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STEVEN R. FULLER
FULLER & FULLER, PLLC
P.O. Box 191
24 North State
Preston, ID 83263
Telephone (208) 852-2680
FAX No. (208) 852-2683

Recorded at the request of
Steven R. Fuller
Time 3:20 Amount \$ 31.00

SEP 09 2013

SHAUNA T. GEDDES, RECORDER
By Ruth Rawlings Deputy
Franklin County, Idaho

DEPARTMENT OF
WATER RESOURCES

13 SEP -9 PM 3:13

FRANKLIN COUNTY CLERK

DEPUTY

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF FRANKLIN

IN THE MATTER OF THE ESTATE
OF
LEONARD A. POVEY,

CASE NO. CV-2013-84

AMENDED
**DECREE VESTING ESTATE
IN SURVIVING SPOUSE**

THE PETITION of LORRAINE F. POVEY for a Decree vesting an estate in her, as surviving spouse, having come before the Court for hearing, and the Court having examined the evidence and being fully advised in the premises, the Court makes the following findings:

1. Leonard A. Povey died on the 14th day of February, 2011, at Preston, Franklin County, Idaho. At the time of his death, said decedent was domiciled in Franklin County, Idaho.
2. The decedent died testate leaving a will dated the 9th day of August, 2001.
3. The decedent was survived by the heirs named in Exhibit "A" attached hereto and incorporated herein by reference thereto.

4. The decedent, Leonard A. Povey, and the petitioner, Lorraine F. Povey, intermarried on the 5th day of May, 1954, at Twin Falls, Twin Falls County, Idaho, and ever since that date until the date of decedent's death, were husband and wife.

5. The decedent left an estate, as described in petitioner's Petition, consisting solely of community property of the decedent and his surviving spouse, Lorraine F. Povey, and that pursuant to decedent's will and as the surviving spouse of the decedent, the petitioner is entitled to the Decree of this Court declaring and establishing that all of said community property became fully vested in the petitioner as the sole heir of the decedent.

6. All notices have been given as required by law.

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that the petitioner, Lorraine F. Povey, is the surviving spouse of the said decedent, and that the real and personal described in Exhibit "B" attached hereto and incorporated herein by reference is now and hereby vested in, and quieted in, and distributed to LORRAINE F. POVEY, free and clear of all right, title, estate, claim or demand of any person or persons claiming or attempting to claim under the said decedent, as heir or otherwise, except as a proper creditor.

The real and personal property so decreed and distributed is more particularly described in Exhibit "B" attached hereto.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that any other community property now known or discovered which may belong to said decedent or said estate and the petitioner, or in which the said decedent and petitioner may have an

interest, be, and the same hereby is distributed and vested in LORRAINE F. POVEY, absolutely.

DATED this 9th day of September, 2013.

ORIGINAL SIGNED BY
ERIC S. HUNN

ERIC S. HUNN
Judge

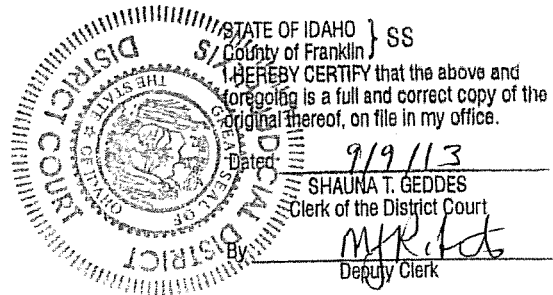


EXHIBIT "A"

<u>NAME AND ADDRESS</u>	<u>RELATIONSHIP TO DECEDENT</u>
LORRAINE POVEY 115 E 2 N CLIFTON, ID 83228	SPOUSE
VICKY McGRATH 1249 MONTGOMERY MOOSEJAW, SASK CANADA S6H-2X4	DAUGHTER
WALTER POVEY 293 S 200 E WESTON, ID 83286	SON
BRAD POVEY 160 E 200 N CLIFTON, ID 83228	SON
REED POVEY 425 CREEKSIDE WAY KAYSVILLE, UT 84037	SON
HENRY POVEY 398 E 100 S CLIFTON, ID 83228	SON
DIANE VILLA 946 E DENTON LANE PHOENIX AZ 85014	DAUGHTER

EXHIBIT "B"

Township 14 South, Range 38 East of the Boise Meridian

Section 22: Commencing at the Southwest corner of the Southeast Quarter of the Northeast Quarter of Section 22, thence running East 240 rods, thence North 160 rods, thence West $24\frac{5}{6}$ rods, thence South 116 rods, thence West $215\frac{1}{6}$ rods, thence South 44 rods to the place of beginning.

ALSO, Commencing at the Southeast corner of the West half of the Northeast Quarter of Section 22, thence West along the quarter section line 12 rods, Northwesterly $22\frac{2}{9}$ rods, thence East 9 rods, Northwesterly $22\frac{7}{9}$ rods, more or less, thence East 15 rods, more or less, thence South 44 rods to the place of beginning. Subject to right-of-way 30 feet in width running North to South to West side of divided piece.

ALSO, Commencing at the Northwest Corner of the Southwest Quarter of Section 23, Township 14 South, Range 38 East of the Boise Meridian, and running South $27\frac{1}{2}$ rods, thence Easterly by North 80 rods, thence North 9 rods, thence West 80 rods to the place of beginning.

ALSO, Commencing at the center of Section 22, and running thence West 154 feet; thence North 250 feet, thence East 1220 feet; thence South $10^{\circ}59'$ East 255.5 feet; thence West 1122 feet to the place of beginning, containing 6.12 acres, more or less. LESS PROPERTY sold to Dennis C. Ralphs Warranty Deed dated November 16 and recorded November 21, 1956, Instrument No. 99291, Book of Deeds 50, Page 70 described as follows: Commencing at a point 96 feet East of the center of Section 22, thence running North 250 feet; thence East 970 feet; thence South $10^{\circ}59'$ East 255.5 feet; thence West 1026 feet to the point of beginning.

Township 14 South, Range 38 East of the Boise Meridian, Franklin County, Idaho,

Section 22 and 23: Commencing at a point 20 rods West of the Northeast corner of the Southwest Quarter of Northeast Quarter of Section 22, thence East 180 rods; thence North 80 rods to the Northwest corner of the Northeast Quarter of Northwest Quarter of Section 23, running thence East $55\frac{1}{6}$ rods; thence South 102 rods; thence West 231 rods; thence Northwesterly 24 rods, more or less, to POINT OF BEGINNING.

ALSO, Beginning at a point 750 feet West of the Southeast corner $SW\frac{1}{4}SE\frac{1}{4}$ of Section 23; thence North 150 feet; thence West 100 feet, thence South 150 feet; thence East 100 feet to the point of beginning.

ALSO, Commencing at the Northeast corner of the Southwest quarter of Section 23, Township 14 South, Range 38 East of the Boise Meridian, and running thence West 80 rods; thence South 27.75 rods; thence East to the West line of the right of way heretofore conveyed to the Oregon Short Line Railroad Company; thence Northwesterly along the

West line of said railroad right of way to a point due East of the place of beginning; thence West to the place of beginning.

ALSO, Beginning at the Southwest corner of the Northeast quarter of the Southwest quarter of Section 23, Township 14 South, range 38 East of the Boise Meridian, thence North $52\frac{1}{4}$ rods; thence East 92 rods, more or less, to the East line of the County Road, thence Southeasterly to a point which is 96 and $\frac{3}{4}$ rods East of the place of beginning, thence West 96 and $\frac{3}{4}$ rods to the place of beginning, excepting the right of way of the Oregon Short Line Railroad.

Section 22: Beginning at a point 36 rods South of the Northeast corner of the Southwest Quarter of the Northeast Quarter of said Section 22, thence East $215\frac{1}{6}$ rods; thence North 14 rods; thence West 231 rods; thence Southeasterly to a point 15 rods West of the place of beginning; thence East 15 rods to the place of beginning.

ALSO, together with a 30-foot right-of-way to be shared in common with others over the following described property: Commencing at a point 12 rods West of the Southeast corner of the $SW\frac{1}{4}NE\frac{1}{4}$ of said Section 22, running thence Northwesterly $22\frac{2}{9}$ rods; thence East 9 rods; thence Northwesterly 35 rods, more or less; thence East 30 rods; thence Southeasterly 37 rods, more or less; thence West 9 rods; thence Southeast $22\frac{7}{9}$ rods, more or less, thence West 30 feet to the place of beginning, said property to be used as a right of way to the above described land.

ALSO, Commencing at the Northeast corner of the Southeast quarter of the Northwest quarter of Section 22, Township 14 South, Range 38 East of the Boise Meridian, and running thence West 40 rods, thence South 80 rods; thence East 506 feet more or less to a point that is 154 feet West of the Center of said Section 22; thence North 250 feet, thence East 1220 feet thence North $10^{\circ}59'$ West 111.2 feet; thence East 148 feet, thence Northwest 987.5 feet to a point that is 986.5 feet East of the place of beginning, thence West 986.5 feet to the place of beginning.

EXCEPTING THEREFROM:

Commencing at a point 1145 feet East of the center of Section 22, Township 14 South, Range 38 East of the Boise Meridian, Franklin County, Idaho; thence running East 210 feet; thence North 210 feet; thence West 240 feet; thence South $08^{\circ}07'48''$ East to the Point of Beginning.

ALSO EXCEPTING:

A parcel of land located in the Northeast quarter of Section 22, Township 14 South, Range 38 East, Boise Meridian, and more particularly described as follows:

Commencing at the East quarter corner of said Section 22, from which the Southeast corner of Section 22 bears South $00^{\circ}41'24''$ East; thence North $89^{\circ}15'40''$ West 1246.74 feet to a $\frac{5}{8}$ " rebar and cap labeled "Allen Land Surveying, PLS 9163" at the North right

of way line of Second North, a city street, said point being the Point of Beginning; thence South 89°11'40" West 106.00 feet along said right of way line to a 5/8" rebar and cap; thence North 05°04'57" West 163.45 feet to a 5/8" rebar and cap; thence North 87°48'47" East 107.82 feet to a 5/8" rebar and cap; thence South 09°34'15" East 19.50 feet to a 5/8" rebar and cap; thence South 15°41'20" East 54.60 feet to a 5/8" rebar and cap; thence South 07°05'20" East 22.10 feet to a 5/8" rebar and cap; thence South 06°22'20" West 72.15 feet to the Point of Beginning.

TOGETHER WITH and subject to, a twenty foot wide ingress and egress easement, being 10 feet on each side of the West boundary of the above-described parcel,.

ALSO TOGETHER WITH a septic system drain field easement described as follows: Commencing at the East quarter corner of said Section 22, from which the Southeast corner of Section 22 bears South 00°41'24" East; thence North 89°15'40" West 1246.74 feet to a 5/8" rebar and cap labeled "Allen Land Surveying, PLS 9163" at the North right of way line of Second North, a city street, said point being the Point of Beginning; thence North 06°22'20" East 72.15 feet to a 5/8" rebar and cap; thence North 07°05'20" West 22.10 feet to a 5/8" rebar and cap; thence North 15°41'20" West 54.60 feet to a 5/8" rebar and cap; thence North 09°34'15" West 50.40 feet to a 5/8" rebar and cap; thence North 04°36'56" West 28.98 feet to a 5/8" rebar and cap; thence North 88°58'50" East 57.60 feet; thence South 10°24'00" East 130.00 feet; thence South 00°22'00" East 97.08 feet to a 5/8" rebar and cap at said right of way line; thence South 89°11'40" West 61.49 feet along said right of way line to the Point of Beginning.

ALSO EXCEPTING: A parcel of land located in the Northeast quarter of Section 22, Township 14 South, Range 38 East, Boise Meridian, Franklin County, Idaho and more particularly described as follows: Commencing at the East quarter corner of said Section 22, from which the Southeast corner of Section 22 bears South 00°41'24" East; thence North 89°15'40" West 1246.64 feet to a 5/8" rebar and cap labeled "Allen Land Surveying, PLS 9163" at the North right of way line of Second North, a city street; thence South 89°11'40" West 106.00 feet along said right of way line to a 5/8" rebar and cap, the Point of Beginning; Thence South 89°11'40" West 125.25 feet along said right of way line to a 5/8" rebar and cap; Thence North 08°55'40" West 226.40 feet to a 5/8" rebar and cap; Thence North 88°58'50" East 246.20 feet to a 5/8" rebar and cap; Thence South 04°36'56" East 28.98 feet to a 5/8" rebar and cap; Thence South 09°34'15" East 30.90 feet to a 5/8" rebar and cap; Thence South 87°48'47" West 107.82 feet to a 5/8" rebar and cap; Thence South 05°04'57" East 163.45 feet to the Point of Beginning.

TOGETHER WITH, and subject to, a twenty foot wide ingress and egress easement, being 10 feet on each side of the last described course of the above-described parcel.

ALSO EXCEPTING: A parcel of land located in the South one-half of the Northeast quarter of Section 22, Township 14 South, Range 38 East, Boise Meridian, Franklin County, Idaho, being the same parcel of land depicted as Parcel "A" on Record of survey instrument number 236543 and more particularly described as follows:

Commencing at the East quarter corner of said Section 22, from which the Southeast corner of Section 22 bears South 00°41'24" East;

Thence North 81°07'48" West 1567.54 feet to a 5/8" rebar and cap labeled "A.L.S., PLS 9163 at a fence post, the Point of Beginning.

Thence North 16°05'00" East 266.00 feet to a 5/8" rebar and cap;

Thence North 88°58'50" East 194.72 feet to a 5/8" rebar and cap;

Thence South 06°30'00" East 261.29 feet to a 5/8" rebar and cap;

Thence South 88°58'50" West 262.20 feet along the North boundary line of the parcel of land depicted and described as "Parcel 2" on record of survey instrument number 233976 to a 5/8" rebar and cap at the Northwest corner thereof;

Thence South 08°55'40" east 226.40 feet along the West boundary line of said parcel to a 5/8" rebar and cap at the Southwest corner thereof;

Thence South 89°11'40" West 35.00 feet to a 5/8" rebar and cap;

Thence North 08°54'21" West 232.17 feet to the Point of Beginning.

Containing approximately 1.66 acres.

SUBJECT TO an easement for the benefit of adjacent property 15 feet in width running along the South boundary of the above described property for the use, repair and replacement of a buried irrigation pipeline.

ALSO INCLUDING:

Commencing 480 feet West of the Southeast corner of the NW1/4 of Section 22, Township 14 South, Range 38 East of the Boise Meridian, thence East 180 feet; thence North 250 feet; thence West 180 feet; thence South 250 feet to the Point of Beginning.

TOGETHER WITH any and all water rights appurtenant or appertaining to the above-described real property and the shares of any irrigation water stock used in conjunction with the irrigation of said real property.

This Decree is being filed and recorded to correct the legal description on that certain Decree Vesting Estate in Surviving Spouse filed for record on March 19, 2013, and recorded March 19, 2013, in the land records of Franklin County, Idaho, as Instrument No. 227730.
