

TWIN FALLS COUNTY  
RECORDED FOR:  
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KRISTINA GLASCOCK  
COUNTY CLERK  
DEPUTY: CNICE

## DECLARATION OF

127826

## CANYON GATE PROFESSIONAL OFFICES ALSO KNOWN AS ADAMS CONDOMINIUMS

THIS DECLARATION (hereinafter "Declaration") made on the date hereinafter set forth, of the certain covenants, conditions and restrictions pertaining to the certain real estate known as CANYON GATE PROFESSIONAL OFFICES, by the undersigned ROBERT A. ADAMS, PRESIDENT of DR. ROBERT A. ADAMS, DDS, PC, an Idaho Corporation, and DAVID V. WILCOX and SHARLA WILCOX, husband and wife, for themselves, their successors, grantees and assigns, pursuant to the Idaho Condominium Property Act codified at Idaho Code §§55-1501 *et. seq.*

The Declarants are the owners of certain real property in Twin Falls County, Idaho, more particularly described as 188 River Vista Drive, Twin Falls, Idaho, (the property) and described as parcels "A," "B" and "C."

Declarants own a building and real property described on a certain plat showing Adams Condominiums recorded in the office of the Twin Falls County Recorder as Instrument Number 2004-008532.

Declarants desire by filing this Declaration to comply with and submit the real property described herein to the provisions of the Idaho Condominium Property Act.

### DECLARATION

NOW, THEREFORE, for such purposes, Declarants hereby make the following Declaration pursuant to the Idaho Condominium Property Act which shall be appurtenant the real property and shall run with the real property.

1. A legal description of the surface of the ground within the project is as follows:

See Attached Exhibit "A."

2. A legal description of each unit in the project is as set forth on the Plat Showing Adams Condominiums recorded as Instrument No. 2004-008532 and a copy of which is attached hereto as Exhibit "B."

3. The percentage of ownership interest in the common area which is to be allocated to each unit for purposes of tax assessment under section 55-1514, Idaho Code, and for purposes of liability a provided by section 55-1515, Idaho Code is seventy-five percent (75%) for

unit A, twelve and one-half percent (12½%) for unit B and twelve and one-half percent (12½%) for unit C.

4. The bylaws for the board of managers are as follows:

a. The board of managers shall consist of three members. Each member shall be a representative from each unit. Each member shall be able to vote according to the membership interest represented by the interest of each unit (ie. Unit A - 75%, Unit B - 12.5%, Unit C - 12.5%).

b. Annual meetings shall be held by the board of managers on the first Monday of each February. Special meetings may be called by any member of the board by notification either orally or written, ten days prior to the meeting.

c. The president of the board of managers shall be the representative of unit A and shall preside over the meetings of the board of managers and of the unit owners.

d. The secretary and the treasurer of the board of managers shall be elected by a vote of the majority interest of the members of the board of managers.

e. Maintenance, repair and replacement of the common elements and payment therefore, including the method of approving payment vouchers shall be decided by a vote of the majority interest of the members of the board of managers.

f. The Board of Managers shall be vested with the ability to determine the method of estimating the amount of the annual budget, and the manner of assessing and collecting from the unit owners their respective shares of such estimated expenses, and of any other expenses lawfully agreed upon.

g. The Board of Managers shall provide to any unit owner, upon 10 days notice to the Board of Managers, a statement of his account setting forth the amount of any unpaid assessments or other charges due and owing from such owner.

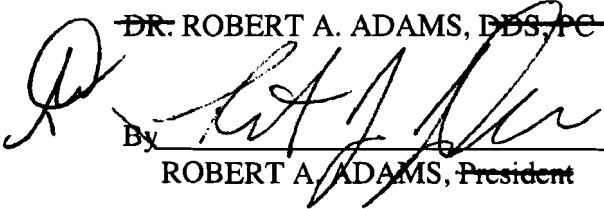
h. The Board of Managers shall be vested with the power for designation and removal of personnel necessary for the maintenance, repair and replacement of the common elements.


i. The method of adopting and of amending administrative rules and regulations governing the operation and use of the common elements shall be made by the Board of Managers upon a vote of a majority of the membership interest.

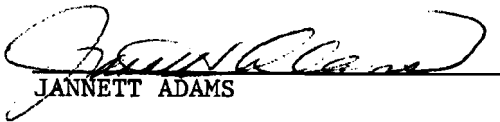
j. The percentage of votes required to modify or amend the bylaws shall be made by the Board of Managers upon a vote of a majority of the membership interest.


IN WITNESS WHEREOF, the Declarants have executed this Declaration this 5th day of April, 2005.

~~DR. ROBERT A. ADAMS, DDS, PC~~

  
By \_\_\_\_\_  
ROBERT A. ADAMS, President

  
\_\_\_\_\_  
DAVID V. WILCOX

  
\_\_\_\_\_  
JANNETT ADAMS

  
\_\_\_\_\_  
SHARLA WILCOX

STATE OF IDAHO            )  
  ) ss.  
County of Twin Falls     )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, before me, the undersigned, a Notary Public in and for said County and State, personally appeared ROBERT A. ADAMS, known or identified to me to be the president of the corporation whose name is subscribed to the within instrument, and acknowledged to me that he executed the same on behalf of said corporation.

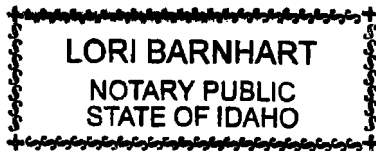
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

\_\_\_\_\_  
NOTARY PUBLIC  
Residing at: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

STATE OF IDAHO )  
 ) ss.  
County of Twin Falls )

On this 5<sup>th</sup> day of October, 2005, before me, the undersigned, a Notary Public in and for said County and State, personally appeared DAVID V. WILCOX and SHARLA WILCOX, husband and wife, known or identified to me to be the person whose name is subscribed to 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.

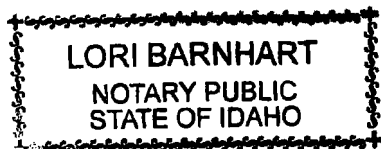


Lori Barnhart  
NOTARY PUBLIC  
Residing at: Twin Falls  
My Commission Expires: 11/06/06

STATE OF IDAHO )  
 ) ss.  
County of Twin Falls )

On this 5<sup>th</sup> day of October, 2005, before me, the undersigned, a Notary Public in and for said County and State, personally appeared ROBERT A. ADAMS and JANNETT ADAMS, husband and wife, known or identified to me to be the person whose name is subscribed to 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.



Lori Barnhart  
NOTARY PUBLIC  
Residing at: Twin Falls Id  
My Commission Expires: 11/06/06

# **Exhibit “A”**

A parcel of land located in a portion of Lots 18 and 19, Block 1, THE PINNACLE SUBDIVISION in the NW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 33, Township 9 south, Range 17 East, Boise Meridian, Twin Falls County, Idaho, being more particularly described as follows:

**COMMENCING at the Southeast corner of Lot 18, Block 1 The Pinnacle Subdivision, and being the REAL POINT OF BEGINNING;**

**Thence North 62°59'52" West 180.90 feet along the Southerly boundary of The Pinnacle Subdivision;**

**Thence North 27°00'03" East 122.00 feet;**

**Thence South 62°59'52" East 188.64 feet to a point on the Easterly boundary of said Lot 18;**

**thence South 30°35'03" West 122.24 feet along the Easterly boundary of said Lot 18 to the REAL POINT OF BEGINNING.**

**NOW KNOWN AS ADAMS CONDOMINIUMS, RECORDED IN BOOK 19 OF PLATS, PAGE 18.**

# **Exhibit “B”**



**CERTIFICATE OF OWNER**

KNOW ALL MEN BY THESE PRESENTS, THAT DR. ROBERT A. ADAMS, DDS PC, AN IDAHO CORPORATION DOES HEREBY CERTIFY THAT THEY ARE THE OWNERS OF THE REAL PROPERTY DESCRIBED AS FOLLOWS:

A PARCEL OF LAND COMPRISED OF PART OF LOTS 18 AND 19, BLOCK 1, PINNACLE SUBDIVISION, LOCATED IN THE NORTH-WEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 33, TOWNSHIP 8 SOUTH, RANGE 17 EAST, BOISE MERIDIAN, TWIN FALLS COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTH-EAST CORNER OF SAID LOT 18 PINNACLE SUBDIVISION;  
THENCE NORTH 62°59'52" WEST A DISTANCE OF 180.90 FEET ALONG THE SOUTHERLY BOUNDARY OF SAID LOTS 18 AND 19;  
THENCE NORTH 27°00'03" EAST A DISTANCE OF 122.00 FEET;  
THENCE SOUTH 62°59'52" EAST A DISTANCE OF 188.54 FEET PARALLEL WITH THE SOUTHERLY BOUNDARY OF SAID LOTS 18 AND 19 TO THE EASTERLY BOUNDARY OF SAID LOT 18;  
THENCE SOUTH 30°35'03" WEST A DISTANCE OF 122.24 FEET ALONG THE EASTERLY BOUNDARY OF SAID LOT 18 TO THE POINT OF BEGINNING, CONTAINING 22,536 SQUARE FEET MORE OR LESS.

THE STREETS SHOWN ON THIS PLAT OF ADAMS CONDOMINIUMS ARE PRIVATE AND HELD IN COMMON OWNERSHIP BY THE PINNACLE SUBDIVISION HOMEOWNERS ASSOCIATION, AND THE EASEMENTS INDICATED HEREON ARE NOT DEDICATED TO THE PUBLIC, BUT THE RIGHT TO USE SAID EASEMENTS IS HEREBY RESERVED FOR PUBLIC UTILITIES OR AS DESIGNATED HEREON AND NO PERMANENT STRUCTURES ARE TO BE ERRECTED WITHIN THE LINES OF SAID EASEMENTS.

IRRIGATION WATER CERTIFICATE:  
PURSUANT TO IDAHO CODE 31-3805, ROBERT A. ADAMS AND JANNETT ADAMS AS OWNERS DO HEREBY STATE THAT THE WATER RIGHTS APPURTENANT AND THE ASSESSMENT OBLIGATION OF THE LAND IN THE ADAMS CONDOMINIUMS AS SHOWN HEREON HAVE BEEN TRANSFERRED FROM SAID LANDS AND THAT AN IRRIGATION WATER DELIVERY SYSTEM IS NOT PROVIDED.

DOMESTIC WATER CERTIFICATE:  
PURSUANT TO IDAHO CODE 50-1334, ROBERT A. ADAMS AND JANNETT ADAMS AS OWNERS DO HEREBY STATE THAT THE INDIVIDUAL LOTS DESCRIBED IN THIS PLAT WILL BE ELIGIBLE TO RECEIVE DOMESTIC WATER SERVICE FROM THE EXISTING CITY OF TWIN FALLS, IDAHO WATER SYSTEM AND SAID CITY HAS AGREED IN WRITING, TO SERVE SAID LOTS IN THE ADAMS CONDOMINIUMS AS SHOWN HEREON.

IN WITNESS WHEREOF, I HAVE SET MY HAND THIS 20<sup>th</sup> DAY OF Feb, 2004

*Robert A. Adams*  
DR. ROBERT A. ADAMS, PRESIDENT  
DR. ROBERT A. ADAMS DDS PC



STATE OF IDAHO )  
COUNTY OF TWIN FALLS ) SS  
ON THIS 20 DAY OF Feb, 2004, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED DR. ROBERT A. ADAMS KNOWN OR IDENTIFIED TO ME TO BE THE PRESIDENT OF DR. ROBERT A. ADAMS DDS PC, THE CORPORATION THAT EXECUTED WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME ON BEHALF OF SAID CORPORATION.

*Gloria J. Brown*  
NOTARY PUBLIC FOR IDAHO

MY COMMISSION EXPIRES 12/8/2004 RESIDING AT TWIN FALLS, IDAHO

**CERTIFICATE OF SURVEYOR**

I, DENNIS CARROLL ZIMMERMAN, DO HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR, LICENSED BY THE STATE OF IDAHO, AND THAT ADAMS CONDOMINIUMS, AS DESCRIBED IN THE CERTIFICATE OF OWNERS AND THE ATTACHED PLAT, WAS DRAWN FROM AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY DIRECT SUPERVISION AND ACCURATELY REPRESENTS THE POINTS PLATTED THEREON, AND IS IN CONFORMITY WITH THE STATE OF IDAHO CODE RELATING TO PLATS AND SURVEYS

*Dennis Carroll Zimmerman*  
DENNIS CARROLL ZIMMERMAN DATE \_\_\_\_\_

**CERTIFICATE OF COUNTY SURVEYOR**

I, *Bernard H. Tolson*, A REGISTERED PROFESSIONAL LAND SURVEYOR FOR TWIN FALLS COUNTY, IDAHO, DO HEREBY CERTIFY THAT I HAVE CHECKED THE PLAT OF ADAMS CONDOMINIUMS AND FIND THAT IT COMPLIES WITH THE STATE OF IDAHO CODE RELATING TO PLATS AND SURVEYS.

*Bernard H. Tolson*  
COUNTY SURVEYOR DATE \_\_\_\_\_

**APPROVAL OF CITY ENGINEER**

I, GARY L. YOUNG, CITY ENGINEER IN AND FOR THE CITY OF TWIN FALLS, IDAHO, DO HEREBY APPROVE THIS PLAT OF ADAMS CONDOMINIUMS.

*Gary L. Young*  
GARY L. YOUNG, P.E., S., CITY ENGINEER DATE 2-15-04

**APPROVAL OF CITY COUNCIL**

I, *Jodi Hall*, DEPUTY CLERK FOR THE CITY OF TWIN FALLS, IDAHO, DO HEREBY CERTIFY THAT AT A REGULAR MEETING OF THE CITY COUNCIL HELD ON THE 15<sup>th</sup> DAY OF February, 2004 THE FOREGOING PLAT OF ADAMS CONDOMINIUMS WAS DULY ACCEPTED AND APPROVED

*Jodi Hall*  
MAYOR DEPUTY CITY CLERK

**APPROVAL OF COUNTY COMMISSIONERS**

ACCEPTED AND APPROVED THIS 19 DAY OF April 2004 BY THE BOARD OF COUNTY COMMISSIONERS OF TWIN FALLS COUNTY, IDAHO

*Greg Gundatoff*  
DATE 04-19-04 COUNTY COMMISSIONERS, TWIN FALLS, IDAHO

**CERTIFICATE OF COUNTY TREASURER**

I, *Debbie Kauffman*, COUNTY TREASURER IN AND FOR THE COUNTY OF TWIN FALLS, IDAHO PER THE REQUIREMENTS OF IDAHO CODE 50-130B, DO HEREBY CERTIFY THAT ANY AND ALL CURRENT AND DELINQUENT COUNTY PROPERTY TAXES FOR THE PROPERTY INCLUDED IN THIS SUBDIVISION HAVE BEEN PAID IN FULL. THIS CERTIFICATION IS VALID FOR THE NEXT THIRTY DAYS ONLY

*Debbie Kauffman*  
COUNTY TREASURER DATE April 15, 2004

**COUNTY RECORDER'S CERTIFICATE**

INSTRUMENT NO. 2004-008532  
STATE OF IDAHO )  
COUNTY OF TWIN FALLS ) SS

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED AT THE REQUEST OF THE COUNTY OF TWIN FALLS AT 9 MINUTES PAST 1 O'CLOCK, P.M. THIS 20<sup>th</sup> DAY OF APRIL, 2004, IN MY OFFICE AND WAS DULY RECORDED IN BOOK 14 OF PLATS AT PAGES 18 AND

*Christa Schumaker*  
DEPUTY EX-OFFICIO RECORDER

J-U-B ENGINEERS, INC.  
Engineers Surveyors Planners  
Twin Falls, Idaho

Twin Falls County, Idaho  
Notary Public  
Gloria J. Brown  
2004-008532  
Notary Public for Idaho

