

Instrument # 1022860
Bonner County, Sandpoint, Idaho
07/20/2023 12:19:44 PM No. of Pages: 4
Recorded for: FIRST AMERICAN TITLE AND ESCROW COMPANY
Michael W. Rosedale Fee: \$0.00
Ex-Officio Recorder Deputy cbrannon
Index to: CONDITIONS COVENANTS & RESTRICTIONS

When recorded return ORIGINAL to:
Idaho Department of Lands
Attn: Real Estate Services Bureau
PO Box 83720
Boise, Idaho 83720-0050

ELECTRONICALLY RECORDED - DO NOT
REMOVE THE COUNTY STAMPED FIRST
PAGE AS IT IS NOW INCORPORATED AS
PART OF THE ORIGINAL DOCUMENT.

RECORDING REQUESTED BY
FIRST AMERICAN TITLE COMPANY
AS AN ACCOMMODATION ONLY

AMENDMENT NO. 1 TO
DECLARATION OF
COVENANTS, CONDITIONS, AND RESTRICTIONS
STATE SUBDIVISION – HESS POINT

This is an **AMENDMENT** (“**Amendment**”) to that certain “**DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS, STATE SUBDIVISION – HESS POINT**”, recorded in the records of Bonner County, Idaho, as Instrument No. 840172 (“**Declaration**”). This **Amendment** is made and effected by the **STATE BOARD OF LAND COMMISSIONERS**, whose mailing address through its administrative state agency, the **IDAHO DEPARTMENT OF LANDS**, is 300 North 6th Street, Suite 103, P.O. Box 83720, Boise, Idaho 83720-0050 (the “**State Land Board**”).

RECITALS

WHEREAS, the **State Land Board** desires to amend the **Declaration** to modify and correct Article 1, Section 1.4, defining “**Association**” as “**formed by the State in conjunction with the recordation of this Declaration**” because the **Association** has not previously been formed, and to provide for the formation of the **Association** at this time or hereinafter; and

WHEREAS, Article 1, Section 1.4, will be amended to provide for the formation of the **Association** at this time or hereinafter; and

AND WHEREAS, the **State Land Board** reserved the power and authority to unilaterally amend the **Declaration** in the future as long as the State continues to own any Cottage Site Lot leased or available for lease in the said subdivision pursuant to Article 3, Section 3.1, including, but not limited to, subsection (b)(3) in the “**ADDENDUM TO DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS, STATE SUBDIVISION – HESS POINT**”, recorded in the records of Bonner County, Idaho, as Instrument No. 840173 (“**Addendum**”).

AMENDMENT

NOW THEREFORE, the State Land Board hereby amends the Declaration as follows:

1. **Amendment.** Article 1, Section 1.4 of the Declaration is hereby deleted in its entirety and is amended to read as follows:

1.4 "Association" shall mean the Hess Point Owner's Association, Inc., an Idaho nonprofit corporation, which may hereinafter be formed by the State or by one or more Owners of Lots within the Property, the Members of which shall be Owners of Lots within the Property as provided herein and any Addendum hereto, and any successor-in-interest thereto. Upon formation, the Association shall have the same binding effect on the Property and Lots therein as if formation had occurred prior to or contemporaneously with the recordation of the Declaration.

2. **Recitals Contractual In Nature.** The recitals herein are intended to be contractual and/or operative in nature and are not intended as mere recitals.
4. **Declaration Terms Affirmed.** All terms and conditions of the Declaration not expressly modified by this Amendment are hereby ratified in full and shall remain in full force and effect.

[Remainder of page intentionally left blank]

IN WITNESS WHEREOF, the State Land Board has executed this instrument as set forth below.

STATE BOARD OF LAND COMMISSIONERS



President of the State Board of Land Commissioners
and Governor of the State of Idaho

Countersigned:



Secretary of State of Idaho



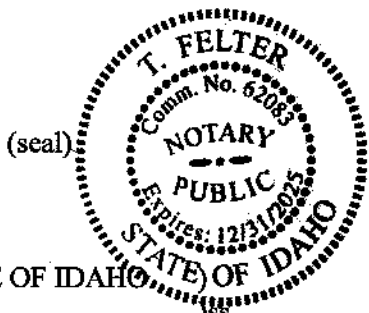
Director of the Idaho Department of Lands




STATE OF IDAHO)
)ss.
COUNTY OF ADA)

On this 17th day of July, 2023, before me, a Notary Public in and for said State, personally appeared BRAD LITTLE, as the President of the State Board of Land Commissioners and Governor of the State of Idaho, that executed the within instrument, and acknowledged to me that he executed the same as said President and Governor, and that the State Board of Land Commissioners and the State of Idaho executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on the day and year last above written.



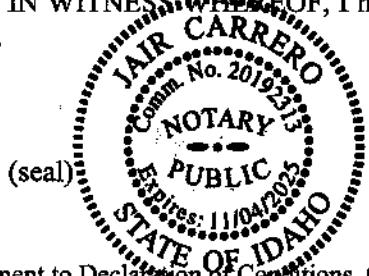



Notary Public for State of Idaho
My Commission Expires: 12/31/25

STATE OF IDAHO)
)ss.
COUNTY OF ADA)

On this 18th day of July, 2023, before me, a Notary Public in and for said State, personally appeared PHIL MCGRANE, as Secretary of State of Idaho, that executed the within instrument, and acknowledged to me that he executed the within instrument as said Secretary of State and that the State Board of Land Commissioners and the State of Idaho executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on the day and year last above written.



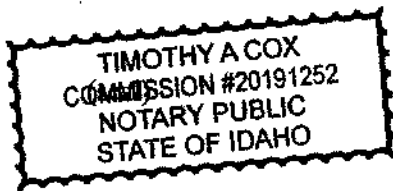


Notary Public for State of Idaho
My Commission Expires: 11-04-2025

STATE OF IDAHO)
)ss.
COUNTY OF ADA)

On this 21st day of June, 2023, before me, a Notary Public in and for said State, personally appeared DUSTIN T. MILLER, the Director of the Idaho Department of Lands and Secretary of the State Board of Land Commissioners, and acknowledged to me that he executed the within instrument as said Director and Secretary, and that the State Board of Land Commissioners and the State of Idaho executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on the day and year last above written.



Timothy A Cox

Notary Public for State of Idaho
My Commission Expires: 6/25/25