

200673508

RECORDED

2006 SEP 8 PM 4 24

G NOEL HALEES  
CANYON CRY RECORDER  
BY *DW*

REQUEST TYPE *MTR* FEE *10*  
TRIPLEONE

*13a* C0615621 JS

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 1/2 SECTION 16 AND A PORTION OF LOT 4, WESTVIEW SUBDIVISION LYING IN THE NE 1/4 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 1/2 of Section 16, T3N, R2W, B.M., Nampa, Canyon County, Idaho and more particularly described as follows:  
Commencing at the South 1/4 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 Department of Environmental Quality - Holder

Signature: *Martin Bauer*  
Printed Name: Martin Bauer  
Title: Administrator, Air Quality Program, Acting on Behalf of Toni Hardesty, Director, Department of Environmental Quality  
Date: August 22, 2006

State of Idaho            )  
  ) ss.  
County of Ada            )

On this 22<sup>nd</sup> day of August, in the year 2006, 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 my hand and affixed my official seal the day and year in this certificate first above written.



Notary Public for Idaho: *Beth A. Kittelmann*  
Residing at: *Boise, Idaho*  
Commission Expires: *2-3-09*



