

RESTRICTIVE COVENANTS ON TOMONOVICH SUBDIVISION

WHEREAS, Nada M. DeVries and Vlasta A. Stach have submitted to the City of Salmon, a municipality within the County of Lemhi, State of Idaho (hereinafter "City of Salmon"), a subdivision plat entitled "Tomonovich Subdivision"; and

WHEREAS, the City of Salmon has approved such subdivision plat with certain conditions; and

WHEREAS, the parties now wish to commit such conditions to writing;

NOW, THEREFORE, the parties stipulate and agree as follows:

1. In consideration for the approval of the subdivision plat described hereinabove covering the real property described on Exhibit "A" annexed hereto, the developers, Nada M. DeVries and Vlasta A. Stach, agree that the following restrictions shall apply to the individual lots within such subdivision.

2. Each lot within the proposed subdivision described on Exhibit "A" annexed hereto shall connect to water and sewer services provided by the City of Salmon before the construction of any structure.

3. Before a building permit shall be issued by the City of Salmon for the construction of a structure upon such property, the property owner shall apply for and obtain a "wetlands delineation" from the U.S. Corps of Engineers, for such property upon which the said structure is proposed.



4. The parties agree that each covenant herein contained shall bind and inure to the heirs, personal representatives and assigns of each of the parties hereto and shall run with and burden the premises described on Exhibit "A" annexed hereto and shall bind all owners, both present and future, of the aforementioned premises.

DATED: April 8, 1993

CITY OF SALMON

By: Patricia Hauff  
Patricia Hauff, Mayor

Attest: Gloria Rivera  
Gloria Rivera, Clerk

DEVELOPERS:

Nada M. DeVries  
Nada M. DeVries

Vlasta M. Stach  
Vlasta M. Stach  
D/A

State of Idaho ) 218418  
County of Lemhi ) ss. No.

This instrument was filed for record at the request of Sherman F. Furey III at 5:45 o'clock p.m. 5-4 1993 and duly filmed and indexed in the records of Lemhi County

Alberta Winderick

By: Sherman F. Furey III Deputy  
Fees: 15.00

218418

STATE OF IDAHO )  
                  ) ss.  
County of Lemhi )

On this 8th day of April, 1993, before me, the undersigned, a Notary Public in and for said State, personally appeared PATRICIA HAUFF and GLORIA RIVERA, known to me to be the Mayor and the City Clerk, respectively, of the City of Salmon, the municipality that executed the above instrument, and acknowledged to me that such municipality executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal

the day and year in this certificate first above written.



*Donna L. Gustin*  
Notary Public for Idaho  
Residing at Salmon, Idaho  
Commission Expires: 5/10/98

STATE OF *California*  
                  ) ss.  
County of *El Dorado* )

On this 17<sup>th</sup> day of APRIL, 1993, before me, the undersigned, a Notary Public in and for said State, personally appeared NADA M. DEVRIES, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same.

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



*Gerald W. Merriam*  
Notary Public for  
Residing at *Cameron Park, CA*  
Commission Expires: *7-26-96*

218418

STATE OF Oregon )  
                          : ss.  
County of Multnomah )

On this 22<sup>nd</sup> day of April, 1993, before me, the undersigned, a Notary Public in and for said State, personally appeared VLASTA A. STACH, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same.

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



Notary Public for  
Residing at  
Commission Expires: 12-12-96.





218418

A parcel of land located in U.S. Government Lot 1 and the NW4NE4, Section 7, and U.S. Government Lot 14, Section 6, T. 21 N., R. 22 E., B.M., Lemhi County, Idaho, more particularly described as follows:

Commencing at the North Quarter Corner of said Section 7 and being the REAL POINT OF BEGINNING, a distance of 209.17 feet on a bearing of S. 48°33'09" W. to a point on the southerly bank of the slough;

Thence the following courses and distances along the southerly bank of a slough:

Thence S. 52°15'00" W., 158.00 feet;  
Thence S. 74°15'00" W., 184.00 feet;  
Thence N. 87°15'00" W., 402.00 feet to a point on the 1881 original government meander line;

Thence the following courses and distances along said meander line:

Thence S. 70°27'42" W., 210.67 feet;  
Thence S. 50°57'43" W., 524.59 feet;  
Thence S. 06°27'43" W., 459.02 feet;  
Thence S. 22°32'17" E., 224.74 feet to a point on the south boundary of Lot 1;

Thence N. 89°50'20" E., 1,955.01 feet to a point on the west right of way of South St. Charles Street;

Thence N. 26°37'05" E., 629.10 feet along said west right of way;  
Thence N. 63°22'56" W., 435.60 feet;  
Thence N. 26°37'04" E., 400.00 feet;  
Thence S. 63°22'56" E., 257.60 feet;  
Thence N. 26°37'04" E., 253.18 feet;  
Thence S. 63°22'56" E., 30.00 feet;  
Thence N. 26°37'04" E., 50.00 feet;  
Thence N. 63°22'56" W., 38.00 feet;  
Thence N. 26°37'04" E., 100.01 feet;  
Thence N. 85°40'19" W., 324.23 feet;  
Thence N. 63°22'56" W., 86.22 feet;  
Thence S. 26°14'04" W., 342.00 feet;  
Thence N. 63°22'56" W., 250.00 feet;  
Thence S. 26°14'04" W., 109.39 feet;  
Thence N. 63°22'55" W., 177.28 feet;  
Thence N. 29°06'08" E., 126.50 feet;  
Thence N. 83°15'18" W., 5.45 feet to the REAL POINT OF BEGINNING.

TOGETHER WITH all water and water rights, ditch and ditch rights, tenements and hereditaments, and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

EXHIBIT "A"

WAIVER

The undersigned, as one of the parties to the Restrictive Covenants on Tomonovich Subdivision appearing of record as Instrument No. 218418 recorded May 4, 1993, records of Lemhi County, Idaho hereby waive Paragraph 3 of the Restrictive Covenants requiring a "wetlands delineation" from the U.S. Corps of Engineers prior to issuance of the building permit for Lots 1 and 2 of said subdivision.

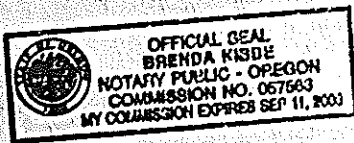
In witness whereof, the undersigned has executed this instrument on September 17, 1997.

Vlasta A. Stach  
Vlasta A. Stach

STATE OF OREGON

COUNTY OF Multnomah

This instrument was acknowledged before me on September 17<sup>th</sup>, 1997 by Vlasta A. Stach.



Brenda Kilde  
Notary Public  
State of Oregon  
My Commission Expires: September 11, 2000