

DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR
FLYING - T SUBDIVISION

RESTRICTIONS INDICATING A PREFERENCE,
LIMITATION OR DISCRIMINATION BASED ON
RACE, COLOR, RELIGION, SEX, HANDICAP,
FAMILIAL STATUS, OR NATIONAL ORIGIN ARE
HEREBY DELETED TO THE EXTENT THAT SUCH
RESTRICTIONS VIOLATE 42 USC 6801(a)

KNOW ALL MEN BY THESE PRESENTS:

This Declaration of Covenants, conditions, and restrictions, hereinafter called "Declarations" is made and executed in Teton County, Idaho, this 20 day of February 1982, by THOMAS M. UNDERHILL and TRINA UNDERHILL, hereinafter called "Declarants".

WITNESSETH:

WHEREAS, Declarants are the owners of a certain property shown and described on the subdivision plat of FLYING - T as filed in Teton County, Idaho and

WHEREAS, the Declarants intend to sell this property in small tracts or lots, for residential, commercial, and light industrial purposes and desire to impose upon said property mutually beneficial restrictions upon the type, kind, and nature of all buildings, together with all improvements to be constructed or placed on said property.

NOW, THEREFORE, these covenants, conditions, restrictions, reservations, and easements are to run with the land and shall be binding on all parties and persons claiming under them until December 31, 1999, at which time said covenants shall automatically be extended for periods of ten years, unless by vote of a majority of the owners of the lots. Said covenants may be amended at any time by an affirmative assent of the owners of a majority of the lots.

DEFINITIONS:

Declarants shall mean owners of said property or subdivision who have made and executed this Declaration.

Owner shall mean any person or entity with an ownership interest in any of the above described real property.

Board shall mean and refer to the Board of Directors as established herein.

Property shall mean and refer to all of the above described real property generally described within the FLYING - T Subdivision, located in Teton Valley, Idaho.

BOARD OF DIRECTORS

There is established hereby a BOARD OF DIRECTORS which will have power specified herein plus those powers necessary to enforce the covenants, conditions, and restrictions established by this Declaration. The BOARD shall be composed of the Declarants, THOMAS M. UNDERHILL AND TRINA UNDERHILL, at the time this

Declaration is made, and shall serve until such time as 75 percent of the lots comprising the said real property have been sold or conveyed. Thereafter, the owners shall elect the board consisting of three members to serve a term of three years. There shall be allowed one vote for each lot owned.

1. Said property may be used for light industrial, commercial, or a single dwelling house. No lot within the subdivision may be divided into a smaller parcel. Other uses permitted when authorized by the Board of Directors and Teton County Planning and Zoning Board are: Church, School, Utility, or Public Service Facility, Recreation Facility, Community Clubhouse, and Parking Lot.

2. All buildings shall be constructed and comply with County and State Building Health and Safety Codes. All dwellings shall be a minimum of 1000 square feet in area. Trailer houses will not be permitted to be set up on any lot for more than one year, to be lived in by the owner or builder while a house or building is being built.

3. All out buildings and barns will be built to the same style and standard as the dwelling house and/or office building. All building will be done with new materials.

4. All permanent buildings shall be set back a minimum of 35 feet from the front property line, and 20 feet from all other property lines.

5. F.A.A. - Any building or structure must be reviewed with regard to height clearance adjacent to the Driggs Airport.

6. No more than three large animals per acre shall be kept on any lot for more than a limited period. Large animals are horse, cow, calves, mules, and etc. No dogs or cats shall be kept on any lot and allowed to roam free. If kept, they must be penned up or kept in a satisfactory manner as to not cause disturbances to adjacent property or owners.

7. No shooting shall be allowed on any private property within this subdivision or on the roadways.

8. All dwelling houses and/or office buildings shall construct and maintain indoor toilet facilities and the necessary septic tanks and drain fields within the approved conditions and area on his lot according to State Standards.

9. All wood and coal burning chimneys will be equipped with spark screens.

10. No rubbish, garbage, or discarded equipment or vehicles shall be dumped on any property. All of this described and any other offensive wastematerial shall be disposed of at an approved sanitary landfill.

11. Driveways and sufficient parking areas shall be maintained by the owner to permit off-street parking and facilitate traffic flow and snow removal in winter months.

12. Outside clothes lines shall be constructed out of view of the other property or be within a fenced service yard and shall not be visible from neighboring property.

13. All fences shall be constructed adequately to contain the animals that the fence was built for. The fences shall be maintained and kept in a nice looking condition.

14. The lot owner shall be responsible to control and eradicate all noxious and offensive weeds on their lot and along the road frontage of their property at their own expense.

IN WITNESS WHEREOF

The undersigned have executed this instrument the day and year first written above.

Thomas M. Underhill Trina Underhill
Thomas M. Underhill Trina Underhill

STATE OF CALIFORNIA
COUNTY OF ALAMEDA

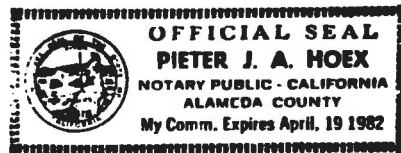
On this 20th day of FEBRUARY 1982, before me, the undersigned, a Notary Public in and for said state, personally appeared the persons whose names are subscribed to this instrument. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first written above.



Pieter J. A. Hoex
Notary Public

89830
FILED
MAR 22 1982
PLATE

My commission expires: _____



STATE of UTAHO }
COUNTY of TAYLOR }
Filed for Record at the Request of _____
of _____
at 30 4
22
day of March 1982
and _____
Book _____
or _____

Records of Teton County
State of Idaho
Robert Stone
Recorder

SEP 21 1994

117639

TETON Co. Id.
Clerk/Recorder

Amendment to Declaration recorded as Instrument #89880, Teton County, Idaho

As owners of seven of thirteen lots in Flying T Subdivision, we hereby amend the DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR FLYING T SUBDIVISION adopted February 20, 1982 and recorded March 22, 1982 to establish setback requirements as follows:

(paragraph 4)
20 feet from the front property line and 10 feet from all other property lines.

IN WITNESS WHEREOF

The undersigned have executed this instrument May 27, 1994.

(s) Thomas M. Underhill (s) Trina Underhill
Thomas M. Underhill Trina Underhill

STATE OF Idaho

COUNTY OF Teton

On this 27th day of May 1994, before me, the undersigned, a Notary Public in and for said state, personally appeared the persons whose names are subscribed to this instrument. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first written above.

(seal)

(s) Bruce Scriver
Notary Public

My commission expires: 2-23-94

117639

FILED

AT THE REQUEST OF

First American

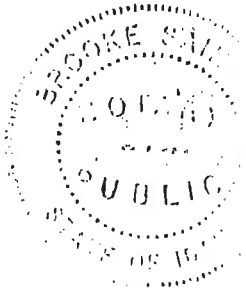
30 MINUTES PAST 11 a M

DATE Sept. 21, 1994

Asa J. Drake
CLERK OF RECORDER

Nora Rigby
DEPUTY

Filed _____
Indexed _____
Placed _____



SEP 27 1994

117639

TETON Co. Id.
Clerk Recorder

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(paragraph 4)
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IN WITNESS WHEREOF

The undersigned have executed this instrument May 27, 1994.

1st Thomas M. Underhill 1st Trina Underhill
Thomas M. Underhill Trina Underhill

STATE OF Idaho

COUNTY OF Teton

On this 27th day of May 1994, before me, the undersigned, a Notary Public in and for said state, personally appeared the persons whose names are subscribed to this instrument. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first written above.

(seal)

1st Bruce S. ...
Notary Public

My commission expires: 7-23-96

117639

FILED

AT THE REQUEST OF

First American

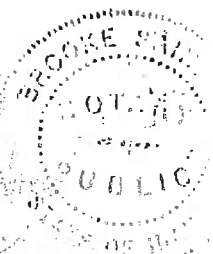
AT 30 MINUTES PAST 11 a.m.

DATE Sept. 31, 1994

Gesa J. Drake
CLERK OF RECORDER

Nora Rigby
DEPUTY

Filed _____
Indexed _____
Platted _____



RECEIVED

120941

AUG 09 1995

TETON Co. IS SUPPLEMENTAL DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR FLYING - T SUBDIVISION

The undersigned, constituting a majority or greater of the owners of lots in the Flying - T Subdivision, hereby amend that certain Declaration of Covenants, Conditions and Restrictions for Flying - T Subdivision dated February 20, 1982, and recorded March 22, 1982, as Instrument #89880 in the Office of the Recorder of Teton County, Idaho.

To formally recognize the previous intention and the understanding of the parties, Paragraph 1 of said Declaration is hereby amended by striking the first sentence thereof and replacing it with the following:

Said property may be used for single family, light industrial and commercial purposes, and specifically, the property may be used for hangaring, parking, storage and maintenance of aircraft, together with all equipment, fuel and other things appurtenant to such use.

Dated this 13 day of July, 1995.

Owner of Lot(s) # 1, 2, 3, 5, 8, 9

Thomas M. Underhill
Thomas M. Underhill
Trina Underhill

Owner of Lot(s) # 12 & 13

Richard G. Sugden

Owner of Lot(s) #

Owner of Lot(s) #

Owner of Lot(s) #

120941

FILED

AT THE REQUEST OF

American Land Title
3 MONTHS PAST 2 8
AUGUST 9 1995
DEPT. OF RECORDED

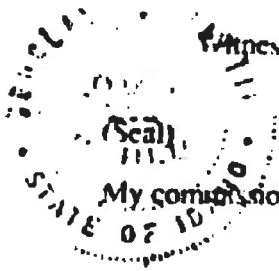
Filed
Indexed
Printed

STATE OF IDAHO)

COUNTY OF TETON)

The foregoing Supplemental Declaration of Covenants, Conditions and Restrictions for Flying - T Subdivision was acknowledged before me by Thomas M. Underhill this 7 day of July, 1995.

Witness my hand and official seal.



My commission expires: 8-1-98

[Signature]
Notary Public

STATE OF WYOMING)

COUNTY OF TETON)

The foregoing Supplemental Declaration of Covenants, Conditions and Restrictions for Flying - T Subdivision was acknowledged before me by Richard Sugden this 13 day of July, 1995.

Witness my hand and official seal.



My commission expires: 1/3/99

[Signature]
Notary Public

STATE OF IDAHO)

COUNTY OF TETON)

The foregoing Supplemental Declaration of Covenants, Conditions and Restrictions for Flying - T Subdivision was acknowledged before me by Thomas Underhill this 7 day of July, 1995.

Witness my hand and official seal

(Seal)

My commission expires: 8-1-98

[Signature]
Notary Public