

Instrument # 1022851  
Bonner County, Sandpoint, Idaho  
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Recorded for: FIRST AMERICAN TITLE AND ESCROW COMPANY  
Michael W. Rosedale Fee: \$0.00  
Ex-Officio Recorder Deputy cbrannon  
Index to: CONDITIONS COVENANTS & RESTRICTIONS

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**AMENDMENT NO. 1 TO  
DECLARATION OF  
COVENANTS, CONDITIONS, AND RESTRICTIONS  
STATE SUBDIVISION – HORTON CREEK**

This is an **AMENDMENT** (“**Amendment**”) to that certain “**DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS, STATE SUBDIVISION – HORTON CREEK**”, recorded in the records of Bonner County, Idaho, as Instrument No. 839537 (“**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 – HORTON CREEK**”, recorded in the records of Bonner County, Idaho, as Instrument No. 839541 (“**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 Horton Creek 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.

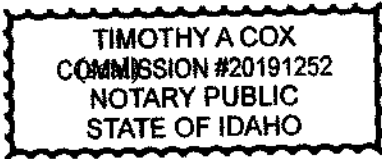
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STATE OF IDAHO     )  
                                  )ss.  
COUNTY OF ADA    )

On this 21<sup>st</sup> 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