

INSTRUMENT NO. 108248

Instrument # **108248**
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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