

Tungsten Holdings, Inc. Porthill Tracts

228598

The following conditions, covenants and restrictions shall attach to and run with the following described lands more particularly described as follows:

All those portions of land located in the East Half of the Southeast Quarter and that portion in the Southeast Quarter of the Southeast Quarter of the Northeast Quarter of Section 17, Township 65 North, Range 1 West, B.M., Boundary County, Idaho, lying south of the access road as described in the attached Exhibit "A"; and all that portion in the Northeast Quarter of Section 20, Township 65 North, Range 1 West, B.M., Boundary County, Idaho, lying east of County Road 46, also known as Farm to Market Road.

EXCEPT that portion described in Record Of Survey recorded December 21, 2005, in Book 6 of Surveys, Page 7, as Instrument No. 224323, on file in the office of the Clerk and Recorder, Boundary County, Idaho.

Tungsten Holdings, Inc. warrants that it is the sole owner of all the lands identified above.

Conditions, Covenants, and Restrictions

1. **No mobile homes** or manufactured homes may be stored or situated on the property. Recreational vehicles (RV's) are permitted, as long as they are not used as a permanent residence.
2. The keeping of any animal(s) shall not disturb the enjoyment of neighboring properties (i.e. no aggressive behavior, excessive noise, dust or odors, etc.). Livestock (i.e. horses, cattle, llamas, sheep, goats or pigs, etc.) are limited to **one (1) animal per acre**. Livestock and household pets must be fenced, tethered or otherwise controlled and not allowed to roam onto neighboring properties.
3. Should any landowner cause or be responsible for causing **excessive wear or damage** to any part of the road system that serves as access to other properties within the boundaries of the property described above, then the landowner responsible for such damages shall be responsible for repairing the road and restoring it to a condition as good as or better than before the damage occurred.
4. **No junkyards or wrecking yards shall be allowed.** No abandoned, inoperative, or non-running vehicles to be stored outside of an enclosed building. Vehicles may not be stored on the property outside of an enclosed building for the purpose of being repaired for longer than 30 days.
5. Off-Road Vehicles (including, but not limited to, motorcycles and ATV's), will be allowed so long as they **do not become a detriment or nuisance**, such as excessive dust, noise or persistent use, to the neighborhood
6. **No excessive noise, traffic, dust, odors, etc.**

Remedies and Amendments

1. These Conditions, Covenants, and Restrictions may be amended, but only with the approval of all landowners.

Exhibit "A"

An easement for access and utilities in the Southeast Quarter of the Northeast Quarter (SE1/4 NE1/4) and the East Half of the Southeast Quarter (E1/2 SE1/4) of Section 17, Township Sixty-five (65) North, Range One (1) West of the Boise Meridian, Boundary County, Idaho, being Sixty (60) feet in width and lying Thirty (30) feet on each side of the following described centerline:

Commencing at the intersection of the east line of the SE1/4 NE1/4 and the southwesterly right of way of State Highway No. 1, which is N 00°18'31" W, 132.52 feet from the East Quarter (E1/4) corner of Section 17; thence, leaving said east line and along said right of way N 48°39'12" W, 290.04 feet to the intersection with the centerline of a road as it was found to exist September 1, 2006 and the TRUE POINT OF BEGINNING; thence, leaving said right of way S 43°46'01" W, 8.51 feet; thence, on a curve to the right having a central angle of 27°02'01", a radius of 608.07 feet, for an arc length of 286.91 feet (chord = S 57°17'02" W, 284.25 feet); thence S 70°48'02" W, 91.89 feet; thence, on a curve to the left having a central angle of 59°39'12", a radius of 142.10 feet, for an arc length of 147.95 feet (chord = S 40°58'26" W, 141.36 feet); thence, on a curve to the left having a central angle of 10°52'36", a radius of 1252.16 feet, for an arc length of 237.70 feet (chord = S 05°42'32" W, 237.35 feet); thence S 00°16'14" W, 2422.69 feet to the southeast corner of the above described tract and the terminus of this easement, with the sidelines extended or shortened to intersect adjacent boundaries.

STATE OF IDAHO }
 County of Boundary } SS.
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 County Recorder [Signature]
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