

July 5, 2023

Teton County Planning & Zoning Commission
150 Courthouse Dr # 107
Driggs, ID 83422
pz@co.teton.id.us

RE: Eustachy-Wysong, LLC - [PERMIT NAME]

Dear Commissioners,

My name is W. Forrest Fischer, and I am an attorney with Moulton Law Office in Driggs. Eustachy-Wysong, LLC, retained this firm and asked that we communicate with you concerning its pending subdivision application for parcel number RP05N45E053100 (the "Property"). Specifically, our client requested that we write you concerning its subdivision application and access to its Property.

Getting right to the point, the Idaho Supreme Court has expressly held that a county "Board has **no authority to adjudicate easements.**" *Hawkins v. Bonneville Cnty. Bd. of Comm'rs*, 151 Idaho 228, 234, 254 P.3d 1224, 1230 (2011) (emphasis added). Stated another way, neither you nor the County Commissioners have the authority to determine the legal sufficiency of the easements providing access to the Property. That said, the County may approve the land use application contingent upon judicial resolution of an access issue, but only if "access to the land is **not certain.**" *Shinn v. Bd. of Cnty. (In re Variance ZV2011-2)*, 156 Idaho 491, 496, 328 P.3d 471, 476 (2014) (emphasis added). However, the County cannot refuse or otherwise table a subdivision application for an issue wholly related to the legality of access, as has been done here.

Here, there is no question that the Property has access from W 3000 N. Numerous recorded documents going back to the 80s evidence access easements burdening the parcels between W 3000 N and the Property. For example, access to the Property is shown in that record of survey recorded as Instrument No. 248619, as well as that Mutual Cross-Access Easement Agreement recorded as Instrument No. 269564. These documents, as well as many others, conclusively demonstrate access to the Property.

Given the foregoing, no good faith arguments could be put forth by third parties seeking to challenge access to the Property. In other words, access to the Property *is certain*. To hold otherwise would likely be challenged as arbitrary and capricious.

Ultimately, we respectfully request that you decide and determine the application submitted by our client as soon as possible. We further request that you not require a legal determination of access as a condition for approval. Thank you.

Sincerely,

W. Forrest Fischer
MOULTON LAW OFFICE

FEB 28 1991

TETON Co. Id.
Clerk Recorder

DEED

GRANTING EASEMENT

We, RICHARD A. EGBERT and ALTA EGBERT, husband and wife and RICHARD A. EGBERT for RICHARD A. EGBERT, a Limited Partnership, of the City of Teton, County of Teton, State of Idaho, in consideration of Ten Dollars (\$10.00) and other good and sufficient consideration, receipt of which is acknowledged, hereby grant, bargain, sell and convey to STANFORD W. HUFF and BONNIE HUFF, husband and wife, and HELEN HUFF and JAMES E. HATCH and LAREE HATCH, husband and wife of the City of Driggs, County of Teton, State of Idaho, the Grantees, the following:

A sixty (60) foot easement for ingress and egress along the Northernmost sixty (60) feet of Lot 1 in Section 5, Township 5 North, Range 45 East, Boise Meridian, Teton County, Idaho.

This easement is for the benefit of and appurtenant to that land or any portion thereof in the County of Teton, State of Idaho, described as follows:

Tract I:

Township 5 North, Range 45 East, Boise Meridian, Teton County, Idaho.

Section 5: SE $\frac{1}{4}$ NW $\frac{1}{4}$; NE $\frac{1}{4}$ SW $\frac{1}{4}$
Less Tract III, described below.

Tract II:

Township 5 North, Range 45 East, Boise Meridian, Teton County, Idaho.

Section 5: Lots 2, 3, and 4 and the SW $\frac{1}{4}$ NE $\frac{1}{4}$

107553

FILED

AT THE REQUEST OF

First American
AT _____ MINUTES PAST *4* P. M.
DATE *Feb. 28 1991*
Asa J. Drake
CLERK OF RECORDER
BY *Nora Hill*

FILED
INDEXED
PLATED

Less: Beginning at the center of Section 5, Township 5 North, Range 45 East, Boise Meridian, Teton County, Idaho, and running thence South 89°42'21" East, 1320.15 feet; thence North 00°33'17" West, 717.00 feet; thence South 85°26'23" West, 1323.25 feet; thence South 00°33'17" East, 605.00 feet to the point of beginning (Coyle Contract)

Also Less: A strip of land one hundred (100) feet wide, being fifty (50) feet on each side of the center line of main track of the Coal Fields Branch of the Oregon Short Line Railroad as same is now located and staked over and across Lot Two (2) and the Southwest quarter of the Northeast quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section Five (5), Township five (5) North, Range Forty-five (45) East of the Boise Meridian, Teton County, Idaho, said center line of track being more particularly described as follows: Beginning at a point in the North and South center line of said Section five (5) and Fourteen hundred eight (1408) feet, more or less, South of the North line of said Section Five (5); thence Northeasterly along a straight line for a distance of fifteen hundred forty-one and four tenths (1541.4) feet; thence continuing Northeasterly along a six degree and five minute (6°05') curve to the left for a distance of two hundred sixty-five and six tenths (265.6) feet, more or less, to a point in the East line of said Lot Two (2) and one hundred seventy (170) feet more or less, South of the Northeast corner thereof. (Railroad Property 4.15 acres)

Also less: An irregular tract of land in Lot Two (2), of Section Five (5), Township Five (5) North, Range Forty-five (45) East, of the Boise Meridian, Teton County, Idaho, bounded and described as follows:

Beginning at a point in the East line of said Lot Two (2) and two hundred fifty (250) feet, more or less, South of the Northeast corner thereof; thence Southwesterly, parallel to and fifty (50)

feet Southeasterly from the center line of proposed main track of the Coal Fields Branch of the Oregon Short Line Railroad, for a distance of six hundred (600) feet, more or less; thence Easterly along a curve to the right, with a radius of five hundred twenty-three and seven tenths (523.7) feet, being fifty (50) feet southerly from and parallel to the center line of proposed wye track of said railroad, for a distance of four hundred sixty-five (465) feet, more or less, to a point in the East line of said Lot Two (2); thence North three hundred eight (308) feet, more or less, to the point of beginning. (Railroad Property 0.92 acres, more or less)

A strip, piece or parcel of land, one hundred (100) feet in width, situated in the West Half of the Northeast Quarter ($NE\frac{1}{4}$) of Section Five (5), Township Five (5) North, Range 45 East, Boise Meridian in Teton County, Idaho, being fifty (50) feet in width, measured at right angles, on each side of the center line of the abandoned Gallop Branch of the Oregon Short Line Railroad Company, leased to the Union Pacific Railroad Company, as said branch line of railroad was formerly constructed and operated, and extending Northeasterly from the West line of said Northeast Quarter ($NE\frac{1}{4}$) of Section Five (5), to a straight line at right angles to said center line of abandoned main track at a point thereon that is five hundred forty-eight (548) feet distant northeasterly, measured along said center line of abandoned main track, from said west line of Northeast quarter ($NE\frac{1}{4}$).

Tract III:

A strip of land one hundred (100) feet wide, being fifty (50) feet on each side of the center line of main track of the Coal Fields Branch of the Oregon Short Line Railroad as same is now located and staked over and across the South half of the Northwest quarter ($S\frac{1}{2}NW\frac{1}{4}$) and Northeast quarter of the Southwest quarter ($NE\frac{1}{4}SW\frac{1}{4}$) of Section Five (5), Township Five (5) North, Range Forty-five (45) East of the Boise Meridian, Teton County, Idaho, said center line of main track being more

RECEIVED

JUL 21 1999

QUITCLAIM DEED

TETON CO., ID
CLERK RECORDER

For Value Received FIRST AMERICAN TITLE COMPANY OF EAST IDAHO

do hereby convey, release, remise and forever quit claim unto

TETON VALLEY LAND TRUST, INC.
whose address is: P.O. BOX 247, DRIGGS, IDAHO 834322

the following described premises situated in Teton County, Idaho, to-wit:

SEE ATTACHED EXHIBIT "A"

RESERVING TO Grantor and Grantor's assigns a 60 foot easement over the North 60 feet of the above described property for ingress and egress and utilities.

together with their appurtenances.

Dated: 6-4-99

FIRST AMERICAN TITLE COMPANY OF EAST IDAHO

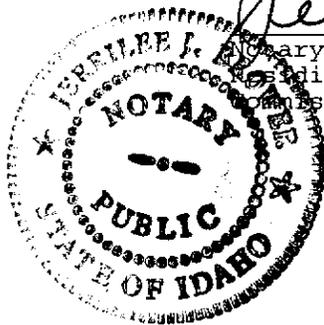
STATE OF IDAHO

COUNTY OF Teton

: ss

On this 4th day of June, in the year 1999, before me, a Notary Public in and for said State, personally appeared Layne W. Price, known or identified to me to be the Vice President of the Corporation that executed the instrument or the person who executed the instrument on behalf of said Corporation, and acknowledged to me that such Corporation executed the same.

NOT A LEGAL COPY



Terrence J. Brower
Notary Public of Idaho
Residing at Tetonia, Idaho
Commission Expires: 2-27-04

134523

FILED

AT THE REQUEST OF

First American
AT 52 MINUTES PAST 3 PM
DATE July 21 1999
Alan B. Boyle
CLERK OF RECORD
BY Boyle

EXHIBIT "A"
FIRST AMERICAN to LAND TRUST

All of that portion of the following described property that lies within Government Lot 1 (NW1/4NW1/4) of Section 5, Township 5 North, Range 45 East, Boise Meridian, Teton County, Idaho:

A parcel of land situate in the North Half of the North-east Quarter (N $\frac{1}{2}$ NE $\frac{1}{4}$) of Section 5, Township 5 North, and the South Half of the Southeast Quarter (S $\frac{1}{2}$ SE $\frac{1}{4}$) of Section 32, Township 6 North, both of Range 45 East of the Boise Meridian, County of Teton, State of Idaho, more particularly described as follows:

Commencing at the east quarter corner of said Section 5;

thence along the east line of said Section 5, North, a distance of 389.3 feet to a point on the center line of the main track of the Teton Valley Branch of the Oregon Short Line Railroad Company, as presently constructed and operated;

thence along the center line of said main track, North 32 degrees 01 minutes West, a distance of 1,694.5 feet to the beginning of an increasing spiral curve to the right, having 11-30 foot chords and a spiral angle of 6 degrees 36 minutes;

thence at right angles to said centerline South 57 degrees 59 minutes West, a distance of 50.0 feet to a point 50.0 feet south-westerly, measured at right angles from said center line of the main track, said point being on the westerly right of way line of the Teton Valley Branch of said Railroad Company, said point also being the TRUE POINT OF BEGINNING;

thence parallel with and 50.0 feet southwesterly, measured at right angles, from the center line of the abandoned southerly leg of wye track of said Railroad Company, as formerly constructed and operated, North 32 degrees 01 minutes West, a distance of 5.8 feet to the beginning of a tangent curve concave southwesterly, having a radius of 1,029.75 feet;

thence northerly along said curve parallel with said center line of the abandoned wye track, through an angle of 5 degrees 00 minutes, an arc distance of 89.86 feet;

thence tangent to the last described curve and continuing parallel with said center line of the abandoned wye track, North 37 degrees 01 minutes West, a distance of 8.4 feet to the beginning of a tangent curve concave southerly, having a radius of 523.69 feet;

thence westerly along said curve parallel with said center line of the abandoned wye track, through an angle of 90 degrees 05 minutes, an arc distance of 823.37 feet;

thence tangent to the last described curve and continuing parallel with said center line of the abandoned wye track, South 52 degrees 54 minutes West, a distance of 10.0 feet to the beginning of a tangent curve concave southeasterly, having a radius of 892.29 feet;

thence southwesterly along said curve parallel with said center line of the abandoned wye track, through a central angle of 5 degrees 44 minutes, an arc distance of 89.29 feet, to a point 50.0 feet southeasterly, measured at right angles, from the center line of the abandoned main track of the Talbot Branch of said Railroad Company, as formerly constructed and operated;

thence tangent to the last described curve and parallel with said center line of the abandoned main track of the Talbot Branch, South 47 degrees 10 minutes West, a distance of 519.2 feet;

thence at right angles to said center line of the abandoned main track of the Talbot Branch, North 42 degrees 50 minutes West, a distance of 100.0 feet to a point 50.0 feet northwesterly, measured at right angles, from said center line of the abandoned main track of the Talbot Branch;

thence parallel with said center line of the abandoned main track of the Talbot Branch, North 47 degrees 10 minutes East, a distance of 980.4 feet to the beginning of a tangent curve concave northwesterly, having a radius of 892.29 feet;

thence northeasterly along said curve parallel with said center line of the abandoned main track of the Talbot Branch, through a central angle of 43 degrees 56 minutes 29 seconds, an arc distance of 684.29 feet to a point;

thence North 89 degrees 59 minutes East, a distance of 1.43 feet, more or less, to a point 50.0 feet westerly, measured at right angles, from said center line of the main track of said Teton Valley Branch;

thence along said westerly right of way line and parallel with said center line of the main track of said Teton Valley Branch, South 0 degrees 01 minutes East, a distance of 23.4 feet to a point opposite the beginning of an increasing spiral curve to the left in said center line of the main track, having 11-30 foot chords, an a spiral angle of 6 degrees 36 minutes;

thence southerly, concentric with said spiral curve in said center line, a distance of 336.07 feet, more or less, to the beginning of a circular curve concave easterly, having a radius of 1,482.69 feet;

thence southerly along said curve and along said right of way line and parallel with said center line of the main track, through a central angle of 18 degrees 48 minutes, an arc distance of 486.50 feet to a point opposite the beginning of a decreasing spiral curve to the left in said center line of the main track, having 11-30 foot chords and a spiral angle of 6 degrees 36 minutes;

thence southerly concentric with said spiral curve in said center line, a distance of 336.07 feet, more or less, to the TRUE POINT OF BEGINNING.

J. Rogel

JOINT ROAD MAINTENANCE AGREEMENT

OWNERS NAME/ LEGAL DESCRIPTION/ PARCEL

Patti J. Burr

OWNERS NAME/ LEGAL DESCRIPTION/ PARCEL

Johnna Tanner

OWNERS NAME/ LEGAL DESCRIPTION/ TAX ID

Exhibit A
Garage Road
Bob Rogel

WHEREAS, EACH PARTY HERETO ON BEHALF OF HIMSELF OR HERSELF, AND RESPECTIVE HEIRS, SUCCESSORS OR ASSIGNS, WISHES TO CONTRACT FOR PERPETUAL MAINTENANCE OF THE: INSERT LEGAL OF EASEMENT HERE

EACH PARTY AGREES AS FOLLOWS:

- 1. MAINTENANCE. THE PARTIES SHALL MAINTAIN AND REPAIR THE EXISTING ROAD. ALL PARTIES SHALL SHARE EQUALLY IN THE EXPENSES FOR NORMAL MAINTENANCE AND REPAIR. NO EXPENSE SHALL BE INCURRED BY ANY PARTY WITHOUT UNANIMOUS CONSENT OF ALL OTHER PARTIES HERETO. SUCH CONSENT SHALL BE IN WRITING, SIGNED BY ALL PARTIES, WITH A COPY DELIVERED TO EACH PARTY.**

- 2. PAYMENT. THE COST FOR AGREED MAINTENANCE AND REPAIR SHALL BE BORNE AND SHARED EQUALLY BY THE OWNERS OF THE PARCELS HAVING EQUAL ACCESS THEREFROM. IN THE CONSENT TO REPAIR, THE PARTIES SHALL DESIGNATE A PARTY TO BE THE AGENT FOR CONTRACTING OR UNDERTAKING THE AGREED REPAIR OR MAINTENANCE AND TO COLLECT EACH PARTY'S SHARE OF THE COST THEREOF**

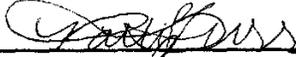
- 3. SUCCESSORS IN INTEREST. THIS AGREEMENT IS BINDING ON THE HEIRS, ASSIGNS AND SUCCESSORS IN INTEREST OF THE PARTIES.**

- 4. UNDERGROUND UTILITY REPAIRS. WHENEVER CHANGES TO OR EMERGENCY REPAIRS ARE REQUIRED TO THE UNDERGROUND SERVICING SYSTEMS (GAS, WATER, ELECTRICITY, SEWER, CABLE AND PHONE) THAT REQUIRE BREAKING THE SURFACE OF THE EASEMENT PROPERTY TO CONDUCT REPAIR OR CHANGE, THE PROPERTY OWNER AND OTHER PARTIES HAVING SERVICE SYSTEMS WITHIN THE EASEMENT AREA SHALL BE NOTIFIED IMMEDIATELY. THE METHOD USED TO EXPOSE THE SERVICE SYSTEM FOR CHANGE OR REPAIR SHALL BE AGREED TO BY THE PROPERTY OWNER PRIOR TO INITIATION.**

- 5. DAMAGE. IT IS ALSO UNDERSTOOD AND AGREED THAT IF THE OWNER OF A PARCEL HAVING ACCESS OVER THIS EASEMENT DAMAGES OR DISTURBS THE SURFACE OF THE ROADWAY OVER THIS EASEMENT, (OTHER THAN NORMAL AUTOMOBILE AND SERVICE INGRESS AND EGRESS.) THEN HE/SHE SHALL BE RESPONSIBLE TO IMMEDIATELY RESTORE THE ROAD SURFACE TO AS NEARLY AS POSSIBLE THE CONDITION IN WHICH IT EXISTED PRIOR TO BEING DISTURBED.**

- 6. UNPAID COSTS OR UNREPAIRED DAMAGE TO BE A LIEN ON LAND. IN THE EVENT A PARTY DOES NOT PAY HIS OR**

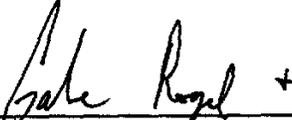
HERS PRO RATA SHARE ON COSTS WITHIN THIRTY (30) DAYS AFTER IT IS REQUESTED OR A PARTY RESPONSIBLE FOR DAMAGE TO THE ROADWAY DOES NOT IMMEDIATELY CORRECT THE DAMAGE, THEN THE REMAINING PARTIES SHALL BE ENTITLED TO CLAIM A LIEN AGAINST THE NON-PAYING OR NON-PERFORMING PARTY'S PARCEL OF PROPERTY, AND TO BRING SUIT FOR SUCH COSTS INCURRED THEREBY. SAID LIEN SHALL BE FORCLOSABLE AS A MORTGAGE PURSUANT TO THE LAWS OF THE STATE OF IDAHO.



OWNERS NAME



OWNERS NAME



OWNERS NAME



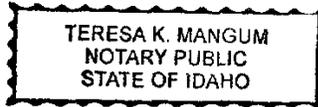
OWNERS NAME

State of: Idaho

ss:

County of: Teton

On this 13th day of October, in the year of 2011, before me, a Notary Public, personally appeared Patti J. Burr, known or identified to me, to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.



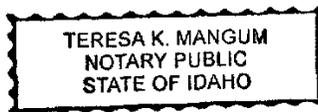
Notary Teresa K. Mangum
Residing at: Driggs Idaho
Commission Expires: 07-24-2015

State of: Idaho

ss:

County of: Teton

On this 13th day of October, in the year of 2011, before me, a Notary Public, personally appeared Johnna Tanner, known or identified to me, to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.



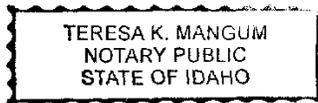
Teresa K. Mangum
Notary
Residing at: Driggs Idaho
Commission Expires: 07-24-2015

State of: Idaho

ss:

County of: Teton

On this 13th day of October, in the year of 2011, before me, a Notary Public, personally appeared Gabe Rogel and Sara Rogel, known or identified to me, to be the person whose name is subscribed to the within instrument, and acknowledged to me that they executed the same.



Teresa K. Mangum
Notary
Residing at: Driggs Idaho
Commission Expires: 07-24-2015

RECEIVED

JAN 16 2004

TETON CO, ID
CLERK RECORDER

For Value Received **Dan Burr and Patti Burr, husband and wife**

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

Tim V. Tanner and Johnna L Tanner, husband and wife

whose address is: **PO Box 190, Teton, ID 83452**

Instrument # 159480
DRIGGS, TETON, IDAHO
2004-01-16 02:21:26 No. of Pages: 2
Recorded for: FIRST AMERICAN TITLE
NOLAN G. BOYLE Fee: 8.00
Ex-Officio Recorder Deputy
Index to: DEED, WARRANTY

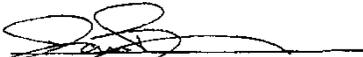
Hereinafter called the Grantee, the following described premises situated in **Teton** County, Idaho, to-wit:

See Attached Legal:

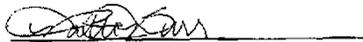
SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: January 16, 2004



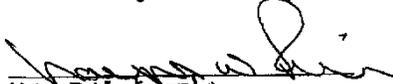
Dan Burr



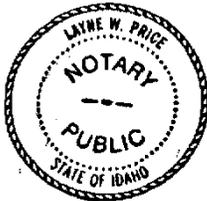
Patti Burr

STATE OF Idaho
)ss.
COUNTY OF TETON

On this 16 day of January, 2004, before me, a Notary Public, personally appeared Dan Burr and Patti Burr, known or identified to me (or proved to me on the oath of), to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.



Notary Public of Idaho
Residing at Driggs
Commission Expires: 12-01-06



1ST REVISED COMMITMENT

ATTACHED LEGAL DESCRIPTION

Order No.: T11332

Township 6 North, Range 45 East, Boise Meridian, Teton County, Idaho
Section 32: NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$

TOGETHER WITH an easement for ingress, egress and utilities over and across a strip of ground (existing road) Beginning at the NE Corner of Section 5, Township 5 North, Range 45 East, Boise Meridian, Teton County, Idaho, and running thence West 1320 feet more or less to the West boundary of the old Railroad right of way; thence South 60 feet; thence East 1320 feet more or less to the county road 300 West; thence North 60 feet to the point of beginning.

ALSO TOGETHER WITH a non-exclusive easement for ingress and egress as created in Final Judgment and Order Determining Easement recorded as Instrument No. 127303 and Amended as Instrument No. 136792 described as follows: Beginning at the Northeast corner of Lot 2 of Section 5 Township 5 North, Range 45 East, Boise Meridian, Teton County, Idaho, and then proceeding west along a straight line a distance of 50 feet to the point of the existing gateway leading to the private lane of Correia, then along a straight line in a southerly direction following the course of the existing gate and fence line for a distance of approximately 112 feet to the fence corner, thence proceeding east 50 feet more or less along fence line to the fence corner, thence North approximately 112 feet to the point of beginning.

ALSO TOGETHER WITH a non-exclusive 60 foot wide easement for ingress and egress and utilities across the South 60 feet of the East 1/2 of the Southwest Quarter of the Southeast Quarter of Section 32, Township 6 North, Range 45 East of the Boise Meridian, Teton County, Idaho,

ALSO TOGETHER WITH a non-exclusive 60 foot wide easement for ingress and egress and utilities across the East 60 feet of the South 1/2 of the West 1/2 of the Southwest Quarter of the Southeast Quarter of Section 32, Township 6 North, Range 45 East, Boise Meridian, Teton County, Idaho.

ALSO TOGETHER WITH a 30 foot wide road and utility easement for purposes of ingress, egress and utilities to the NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 32, Township 6 North, Range 45 East, Boise Meridian, Teton County, Idaho, being 15 feet wide on each side of the following described centerline:
From the Northwest corner of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 32, N 89°58'36" E, 666.47 feet along North line of said SW $\frac{1}{4}$ SE $\frac{1}{4}$ and S 02°22'36" W, 351.64 feet to the True Point of Beginning.
Thence S 83°52'00" W, 31.00 feet to a point;
Thence S 67°29'00" W, 88.00 feet to a point;
Thence S 58°13'00" W, 41.00 feet to a point;
Thence S 37°20'00" W, 57.00 feet to a point;
Thence S 14°00'00" E, 85.00 feet to a point;
Thence S 18°00'00" E, 4.00 feet to a point;
Thence S 11°00'00" E, 28.00 feet to a point;
Thence S 16°00'00" E, 285.00 feet to a point on the existing access easement described in Instrument No. 132957 as recorded in the records of the Clerk of Teton County, Idaho.

ALTA Plain Language Commitment Legal Description
(T11332.PFD/T11332/24)

159480

125629
QUITCLAIM DEED

RECEIVED

NOV 22 1996

TELEPHONE NO. TO
CLEAR THIS CHECK

For Value Received

Ronald Roberts and Debbie Roberts, Husband and Wife

do hereby convey, release, remise and forever quit claim unto

Dan Burr and Patti Burr, Husband and Wife

whose current address is

P.O. BOX 50, Tetonid, ID 83457

the following described premises, to-wit:

The E1/2 SW1/4 SE1/4 of Section 32, Township 6 North,
Range 43 East, Boise Meridian, Teton County, Idaho;

together with a perpetual access to the property; the
established access road having been in unchallenged
use by present and past owners of said property for
the past thirty years.

together with their appurtenances.

Dated: November 11, 1996

Ronald Roberts
Ronald Roberts

Debbie Roberts
Debbie Roberts

STATE OF IDAHO, COUNTY OF Teton
On this 20th day of November, 1996,
before me, a notary public in and for said State, personally
appeared

Ronald Roberts and Debbie Roberts

known to me to be the persons whose names
subscribed to the within instrument, and acknowledged to
me that they executed the same.

Nancy Ann Perry
Nancy Ann Perry, Notary Public
Residing at Teton County, Idaho
Comm. Expires 4/3/01

OFFICIAL SEAL
NANCY ANN PERRY
NOTARY PUBLIC - IDAHO
TETON COUNTY
COMMISSION EXPIRES 4/3/01

125629

FILED

AT THE REQUEST OF

ALLIANCE TITLE AND ESCROW

At 50 MINUTES PAST 3

DATE Nov 22, 1996

By *Nancy Ann Perry*

Notary Public

Furnished by the

125629

ALLIANCE
TITLE & ESCROW

EXHIBIT 'A'

LEGAL DESCRIPTION:

A PARCEL OF LAND BEING A PORTION OF TRACTS 1 AND 2 OF THAT LARGER PARCEL OF LAND PREVIOUSLY DESCRIBED AT INSTRUMENT 137446 IN THE OFFICE OF THE TETON COUNTY CLERK AND RECORDER, LYING ENTIRELY WITHIN THE NORTHEAST 1/4 OF SECTION 5, TOWNSHIP 5 NORTH, RANGE 45 EAST OF THE BOISE MERIDIAN, TETON COUNTY, IDAHO, THE BOUNDARY OF WHICH, PURSUANT TO AN ACTUAL SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NE CORNER OF SAID SECTION 5, AS FILED FOR RECORD AT INSTRUMENT NO. 95755 IN SAID TETON COUNTY RECORDS; THENCE N89°45'41"W ALONG THE NORTH LINE OF SAID SECTION 5 A DISTANCE OF 1341.82 FEET TO A REBAR WITH CAP BEARING THE PLS NO. 2860, SET FOR THE NE CORNER OF THAT CERTAIN PARCEL OF LAND PREVIOUSLY DESCRIBED AT INSTRUMENT NO. 176366 IN SAID TETON COUNTY RECORDS; THENCE S00°31'41"E A DISTANCE OF 73.36 FEET TO A REBAR WITH CAP BEARING THE PLS NO. 2860, SET FOR THE NW CORNER OF SAID TRACT 1 OF SAID PARCEL DESCRIBED AT INSTRUMENT NO. 137446; THENCE S89°46'11"E ALONG THE NORTH LINE OF SAID TRACT 1 A DISTANCE OF 26.06 FEET; THENCE ALONG THE BOUNDARY OF A PORTION OF SAID TRACT 2 OF SAID PARCEL DESCRIBED AT INSTRUMENT NO. 137446 FOR THE FOLLOWING TWO COURSES:

1.) 79.37 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 05°23'56", A RADIUS OF 842.29 FEET, AND A CHORD WHICH BEARS N22°38'59"E 79.34 FEET;

2.) S89°45'41"E ALONG SAID NORTH LINE OF SECTION 5 A DISTANCE OF 34.46 FEET; THENCE SOUTH A DISTANCE OF 73.34 FEET TO A REBAR WITH CAP BEARING THE PLS NO. 2860 SET FOR THE NE CORNER OF SAID TRACT 1; THENCE ALONG THE EASTERLY BOUNDARY OF SAID TRACT 1, AS MONUMENTED PER THE RECORD OF SURVEY FILED AT INSTRUMENT NO. 144323 IN SAID TETON COUNTY RECORDS (SHOWN ON SAID SURVEY AS "TRACT 2"), FOR THE FOLLOWING SIX COURSES:

1.) S11°26'47"E A DISTANCE OF 180.93 FEET;

2.) S15°11'18"E A DISTANCE OF 123.48 FEET;

3.) S18°44'01"E A DISTANCE OF 60.70 FEET;

4.) S20°44'35"E A DISTANCE OF 89.28 FEET;

5.) S24°45'27"E A DISTANCE OF 128.45 FEET;

6.) S30°12'38"E A DISTANCE OF 211.82 FEET;

EXHIBIT A

A PARCEL OF LAND BEING A PORTION OF TRACTS 1 AND 2 OF THAT LARGER PARCEL OF LAND PREVIOUSLY DESCRIBED AT INSTRUMENT 137446 IN THE OFFICE OF THE TETON COUNTY CLERK AND RECORDER, LYING ENTIRELY WITHIN THE NORTHEAST 1/4 OF SECTION 5, TOWNSHIP 5 NORTH, RANGE 45 EAST OF THE BOISE MERIDIAN, TETON COUNTY, IDAHO, THE BOUNDARY OF WHICH, PURSUANT TO AN ACTUAL SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NE CORNER OF SAID SECTION 5, AS FILED FOR RECORD AT INSTRUMENT NO. 95755 IN SAID TETON COUNTY RECORDS; THENCE N89°45'41"W ALONG THE NORTH LINE OF SAID SECTION 5 A DISTANCE OF 1341.82 FEET TO A REBAR WITH CAP BEARING THE PLS NO. 2860, SET FOR THE NE CORNER OF THAT CERTAIN PARCEL OF LAND PREVIOUSLY DESCRIBED AT INSTRUMENT NO. 176366 IN SAID TETON COUNTY RECORDS; THENCE S00°31'41"E A DISTANCE OF 73.36 FEET TO A REBAR WITH CAP BEARING THE PLS NO. 2860, SET FOR THE NW CORNER OF SAID TRACT 1 OF SAID PARCEL DESCRIBED AT INSTRUMENT NO. 137446; THENCE S89°46'11"E ALONG THE NORTH LINE OF SAID TRACT 1 A DISTANCE OF 26.06 FEET; THENCE ALONG THE BOUNDARY OF A PORTION OF SAID TRACT 2 OF SAID PARCEL DESCRIBED AT INSTRUMENT NO. 137446 FOR THE FOLLOWING TWO COURSES:

- 1.) 79.37 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 05°23'56", A RADIUS OF 842.29 FEET, AND A CHORD WHICH BEARS N22°38'59"E 79.34 FEET;
- 2.) S89°45'41"E ALONG SAID NORTH LINE OF SECTION 5 A DISTANCE OF 34.46 FEET; THENCE SOUTH A DISTANCE OF 73.34 FEET TO A REBAR WITH CAP BEARING THE PLS NO. 2860 SET FOR THE NE CORNER OF SAID TRACT 1; THENCE ALONG THE EASTERLY BOUNDARY OF SAID TRACT 1, AS MONUMENTED PER THE RECORD OF SURVEY FILED AT INSTRUMENT NO. 144323 IN SAID TETON COUNTY RECORDS (SHOWN ON SAID SURVEY AS "TRACT 2"), FOR THE FOLLOWING SIX COURSES:
 - 1.) S11°26'47"E A DISTANCE OF 180.93 FEET;
 - 2.) S15°11'18"E A DISTANCE OF 123.48 FEET;
 - 3.) S18°44'01"E A DISTANCE OF 60.70 FEET;
 - 4.) S20°44'35"E A DISTANCE OF 89.28 FEET;
 - 5.) S24°45'27"E A DISTANCE OF 128.45 FEET;
 - 6.) S30°12'38"E A DISTANCE OF 211.82 FEET;THENCE WEST A DISTANCE OF 363.37 FEET TO A REBAR WITH CAP BEARING THE PLS NO. 1027; THENCE N00°34'43"W ALONG AN EXISTING FENCE LINE A DISTANCE OF 737.58 FEET TO THE POINT OF BEGINNING.

SUBJECT TO AN EASEMENT 60 FEET IN WIDTH PARALLEL TO AND ADJOINING WITH SAID NORTH LINE OF SECTION 5 FOR THE PURPOSES OF INGRESS, EGRESS, AND THE INSTALLATION AND MAINTENANCE OF UTILITY LINES AND THEIR APPURTENANCES, AND TOGETHER WITH AN EASEMENT ALONG BEING 60 FEET IN WIDTH FOR THE PURPOSES OF INGRESS, EGRESS, AND THE INSTALLATION AND MAINTENANCE OF UTILITIES AND THEIR APPURTENANCES AS PREVIOUSLY DESCRIBED A INSTRUMENT NO. 137445 IN SAID TETON COUNTY RECORDS.

THENCE WEST A DISTANCE OF 363.37 FEET TO A REBAR WITH CAP BEARING THE PLS NO. 1027; THENCE N00°34'43"W ALONG AN EXISTING FENCE LINE A DISTANCE OF 737.58 FEET TO THE POINT OF BEGINNING.

SUBJECT TO AN EASEMENT 60 FEET IN WIDTH PARALLEL TO AND ADJOINING WITH SAID NORTH LINE OF SECTION 5 FOR THE PURPOSES OF INGRESS, EGRESS, AND THE INSTALLATION AND MAINTENANCE OF UTILITY LINES AND THEIR APPURTENANCES, AND TOGETHER WITH AN EASEMENT ALONG BEING 60 FEET IN WIDTH FOR THE PURPOSES OF INGRESS, EGRESS, AND THE INSTALLATION AND MAINTENANCE OF UTILITIES AND THEIR APPURTENANCES AS PREVIOUSLY DESCRIBED A INSTRUMENT NO. 137445 IN SAID TETON COUNTY RECORDS.