

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

APR 24 2017

Notice of Change in Water Right Ownership

Department of Water Resources
Eastern Region

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column. If the water right is leased to the Water Supply Bank, check "Yes". If you are not sure if the water right is leased to the Water Supply Bank, see #6 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
29-2182	Yes ☐	Yes ☐	29-2182 (Split into 29-2182, 29-14053 & 29-14246)		☐
29-4264	es ☐	Yes ☐	29-4264 (Split into 29-42642, 29-14052 & 29-14250)		☐
29-13886	Yes ☐	Yes ☐	29-13886 (Split into 29-13886, 29-14054 & 29-14243)		☐
29-13888	Yes ☐	Yes ☐	29-13888 (Split into 29-13888, 29-14055 & 29-14244)		☐
29-13890	Yes ☐	Yes ☐	29-13890 (Split into 29-13890, 29-14056 & 29-14245)		☐

2. Previous Owner's Name: Trail Creek Development LLC
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): The Bank of Commerce, Custodian FBO Jedd Thomas, IRA (50%) and The Bank of Commerce, Custodian FBO Randall Thomas, IRA (50%)
New owner(s) as listed on the conveyance document

P.O. Box 1887 Idaho Falls ID 83403
Mailing address City State ZIP

(208) 525-9184
Telephone Email

4. If the water rights and/or adjudication claims were split, how did the division occur?
☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.
5. Date you acquired the water rights and/or claims listed above: _____
6. If the water right is leased to the Water Supply Bank changing ownership of a water right will reassign to the new owner any Water Supply Bank leases associated with the water right. Payment of revenue generated from any rental of a leased water right requires a completed IRS Form W-9 for payment to be issued to an owner. A new owner for a water right under lease shall supply a W-9. Water rights with multiple owners must specify a designated lessor, using a completed Lessor Designation form. Beginning in the calendar year following an acknowledged change in water right ownership, compensation for any rental will go to the new owner(s).
7. This form must be signed and submitted with the following **REQUIRED** items:

- ☒ A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
- ☒ Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
- ☒ Filing fee (see instructions for further explanation):

- o \$25 per *undivided* water right.
- o \$100 per *split* water right.
- o No fee is required for pending adjudication claims.

- ☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.
- ☐ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.

8. Signature: Andrea Zurdul AVP - TRUST DEPT. MANAGER 4/19/17
Signature of new owner/claimant Title, if applicable Date

Signature: Andrea Zurdul AVP - TRUST DEPT. MANAGER 4/19/17
Signature of new owner/claimant Title, if applicable Date

For IDWR Office Use Only:

Received by JB Date 4/24/2017 Receipt No. E043433 \$325. - Receipt Amt. \$175. -
E042953

Active in the Water Supply Bank? Yes ☐ No ☐ If yes, forward to the State Office for processing W-9 received? Yes ☐ No ☐

Name on W-9 _____ Approved by JB Processed by CF Date 1/16/18

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

APR 24 2017

Department of Water Resources
Eastern Region

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1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column. If the water right is leased to the Water Supply Bank, check "Yes". If you are not sure if the water right is leased to the Water Supply Bank, see #6 of the instructions. DL ✓

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
29-14053	Yes ☐	Yes ☐		Yes ☐	Yes ☐
29-14052	Yes ☐	Yes ☐		Yes ☐	Yes ☐
After Correction	Yes ☐	Yes ☐		Yes ☐	Yes ☐
29-14246	Yes ☐	Yes ☐		Yes ☐	Yes ☐
29-14250	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Howard & Marilyn Armstrong Trust

Name of current water right holder/claimant

3. New Owner(s)/Claimant(s):

The Bank of Commerce, Custodian FBO Jedl Thomas, IRA (50%) and
The Bank of Commerce, Custodian FBO Randall Thomas, IRA (50%)

New owner(s) as listed on the conveyance document

Name connector

☒ and ☐ or ☐ and/or

P.O. Box 1087

Mailing address

Idaho Falls

City

ID

State

83403

ZIP

(208) 525-9184

Telephone

Email

4. If the water rights and/or adjudication claims were split, how did the division occur?

- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

5. Date you acquired the water rights and/or claims listed above: _____

6. If the water right is leased to the Water Supply Bank changing ownership of a water right will reassign to the new owner any Water Supply Bank leases associated with the water right. Payment of revenue generated from any rental of a leased water right requires a completed [IRS Form W-9](#) for payment to be issued to an owner. A new owner for a water right under lease shall supply a W-9. Water rights with multiple owners must specify a designated lessor, using a completed [Lessor Designation](#) form. Beginning in the calendar year following an acknowledged change in water right ownership, compensation for any rental will go to the new owner(s).

7. This form must be signed and submitted with the following **REQUIRED** items:

- ☒ A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
☒ Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
☒ Filing fee (see instructions for further explanation):
 ☐ \$25 per undivided water right.
 ☐ \$100 per split water right.
 ☐ No fee is required for pending adjudication claims.
☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.
☐ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.

8. Signature: Andrea Lurdal

Signature of new owner/claimant

AWP+ TRUST DEPT. MANAGER 4/19/17

Title, if applicable

Date

Signature: Andrea Lurdal

Signature of new owner/claimant

AWP+ TRUST DEPT. MANAGER 4/19/17

Title, if applicable

Date

For IDWR Office Use Only:

Received by JLB Date 4/24/2017

Receipt No. E042953

Receipt Amt. \$175 -

Active in the Water Supply Bank? Yes ☐ No ☐

If yes, forward to the State Office for processing

W-9 received? Yes ☐ No ☐

Name on W-9 _____

Approved by _____

Processed by _____

Date _____

\$50. - for this app.

QUITCLAIM DEED

ATEC ORDER NO.: 344792

FOR VALUE RECEIVED,

The Bank of Commerce

do(es) hereby convey, release, remise and forever quitclaim unto

**The Bank of Commerce, Custodian FBO Jedd Thomas, IRA (50%) and The
Bank of Commerce, Custodian FBO Randall Thomas, IRA (50%)**

whose current address is: PO Box 1887, Idaho Falls, ID 83403

the following described premises:

Parcel 1:

A parcel of land located in Section 28, Township 6 South, Range 34 East, Boise Meridian, Bannock County, Idaho, described as follows:

COMMENCING at the Southeast corner of Section 28, Township 6 South, Range 34 East, Boise Meridian, being marked by a City of Pocatello 2" aluminum cap as described in corner perpetuation and filing record Instrument No. 20715537.

Thence North 00°49'18" East (basis of bearing per Central Meridian of East Zone of the Idaho State Plane Coordinate System) along the East line of said Section 28, a distance of 1181.16 feet;

Thence North 89°10'42" West, perpendicular to said East line, a distance of 868.62 feet, to the Southwest corner of Pocatello City Limits described in Ordinance No. 2789, and recorded in the County of Bannock under Instrument No. 20614097, common with centerline station 20+94.30 per Bannock County Trail Creek Road Survey depicted on the plan and profile sheet filed under Section 27 & 28, drawer No. 8, on file in the County, also being the POINT OF BEGINNING.

Thence in a Southwesterly direction following said County Surveyed centerline following a 286.48 foot radius curve concave to the Southeast and whose center bears South 04°19'01" East through a central angle of 40°30'00" for an arc length of 202.50 feet, to centerline station 22+96.80 per County survey;

Thence North 59°11'16" West leaving said County surveyed centerline, a distance of 206.16 feet;

Thence North 25°17'16" West, a distance of 138.56 feet;

Thence North 56°12'02" West, a distance of 140.32 feet;

Thence North 89°53'55" West, a distance of 1465.55 feet;

Thence North 00°00'44" West, a distance of 1089.34 feet;

Thence South 89°41'58" East, a distance of 1185.01 feet;

Thence North 00°28'08" West, a distance of 341.56 feet;

Thence North 20°34'33" East, a distance of 239.77 feet;

Thence North 74°00'03" East, a distance of 279.57 feet;

Thence North 49°27'08" East, a distance of 275.65 feet;
 Thence South 54°04'47" East a distance of 370.61 feet, to a point on the Pocatello City Limits line described in Ordinance No. 2789, and recorded in the County of Bannock under Instrument No. 20614097;

Thence in a Southerly direction following said City Limits line the next (5) courses:

- 1) South 07°10'36" West, a distance of 255.47 feet;
- 2) South 22°56'00" West, a distance of 194.19 feet;
- 3) South 51°39'30" West, a distance of 48.42 feet;
- 4) South 10°16'03" East, a distance of 148.52 feet;
- 5) North 81°55'35" East, a distance of 42.46 feet, to Northeast corner of a parcel of land described in Deed Instrument No. 20426187 and 20426188, being marked by a ½" rebar;

Thence following the Boundary line of a said parcel for the next (6) courses:

- 1) South 68°38'26" West, a distance of 202.05 feet;
- 2) South 61°37'42" West, a distance of 217.90 feet;
- 3) North 89°32'42" West, a distance of 173.02 feet;
- 4) South 43°12'40" West, a distance of 173.45 feet;
- 5) South 22°34'54" East, a distance of 401.77 feet;
- 6) North 68°39'41" East, a distance of 609.86 feet to the Southeast corner of said parcel, being marked by a ½" rebar, also being a point on said City Limits line;

Thence in a Southerly direction following said City Limits line the next (11) courses:

- 1) South 34°28'59" East, a distance of 104.22 feet;
- 2) South 52°15'01" West, a distance of 176.12 feet;
- 3) South 57°34'16" East, a distance of 193.73 feet;
- 4) South 78°34'42" East, a distance of 168.51 feet;
- 5) South 00°21'14" West, a distance of 13.84 feet, to a point of tangency with a 135.00 foot radius curve whose center bears North 89°38'46" West;
- 6) Following said curve in a Southwesterly direction through a central angle of 38°59'00" for an arc length of 91.85 feet (the chord of said curve bears South 19°50'44" West a distance of 90.09 feet);
- 7) South 39°20'14" West a distance of 348.82 feet to a point of tangency with a 90.00 foot radius curve whose center bears South 50°39'46" East;
- 8) Following said curve in a Southwesterly direction through a central angle of 55°03'02" an arc length of 86.47 feet (the chord of said curve bears South 11°48'43" West a distance of 83.19 feet);
- 9) South 15°42'48" East a distance of 26.49 feet;
- 10) South 30°26'06" West a distance of 51.81 feet to a point on the North right of way line of Trail Creek Road;
- 11) South 04°19'01" East a distance of 33.00 feet, to the POINT OF BEGINNING.

Excepting Therefrom:

A parcel of land located in the South half of Section 28, Township 6 South, Range 34 East, Boise Meridian, Bannock County, Idaho, described as follows:

COMMENCING at the Northeast corner of Section 28, Township 6 South, Range 34 East, Boise Meridian;

Thence South 09°58'30" West (basis of bearing per the central Meridian of the East Zone of the Idaho State Plane Coordinate System) along the East line of said Section 28, a distance of 1316.53 feet, to the North 1/16 corner on the East line of said Section 28;

Thence continuing along the East line of said Section 28, South 00°16'41" West, a distance of 1306.14 feet, to the East Quarter corner of said Section 2;

Thence South 00°49'18" West on a line between said East Quarter corner and the Southeast corner of said Section 28, a distance of 1068.49 feet;

Thence North 89°10'42" West, perpendicular to said Section line, a distance of 2519.23 feet, to the POINT OF BEGINNING.

Thence South 80°06'34" West a distance of 22.59 feet, to a point of tangency with a 175.00 foot radius curve whose center bears North 09°53'28" West;

Thence following said curve in a Southwesterly direction through a central angle of 10°0'00" for an arc length of 30.54 feet (the chord of said curve bears South 85°06'34" West a distance of 30.50 feet;

Thence North 89°53'26" West, a distance of 131.12 feet;

Thence North 00°00'00" East, a distance of 137.63 feet;
 Thence North 90°00'00" West, a distance of 120.00 feet;
 Thence North 00°00'00" East, a distance of 225.00 feet;
 Thence North 90°00'00" East, a distance of 260.00 feet;
 Thence South 07°00'03" East, a distance of 359.00 feet, to the POINT OF BEGINNING.

Parcel 2:

A tract of land in the East half of the East half of Section 28 and the West half of the West half of Section 27, Township 6 South, Range 34 East, Boise Meridian, Bannock County, Idaho, described as follows:

COMMENCING at the Northwest corner of the Southeast Quarter of the Northwest Quarter of said Section 28, said point being marked with a 5/8" rebar and aluminum cap stamped PLS 843;

Thence South 89°43'09" East along the North line of said Southeast Quarter of the Northwest Quarter, a distance of 1313.01 feet to the Northeast corner of said Southeast Quarter of the Northwest Quarter, said point also being the Northwest corner of a parcel of land recorded in Warranty Deed Instrument No. 267346 and marked with a 5/8" rebar and aluminum cap stamped PLS 843;

Thence South 00°40'05" West along the West line of Warranty Deed Instrument No. 267346 a distance of 520.00 feet to 5/8" rebar and aluminum cap stamped PLS 843;

Thence South 89°19'55" East, along the South line of said Warranty Deed, 416.00 feet to a 5/8" rebar and aluminum cap stamped PLS 843;

Thence North 00°40'05" East along the East line of said Warranty Deed, 522.98 feet to a point on the North line of the Southwest Quarter of the Northeast Quarter of said Section, said point being marked with a 5/8" rebar and aluminum cap stamped PLS 843;

Thence South 89°44'31" East along the North line of said Southwest Quarter of the Northeast Quarter and the Southeast Quarter of the Northeast Quarter a distance of 1444.95 feet to the Northwest corner of a parcel described in Warranty Deed Instrument No. 484329 and marked with a 5/8" rebar and aluminum cap stamped PLS 843;

Thence South 00°43'44" West along the West line of said Warranty Deed Instrument No. 484329, a distance of 200.00 feet to a 5/8" rebar and aluminum cap stamped PLS 843, the TRUE POINT OF BEGINNING.

Thence South 89°44'31" East along the South line of said Warranty Deed Instrument No. 484329 a distance of 714.82 feet to a 5/8" rebar and aluminum cap stamped PLS 843;

Thence South 32°22'52" West 193.52 feet to a 1/2" rebar and plastic cap stamped PLS 843;

Thence South 07°30'05" East 183.80 feet to a 1/2" rebar and plastic cap stamped PLS 843;

Thence South 14°54'56" East 316.37 feet to a 1/2" rebar and plastic cap stamped PLS 843;

Thence South 38°59'43" East 126.44 feet to a 1/2" rebar and plastic cap stamped PLS 843;

Thence North 45°45'50" East 94.63 feet to a point on the Southerly line of a parcel shown on Warranty Deed Instrument No. 20106189 and marked with a 1/4" rebar and plastic cap stamped PLS 977;

Thence North 58°37'17" East along said Southerly line, 184.70 feet to a point on the Southwesterly boundary line of the Revised Plat of a portion of the West Pocatello Townsite, said point being marked with a 1/2" rebar and plastic cap stamped PLS 977;

Thence South 35°01'54" East along said Southwesterly boundary line of said Plat, 1032.85 feet to a point which intersects the centerline of Trail Creek Road;

Thence South 55°25'04" West along said road centerline, 375.12 feet;

Thence continuing along said road centerline, along a curve to the right, having a radius of 968.00 feet, through a central angle of 11°12'50" for an arc length of 189.46 feet;

Thence South 66°37'54" West continuing along said centerline, 595.81 feet;

Thence continuing along said road centerline, along a curve to the left, having a radius of 286.49 feet, through a central angle of 30°35'00" for an arc length of 152.92 feet;

Thence South 36°02'53" West continuing along said road centerline, 25.20 feet;

Thence continuing along said road centerline, along a curve to the right, having a radius of 572.95 feet, through a central angle of 21°00'00" for an arc length of 210.00 feet;

Thence South 57°02'55" West continuing along said road centerline, 59.70 feet;

Thence continuing along said road centerline, along a curve to the left, having a radius of 572.93 feet, through a central angle of 16°00'00" for an arc length of 159.99 feet;

Thence South 41°02'50" West continuing along said road centerline 112.70 feet;

Thence continuing along said road centerline, along a curve to the right, having a radius of 190.99 feet, through a central angle of 45°00'00" for an arc length of 150.00;
 Thence South 86°02'56" West continuing along said road centerline, 43.21 feet;
 Thence continuing along said road centerline, along a curve to the left, having a radius of 280.29 feet, through a central angle of 41°19'13" for an arc length of 202.14 feet;
 Thence North 45°16'20" West, leaving said road centerline, 33.00 feet to a point on the Northwestern right of way line of said Trail Creek Road, said point being marked with a 5/8" rebar and aluminum cap stamped PLS 843;
 Thence North 13°45'28" East 959.98 feet to a 1/2" rebar and plastic cap stamped PLS 843;
 Thence North 08°58'41" West 436.04 feet to a 1/2" rebar and plastic cap stamped PLS 843;
 Thence North 07°07'24" East 1231.27 feet to the TRUE POINT OF BEGINNING.

Excepting Therefrom any portion lying within Trail Creek Estates Division 1, as the same appears on the official plat thereof, recorded in the records of Bannock County, Idaho, under instrument number 20817671.

Parcel 3:

The South half of the Southwest Quarter of the Southeast Quarter of the Northeast Quarter of Section 28, Township 6 South, Range 34 East, Boise Meridian, Bannock County, Idaho.

Also:

That portion of the North half of the Northwest Quarter of the Northeast Quarter of the Southeast Quarter of Section 28, Township 6 South, Range 34 East, Boise Meridian, Bannock County, Idaho, lying North of the property boundary described Instrument No. 20817709 more particularly described as follows:

A parcel of land in the North half of the Southeast Quarter of Section 28, Township 6 South, Range 34 East, Boise Meridian, Bannock County, Idaho, described as follows:
 BEGINNING at the Northwest corner of Warranty Deed Instrument No. 93016997, said point being a 1/2" rebar and plastic cap stamped PLS 977;
 Thence North 68°39'40" East 205.35 feet to a 1/2" rebar and plastic cap stamped PLS 843;
 Thence South 08°58'41" East, 436.04 feet to a 1/2" rebar and plastic cap stamped PLS 843;
 Thence South 68°40'55" West 610.16 feet to a point on the Westerly right of way of an access easement described in Warranty Deed Instrument No. 93016997, said point being marked with a 1/2" rebar and plastic cap stamped PLS 843;
 Thence North 22°33'40" West 401.76 feet to a 1/2" rebar and plastic cap stamped PLS 843;
 Thence North 43°13'54" East 143.75 feet to a 1/2" rebar and plastic cap stamped PLS 843;
 Thence South 89°31'28" East 173.02 feet to a 1/2" rebar and plastic cap stamped PLS 843;
 Thence North 61°38'56" East 217.90 feet to a 1/2" rebar and plastic cap stamped PLS 977, said point being the Northwest corner of Warranty Deed Instrument No. 93016997;
 Thence South 02°14'31" East along the Westerly boundary line of said parcel, 301.99 feet;
 Thence North 76°00'31" East along the Southerly boundary line of said parcel 147.33 feet;
 Thence North 02°14'31" West along the Easterly boundary line of said parcel, 301.99 feet;
 Thence South 76°00'31" West along the Northerly boundary line of said parcel, 147.33 feet to the POINT OF BEGINNING.

Also:

The North half of the Northeast Quarter of the Southwest Quarter of the Northeast Quarter of the Southeast Quarter of Section 28, Township 6 South, Range 34 East, Boise Meridian, Bannock County, Idaho.

Excepting therefrom, any portion of the above described tracts of land lying within the property described in Instrument No. 21321212 more particularly described as follows:

A tract of land in the East half of the East half of Section 28 and the West half of the West half of Section 27, Township 6 South, Range 34 East, Boise Meridian, Bannock County, Idaho, described as follows:

COMMENCING at the Northwest corner of the Southeast Quarter of the Northwest Quarter of said Section 28, said point being marked with a 5/8" rebar and aluminum cap stamped PLS 843;

Thence South 89°43'09" East along the North line of said Southeast Quarter of the Northwest Quarter, a distance of 1313.01 feet to the Northeast corner of said Southeast Quarter of the Northwest Quarter, said point also being the Northwest corner of a parcel of land recorded in Warranty Deed Instrument No. 267346 and marked with a 5/8" rebar and aluminum cap stamped PLS 843;

Thence South 00°40'05" West along the West line of Warranty Deed Instrument No. 267346 a distance of 520.00 feet to 5/8" rebar and aluminum cap stamped PLS 843;

Thence South 89°19'55" East, along the South line of said Warranty Deed, 416.00 feet to a 5/8" rebar and aluminum cap stamped PLS 843;

Thence North 00°40'05" East along the East line of said Warranty Deed, 522.98 feet to a point on the North line of the Southwest Quarter of the Northeast Quarter of said Section, said point being marked with a 5/8" rebar and aluminum cap stamped PLS 843;

Thence South 89°44'31" East along the North line of said Southwest Quarter of the Northeast Quarter and the Southeast Quarter of the Northeast Quarter a distance of 1444.95 feet to the Northwest corner of a parcel described in Warranty Deed Instrument No. 484329 and marked with a 5/8" rebar and aluminum cap stamped PLS 843;

Thence South 00°43'44" West along the West line of said Warranty Deed Instrument No. 484329, a distance of 200.00 feet to a 5/8" rebar and aluminum cap stamped PLS 843, the TRUE POINT OF BEGINNING.

Thence South 89°44'31" East along the South line of said Warranty Deed Instrument No. 484329 a distance of 714.82 feet to a 5/8" rebar and aluminum cap stamped PLS 843;

Thence South 32°22'52" West 193.52 feet to a 1/2" rebar and plastic cap stamped PLS 843;

Thence South 07°30'05" East 183.80 feet to a 1/2" rebar and plastic cap stamped PLS 843;

Thence South 14°54'56" East 316.37 feet to a 1/2" rebar and plastic cap stamped PLS 843;

Thence South 38°59'43" East 126.44 feet to a 1/2" rebar and plastic cap stamped PLS 843;

Thence North 45°45'50" East 94.63 feet to a point on the Southerly line of a parcel shown on Warranty Deed Instrument No. 20106189 and marked with a 1/2" rebar and plastic cap stamped PLS 977;

Thence North 58°37'17" East along said Southerly line, 184.70 feet to a point on the Southwesterly boundary line of the Revised Plat of a portion of the West Pocatello Townsite, said point being marked with a 1/2" rebar and plastic cap stamped PLS 977;

Thence South 35°01'54" East along said Southwesterly boundary line of said Plat, 1032.85 feet to a point which intersects the centerline of Trail Creek Road;

Thence South 55°25'04" West along said road centerline, 375.12 feet;

Thence continuing along said road centerline, along a curve to the right, having a radius of 968.00 feet, through a central angle of 11°12'50" for an arc length of 189.46 feet;

Thence South 66°37'54" West continuing along said centerline, 595.81 feet;

Thence continuing along said road centerline, along a curve to the left, having a radius of 286.49 feet, through a central angle of 30°35'00" for an arc length of 152.92 feet;

Thence South 36°02'53" West continuing along said road centerline, 25.20 feet;

Thence continuing along said road centerline, along a curve to the right, having a radius of 572.95 feet, through a central angle of 21°00'00" for an arc length of 210.00 feet;

Thence South 57°02'55" West continuing along said road centerline, 59.70 feet;

Thence continuing along said road centerline, along a curve to the left, having a radius of 572.93 feet, through a central angle of 16°00'00" for an arc length of 159.99 feet;

Thence South 41°02'50" West continuing along said road centerline 112.70 feet;

Thence continuing along said road centerline, along a curve to the right, having a radius of 190.99 feet, through a central angle of 45°00'00" for an arc length of 150.00;

Thence South 86°02'56" West continuing along said road centerline, 43.21 feet;

Thence continuing along said road centerline, along a curve to the left, having a radius of 280.29 feet, through a central angle of 41°19'13" for an arc length of 202.14 feet;

Thence North 45°16'20" West, leaving said road centerline, 33.00 feet to a point on the Northwestly right of way line of said Trail Creek Road, said point being marked with a 5/8" rebar and aluminum cap stamped PLS 843;
 Thence North 13°45'28" East 959.98 feet to a 1/2" rebar and plastic cap stamped PLS 843;
 Thence North 08°58'41" west 436.04 feet to a 1/4" rebar and plastic cap stamped PLS 843;
 Thence North 07°07'24" East 1231.27 feet to the TRUE POINT OF BEGINNING.

Also Excepting:

A parcel of land located in Section 28, Township 6 South, Range 34 East, Boise Meridian, Bannock County, Idaho, described as follows:

COMMENCING at the Southeast corner of Section 28, Township 6 South, Range 34 East, Boise Meridian, being marked by a City of Pocatello 2" aluminum cap as described in corner perpetuation and filing record Instrument No. 20715537.

Thence North 00°49'18" East (basis of bearing per Central Meridian of East Zone of the Idaho State Plane Coordinate System) along the East line of said Section 28, a distance of 1181.16 feet;

Thence North 89°10'42" West, perpendicular to said East line, a distance of 868.62 feet, to the Southwest corner of Pocatello City Limits described in Ordinance No. 2789, and recorded in the County of Bannock under Instrument No. 20614097, common with centerline station 20+94.30 per Bannock County Trail Creek Road Survey depicted on the plan and profile sheet filed under Section 27 & 28, drawer No. 8, on file in the County, also being the POINT OF BEGINNING.

Thence in a Southwestly direction following said County Surveyed centerline following a 286.48 foot radius curve concave to the Southeast and whose center bears South 04°19'01" East through a central angle of 40°30'00" for an arc length of 202.50 feet, to centerline station 22+96.80 per County survey;

Thence North 59°11'16" West leaving said County surveyed centerline, a distance of 206.16 feet;

Thence North 25°17'16" West, a distance of 138.56 feet;

Thence North 56°12'02" West, a distance of 140.32 feet;

Thence North 89°53'55" West, a distance of 1465.55 feet;

Thence North 00°00'44" West, a distance of 1089.34 feet;

Thence South 89°41'58" East, a distance of 1185.01 feet;

Thence North 00°28'08" West, a distance of 341.56 feet;

Thence North 20°34'33" East, a distance of 239.77 feet;

Thence North 74°00'03" East, a distance of 279.57 feet;

Thence North 49°27'08" East, a distance of 275.65 feet;

Thence South 54°04'47" East a distance of 370.61 feet, to a point on the Pocatello City Limits line described in Ordinance No. 2789, and recorded in the County of Bannock under Instrument No. 20614097;

Thence in a Southerly direction following said City Limits line the next (5) courses:

- 1) South 07°10'36" West, a distance of 255.47 feet;
- 2) South 22°56'00" West, a distance of 194.19 feet;
- 3) South 51°39'30" West, a distance of 48.42 feet;
- 4) South 10°16'03" East, a distance of 148.52 feet;
- 5) North 81°55'35" East, a distance of 42.46 feet, to Northeast corner of a parcel of land described in Deed Instrument No. 20426187 and 20426188, being marked by a 1/2" rebar;

Thence following the Boundary line of a said parcel for the next (6) courses:

- 1) South 68°33'26" West, a distance of 202.05 feet;
- 2) South 61°37'42" West, a distance of 217.90 feet;
- 3) North 89°32'42" West, a distance of 173.02 feet;
- 4) South 43°12'40" West, a distance of 173.45 feet;
- 5) South 22°34'54" East, a distance of 401.77 feet;
- 6) North 68°39'41" East, a distance of 609.86 feet to the Southeast corner of said parcel, being marked by a 1/2" rebar, also being a point on said City Limits line;

Thence in a Southerly direction following said City Limits line the next (11) courses:

- 1) South 34°28'59" East, a distance of 104.22 feet;
- 2) South 52°15'01" West, a distance of 176.12 feet;

- 3) South 57°34'16" East, a distance of 193.73 feet;
- 4) South 78°34'42" East, a distance of 168.51 feet;
- 5) South 00°21'14" West, a distance of 13.84 feet, to a point of tangency with a 135.00 foot radius curve whose center bears North 89°38'46" West;
- 6) Following said curve in a Southwesterly direction through a central angle of 38°59'00" for an arc length of 91.85 feet (the chord of said curve bears South 19°50'44" West a distance of 90.09 feet);
- 7) South 39°20'14" West a distance of 348.82 feet to a point of tangency with a 90.00 foot radius curve whose center bears South 50°39'46" East;
- 8) Following said curve in a Southwesterly direction through a central angle of 55°03'02" an arc length of 86.47 feet (the chord of said curve bears South 11°48'43" West a distance of 83.19 feet);
- 9) South 15°42'48" East a distance of 26.49 feet;
- 10) South 30°26'06" West a distance of 51.81 feet to a point on the North right of way line of Trail Creek Road;
- 11) South 04°19'01" East a distance of 33.00 feet, to the POINT OF BEGINNING.

Parcel 4:

Lots 1, 2, 3, 4, 16, 24, and 24, Block 2, and Lots 1, 9, and 11, Block 3, Trail Creek Estates Division 1, Bannock County, Idaho, as the same appears on the official plat thereof, recorded August 8, 2008 as Instrument No. 20817671.

TO HAVE AND TO HOLD the said premises, unto the said grantees, heirs and assigns forever.

Dated: February 28, 2017

The Bank of Commerce

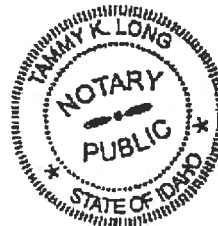
By: [Signature]
Authorized Signor

State of Idaho)ss.
County of Bonneville)

On this 28th day of February, 2017, before me, the undersigned, a Notary Public in and for said state, personally appeared Michael Alan Rice known to me to be the Vice President of the Corporation, and acknowledged to me that pursuant to a Resolution of the Board of Directors, he/she executed the foregoing in said Corporation name.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

[Signature]
Notary Public for the State of Idaho
Residing at: Blackfoot
Commission Expires: April 30, 2017



21512414

Mail Property Tax Notice To:

The Bank of Commerce
P.O. Box 1887
Idaho Falls, Idaho 83403

OFFICIAL RECORD BK# 994
 BANNOCK COUNTY IDAHO

RECORDED AT REQUEST OF
 FEE 22 DEPUTY SA

QUITCLAIM DEED 21512414 *The Bank of Commerce*
 2015 AUG 31 P 31

Trail Creek Development, LLC, an Idaho limited liability company, Grantor, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, does hereby remise, release and forever quitclaim unto The Bank of Commerce, an Idaho banking corporation, Grantee, whose mailing address is P.O. Box 1887, Idaho Falls, Idaho 83403 and to Grantee's heirs and assigns forever all right, title and interest which Grantor now has or may hereafter acquire in the following described real property located in Bannock County, Idaho:

See Exhibit "A" attached hereto

Together with any and all appurtenances, tenements, hereditaments, reversions, remainders, easements, rights-of-way and water rights however evidenced in anywise appertaining to the property herein described.

IN WITNESS WHEREOF, the Grantor has executed this instrument on this 29 day of July, 2015.

TRAIL CREEK DEVELOPMENT, LLC

Trail Creek Development, LLC
 By: Kent Reynolds
 Its: General Manager

STATE OF IDAHO)
)ss.
 County of Bonneville)

On this 29th day of July, 2015, before me the undersigned, a Notary Public for Idaho, personally appeared Kent Reynolds, known or identified to me to be the General Mgr of TRAIL CREEK DEVELOPMENT, LLC, an Idaho limited liability company, and the company that executed the instrument or the persons who executed the instrument on behalf of said company, and acknowledged to me that such company executed the same.

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

CINDY A. BREWER
NOTARY PUBLIC
STATE OF IDAHO

Cindy Brewer
 Notary Public for Idaho
 Residing at: Pocatello
 My Commission Expires: 5/10/2016

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EXHIBIT "A"

The South $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 28, Township 6 South, Range 34 East, Boise Meridian, Bannock County, Idaho.

Also:

That portion of the North $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 28, Township 6 South, Range 34 East, Boise Meridian, Bannock County, Idaho, lying North of the property boundary described Instrument No. 20817709 more particularly described as follows:

A parcel of land in the North $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of Section 28, Township 6 South, Range 34 East, Boise Meridian, Bannock County, Idaho, described as follows:

BEGINNING at the Northwest corner of Warranty Deed Instrument No. 93016997, said point being a $\frac{1}{2}$ " rebar and plastic cap stamped PLS 977;

Thence North $68^{\circ}39'40''$ East 205.35 feet to a $\frac{1}{2}$ " rebar and plastic cap stamped PLS 843;

Thence South $08^{\circ}58'41''$ East, 436.04 feet to a $\frac{1}{2}$ " rebar and plastic cap stamped PLS 843;

Thence South $68^{\circ}40'55''$ West 610.16 feet to a point on the Westerly right of way of an access easement described in Warranty Deed Instrument No. 93016997, said point being marked with a $\frac{1}{2}$ " rebar and plastic cap stamped PLS 843;

Thence North $22^{\circ}33'40''$ West 401.76 feet to a $\frac{1}{2}$ " rebar and plastic cap stamped PLS 843;

Thence North $43^{\circ}13'54''$ East 143.75 feet to a $\frac{1}{2}$ " rebar and plastic cap stamped PLS 843;

Thence South $89^{\circ}31'28''$ East 173.02 feet to a $\frac{1}{2}$ " rebar and plastic cap stamped PLS 843;

Thence North $61^{\circ}38'56''$ East 217.90 feet to a $\frac{1}{2}$ " rebar and plastic cap stamped PLS 977, said point being the Northwest corner of Warranty Deed Instrument No. 93016997;

Thence South $02^{\circ}14'31''$ East along the Westerly boundary line of said parcel, 301.99 feet;

Thence North $76^{\circ}00'31''$ East along the Southerly boundary line of said parcel 147.33 feet;

Thence North $02^{\circ}14'31''$ West along the Easterly boundary line of said parcel, 301.99 feet;

Thence South $76^{\circ}00'31''$ West along the Northerly boundary line of said parcel, 147.33 feet to the POINT OF BEGINNING.

Also:

The North $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$.

Excepting therefrom, any portion of the above described tracts of land lying within the property described in Instrument No. 21321212 more particularly described as follows:

A tract of land in the East $\frac{1}{2}$ of the East $\frac{1}{2}$ of Section 28 and the West $\frac{1}{2}$ of the West $\frac{1}{2}$ of Section 27, Township 6 South, Range 34 East, Boise Meridian, Bannock County, Idaho, described as follows:

COMMENCING at the Northwest corner of the Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of said Section 28, said point being marked with a $\frac{5}{8}$ " rebar and aluminum cap stamped PLS 843;

Thence South $89^{\circ}43'09''$ East along the North line of said Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$, a distance of 1313.01 feet to the Northeast corner of said Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$, said point also being the Northwest corner of a parcel of land recorded in Warranty Deed Instrument No. 267346 and marked with a $\frac{5}{8}$ " rebar and aluminum cap stamped PLS 843;

Thence South $00^{\circ}40'05''$ West along the West line of Warranty Deed Instrument No. 267346 a distance of 520.00 feet to $\frac{5}{8}$ " rebar and aluminum cap stamped PLS 843;

Thence South $89^{\circ}19'55''$ East, along the South line of said Warranty Deed, 416.00 feet to a $\frac{5}{8}$ " rebar and aluminum cap stamped PLS 843;

Thence North $00^{\circ}40'05''$ East along the East line of said Warranty Deed, 522.98 feet to a point on the North line of the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Section, said point being marked with a $\frac{5}{8}$ " rebar and

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aluminum cap stamped PLS 843;

Thence South 89°44'31" East along the North line of said Southwest ¼ of the Northeast ¼ and the Southeast ¼ of the Northeast ¼ a distance of 1444.95 feet to the Northwest corner of a parcel described in Warranty Deed Instrument No. 484329 and marked with a 5/8" rebar and aluminum cap stamped PLS 843;

Thence South 00°43'44" West along the West line of said Warranty Deed Instrument No. 484329, a distance of 200.00 feet to a 5/8" rebar and aluminum cap stamped PLS 843, the TRUE POINT OF BEGINNING.

Thence South 89°44'31" East along the South line of said Warranty Deed Instrument No. 484329 a distance of 714.82 feet to a 5/8" rebar and aluminum cap stamped PLS 843;

Thence South 32°22'52" West 193.52 feet to a ½" rebar and plastic cap stamped PLS 843;

Thence South 07°30'05" East 183.80 feet to a ½" rebar and plastic cap stamped PLS 843;

Thence South 14°54'56" East 316.37 feet to a ½" rebar and plastic cap stamped PLS 843;

Thence South 38°59'43" East 126.44 feet to a ½" rebar and plastic cap stamped PLS 843;

Thence North 45°45'50" East 94.63 feet to a point on the Southerly line of a parcel shown on Warranty Deed Instrument No. 20106189 and marked with a ½" rebar and plastic cap stamped PLS 977;

Thence North 58°37'17" East along said Southerly line, 184.70 feet to a point on the Southwesterly boundary line of the Revised Plat of a portion of the West Pocatello Townsite, said point being marked with a ½" rebar and plastic cap stamped PLS 977;

Thence South 35°01'54" East along said Southwesterly boundary line of said Plat, 1032.85 feet to a point which intersects the centerline of Trail Creek Road;

Thence South 55°25'04" West along said road centerline, 375.12 feet;

Thence continuing along said road centerline, along a curve to the right, having a radius of 968.00 feet, thorough a central angle of 11°12'50" for an arc length of 189.46 feet;

Thence South 66°37'54" West continuing along said centerline, 595.81 feet;

Thence continuing along said road centerline, along a curve to the left, having a radius of 286.49 feet, through a central angle of 30°35'00" for an arc length of 152.92 feet;

Thence South 36°02'53" West continuing along said road centerline, 25.20 feet;

Thence continuing along said road centerline, along a curve to the right, having a radius of 572.95 feet, through a central angle of 21°00'00" for an arc length of 210.00 feet;

Thence South 57°02'55" West continuing along said road centerline, 59.70 feet;

Thence continuing along said road centerline, along a curve to the left, having a radius of 572.93 feet, through a central angle of 16°00'00" for an arc length of 159.99 feet;

Thence South 41°02'50" West continuing along said road centerline 112.70 feet;

Thence continuing along said road centerline, along a curve to the right, having a radius of 190.99 feet, through a central angle of 45°00'00" for an arc length of 150.00;

Thence South 86°02'56" West continuing along said road centerline, 43.21 feet;

Thence continuing along said road centerline, along a curve to the left, having a radius of 280.29 feet, through a central angle of 41°19'13" for an arc length of 202.14 feet;

Thence North 45°16'20" West, leaving said road centerline, 33.00 feet to a point on the Northwesterly right of way line of said Trail Creek Road, said point being marked with a 5/8" rebar and aluminum cap stamped PLS 843;

Thence North 13°45'28" East 959.98 feet to a ½" rebar and plastic cap stamped PLS 843;

Thence North 08°58'41" west 436.04 feet to a ½" rebar and plastic cap stamped PLS 843;

Thence North 07°07'24" East 1231.27 feet to the TRUE POINT OF BEGINNING.

Also Excepting:

A parcel of land located in Section 28, Township 6 South, Range 34 East, Boise Meridian, Bannock County, Idaho, described as follows:

COMMENCING at the Southeast corner of Section 28, Township 6 South, Range 34 East, Boise Meridian, being marked by a City of Pocatello 2" aluminum cap as described in corner perpetuation and filing record Instrument No. 20715537.

54
Thence North 00°49'18" East (basis of bearing per Central Meridian of East Zone of the Idaho State Plane Coordinate System) along the East line of said Section 28, a distance of 1181.16 feet;

Thence North 89°10'42" West, perpendicular to said East line, a distance of 868.62 feet, to the Southwest corner of Pocatello City Limits described in Ordinance No. 2789, and recorded in the County of Bannock under Instrument No. 20614097, common with centerline station 20+94.30 per Bannock County Trail Creek Road Survey depicted on the plan and profile sheet filed under Section 27 & 28, drawer No. 8, on file in the County, also being the POINT OF BEGINNING.

Thence in a Southwesterly direction following said County Surveyed centerline following a 286.48 foot radius curve concave to the Southeast and whose center bears South 04°19'01" East through a central angle of 40°30'00" for an arc length of 202.50 feet, to centerline station 22+96.80 per County survey;

Thence North 59°11'16" West leaving said County surveyed centerline, a distance of 206.16 feet;

Thence North 25°17'16" West, a distance of 138.56 feet;

Thence North 56°12'02" West, a distance of 140.32 feet;

Thence North 89°53'55" West, a distance of 1465.55 feet;

Thence North 00°00'44" West, a distance of 1089.34 feet;

Thence South 89°41'58" East, a distance of 1185.01 feet;

Thence North 00°28'08" West, a distance of 341.56 feet;

Thence North 20°34'33" East, a distance of 239.77 feet;

Thence North 74°00'03" East, a distance of 279.57 feet;

Thence North 49°27'08" East, a distance of 275.65 feet;

Thence South 54°04'47" East a distance of 370.61 feet, to a point on the Pocatello City Limits line described in Ordinance No. 2789, and recorded in the County of Bannock under Instrument No. 20614097;

Thence in a Southerly direction following said City Limits line the next (5) courses:

1 South 07°10'36" West, a distance of 255.47 feet;

2 South 22°56'00" West, a distance of 194.19 feet;

3 South 51°39'30" West, a distance of 48.42 feet;

4 South 10°16'03" East, a distance of 148.52 feet;

5 North 81°55'35" East, a distance of 42.46 feet, to Northeast corner of a parcel of land described in Deed Instrument No. 20426187 and 20426188, being marked by a ½" rebar;

Thence following the Boundary line of a said parcel for the next (6) courses:

1) South 68°38'26" West, a distance of 202.05 feet;

2) South 61°37'42" West, a distance of 217.90 feet;

3) North 89°32'42" West, a distance of 173.02 feet;

4) South 43°12'40" West, a distance of 173.45 feet;

5) South 22°34'54" East, a distance of 401.77 feet;

6) North 68°39'41" East, a distance of 609.86 feet to the Southeast corner of said parcel, being marked by a ½" rebar, also being a point on said City Limits line;

Thence in a Southerly direction following said City Limits line the next (11) courses:

1) South 34°28'59" East, a distance of 104.22 feet;

2) South 52°15'01" West, a distance of 176.12 feet;

3) South 57°34'16" East, a distance of 193.73 feet;

4) South 78°34'42" East, a distance of 168.51 feet;

5) South 00°21'14" West, a distance of 13.84 feet, to a point of tangency with a 135.00 foot radius curve whose center bears North 89°38'46" West;

6) Following said curve in a Southwesterly direction through a central angle of 38°59'00" for an arc length of 91.85 feet (the chord of said curve bears South 19°50'44" West a distance of 90.09 feet);

- 5-5
- 7) South $39^{\circ}20'14''$ West a distance of 348.82 feet to a point of tangency with a 90.00 foot radius curve whose center bears South $50^{\circ}39'46''$ East;
 - 8) Following said curve in a Southwesterly direction through a central angle of $55^{\circ}03'02''$ an arc length of 86.47 feet (the chord of said curve bears South $11^{\circ}48'43''$ West a distance of 83.19 feet);
 - 9) South $15^{\circ}42'48''$ East a distance of 26.49 feet;
 - 10) South $30^{\circ}26'06''$ West a distance of 51.81 feet to a point on the North right of way line of Trail Creek Road;
 - 11) South $04^{\circ}19'01''$ East a distance of 33.00 feet, to the POINT OF BEGINNING.

20810178

QUITCLAIM DEED

THIS INDENTURE, Made this 7th day of April 2008 between, Donald D. Richey, (show vesting), as Grantor and, Trail Creek Development LLC, (show vesting), as Grantee whose current address is:

7721 Gathe Rd
Pocatello, ID 83204

WITNESSETH That said Grantor for and in consideration in lawful money of the United States of America, in hand paid by the Grantee, the receipt whereof is hereby acknowledged, does by these premises remise, release and forever QUITCLAIM, unto the said Grantee and to its heirs and assigns all that certain lot, piece or parcel of land, bound and particularly described as follows, to-wit:

See attached Legal Description

TOGETHER With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion, remainder and remainders, rents, issues and profits, thereof.

TO HAVE AND TO HOLD, All and singular the said premises, together with the appurtenances, unto the Grantee and to its heirs and assigns forever.

IN WITNESS WHEREOF, The said Grantor has hereunto set its hand and seal the day and year first above written.

Donald D. Richey

OFFICIAL RECORD BK# 907
BANNOCK COUNTY IDAHO

RECORDED AT REQUEST OF
FEE 3 DEPUTY mlw

State of Idaho
County of Bannock

Trail Creek Development

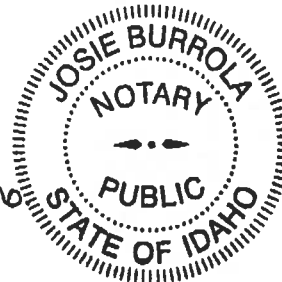
20810178

2008 MAY -7 P 4:00

On this 7th day of April 2006, before me, a notary public, personally appeared, Donald Richey, known to me, and/or identified to me on the basis of satisfactory evidence, to be the person(s) whose name(s) appear within the instrument and acknowledged to me that they/he/she executed the same.

WITNESS MY HAND AND OFFICIAL SEAL

Josie Burrola
Notary Public
Residing In: Bannock Co. Pocatello, Idaho
Commission Expires: 5-1-09



20707165

WARRANTY DEED

ALLIANCE TITLE & ESCROW

Order No.:3010713718KF

FOR VALUE RECEIVED

Gordon L. Malan and Sylvia Malan, Husband and Wife

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

Trail Creek Development, LLC

whose current address is

320 W. Center Pocatello, ID 83204

the grantee(s), the following described premises, in Bannock County, Idaho, TO WIT:

An irregular shaped parcel of land situated in the Southeast ¼ Northeast ¼ of Section 28, Township 6 South, Range 34 East, Boise Meridian, Bannock County, Idaho, more particularly described as follows:

BEGINNING at the Northeast corner of said Section 28;
Thence South 0°15' East, 1315.4 feet, more or less, to a point.
Thence South 88°27' West 86.6 feet to the TRUE POINT OF BEGINNING.
Thence continuing South 88°27' West, 690.0 feet, more or less.
Thence South 0°15' East, 200.0 feet, more or less,
Thence North 88°27' East, 714.82 feet, more or less;
Thence North 01°33' West, 110.75 feet, more or less;
Thence North 15°54'38" West, 91.47 feet, more or less, to the TRUE POINT OF BEGINNING.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: 3/27/2007

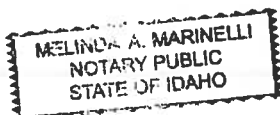
Gordon L. Malan
Gordon L. Malan

Sylvia Malan
Sylvia Malan

State of Idaho)
County of Bannock) ss.

On this 27 day of March, in the year 2007 before me, a Notary Public in and for said state, personally appeared Gordon L. Malan & Sylvia Malan, 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.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal the day and year first above written.



Melinda A. Marinelli
Notary Public for the State of Idaho
Residing at: Pocatello
Commission Expires: 3/3/2011

2004694

WHEN RECORDED MAIL TO:
Trail Creek Development, LLC
814 Rocky Point Road
Pocatello, ID. 83201

20426188
NORTHERN TITLE OF IDAHO CO

RECORDED AT REQUEST OF

FEE 24 DEPUTY BP

2004 DEC 8 PM 4 52

OFFICIAL RECORD BK# 859
LARRY W CHAN RECORDER
BANNOCK COUNTY IDAHO

7-1
WARRANTY DEED

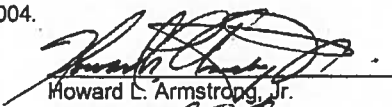
20426188

Howard L. Armstrong, Jr., also known as Howard L. Armstrong and Marilyn L. Armstrong, husband and wife, Grantor, County of Bannock, State of Idaho hereby CONVEY and WARRANTY to Trail Creek Development, LLC, an Idaho Limited Liability Company Grantee, of POCATELLO, County of Bannock, State of ID, for the sum of TEN DOLLARS and other good and valuable consideration, the following tract of land in, State of ~~Idaho~~, to wit:

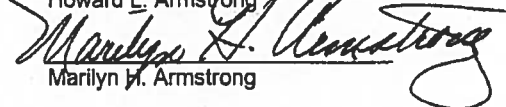
See Attached Exhibit "A"

Subject to easements, restrictions and rights of way appearing of record and enforceable in law and subject to 2004 taxes and thereafter.

WITNESS the hand of said grantor, this December 7, 2004.


Howard L. Armstrong, Jr.


Howard L. Armstrong


Marilyn H. Armstrong

STATE OF IDAHO)
) :ss
COUNTY OF BANNOCK)

On the December 7, 2004, personally appeared before me Howard L. Armstrong, Jr., also known as Howard L. Armstrong and Marilyn H. Armstrong, the signer(s) of the within instrument, who duly acknowledged to me that they executed the same.


Notary Public for the State of Idaho
Residing at: Pocatello, ID
Commission expires: 2-13-07



"EXHIBIT A"

20426188

Parcel 1:

A tract of land in Section 28 and in the NE¼ NW¼ of Section 33, Township 6 South, Range 34 East of the Boise Meridian, Bannock County, Idaho, described as follows:

Beginning at the Northwest corner of the SE¼ NW¼ of said Section 28, said point being marked with a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, South 89°43'09" East, along the North line of said SE¼ NW¼, a distance of 1313.01 feet to the Northeast corner of said SE¼ NW¼, said point also being the Northwest corner of a parcel of land recorded in Warranty Deed Inst. No. 267346 and marked with a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, South 00°40'05" West, along the West line of Warranty Deed Inst. No. 237346, a distance of 520.00 feet to a 5/8" rebar and aluminum cap stamped PLS 843;

Thence South 89°19'55" East, along the South line of said Warranty Deed, 416.00 feet to a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, North 00°40'05" East, along the East line of said Warranty Deed, 522.98 feet to a point on the North line of the SW¼ NE¼ of said Section, said point being marked with a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, South 89°44'31" East, along the North line of said SW¼ NE¼ and the SE¼ NE¼ a distance of 1444.95 feet to the Northwest corner of a parcel described in Warranty Deed Inst. No. 484329 and marked with a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, South 00°43'44" West, along the West line of said Warranty Deed Inst. No. 484329, a distance of 200.00 feet to a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, South 89°44'31" East, along the South line of said Warranty Deed Inst. No. 484329, a distance of 714.82 feet to a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, South 32°22'52" West, 193.52 feet to a ½" rebar and plastic cap stamped PLS 843;

Thence, South 07°30'05" East, 183.80 feet to a ½" rebar and plastic cap stamped PLS 843;

Thence, South 14°54'56" East 316.37 feet to a ½" rebar and plastic cap stamped PLS 843;

Thence, South 38°59'43" East, 126.44 feet to a ½" rebar and plastic cap stamped PLS 843;

Thence, North 45°45'50" East, 94.63 feet to a point on the Southerly line of a parcel shown on Warranty Deed Inst. No. 20106189 and marked with a ½" rebar and plastic cap stamped PLS 977;

Thence North 58°37'17" East, along said Southerly line, 184.70 feet to a point on the Southwesterly boundary line of the Revised plat of a portion of the West Pocatello Townsite, said point being marked with a ½" rebar and plastic cap stamped PLS 977;

Thence South 35°01'54" East, along said Southwesterly boundary line of said Plat, 1032.85 feet to a point which intersects the centerline of Trail Creek Road;

Thence, South 55°25'04" West, along said road centerline, 375.12 feet;

Thence continuing along said road centerline, along a curve to the right, having a radius of 968.00 feet, through a central angle of 11°12'50", for an arc length of 189.46 feet;

Thence, South 66°37'54" West, continuing along said centerline, 595.81 feet;

Thence continuing along said road centerline, along a curve to the left, having a radius of 286.49 feet, through a central angle of $30^{\circ}35'00''$, for an arc length of 152.92 feet;

Thence, South $36^{\circ}02'53''$ West, continuing along said road centerline, 25.20 feet;

Thence continuing along said road centerline, along a curve to the right, having a radius of 572.95 feet, through a central angle of $21^{\circ}00'00''$, for an arc length of 210.00 feet;

Thence, South $57^{\circ}02'55''$ West, continuing along said road centerline, 59.70 feet;

Thence continuing along said road centerline, along a curve to the left, having a radius of 572.93 feet, through a central angle of $16^{\circ}00'00''$, for an arc length of 159.99 feet;

Thence, South $41^{\circ}02'50''$ West, continuing along said road centerline, 112.70 feet;

Thence continuing along said road centerline, along a curve to the right, having a radius of 190.99 feet, through a central angle of $45^{\circ}00'00''$, for an arc length of 150.00 feet;

Thence, South $86^{\circ}02'56''$ West, continuing along said road centerline, 43.21 feet;

Thence continuing along said road centerline, along a curve to the left, having a radius of 280.29 feet, through a central angle of $41^{\circ}19'13''$, for an arc length of 202.14 feet;

Thence, North $45^{\circ}16'20''$ West, leaving said road centerline, 33.00 feet to a point on the Northwestern right of way line of said Trail Creek Road, said point being marked with a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, North $66^{\circ}21'34''$ West, 177.85 feet to a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, North $27^{\circ}47'21''$ West 143.45 feet to a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, North $55^{\circ}57'58''$ West, 138.42 feet to a 5/8" rebar and aluminum cap stamped PLS 843, said point being on the Easterly right-of-way of an access easement described in Warranty Deed Inst. No. 93016997;

Thence, North $89^{\circ}52'25''$ West, 1377.90 feet to a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, South $00^{\circ}40'05''$ West, 1086.24 feet to a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, North $89^{\circ}55'09''$ West, 206.50 feet to a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, South $00^{\circ}38'37''$ West, 661.12 feet to a 5/8" rebar and aluminum cap stamped PLS 843, said point being on the North line of a parcel shown on Warranty Deed Inst. No. 20008237;

Thence, South $89^{\circ}56'03''$ West, along the North line of Warranty Deed Inst. No. 20008237 and the North line of Warranty Deed Inst. No. 20325691, a distance of 959.34 feet to the Northwest corner of Warranty Deed Inst. No. 20325691, said point also being on the West line of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 33, said point being marked with a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, North $00^{\circ}45'16''$ East, along said West line, 327.84 feet to the Southwest corner of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 28, said point being marked with a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, North $00^{\circ}38'37''$ East, along the West line of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ and the NE $\frac{1}{4}$ SW $\frac{1}{4}$, a distance of 2629.11 feet to the Northwest corner of said NE $\frac{1}{4}$ SW $\frac{1}{4}$, said point being marked with a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, North $00^{\circ}42'00''$ East, along the West line of the SE $\frac{1}{4}$ NW $\frac{1}{4}$, a distance of 1312.37 feet to the Point of Beginning.

Subject to a 33.00 foot road easement being Northwesternly of and contiguous with the center line of Trail Creek Road.

Excepting therefrom a one acre parcel and access easement described in Warranty Deed Inst. No. 93016997.

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Also excepting therefrom a parcel of land in the N $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 28, described as follows:

Beginning at the Northwest corner of Warranty Deed Inst. No 93016997, said point being a $\frac{1}{2}$ " rebar and plastic cap stamped PLS 977;

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Thence, North 68°39'40" East, 205.05 feet to a $\frac{1}{2}$ " rebar and plastic cap stamped PLS 843;

Thence, South 08°58'41" East, 436.34 feet to a $\frac{1}{2}$ " rebar and plastic cap stamped PLS 843;

Thence, South 68°40'55" West, 610.16 feet to a point on the Westerly right of way of an access easement described in Warranty Deed Inst. No. 93016997, said point being marked with a $\frac{1}{2}$ " rebar and plastic cap stamped PLS 843;

Thence, North 22°33'40" West, 401.76 feet to a $\frac{1}{2}$ " rebar and plastic cap stamped PLS 843;

Thence, North 43°13'54" East, 143.75 feet to a $\frac{1}{2}$ " rebar and plastic cap stamped PLS 843;

Thence, South 89°31'28" East, 173.02 feet to a $\frac{1}{2}$ " rebar and plastic cap stamped PLS 843;

Thence, North 61°38'56" East, 217.90 feet to a $\frac{1}{2}$ " rebar and plastic cap stamped PLS 977, said point being the Northwest corner of Warranty Deed Inst. No. 93016997;

Thence, South 02°14'31" East, along the Westerly boundary line of said parcel, 301.99 feet;

Thence, North 76°00'31" East, along the Southerly boundary line of said parcel, 147.33 feet;

Thence, North 02°14'31" West, along the Easterly boundary line of said parcel, 301.99 feet;

Thence, South 76°00'31" West, along the Northerly boundary line of said parcel, 147.33 feet to the Point of Beginning.

Excepting Therefrom:

A tract of land in the E $\frac{1}{4}$ E $\frac{1}{4}$ of Section 28 and the W $\frac{1}{4}$ W $\frac{1}{4}$ of Section 27, Township 6 South, Range 34 East of the Boise Meridian, Bannock County, Idaho, described as follows:

Commencing at the Northwest corner of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 28, said point being marked with a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, S 89°43'09" E, along the North line of said SE $\frac{1}{4}$ NW $\frac{1}{4}$, a distance of 1313.01 feet to the Northeast corner of said SE $\frac{1}{4}$ NW $\frac{1}{4}$, said point also being the Northwest corner of a parcel of land recorded in Warranty Deed Inst. No. 267346 and marked with a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, S 00°40'05" W, along the west line of Warranty Deed Inst. No. 267346, a distance of 520.00 feet to a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, S 89°19'55" E, along the south line of said Warranty Deed, 416.00 feet to a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, N 00°40'05" E, along the east line of said Warranty Deed, 522.98 feet to a point on the North line of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section, said point being marked with a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, S 89°44'31" E, along the north line of said SW $\frac{1}{4}$ NE $\frac{1}{4}$ and the SE $\frac{1}{4}$ NE $\frac{1}{4}$ a distance of 1444.95 feet to the Northwest corner of a parcel described in Warranty Deed Inst. No. 484329 and marked with a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, S 00°43'44" W, along the West line of said Warranty Deed Inst. No. 484329, a distance of 200.00 feet to a 5/8" rebar and aluminum cap stamped PLS 843, the TRUE POINT OF BEGINNING;

Thence, S 89°44'31" E, along the south line of said Warranty Deed Inst. No. 484329, a distance of 714.82 feet to a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, S 32°22'52" W, 193.52 feet to a $\frac{1}{2}$ " rebar and plastic cap stamped PLS 843;

Thence, S 07°30'05" E, 183.80 feet to a ½" rebar and plastic cap stamped PLS 843;

20426188

Thence, S 14°54'56" E, 316.37 feet to a ½" rebar and plastic cap stamped PLS 843;

Thence, S 38°59'43" E, 126.44 feet to a ½" rebar and plastic cap stamped PLS 843;

Thence, N 45°45'50" E, 94.63 feet to a point on the Southerly line of a parcel shown on Warranty Deed Inst. No. 20106189 and marked with a ½" rebar and plastic cap stamped PLS 977;

Thence, N 58°37'17" E, along said Southerly line, 184.70 feet to a point on the Southwesterly boundary line of the Revised plat of a portion of the West Pocatello Townsite, said point being marked with a ½" rebar and plastic cap stamped PLS 977;

Thence, S 35°01'54" E, along said Southwesterly boundary line of said Plat, 1032.85 feet to a point which intersects the centerline of Trail Creek Road;

Thence, S 55°25'04" W, along said road centerline, 375.12 feet;

Thence continuing along said road centerline, along a curve to the right, having a radius of 968.00 feet, through a central angle of 11°12'50", for an arc length of 189.46 feet;

Thence, S 66°37'54" W, continuing along said centerline, 595.81 feet;

Thence continuing along said road centerline, along a curve to the left, having a radius of 286.49 feet, through a central angle of 30°35'00", for an arc length of 152.92 feet;

Thence, S 36°02'53" W, continuing along said road centerline, 25.20 feet;

Thence continuing along said road centerline, along a curve to the right, having a radius of 572.95 feet, through a central angle of 21°00'00", for an arc length of 210.00 feet;

Thence, S 57°02'55" W, continuing along said road centerline, 59.70 feet;

Thence continuing along said road centerline, along a curve to the left, having a radius of 572.93 feet, through a central angle of 16°00'00", for an arc length of 159.99 feet;

Thence, S 41°02'50" W, continuing along said road centerline, 112.70 feet;

Thence continuing along said road centerline, along a curve to the right, having a radius of 190.99 feet, through a central angle of 45°00'00", for an arc length of 150.00;

Thence, S 86°02'56" W, continuing along said road centerline, 43.21 feet;

Thence continuing along said road centerline, along a curve to the left, having a radius of 280.29 feet, through a central angle of 41°19'13", for an arc length of 202.14 feet;

Thence, N 45°16'20" W, leaving said road centerline, 33.00 feet to a point on the Northwesterly right-of-way line of said Trail Creek Road, said point being marked with a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, N 13°45'28" E, 959.98' to a ½" rebar and plastic cap stamped PLS 843;

Thence, N 08°58'41" W, 436.04' to a ½" rebar and plastic cap stamped PLS 843;

Thence, N 07°07'24" E, 1231.27' to the TRUE POINT OF BEGINNING.

Subject to a 33.00 foot easement north of and contiguous with the center line of Trail Creek Road.

Parcel 2:

20426188

A tract of land in the E $\frac{1}{2}$ E $\frac{1}{2}$ of Section 28 and the W $\frac{1}{2}$ W $\frac{1}{2}$ of Section 27, Township 6 South, Range 34 East of the Boise Meridian, Bannock County, Idaho, described as follows:

Commencing at the Northwest corner of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 28, said point being marked with a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, S 89°43'09" E, along the North line of said SE $\frac{1}{4}$ NW $\frac{1}{4}$, a distance of 1313.01 feet to the Northeast corner of said SE $\frac{1}{4}$ NW $\frac{1}{4}$, said point also being the Northwest corner of a parcel of land recorded in Warranty Deed Inst. No. 267346 and marked with a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, S 00°40'05" W, along the west line of Warranty Deed Inst. No. 267346, a distance of 520.00 feet to a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, S 89°19'55" E, along the south line of said Warranty Deed, 416.00 feet to a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, N 00°40'05" E, along the east line of said Warranty Deed, 522.98 feet to a point on the North line of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section, said point being marked with a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, S 89°44'31" E, along the north line of said SW $\frac{1}{4}$ NE $\frac{1}{4}$ and the SE $\frac{1}{4}$ NE $\frac{1}{4}$ a distance of 1444.95 feet to the Northwest corner of a parcel described in Warranty Deed Inst. No. 484329 and marked with a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, S 00°43'44" W, along the West line of said Warranty Deed Inst. No. 484329, a distance of 200.00 feet to a 5/8" rebar and aluminum cap stamped PLS 843, the TRUE POINT OF BEGINNING;

Thence, S 89°44'31" E, along the south line of said Warranty Deed Inst. No. 484329, a distance of 714.82 feet to a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, S 32°22'52" W, 193.52 feet to a 1/2" rebar and plastic cap stamped PLS 843;

Thence, S 07°30'05" E, 183.80 feet to a 1/2" rebar and plastic cap stamped PLS 843;

Thence, S 14°54'56" E, 316.37 feet to a 1/2" rebar and plastic cap stamped PLS 843;

Thence, S 38°59'43" E, 126.44 feet to a 1/2" rebar and plastic cap stamped PLS 843;

Thence, N 45°45'50" E, 94.63 feet to a point on the Southerly line of a parcel shown on Warranty Deed Inst. No. 20106189 and marked with a 1/2" rebar and plastic cap stamped PLS 977;

Thence, N 58°37'17" E, along said Southerly line, 184.70 feet to a point on the Southwesterly boundary line of the Revised plat of a portion of the West Pocatello Townsite, said point being marked with a 1/2" rebar and plastic cap stamped PLS 977;

Thence, S 35°01'54" E, along said Southwesterly boundary line of said Plat, 1032.85 feet to a point which intersects the centerline of Trail Creek Road;

Thence, S 55°25'04" W, along said road centerline, 375.12 feet;

Thence continuing along said road centerline, along a curve to the right, having a radius of 968.00 feet, through a central angle of 11°12'50", for an arc length of 189.46 feet;

Thence, S 66°37'54" W, continuing along said centerline, 595.81 feet;

Thence continuing along said road centerline, along a curve to the left, having a radius of 286.49 feet, through a central angle of 30°35'00", for an arc length of 152.92 feet;

Thence, S 36°02'53" W, continuing along said road centerline, 25.20 feet;

Thence continuing along said road centerline, along a curve to the right, having a radius of 572.95 feet, through a central angle of $21^{\circ}00'00''$, for an arc length of 210.00 feet;

Thence, $S 57^{\circ}02'55'' W$, continuing along said road centerline, 59.70 feet;

Thence continuing along said road centerline, along a curve to the left, having a radius of 572.93 feet, through a central angle of $16^{\circ}00'00''$, for an arc length of 159.99 feet;

Thence, $S 41^{\circ}02'50'' W$, continuing along said road centerline, 112.70 feet;

Thence continuing along said road centerline, along a curve to the right, having a radius of 190.99 feet, through a central angle of $45^{\circ}00'00''$, for an arc length of 150.00;

Thence, $S 86^{\circ}02'56'' W$, continuing along said road centerline, 43.21 feet;

Thence continuing along said road centerline, along a curve to the left, having a radius of 280.29 feet, through a central angle of $41^{\circ}19'13''$, for an arc length of 202.14 feet;

Thence, $N 45^{\circ}16'20'' W$, leaving said road centerline, 33.00 feet to a point on the Northwesterly right-of-way line of said Trail Creek Road, said point being marked with a $5/8''$ rebar and aluminum cap stamped PLS 843;

Thence, $N 13^{\circ}45'28'' E$, 959.98' to a $1/2''$ rebar and plastic cap stamped PLS 843;

Thence, $N 08^{\circ}58'41'' W$, 436.04' to a $1/2''$ rebar and plastic cap stamped PLS 843;

Thence, $N 07^{\circ}07'24'' E$, 1231.27' to the TRUE POINT OF BEGINNING.

Subject to a 33.00 foot easement north of and contiguous with the center line of Trail Creek Road.

2004694

WHEN RECORDED MAIL TO:
Trail Creek Development, LLC
814 Rocky Point Road
Pocatello,, ID. 83201

20426187

NORTHERN TITLE OF IDAHO CO

RECORDED AT REQUEST OF

20426187

FEE 21 DEPUTY BP

7-1

2004 DEC 8 PM 4 51

**CORPORATE
WARRANTY DEED**

OFFICIAL RECORD BK# 859
LARRY W CHAN RECORDER
BANNOCK COUNTY IDAHO

Howard L. Armstrong & Sons, Inc., an Idaho Corporation, Grantor, County of Bannock, State of Idaho, hereby CONVEY and WARRANTY to Trail Creek Development, LLC, an Idaho Limited Liability Company, Grantee, of POCATELLO,, County of Bannock, State of ID, for the sum of TEN DOLLARS and other good and valuable consideration, the following tract of land in , State of Idaho, to-wit:

See Attached Exhibit "A"

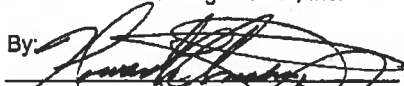
Subject to easements, restrictions and rights of way appearing of record and enforceable in law and subject to 2004 taxes and thereafter.

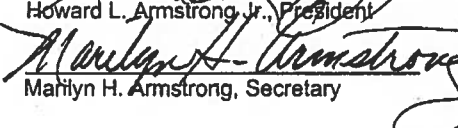
The officers who sign this deed hereby certify that this deed and the transfer represented thereby was duly authorized under a resolution duly adopted by the board of directors of the grantor at a lawful meeting duly held and attended by a quorum.

WITNESS the hand of said grantor, this December 7, 2004.

Howard L. Armstrong & Sons, Inc.

By:


Howard L. Armstrong, Jr., President


Marilyn H. Armstrong, Secretary

STATE OF IDAHO)
)ss
COUNTY OF BANNOCK)

On the December 7, 2004, Howard L. Armstrong Jr. personally appeared before me who is being duly sworn, did say, that he is the President, and that Marilyn H. Armstrong , who being by me duly sworn, did say, that she is the Secretary of Howard L. Armstrong & Sons, Inc. and that the within and foregoing Instrument was signed in behalf of said corporation by authority of a resolution of its board of directors, and said and duly acknowledged to me that said corporation executed the same.


Notary Public for the State of Idaho
Residing in: Pocatello, ID
Commission expires: 2-15-07



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"EXHIBIT A"

20426187

Parcel 1:

A tract of land in Section 28 and in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 33, Township 6 South, Range 34 East of the Boise Meridian, Bannock County, Idaho, described as follows:

Beginning at the Northwest corner of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 28, said point being marked with a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, South 89°43'09" East, along the North line of said SE $\frac{1}{4}$ NW $\frac{1}{4}$, a distance of 1313.01 feet to the Northeast corner of said SE $\frac{1}{4}$ NW $\frac{1}{4}$, said point also being the Northwest corner of a parcel of land recorded in Warranty Deed Inst. No. 267346 and marked with a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, South 00°40'05" West, along the West line of Warranty Deed Inst. No. 237346, a distance of 520.00 feet to a 5/8" rebar and aluminum cap stamped PLS 843;

Thence South 89°19'55" East, along the South line of said Warranty Deed, 416.00 feet to a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, North 00°40'05" East, along the East line of said Warranty Deed, 522.98 feet to a point on the North line of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section, said point being marked with a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, South 89°44'31" East, along the North line of said SW $\frac{1}{4}$ NE $\frac{1}{4}$ and the SE $\frac{1}{4}$ NE $\frac{1}{4}$ a distance of 1444.95 feet to the Northwest corner of a parcel described in Warranty Deed Inst. No. 484329 and marked with a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, South 00°43'44" West, along the West line of said Warranty Deed Inst. No. 484329, a distance of 200.00 feet to a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, South 89°44'31" East, along the South line of said Warranty Deed Inst. No. 484329, a distance of 714.82 feet to a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, South 32°22'52" West, 193.52 feet to a 1/2" rebar and plastic cap stamped PLS 843;

Thence, South 07°30'05" East, 183.80 feet to a 1/2" rebar and plastic cap stamped PLS 843;

Thence, South 14°54'56" East 316.37 feet to a 1/2" rebar and plastic cap stamped PLS 843;

Thence, South 38°59'43" East, 126.44 feet to a 1/2" rebar and plastic cap stamped PLS 843;

Thence, North 45°45'50" East, 94.63 feet to a point on the Southerly line of a parcel shown on Warranty Deed Inst. No. 20106189 and marked with a 1/2" rebar and plastic cap stamped PLS 977;

Thence North 58°37'17" East, along said Southerly line, 184.70 feet to a point on the Southwesterly boundary line of the Revised plat of a portion of the West Pocatello Townsite, said point being marked with a 1/2" rebar and plastic cap stamped PLS 977;

Thence South 35°01'54" East, along said Southwesterly boundary line of said Plat, 1032.85 feet to a point which intersects the centerline of Trail Creek Road;

Thence, South 55°25'04" West, along said road centerline, 375.12 feet;

Thence continuing along said road centerline, along a curve to the right, having a radius of 968.00 feet, through a central angle of 11°12'50", for an arc length of 189.46 feet;

Thence, South 66°37'54" West, continuing along said centerline, 595.81 feet;

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20426187

Thence continuing along said road centerline, along a curve to the left, having a radius of 286.49 feet, through a central angle of 30°35'00", for an arc length of 152.92 feet;

Thence, South 36°02'53" West, continuing along said road centerline, 25.20 feet;

Thence continuing along said road centerline, along a curve to the right, having a radius of 572.95 feet, through a central angle of 21°00'00", for an arc length of 210.00 feet;

Thence, South 57°02'55" West, continuing along said road centerline, 59.70 feet;

Thence continuing along said road centerline, along a curve to the left, having a radius of 572.93 feet, through a central angle of 16°00'00", for an arc length of 159.99 feet;

Thence, South 41°02'50" West, continuing along said road centerline, 112.70 feet;

Thence continuing along said road centerline, along a curve to the right, having a radius of 190.99 feet, through a central angle of 45°00'00", for an arc length of 150.00 feet;

Thence, South 86°02'56" West, continuing along said road centerline, 43.21 feet;

Thence continuing along said road centerline, along a curve to the left, having a radius of 280.29 feet, through a central angle of 41°19'13", for an arc length of 202.14 feet;

Thence, North 45°16'20" West, leaving said road centerline, 33.00 feet to a point on the Northwesterly right of way line of said Trail Creek Road, said point being marked with a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, North 66°21'34" West, 177.85 feet to a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, North 27°47'21" West 143.45 feet to a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, North 55°57'58" West, 138.42 feet to a 5/8" rebar and aluminum cap stamped PLS 843, said point being on the Easterly right-of-way of an access easement described in Warranty Deed Inst. No. 93016997;

Thence, North 89°52'25" West, 1377.90 feet to a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, South 00°40'05" West, 1086.24 feet to a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, North 89°55'09" West, 206.50 feet to a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, South 00°38'37" West, 661.12 feet to a 5/8" rebar and aluminum cap stamped PLS 843, said point being on the North line of a parcel shown on Warranty Deed Inst. No. 20008237;

Thence, South 89°56'03" West, along the North line of Warranty Deed Inst. No. 20008237 and the North line of Warranty Deed Inst. No. 20325691, a distance of 959.34 feet to the Northwest corner of Warranty Deed Inst. No. 20325691, said point also being on the West line of the NE¼ NW¼ of Section 33, said point being marked with a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, North 00°45'16" East, along said West line, 327.84 feet to the Southwest corner of the SE¼ SW¼ of Section 28, said point being marked with a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, North 00°38'37" East, along the West line of the SE¼ SW¼ and the NE¼ SW¼, a distance of 2629.11 feet to the Northwest corner of said NE¼ SW¼, said point being marked with a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, North 00°42'00" East, along the West line of the SE¼ NW¼, a distance of 1312.37 feet to the Point of Beginning.

Subject to a 33.00 foot road easement being Northwesterly of and contiguous with the center line of Trail Creek Road.

Excepting therefrom a one acre parcel and access easement described in Warranty Deed Inst. No. 93016997.

Also excepting therefrom a parcel of land in the N $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 28, described as follows:

20426187

Beginning at the Northwest corner of Warranty Deed Inst. No. 93016997, said point being a $\frac{1}{2}$ " rebar and plastic cap stamped PLS 977;

Thence, North 68°39'40" East, 205.05 feet to a $\frac{1}{4}$ " rebar and plastic cap stamped PLS 843; :

Thence, South 08°58'41" East, 436.34 feet to a $\frac{1}{4}$ " rebar and plastic cap stamped PLS 843;

Thence, South 68°40'55" West, 610.16 feet to a point on the Westerly right of way of an access easement described in Warranty Deed Inst. No. 93016997, said point being marked with a $\frac{1}{4}$ " rebar and plastic cap stamped PLS 843;

Thence, North 22°33'40" West, 401.76 feet to a $\frac{1}{4}$ " rebar and plastic cap stamped PLS 843;

Thence, North 43°13'54" East, 143.75 feet to a $\frac{1}{4}$ " rebar and plastic cap stamped PLS 843;

Thence, South 89°31'28" East, 173.02 feet to a $\frac{1}{4}$ " rebar and plastic cap stamped PLS 843;

Thence, North 61°38'56" East, 217.90 feet to a $\frac{1}{4}$ " rebar and plastic cap stamped PLS 977, said point being the Northwest corner of Warranty Deed Inst. No. 93016997;

Thence, South 02°14'31" East, along the Westerly boundary line of said parcel, 301.99 feet;

Thence, North 76°00'31" East, along the Southerly boundary line of said parcel, 147.33 feet;

Thence, North 02°14'31" West, along the Easterly boundary line of said parcel, 301.99 feet;

Thence, South 76°00'31" West, along the Northerly boundary line of said parcel, 147.33 feet to the Point of Beginning.

Excepting Therefrom:

A tract of land in the E $\frac{1}{4}$ E $\frac{1}{4}$ of Section 28 and the W $\frac{1}{4}$ W $\frac{1}{4}$ of Section 27, Township 6 South, Range 34 East of the Boise Meridian, Bannock County, Idaho, described as follows:

Commencing at the Northwest corner of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 28, said point being marked with a $\frac{5}{8}$ " rebar and aluminum cap stamped PLS 843;

Thence, S 89°43'09" E, along the North line of said SE $\frac{1}{4}$ NW $\frac{1}{4}$, a distance of 1313.01 feet to the Northeast corner of said SE $\frac{1}{4}$ NW $\frac{1}{4}$, said point also being the Northwest corner of a parcel of land recorded in Warranty Deed Inst. No. 267346 and marked with a $\frac{5}{8}$ " rebar and aluminum cap stamped PLS 843;

Thence, S 00°40'05" W, along the west line of Warranty Deed Inst. No. 267346, a distance of 520.00 feet to a $\frac{5}{8}$ " rebar and aluminum cap stamped PLS 843;

Thence, S 89°19'55" E, along the south line of said Warranty Deed, 416.00 feet to a $\frac{5}{8}$ " rebar and aluminum cap stamped PLS 843;

Thence, N 00°40'05" E, along the east line of said Warranty Deed, 522.98 feet to a point on the North line of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section, said point being marked with a $\frac{5}{8}$ " rebar and aluminum cap stamped PLS 843;

Thence, S 89°44'31" E, along the north line of said SW $\frac{1}{4}$ NE $\frac{1}{4}$ and the SE $\frac{1}{4}$ NE $\frac{1}{4}$ a distance of 1444.95 feet to the Northwest corner of a parcel described in Warranty Deed Inst. No. 484329 and marked with a $\frac{5}{8}$ " rebar and aluminum cap stamped PLS 843;

Thence, S 00°43'44" W, along the West line of said Warranty Deed Inst. No. 484329, a distance of 200.00 feet to a $\frac{5}{8}$ " rebar and aluminum cap stamped PLS 843, the TRUE POINT OF BEGINNING;

Thence, S 89°44'31" E, along the south line of said Warranty Deed Inst. No. 484329, a distance of 714.82 feet to a $\frac{5}{8}$ " rebar and aluminum cap stamped PLS 843;

Thence, S 32°22'52" W, 193.52 feet to a $\frac{1}{4}$ " rebar and plastic cap stamped PLS 843;

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Thence, S 07°30'05" E, 183.80 feet to a ½" rebar and plastic cap stamped PLS 843;

Thence, S 14°54'56" E, 316.37 feet to a ½" rebar and plastic cap stamped PLS 843;

20426187

Thence, S 38°59'43" E, 126.44 feet to a ½" rebar and plastic cap stamped PLS 843;

Thence, N 45°45'50" E, 94.63 feet to a point on the Southerly line of a parcel shown on Warranty Deed Inst. No. 20106189 and marked with a ½" rebar and plastic cap stamped PLS 977;

Thence, N 58°37'17" E, along said Southerly line, 184.70 feet to a point on the Southwesterly boundary line of the Revised plat of a portion of the West Pocatello Townsite, said point being marked with a ½" rebar and plastic cap stamped PLS 977;

Thence, S 35°01'54" E, along said Southwesterly boundary line of said Plat, 1032.85 feet to a point which intersects the centerline of Trail Creek Road;

Thence, S 55°25'04" W, along said road centerline, 375.12 feet;

Thence continuing along said road centerline, along a curve to the right, having a radius of 968.00 feet, through a central angle of 11°12'50", for an arc length of 189.46 feet;

Thence, S 66°37'54" W, continuing along said centerline, 595.81 feet;

Thence continuing along said road centerline, along a curve to the left, having a radius of 286.49 feet, through a central angle of 30°35'00", for an arc length of 152.92 feet;

Thence, S 36°02'53" W, continuing along said road centerline, 25.20 feet;

Thence continuing along said road centerline, along a curve to the right, having a radius of 572.95 feet, through a central angle of 21°00'00", for an arc length of 210.00 feet;

Thence, S 57°02'55" W, continuing along said road centerline, 59.70 feet;

Thence continuing along said road centerline, along a curve to the left, having a radius of 572.93 feet, through a central angle of 16°00'00", for an arc length of 159.99 feet;

Thence, S 41°02'50" W, continuing along said road centerline, 112.70 feet;

Thence continuing along said road centerline, along a curve to the right, having a radius of 190.99 feet, through a central angle of 45°00'00", for an arc length of 150.00;

Thence, S 86°02'56" W, continuing along said road centerline, 43.21 feet;

Thence continuing along said road centerline, along a curve to the left, having a radius of 280.29 feet, through a central angle of 41°19'13", for an arc length of 202.14 feet;

Thence, N 45°16'20" W, leaving said road centerline, 33.00 feet to a point on the Northwesterly right-of-way line of said Trail Creek Road, said point being marked with a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, N 13°45'28" E, 959.98' to a ½" rebar and plastic cap stamped PLS 843;

Thence, N 08°58'41" W, 436.04' to a ½" rebar and plastic cap stamped PLS 843;

Thence, N 07°07'24" E, 1231.27' to the TRUE POINT OF BEGINNING.

Subject to a 33.00 foot easement north of and contiguous with the center line of Trail Creek Road.

Parcel 2:

20426187

A tract of land in the E $\frac{1}{4}$ E $\frac{1}{4}$ of Section 28 and the W $\frac{1}{4}$ W $\frac{1}{4}$ of Section 27, Township 6 South, Range 34 East of the Boise Meridian, Bannock County, Idaho, described as follows:

Commencing at the Northwest corner of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 28, said point being marked with a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, S 89°43'09" E, along the North line of said SE $\frac{1}{4}$ NW $\frac{1}{4}$, a distance of 1313.01 feet to the Northeast corner of said SE $\frac{1}{4}$ NW $\frac{1}{4}$, said point also being the Northwest corner of a parcel of land recorded in Warranty Deed Inst. No. 267346 and marked with a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, S 00°40'05" W, along the west line of Warranty Deed Inst. No. 267346, a distance of 520.00 feet to a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, S 89°19'55" E, along the south line of said Warranty Deed, 416.00 feet to a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, N 00°40'05" E, along the east line of said Warranty Deed, 522.98 feet to a point on the North line of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section, said point being marked with a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, S 89°44'31" E, along the north line of said SW $\frac{1}{4}$ NE $\frac{1}{4}$ and the SE $\frac{1}{4}$ NE $\frac{1}{4}$ a distance of 1444.95 feet to the Northwest corner of a parcel described in Warranty Deed Inst. No. 484329 and marked with a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, S 00°43'44" W, along the West line of said Warranty Deed Inst. No. 484329, a distance of 200.00 feet to a 5/8" rebar and aluminum cap stamped PLS 843, the TRUE POINT OF BEGINNING;

Thence, S 89°44'31" E, along the south line of said Warranty Deed Inst. No. 484329, a distance of 714.82 feet to a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, S 32°22'52" W, 193.52 feet to a 1/2" rebar and plastic cap stamped PLS 843;

Thence, S 07°30'05" E, 183.80 feet to a 1/2" rebar and plastic cap stamped PLS 843;

Thence, S 14°54'56" E, 316.37 feet to a 1/2" rebar and plastic cap stamped PLS 843;

Thence, S 38°59'43" E, 126.44 feet to a 1/2" rebar and plastic cap stamped PLS 843;

Thence, N 45°43'50" E, 94.63 feet to a point on the Southerly line of a parcel shown on Warranty Deed Inst. No. 20106189 and marked with a 1/2" rebar and plastic cap stamped PLS 977;

Thence, N 58°37'17" E, along said Southerly line, 184.70 feet to a point on the Southwesterly boundary line of the Revised plat of a portion of the West Pocatello Townsite, said point being marked with a 1/2" rebar and plastic cap stamped PLS 977;

Thence, S 35°01'54" E, along said Southwesterly boundary line of said Plat, 1032.85 feet to a point which intersects the centerline of Trail Creek Road;

Thence, S 55°25'04" W, along said road centerline, 375.12 feet;

Thence continuing along said road centerline, along a curve to the right, having a radius of 968.00 feet, through a central angle of 11°12'50", for an arc length of 189.46 feet;

Thence, S 66°37'54" W, continuing along said centerline, 595.81 feet;

Thence continuing along said road centerline, along a curve to the left, having a radius of 286.49 feet, through a central angle of 30°35'00", for an arc length of 152.92 feet;

Thence, S 36°02'53" W, continuing along said road centerline, 25.20 feet;

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Thence continuing along said road centerline, along a curve to the right, having a radius of 572.95 feet, through a central angle of $21^{\circ}00'00''$, for an arc length of 210.00 feet;

Thence, $S 57^{\circ}02'55'' W$, continuing along said road centerline, 59.70 feet;

Thence continuing along said road centerline, along a curve to the left, having a radius of 572.93 feet, through a central angle of $16^{\circ}00'00''$, for an arc length of 159.99 feet;

Thence, $S 41^{\circ}02'50'' W$, continuing along said road centerline, 112.70 feet;

Thence continuing along said road centerline, along a curve to the right, having a radius of 190.99 feet, through a central angle of $45^{\circ}00'00''$, for an arc length of 150.00;

Thence, $S 86^{\circ}02'56'' W$, continuing along said road centerline, 43.21 feet;

Thence continuing along said road centerline, along a curve to the left, having a radius of 280.29 feet, through a central angle of $41^{\circ}19'13''$, for an arc length of 202.14 feet;

Thence, $N 45^{\circ}16'20'' W$, leaving said road centerline, 33.00 feet to a point on the Northwesterly right-of-way line of said Trail Creek Road, said point being marked with a $5/8''$ rebar and aluminum cap stamped PLS 843;

Thence, $N 13^{\circ}45'28'' E$, 959.98' to a $1/4''$ rebar and plastic cap stamped PLS 843;

Thence, $N 08^{\circ}58'41'' W$, 436.04' to a $1/4''$ rebar and plastic cap stamped PLS 843;

Thence, $N 07^{\circ}07'24'' E$, 1231.27' to the TRUE POINT OF BEGINNING.

Subject to a 33.00 foot easement north of and contiguous with the center line of Trail Creek Road.

DEED BY SHERIFF

THIS INDENTURE, Made this 19 day of December, 2013, between LORIN NIELSEN, Sheriff of the County of Bannock, State of Idaho, (hereafter the "Sheriff"), and THE BANK OF COMMERCE, an Idaho banking corporation, P.O. Box 1887, Idaho Falls, Idaho 83403,

WITNESSETH:

WHEREAS, in and by a Judgment on Plaintiff's Motion for Summary Judgment, Decree of Foreclosure, and Order of Sale Judgment issued on June 27, 2011 and an Order on Judgment of Attorney's Fees and Costs issued on July 19, 2011, made and entered by the Sixth Judicial District Court, for Bannock County, State of Idaho, in Case No. CV-11-1152 OC then pending, it was, among other things, ordered, adjudged and decreed, that certain real property described in the complaint in the action and specifically described in the Judgment on Plaintiff's Motion for Summary Judgment, Decree of Foreclosure, and Order of Sale Judgment should be sold, by the Sheriff of Bannock County, State of Idaho, in the manner prescribed by law.

AND WHEREAS, in accordance with the Judgment on Plaintiff's Motion for Summary Judgment, Decree of Foreclosure, and Order of Sale Judgment delivered to the Sheriff of Bannock County ordering him to sell the real property and apply the proceeds of the sale in satisfaction of the judgment. Pursuant to the Judgment on Plaintiff's Motion for Summary Judgment, Decree of Foreclosure, and Order of Sale Judgment the Sheriff did sell the property at public auction on December 5, 2012. Due public notice had been given as required by the laws of this state and the course and practice of the Court. The sale was conducted at the Bannock County Sheriff's Office, Pocatello, Idaho. THE BANK OF COMMERCE, was the purchaser, it being the highest bidder, for the sum of \$1,138,173.03, and that being the highest sum bid for the property.

AND WHEREAS, THE BANK OF COMMERCE did thereupon pay to the Sheriff the sum of money so bid by way of a credit against the judgment of June 27, 2011;

AND WHEREAS, the Sheriff thereupon made and issued the usual Certificate of Sale in duplicate in due form of law, and delivered one thereof to the purchaser and caused the other to be filed in the office of the County Recorder of Bannock County, State of Idaho on December 19, 2012 as Instrument Number 21221701, Official Records of Bannock County, Idaho;

AND WHEREAS, more than one year has elapsed since the sale on December 5, 2012, and no redemption has been made of the premises so sold as aforesaid, by or on behalf of the judgment debtors or their successors in interest or by or on behalf of any other person. No notice of intention to redeem has been given by any lien holder, creditor or other person entitled to redeem, as provided by law.

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NOW, THIS INDENTURE WITNESSETH: That the Sheriff, in order to carry into effect the sale so made by him as aforesaid, in pursuance of the judgment and decree, and in conformity with the statutes in such cases made and provided, and also in consideration of the premises and the sum specified above, so bid and paid by purchaser, the receipt of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey, unto THE BANK OF COMMERCE, an Idaho banking corporation, and to its heirs and assigns forever, all of those certain lots, parcels, pieces of land situate and lying and being in the County of Bannock, State of Idaho, and more particularly described as:

See the Real Property described in Exhibit "A" which is attached hereto, less Lot 15, Block 2 Trail Creek Division #1, Bannock County, Idaho, as the appears on the official plat thereof, recorded August 8, 2008 as Instrument No. 20817671, which was sold during the redemption period after waiver of redemption rights related to Lot 15.

TO HAVE AND TO HOLD, all and singular the premises and property hereby conveyed or intended so to be, unto THE BANK OF COMMERCE, an Idaho banking corporation, their heirs and assigns forever.

IN WITNESS WHEREOF, I have hereunto set my hand this 19 day of December, 2013.

BANNOCK COUNTY SHERIFF

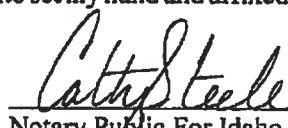

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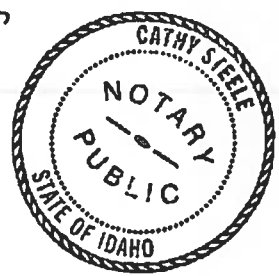
BY LT. Dan Argyle

STATE OF IDAHO)
) ss.
County of Bannock)

On the 19 day of December, 2013, before me, the undersigned, a notary public in and for the State of Idaho, personally appeared Lorin Nielsen, known or identified to me to be the Sheriff of Bannock County, State of Idaho, that executed the said instrument, and acknowledged to me that such Deputy Sheriff of Bannock County, State of Idaho, executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate above.


Notary Public For Idaho
Residing at: Bannock County
My commission expires: 4-15-17



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EXHIBIT "A"

Parcel 2

A tract of land in the E $\frac{1}{2}$ E $\frac{1}{2}$ of Section 28 and the W $\frac{1}{2}$ W $\frac{1}{2}$ of Section 27, Township 6 South, Range 34 East of the Boise Meridian, Bannock County, Idaho, described as follows:

Commencing at the Northwest corner of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 28, said point being marked with a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, S 89°43'09" E, along the North line of said SE $\frac{1}{4}$ NW $\frac{1}{4}$, a distance of 1313.01 feet to the Northeast corner of said SE $\frac{1}{4}$ NW $\frac{1}{4}$, said point also being the Northwest corner of a parcel of land recorded in Warranty Deed Inst. No. 267346 and marked with a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, S 00°40'05" W, along the west line of Warranty Deed Inst. No. 267346, a distance of 520.00 feet to a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, S 89°19'55" E, along the south line of said Warranty Deed, 416.00 feet to a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, N 00°40'05" E, along the east line of said Warranty Deed, 522.98 feet to a point on the North line of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section, said point being marked with a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, S 89°44'31" E, along the north line of said SW $\frac{1}{4}$ NE $\frac{1}{4}$ and the SE $\frac{1}{4}$ NE $\frac{1}{4}$ a distance of 1444.95 feet to the Northwest corner of a parcel described in Warranty Deed Inst. No. 484329 and marked with a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, S 00°43'44" W, along the West line of said Warranty Deed Inst. No. 484329, a distance of 200.00 feet to a 5/8" rebar and aluminum cap stamped PLS 843, the TRUE POINT OF BEGINNING;

Thence, S 89°44'31" E, along the south line of said Warranty Deed Inst. No. 484329, a distance of 714.82 feet to a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, S 32°22'52" W, 193.52 feet to a 1/2" rebar and plastic cap stamped PLS 843;

Thence, S 07°30'05" E, 183.80 feet to a 1/2" rebar and plastic cap stamped PLS 843;

Thence, S 14°54'56" E, 316.37 feet to a 1/2" rebar and plastic cap stamped PLS 843;

Thence, S 38°59'43" E, 126.44 feet to a 1/2" rebar and plastic cap stamped PLS 843;

Thence, N 45°45'50" E, 94.63 feet to a point on the Southerly line of a parcel shown on Warranty Deed Inst. No. 20106189 and marked with a 1/2" rebar and plastic cap stamped PLS 977;

Thence, N 58°37'17" E, along said Southerly line, 184.70 feet to a point on the Southwesterly boundary line of the Revised plat of a portion of the West Pocatello Townsite, said point being marked with a 1/2" rebar and plastic cap stamped PLS 977;

Thence, S 35°01'54" E, along said Southwesterly boundary line of said Plat, 1032.85 feet to a point which intersects the centerline of Trail Creek Road;

Thence, S 55°25'04" W, along said road centerline, 375.12 feet;

Thence continuing along said road centerline, along a curve to the right, having a radius of 968.00 feet, through a central angle of 11°12'50", for an arc length of 189.46 feet;

Thence, S 66°37'54" W, continuing along said centerline, 595.81 feet;

Thence continuing along said road centerline, along a curve to the left, having a radius of 286.49 feet, through a central angle of 30°35'00", for an arc length of 152.92 feet;

Thence, S 36°02'53" W, continuing along said road centerline, 25.20 feet;

Thence continuing along said road centerline, along a curve to the right, having a radius of 572.95 feet, through a central angle of 21°00'00", for an arc length of 210.00 feet;

Thence, S 57°02'55" W, continuing along said road centerline, 59.70 feet;

Thence continuing along said road centerline, along a curve to the left, having a radius of 572.93 feet, through a central angle of 16°00'00", for an arc length of 159.99 feet;

Thence, S 41°02'50" W, continuing along said road centerline, 112.70 feet;

Thence continuing along said road centerline, along a curve to the right, having a radius of 190.99 feet, through a central angle of 45°00'00", for an arc length of 150.00;

Thence, S 86°02'56" W, continuing along said road centerline, 43.21 feet;

Thence continuing along said road centerline, along a curve to the left, having a radius of 280.29 feet, through a central angle of 41°19'13", for an arc length of 202.14 feet;

Thence, N 45°16'20" W, leaving said road centerline, 33.00 feet to a point on the Northwesterly right-of-way line of said Trail Creek Road, said point being marked with a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, N 13°45'28" E, 959.98' to a 1/2" rebar and plastic cap stamped PLS 843;

Thence, N 08°58'41" W, 436.04' to a 1/2" rebar and plastic cap stamped PLS 843;

Thence, N 07°07'24" E, 1231.27' to the TRUE POINT OF BEGINNING.

Subject to a 33.00 foot easement north of and contiguous with the center line of Trail Creek Road.

Excepting:

A parcel of land located in the south 1/2 of Section 28, Township 6 South, Range 34 East, Boise Meridian, Bannock County, Idaho, described as follows:

Commencing at the Northeast Corner of Section 28, Township 6 South, Range 34 East, Boise Meridian; Thence South 09°58'30" West (basis of bearing per the central Meridian of the East Zone of the Idaho State Plane Coordinate System) along the East line of said Section 28, a distance of 1316.53 feet, to the North 1/16 Corner on the East line of said Section 28;

Thence continuing along the East line of said Section 28, South 00°16'41" West a distance of 1306.14 feet, to the East 1/4 Corner of said Section 28;

Thence South 00°49'18" West on a line between said East 1/4 Corner and the Southeast Corner of said Section 28, a distance of 1068.49 feet;

Thence North 89°10'42" West, perpendicular to said Section line, a distance of 2519.23 feet, to the point of beginning;

Thence South 80°06'34" West a distance of 22.59 feet, to a point of tangency with a 175.00 foot radius curve whose center bears North 09°53'28" West;

Thence following said curve in a southwesterly direction through a central angle of 10°0'00" an arc length of 30.54 feet (the chord of said curve bears South 85°06'34" West a distance of 30.50 feet);

Thence north 89°53'26" west a distance of 131.12 feet;

Thence north 00°00'00" east a distance of 137.63 feet;

Thence north 90°00'00" west a distance of 120.00 feet;

Thence north 00°00'00" east a distance of 225.00 feet;

Thence north 90°00'00" east a distance of 260.00 feet;

Thence south 07°00'03" east a distance of 359.00 feet, to the point of beginning.

Excepting:

Lot 2, Block 1; Lots 11, 12, 13, 14, 17, 18, 20, 21, 22 Block 2; Lots 2, 6, 12 and 13, Block 3, Trail Creek Estates - Division 1, as the same appears on the official plat thereof.

Including the following approximately 60 ACRE PARCEL, NEXT TO TRAIL CREEK

A parcel of land located in Section 28, Township 6 South, Range 34 East, Boise Meridian, Bannock County, Idaho, described as follows:

Commencing at the Southeast Corner of Section 28, Township 6 South, Range 34 East, Boise Meridian, being marked by a City of Pocatello 2 inch Alum. Cap, as described in Corner Perpetuation and Filing Record Instrument No. 20715537;

Thence North 00°49'18" East (basis of bearing per Central Meridian of East Zone of the Idaho State Plane Coordinate System) along the East line of said section 28, a distance of 1181.16 feet;

Thence North 89°10'42" West, perpendicular to said East line, a distance of 868.62 feet, to the Southwest Corner of Pocatello City Limits described in Ordinance No. 2789, and recorded in the County of Bannock under Instrument No. 20614097, common with centerline station 20+94.30 per Bannock County Trail Creek Road Survey depicted on the plan and profile sheet filed under Section 27 and 28, drawer No. 8, on file in the County, also being the **POINT OF BEGINNING**;

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Thence in a Southwesterly Direction following said County Surveyed centerline following a 286.48 foot radius curve concave to the Southeast and whose center bears South 04°19'01" East through a central angle of 40°30'00" an arc length of 202.50 feet, to centerline station 22+96.80 per County survey;
 Thence North 59°11'16" West leaving said County surveyed centerline, a distance of 206.16 feet;
 Thence North 25°17'16" West a distance of 138.56 feet;
 Thence North 56°12'02" West a distance of 140.32 feet;
 Thence North 89°53'55" West distance of 1465.55 feet;
 Thence North 00°00'44" West a distance of 1089.34 feet;
 Thence South 89°41'58" East a distance of 1185.01 feet;
 Thence North 00°28'08" West a distance of 341.56 feet;
 Thence North 20°34'33" East a distance of 239.77 feet;
 Thence North 74°00'03" East a distance of 279.57 feet;
 Thence North 49°27'08" East a distance of 275.65 feet;
 Thence South 54°04'47" East a distance of 370.61 feet, to a point on the Pocatello City Limits line described in Ordinance No. 2789, and recorded in the County of Bannock under Instrument No. 20614097;

Thence in a Southerly direction following said City Limits line the next (5) five courses:

1. South 07°10'36" West a distance of 255.47 feet;
2. South 22°56'00" West a distance of 194.19 feet;
3. South 51°39'30" West a distance of 48.42 feet;
4. South 10°16'03" East a distance of 148.52 feet;
5. North 81°55'35" East a distance of 42.46 feet, to Northeast Corner of a parcel of land described in Deed Instrument Nos. 20426187 and 20426188, being marked by a 1/2 inch rebar;

Thence following the Boundary line of said parcel for the next (6) six courses:

1. South 68°38'26" West a distance of 205.05 feet;
2. South 61°37'42" West a distance of 217.90 feet;
3. North 89°32'42" West a distance of 173.02 feet;
4. South 43°12'40" West a distance of 143.75 feet;
5. South 22°34'54" East a distance of 401.77 feet;
6. North 68°39'41" East a distance of 609.86 feet to the Southeast Corner of said parcel, being marked by a 1/2 inch rebar, also being a point on said City Limits line;

Thence in a Southerly direction following said City Limits line the next (11) eleven courses:

1. South 34°28'59" East a distance of 104.22 feet;
2. South 52°15'01" West a distance of 176.12 feet;
3. South 57°34'16" East a distance of 193.73 feet;
4. South 78°34'42" East a distance of 168.51 feet;
5. South 00°21'14" West a distance of 13.84 feet, to a point of tangency with a 135.00 foot radius curve whose center bears North 89°38'46" West;
6. Following said curve in a Southwesterly direction through a central angle of 38°59'00" an arc length of 91.85 feet (the chord of said curve bears South 19°50'44" West a distance of 90.09 feet);
7. South 39°20'14" West a distance of 348.82 feet to a point of tangency with a 90.00 foot radius curve whose center bears South 50°39'46" East;
8. Following said curve in a Southwesterly direction through a central angle of 55°03'02" an arc length of 86.47 feet (the chord of said curve bears South 11°48'43" West a distance of 83.19 feet);
9. South 15°42'48" East a distance of 26.49 feet;

21321212

- 7-7
10. South 30°26'06" West a distance of 51.81 feet to a point on the North Right-of-Way line of Trail Creek Road;
 11. South 04°19'01" East a distance of 33.00 feet, to the **POINT OF BEGINNING**.

Containing 58.20 Acres, more or less.

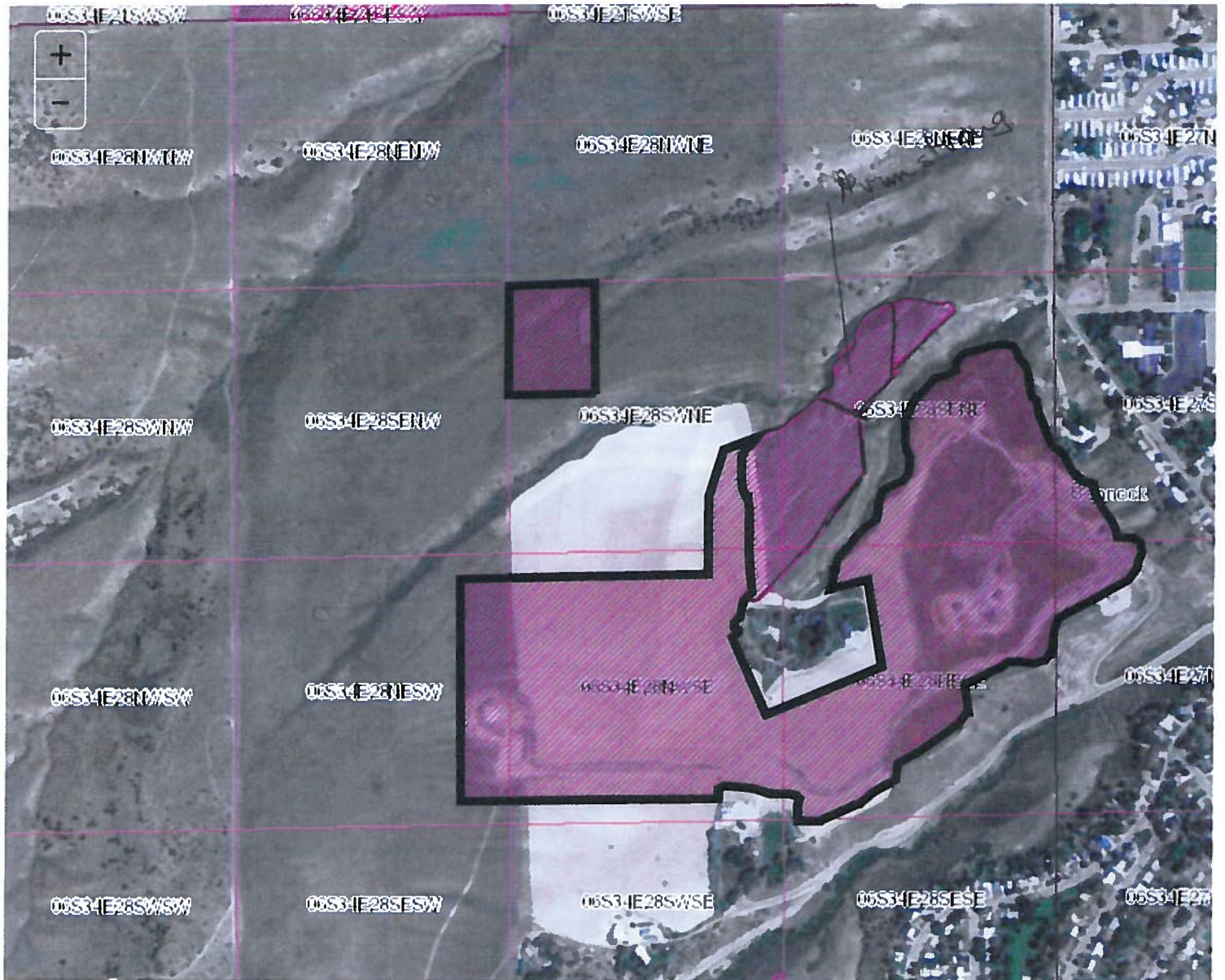
OFFICIAL RECORD BK # 974
BANKOCK COUNTY IDAHO

RECORDED AT REQUEST OF
FEE 28 DEPUTY km

Nelson Hall Parry Tucker

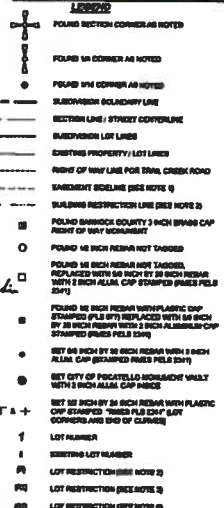
21321212

2013 DEC 20 A 8:57

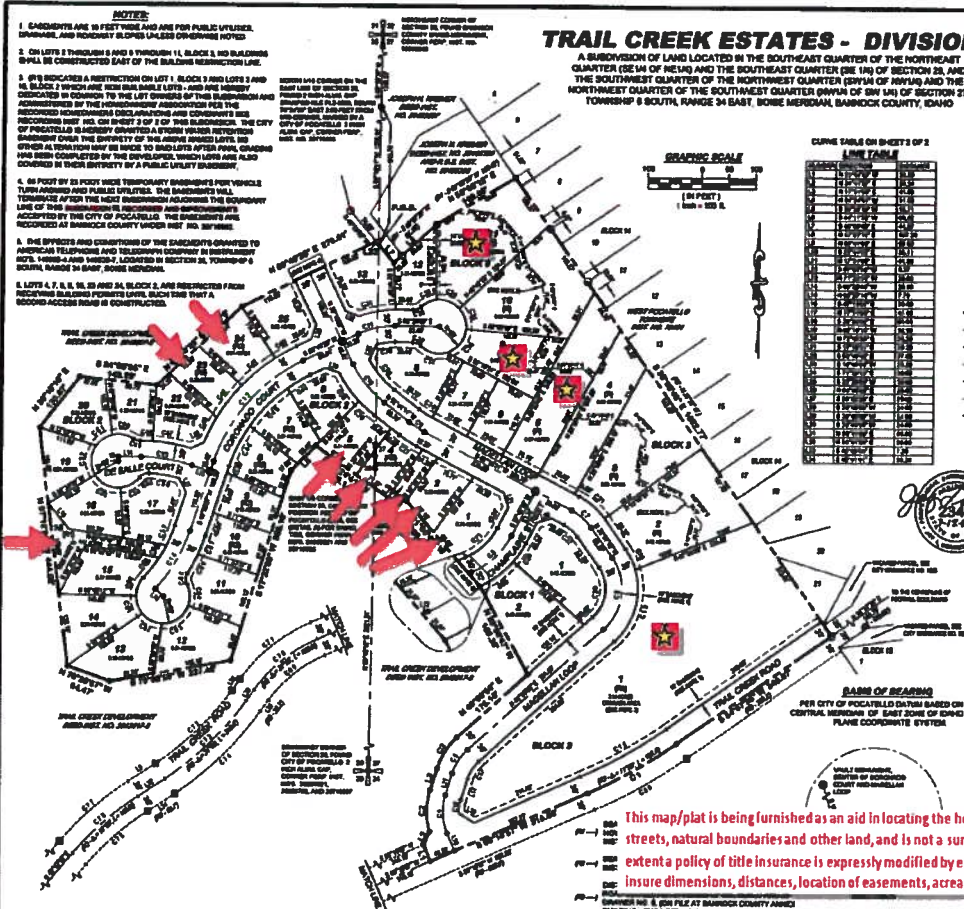


[illegible]

A SUBDIVISION OF LAND LOCATED IN THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER (SE 1/4 OF NE 1/4) AND THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 28, AND THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER (SW 1/4 OF NW 1/4) AND THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER (NW 1/4 OF SW 1/4) OF SECTION 27, TOWNSHIP 8 SOUTH, RANGE 34 EAST, BONIE MERIDIAN, BANNOCK COUNTY, IDAHO

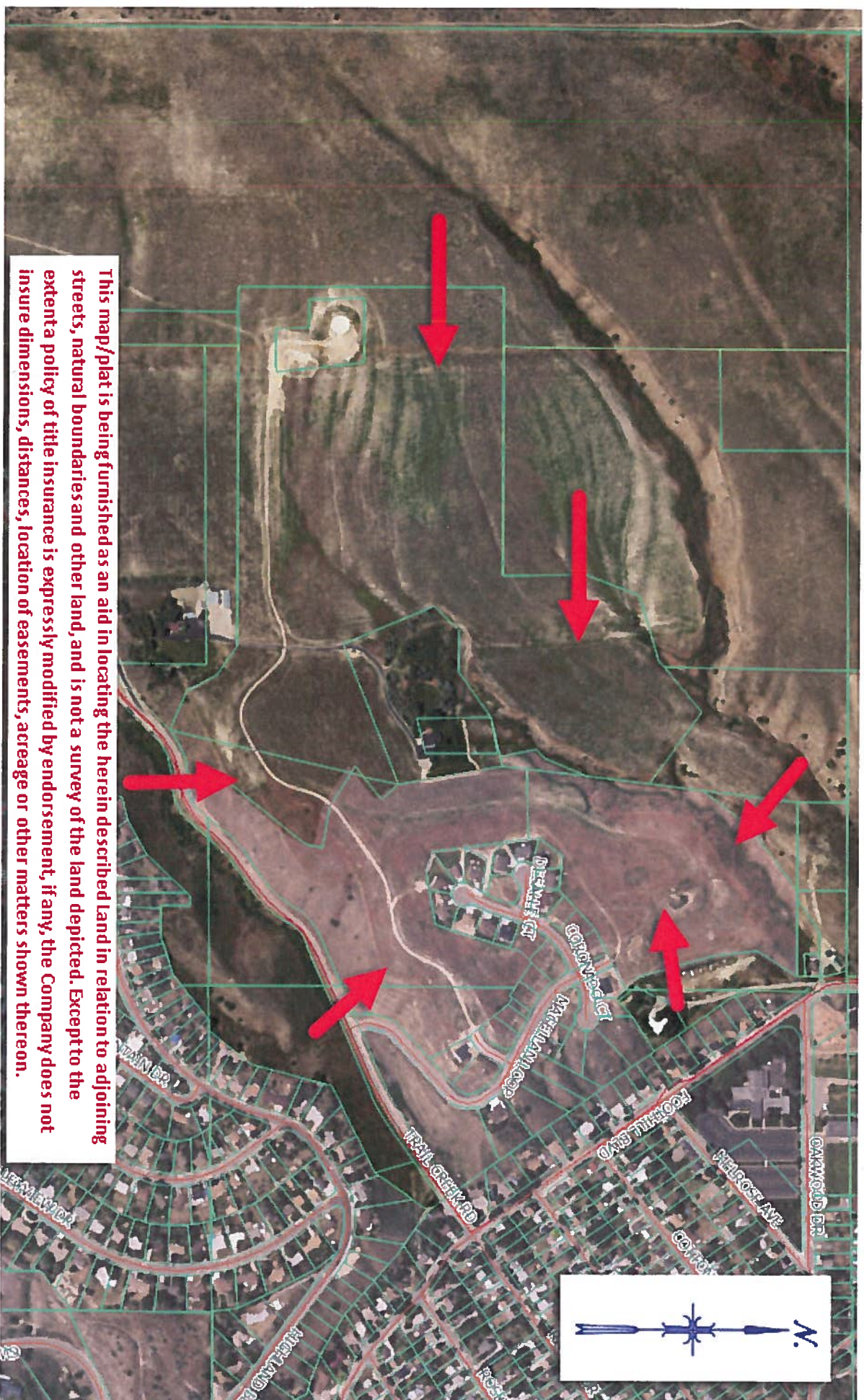


LINE TABLE	
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94	11/11/1997
95	11/11/1997
96	11/11/1997
97	11/11/1997
98	11/11/1997
99	11/11/1997
100	11/11/1997



This map/plot is being furnished as an aid in locating the herein described land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the Company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.

TRAIL CREEK ESTATES - DIVISION 1





State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region • 900 North Skyline Drive, Suite A • Idaho Falls, ID 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

January 10, 2018

TRAIL CREEK DEVELOPMENT LLC
814 ROCKY POINT RD
POCATELLO, ID 83204

RE: Correction of 2012 Ownership Change

To Whom it May Concern,

I am writing to inform you of a reallocation of 0.6 acres from water rights 29-14052 and 29-14053 to parent rights 29-2182 and 29-4264, as well as a place of use correction for water rights 29-2182 and 29-4264.

In 2017 an ownership change was filed by The Bank of Commerce, Custodian FBO Jedd Thomas, and the Bank of Commerce, Custodian FBO Randall Thomas, on a portion of water rights 29-2182 and 29-4264, owned by Trail Creek Development, Inc.

As part of the ownership change process, I reviewed a previous ownership change which was processed in 2012. That ownership change split water right 29-4264 into 29-4264 and 29-14052, and right 29-2182 into rights 29-2182 and 29-14053. Rights 29-14052 and 29-14053 were owned by the Howard & Marilyn Armstrong Trust. The remaining portions of 29-2182 and 29-4264 were owned by Trail Creek Development, and were the subject of the 2017 ownership change.

Analysis of the 2012 ownership change revealed two mistakes that occurred during processing.

The first error was that an extra 0.6 acres, and their appurtenant diversion rate and volume, were assigned to rights 29-14052 and 29-14053.

Evidence of the additional irrigated acres, rate, and volume applied to rights 29-14052 and 29-14053 was found in the various deeds submitted with the 2012 ownership change. Those documents revealed that the Howard & Marilyn Armstrong Trust purchased 2.6 acres of the two overlapping water rights, as opposed to the 3.2 acres assigned to them when the 2012 ownership change was processed.

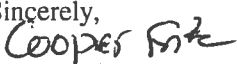
To rectify the error, 0.6 acres, and their appurtenant rate and volume, were removed from 29-14052 and 29-14053 and added back to rights 29-2182 and 29-4264.

The second error changed the description of 1.8 acres of irrigated land, moving them from the SWNE to the SENE of Section 28, Township 6 South, Range 34 East. The change included 0.6 acres of 29-14052 and 29-14053 (discussed above), and 1.2 acres of 29-2182 and 29-4264.

The ownership change process does not authorize a change in place of use.

To correct the mistake, the place of use for rights 29-2182 and 29-4264 was changed to 2.4 acres in the SWNE and 5.9 acres in the SENE of Section 28, Township 6 South, Range 31 East.

I have enclosed your portion of the water right for your review. If you have questions, or feel my analysis was in error, please contact me at 208-534-1479.

Sincerely,

Cooper Fritz
Water Resources Agent



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region • 900 North Skyline Drive, Suite A • Idaho Falls, ID 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

January 10, 2018

HOWARD & MARILYN ARMSTRONG TRUST
13244 W TRAIL CREEK RD
POCATELLO, ID 83204

RE: Correction of 2012 Ownership Change

Dear Howard and Marilyn,

I am writing to inform you of a reallocation of 0.6 acres from water rights 29-14052 and 29-14053 to parent rights 29-2182 and 29-4264, as well as a place of use correction for water rights 29-2182 and 29-4264.

In 2017 an ownership change was filed by The Bank of Commerce, Custodian FBO Jedd Thomas, and the Bank of Commerce, Custodian FBO Randall Thomas, on a portion of water rights 29-2182 and 29-4264, owned by Trail Creek Development, Inc.

As part of the ownership change process, I reviewed a previous ownership change which was processed in 2012. That ownership change split water right 29-4264 into 29-4264 and 29-14052, and right 29-2182 into rights 29-2182 and 29-14053. Rights 29-14052 and 29-14053 were owned by the Howard & Marilyn Armstrong Trust. The remaining portions of 29-2182 and 29-4264 were owned by Trail Creek Development, and were the subject of the 2017 ownership change.

Analysis of the 2012 ownership change revealed two mistakes that occurred during processing.

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Evidence of the additional irrigated acres, rate, and volume applied to rights 29-14052 and 29-14053 was found in the various deeds submitted with the 2012 ownership change. Those documents revealed that the Howard & Marilyn Armstrong Trust purchased 2.6 acres of the two overlapping water rights, as opposed to the 3.2 acres assigned to them when the 2012 ownership change was processed.

To rectify the error, 0.6 acres, and their appurtenant rate and volume, were removed from 29-14052 and 29-14053 and added back to rights 29-2172 and 29-4264.

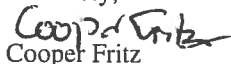
The second error changed the description of 1.8 acres of irrigated land, moving them from the SWNE to the SENE of Section 28, Township 6 South, Range 34 East. The change included 0.6 acres of 29-14052 and 29-14053 (discussed above), and 1.2 acres of 29-2182 and 29-4264.

The ownership change process does not authorize a change in place of use.

To correct the mistake, the place of use for rights 29-2182 and 29-4264 was changed to 2.4 acres in the SWNE and 5.9 acres in the SENE of Section 28, Township 6 South, Range 31 East.

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Sincerely,


Cooper Fritz

Water Resources Agent



State of Idaho

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

January 10, 2018

THE BANK OF COMMERCE
CUSTODIAN FBO JEDD THOMAS, IRA & CUSTODIAN FBO RANDALL THOMAS, IRA
PO BOX 1887
IDAHO FALLS, ID 83403

RE: Correction of 2012 Ownership Change

Dear Jedd and Thomas,

I am writing to inform you of a reallocation of 0.6 acres from water rights 29-14052 and 29-14053 to parent rights 29-2182 and 29-4264, as well as a place of use correction for water rights 29-2182 and 29-4264.

In 2017 an ownership change was filed by The Bank of Commerce, Custodian FBO Jedd Thomas, and the Bank of Commerce, Custodian FBO Randall Thomas, on a portion of water rights 29-2182 and 29-4264, owned by Trail Creek Development, Inc.

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To rectify the error, 0.6 acres, and their appurtenant rate and volume, were removed from 29-14052 and 29-14053 and added back to rights 29-2182 and 29-4264.

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I have enclosed your portion of the water right for your review. If you have questions, or feel my analysis was in error, please contact me at 208-534-1479.

Sincerely,


Cooper Fritz
Water Resources Agent

Barg, Jonie

From: Barg, Jonie
Sent: Thursday, February 08, 2018 9:13 AM
To: Marston, Sascha
Subject: Refund Request (After Review 2nd Request)
Attachments: E042953.pdf

****AFTER REVIEW THIS WILL NEED TO BE REFUNDED.....THANK YOU****

Sascha,

Good morning!!

I have a refund request as follows:

Receipt number: E042953
Amount: \$50.00
Payable to: The Bank of Commerce
Po Box 1887
Idaho Falls ID 83403

Reason: Total filing fee received \$175.00 for an ownership change application. 2 of the water rights were not appurtenant to the buyers property, therefore a partial refund is required.

Let me know if you need additional information.

Thank you so much for your time. Let me know if you have any questions.

Have a great day!!!

Jonie Barg

Jonie Barg
Technical Records Specialist
Idaho Department of Water Resources
900 N Skyline Ste A
Idaho Falls ID 83402
phone: (208) 525-7161
fax: (208) 525-7177
email: jonie.barg@idwr.idaho.gov



June 29, 2017

State of Idaho
Department of Water Resource
900 N. Skyline Dr. Ste. A
Idaho Falls, ID 83402-1718

RECEIVED
JUL 03 2017
Department of Water Resources
Eastern Region

Dear Jonie Barg,

Thank you for your time on the phone the other day.

In response to your letters from June 22nd (Copies enclosed) please find the required "Evidence of Ownership". Enclosed should be a full chain of title provided to us by the title company.

Thank you for your assistance in this matter. Please let me know if you need anything else.

Thank you,

A handwritten signature in blue ink, appearing to read 'Tim Sopalski'.

Tim Sopalski
Trust Officer
208-525-9191