONG SAID THREAD; THENCE S 31°01'37"W, 570.68 FEET ALONG SAID THREAD TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LIMIT OF THE PACIFIC AND IDAHO NORTHERN RAILWAY; THENCE S 28°26'00"W, 106.37 FEET ALONG SAID RIGHT-OF-WAY LIMIT; THENCE ALONG A 1482.40 FOOT RADIUS CURVE TO THE RIGHT AND ALONG SAID RIGHT-OF-WAY LIMIT, AN ARC DISTANCE OF 73.68 FEET (CHORD S 28°53'45"W, 75.67 FEET) TO A POINT ON THE EAST LINE OF THE NE 1/4 NW 1/4 OF SECTION 11; THENCE N 00°27'24"W, 786.38 FEET ALONG SAID EAST LINE TO THE 1/4 CORNER COMMON TO SECTIONS 2 AND 11; THENCE S 84°15'24"W, 1314.93 FEET ALONG THE LINE COMMON TO SECTIONS 2 AND 11 TO THE POINT OF BEGINNING; CONTAINING 43.99 TOTAL ACRES, EXCEPTING THEREFROM THE RIGHT-OF-WAY OF THE PACIFIC AND IDAHO NORTHERN RAILWAY IN THE NW 1/4 NE 1/4 OF SECTION 11 AND SUBJECT TO THAT 200 FOOT WIDE RAILROAD RIGHT-OF-WAY EASEMENT IN THE SW 1/4 SE 1/4 OF SECTION 2 GRANTED TO THE PACIFIC AND IDAHO NORTHERN RAILWAY UNDER THE RAILROAD RIGHT-OF-WAY ACT OF 1875; CONTAINING 41.64 NET ACRES, MORE OR LESS ABOVE THE TOP OF BANK OF THE WEISER RIVER; BEING SURVEYED AND MONUMENTED ACCORDING TO THIS RECORD OF SURVEY; SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD AND/OR APPARENT.

EXHIBIT A

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LEGAL DESCRIPTION TRACT J . . . . .

A TRACT OF LAND LOCATED IN THE S 1/2 SE 1/4 OF SECTION 2, T. 15 N., R. 2 W., BOISE MERIDIAN, ADAMS COUNTY, IDAHO; MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH LINE OF THE SW 1/4 SE 1/4 OF SECTION 2, T. 15 N., R. 2 W., BOISE MERIDIAN, ADAMS COUNTY, IDAHO; SAID POINT BEING S 89°53'57"E, 317.00 FEET FROM THE NORTHWEST CORNER OF THE SW 1/4 SE 1/4 OF SECTION 2; THENCE S 89°53'57"E, 2011.65 FEET ALONG THE NORTH LINE OF THE S 1/2 SE 1/4 OF SECTION 2; THENCE S 04°14'30"W, 1127.27 FEET; THENCE S 12°22'35"W, 60.00 FEET TO A POINT ON THE THREAD OF THE WEISER RIVER; THENCE DOWNSTREAM ALONG SAID THREAD THROUGH THE FOLLOWING FOUR COURSES: 1.) N 82°35'20"W, 190.00 FEET; 2.) N 76°16'10"W, 423.83 FEET; 3.) N 88°18'44"W, 543.47 FEET; 4.) S 76°18'01"W, 216.24 FEET; THENCE N 27°15'17"W, 43.00 FEET; THENCE N 41°00'45"W, 373.84 FEET; THENCE N 19°40'00"E, 25.00 FEET TO A POINT ON A NONTANGENT CURVE WITH CENTER BEING S 19°40'00"W, 230.00 FEET RADIAL DISTANCE; THENCE COUNTERCLOCKWISE ALONG SAID NONTANGENT CURVE, AN ARC DISTANCE OF 176.71 FEET (CHORD S 89°25'00"W, 173.08 FEET); THENCE N 20°50'00"W, 25.00 FEET; THENCE N 02°55'00"W, 720.32 FEET TO THE POINT OF BEGINNING; CONTAINING 44.95 TOTAL ACRES, EXCEPTING THEREFROM FEE RIGHT-OF-WAY OF THE PACIFIC AND IDAHO NORTHERN RAILWAY IN THE SE 1/4 SE 1/4 OF SECTION 2 AND SUBJECT TO THAT 200 FOOT WIDE RAILROAD RIGHT-OF-WAY EASEMENT IN THE SW 1/4 SE 1/4 OF SECTION 2 GRANTED TO THE PACIFIC AND IDAHO NORTHERN RAILWAY UNDER THE RAILROAD RIGHT-OF-WAY ACT OF 1875; CONTAINING 41.00 NET ACRES, MORE OR LESS ABOVE THE TOP OF BANK OF THE WEISER RIVER; BEING SURVEYED AND MONUMENTED ACCORDING TO THIS RECORD OF SURVEY; SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD AND/OR APPARENT.

LEGAL DESCRIPTION TRACT K . . . . .

A TRACT OF LAND LOCATED IN THE W 1/2 SW 1/4 OF SECTION 1, SE 1/4 SE 1/4 OF SECTION 2, NE 1/4 NE 1/4 OF SECTION 11 AND NW 1/4 NW 1/4 OF SECTION 12, T. 15 N., R. 2 W., BOISE MERIDIAN, ADAMS COUNTY, IDAHO; MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE W 1/16 CORNER COMMON TO SECTIONS 1 AND 12, T. 15 N., R. 2 W., BOISE MERIDIAN, ADAMS COUNTY, IDAHO; THENCE S 00°04'25"E, 413.32 FEET ALONG THE WEST LINE THE NE 1/4 NW 1/4 OF SECTION 12 TO A POINT ON THE THREAD OF THE WEISER RIVER; THENCE DOWNSTREAM ALONG SAID THREAD THROUGH THE FOLLOWING FOUR COURSES: 1.) N 81°35'14"W, 477.47 FEET; 2.) N 72°07'43"W, 372.52 FEET; 3.) N 04°18'32"W, 475.85 FEET; 4.) N 69°45'11"W, 374.37 FEET; THENCE N 12°22'35"E, 60.00 FEET; THENCE N 04°14'30"E, 1127.27 FEET TO A POINT ON THE SOUTH LINE OF THE NE 1/4 SE 1/4 OF SECTION 2; THENCE S 89°53'57"E, 324.26 FEET ALONG THE SOUTH LINE OF THE NE 1/4 SE 1/4 OF SECTION 2 TO THE S 1/16TH CORNER COMMON TO SECTIONS 1 AND 2; THENCE N 00°12'30"E, 123.88 FEET ALONG THE LINE COMMON TO SECTIONS 1 AND 2; THENCE S 81°29'00"E, 33.91 FEET; THENCE ALONG A 200.00 FOOT RADIUS CURVE TO THE RIGHT, AN ARC DISTANCE OF 88.37 FEET (CHORD S 48°49'30"E, 87.65 FEET); THENCE S 36°10'00"E, 399.77 FEET; THENCE ALONG A 350.00 FOOT RADIUS CURVE TO THE LEFT, AN ARC DISTANCE OF 201.08 FEET (CHORD S 52°37'30"E, 198.32 FEET); THENCE S 69°05'00"E, 197.47 FEET; THENCE S 82°25'00"E, 226.87 FEET; THENCE ALONG A 400.00 FOOT RADIUS CURVE TO THE LEFT, AN ARC DISTANCE OF 195.64 FEET (CHORD N 83°30'00"E, 194.67 FEET); THENCE S 26°35'00"E, 25.00 FEET; THENCE S 15°05'19"E, 825.33 FEET TO THE POINT OF BEGINNING; CONTAINING 47.90 TOTAL ACRES, EXCEPTING THEREFROM FEE RIGHT-OF-WAY OF THE PACIFIC AND IDAHO NORTHERN RAILWAY IN THE SE 1/4 SE 1/4 OF SECTION 2 AND SUBJECT TO THAT 200 FOOT WIDE RAILROAD RIGHT-OF-WAY EASEMENT IN THE SW 1/4 SW 1/4 OF SECTION 1 GRANTED TO THE PACIFIC AND IDAHO NORTHERN RAILWAY UNDER THE RAILROAD RIGHT-OF-WAY ACT OF 1875; CONTAINING 44.09 NET ACRES ABOVE THE TOP OF BANK OF THE WEISER RIVER; BEING SURVEYED AND MONUMENTED ACCORDING TO THIS RECORD OF SURVEY; SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD AND/OR APPARENT.

LEGAL DESCRIPTION TRACT L . . . . .

A TRACT OF LAND LOCATED IN THE SW 1/4 AND SW 1/4 NW 1/4 OF SECTION 1, T. 15 N., R. 2 W., BOISE MERIDIAN, ADAMS COUNTY, IDAHO; MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE 1/4 CORNER COMMON TO SECTIONS 1 AND 2, T. 15 N., R. 2 W., BOISE MERIDIAN, ADAMS COUNTY, IDAHO; THENCE N 00°12'30"E, 1323.46 FEET ALONG THE LINE COMMON TO SECTIONS 1 AND 2 TO THE N 1/16TH CORNER COMMON TO SECTIONS 1 AND 2; THENCE N 88°45'08"E, 28.16 FEET ALONG THE NORTH LINE OF THE SW 1/4 NW 1/4 OF SECTION 1; THENCE S 12°13'00"E, 449.43 FEET; THENCE S 25°40'00"W, 312.23 FEET; THENCE ALONG A 1000.00 FOOT RADIUS CURVE TO THE LEFT, AN ARC DISTANCE OF 271.98 FEET (CHORD S 33°27'30"E, 271.14); THENCE S 41°15'00"E, 28.88 FEET; THENCE ALONG A 450.00 FOOT RADIUS CURVE TO THE RIGHT, AN ARC DISTANCE OF 162.32 FEET (CHORD S 29°37'30"E, 161.20 FEET); THENCE S 18°00'00"E, 685.58 FEET; THENCE ALONG A 1000.00 FOOT RADIUS CURVE TO THE LEFT, AN ARC DISTANCE OF 372.34 FEET (CHORD S 28°40'00"E, 370.19 FEET); THENCE S 39°20'00"E, 468.19 FEET; THENCE ALONG A 300.00 FOOT RADIUS CURVE TO THE RIGHT, AN ARC DISTANCE OF 369.41 FEET (CHORD S 15°02'30"W, 487.71 FEET); THENCE S 69°25'00"W, 45.40 FEET; THENCE ALONG A 400.00 FOOT RADIUS CURVE TO THE RIGHT, AN ARC DISTANCE OF 198.64 FEET (CHORD S 83°30'00"W, 194.67 FEET); THENCE N 82°25'00"W, 226.87 FEET; THENCE N 69°05'00"W, 197.47 FEET; THENCE ALONG A 350.00 FOOT RADIUS CURVE TO THE RIGHT, AN ARC DISTANCE OF 201.08 FEET (CHORD N 52°37'30"W, 198.32 FEET); THENCE N 36°10'00"W, 399.77 FEET; THENCE ALONG A 200.00 FOOT RADIUS CURVE TO THE LEFT, AN ARC DISTANCE OF 88.37 FEET (CHORD N 48°49'30"W, 87.65 FEET); THENCE N 81°29'00"W, 33.91 FEET TO A POINT ON THE LINE COMMON TO SECTIONS 1 AND 2; THENCE N 00°12'30"E, 1201.78 FEET ALONG SAID LINE COMMON TO SECTIONS 1 AND 2 TO THE POINT OF BEGINNING; CONTAINING 44.33 ACRES, MORE OR LESS; BEING SURVEYED AND MONUMENTED ACCORDING TO THIS RECORD OF SURVEY; SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD AND/OR APPARENT.

LEGAL DESCRIPTION TRACT M . . . . .

A TRACT OF LAND BEING GOVERNMENT LOT 4 OF SECTION 1 AND GOVERNMENT LOT 1 OF SECTION 2, T. 15 N., R. 2 W., BOISE MERIDIAN, ADAMS COUNTY, IDAHO; CONTAINING 81.47 ACRES, MORE OR LESS; BEING SURVEYED AND MONUMENTED ACCORDING TO THIS RECORD OF SURVEY; SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD AND/OR APPARENT.

LEGAL DESCRIPTION TRACT N . . . . .

A TRACT OF LAND LOCATED IN THE S 1/2 NW 1/4 AND NW 1/4 SW 1/4 OF SECTION 1, T. 15 N., R. 2 W., BOISE MERIDIAN, ADAMS COUNTY, IDAHO; MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NW 1/16 CORNER OF SECTION 1, T. 15 N., R. 2 W., BOISE MERIDIAN, ADAMS COUNTY, IDAHO; THENCE N 88°45'08"E, 1005.37 FEET ALONG THE NORTH LINE OF THE SE 1/4 NW 1/4 OF SECTION 1 TO A POINT ON THE THREAD OF THE WEISER RIVER; THENCE DOWNSTREAM ALONG SAID THREAD THROUGH THE FOLLOWING SIX COURSES: 1.) S 64°40'57"W, 162.40 FEET; 2.) S 34°25'53"W, 310.79 FEET; 3.) S 44°48'04"W, 294.72 FEET; 4.) S 64°25'31"W, 187.38 FEET; 5.) S 24°00'42"W, 316.49 FEET; 6.) S 05°51'12"E, 39.31 FEET; THENCE S 45°56'00"W, 715.63 FEET; THENCE S 87°18'00"W, 300.82 FEET; THENCE N 18°00'00"W, 524.32 FEET; THENCE ALONG A 400.00 FOOT RADIUS CURVE TO THE LEFT, AN ARC DISTANCE OF 162.32 FEET (CHORD N 29°37'30"W, 161.20 FEET); THENCE N 41°15'00"W, 28.88 FEET; THENCE ALONG A 1000.00 FOOT RADIUS CURVE TO THE RIGHT, AN ARC DISTANCE OF 271.98 FEET (CHORD N 33°27'30"W, 271.14 FEET); THENCE N 25°40'00"W, 312.23 FEET; THENCE N 12°13'00"W, 449.43 FEET TO A POINT ON THE NORTH LINE OF THE SW 1/4 NW 1/4 OF SECTION 1; THENCE N 88°45'08"E, 1293.55 FEET ALONG THE NORTH LINE OF THE SW 1/4 NW 1/4 OF SECTION 1 TO THE POINT OF BEGINNING; CONTAINING 43.91 TOTAL ACRES WITH 47.34 ACRES, MORE OR LESS ABOVE THE TOP OF BANK OF THE WEISER RIVER; BEING SURVEYED AND MONUMENTED ACCORDING TO THIS RECORD OF SURVEY; SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD AND/OR APPARENT.



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POOR COPY

LEGAL DESCRIPTION TRACT O . . . . .

A TRACT OF LAND LOCATED IN THE S 1/2 NW 1/4 AND SW 1/4 OF SECTION 1, T.15 N., R.2 W., BOISE MERIDIAN, ADAMS COUNTY, IDAHO; MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE C-N 1/16TH CORNER OF SECTION 1, T.15 N., R.2 W., BOISE MERIDIAN, ADAMS COUNTY, IDAHO; THENCE S 00°08'19"W, 3061.20 FEET ALONG THE NORTH-SOUTH MIDSECTION LINE OF SECTION 1 TO A POINT ON THE THREAD OF THE WEISER RIVER; THENCE UPSTREAM ALONG SAID THREAD THROUGH THE FOLLOWING FOUR COURSES: 1.) N 51°51'30"W, 203.30 FEET; 2.) N 58°57'10"W, 217.02 FEET; 3.) N 50°47'10"W, 373.35 FEET; 4.) N 31°24'38"W, 317.48 FEET; THENCE N 90°00'00"W, 457.68 FEET; THENCE S 50°40'00"W, 25.00 FEET TO A POINT ON A HORIZONTAL CURVE WITH CENTER BEING N 50°40'00"E, 1000.00 FEET RADIAL DISTANCE; THENCE CLOCKWISE ALONG SAID CURVE, AN ARC DISTANCE OF 372.34 FEET (CHORD N 28°40'00"W, 370.19 FEET); THENCE N 18°00'00"W, 361.24 FEET; THENCE N 87°18'00"E, 300.82 FEET; THENCE N 45°58'00"E, 715.63 FEET TO A POINT ON THE THREAD OF THE WEISER RIVER; THENCE UPSTREAM ALONG SAID THREAD THROUGH THE FOLLOWING SIX COURSES: 1.) N 05°51'12"W, 59.31 FEET; 2.) N 24°00'42"E, 318.49 FEET; 3.) N 64°25'31"E, 187.38 FEET; 4.) N 44°46'04"E, 294.72 FEET; 5.) N 34°25'53"E, 310.79 FEET; 6.) N 64°40'57"E, 182.40 FEET TO A POINT ON THE NORTH LINE OF THE SE 1/4 NW 1/4 OF SECTION 1; THENCE N 88°45'08"E, 258.34 FEET ALONG SAID NORTH LINE TO THE POINT OF BEGINNING; CONTAINING 73.88 TOTAL ACRES, EXCEPTING THEREFROM FEE RIGHT-OF-WAY OF THE PACIFIC AND IDAHO NORTHERN RAILWAY IN THE SE 1/4 NW 1/4 AND E 1/2 SW 1/4 OF SECTION 1; CONTAINING 62.35 NET ACRES, MORE OR LESS ABOVE THE TOP OF BANK OF THE WEISER RIVER BEING SURVEYED AND MONUMENTED ACCORDING TO THIS RECORD OF SURVEY; SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD AND/OR APPARENT

LEGAL DESCRIPTION TRACT P . . . . .

A TRACT OF LAND LOCATED IN THE SW 1/4 OF SECTION 1, T.15 N., R.2 W., BOISE MERIDIAN, ADAMS COUNTY, IDAHO; MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE 1/4 CORNER COMMON TO SECTIONS 1 AND 12, T.15 N., R.2 W., BOISE MERIDIAN, ADAMS COUNTY, IDAHO; THENCE S 88°36'42"W, 1324.21 FEET ALONG THE LINE COMMON TO SECTIONS 1 AND 12 TO THE W 1/16TH CORNER COMMON TO SECTIONS 1 AND 12; THENCE N 15°00'19"W, 825.30 FEET; THENCE N 20°35'00"W, 25.00 FEET; THENCE N 89°35'00"E, 45.40 FEET; THENCE ALONG A 300.00 FOOT RADIUS CURVE TO THE LEFT, AN ARC DISTANCE OF 589.41 FEET (CHORD N 15°02'30"E, 487.71 FEET); THENCE N 39°20'00"W, 488.19 FEET FEET; THENCE N 50°40'00"E, 25.00 FEET; THENCE N 00°00'00"E, 857.68 FEET TO A POINT ON THE THREAD OF THE WEISER RIVER; THENCE DOWNSTREAM ALONG SAID THREAD THROUGH THE FOLLOWING FOUR COURSES: 1.) S 31°24'38"E, 317.48 FEET; 2.) S 50°47'10"E, 373.35 FEET; 3.) S 58°57'10"E, 217.02 FEET; 4.) S 51°51'30"E, 203.30 FEET TO A POINT ON THE NORTH-SOUTH MIDSECTION LINE OF SECTION 1; THENCE S 00°24'19"W, 903.28 FEET ALONG SAID MIDSECTION LINE TO THE POINT OF BEGINNING; CONTAINING 47.05 TOTAL ACRES; EXCEPTING THEREFROM FEE RIGHT-OF-WAY OF THE PACIFIC AND IDAHO NORTHERN RAILWAY IN THE E 1/2 SW 1/4 OF SECTION 1 AND SUBJECT TO THAT 200 FOOT WIDE RAILROAD RIGHT-OF-WAY EASEMENT IN THE SW 1/4 SW 1/4 OF SECTION 1 GRANTED TO THE PACIFIC AND IDAHO NORTHERN RAILWAY UNDER THE RAILROAD RIGHT-OF-WAY ACT OF 1875; CONTAINING 42.12 NET ACRES, MORE OR LESS ABOVE THE TOP OF BANK OF THE WEISER RIVER; BEING SURVEYED AND MONUMENTED ACCORDING TO THIS RECORD OF SURVEY; SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD AND/OR APPARENT.



INSTRUMENT NO. 96678  
State of Idaho )  
County of Adams ) ss.  
Filed for record at the request of  
Timberline Title & Escrow  
33 min. past 2 o'clock P.M.  
this 20 day of August, 1999  
by [Signature] MICHAEL RISK, RECORDER  
Deputy  
Fee \$ 9.00

Return Address:

WILDERNESS WEST, L.L.C.  
P.O. Box 18213  
Seattle, WA 98118

**FIRST AMENDMENT TO  
DECLARATION OF BUILDING RESTRICTIONS  
AND PROTECTIVE COVENANTS  
TO INCLUDE HISTORICAL HOMESTEAD TRACT**

**Lower Johnson Creek**

WILDERNESS WEST, L.L.C., a Washington limited liability company, hereinafter referred to as Grantor, does hereby certify and declare:

**RECITALS**

- A. Grantor desires to extend the Declaration of Building Restrictions and Protective Covenants for Lower Johnson Creek to apply to a 320 acre parcel described on Exhibit A, commonly referred to as the "Historical Homestead Tract".
- B. The Historical Homestead Tract is much larger than any other tract to which the Building Restrictions and Protective Covenants have been applied and accordingly, certain modifications should be made in their application to the Historical Homestead Tract.

**DECLARATION AMENDMENT**

NOW, THEREFORE, the Grantor amends the Declaration of Building Restrictions and Protective Covenants dated September 1, 1998, and recorded in Adams County, Idaho, on September 4, 1998, as Instrument No. 94640, as follows:

- 1. **Historical Homestead Tract Included.** Attached hereto as Exhibit A is the legal description of the parcel of real property containing approximately 320 acres and commonly referred to as the "Historical Homestead Tract". The said parcel of real property is a "Tract" as that term is defined in Section 2 of the Declaration of Building Restrictions and Protective Covenants which Building Restrictions and Protective Covenants shall apply to the



Township 16 North, Range 2 West, Boise Meridian, Adams County, Idaho

Section 26: E1/2SE1/4 and part of the W1/2NE1/4 described as commencing at the Northwest corner of the NE1/4; thence in a straight line Southeasterly to the Southeast corner of SW1/4NE1/4; thence West to the Southwest corner of the SW1/4NE1/4; thence North to the Northwest corner of the NE1/4 being the REAL POINT OF BEGINNING.

Section 35: N1/2NE1/4, SE1/4NE1/4, NE1/4SE1/4, Lot 1