

**BUILDING B; E and F ONLY**

Liens and assessments of the following association and the rights and powers thereof as provided by law. No delinquencies appear in the County Recorder's Office.

District: The Country Place Too Homeowner's Association, Inc.

Covenants, Conditions, Restrictions and Easements

Amendment to said covenants

Recorded: 93017837

Instrument No.: October 25, 1993

Said Covenants, Conditions, Restrictions and Easements is a re-recording of the instrument

Recorded: October 19, 1993

Instrument No.: 93017513

Amendment to said covenants

Recorded: February 9, 1994

Instrument No.: 94002459

Supplemental to said covenants to include Building E

Recorded: August 15, 2001

Instrument No.: 20115878

Supplemental to said covenants to include Building F

Recorded: January 31, 2006

Instrument No.: 20602126

But omitting any covenant or restriction based on race, color, religion, sex, handicap, familial status, or national origin.

Covenants, conditions, restrictions and easements as set forth on the face of the plat.

An easement containing certain terms, conditions and provisions affecting a portion of said premises and for the purposes stated herein and for any incidental purposes.

For: Pipe lines

In Favor of: Chestie Van Epps

Recorded: June 15, 1948

Instrument No.: Book 103 of Deeds, page 229

An easement containing certain terms, conditions and provisions affecting a portion of said premises and for the purposes stated herein and for any incidental purposes.

For: Power lines

In Favor of: Idaho Power Co.

Recorded: February 5, 1965

Instrument No.: 412636

An easement containing certain terms, conditions and provisions affecting a portion of said premises and for the purposes stated herein and for any incidental purposes.

For: Power lines

In Favor of: Idaho Power Co.

Recorded: September 5, 1978

Instrument No.: 607792

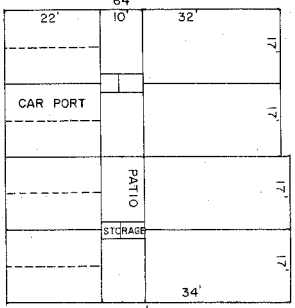
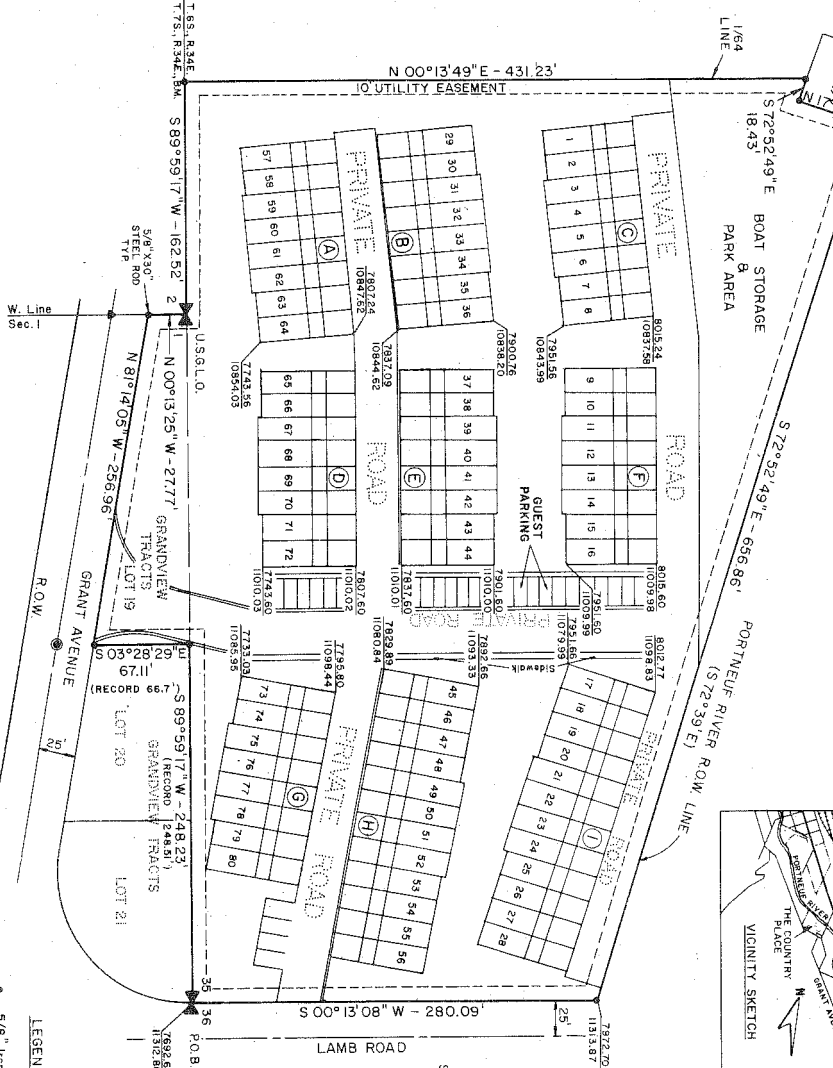
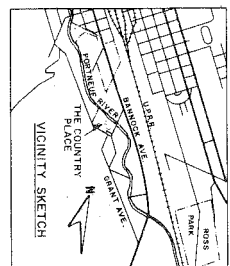
Terms and provisions set forth in an unrecorded mutual use agreement between the parties herein named.

Between: The Country Place Association, Inc. and The Country Place Too Homeowners Association, Inc.

Dated: March 24, 1998

Revised 06/06/2007

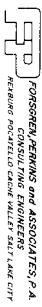
Note: Basis of Bearing Established  
From R/W Gannock Hwy Across  
River in Conjunction With  
Cedarview Subdivision--



THIS IS NOT A SURVEY. THIS MAP IS FOR INFORMATIONAL PURPOSES ONLY. PIONEER TITLE COMPANY MAKES NO REPRESENTATIONS AS TO THE ACCURACY OF THE MAP AND ASSUMES NO LIABILITY FOR IT.

# THE COUNTRY PLACE

TOWNHOUSE PUD, LOCATED IN SE 1/4 SE 1/4, SEC. 35, T6S, R34E, AND IN LOT 4, SEC. 1, T7S, R34E, B.M.  
BANNOCK COUNTY, IDAHO



BOUNDARY DESCRIPTION

A PARCEL OF LAND LYING IN THE E 1/2 OF THE SE 1/4, SE 1/4, SECTION 35, T6S, R34E, B.M., SOUTH OF THE PORTNEU RIVER AND IN LOT 4, SECTION 1, T7S, R 34E, B.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
BEGINNING AT THE SE CORNER OF SAID SECTION 35, T6S, R34E, B.M.; THENCE S89°59'17"W ALONG THE SOUTH LINE OF SAID SECTION 35 A DISTANCE 266.96 FEET; THENCE S50°13'49"E ALONG THE WEST LINE OF SAID SECTION 35 A DISTANCE 256.96 FEET TO THE WEST LINE OF SAID SECTION 1, T7S, R 34E, B.M.; THENCE ALONG SAID WEST LINE N00°13'25"W A DISTANCE OF 2777 FEET TO THE SOUTH LINE OF SAID SECTION 35; THENCE ALONG SAID SOUTH LINE S89°59'17"W A DISTANCE OF 18232 FEET; THENCE N00°13'49"E A DISTANCE OF 4312 FEET TO THE SOUTH BOUNDARY OF THE PORTNEU RIVER FLOOD CONTROL EASEMENT; THENCE ALONG SAID EASEMENT THE FOLLOWING BEARINGS AND DISTANCES: S22°13'00"E ALONG SAID SOUTH LINE A DISTANCE OF 28008 FEET TO THE SE CORNER OF SAID SECTION 35, WHICH IS THE TRUE POINT OF BEGINNING AND CONTAINING 6.03 ACRES MORE OR LESS.

ENGINEER'S APPROVAL

I, KLAWE FORSHEM, DO HEREBY CERTIFY THAT I AM A REGISTERED ENGINEER AND THAT I HOLD CERTIFICATE NO. 2949, AS PRESENTED BY THE STATE OF IDAHO. I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT, AND DESCRIBED ABOVE AND SAID PLAT CORRECTLY REPRESENTS THE LOTS AS SHOWN, HEREFTER TO BE KNOWN AS THE COUNTRY PLACE, LOCATED IN BANNOCK COUNTY, IDAHO.

DATE: April 21, 1978

*Klawe Forshem*  
KLAWE FORSHEM, PROFESSIONAL ENGINEER

OWNER'S DESIGNATION

KNOW ALL MEN BY THESE PRESENTS, THAT BILL K. LYSTRIUP, THOMAS VEA JAMES AND DOMINA JAMES DO HEREBY CERTIFY THAT THEY ARE THE OWNERS OF THE REAL PROPERTY DESCRIBED ABOVE.  
THE EASEMENTS INDICATED ON THIS PLAT OF THE COUNTRY PLACE ARE NOT DEDICATED TO THE PUBLIC BUT THE RIGHT TO USE SAID EASEMENTS IS HEREBY RESERVED FOR PUBLIC UTILITIES AND POWER LINES AND OTHER USES MENTIONED HEREON AND NO PERMANENT BUILDING AND OCCUPANCY RESTRICTIONS: SEE BOOK NO. 222, INSTRUMENT NO. 661024, BANNOCK COUNTY, IDAHO, FOR BANNOCK COUNTY RECORDER, POCATELLO, IDAHO.  
IN WITNESS WHEREOF, WE HAVE HERETO SET OUR HANDS THIS 21 DAY OF APRIL, 1978, IN THE OFFICE OF BANNOCK COUNTY RECORDER, POCATELLO, IDAHO.

*Bill K. Lystriup*  
BILL K. LYSTRIUP

*Thomas Vea James*  
THOMAS VEA JAMES

*Domina James*  
DOMINA JAMES

ACKNOWLEDGEMENT

STATE OF IDAHO  
COUNTY OF BANNOCK  
ON THIS 21 DAY OF APRIL, 1978, PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC IN SAID COUNTY IN SAID STATE, THE SIGNERS OF THE ATTACHED OWNERS DESIGNATION, IN NUMBER WHO DULY ACKNOWLEDGED TO ME THEY SIGNED IT FREELY AND VOLUNTARILY AND FOR THE PURPOSES THEREIN MENTIONED.

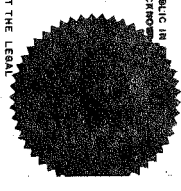
*Richard B. Anderson*  
NOTARY PUBLIC

COUNTY ENGINEER'S APPROVAL

DATE: 4-21-1978  
*Les H. Balluff*  
LES H. BALLUFF, COUNTY ENGINEER

CITY COUNCIL APPROVAL AND ACCEPTANCE

PRESENTED TO THE POCATELLO CITY COUNCIL THIS 3 DAY OF November, A.D. 1977, AT WHICH TIME THIS PLAT OF THE COUNTRY PLACE, P.U.D., WAS APPROVED AND ACCEPTED.  
*Peter B. McDougall*  
PETER B. MCDUGALL, CITY CLERK  
*Ray L. Carrington*  
RAY L. CARRINGTON, CITY ENGINEER



PARK AREA

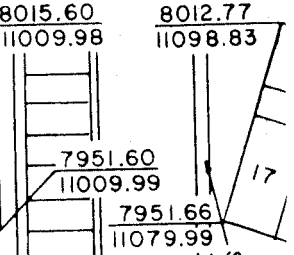
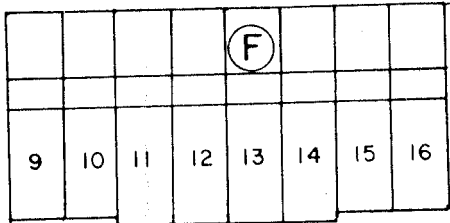
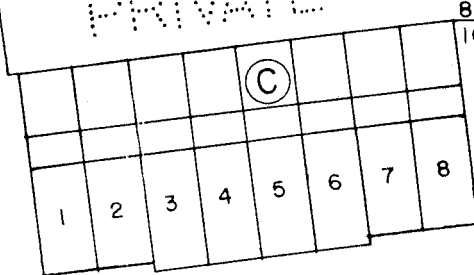
(S 72)

N 00°13'49" E - 431.23'

10' UTILITY EASEMENT

PRIVATE

ROAD



8015.24  
10837.58

8015.60  
11009.98

8012.77  
11098.83

7951.56  
10843.99

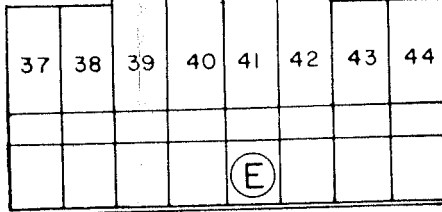
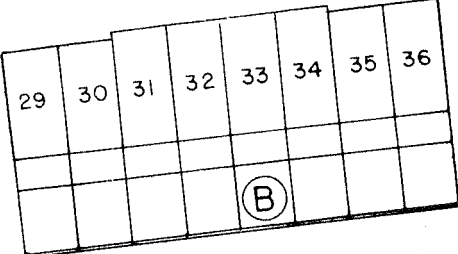
7951.60  
11009.99

7951.66  
11079.99

7900.76  
10838.20

7901.60  
11010.00

7892.66  
11093.33

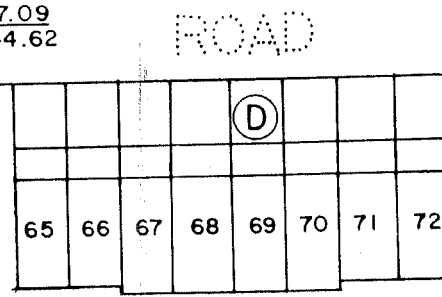
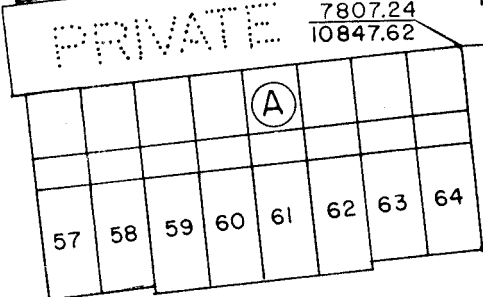


7837.60  
11010.01

7829.89  
11080.84

PRIVATE

ROAD



7807.24  
10847.62

7807.60  
11010.02

7795.80  
11098.44

7837.09  
10844.62

7743.60  
11010.03

7733.03  
11085.95

7743.56  
10854.03

T. 6 S., R. 34 E.

T. 7 S., R. 34 E., B.M.

S 89°59'17" W - 162.52'

U.S.G.L.O.

N 00°13'25" W - 27.77'

5/8" X 30" STEEL ROD TYP.

GRANDVIEW TRACTS LOT 19

N 81°14'05" W - 256.96'

S 03°28'29" E 67.11'

GRANT AVENUE

R.O.W.

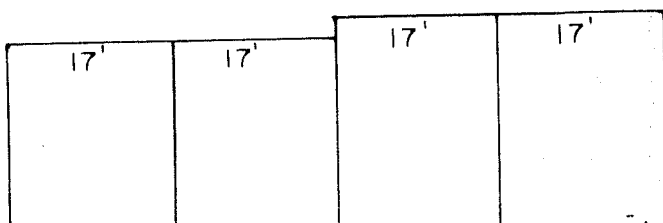
W. Line Sec. 1

THIS IS NOT A SURVEY. THIS MAP IS FOR INFORMATIONAL PURPOSES ONLY. PIONEER TITLE COMPANY MAKES NO REPRESENTATIONS AS TO THE ACCURACY OF THE MAP AND ASSUMES NO LIABILITY FOR IT.

STATE OF IDAH  
RECORDED AND

DATE 6-1-

BOOK 10



Re-recorded to correct legal description

93017513

6

DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS

93017837

THIS DECLARATION, made on the date hereinafter set forth by Becker-West, Inc., an Idaho corporation hereinafter referred to as "Declarant."

W I T N E S S E T H:

WHEREAS, Declarant is the owner of certain real property in Pocatello, County of Bannock, State of Idaho, which is more particularly described as:

A tract of land in the southeast quarter of the southeast quarter of Section 35, Township 6 South, Range 34 East, Boise Meridian, a portion of The Country Place, Townhouse P.U.D. recorded in the records of Bannock County, Idaho as instrument No. 601055, described as follows:

Commencing at the southwest corner of The Country Place, Townhouse P.U.D. recorded in the records of Bannock County, Idaho as instrument No. 601055; thence

North 00°13'49" East along the west boundary of The Country Place, Townhouse P.U.D. for a distance of 125.25 feet to the northwest corner of the land described in Exhibit 4 to instrument No. 91016022, the TRUE POINT OF BEGINNING; thence

Following the north boundary of the land described in Exhibit 4 to instrument No. 91016022 for next three (3) courses:

1. North 84°14'29" East for a distance of 57.04 feet to the southwest corner of Building B of said The Country Place, Townhouse P.U.D.; thence
2. Continuing North 84°14'29" East along the south line of said Building B for a distance of 136.00 feet; thence

93017513

NO. AMERICAN LAND TITLE CO.

'93 OCT 19 P3:48

OFFICIAL RECORD BOOK NO. 578  
BANNOCK COUNTY IDAHO  
LARRY W. CLAY RECORDER  
FEE. 78 DEPUTY [Signature]

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93017513

3. North 89°49'24" East for a distance of 14.69 feet to an angle point in the north boundary of the said land, described in Exhibit 4 to instrument No. 91016022; thence **93017837**

North 01°08'09" East between buildings B and E, for a distance of 90.70 feet; thence

South 84°14'50" West between buildings B and C, for a distance of 205.64 feet to an intersection with the said west boundary of The Country Place, Townhouse P.U.D.; thence

South 00°13'49" West for a distance of 89.49 feet to the point of beginning.

NOW THEREFORE, Declarant hereby declares that all of the properties described above shall be held, sold and conveyed subject to the following easements, restrictions, covenants, and conditions, which are for the purpose of protecting the value and desirability of, and which shall be appurtenant to and shall run with, the real properties and be binding on all parties having any right, title, or interest in the property or any part thereof, their heirs, successors, and assigns, and shall inure to the benefit of each owner thereof.

ARTICLE I

DEFINITIONS

Section 1. "Declarant" shall mean and refer to Becker-West, Inc., its successors and assigns.

Section 2. "Declaration" shall mean this Declaration of Covenants, Conditions, and Restrictions, upon recording in the official records of this County Recorder of Bannock County, Idaho.

Re-recorded to correct legal description <sup>3</sup>

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Section 3. "Properties" shall mean and refer to that certain real property hereinbefore described, and such additions thereto as may hereafter be brought within the jurisdiction of the Association by annexation in subsequent phases.

Section 4. "Common Area" shall mean all real property (Including the improvements thereto) owned by the Association from time to time for the common use and enjoyment of the Owners. The Common Area to be owned free and clear of all encumbrances by the Association at the time of conveyance of the first Townhouse Lot is described as follows:

A tract of land in the southeast quarter of the southeast quarter of Section 35, Township 6 South, Range 34 East, Boise Meridian, a portion of The Country Place, Townhouse P.U.D. recorded in the records of Bannock County, Idaho as instrument No. 601055, described as follows:

Commencing at the southwest corner of The Country Place, Townhouse P.U.D. recorded in the records of Bannock County, Idaho as instrument No. 601055; thence

North 00°13'49" East along the west boundary of The Country Place, Townhouse P.U.D. for a distance of 125.25 feet to the northwest corner of the land described in Exhibit 4 to instrument No. 91016022, the **TRUE POINT OF BEGINNING**; thence

Following the north boundary of the land described in Exhibit 4 to instrument No. 91016022 for next three (3) courses:

1. North 84°14'29" East for a distance of 57.04 feet to the southwest corner of Building B of said The Country Place, Townhouse P.U.D.; thence
2. Continuing North 84°14'29" East along the south line of said Building B for a distance of 136.00 feet; thence

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3. North 89°49'24" East for a distance of 14.69 feet to an angle point in the north boundary of the said land, described in Exhibit 4 to instrument No. 91016022; thence

North 01°08'09" East between buildings B and E, for a distance of 90.70 feet; thence

South 84°14'50" West between buildings B and C, for a distance of 205.64 feet to an intersection with the said west boundary of The Country Place, Townhouse P.U.D.; thence

South 00°13'49" West for a distance of 89.49 feet to the point of beginning.

**EXCEPTING:**

A tract of land in the southeast quarter of the southeast quarter of Section 35, Township 6 South, Range 34 East, Boise Meridian, the area identified as BUILDING B (Units 29 through 36) of The Country Place, Townhouse P.U.D. recorded in the records of Bannock County, Idaho as instrument No. 601055, described as follows:

Commencing at the southwest corner of The Country Place, Townhouse P.U.D. recorded in the records of Bannock County, Idaho as instrument No. 601055; thence

North 00°13'49" East along the west boundary of The Country Place, Townhouse P.U.D. for a distance of 125.25 feet; thence

North 84°14'29" East for a distance of 57.04 feet to the southwest corner of Building B of said The Country Place, Townhouse P.U.D., the TRUE POINT OF BEGINNING; thence

Following the outside edges of Building B for the next eight (8) courses:

North 84°14'29" East for a distance of 136.00 feet; thence

North 05°45'31" West a distance of 64.00 feet; thence

South 84°14'29" West for a distance of 34.00 feet; thence

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North 05°45'31" West for a distance of 2.00 feet;  
thence

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South 84°14'29" West for a distance of 68.00 feet;  
thence

South 05°45'31" East for a distance of 2.00 feet;  
thence

South 84°14'29" West for a distance of 34.00 feet;  
thence

South 05°45'31" West for a distance of 64.00 feet to  
the point of beginning.

Section 5. "Lot" or "Townhouse" shall mean and refer to any plot of land shown upon any recorded subdivision map of the Properties with the exception of the Common Area.

Section 6. "Person" shall mean any individual, partnership, corporation, or other legal entity.

Section 7. "Owner" or "Member" shall mean and refer to the record owner, whether one or more persons or entities, of a fee simple title to any Lot which is a part of the Properties, including contract sellers, but excluding those having such interest merely as security for the performance of an obligation.

Section 8. "Mortgage" means any mortgage or deed of trust by which any Lot (or Lots) is encumbered.

Section 9. "Mortgagee" means any person or any successor to the interest of such person named as the mortgagee or beneficiary in a mortgage or deed of trust.

Section 10. "Directors" shall mean and refer to the Board of Directors of The Country Place Too Homeowners Association, Inc.



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Section 11. "Association" shall mean and refer to The Country Place Too Homeowners Association, Inc., its successors and assigns.

Section 12. "Supplemental Declaration" shall mean any declaration hereafter recorded to include:

- a. The description of the additional real property brought within the jurisdiction of the Association;
- b. The number of Lots developed or to be developed in the addition; and
- c. The description of the additional Common Area to be conveyed to the Association.
- d. Any covenants conditions or restrictions which shall apply only to lots included in the Supplemental Declaration.

## ARTICLE II

### EXPANSION, SUPPLEMENTAL DECLARATION, AND ADJUSTMENT OF OWNERSHIP IN THE COMMON AREA

Section 1. **Expansion.** Declarant reserves the right to expand the Properties to include additional Common Area and construct additional Townhouses of the same general style and quality as those already constructed. Additional real property may be annexed by the Declarant in phases without the consent of Owners within ten years from the date of recording this Declaration, provided that as long as there is a Class B membership in the Association HUD/VA shall:

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a. Determine that the annexation is in accord with the general plan hereto approved by them;

b. Approve the Supplemental Declaration which shall amend and become an integral part of this Declaration.

Section 2. **Right to Combine Lots.** In any subsequent annexation, Declarant reserves the right to combine physically the area or space of one Lot with the area or space of one or more adjoining Lots.

Section 3. **Recording Supplemental Declaration.** Expansion in subsequent phases may be accomplished by the Declarant filing for record in the office of the Recorder of Bannock County, Idaho, a Supplemental Declaration containing (i) a legal description of the Declarant's real property in the expansion phase, (ii) the number of Townhouses constructed or to be constructed in the phase, and (iii) a legal description of the Common Area in the expansion to be deeded to the Association. Except for the amendments necessary to incorporate such additional phase or phases in this Declaration, no other provision of this Declaration shall be modified, expanded, or deleted by such amendment.

Section 4. Nothing contained in this Article II shall be construed as a requirement of Declarant to make any expansion after completion of the initial phase; any additional development by phases shall remain solely at the discretion of Declarant.