

RECORDING FEE: \$16.00

XX

AFFIDAVIT AND STATEMENT OF INTENT DEDICATION OF BEACH FRONT EASEMENT AND WARRANTY DEED

The undersigned Affiant, Susan Fall, aka Sue Fall, an unmarried widowed person, was Grantor, with my deceased husband, Arthur L. Fall, on two separate documents that granted certain beach, lakeshore, and limited ownership rights to specific homeowners in a portion of what is known as Kidd Island Bay on Lake Coeur D' Alene in the State of Idaho. For purposes of clarity, I hereby set forth my intent and effect of the following documents.

DEDICATION OF BEACH FRONT

We executed a document titled **Dedication of Beach Front (DBF)** dated **October 20, 1971** which was recorded in the records of Kootenai County, State of Idaho, at **Reception 591279, Book 69, Page 201**. The effect and intent of this document was to grant a perpetual right and easement to access and enjoy the beach and water front area specifically described in the DBF (aka "common areas") for our various Falls Lot Additions; together with additional lots and lands within any expanded areas. The lots and lands currently entitled to voluntarily join and enjoy the common areas is outlined on the Plat attached hereto as Exhibit "A". **Other than the easement and enjoyment rights granted in the DBF, no actual ownership rights were deeded by the DBF document. As set forth therein, the undersigned, or my successors may establish reasonable regulations for the use and enjoyment of the dedicated beach common areas. For purposes of continuity, I hereby appoint and designate my daughter, Susan L. (Fall) Loper, as my co-administrator and eventual successor, subject to my sole right to change such designation in writing as I deem appropriate. Either myself, Susan L. (Fall) Loper, or another successor I may name, may exercise the oversight regulation rights reserved in the Dedication of Beach Front document. In the event Susan L. (Fall) Loper is unable to act as my co-administrator and eventual successor, then Susan L. (Fall) Loper's husband, Kevin Loper, is designated my co-administrator and eventual successor.**

ARTICLES OF INCORPORATION AND BYLAWS

On June 25, 1977 Articles of Incorporation were executed forming **The Captain Kidd Association, Inc.** (hereinafter referred to as "CKA"). CKA currently manages and oversees the general operations relative to the easement beach and water front enjoyment rights, for the common benefit of entitled homeowners who voluntarily elect to become members. Currently, there are fifty-one properties where the owners thereof may elect to become members in CKA. As provided for in the above referenced DBF, the undersigned, or my successors, maintain the right of reasonable overall regulation.

WARRANTY DEED

We executed a document titled **Warranty Deed** dated **March 27, 1978** which was recorded in the records of Kootenai County, State of Idaho at **Reception 753670, Book 290, Page 262**. The Intent of the document was to grant and convey unto **The Captain Kidd Association, Inc.** an outright ownership in the lands described in the originally recorded document; subject, to existing easements (including the Dedication of Beach Front Easement referenced above). Except for the reservation of existing easements, the intent of this document was to convey all ownership rights and benefits in the lands, and only those lands, to CKA. It was our intent to include what is currently the paved portion of the road known as W Peninsula Drive from its start at the Kidd Island County Road to the start of the gravel spit causeway portion of W Peninsula Drive as specially detailed below.

W PENINSULA RD

When my husband and I developed the Falls Bay Lots and various additions thereto, the road we constructed from the Kidd Island County Road that is currently the paved portion of W. Peninsula Drive was to access the common beach, a small parking area, the docks, and a few lots going down to the beach and dock area. It was our intention that this paved portion of the road be maintained by CKA for the benefit of its members. That portion of what is now the gravel spit causeway extension of W. Peninsula Road was constructed to provide access to the peninsula for four A-frame cabin homes that we anticipated building on the peninsula. **It was not our intent that the gravel causeway extension to the**

four peninsula homes be maintained by, or become part of, the common area of CKA. We did, however, reserve an easement onto and thru the peninsula for access to docks and other minor CKA facilities. Since the initial the gravel causeway portion of W Peninsula Drive was constructed, the CKA has constructed an irrigation pump house on the peninsula and uses a portion of the peninsula to access docks and dock parking spaces. In summary, the costs to maintain or improve the gravel spit causeway portion of the road is the primary responsibility of the four peninsula homeowners with such other contribution, if any, determined by the appropriate vote of the members of the CKA. **Any other interpretation or assumption of our intent relating to both portions of W Peninsula Drive by third parties would be inaccurate.** There are currently two separate Road Maintenance Agreements that obligate two of the peninsula homeowners to maintain the gravel spit causeway portion of W. Peninsula Drive. The first Road Maintenance Agreement (RMA) was executed on January 8, 1993, recorded in the records of Kootenai County, Idaho at **Reception 1290330** on January 15, 1993, and affects Tax Number 10748. The second RMA was executed on May 23, 1994, recorded in the records of Kootenai County, Idaho at **Reception 1356402** on May 27, 1994, and affects Tax Number 10547.

Executed this 13 day of July, 2020

Susan Fall

Susan Fall (aka Sue Fall)

COUNTY OF KOOTENAI)
 ss.
STATE OF IDAHO)

On this 13th day of July, 2020, before me, a Notary Public in and for the State of Idaho, personally appeared SUSAN FALL (aka SUE FALL), known to me to be the person whose name are subscribed to the forgoing instrument and acknowledged to me that executed the same.

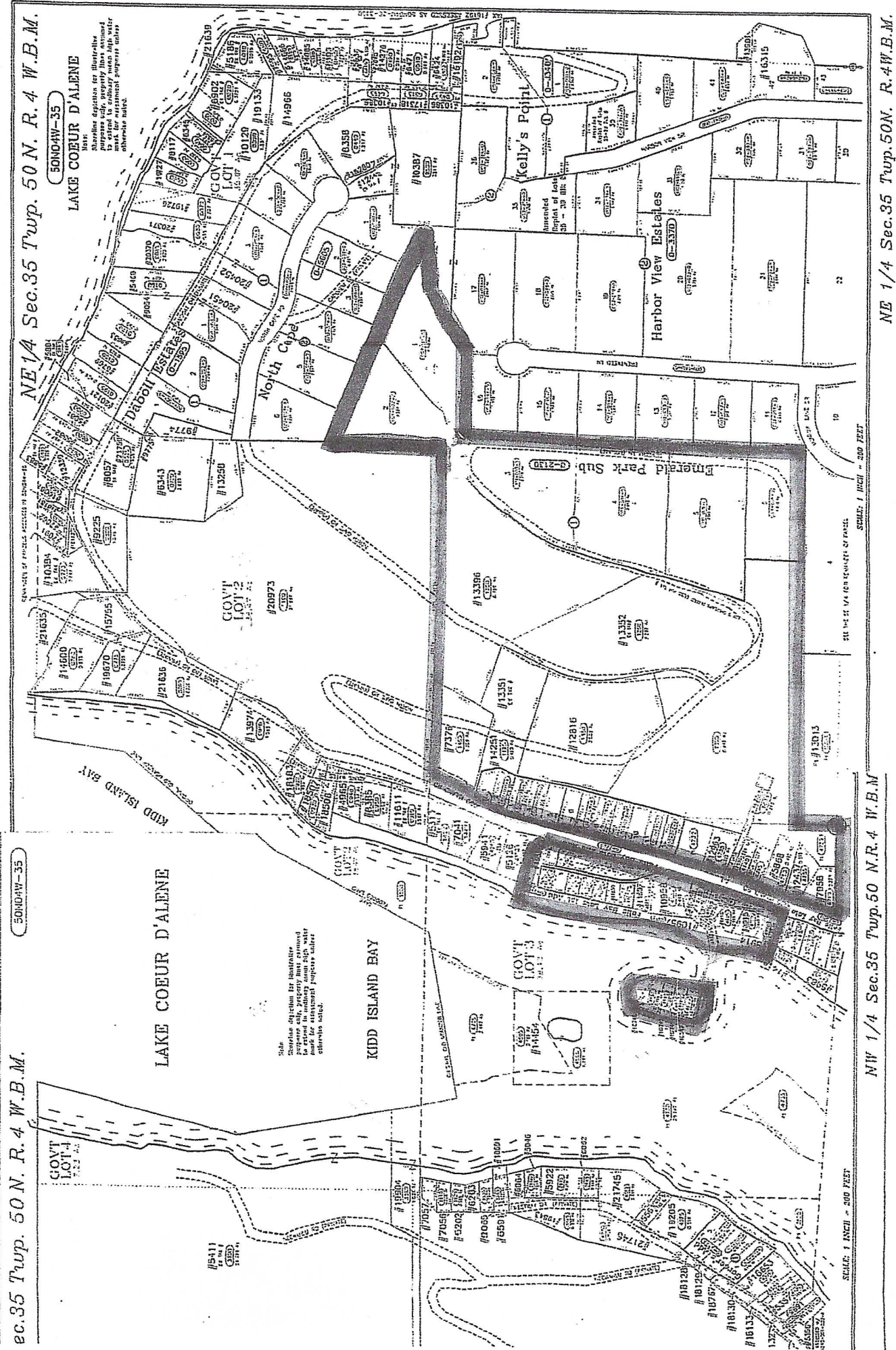
WITNESS My hand and official seal.



Krysti Clift
Notary Public for Idaho
Residing at: Coeur d'Alene
Notary Exp: 11/13/2020

Recording at the request of Susan Fall
1029 W Someday Lane
Coeur D Alene, ID 83814

EXHIBIT "A" Plat of Included Lands (Outlined Parcels)
To Affidavit and Statement by Sue Fall



NW 1/4 Sec. 35 Twp. 50 N. R. 4 W.B.M.

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