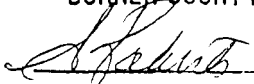


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Sandpoint Title Insurance  
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MARIE SCOTT  
BONNER COUNTY RECORDER

 DEPUTY

Declaration of  
SOUTH SHORES ADDITION

Sections 1-5

DECLARATION OF SOUTH SHORES ADDITION  
TO BE SUBJECT TO  
THE PLAN OF HUCKLEBERRY AT PRIEST LAKE

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SECTION 1

RECITALS

1.1 The undersigned Huckleberry Bay Company, an Idaho corporation, is the owner of certain lands in Bonner County, Idaho, described in Exhibit A attached hereto. Huckleberry Bay Company desires to subject all of said property to certain uniform protective covenants and restrictions for the benefit of all of said property and its owners, purchasers, and other lawful occupants.

1.2 The uniform protective covenants and restrictions hereby established are intended to preserve and enhance the values and amenities of the subject property.

SECTION 2

DECLARATIONS

2.1 It is hereby declared that South Shores, described in Exhibit A, shall be subject to all of the policies, plans, declarations, conditions and protective covenants and restrictions of the Plan of Huckleberry at Priest Lake hereinafter the "Plan" recorded December 13, 1988, as instrument no. 356533, records of Bonner County, Idaho. South Shores Addition includes the South Shores Subdivision (as delineated by its plat which has received preliminary plat approval on January 29, 1997 from the Bonner County Board of Commissioners). All areas included in Exhibit A which are not part of this plat are hereby declared to be common areas pursuant to Section 4.4 of the Plan of Huckleberry. South Shores is hereby declared a "Named Addition" of Huckleberry at Priest Lake pursuant to Section 2 of the Plan and all elements of the Plan are hereby incorporated in this document by reference. South Shores shall remain a Named Addition until and unless it is withdrawn from the Plan pursuant to Section 3 of the Plan.

2.2 All of the land in South Shores shall be acquired, held and transferred subject to the protective covenants and restrictions of the Plan and of this Declaration which are intended to benefit all lots and their respective owners, purchasers and other lawful occupants. Accordingly, these protective covenants and restrictions shall run with the land and every person who by deed, contract or lease acquires any interest in any of said lots or portions thereof shall be deemed to have made and accepted such deed, contract or lease subject to all of the conditions, covenants

and restrictions herein contained and his respective heirs, executors, assigns or other successors in interest shall be bound by them to the same extent as the original purchaser or grantee.

2.3 These protective covenants and restrictions shall be enforceable in law and in equity by any owner, purchaser or other lawful occupant of land in said South Shores plat, including the Administrator of Huckleberry or his designated representative, against any person who shall violate or attempt or threaten to violate them.

2.4 These protective covenants and restrictions shall be deemed fully and sufficiently described and incorporated in any instrument and conveyance by reference to the same as "Declaration of South Shores" and County Recorder's filing number under which they are recorded.

SECTION 3

DESIGN REGULATIONS SPECIFIC TO SOUTH SHORES

Pursuant to Section 8 of the Plan, all new construction, remodel, alteration, landscaping and other development or use of the private and common lands of South Shores is subject to regulation by the Design Committee of Huckleberry at Priest Lake.

In addition to the general guidelines and regulations as delineated in the Design Committee Rules and Regulations, the following specific regulations pertain to all lands in South Shores. These regulations are administered and enforced by the Design Committee and are subject to periodic revision by the Design Committee, but only upon a favorable two thirds vote of the property owners of Huckleberry at Priest Lake.

No substantive change which reduces any of these regulations can be made without the specific approval of the Bonner County Planning Commission.

3.1 Minimum Building Setbacks

Final building siting is subject to the review and approval of the Design Committee pursuant to Section 4.2.1 of the Design Committee Rules and Regulations. The Design Committee may require increased building setbacks on any lot to provide sufficient tree cover for suitable screening, to maintain adequate separation of structures from adjacent properties and to maintain suitable vegetated areas for slope and soil stabilization along the lake shoreline.

The geotechnical suitability of a buildings siting and foundation design is strictly the responsibility of the owner. Compliance

with minimum setback requirements does not relieve an owner of the responsibility for ensuring that foundations and footings do not disrupt the stability of the soils.

3.1.1 Minimum Building setbacks as established by the Bonner County Zoning Ordinance are:

- \* 40 feet from front property line (mean high water mark)
- \* 5 feet from side property lines
- \* 25 feet from rear property line

3.1.2 Lot specific minimum front yard building setbacks have been established and are delineated on the Plat of South Shores as slope distances measured from the ordinary summer pool level.

3.1.3 Lot specific side yard setbacks are as follows:

- \* all lots unless otherwise noted
  - 20 feet from side property lines
  - 5 feet from the edge of "Preserve Area"

3.2 Building Height Restrictions are governed by the Bonner County Building Code.

3.3 Minimum Habitable floor elevation as established by the Bonner County Zoning Ordinance is:

- \* 1.0 feet above the 100 year flood elevation level
- \* 6.7 feet above the normal summer pool level
- \* 2444.3 feet above sea level

3.4 Docks and Boatslips

The design and construction of all docks along the shores of Huckleberry at Priest Lake are regulated and controlled by the development to minimize the visual impact and any adverse effects on the fisheries of the lake. Docks have been clustered along lot lines to provide maximum separation while allowing direct access from individual lake lots.

All docks or other structures placed below the ordinary high water mark of the lake are subject to the permitting requirements of the Department of Lands of the State of Idaho. In addition, the design and location of all docks, boatslips, or other boat moorage or storage facilities are subject to the review and approval of the Design Committee of Huckleberry at Priest Lake.

All docks and dock access ramps are to be installed and permitted only along common property boundaries except where specifically noted hereinafter. Ownership and expenses for construction, installation and maintenance shall be shared by adjacent lot owners.

When an owner submits plans to the Design Committee for

construction of a common dock, the submission shall include a letter from the other lot owner sharing the dock stating agreement or disagreement with the proposed design. If a letter has not been obtained, or if there is disagreement between the two owners as to design, cost or other features, the Design Committee shall have the final determination as to all elements of the common dock, and its decision shall be final and binding on all parties.

The cost of designing, installing and maintaining the shared dock shall be divided between the sharing owners as follows:

- \* Where two owners are in agreement, the costs shall be share evenly 50/50
- \* Where two owners are in disagreement, the initiating owner shall bear 60% of the cost and the sharing owner shall bear 40% of the costs. Upon resale of the sharing owner's property, the new owner shall assume 50% of the ongoing costs.
- \* Where the adjacent lot remains the property of the Developer, the initiating owner shall bear 100% of the cost of development and maintenance until such time as the adjacent lot is sold. Once sold to a private individual, the initiating owner will be reimbursed for 50% of the development cost of the common dock and the new owner shall assume 50% of the ongoing maintenance costs.

Where more than two lots are served by a common dock, costs shall be shared on a prorata basis.

Boatslips or tee dock extensions may be connected to common docks in accordance with the standards of the Design Committee. Such attachments shall be owned by the individual lot owner who shall be solely responsible for the construction, installation and maintenance expenses of such attachments.

The following restrictions shall govern the design and construction of docks and boatslips:

- \* No preservative treated wood shall be used for components in constant contact with the water
- \* Styrofoam floatation shall not be used unless completely encapsulated to prevent sprawling or breakup into pieces which can separate from the dock
- \* No breakwater structures are permitted
- \* No bulkheads or other structures creating dams or dikes along the lakeshore are allowed

- \* The number of pilings shall be kept to a minimum and all pilings shall be cut to a uniform height (not to exceed 6 feet) above the normal summer pool elevation of the lake
- \* No section of a dock other than pilings or other approved support posts shall rest on the lake bottom when the lake is at its normal summer pool level
- \* Dimensions of docks and boatslips shall be limited as per the standards of the Department of Lands, and must be approved by the Design Committee
- \* Dock construction details shall be approved jointly by the Idaho Department of Fish and Game, the Idaho Department of Lands - Bureau of Navigable Waters and the Administrator of Huckleberry. Preapproved standards will be kept on file by the Design Committee. Reconstruction or replacement of existing docks must comply with the latest revisions of these standards. Any deviation from the current standards must receive prior approval of the aforementioned entities.
- \* In the South Shores Addition docks will be shared and located between lots:

Lot # 1 / Lot # 2  
 Lot # 3 / Lot # 4  
 Lot # 5 / Lot # 6  
 Lot # 7 / Lot # 8  
 Lot # 9 / Lot #10  
 Lot #12 / Lot #13  
 Lot #15 / Lot #16  
 Lot #18 / Lot #19  
 Lot #20 / Lot #21  
 Lot #22 / Lot #23  
 Lot #24 / Lot #25  
 Lot #26 / Lot #27  
 Lot #28 / Lot #29  
 Lot #30 / Lot #31  
 Lot #32 / Lot #33  
 Lot #34 / Lot #35  
 Lot #36 / Lot #37  
 Lot #38 / Lot #39  
 Lot #40 / Lot #41  
 Lot #42 / Lot #43  
 Lot #44 / Lot #45

- \* In the South Shores Addition individual docks will be permitted in the following locations:

Within 20' of the center of Lot #11

Within 20' of a point 40' south of north property boundary of Lot #14

Within 20' of the center of Lot #17

3.5 Boathouses and Outbuildings

No boathouses are allowed. Garages or other outbuildings are subject to the siting restrictions of the Bonner County Zoning Ordinance and the setback restrictions delineated in Section 3.1 of this Declaration. Any structure so proposed must also minimize visual impact by siting to provide natural screening and by keeping its height at a minimum.

3.6 Beach Clearing and Alteration

All land below the ordinary high water mark is regulated and controlled by the Department of Lands of the State of Idaho. No alteration of this area is allowed without specific permit approval by the department.

Due to the potential adverse effects on the fisheries and water quality of the lake due to siltation and nutrient loading from surface runoff and erosion, a no-clearing buffer zone of 25 feet from the ordinary summer pool level has been established to control erosion and to serve as a filter for upland sources of sediment and nutrients. Within this zone, clearing will be allowed in an area not to exceed 25 percent of the lot width. Where removal of an existing armor layer of cobble or rock will result in an erosion hazard, clearing will only be allowed on shoreline areas that are at least 3 vertical feet above the mean high water mark.

No alteration or clearing is permitted in this zone without a shoreline Clearing permit issued by the Design Committee. In sensitive areas, such a permit will require the review and approval of a licensed Geotechnical Engineer. Clearing will be controlled to prevent erosion and siltation and to maintain suitable winter range for native animal species. Mitigation measures may be required to offset the loss of shoreline or understory vegetation.

Within the area between the 25 foot buffer zone and the building setback, limited clearing or alteration may occur as a maintenance or management measure only upon issuance of a landscape/tree removal permit by the Design Committee.

3.7 County Building Permit Requirements

Bonner County has required, as a condition of the Huckleberry at Priest Lake PUD Conditional Use Permit, that all building location permit applications must include a site plan and a stormwater management and erosion control plan which shall be submitted to the County Planning Department for approval prior to permit issuance. Prior to occupancy, the homeowner shall enter into a Performance Agreement assuring permanent maintenance and implementation of the requirements of the permit.

### 3.8 Stormwater Management

Individual stormwater management and erosion control plans shall be in accordance and comply with the South Shores Addition Stormwater Management and Erosion Control Plan as approved by Bonner County.

### 3.9 Vegetation Clearing Limits

Pursuant to the Idaho Department of Fish and Game guidelines and the Bonner County Conditional Use Permit, no more than 20% of the existing vegetation of the development (lots and common area) shall be removed. It shall be the responsibility of the Administrator of Huckleberry to ensure that the development as whole conforms to this standard.

## SECTION 4

### REGULATIONS SPECIFIC TO COMMON AREAS OF SOUTH SHORES ADDITION

Huckleberry Bay Company reserves the right to selectively manage timber growth and forest density in all common areas of South Shores Addition. Revenues generated from such management shall belong exclusively to Huckleberry Bay Company.

## SECTION 5

### DESIGNATED USE OF LOTS

Lots 1 through 45 are limited to residential structures for one family only, and no other use shall be made of said lots or any of them. None of said lots shall be divided nor shall more than one single family dwelling be placed thereon.

All areas of the plat, other than those designated by a lot number or as a road, are considered common areas.



EXHIBIT "A"

IN THE STATE OF IDAHO, COUNTY OF BONNER:

012011  
All that portion of Section 3, Township 61 North, Range 4 West, Boise Meridian, Bonner County, Idaho, lying Westerly of the West right of way line of the "East Shore Road", as shown on record of survey conducted by James P. Meckel and recorded on November 23, 1987, as Instrument No. 342776, records of Bonner County, Idaho.