Recording Requested By and When Recorded Return to:

Orchard Pointe, LLC 372 S. Eagle Rd Eagle, ID 83616



SPACE ABOVE THIS LINE FOR RECORDERS USE ONLY

## **Declaration of Termination of Restrictions**

On July 29, 2002, Western Equities Limited Partnership (Western Equities, Ltd.) filed for record a Declaration of Restrictions to Run with the Land ("Declaration") for real property in the City of Nampa, County of Canyon, State of Idaho, described as A PORTION OF THE S ½, SECTION 16 AND A PORTION OF LOT 4, WESTVIEW SUBDIVISION LYING IN THE NE ¼, SECTION 21, T3N, R2W, BM., NAMPA, CANYON COUNTY, IDAHO ("Property"). The Property is legally described as follows:

## DESCRIPTION FOR LEASE PARCEL 1— EDMARK CHEVROLET (OLD STORE)

A parcel of land being a portion of the South ½ of Section 16, T3N, R2W, B.M., Nampa, Canyon County, Idaho and more particularly described as follows:

Commencing at the South ¼ corner of said Section 16; thence along the South boundary of said Section 16

North 89°57'25" West 160.00 feet to a point thence leaving said South boundary along a line West of and parallel to the North-South centerline of said Section 16

North 00°18'05" East 25.00 feet to a brass cap marking the POINT OF BEGINNING; thence continuing

North 00°18'05" East 236.00 feet to a point; thence leaving said line along a line North of and parallel to said South boundary of Section 16

South 89°57'25" East 130.18 feet to a point; thence

South 46°17'00" East 81.33 feet to a point; thence at right angles

North 43°43'00" East 159.84 feet to a point on the Southwesterly right-of-way line of Caldwell Boulevard; thence at right angles along said Southwesterly right-of-way line

South 46°17'00" East 450.40 feet to a point; thence along a line 25.00 feet North of and parallel to said South boundary of Section 16

North 89°44'00" West 451.75 feet to a point; thence continuing North 89°57'25" West 160.00 feet to the POINT OF BEGINNING.

Said parcel of land contains 2.723 acres, more or less.

The Idaho Department of Environmental Quality ("Department") is the holder of the Declaration, recorded as Instrument No. 2002 34253 in Canyon County, Idaho.

On September 27, 2005, Western Equities, Ltd. recorded a deed conveying ownership to David and Lorraine Edmark and James and Gayle Chalfant. On that same date, the Edmarks and the Chalfants deeded the subject property to Western Equities, LLC (successor to Western Equities, Ltd.). A deed was then recorded on April 28, 2006 which conveyed the property from

and the Chalfants deeded the subject property to Western Equities, LLC (successor to Western Equities, Ltd.). A deed was then recorded on April 28, 2006 which conveyed the property from Western Equities, LLC to Western Equities, Inc. A corrected deed was recorded on July 19, 2006.

On July 21, 2006, Orchard Pointe, LLC ("Orchard Pointe") filed for record a Special Warranty Deed, conveying ownership of the Property from Western Equities, Inc. to Orchard Pointe, effective April 10, 2006.

Orchard Pointe has applied to the Department to have the Declaration removed with respect to the entire Restricted Portion pursuant to the Variance and Termination section of the Declaration. Based upon information provided to the Department by Orchard Pointe, the Department has determined that termination of the Declaration is appropriate. Thus, as Orchard Pointe has satisfied the termination provisions of the Declaration, the Department agrees and declares that the Declaration is hereby **TERMINATED**. The Department, Western Equities, Ltd., and Orchard Pointe authorize and direct that the Declaration be terminated of record.

Idaho Departme	ent of Environmental Quality - Holder
Signature:	Martin Bour
Printed Name:	Martin Bauer
Title:	Administrator, Air Quality Program, Acting on Behalf of Toni
	Hardesty, Director, Department of Environmental Quality
Date:	August 22, 2000
State of Idaho	) ) ss.
County of Ada	)
Luca	<b>\</b> \ \

On this \( \frac{\frac{1}{2} \text{Now}}{\text{day}} \) day of \( \frac{1}{2} \text{Now} \), in the year \( \frac{1}{2} \text{Now} \), before me, a Notary Public in and for said County and State, personally appeared Martin Bauer, known or identified to me to be the Administrator of the Air Quality Program of the Idaho Department of Environmental Quality, that he executed this Declaration of Termination of Restrictions, and acknowledged to me that he has the authority to sign such document on behalf of the Director of the Idaho Department of Environmental Quality, and that the Idaho Department of Environmental Quality executed the same.

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

999	KITTEL	000
Ban It	NOTARL	1
* B	40.44	*
	PUBLIC	0 0000
*****	TE OF IDA	6886

Notary Public for Idaho: Lath d. http://www. Residing at: Defect Tolchib Commission Expires: 2-3-39

Western Equities, Ltd.	SETH A. A. A. A.
Signature: James & Chilfort  Printed Name: James E. Chalffant  Title: General Partner	HOTAS, OF
State of Idaho ) ss.  County of (anyon)	OP TO HE

On this 25th day of August, in the year 2006, before me, a Notary Public in and for said County and State, personally appeared Junes E. Chalfourt, known or identified to me to be the General Parties of Western Equities, Ltd. that executed the Declaration of Termination of Restrictions or the person who executed the instrument of behalf of Western Equities, Ltd. and acknowledged to me that Western Equities, Ltd. executed this Declaration of Termination of Restrictions.

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

Notary Public for Idaho: Pecar a Raddury
Residing at: Campon County, Nampa 1DAHO
Commission Expires: #44772 June 302 pm

Orchard Pointe,	LLC		
Signature: Printed Name: Title: Date:	Mike McCabe  Manager, Orchard Pointe,  9/5/06	LLC EL	
State of Idaho	)		
County of Can	) ss. ( <u>m</u> )		
Manager of Orc the person who	te, personally appeared Mik hard Pointe, LLC that exect executed the instrument of	Reply, before me, a Notary Public McCabe, known or identified to the Declaration of Terminate behalf of Orchard Pointe, LLC and Declaration of Research	to me to be the tion of Restrictions or and acknowledged to
	HEREOF, I have hereunto ficate first above written.	set may hand and affixed my off	ficial seal the day and
Thumannanan	NOTARY PUBLIC OF	Notary Public for Mountain V Residing at: Michiel Id Commission Expires: 3/4/	Nast Bank