

Instrument # 838466  
BONNER COUNTY, SANDPOINT, IDAHO  
1-16-2013 03:42:50 No. of Pages: 4  
Recorded for : J T DIEHL  
MARIE SCOTT Fee: 19.00 *CB*  
Ex-Officio Recorder Deputy  
Index to: MISC

## AMENDMENT TO WESTWOOD AGREEMENT

THIS AMENDMENT is entered into this 16<sup>th</sup> day of January, 2013, by and between WESTWOOD VILLAGE OWNERS ASSOCIATION (hereinafter VILLAGE), and WESTWOOD TERRACE OWNERS ASSOCIATION (hereinafter TERRACE).

### RECITALS

WHEREAS, on or about December 3, 1983, the parties, along with others, entered into an Agreement relating to various rights and obligations flowing between the parties associated with the separate development of real property in Bonner County, Idaho, which Agreement was recorded as Instrument No. 288946, on the 12th day of July, 1984; and

WHEREAS, pursuant to the Agreement, TERRACE was to pay to VILLAGE an annual assessment in the original sum of \$2,500.00 as consideration for the use by TERRACE Owners of a Lakefront Easement located within the Common Area of VILLAGE property; and

WHEREAS, pursuant to the 1983 Agreement, the assessment was subject to an annual adjustment based upon the Consumer Price Index. For calendar year 2012, the amount assessed and paid was the sum of \$2,580.00; and

WHEREAS, by Amendments to the VILLAGE Condominium Declaration as well as the Covenants, Conditions and Restrictions of TERRACE recorded August 28, 2012, as Instrument No.'s 831526 and 831527 respectively, the parties approved the transfer of Lot 30 of TERRACE (less the West 2' thereof) into the common area for VILLAGE; and

WHEREAS, in consideration for the transfer of Lot 30, VILLAGE agreed to reduce the annual assessment due from TERRACE for use of the Lakefront Easement.

**NOW, THEREFORE, BASED UPON THE FOREGOING RECITALS, THE PARTIES AGREE AS FOLLOWS:**

1. Provision 4(b) of the Agreement recorded July 12, 1984, as Instrument No. 288946 is hereby modified to reduce the annual assessment due from TERRACE to VILLAGE for use of the lakefront easement by \$500.00, and eliminate entirely the Consumer Price Index based adjustment added to the assessment each year.

2. The assessment due on July 1, 2013 and each July 1 thereafter shall be the sum of \$2,000.00.

3. With the exception of the foregoing, all other terms and conditions of the parties' original agreement unless otherwise modified herein shall remain in full force and effect.

**WESTWOOD VILLAGE HOMEOWNERS ASSOCIATION, INC.,  
an Idaho corporation**

By: Jerry Binder  
Jerry Binder, President

By: Rocky Seelbach  
Rocky Seelbach, Secretary

**WESTWOOD TERRACE OWNERS ASSOCIATION, INC.,  
an Idaho corporation**

By: John G. Robertson  
John G. Robertson, President

By: James M. Nieman  
James M. Nieman, Secretary

STATE OF IDAHO            )  
                                          ) ss.  
County of Bonner         )

On this 27<sup>th</sup> day of December, 2012, before me, a Notary Public in and for said state, personally appeared JERRY BINDER and ROCKY SEELBACH, known or identified to me to be the President and Secretary, respectively, of WESTWOOD VILLAGE HOMEOWNERS ASSOCIATION, INC., an Idaho corporation, 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.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on the day and year last above written.



Dana L Anderson  
NOTARY PUBLIC—State of Idaho  
Residing at: Sandpoint, Idaho  
Commission Expires: 8-5-2016

STATE OF IDAHO            )  
                                          ) ss.  
County of Bonner         )

On this 16<sup>th</sup> day of January, 2012, before me, a Notary Public in and for said state, personally appeared JOHN G. ROBERTSON, known or identified to me to be the President of WESTWOOD TERRACE OWNERS ASSOCIATION, INC., an Idaho corporation, 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.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on the day and year last above written.

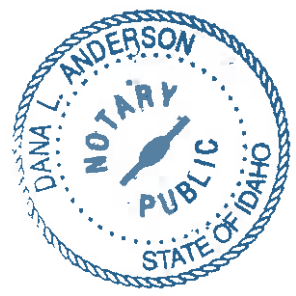


Dana L Anderson  
NOTARY PUBLIC—State of Idaho  
Residing at: Sandpoint, Idaho  
Commission Expires: 8-5-2016

STATE OF IDAHO            )  
                                          ) ss.  
County of Bonner         )

On this 15<sup>th</sup> day of January, 2012, before me, a Notary Public in and for said state, personally appeared JAMES M. NIEMAN, known or identified to me to be the Secretary of WESTWOOD TERRACE OWNERS ASSOCIATION, INC., an Idaho corporation, 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.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on the day and year last above written.



Dana L Anderson  
NOTARY PUBLIC—State of Idaho  
Residing at: Sandpoint, Idaho  
Commission Expires: 9-5-2016