

\$100. -

Lots A12 & A13

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Notice of Change in Water Right Ownership

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?
22-14053	Yes ☒	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
22-14053 22-14165	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name:

Tom & Debbie Hunter
Name of current water right holder/claimant

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

Robert Kincaid
New owner(s) as listed on the conveyance document

Name connector ☐ and ☐ or ☐ and/or

30560 252ND St
Mailing address

Presho
City

SD 575168
State ZIP

208-313-2713
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: Robert Kincaid
Signature of new owner/claimant

9-15-2015
Title, if applicable Date

Signature: _____
Signature of new owner/claimant

Title, if applicable Date

For IDWR Office Use Only:

Received by JB Date 9/25/15 Receipt No. E041480 Receipt Amt. \$100. -
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 JB Date 10/5/15

SUPPORT DATA

IN FILE # 22-14053

Harvey Walker

From: "Barg, Jonie" <Jonie.Barg@idwr.idaho.gov>
 Date: Tuesday, September 15, 2015 11:35 AM
 To: "Harvey Walker" <why@atcnet.net>
 Subject: Fox Creek Village Ownership Changes recieved/needed

Here you go Harvey! This is a nice long list. Hopefully it is helpful. Have a wonderful Day!

Water Rights for Fox Creek Village and lots associated with the water rights:

22-14053 Tom & Debbie Hunter
 22-14157 Clayton and Sarah Bieber Lot 25
 22-14158 Christopher and Jennifer Walton Lot 24
 22-14054 Robert and Yvonne Kincaid Open Area 1, Open Area 2 and Open Area 3
 22-14108 Robert and Lorene Spoelhof Lot 41, 42 and 43
 22-14160 Douglas Starks & Laura Mc Kee Lots 26 & 27
 22-14098 Fox Creek Country Club Estates Lot 63 Well Lot

Ownership Changes needed:

Lot 7 Lindsay Obray
 Lot 8 P& M Construction LLC
 Lot 9 John Long
 Lot 10 Benjamin Vevin
 Lot 11 Joshua Matz
 Lot 12 James Eckroth
 Lot 13 Robert Malheiro
 Lot 14 Thomas Simmons
 Lot 15 Blake Jorgensen
 Lot 16 John Buxton
 Lot 17 Robert Kincaid
 Lot 18 Cheryl Hyrne
 Lot 19 Alskid Skidmore
 Lot 20 Erik Moss
 Lot 21 Andrew Leavitt
 Lot 22 Peter Kaiser
 Lot 23 Joselin Matkins

Lot 64 Mathew Strong
 Lot 65 Corey Moss
 Lot 66 Delwyn Berrett
 Lot 67 James Eckroth
 Lot 68 Michael Walters
 Lot 69 Nicholas Shidner
 Lot 70 Mease Eckroth
 Lot 71 Julio Rabago
 Tasx 2079 Reds Cabin LLC
 Lot 62 Larry & Caroline Ford
 Lot 61 Pete Test
 Lot 60 Richard Ream
 Lot 59 Richard Ream
 Lot 58 Sara Miklethun
 Lot 57 Gretchen Alley Living Trust
 Lot 56 Allen & Salley Moore
 Lot 55 William Fay

Lot 54 Thomas Fay
 Lot 53 DP Partners
 Lot 52 Jenny Field
 Lot 51 James Fleming
 Lot 50 Gary Precher
 Lot 49 Anstee Housing Corp
 Lot 48 Anstee Housing Corp
 Lot 47 Robert Cathcart
 Lot 44 Patrick Pinhero
 Lot 45 K & L Homes LLC
 Lot 40 James Hanlon

Lot 31 Jill Porter
 Lot 30 Jill Porter
 Lot 29 Sarah Rupp
 Lot A15 Rodney Dykehouse
 Lot A16 Justin Anthony
 Lot A17 Karen Schroeder
 Lot A18 John Eagan
 Lot A13 Robert Kincaid
 Lot A12 Robert Kincaid

Lot 39 Danielle Demers
Lot 38 Steven Crow
Lot 37 Richard Lichtenahn
Lot 36 Cary Krusoff
Lot 35 Muesse Torsten
Lot 34 Muesse Torsten
Lot 33 Franklin Family Trust
Lot 32 David Wells

Jonie Barg

Jonie Barg
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

170096
WARRANTY DEED

RECEIVED

AUG 09 2005

TETON COUNTY
CLERK RECORDED

For Value Received Fox Creek Investments, LLC

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

Fox Development, LLC, a Wyoming Limited Liability Company

whose address is: 1575 Crooked Creek Road, Alta, WY 83414

Hereinafter called the Grantee, the following described premises situated in Teton County, Idaho, to-wit:

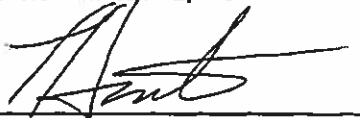
Lots A3, A4, A5, A6, A7, A8, A9, A10, A11, A12, A13, A14, A15, A16, A17, A18, A19, A20, A21, A22, A23, A24, A25, Open Area 1 and Open Area 2, Fox Creek Village Planned Unit Development, Teton County, Idaho, as the same appears on the official plat thereof recorded May 30, 1996 as Instrument No. 124033.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: 8-4-05

Fox Creek Investments, LLC



By: Thomas R. Hunter

Instrument # 170096
DRIGGS, TETON, IDAHO
2005-08-09 11:26:36 No. of Pages: 1
Recorded for: FIRST AMERICAN TITLE
NOLAN G. BOYLE Fee: 3.00
Ex-Officio Recorder Deputy *Boyle*
Index to: DEED, WARRANTY

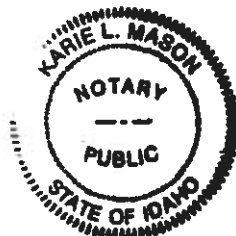
STATE OF IDAHO)

ss.

COUNTY OF TETON)

On this 4th day of August, in the year of 2005, before me a Notary Public, personally appeared Thomas R. Hunter, known or identified to me (or proved to me on the oath of), to be the manager or a member of the limited liability company that executed the instrument or the person who executed the instrument on behalf of said limited liability company and acknowledged to me that such limited liability company executed the same.

Karie L. Mason
Notary Public of Idaho
Residing at: Victor, Id
Commission Expires: 8-19-2010



170096

RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:
First American Title Company
81 North Main Street/P.O. Box 42
Driggs, ID 83422

198470 JUN 27 08 PM 2:46

Instrument # 198470

TETON COUNTY, IDAHO
6-27-2008 02:46:00 No. of Pages: 3
Recorded for: FIRST AMERICAN TITLE COMPANY
MARY LOU HANSEN Fee: \$400
Ex-Officio Recorder Deputy *[Signature]*
Index to DEED WARRANTY

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: **263282-T (tm)**

Date: **June 26, 2008**

For Value Received, **Fox Development, LLC**, an Idaho limited liability company, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Kincaid Construction, Inc. an Idaho Corporation**, hereinafter called the Grantee, whose current address is **PO Box 136, Victor, ID 83455**, the following described premises, situated in **Teton County, Idaho**, to-wit:

Legal Description attached hereto as Exhibit A, and by this referenced incorporated herein.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its appurtenances, unto the said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Date: 06/26/2008

Warranty Deed
- continued

File No.: 263282-T (tm)

Fox Development, LLC, an Idaho limited
liability company

By: Robert Kincaid, Member

By: Hunter Family Trust

By: Thomas R. Hunter, Trustee

STATE OF Idaho)
SS.
COUNTY OF Teton)

On this 26 day of June, 2008, before me, a Notary Public in and for said State, personally appeared **Thomas R. Hunter, Trustee of the Hunter Family Trust**, known or identified to me to be the person whose name is subscribed to the within Instrument as one of the Managers/Members of the **Fox Development, LLC, an Idaho Limited Liability Company**, which is known or identified to me to be the entity whose name is subscribed to the within instrument and acknowledged to me that he executed the same in said Limited Liability Company's name.

TERESA K. MANGUM
NOTARY PUBLIC
STATE OF IDAHO

Teresa K. Mangum
Notary Public of Idaho

Residing at: Quincy

Commission Expires: 07-24-09

Date: 06/26/2008

Warranty Deed
• continued

File No.: 263282-T (tm)

EXHIBIT A

Lot A12, Fox Creek Village Planned Unit Development, Teton County, Idaho, as the same appears on the official plat thereof recorded May 30, 1996 as Instrument No. 124033.

RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:
First American Title Company
81 North Main Street/P.O. Box 42
Driggs, ID 83422

158634 JUL 7 '08 PM1248

Instrument # 198634
TETON COUNTY, IDAHO
7-7-2008 12:48:00 No. of Pages: 3
Recorded for : FIRST AMERICAN TITLE COMPANY
MARY LOU HANSEN
Ex-Officio Recorder Deputy
Index to: DEED, WARRANTY

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: **263282-T (tm)**

Date: **June 26, 2008**

For Value Received, **Fox Development, LLC, an Idaho limited liability company**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Kincaid Construction, Inc. an Idaho Corporation**, hereinafter called the Grantee, whose current address is **PO Box 136, Victor, ID 83455**, the following described premises, situated in **Teton County, Idaho**, to-wit:

Legal Description attached hereto as Exhibit A, and by this referenced incorporated herein.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

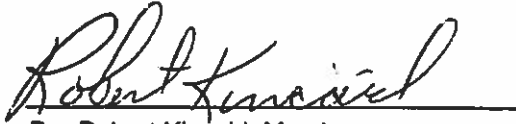
TO HAVE AND TO HOLD the said premises, with its appurtenances, unto the said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Date: 06/26/2008

Warranty Deed
- continued

File No.: 263282-T (tm)

Fox Development, LLC, an Idaho limited
liability company



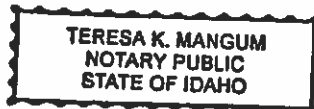
By: Robert Kincaid, Member

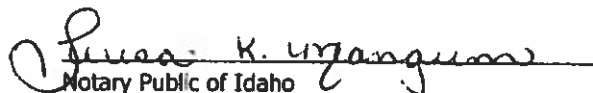
By: Hunter Family Trust


By: Thomas R. Hunter, Trustee

STATE OF Idaho)
ss.
COUNTY OF Teton)

On this 7th day of July, 2008, before me, a Notary Public in and for said State, personally appeared **Robert Kincaid**, known or identified to me to be the person whose name is subscribed to the within Instrument as one of the Managers/Members of the **Fox Development, LLC, an Idaho Limited Liability Company**, which is known or identified to me to be the entity whose name is subscribed to the within instrument and acknowledged to me that he executed the same in said Limited Liability Company's name.




Notary Public of Idaho
Residing at: Idaho
Commission Expires: 07-24-09

Date: 06/26/2008

Warranty Deed
- continued

File No.: 263282-T (tm)

EXHIBIT A

Lot A12, Fox Creek Village Planned Unit Development, Teton County, Idaho, as the same appears on the official plat thereof recorded May 30, 1996 as Instrument No. 124033.

201607 DEC 3 '08 PM 3:58

Instrument # 201607

TETON COUNTY, IDAHO

12-3-2008 03:58:00 No. of Pages: 2

Recorded for: MARLOWE LAW

MARY LOU HANSEN

Ex-Officio Recorder Deputy

Index to DEED, WARRANTY

Fee: 6.00

WARRANTY DEED

Kincaid Construction, P.O. Box 136, Victor, Idaho 83455, as GRANTOR, for a good and valuable consideration, the receipt of which is hereby acknowledged, do hereby grant, bargain, sell and convey unto Nick E. Tonks, P.O. Box 747, Victor Idaho 83455, as GRANTEE, and to GRANTEE'S successors and assigns forever, all of the following described property situated in Teton County, Idaho:

Lot A-12, Fox Creek Village Planned Unit Development, Teton County, Idaho, as the same appears on the official plat thereof recorded May 30, 1996 as Instrument No. 124033.

Subject to all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by the parties.

GRANTOR, for themselves, their heirs and assigns do hereby covenant, warrant and shall defend the quiet and peaceable possession of said premises by the GRANTEE, its successors and assigns forever against the lawful claims of all persons.

IN WITNESS WHEREOF, GRANTOR have hereunto subscribed their names to this instrument this 11th day of November, 2008.

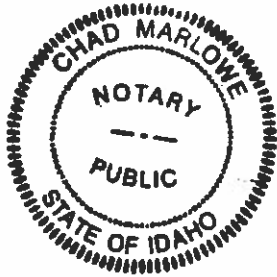
GRANTOR: KINCAID CONSTRUCTION INC.


Robert F. Kincaid

President of Kincaid Construction, Inc.

State of Idaho)
 :SS
County of Teton)

On this 11th day of November, in the year 2008, before me, a Notary Public in and for said State, personally appeared Robert F. Kincaid, known or identified to me to be the persons whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.



CM
Notary Public for Idaho
Residing at: D-1995 ED
My Commission Expires: 2/4/11

209289 JAN 21 10 PM 2 02

Instrument # 209289

TETON COUNTY, IDAHO

1-21-2010 02:02:00 No. of Pages: 3

Recorded for : KINCAID, BOB

MARY LOU HANSEN

Ex-Officio Recorder Deputy

Index to DEED

**DEED IN LIEU OF FORECLOSURE
AND
ESTOPPEL AFFIDAVIT**

Date

This deed in lieu of foreclosure and estoppel affidavit is executed the 18th day of January, 2010.

Parties

Grantor: Nick E. Tonks, a married man, whose address is P.O. Box 747, Victor, Idaho 83455; and

Grantee: Kincaid Construction Inc., an Idaho corporation, whose address is P.O. Box 136, Victor, Idaho 83455.

Consideration

The consideration for this deed in lieu of foreclosure is the release of all debts and obligations previously existing under the terms of the deed of trust recorded as Teton County, Idaho, recorder's instrument 201608, except as provided herein. This deed completely satisfies the obligations underlying the deed of trust evidenced by a promissory note the Grantors signed on the same day, except as provided herein.

Grantor shall pay Grantee \$350.00 in attorney fees to have this Deed in Lieu of Foreclosure and Estoppel Affidavit drafted before recording of this Agreement.

Grantor shall pay all 2009 Teton County, Idaho taxes due and owing of the Property of this Agreement prior to recording of this Agreement.

Grant

For the stated consideration and other valuable consideration, receipt and sufficiency of which are acknowledged, Grantors grant, convey and transfer the property described below to Grantee.

Property

The property subject of this deed in lieu of foreclosure is:

Lot A-12, Fox Creek Village Planned Unit Development, Teton County, Idaho, as the same appears on the official plat thereof recorded May 30, 1996 as Instrument No. 124033.

Warranties

Grantors warrant as follows:

- Grantors are currently the owners of the Property.
- Grantors have good right to convey the Property.
- The property described in this deed is free from all encumbrances, except as otherwise shown in this deed.
- Grantors warrant and will defend the quiet and peaceful possession of the Property by Grantee against the lawful claims of all persons.

Estoppel Affidavit

To induce the Grantee to accept this conveyance in full satisfaction of the Grantors' indebtedness to the Grantee, Grantors, first being duly sworn, upon oath state:

This deed in lieu of foreclosure is an absolute conveyance in effect as well as form and is not intended as a transfer for security in any way.

Possession of the premises will be delivered to Grantors on recording of this instrument.

The transfer is made as the result of the Grantors' request that the Grantee accept this deed and is Grantors' free and voluntary act.

At the time this deed is executed, the Grantors believe the fair market value of the property is substantially equal to the indebtedness secured by the deed of trust.

This deed is not given as a preference against and over any of the Grantors' creditors.

At the time of the conveyance no other party has a legally binding interest in the premises

The Grantors are solvent.

Grantors are not acting under misapprehension as to the effect of this document nor under the duress, fraud, undue influence or misrepresentation of the Grantee or any party representing the Grantee.

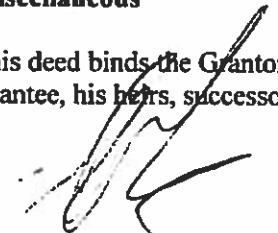
Grantors are represented by counsel or have had opportunity to obtain the full benefit of counsel's advice relating to this transaction.

It is Grantors' intention to convey and by the foregoing deed conveys all right title and interest in the property absolutely to the Grantee.

This affidavit is made for the protection and benefit of the Grantee.

Miscellaneous

This deed binds the Grantors his heirs, successors and assigns and inures to the benefit of the Grantee, his heirs, successors and assigns.

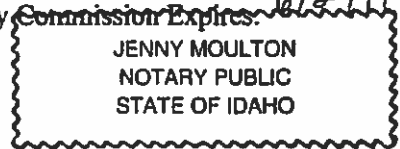


Nick E. Tonks

State of Idaho)
 :ss
County of Teton)

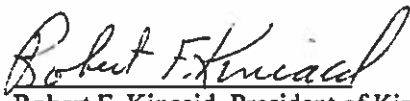
On this 18th day of January, in the year 2010, before me, a Notary Public in and for said State, personally appeared Nick E. Tonks, known or identified to me to the person who executed this instrument.



Notary Public for Idaho
Residing at: Teton County
My Commission Expires: 12/2/14

JENNY MOULTON
NOTARY PUBLIC
STATE OF IDAHO

Acceptance

Kincaid Construction, Inc. hereby acknowledges this Deed in Lieu of Foreclosure, and accepts the terms provided herein by signing below.



Robert F. Kincaid, President of Kincaid Construction, Inc.

RECORDING REQUESTED BY
First American Title Company

198633 JUL 7 '08 PM1248

AND WHEN RECORDED MAIL TO:
First American Title Company
81 North Main Street/P.O. Box 42
Driggs, ID 83422

Instrument # 198633
TETON COUNTY, IDAHO
7-7-2008 12:48:00 No. of Pages: 3
Recorded for : FIRST AMERICAN TITLE COMPANY
MARY LOU HANSEN Fee: \$10
Ex-Officio Recorder Deputy
Index to: DEED, WARRANTY 

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: **263282-T (tm)**

Date: **June 26, 2008**

For Value Received, **Fox Development, LLC, an Idaho limited liability company**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Kincaid Construction, Inc. an Idaho Corporation**, hereinafter called the Grantee, whose current address is **PO Box 136, Victor, ID 83455**, the following described premises, situated in **Teton County, Idaho**, to-wit:

Legal Description attached hereto as Exhibit A, and by this referenced incorporated herein.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

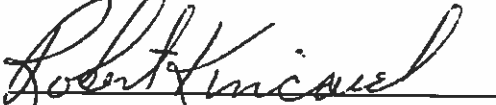
TO HAVE AND TO HOLD the said premises, with its appurtenances, unto the said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Date: 06/26/2008

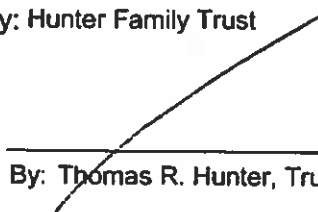
Warranty Deed
- continued

File No.: 263282-T (tm)

Fox Development, LLC, an Idaho limited
liability company

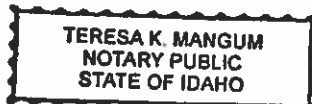

By: Robert Kincaid, Member

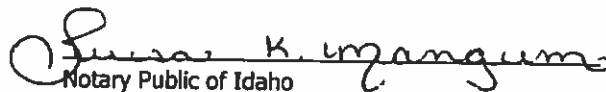
By: Hunter Family Trust


By: Thomas R. Hunter, Trustee

STATE OF Idaho)
ss.
COUNTY OF Teton)

On this 1st day of July, 2008, before me, a Notary Public in and for said State, personally appeared **Robert Kincaid**, known or identified to me to be the person whose name is subscribed to the within Instrument as one of the Managers/Members of the **Fox Development, LLC, an Idaho Limited Liability Company**, which is known or identified to me to be the entity whose name is subscribed to the within instrument and acknowledged to me that he executed the same in said Limited Liability Company's name.




Notary Public of Idaho
Residing at: Owings
Commission Expires: 07-24-09

Date: 06/26/2008

Warranty Deed
- continued

File No.: 263282-T (tm)

EXHIBIT A

Lot A13, Fox Creek Village Planned Unit Development, Teton County, Idaho, as the same appears on the official plat thereof recorded May 30, 1996 as Instrument No. 124033.

201605 DEC 3 '08 PM 3:58

Instrument # 201605

TETON COUNTY, IDAHO

12-3-2008

03:58:00 No. of Pages: 2

Recorded for: MARLOWE LAW

MARY LOU HANSEN

Ex-Officio Recorder Deputy

Fee: 6.00

Index to DEED WARRANTY

Gmel

WARRANTY DEED

Kincaid Construction, P.O. Box 136, Victor, Idaho 83455, as GRANTOR, for a good and valuable consideration, the receipt of which is hereby acknowledged, do hereby grant, bargain, sell and convey unto Justin Moulton, 145 W. 550 S., Victor Idaho 83455, as GRANTEE, and to GRANTEE'S successors and assigns forever, all of the following described property situated in Teton County, Idaho:

Lot A-13, Fox Creek Village Planned Unit Development, Teton County, Idaho, as the same appears on the official plat thereof recorded May 30, 1996 as Instrument No. 124033.

Subject to all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by the parties.

GRANTOR, for themselves, their heirs and assigns do hereby covenant, warrant and shall defend the quiet and peaceable possession of said premises by the GRANTEE, its successors and assigns forever against the lawful claims of all persons.

IN WITNESS WHEREOF, GRANTOR have hereunto subscribed their names to this instrument this 11th day of November, 2008.

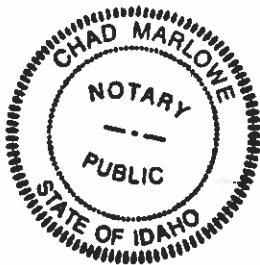
GRANTOR: KINCAID CONSTRUCTION INC.


Robert F. Kincaid

President of Kincaid Construction, Inc.

State of Idaho)
 :SS
County of Teton)

On this 18th day of November, in the year 2008, before me, a Notary Public in and for said State, personally appeared Robert F. Kincaid, known or identified to me to be the persons whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.



 Cm
Notary Public for Idaho
Residing at: Dallas TX
My Commission Expires: 2/4/11

Instrument # 209290

TETON COUNTY, IDAHO

1-21-2010 02:02:00 No. of Pages: 3

Recorded for : KINCAID, BOB

MARY LOU HANSEN

Ex-Officio Recorder Deputy

Index to DEED

209290 JAN 21 '10 PM 2 02

**DEED IN LIEU OF FORECLOSURE
AND
ESTOPPEL AFFIDAVIT**

Date

This deed in lieu of foreclosure and estoppel affidavit is executed the 18th day of January, 2010.

Parties

Grantor: Justin Moulton, whose address is 145 W. 550 S., Victor, Idaho 83455; and

Grantee: Kincaid Construction Inc., an Idaho corporation, whose address is P.O. Box 136, Victor, Idaho 83455.

Consideration

The consideration for this deed in lieu of foreclosure is the release of all debts and obligations previously existing under the terms of the deed of trust recorded as Teton County, Idaho, recorder's instrument 201606, except as provided herein. This deed completely satisfies the obligations underlying the deed of trust evidenced by a promissory note the Grantors signed on the same day, except as provided herein.

Grantor shall pay Grantee \$350.00 in attorney fees to have this Deed in Lieu of Foreclosure and Estoppel Affidavit drafted before recording of this Agreement.

Grantor shall pay all 2009 Teton County, Idaho taxes due and owing of the Property of this Agreement prior to recording of this Agreement.

Grant

For the stated consideration and other valuable consideration, receipt and sufficiency of which are acknowledged, Grantors grant, convey and transfer the property described below to Grantee.

Property

The property subject of this deed in lieu of foreclosure is:

Lot A-13, Fox Creek Village Planned Unit Development, Teton County, Idaho, as the same appears on the official plat thereof recorded May 30, 1996 as Instrument No. 124033.

Warranties

Grantors warrant as follows:

Grantors are currently the owners of the Property.
Grantors have good right to convey the Property.
The property described in this deed is free from all encumbrances, except as otherwise shown in this deed.
Grantors warrant and will defend the quiet and peaceful possession of the Property by Grantee against the lawful claims of all persons.

Estoppel Affidavit

To induce the Grantee to accept this conveyance in full satisfaction of the Grantors' indebtedness to the Grantee, Grantors, first being duly sworn, upon oath state:

This deed in lieu of foreclosure is an absolute conveyance in effect as well as form and is not intended as a transfer for security in any way.

Possession of the premises will be delivered to Grantors on recording of this instrument.

The transfer is made as the result of the Grantors' request that the Grantee accept this deed and is Grantors' free and voluntary act.

At the time this deed is executed, the Grantors believe the fair market value of the property is substantially equal to the indebtedness secured by the deed of trust.

This deed is not given as a preference against and over any of the Grantors' creditors.

At the time of the conveyance no other party has a legally binding interest in the premises

The Grantors are solvent.

Grantors are not acting under misapprehension as to the effect of this document nor under the duress, fraud, undue influence or misrepresentation of the Grantee or any party representing the Grantee.

Grantors are represented by counsel or have had opportunity to obtain the full benefit of counsel's advice relating to this transaction.

It is Grantors' intention to convey and by the foregoing deed conveys all right title and interest in the property absolutely to the Grantee.

This affidavit is made for the protection and benefit of the Grantee.

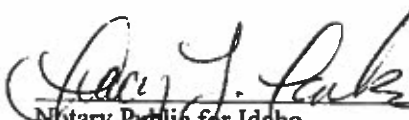
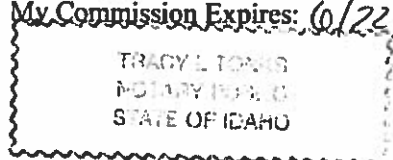
Miscellaneous

This deed binds the Grantors his heirs, successors and assigns and inures to the benefit of the Grantee, his heirs, successors and assigns.


Justin Moulton

State of Idaho)
)
) :ss
County of Teton)

On this 18th day of January, in the year 2010, before me, a Notary Public in and for said State, personally appeared Justin Moulton, known or identified to me to the person who executed this instrument.


Notary Public for Idaho
Residing at: Teton County
My Commission Expires: 01/22/11

TRACY L. TONGS
NOTARY PUBLIC
STATE OF IDAHO

Acceptance

Kincaid Construction, Inc. hereby acknowledges this Deed in Lieu of Foreclosure, and accepts the terms provided herein by signing below.


Robert F. Kincaid, President of Kincaid Construction, Inc.

209437 JAN27'10 PM 4:26

AFTER RECORDING MAIL TO:

Trail Creek Partners, LLC
970 W. Broadway Suite 446
Jackson, WY 83001

Instrument # 209437

TETON COUNTY, IDAHO

1-27-2010 04:26:00 No. of Pages: 2

Recorded for: FIRST AMERICAN TITLE

MARY LOU HANSEN

Fee: 8.00

Ex-Officio Recorder Deputy

Index to: DEED, QUIT-CLAIM

Recorded as an Accommodation
only by First American Title

QUITCLAIM DEED

File No.: 304831-T (inb)

Date: January 27, 2010

For Value Received, Kincaid Construction, Inc., do(es) hereby convey, release, remise, and forever quit claim unto Robert F. Kincaid and Yvonne M. Kincaid, husband and wife, whose address is 30560 252nd St., Presho, SD 57568-5807, herein after called the Grantee, the following described premises situated in Teton County, Idaho, to-wit:

Lots A-12 and A-13, Fox Creek Village Planned Unit Development, Teton County, Idaho, as the same appears on the official plat thereof recorded May 30, 1996 as Instrument No. 124033

together with its appurtenances.

Dated: 1/27/10

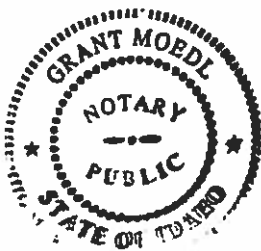
KINCAID CONSTRUCTION, INC.



Robert F. Kincaid, President

STATE OF Idaho)
)
) ss.
COUNTY OF Teton)

On this 27th day of January, 2010, before me, a Notary Public in and for said State, personally appeared Robert F. Kincaid, known or identified to me, to be the President of the Corporation that executed the instrument or the person who executed the instrument on behalf of said Corporation, and acknowledged to me that such Corporation executed the same.



Grant Moedl
Notary Public of Idaho
Residing at: Reck, ID
Commission Expires: 8-2-2010