

ACCOMMODATION RECORDING

2022-028927
RECORDED
06/03/2022 02:42 PM
CHRIS YAMAMOTO
CANYON COUNTY RECORDER
Pgs=13 PBRIDGES \$46.00
TYPE: MISC
TITLEONE BOISE
ELECTRONICALLY RECORDED

**FIRST SUPPLEMENT TO THE
DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS
FOR KLAMATH FALLS SUBDIVISION**

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**FIRST SUPPLEMENT TO THE DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS
FOR KLAMATH FALLS SUBDIVISION**

This First Supplement To The Declaration Of Covenants, Conditions And Restrictions For Klamath Falls Subdivision (this "First Supplement") is made this 31st day of May, 2022, by Challenger Development Inc., an Idaho corporation ("Declarant").

ARTICLE I: SUPPLEMENT/PURPOSES

Section 1. Supplement to Declaration. This First Supplement is a supplement to that certain Declaration of Covenants, Conditions and Restrictions for Klamath Falls Subdivision, recorded on June 22, 2021, as Canyon County, Idaho Instrument Number 2021-044432 ("Master Declaration"). This First Supplement supplements the Master Declaration with respect to that certain real property legally described on the attached Exhibit A, which is made a part hereof ("First Supplement Property"). The First Supplement Property is shown on the Klamath Falls Subdivision No. 2 final plat, a copy of which is attached hereto as Exhibit B, which is made a part hereof ("First Supplement Plat"). The covenants, conditions and restrictions contained in this First Supplement are in addition to those covenants, conditions and restrictions contained in the Master Declaration, except insofar as the covenants, conditions and restrictions of the Master Declaration are hereinafter expressly modified hereby.

Section 2. Purposes. The purposes of this First Supplement are to subject the First Supplement Property to all the terms and Restrictions contained in the Master Declaration and this First Supplement, to designate the First Supplement Property, to designate additional Common Lots and to set forth other terms and Restrictions, if any, which are unique to the First Supplement Property.

ARTICLE II: DECLARATION

Pursuant to Article I, Section 1 and Article XI, Section 4 of the Master Declaration, Declarant hereby declares that the First Supplement Property, including any parcel or portion thereof, is hereby annexed into, and made a part of, the Property, as that term is defined in the Master Declaration, and is and/or shall be held, sold, conveyed, encumbered, hypothecated, leased, used, occupied and improved subject to all the terms and Restrictions of the Master Declaration and this First Supplement. In addition, each Owner of any Lot within the First Supplement Property shall be a member in the Association, and shall pay all Assessments levied thereby.

ARTICLE III: DEFINITIONS

Section 1. "Common Lots" shall mean all real property within the First Supplement Property (including the Improvements thereto) owned by the Association for the common benefit and enjoyment of the Owners. The Common Lots are legally described on the attached Exhibit C, which is made a part hereof.

Section 2. All Other Definitions. Except as otherwise defined or modified herein, all terms appearing herein initially capitalized shall have the same meanings as are ascribed to such terms in the Master Declaration.

ARTICLE IV: GENERAL USES AND REGULATION OF USES

Section 1. Common Lots. The Common Lots shall be owned and maintained by the Association and all terms and Restrictions contained in the Master Declaration shall be applicable to the Common Lots.

Section 2. Front Yard Landscaping. Notwithstanding Article IV, Section 17 of the Master Declaration, Declarant shall have no obligation to provide sod, hydro seed or any other grass material in the front yards of any Lots within the First Supplement Property.

Section 3. Watering Schedules/Over Watering. **By accepting a deed to any portion of the First Supplement Property: 1) each Owner and the Association agree to abide by any irrigation watering schedule enacted by the District or Association, and 2) neither Declarant nor the Association shall be responsible, in any fashion, for the over watering of any landscaping (including lawns) by the Owner of any Lot.**

Section 4. Additional Parking Restriction. In addition to any other parking restrictions contained in the Master Declaration, all Owners within the First Supplement Property, as well as their family members, invitees and licensees, are prohibited from parking vehicles in the front yards of Lots; provided however, that this restriction shall not prohibit Owners, or their family members, invitees or licensees, from temporarily parking operative motor vehicles on the driveway aprons of Lots.

ARTICLE V: GENERAL PROVISIONS

Section 1. Enforcement. The Association, Declarant and/or any Owner, shall have the right to enforce, by any proceeding at law or in equity, any terms or Restrictions now or hereafter imposed by the provisions of this First Supplement. Failure by the Association, Declarant or any Owner to immediately enforce any such term or Restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter.

Section 2. Severability. Invalidation of any one of these terms or Restrictions by judgment or court order shall in no way affect any other term or Restrictions which shall remain in full force and effect.

Section 3. Term and Amendment. The terms and Restrictions of this First Supplement shall run with and bind the land concurrently with the term of the Master Declaration. This First Supplement may be amended pursuant to the amendment process(es) contained in the Master Declaration.

Section 4. Duration and Applicability to Successors. The terms and Restrictions contained within this First Supplement shall run with the land and shall inure to the benefit of and be binding upon the Declarant, Association and all Owners, as well as all their successors in interest.

Section 5. Attorneys Fees. In the event it shall become necessary for the Association, Declarant or any Owner to retain legal counsel to enforce any term or Restriction contained within this First Supplement, the prevailing party to any court proceeding shall be entitled to recover their reasonable attorneys' fees and costs of suit, including any bankruptcy, appeal or arbitration proceeding.

Section 6. Governing Law. This First Supplement shall be construed and interpreted in accordance with the laws of the State of Idaho.

IN WITNESS WHEREOF, the undersigned has duly executed this First Supplement as of the date first above written.

Declarant:

Challenger Development Inc.,
an Idaho corporation

By: 
Corey D. Barton, President

STATE OF IDAHO)
) ss.
County of Ada)

This record was acknowledged before me on May 31st, 2022, by Corey D. Barton as the President of Challenger Development Inc.



Signature of Notary Public

My commission expires: 6-05-22

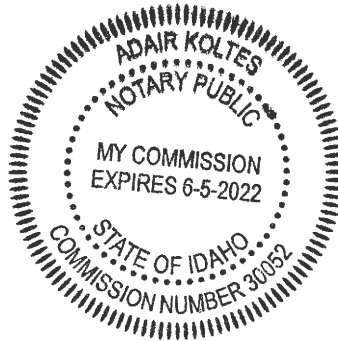


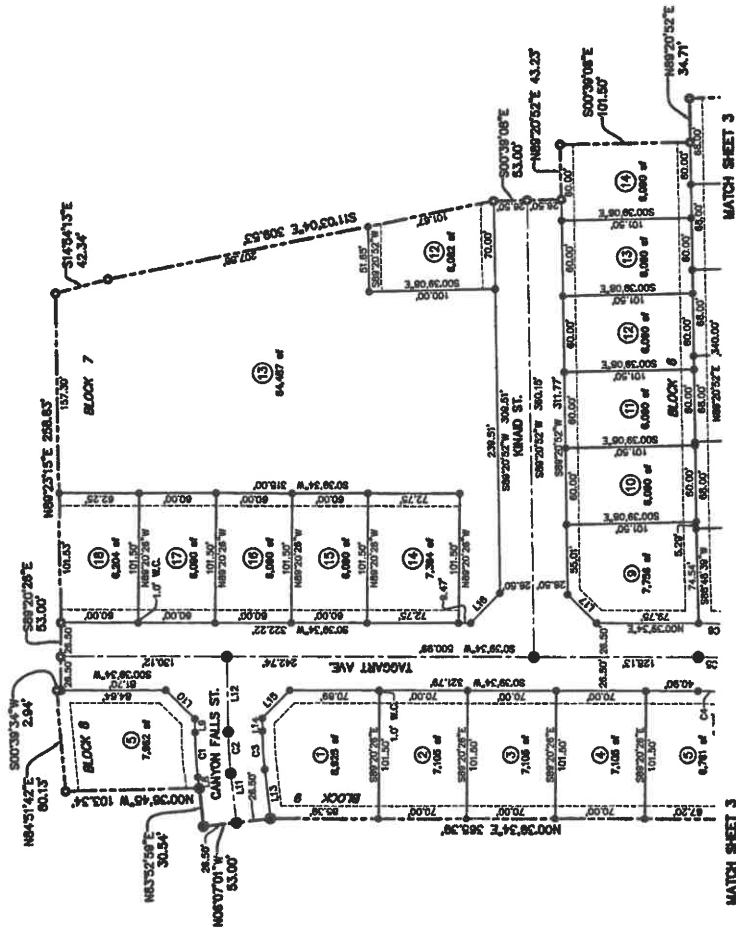
EXHIBIT A
LEGAL DESCRIPTION OF THE FIRST SUPPLEMENT PROPERTY

Lots 2 through 13, Block 4; Lots 8 through 17, Block 5; Lots 3 through 14, Block 6; Lots 12 through 18, Block 7; Lot 5, Block 8; Lots 1 through 7, Block 9; Lots 1 through 4, Block 10; and Lot 1, Block 11, Klamath Falls Subdivision No. 2, according to the official plat thereof, filed in Book 54 of Plats at Page 11, Records of Canyon County, Idaho.

EXHIBIT B
KLAMATH FALLS SUBDIVISION NO. 2 FINAL PLAT

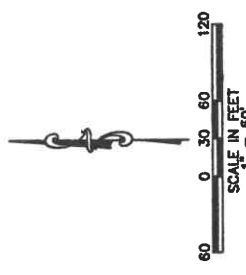
See attached.

PLAT SHOWING KLAMATH FALLS SUBDIVISION NO. 2



Line #	Division	Length
L1	S00°39'54\"W	20.47
L2	S89°20'28\"E	101.80
L3	S00°28'54\"W	2.94
L4	N89°25'52\"E	43.23
L5	N89°20'52\"E	34.71
L6	N89°20'52\"E	37.65
L7	N89°20'52\"E	2.30
L8	S83°52'58\"W	8.17
L9	S89°25'15\"W	10.75
L10	S49°07'55\"W	32.18
L11	S83°52'58\"W	39.31
L12	S89°22'15\"W	59.15
L13	N83°52'58\"E	39.31
L14	N89°25'15\"E	10.07
L15	S44°58'35\"E	30.74
L16	S44°58'47\"W	32.80
L17	N45°07'13\"E	32.15
L18	S89°20'47\"W	29.78
L19	N45°05'24\"W	34.87
L20	N44°59'16\"E	31.69
L21	S44°52'58\"E	32.72
L22	N44°57'15\"W	30.54
L23	S85°54'47\"W	33.28
L24	N89°07'01\"E	32.53
L25	S44°48'38\"E	32.53

Curve #	Radius	Length	Chord	Bearing	Delta
C1	376.00	36.00	36.00	S89°30'07\"W	8°30'17\"
C2	344.00	33.00	33.00	S89°30'07\"W	8°30'17\"
C3	312.00	30.00	30.00	S89°30'07\"E	8°30'17\"
C4	173.50	18.14	18.13	S34°48'17\"W	8°19'17\"
C5	200.00	22.07	22.05	N03°48'17\"E	8°19'17\"
C6	226.50	24.99	24.98	N03°48'17\"E	8°19'17\"
C7	258.00	27.44	27.44	S04°48'20\"W	4°24'43\"
C8	200.00	21.39	21.39	S03°54'39\"W	8°07'46\"
C9	173.50	8.17	8.17	N03°57'45\"E	2°02'10\"
C10	473.00	18.03	18.03	S89°08'11\"W	1°05'24\"
C11	528.00	38.40	38.40	S87°15'30\"W	4°10'45\"
C12	500.00	43.82	43.80	N87°40'04\"E	4°09'54\"
C13	500.00	38.47	38.48	S87°15'30\"W	4°10'45\"
C14	528.00	24.40	24.40	N87°28'46\"E	2°02'10\"
C15	473.00	18.03	18.03	N87°10'30\"E	4°10'45\"
C16	23.00	37.53	33.87	N44°54'01\"W	8°30'14\"
C17	80.00	78.85	71.83	S44°54'01\"E	8°30'14\"
C18	21.50	13.31	13.10	S18°52'25\"W	3°28'39\"
C19	58.00	8.05	8.04	S22°12'37\"W	8°14'16\"
C20	58.00	81.83	80.00	S01°54'30\"W	5°07'58\"
C21	58.00	43.89	42.58	S47°17'32\"E	4°44'07\"
C22	58.00	83.37	81.59	N03°30'25\"E	5°42'58\"
C23	58.00	1.94	1.94	N85°51'48\"E	1°09'11\"
C24	58.00	156.84	160.38	S43°54'25\"E	10°28'20\"
C25	21.50	13.31	13.10	N77°38'35\"E	3°28'39\"



CLAYTON E. WANKLER, P.E.
LAND SURVEYING ENGINEERING
& CONSULTING, P.C.
301 E. 5TH ST., SUITE A
MEDFORD, OR 97504

SHEET 2 OF 5

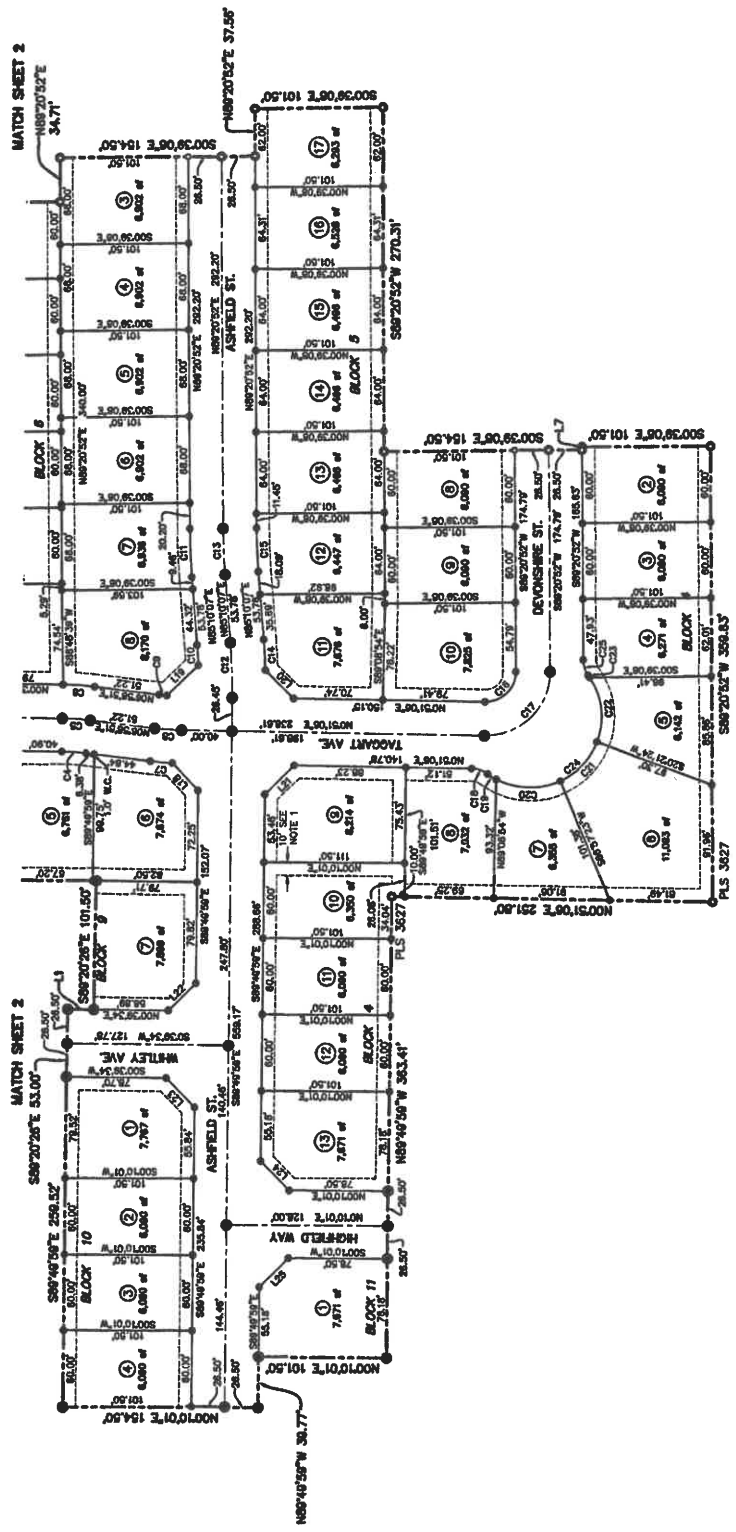
Balley Engineering, Inc.
CML ENGINEERING | PLANNING | CADD
1118 E. STATE STREET, SUITE 210
TEL: 206-690-0013
WWW.BALLEYENGINEERING.COM

NOTE: REFER TO SHEET 1 OF 5 FOR NOTES.

BOOK 54 PAGE 11

- LEGEND**
- SUBDIVISION BOUNDARY
 - SECTION LINE
 - EXISTING LINE (SEE NOTE 1)
 - DISTING EXISTING LINE (AS NOTED)
 - STREET CENTERLINE
 - LOT LINE
 - MATHEMATICAL
 - LOT NUMBER
 - WITNESS CORNER (W.C.)
- FOUND 1/2\"/>
 - SET 1/4\"/>
 - FOUND ALUMINUM CAP
 - MONUMENT FOR 9\"/>
 - NOTED
 - SET 9\"/>
 - WITH PLASTIC CAP, PLS 1118

KLAMATH FALLS SUBDIVISION NO. 2



- LEGEND**
- SUBDIVISION BOUNDARY
 - SECTION LINE (SEE NOTE 1)
 - EXISTING EASEMENT LINE (AS NOTED)
 - STREET CENTERLINE
 - LOT LINE
 - MATERIALS
 - LOT NUMBER
 - WITNESS CORNER (W.C.)
- FOUND 1/2" IRON PIN NO CAP, REINFORCED WITH PLASTIC CAP PLS 1118
 - SET 1/2" x 24" IRON PIN WITH PLASTIC CAP, PLS 1118
 - ⊕ FOUND ALUMINUM CAP
 - FOUND 3/8" IRON PIN, PLS 1118 UNLESS OTHERWISE NOTED
 - SET 1/2" x 24" IRON PIN WITH PLASTIC CAP, PLS 1118



CLAYTON K. HANSON, P.E.
LAND SOLUTIONS, LAND SURVEYING
230 E. 5TH ST., SUITE A
MEDFORD, OR 97504

SHEET 3 OF 5

Balley Engineering, Inc.
CIVIL ENGINEERING | PLANNING | CADD
1111 1/2 W. 11TH ST., SUITE 210
MEDFORD, OR 97504
TEL: 531-532-0700
WWW.BALLEYENGINEERING.COM

NOTE: REFER TO SHEET 1 OF 5 FOR NOTES AND SHEET 2 OF 5 FOR LINE & CURVE TABLES.

BOOK 54 PAGE 11

KLAMATH FALLS SUBDIVISION NO. 2

CERTIFICATE OF OWNERS

Know all men by these presents: That Challenger Development, Inc., an Idaho Corporation, is the owner of the property described as follows:

A parcel located in the N 1/4 of the SW 1/4 of Section 12, Township 3 North, Range 3 West, Boise Meridian, Caldwell, Canyon County, Idaho, and more particularly described as follows:

Commencing at an Aluminum Cap monument marking the northwest corner of said N 1/4 of the SW 1/4, from which a Brass Cap monument marking the southwest corner of the SW 1/4 of said Section 12 bears S 0°39'34" W a distance of 2648.68 feet;

Thence S 0°39'34" W along the westerly boundary of said N 1/4 of the SW 1/4 a distance of 1324.18 feet to a 5/8 inch diameter rebar marking the southwest corner of said N 1/4 of the SW 1/4, also being the northwestern corner of Fieldcrest Village Subdivision No. 1, as shown in Book 39 of Plats on Page 15, records of Canyon County, Idaho;

Thence along the southerly boundary of said N 1/4 of the SW 1/4 and northerly boundary of said Fieldcrest Village Subdivision No. 1, N 89°20'52" E (formerly N 89°49'07" E) a distance of 818.73 feet to a 5/8 inch diameter rebar being the POINT OF BEGINNING;

Thence leaving said boundary N 0°51'06" E a distance of 251.80 feet to a point;

Thence N 89°49'59" W a distance of 383.41 feet to a point;

Thence N 0°10'01" E a distance of 101.50 feet to a point;

Thence N 89°49'59" W a distance of 39.77 feet to a point;

Thence N 0°10'01" E a distance of 154.50 feet to a point;

Thence S 89°49'59" E a distance of 259.52 feet to a point;

Thence S 89°20'26" E a distance of 53.00 feet to a point;

Thence S 89°20'26" E a distance of 20.47 feet to a point;

Thence N 0°39'34" W a distance of 101.50 feet to a point;

Thence N 0°39'34" E a distance of 385.39 feet to a point;

Thence N 6°07'01" W a distance of 53.00 feet to a point;

Thence N 83°52'59" E a distance of 30.54 feet to a point;

Thence N 0°39'45" W a distance of 103.34 feet to a point on the westerly boundary of Klamath Falls Subdivision No. 1, as shown in Book 32 of Plats on Page 24, records of Canyon County, Idaho;

Thence along said westerly boundary the following courses and distances:

Thence N 64°51'42" E a distance of 60.13 feet to a point;

Thence S 0°39'34" W a distance of 2.94 feet to a point;

Thence S 89°20'26" E a distance of 53.00 feet to a point;

Thence N 89°23'15" E a distance of 258.83 feet to a point;

Thence S 14°54'13" E a distance of 42.34 feet to a point;

Thence S 11°03'04" E a distance of 309.53 feet to a point;

Thence N 89°20'52" E a distance of 53.00 feet to a point;

Thence N 89°20'52" E a distance of 43.23 feet to a point;

Thence S 0°39'08" E a distance of 101.50 feet to a point;

Thence N 89°20'52" E a distance of 34.71 feet to a point;

Thence N 89°20'52" E a distance of 154.50 feet to a point;

Thence N 89°20'52" E a distance of 101.50 feet to a point;

Thence S 89°20'52" W a distance of 270.31 feet to a point;

Thence S 0°39'08" E a distance of 154.50 feet to a point;

Thence S 0°39'08" E a distance of 2.30 feet to a point;

Thence N 89°20'52" E a distance of 101.50 feet to a point on the southerly boundary of said N 1/4 of the SW 1/4 and northerly boundary of said Fieldcrest Village Subdivision No. 1;

Thence leaving the boundary of said Klamath Falls Subdivision No. 1, and along said northerly and southerly boundary S 89°20'52" W (formerly S 89°49'07" W) a distance of 389.83 feet to the POINT OF BEGINNING.

This parcel contains 13.19 acres, more or less.

It is the intention of the undersigned to hereby include the above described property in this plat and to dedicate to the public, the public streets as shown on this plat. The easements as shown on this plat are not dedicated to the public. However, the right to use said easements is hereby perpetually reserved for public utilities and such other uses as designated within this plat, and no permanent structures are to be erected within the lines of said easements. All lots in this plat will be eligible to receive water service from an existing City of Caldwell main line located adjacent to the subject subdivision, and the City of Caldwell has agreed in writing to serve all the lots in this subdivision.

Challenger Development, Inc., an Idaho Corporation

[Signature]
Corey D. Barton, President

ACKNOWLEDGMENT

State of Idaho)
County of Ada) s.s.

On this 8th day of July, 2014, before me, the undersigned, a Notary Public in and for said State personally appeared Corey D. Barton, known or identified to me to be President of Challenger Development, Inc., an Idaho Corporation, the corporation which executed the within instrument and acknowledged to me that he 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.

6-05-22
My commission expires



Alan Adams
Notary Public for Idaho
Residing in Malay, Idaho

CERTIFICATE OF SURVEYOR

I, Clinton W. Hansen, do hereby certify that I am a Registered Professional Land Surveyor in the State of Idaho, and that this plat as described in the "Certificate of Owners" was drawn from the field notes of a survey made on the ground under my direct supervision and accurately represents the points plotted thereon, and is in conformity with the State of Idaho Code relating to plats and surveys.



Clinton W. Hansen
Idaho No. 11118

KLAMATH FALLS SUBDIVISION NO. 2

CERTIFICATE OF COUNTY SURVEYOR

I, the undersigned, Professional Land Surveyor, do hereby certify that I have examined this plat and that it complies with the requirements of Idaho State Code, relating to plats and surveys.

[Signature]
 Canyon County Surveyor License 1C 50-1805
 DAVIN R. KINBECK TR/PLS 2659

8/24/21
 Date

APPROVAL OF CITY COUNCIL

I, the undersigned, City Clerk, in and for the City of Caldwell, Canyon County, Idaho do hereby certify that at a regular meeting of the City Council held on the 20th day of September, 2021, this plat was accepted and approved.

[Signature] 4/19/22
 City Clerk, Caldwell, Idaho



4/19/22
 Date

APPROVAL OF CITY ENGINEER

I, the undersigned, City Engineer, in and for the City of Caldwell, Canyon County, Idaho hereby approve this plat.

[Signature]
 City of Caldwell Engineer



4-19-22
 Date

HEALTH CERTIFICATE

Sanitary restrictions as required by Idaho Code, Title 50, Chapter 13 have been satisfied based on a review by a Qualified Licensed Professional Engineer (QLPE) representing City of Caldwell Public Works, and the QLPE approval of the design plans and specifications and the conditions imposed on the developer for continued satisfaction of the sanitary restrictions. Buyer is cautioned that at the time of this approval, no drinking water extensions or sewer extensions were constructed. Building construction can be allowed with appropriate building permits if drinking water extensions or sewer extensions have since been constructed or if the developer is simultaneously constructing those facilities. If the developer fails to construct facilities, then sanitary restrictions may be reimposed, in accordance with Section 50-1326, Idaho Code, by the issuance of Certificate of Disapproval, and no construction of any building or shelter requiring drinking water or sewer/septic facilities shall be allowed.

[Signature] 7/22/21
 District Health Department, REHS Date

CERTIFICATE OF COUNTY TREASURER

I, the undersigned, County Treasurer in and for the County of Canyon, State of Idaho, per the requirements of I.C. 50-1308 do hereby certify that any and all current and/or delinquent County Property Taxes for the property included in this proposed subdivision have been paid in full. This certification is valid for the next thirty (30) days only.

[Signature]
 County Treasurer

04/21/2022
 Date



COUNTY RECORDER'S CERTIFICATE

State of Idaho)
) s.s.
 County of Canyon)

I hereby certify that this instrument was filed for record at the request of _____ at _____ Minutes past _____ O'clock _____ M. on this _____ day of _____, 20____, in Book _____ of plats at _____ Pages

Instrument No. _____

Deputy _____

Ex-Officio Recorder _____



BOOK 54 PAGE 11

Bailey Engineering, Inc.
 CIVIL ENGINEERING | PLANNING | CADD
 1119 E. STATE STREET, SUITE 210 TEL: 208-868-0075
 BOISE, ID 83725 www.baileyengineering.com

EXHIBIT C
LEGAL DESCRIPTION OF THE COMMON LOTS

Lot 13, Block 7; and Lot 1, Block 11, Klamath Falls Subdivision No. 2, according to the official plat thereof, filed in Book 54 of Plats at Page 11, Records of Canyon County, Idaho.