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When Recorded Return to:  
J. Eshman Law, P.C.  
Attn: Jill W. Eshman  
P.O. Box 4991  
Ketchum, Idaho 83340

**Instrument # 559648**  
HAILEY, BLAINE, IDAHO  
7-9-2008 03:26:40 No. of Pages: 11  
Recorded for: AMERITITLE  
JOLYNN DRAGE Fee: 33.00  
Ex-Officio Recorder Deputy  
Index to: AMENDED COVENANTS & RESTRICTIONS



SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

## SECOND AMENDMENT TO AMENDED AND RESTATED CONDOMINIUM DECLARATION AND COVENANTS, CONDITIONS AND RESTRICTIONS FOR SHUM'S FRENCHMAN'S PLACE CONDOMINIUMS

THIS SECOND AMENDMENT TO AMENDED AND RESTATED  
CONDOMINIUM DECLARATION AND COVENANTS, CONDITIONS AND  
RESTRICTIONS FOR SHUM'S FRENCHMAN'S PLACE CONDOMINIUMS ("**Second  
Amendment**") is made and entered into this 21<sup>ST</sup> day of APRIL, 2008,  
as follows:

### RECITALS:

A. Frenchman's Place, LLC, an Idaho limited liability company ("**Declarant**") recorded the Condominium Declaration and Covenants, Conditions, and Restrictions for Frenchman's Place, dated September 13, 2004, and recorded September 23, 2004 as Instrument No. 510241 in the official records of Blaine County, Idaho. That instrument was amended and restated pursuant to the Amended and Restated Condominium Declaration and Covenants, Conditions and Restrictions for Shum's Frenchman's Place Condominiums, dated August 3, 2005, and recorded August 22, 2005, as Instrument No. 524899 in the official records of Blaine County, Idaho. That instrument was amended by that certain First Amendment to Amended and Restated Condominium Declaration and Covenants, Conditions and Restrictions for Shum's Frenchman's Place Condominiums dated as of September 22, 2005 and recorded October 5, 2005 as Instrument No. 527086 (collectively, the "**Declaration**").

B. The Declaration created a condominium on certain real property described on the final plat of Shum's Frenchman's Place Condominiums, which was recorded August 22, 2005, as Instrument No. 524898 in the official records of Blaine County, Idaho ("**2005 Plat**"). Since the recording of the 2005 Plat, unit 10, the winery ("**Winery**"), has been constructed as well as adjustments made to the light industrial units located on the northwest side of the project, thereby resulting in the recordation of a plat for the Shum's Frenchman's Place Condominiums Units 1A, 2A, 3A & 10 on JULY 9, 2008, as Instrument No. 559647 ("**Plat for Units 1A, 2A, 3A & 10**").

C. As required by Section 16.1 of the Declaration, the Owners possessing at least seventy-five percent (75%) of the Owners' voting power based upon the

percentage basis to which each Owner is entitled under the Declaration, including seventy-five percent (75%) of the Light Industrial Unit Owners' voting power based upon the percentage basis to which each Light Industrial Unit Owner is entitled under the Declaration, have consented to this Second Amendment.

D. Declarant and the Owners desire to amend and do hereby consent to the amendment of the Declaration to reflect 1) the Plat for Units 1A, 2A, 3A & 10 as **Exhibit F**, 2) the addition of the winery and the increased area of certain Light Industrial Units and the resultant change in the percentage of ownership interest in the common area as set forth in **Exhibit E** the "**Ownership Allocation Schedule**," which is to be allocated to each unit for purposes of tax assessment under section 55-1514, Idaho Code, and for purposes of liability as provided by section 55-1515, Idaho Code, and 3) that expenses incurred for maintenance and operation of all common area is apportioned based upon the Ownership Allocation Schedule set forth in Exhibit E.

#### **AGREEMENT:**

NOW, THEREFORE, Declarant and the Owners do hereby amend the Declaration as follows:

1. **Definitions.** Capitalized terms not otherwise defined herein shall have the respective meanings ascribed to such terms in the Declaration.

2. **Addition of Exhibit F – Plat for Units 1A, 2A, 3A & 10.** Exhibit F containing the Plat for Units 1A, 2A, 3A & 10, attached hereto and by this reference incorporated herein, is hereby added to the Declaration. All references to Exhibit D, the 2005 Plat, shall, from this date forward, also include and refer to Exhibit F attached hereto.

3. **Amendment to Exhibit E – Ownership Interest in Common Area.** Exhibit E, setting forth the ownership interest in the Common Area attached hereto and by this reference incorporated herein, hereby substitutes the original Exhibit E attached to the Declaration which is hereby deleted in its entirety. All references to Exhibit E in the Declaration, as amended hereby, shall, from this date forward, refer to Exhibit E attached hereto.

4. **Voting Rights.** The percentage basis to which each all Members shall be entitled to vote shall be the percentage of ownership interest in the Common Area which is set forth on page 1 of Exhibit E attached hereto.

5. **Apportionment of Period Assessments.** Section 10.3 is hereby deleted in its entirety and replaced with the following:

"Section 10.3. Apportionment of Periodic Assessments. Expenses which are incurred for maintenance and operation of all Common Areas, shall be apportioned in accordance with the Ownership Allocation Schedule set forth in page 1 of Exhibit E; provided however, that due to the Winery being a free

standing building, certain expenses of the Common Areas, as solely determined in the reasonable discretion of the Board, shall not be paid by the Owner of the Winery, and all such expenses shall be allocated in accordance with page 2 of Exhibit B."

6. **Survival of Remaining Terms of Declaration.** Except as amended herein, the Declaration and all of its terms and provisions remains in full force and effect.

7. **Effective Date.** This Second Amendment shall be effective as of the date of recording in Blaine County, Idaho.

8. **Authority.** This Second Amendment was authorized by the affirmative vote seventy-five percent (75%) of the Owners based upon the percentage basis to which each Owner is entitled as a Member, including the affirmative vote of seventy-five percent (75%) of the Light Industrial Unit Owners based upon the percentage basis to which each Light Industrial Unit Owner is entitled to vote as a Member, at the duly noticed March 13, 2008 annual meeting.

**Secretary's Certificate**

I, Mark Reiting, Secretary of the Frenchman's Place Association, Inc., was present at the duly noticed annual meeting of the Frenchman's Place Association, Inc. on March 13, 2008. There was a quorum of voting members present. At said meeting, of the 31 Units, Owners representing a majority exceeding seventy-five (75%) of the Owners based upon the percentage basis to which each Owner is entitled as a Member to vote, and Owners representing a majority exceeding seventy-five percent (75%) of the Light Industrial Unit Owners based upon the percentage basis to which each Light Industrial Unit Owner is entitled as a Member to vote, voted to amend the Declaration by this Second Amendment as set forth above.

Frenchman's Place Association, Inc.

By: \_\_\_\_\_

Mark Reiting, Secretary

IN WITNESS WHEREOF, the undersigned has executed this Second Amendment to Amended and Restated Condominium Declaration and Covenants, Conditions and Restrictions for Shum's Frenchman's Place Condominiums, effective as of the date first above written.

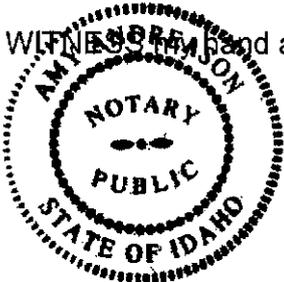
Frenchman's Place Association, Inc.

By: \_\_\_\_\_

Dave "Spyder" Stevens, President

STATE of IDAHO )  
 ) ss.  
County of Blaine )

On this 21<sup>st</sup> day of April, 2008, before me, the undersigned, a notary public in and for said county and state, personally appeared Dave "Spyder" Stevens, known to me or proved to me upon satisfactory evidence to the person whose name is subscribed to the within instrument as the President of the Frenchman's Place Association, Inc., and acknowledged to me that he executed the same on behalf of the said association.

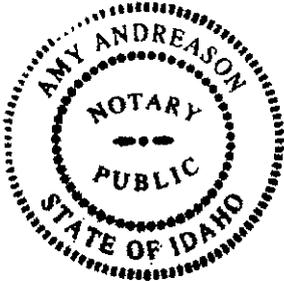


WITNESS my hand and official seal.

Amy Andreason  
Notary Public for Idaho  
Residing at Hailey, Idaho  
Commission expires: 5/18/2013

STATE of IDAHO )  
 ) ss.  
County of Blaine )

On this 21<sup>st</sup> day of April, 2008, before me, the undersigned, a notary public in and for said county and state, personally appeared Mark Reitingger, known to me or proved to me upon satisfactory evidence to the person whose name is subscribed to the within instrument as the Secretary of the Frenchman's Place Association, Inc., and acknowledged to me that he executed the Secretary's Certificate on behalf of the said association.



WITNESS my hand and official seal.

Amy Andreason  
Notary Public for Idaho  
Residing at Hailey, Idaho  
Commission expires: 5/18/2013

**Exhibit E - Shum's Frenchman's Place Condominiums**

**Page 1 of Exhibit E**

**Allocation of Ownership Interest in Common Area for Entire Project Including the Winery and Voting Rights**

<b>Plat Unit #'s</b>	<b>Unit Address #'s</b>	<b>Percentage of Common area</b>	<b>Unit Designation</b>
1	101	5.39%	Light Industrial
2	102	3.74%	Light Industrial
3	103	2.46%	Light Industrial
4	104	2.60%	Light Industrial
5	105	5.62%	Light Industrial
6	106	5.43%	Light Industrial
7A	107	5.23%	Light Industrial
7B	201	4.89%	Light Industrial
8	108	3.23%	Light Industrial
9	109	5.46%	Light Industrial
Winery		4.45%	Light Industrial
11	211	3.73%	Residential
12	202	2.29%	Residential
13	203	4.40%	Residential
14	204	4.42%	Residential
15	205	2.30%	Residential
16	206	3.27%	Residential
17	207 (DR)	0.69%	Residential
18	208 (DR)	0.69%	Residential
19	209 (DR)	0.69%	Residential
20	210 (DR)	0.69%	Residential
21	311	3.71%	Residential
22	302	2.29%	Residential
23	303	4.43%	Residential
24	304	4.39%	Residential
25	305	2.30%	Residential
26	306	3.23%	Residential
27	307	2.03%	Residential
28	308 (DR)	0.69%	Residential
29	309	2.89%	Residential
30	310	2.37%	Residential

**Totals:** 100.00% ✓

**Exhibit E - Shum's Frenchman's Place Condominiums - Page 2 of Exhibit -  
Allocation of Ownership Interest in Common Area For Project *Excluding* the Winery  
[Solely For Calculating Allocation of Expenses for which Winery Owner is not responsible as determined by the Board]**

Plat Unit #s	Unit Address #s	Percentage of Common Area	Unit Designation
1	101	5.65%	Light Industrial
2	102	3.93%	Light Industrial
3	103	2.58%	Light Industrial
4	104	2.73%	Light Industrial
5	105	5.90%	Light Industrial
6	106	5.69%	Light Industrial
7A	107	5.48%	Light Industrial
7B	201	5.13%	Light Industrial
8	108	3.39%	Light Industrial
9	109	5.72%	Light Industrial
Winery (10)		n/a	Light Industrial
11	211	3.91%	Residential
12	202	2.40%	Residential
13	203	4.61%	Residential
14	204	4.63%	Residential
15	205	2.41%	Residential
16	206	3.42%	Residential
17	207 (DR)	0.69%	Residential
18	208 (DR)	0.69%	Residential
19	209 (DR)	0.69%	Residential
20	210 (DR)	0.69%	Residential
21	311	3.89%	Residential
22	302	2.40%	Residential
23	303	4.64%	Residential
24	304	4.61%	Residential
25	305	2.41%	Residential
26	306	3.39%	Residential
27	307	2.12%	Residential
28	308 (DR)	0.69%	Residential
29	309	3.03%	Residential
30	310	2.48%	Residential
Totals		100.00% ✓	

# SHUM'S FRENCHMAN'S PLACE CONDOMINIUMS UNITS 1A, 2A, 3A & 10

LOCATED WITHIN: T4N, R17E, SEC. 13, B.M., KETCHUM, BLAINE COUNTY, IDAHO

A REPLAT OF SHUM'S FRENCHMAN'S PLACE CONDOMINIUMS (INST. NO. 524898) CREATING UNITS 1A, 2A, 3A & 10, NEW LIMITED COMMON AREAS ON THE PARKING LEVEL, AND DESIGNATED STORAGE AREAS ON THE SECOND & THIRD FLOORS.

OCTOBER 2007

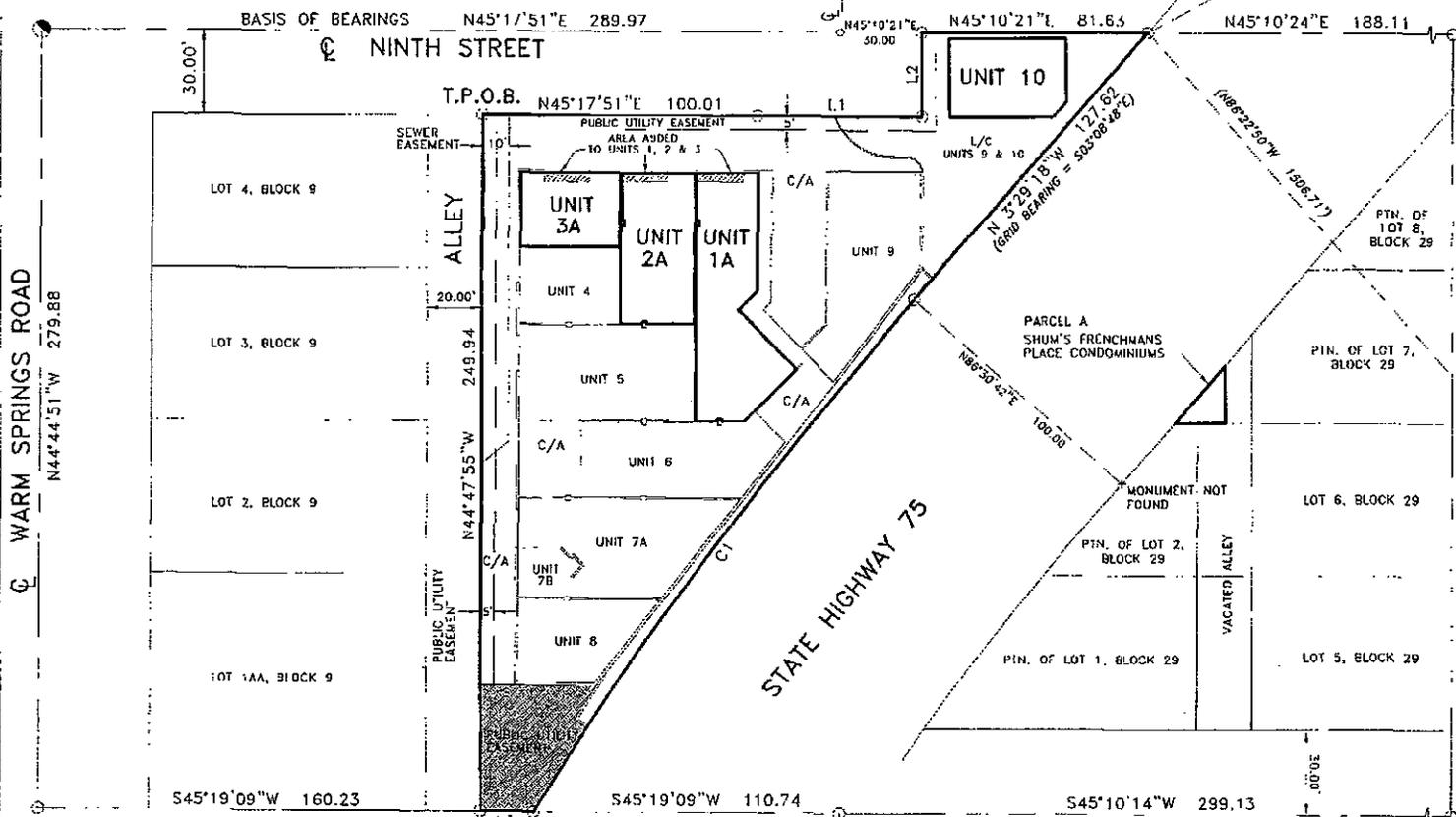


### LINE TABLE

LINE	BEARING	DIST.
L1	N 42°14'05" E	150.00
L2	N 44°50'58" W	30.00
L3	S 45°19'09" W	19.49

### CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	1482.39'	230.11'	229.89'	N 07°56'53" W	08°53'39"



### NOTES:

1. THE CONDOMINIUM DECLARATION AND COVENANTS, CONDITIONS & RESTRICTIONS FOR SHUM'S FRENCHMAN'S PLACE WAS RECORDED AS INSTRUMENT NO. 512241 AND AMENDED AND RE-STATE AS INSTRUMENT NO. 524898, RECORDS OF BLAINE COUNTY, IDAHO, AND AS AMENDED.
2. IN INTERPRETING THE DECLARATION, PLAT OR PLATS, AND DEEDS OF THE EXISTING BOUNDARIES OF A UNIT AS ORIGINALLY CONSTRUCTED OR RECONSTRUCTED IN LIEU THEREOF SHALL BE CONCLUSIVELY PRESUMED TO BE ITS BOUNDARIES RATHER THAN THE METES AND BOUNDS SHOWN ON THIS PLAT.
3. HORIZONTAL OR SLOPING PLANES SHOWN HEREON ARE TOP OF FINISHED SUBFLOOR AND BOTTOM OF FINISHED CEILING; VERTICAL PLANES ARE FINISHED SURFACES OF INTERIOR WALLS. SOME STRUCTURAL MEMBERS EXTEND INTO UNITS.
4. DIMENSIONS SHOWN HEREON WILL BE SUBJECT TO SLIGHT VARIATIONS OWING TO NORMAL CONSTRUCTION TOLERANCES.
5. CONSULT THE CONDOMINIUM DECLARATIONS FOR THE DEFINITION OF COMMON AREA.
6. ELEVATION DATUM IS NGVD '29. ALL ELEVATIONS AND DISTANCES ARE IN U.S. FEET.
7. NO GARAGE MAY BE CONDOMINIUMIZED OR SOLD SEPARATELY FROM A CONDOMINIUM UNIT.
8. A FIVE (5) FOOT WIDE PUBLIC UTILITY EASEMENT EXISTS AS SHOWN HEREON.
9. A TEN (10) FOOT WIDE SEWER EASEMENT EXISTS AS SHOWN HEREON.
10. REFER TO THE ORIGINAL PLAT OF SHUM'S FRENCHMAN'S PLACE CONDOMINIUMS, RECORDED AS INSTRUMENT NO. 512241. PARANTHETICAL BEARINGS AND DISTANCES ARE IN PAR 783 IDAHO STATE PLAT CENTRAL ZONE AT GRID, BASED ON PUBLISHED PARAMETERS FOR BLAINE COUNTY CONTROL POINT 'W51/4311'.
11. PARANTHETICAL BEARINGS AND DISTANCES ARE IN PAR 783 IDAHO STATE PLAT CENTRAL ZONE AT GRID, BASED ON PUBLISHED PARAMETERS FOR BLAINE COUNTY CONTROL POINT 'CEMETERY'.

### LEGEND:

- PROPERTY BOUNDARY
- - - PUBLIC UTILITY EASEMENT
- - - SEWER EASEMENT
- FOUND 1/2" REBAR
- FOUND 5/8" REBAR
- FOUND ALUMINUM CAP
- COMMON AREA
- ▨ LIMITED COMMON - STORAGE
- ▨ LIMITED COMMON - PARKING
- ▨ PUBLIC UTILITY EASEMENT

### HEALTH CERTIFICATE

Sanitary restrictions as required by Idaho Code Title 50, Chapter 13, have been satisfied. Sanitary restrictions may be reimposed, in accordance with Idaho Code Title 50, Chapter 13, Section 50-1326, by the issuance of a certificate of disapproval.

Date: \_\_\_\_\_  
Blaine County Health Dept. 2015



**SHUM'S FRENCHMAN'S PLACE  
CONDOMINIUMS  
UNITS 1A, 2A, 3A & 10**

PREPARED FOR: FRENCHMAN'S PLACE LLC

PROJECT NO. D2004      DRAWN BY: CPL/DMP      FILE: 07004PG1.DWG  
A CONDOMINIUM PLAT      DATE: 10/11/07      SHEET: 1 OF 7

PREPARED BY: BENCHMARK ASSOCIATES P.A.  
P.O. BOX 723 - 100 BELL DRIVE  
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PHONE (208) 726-9512 FAX (208) 726-9514  
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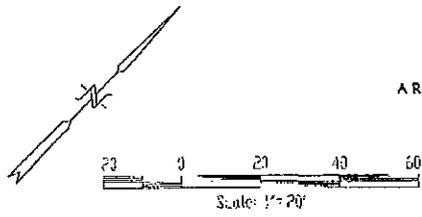
HAD '83 IDAHO STATE PLAT CENTRAL ZONE GRID BRO. & DIST. BASED ON PUBLISHED PARAMETERS FOR BLAINE COUNTY CONTROL POINT 'CEMETERY'  
(N 28°46'15" W 399.617)

# SHUM'S FRENCHMAN'S PLACE CONDOMINIUMS UNITS 1A, 2A, 3A & 10

LOCATED WITHIN: T4N, R17E, SEC. 13, B.M., KETCHUM, BLAINE COUNTY, IDAHO

A REPLAT OF SHUM'S FRENCHMAN'S PLACE CONDOMINIUMS (INST. NO. 524898) CREATING UNITS 1A, 2A, 3A & 10, NEW LIMITED COMMON AREAS ON PARKING LEVEL AND DESIGNATED STORAGE AREAS ON SECOND AND THIRD FLOORS.

OCTOBER 2007



T.P.O.B.



**PARKING LEVEL : LIMITED COMMON  
PARKING AND STORAGE**

F.F. ELEV. = 5809.8'

- LIMITED COMMON - STORAGE
- LIMITED COMMON - PARKING
- FF = FINISHED FLOOR
- AFF = ABOVE FINISHED FLOOR
- = CEILING HEIGHT

	<b>SHUM'S FRENCHMAN'S PLACE CONDOMINIUMS</b> UNITS 1A, 2A, 3A & 10	
	PREPARED FOR: FRENCHMAN'S PLACE LLC	
PROJECT NO. 07004	DRAWN BY: JEL/DHP/EPL	FILE 07004002-S.DWG
CONDOMINIUM PLAT	DATE: 09/12/07	SHEET: 2 OF 7

PREPARED BY: BENCHMARK ASSOCIATES P.A.  
 P.O. BOX 733 - 100 RFI DRIVE  
 KETCHUM, IDAHO 83340  
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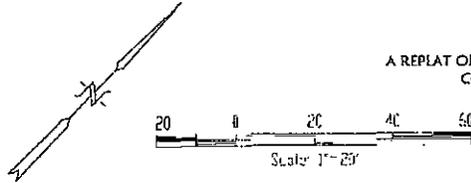
# SHUM'S FRENCHMAN'S PLACE CONDOMINIUMS

## UNITS 1A, 2A, 3A & 10

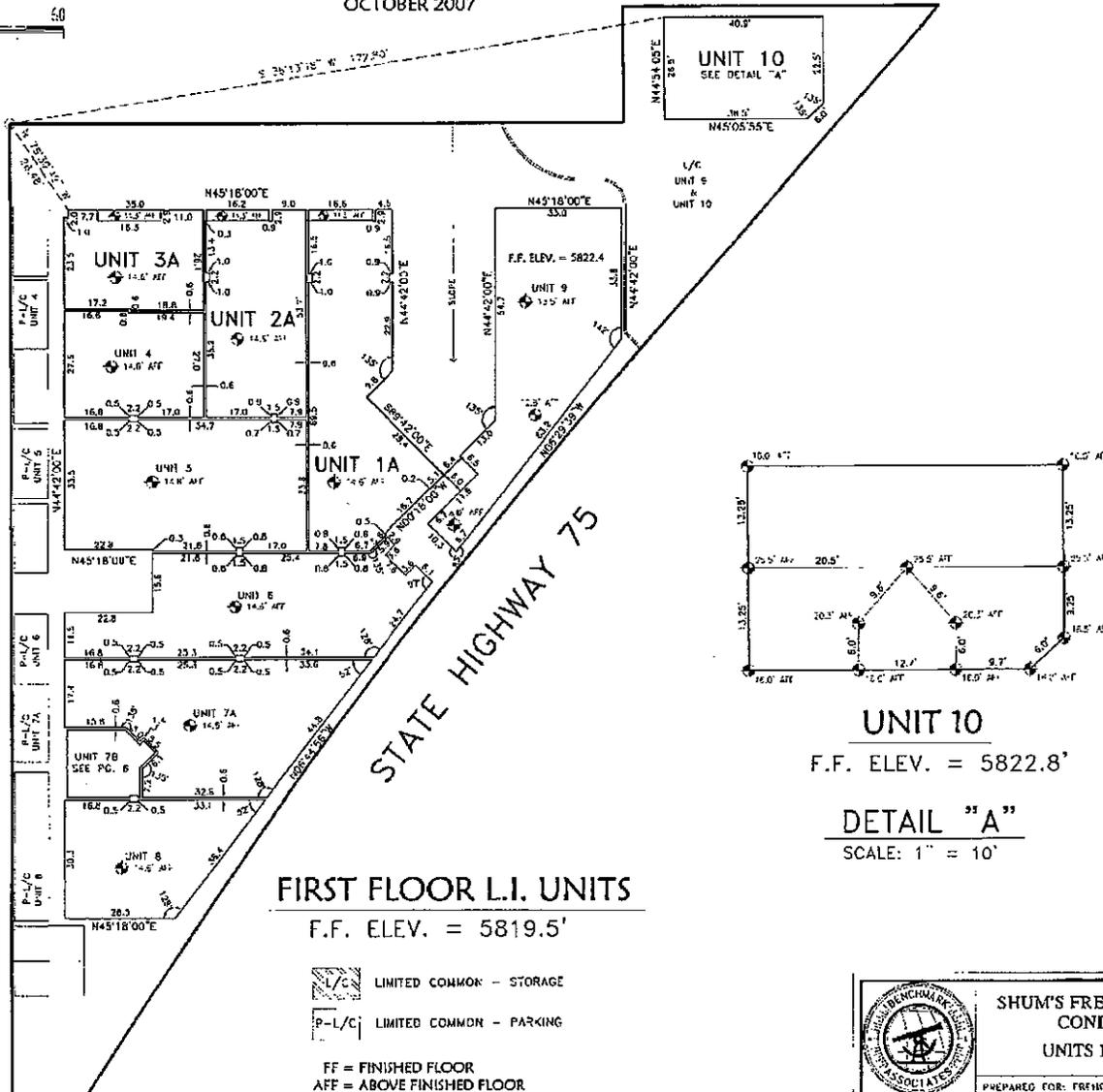
LOCATED WITHIN: T4N, R17E, SEC. 13, B.M., KETCHUM, BLAINE COUNTY, IDAHO

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OCTOBER 2007



T.P.O.B.



**FIRST FLOOR L.I. UNITS**

F.F. ELEV. = 5819.5'

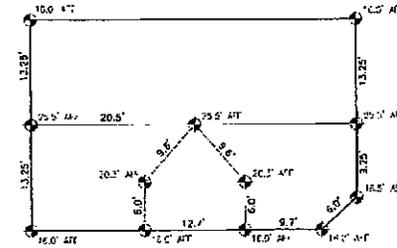
LIMITED COMMON - STORAGE

LIMITED COMMON - PARKING

FF = FINISHED FLOOR

ATF = ABOVE FINISHED FLOOR

= CEILING HEIGHT



**UNIT 10**

F.F. ELEV. = 5822.8'

**DETAIL "A"**

SCALE: 1" = 10'

PREPARED BY: BENCHMARK ASSOCIATES P.A.  
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**SHUM'S FRENCHMAN'S PLACE CONDOMINIUMS**  
UNITS 1A, 2A, 3A & 10

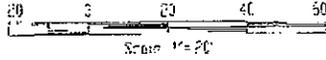
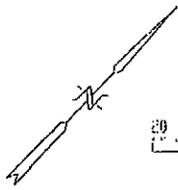
PREPARED FOR: FRENCHMAN'S PLACE LLC  
PROJECT NO. 07004 DRAWN BY: JCL/DMP/CPL FILE: 07004pg2-5.DWG  
CONDOMINIUM PLAT DATE: 08/12/07 SHEET: 3 OF 7

# SHUM'S FRENCHMAN'S PLACE CONDOMINIUMS UNITS 1A, 2A, 3A & 10

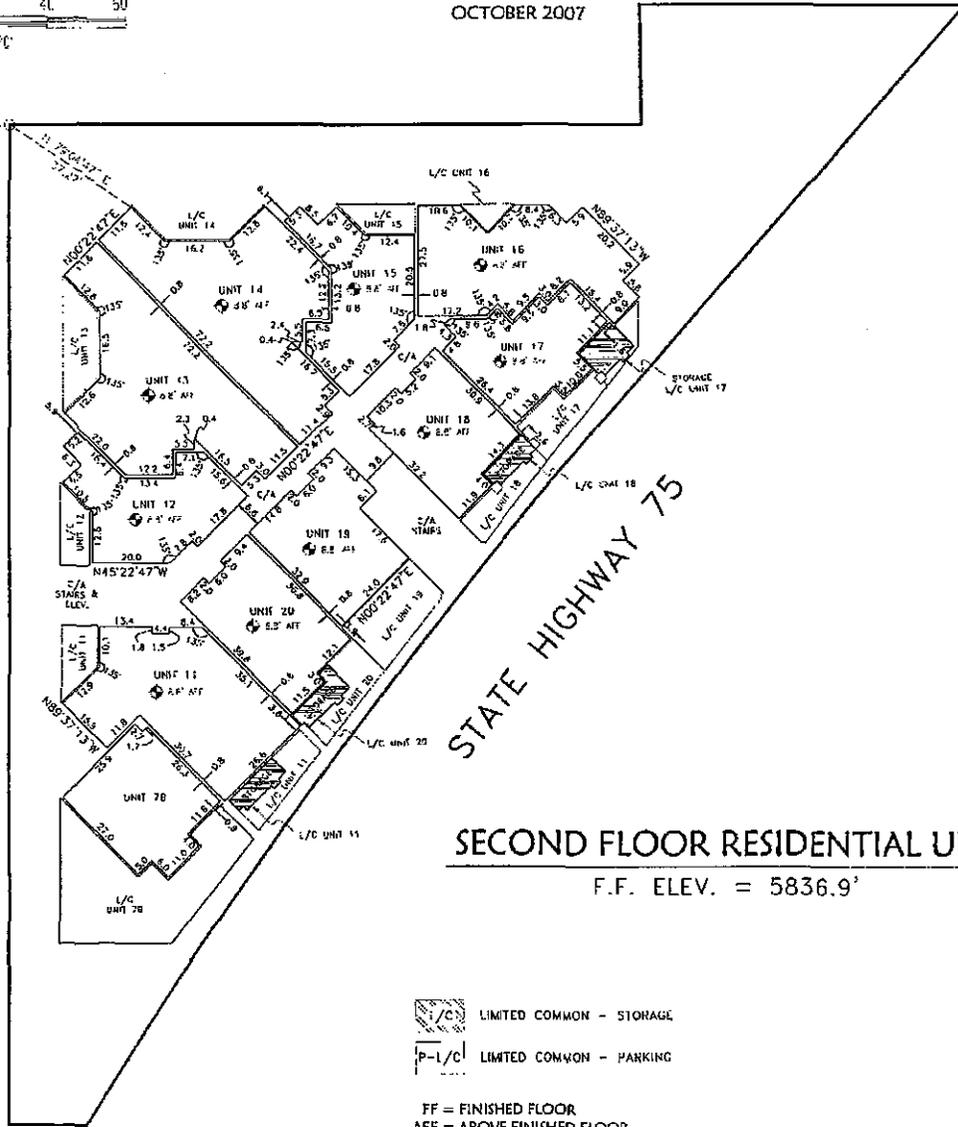
LOCATED WITHIN: T4N, R17E, SEC. 13, B.M., KETCHUM, BLAINE COUNTY, IDAHO

A REPLAT OF SHUM'S FRENCHMAN'S PLACE CONDOMINIUMS (INST. NO. 524898) CREATING UNITS 1A, 2A, 3A & 10, NEW LIMITED COMMON AREAS ON PARKING LEVEL, AND DESIGNATED STORAGE AREAS ON SECOND AND THIRD FLOORS.

OCTOBER 2007



T.P.O.B.



## SECOND FLOOR RESIDENTIAL UNITS : LIMITED COMMON STORAGE

F.F. ELEV. = 5836.9'

- LIMITED COMMON - STORAGE
- LIMITED COMMON - PARKING

- FF = FINISHED FLOOR
- AFF = ABOVE FINISHED FLOOR
- = CEILING HEIGHT

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**SHUM'S FRENCHMAN'S PLACE  
CONDOMINIUMS  
UNITS 1A, 2A, 3A & 10**

PROJECT NO. 07004	DRAWN BY: JTI/DMP/CFPI	FILE 07004mg2-5.DWG	PREPARED FOR: FRENCHMAN'S PLACE LLC
CONDOMINIUM PLAN	DATE: 09/12/07	SHEET: 4 OF 7	

# SHUM'S FRENCHMAN'S PLACE CONDOMINIUMS UNITS 1A, 2A, 3A & 10

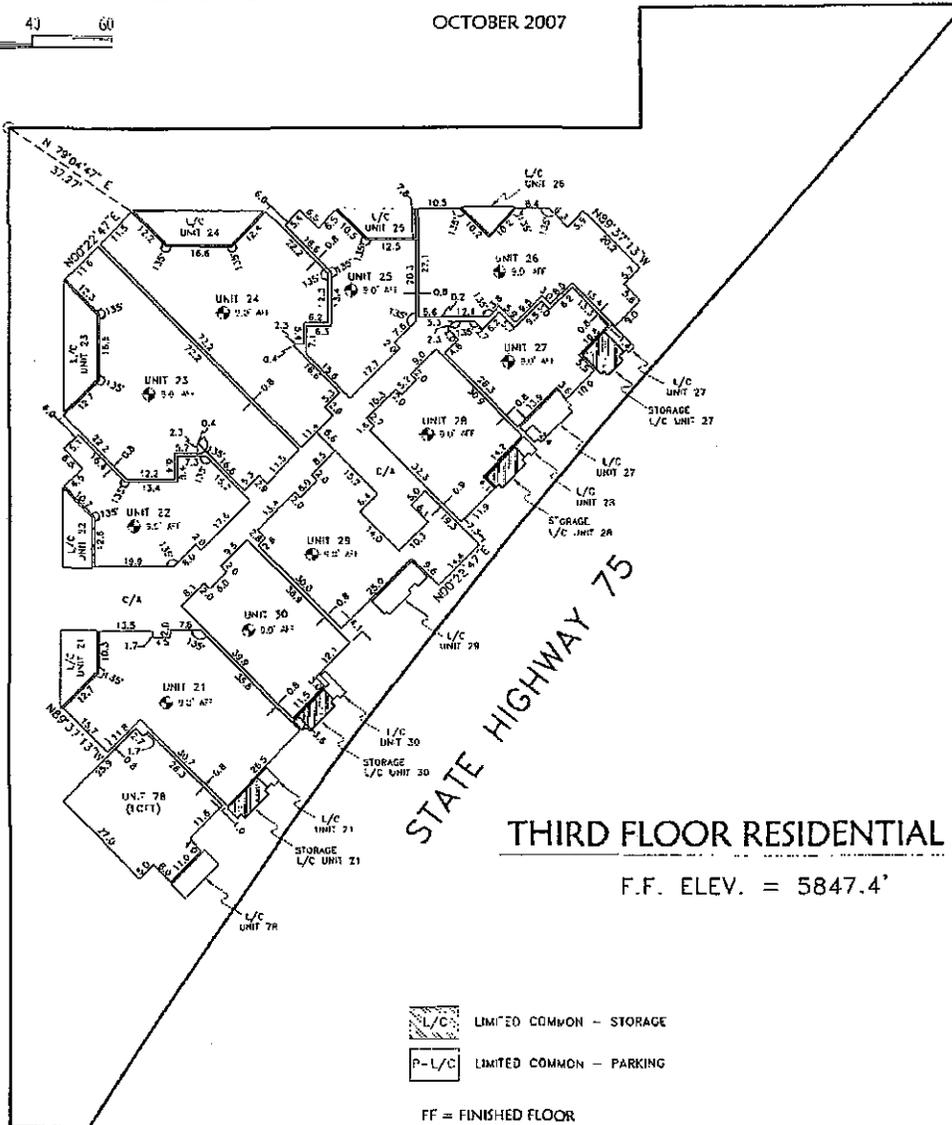
LOCATED WITHIN: T4N, R17E, SEC. 13, B.M., KETCHUM, BLAINE COUNTY, IDAHO

A REPLAT OF SHUM'S FRENCHMAN'S PLACE CONDOMINIUMS (INST. NO. 524898) CREATING UNITS 1A, 2A, 3A & 10, NEW LIMITED COMMON AREAS ON PARKING LEVEL, AND DESIGNATED STORAGE AREAS ON SECOND AND THIRD FLOORS.

OCTOBER 2007



T.P.O.B.



STATE HIGHWAY 75

## THIRD FLOOR RESIDENTIAL UNITS : LIMITED COMMON STORAGE

F.F. ELEV. = 5847.4'

LIMITED COMMON - STORAGE

LIMITED COMMON - PARKING

FF = FINISHED FLOOR  
AFF = ABOVE FINISHED FLOOR  
⊙ = CEILING HEIGHT

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SHUM'S FRENCHMAN'S PLACE  
CONDOMINIUMS  
UNITS 1A, 2A, 3A & 10

PREPARED FOR: FRENCHMAN'S PLACE, LLC  
PROJECT NO. 07004  
DRAWN BY: JEL/DWP/CPL  
CONDOMINIUM PLAT  
DATE: 09/12/07  
FILE: 07004p2-5.DWG  
SHEET: 5 OF 7