



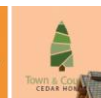
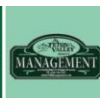
**“Local Brokerage, National Results.”**

## Maps & Documents

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# ALLIANCE

TITLE & ESCROW CORP.

*Yes, it matters where you close.*

## **Plat Maps and/or CC&R's**

A complete list of our locations and contact information can be found at:

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198443 JUN26 08 PM 2 54

JUN 24 2008

**PROTECTIVE  
COVENANTS, CONDITIONS AND RESTRICTIONS FOR  
NETHERCOTT ACRES SUBDIVISION  
TETON COUNTY, STATE OF IDAHO**

RECEIVED

THIS DECLARATION IS MADE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2008

In order to protect Homeowners and subsequent lots of Nethercott Acres Subdivision, Driggs, Idaho, the Developer, Joe and Donna Nethercott, hereby establishes the following restrictive covenants on said real estate, which covenants shall be prior to any and all claims of any type and which covenants shall run with the land.

When used hereinafter, the term Nethercott Subdivision shall mean Nethercott Acres Subdivision or any successor in interest by merger or consolidation and any successor to all or any particular interest under this declaration under an instrument of assignment or conveyance specifically designating the assignee to grantee as such successor in interest to Nethercott Subdivision.

Instrument # 198443  
TETON COUNTY, IDAHO  
6-26-2008 02:54:00 No. of Pages: 5  
Recorded for : NELSON ENGINEERING  
MARY LOU HANSEN Fee: 15.00  
Ex-Officio Recorder Deputy  
Index to: DECLARATION OF COVENANTS

**I. GENERAL PURPOSES**

1. **GENERAL PURPOSES:** This declaration is executed to establish and maintain as part of a general plan any property now or hereafter subject here to as part of a scenic and pastoral mountain residential area of the highest possible quality and value; and to provide seclusion and a pleasant environment to persons acquiring title to such property.

**II. PROPERTY SUBJECT TO DECLARATION**

2. **PROPERTY COVERED:** Real property located in Teton County, Idaho designated as Nethercott Subdivision according to the plats thereof, recorded with this instrument, records of Teton County, Idaho.

**III. LAND CLASSIFICATIONS AND DEFINITIONS**

3. **LOTS:** As used herein a lot shall be any lot, site or tract shown on recorded plat.

4. **PROPERTY:** As used herein, property shall mean any and all property which is now or may hereafter be subject to this declaration, including lots, and including public or private streets and roads and any private or public easements or ways and including any and all improvements or any of the foregoing.

5. **COMMON SERVICES:** Common Services shall mean roadway maintenance, including weed control and snow removal services, utility line maintenance or repair services for common road and utility lines located in the right of ways of such roads. Utility lines shall include electric and telephone lines. Irrigation lines shall be located in the irrigation right of way, located on the subdivision boundary.

6. HOMEOWNERS ASSOCIATION: The Association shall mean all of the home owners of the Nethercott Subdivision. The Association shall be represented by the Board of Directors. The Board of Directors shall consist of one owner of each of the three lots in the subdivision. The homeowners association shall collect adequate dues to maintain common services.

7. POWERS: The Directors or other board established by the Directors will have the power specified herein plus those powers necessary to enforce the covenants, conditions and restrictions established by the declaration. All decisions of the Board of Directors will be made by a majority vote of the Directors.

8. DUTIES: It shall be the duty of the Board of Directors to consider and act upon such proposals for plans submitted to it from time to time and to adopt architectural control rules. The Board of Directors shall also enforce the covenants, conditions, and restrictions established herein.

9. AUTHORIZED STRUCTURES: No buildings or structures shall be constructed, placed or maintained on any lot except one (1) primary residence, a garage facility, one (1) guest house, and associated out buildings such as stable, barn and corral facilities, not to exceed four(4) buildings or structures on any lot. All structures are to be similar in design and materials. Setbacks are to comply with current Teton County Zoning Regulations; 30 feet front; 30 feet sides; 40 feet rear. No building may exceed 30 feet in height from the natural grade of the property. Questions on setbacks and building heights may be directed to the Teton County Building Official. No maintenance building for the development is provided.

10. DESIGN CHARACTER: In order to compliment the scenic corridor and allow for a more appealing subdivision, all houses must contain a rustic and natural appearance on the front of the house. This may be accomplished through the use of natural rock, cultured stone, wood siding, wood pillars, and other types of materials with natural earth tones. The facial appearance of the house must be authorized by the Directors to verify that it compliments the scenic corridor.

(A). If a lot owner has a basement, the lot owner assumes all responsibility for any resulting water issues related to their basement. The Board of Directors recommend that lot owners consult with their home builders and engineers when considering a structure with a basement and do not warrant the suitability of any lot for basements.

#### **IV. GENERAL RESTRICTIONS**

All real property within Nethercott Subdivision shall be held, used and enjoyed subject to the following limitations and restrictions:

11. SUBDIVIDING: No lot shall be further divided.

12. ANIMALS: Pets must be common indoor household pets such as dogs, cats or birds and must be kept solely as domestic pets and not for any commercial purpose. Such pets shall not be larger in size than common household dogs. If any domestic, household pets, such as dogs are harassing livestock, wildlife, or people, the Directors shall have authority to have such

animal or animals impounded. Owners shall be responsible for any cost of impoundment. No owner of any animal or animals impounded for harassing livestock, wildlife or people shall have the right to legal action against the Association, Board of Directors or any member thereof.

13. LIVESTOCK: Each lot owner shall be responsible for maintaining adequate pasture to ensure healthy livestock.

14. PASTURE MAINTENANCE: All pastures and general landscapes are to be maintained in a greened, verdant condition as the seasons allow. The paddock is to be used to rest the pastures, as required to maintain its verdant condition. The paddock shall not be built within 50-feet of the property line between subdivision lines.

15. NUISANCES: No rubbish or debris of any kind shall be placed or permitted to accumulate upon any property within Nethercott Acres Subdivision. No weeds or grass on unimproved lots shall be permitted to grow higher than 12 inches before it is mowed. Each owner shall take all actions necessary to control noxious weeds as defined by the standards and guidelines established by Teton County, Idaho and/or by the Board of Directors. No odors shall be permitted to arise from any lots so as to render any such property or any portion thereof unsanitary, unsightly, offensive or detrimental to any other property in the vicinity thereof or to its occupants. No noise or other nuisance shall be permitted to exist or operate upon any such property so as to be offensive or detrimental to any other property in the vicinity thereof or to its occupants. Without limiting the generality of any of the foregoing provisions, no exterior speakers, horns, whistles, bells, or other sound devices (other than security devices used exclusively for security purposes) shall be located, used or placed on any such property. No owner shall install or maintain any exterior lighting which obtrudes on any of the other lots or creates a glare source as viewed from other properties. Exterior lighting shall comply with Teton County Subdivision Ordinance 9-4-12, as amended.

16. REPAIR OF BUILDINGS: No improvement upon any property within Nethercott Acres Subdivision shall be permitted to fall into disrepair, and each such improvement shall at all times be kept in good condition and repair and adequately painted or otherwise finished by the owner.

17. NO HAZARDOUS ACTIVITIES: No activities shall be conducted on any property and no improvements constructed on any property which are or might be unsafe or hazardous to any person or property.

18. UNSIGHTLY ARTICLES: No unsightly articles shall be permitted to remain so as to be visible from adjoining property. Without limiting the generality of the foregoing, trailers, mobile homes, trucks other than pickups, snowmobiles and snow removal equipment shall be kept at all times, except when in actual use, in an enclosed structure approved by the Board of Directors. Refuse, garbage and trash shall be kept at all times in a covered, noiseless container and any such container shall be kept within an enclosed structure or fully screened from view, so as to not be visible; and no lumber, grass shrub or tree clippings or plant waste, metals, bulk materials or script or refuse or trash shall be kept, stored, or allowed to accumulate on any property except within an enclosed structure or fully screened from view, so as to not be visible.

19. RIGHT TO FARM ACT: This Declaration shall be in compliance with the Right to Farm Act – Idaho Code Title 22, Chapter 45, 22-45-01 through 22-45-04 is hereby made of this document.

20. OUTDOOR LIGHTING: Exterior lighting brighter than a 60 watt incandescent light shall be shielded so that no light is projected above the horizontal, and the light source shall be diffused or shielded so that it cannot be seen from public areas or roadways or any other property.

(A) Motion sensor lights are encouraged.

(B) Floodlights shall not shine directly onto roadways or other lots or properties.

(C) Lights shall be set back from the property line at least three times the height of the lamp is above grade.

**(D) All exterior lighting shall be in compliance with the Teton County Subdivision Ordinance Section 9-4-12.**

21. ROADS: The roadway shall be built and maintained to Teton County Road & Bridge standards. The roadway shall be open to public use but shall be maintained as a private roadway, until such time that Teton County wishes to assume responsibility for maintenance.

22. FIRE PROTECTION: A Fire Protection agreement was made between Valley Vista Estates and Nethercott Acres and recorded with Teton County, Idaho. It shall be the responsibility of each lot owner within Nethercott Acres to read and understand said agreement. This agreement specifically states each lot within Nethercott Acres shall be responsible for paying an annual maintenance assessment to be applied towards the water system within Valley Vista Estates for fire protection. This fee shall be collected by the Nethercott Acres Homeowners Association and paid to the Valley Vista Estates Home Owners, Inc., no later than the 10<sup>th</sup> day of the annual anniversary of said agreement. If payment is not received, penalties including but not limited to, all costs of collection, including attorney's fees shall be paid by the defaulting party.

23. The property has water rights in the Cherry Grove Irrigation District. Property owners may utilize their water and are required design irrigation features as to not interfere with down water users.

TETON COUNTY  
PLANNING & ZONING

JUN 24 2008

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