## 708566

## FOURTH SUPPLEMENTAL DECLARATION DECLARATION OF CONDOMINIUM OF SEASONS AT SANDPOINT

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THIS FOURTH SUPPLEMENTAL DECLARATION TO DECLARATION OF CONDOMINIUM OF SEASONS AT SANDPOINT is made and executed by BVG SANDPOINT LTD., a Florida limited partnership ("Declarant"), with reference to the following:

## **RECITALS**

WHEREAS, Declarant has executed and filed that certain Declaration of Condominium of Seasons at Sandpoint recorded on July 13, 2004, as Instrument No. 654608, and re-recorded on September 10, 2004, as Instrument No. 659133, Official Records of Bonner County, Idaho (the "Declaration"), together with that certain First Supplemental Declaration to Declaration of Condominium of Seasons at Sandpoint recorded on October 6, 2004, as Instrument No. 661116, Official Records of Bonner County, Idaho, together with that certain Second Supplemental Declaration to Declaration of Condominium of Seasons at Sandpoint recorded on December 16, 2004, as Instrument No. 666363, Official Records of Bonner County, Idaho, together with that certain Third Supplemental Declaration to Declaration of Condominium of Seasons at Sandpoint recorded on February 15, 2006, as Instrument No. 698264, Official Records of Bonner County, Idaho with the First Supplemental Declaration, Second Supplemental Declaration, Third Supplemental Declaration and this Fourth Supplemental Declaration hereinafter being referred to collectively as the "Supplemental Declarations."

WHEREAS, Pursuant to Section 3 of the Declaration the Declarant has submitted to the Condominium Form of Ownership the property designated and described as Phase I in Exhibits "A" and "B" to the Declaration;

WHEREAS, the Declarant pursuant to the First Supplemental Declaration and Sections 4 and 5 of the Declaration revised and amended Phase II from that described in Exhibit "A-1" and depicted on the Condominium Plat Map contained in Exhibit "B" to the Declaration, and submitted the revised and amended Phase II to the Condominium Form of Ownership the property depicted and described as Phase II in Exhibits "A" and "A-1" to the First Supplemental Declaration;

WHEREAS, the Declarant pursuant to the Second Supplemental Declaration and Sections 4 and 5 of the Declaration revised and amended Phase III from that described in Exhibit "A-1" and depicted on the Condominium Plat Map contained in Exhibit "B" to the Declaration, and submitted the revised and amended Phase III to the Condominium Form of Ownership the property depicted and described as Phase III in Exhibits "A", "A-1" and "B" to the Second Supplemental Declaration;

WHEREAS, the Declarant pursuant to the Third Supplemental Declaration and Sections 4 and 5 of the Declaration revised and amended Phase III from that described in Exhibit "A-1" and depicted on the Condominium Plat Map contained in Exhibit "B" to the Declaration, and submitted the revised and amended Phase III to the Condominium Form of Ownership the



property depicted and described as Phase III in Exhibits "A", "A-1" and "B" to the Third Supplemental Declaration;

WHEREAS, Pursuant to Section 4 of the Declaration the Declarant reserves the right in its exclusive discretion to control the mixture and location of buildings and other improvements in future Phases of the Condominium, and to modify the Condominium Plat Map as to configuration, size and dimensions of Buildings contained within the Phase, and to make changes in the legal description of a Phase; and

NOW, THEREFORE the Declarant hereby amends the Declaration and the Supplemental Declarations as follows:

- 1. Pursuant to Sections 4 and 5 of the Declaration, the Declarant hereby further amends the Declaration as it pertains to Phase III as depicted in the Declaration, and as revised and amended in the Third Supplemental Declaration. Notwithstanding the depictions of Phase III on the Condominium Plat Map contained in Exhibit "B" to the Declaration or the Condominium Plat Map contained in Exhibit "B" to the Third Supplemental Declaration; the revised and amended Phase III shall include Building No. 7 as depicted and more particularly described on Exhibit "B" attached hereto and incorporated by this reference into this Fourth Supplemental Declaration. The inclusion of Building No. 7 in the revised and amended Phase III as depicted in Exhibit "B" pursuant to this Fourth Supplemental Declaration shall supercede the inclusion of Building No. 7 in the former Phase III according to the Third Supplemental Declaration which is further amended herein. Section 4(b) of the Declaration regarding Phase III is hereby amended consistent with the foregoing.
- 2. Pursuant to Sections 4 and 5 of the Declaration, the Declarant hereby amends the Declaration as it pertains to Phase IV as depicted in the Declaration, and as revised and amended in the Third Supplemental Declaration. Notwithstanding the depiction of Phase IV on the Condominium Plat Map contained in Exhibit "B" to the Declaration or the Condominium Plat Map contained in Exhibit "B" to the Third Supplemental Declaration; the revised and amended Phase IV shall include Building No. 8 as depicted and more particularly described on Exhibit "C" attached hereto and incorporated by this reference into this Fourth Supplemental Declaration. The inclusion of Building No. 8 in the revised and amended Phase IV as depicted in Exhibit "C" pursuant to this Fourth Supplemental Declaration shall supercede the inclusion of Building No. 8 in the former Phase IV according to the Third Supplemental Declaration which is further amended herein. Section 4(c) of the Declaration regarding Phase IV is hereby amended consistent with the foregoing.
- 3. Declarant hereby submits to the Condominium Form of Ownership the Phase V property as depicted on the Condominium Plat Map contained in Exhibit "D" attached hereto and incorporated by this reference into this Fourth Supplemental Declaration and more particularly described in Exhibit "D-1" of the Third Supplemental Declaration.
- 4. Pursuant to Section 14(d) of the Declaration and notwithstanding anything to the contrary in said Section, Sections 38(b) and 38(c) of the Declaration are hereby deleted in their entirety and replaced with the following:

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- (b) The Declarant reserves the right to sublease for additional consideration the exclusive right to use eighty-two (82) Boat Slips as shown on Exhibit "F," to any Unit Owner it desires in its sole and absolute discretion (the "Subleases"). Upon Declarant's sublease of a Boat Slip to a Unit Owner, the subleased Boat Slip shall become appurtenant to the particular Condominium Unit or Condominium Lot owned by the Unit Owner. Pursuant to the submission of Boat Slips to the Condominium and their designation as Limited Common Area, the Association shall not have the right to terminate a Unit Owner's interest in a Sublease of a Boat Slip that has been assigned, transferred and is appurtenant to a particular Condominium Unit or Condominium Lot, except in cases of a Unit Owner's failure to pay Assessments or cure material defaults in compliance with the terms the Declaration or applicable rules and regulations of the Association. A Unit Owner may assign the Boat Slip appurtenant to his or her Condominium Unit to another Condominium Unit by written instrument delivered to (and to be held by) the Association. Further no amendment to this Declaration shall result in a material alteration, restriction or termination of a Unit Owner's interest in a Sublease of a Boat Slip unless agreed to in writing by the Unit Owner of the Condominium Unit or Condominium Lot to which the Limited Common Area interest in the Boat Slip is appurtenant.
- Notwithstanding the provisions of Sections 38(b), the Declarant hereby reserves exclusive ownership and control of six (6) Boat Slips (the "Reserved Boat Slips"), for the purpose to operate a boat slip program pursuant to terms and conditions solely determined by Declarant. The Reserved Boat Slips shall not be submitted to the Condominium. The Declarant, its assigns and successors, and the Reserved Boat Slips shall, however, enjoy all of the benefits appurtenant to the Dock Facilities, Common Area, Limited Common Area and easements described in this Section 38 and the Declaration, and further shall be bound by the use restrictions, maintenance obligations and other obligations contained herein. Declarant anticipates and intends to sublease the Reserved Boat Slips to a third-party for the purpose of managing and operating a boat rental Notwithstanding anything to the contrary, the and/or time share facility. Declarant may, however, in its sole and absolute discretion use, manage, operate, alienate, sell, transfer, convey, encumber and sublease the Reserved Boat Slips as it sees fit. The Association nor any of the Unit Owners may interfere with the Declarant's rights hereunder nor amend the Declaration in a manner the affects Any revenue generated by the use, the Declarant's rights hereunder. management, operation, alienation, sale, transfer, conveyance, encumbrance or sublease of said slips shall remain the sole revenue of the Declarant.
- 5. Pursuant to Sections 14(d)of the Declaration and notwithstanding anything to the contrary in said Section, Section 38(f)(viii) of the Declaration is hereby deleted in its entirety and replaced with the following:
  - (viii) No Unit Owner shall erect or maintain any boat lift, fence, gate or other barrier, or any other improvement on any portion of the Dock Facilities (including the

Limited Common Areas). Any improvements to the Dock Facilities must be made by the Association and are subject to the approval of the Association.

- 6. Pursuant to Section 14(d) of the Declaration and notwithstanding anything to the contrary in said Section, Section 39 of the Declaration is hereby deleted in its entirety and replaced with the following:
  - LEASES. The Association has entered into or will enter into two leases for portions of space located at the clubhouse located on the Condominium Property. One lease is with BVG Holdings at Seasons, LLC, which entity is leasing spaces for the purpose of operating a non-mandatory, voluntary rental program for the Condominium. Pursuant to the lease, BVG Holdings at Seasons, LLC shall pay to the Association annually rent for the use of its space, as more particularly set forth in the lease between the Association and BVG Holdings at Seasons, LLC. Additionally, the Association has entered into or will enter into a lease with BVG Holdings at Seasons, LLC, leasing the third floor of the clubhouse to BVG Holdings at Seasons, LLC, for the purposes of operating spa services. The lease provides that BVG Holdings at Seasons, LLC shall pay to the Association a rental amount annually as more particularly set forth in the spa Each Unit Owner by acceptance of a deed to his, her or its Unit acknowledges and agrees that the Association is bound by the terms and conditions of said leases and must comply with all said terms and conditions. Additionally, each Unit Owner by acceptance of a deed to his, her or its Unit acknowledges and agrees that the facilities leased to the respective companies shall be not be available to the Unit Owners, except in accordance with the terms and conditions promulgated by the respective tenant. Moreover, each Unit Owner by acceptance of a deed to his, her or its Unit acknowledges and agrees that the Association shall have no right to terminate either lease, except as otherwise specifically set forth in the respective lease.
- 7. Pursuant to Section 14(d) of the Declaration and notwithstanding anything to the contrary in said Section, Section 40 of the Declaration is hereby deleted in its entirety and replaced with the following:
  - 40. RENTAL PROGRAM. The lease with BVG Holdings at Seasons, LLC permits BVG Holdings at Seasons, LLC to lease a portion of the clubhouse for purposes of providing hotel and spa services and related amenities to the Units and their occupants, which may include (without obligation or without limitation) a rental program offering transient rental services and reservations, housekeeping and room service.

The rental program will be non-mandatory and each Unit Owner would have the option, but not the obligation, to enter into a program that would offer the Units to the public on a daily basis and in accordance with all applicable zoning restrictions. The rental program would be managed and operated by BVG Holdings at Seasons, LLC or by a third party selected by it (the "Hotel

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Operator"). The rental program is completely voluntary and Unit Owners may rent their Units without having to participate in the rental program.

The additional expenses to Unit Owners associated with the use of the rental program would be charged by the Hotel Operator only to the participating Unit Owners pursuant to individual agreements and would not be included in the Common Expenses of the Condominium.

Modifications to the Units may effect their eligibility for the rental program.

- 8. Pursuant to Sections 14(d) of the Declaration and notwithstanding anything to the contrary in said Section, Exhibit "F" of the Declaration is hereby deleted in its entirety and replaced with the Exhibit "F" attached hereto.
- 9. In all other respects each of the terms and provisions of the Declaration and the Supplemental Declarations are hereby ratified and confirmed except as specifically amended herein.

IN WITNESS WHEREOF, the undersigned have executed this instrument this 17 day of July, 2006.

## **DECLARANT:**

BVG Sandpoint, Ltd., a Florida limited partnership

By:

BVG Sandpoint, Inc., a Florida Corporation, its general partner

By: C. Jae Heinberg

Its: President

## **EXHIBIT B**

## Phase III

Condominium Plat Map

SEASONS CONDO PLAT MAP
SEASONS AT SANDPOINT
SANDPOINT, IDAHO

PHASE III

SEASONS AT SANDPOINT

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WALTON H. CHANCEY & ASSOCIATES ARCHITECTS, P.A.
Printed: August 18, 2005

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SEASONS CONDO PLAT MAP

BUILDING #07: FLOOR PLAN PAKING LEVEL **1**2 ģ KEY PLAN I' = 40' WEN PONED AT 8.5 X II

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SEASONS CONDO PLAT MAP
SEASONS AT SANDPOINT
SANDPOINT, IDAHO
PAGE 87

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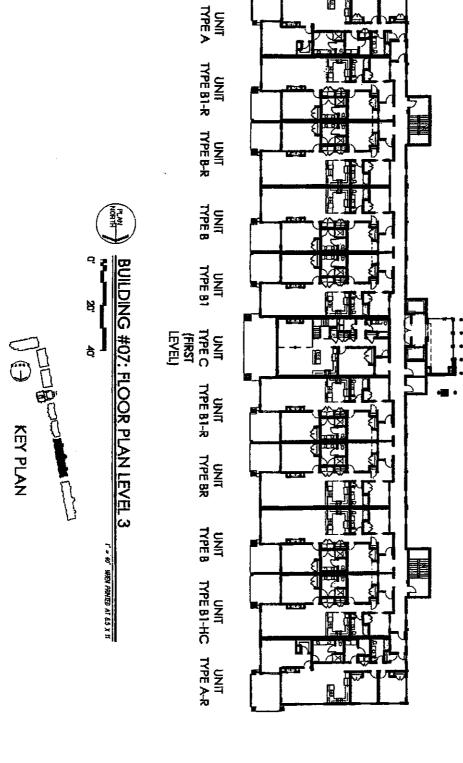
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SEASONS CONDO PLAT MAP SANDECINT, IDAHO PAGE 07

**BUILDING #07: TYPICAL EAST ELEVATION** 

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WALTON H. CHANCEY & ASSOCIATES ARCHITECTS, P.A.
Printed: August 18, 2005

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## SANDE 'NT, IDAHO PAGE 08

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WALTON H. CHANCEY & ASSOCIATES ARCHITECTS, P.A. Printed: August 18, 2005

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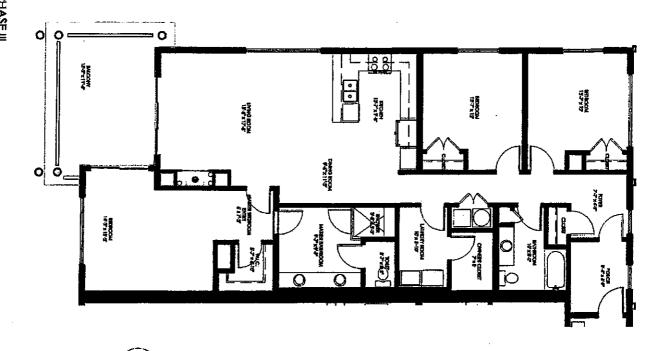
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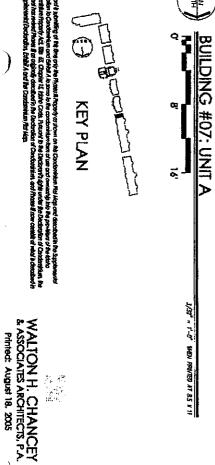
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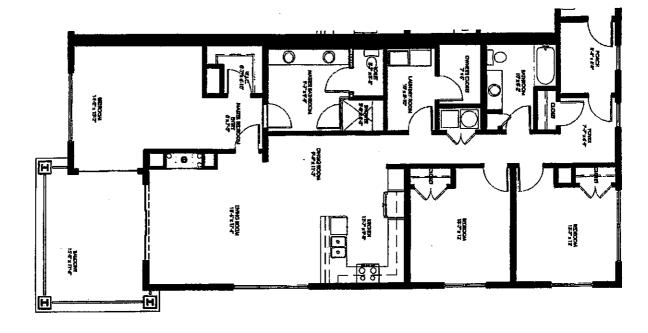
PHASE III
UNIT TYPE A NUMBERS:
BUILDING # 7: 171
BUILDING # 7: 271
BUILDING # 7: 371
BUILDING # 7: 471

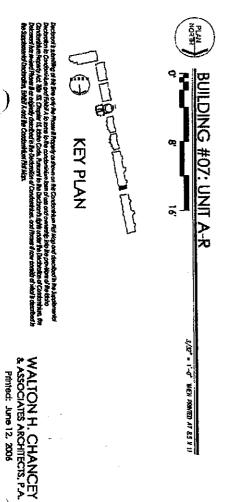
UNIT TYPE A AREAS:
UNIT TYPE A - BALCONY 233 S.F.
UNIT TYPE A - BALCONY 1846 S.F.

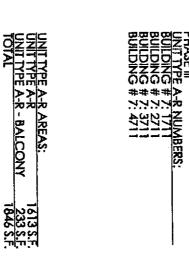
SEASONS CONDO PLAT MAP

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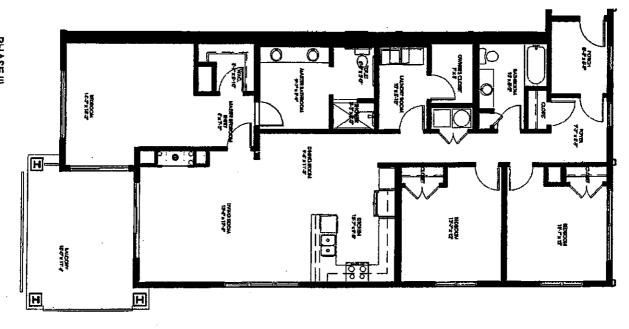
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SEASONS CONDO PLAT MAP
SEASONS AT SANDPOINT
SANDPOINT, IDAHO
PAGE 11



PHASE III
UNIT TYPE A-R HC NUMBERS:

UNIT TYPE A-R HC AREAS:
UNIT TYPE A-R HC
UNIT TYPE A-R HC - BALCONY 233 S.F.
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BUILDING #7: UNIT A-R HC

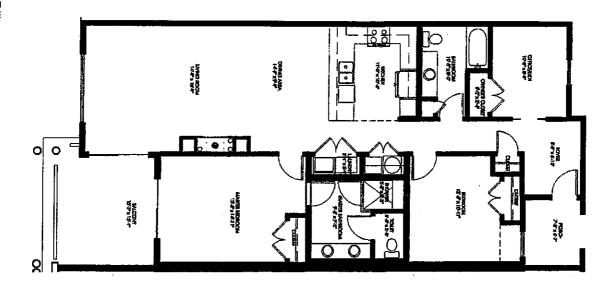
BUILDING #7: UNIT A-R HC

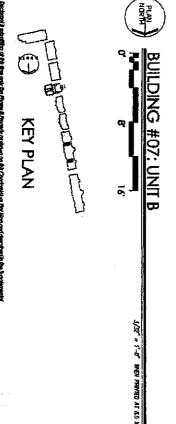
BUILDING #7: UNIT A-R HC

KEY PLAN

WALTON H. CHANCEY & ASSOCIATES ARCHITECTS, P.A. Printed: June 12, 2006







UNIT TYPE B AREAS:

UNIT TYPE B

UNIT TYPE B

UNIT TYPE B - BALCONY

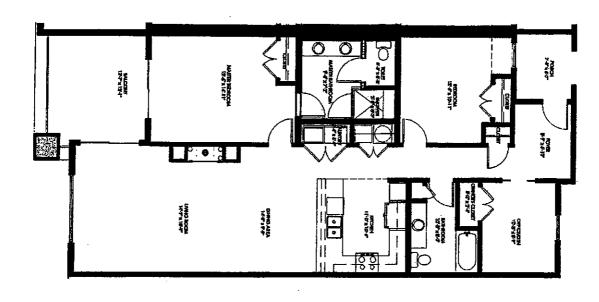
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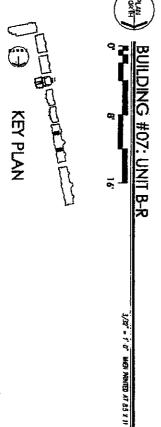
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BUILDING # 7: 174
BUILDING # 7: 274
BUILDING # 7: 374
BUILDING # 7: 474
BUILDING # 7: 279
BUILDING # 7: 379
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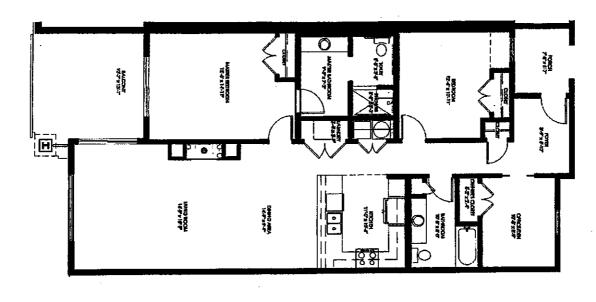
TYPE B-R AREAS: TYPE B-R TYPE B-R - BALCONY



PHASE || UNIT TYPE B-R NUMBERS;
BUILDING # 7: 173
BUILDING # 7: 373
BUILDING # 7: 178
BUILDING # 7: 178
BUILDING # 7: 278
BUILDING # 7: 378
BUILDING # 7: 478

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SEASONS CONDO PLAT MAP
SEASONS AT SANDPOINT
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BUILDING #07: UNIT B-R HC

3/32" = 1"-0" MEN PROVIED AT 8.5 X 11

UNIT TYPE B-R-HC AREAS:

UNIT TYPE B-R HC
UNIT TYPE B-R HC - BALCONY 170 S.F.
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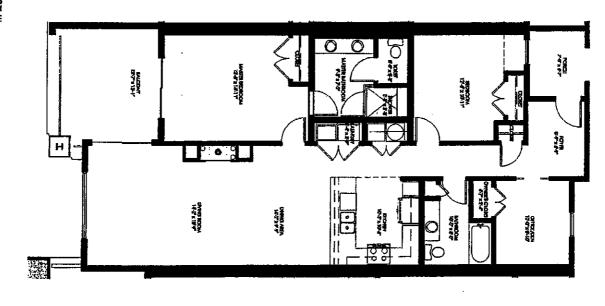
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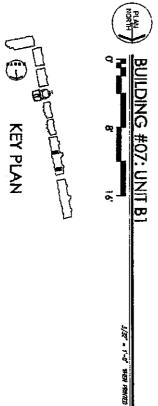
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WALTON H. CHANCEY & ASSOCIATES ARCHITECTS, P.A. Printect: June 12, 2006

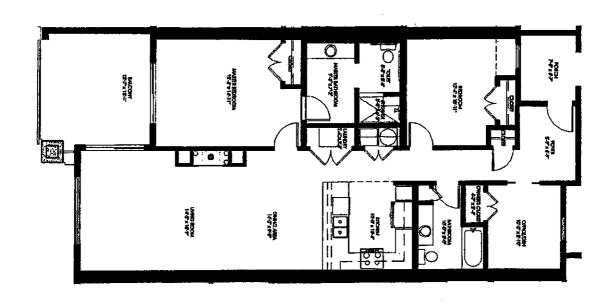




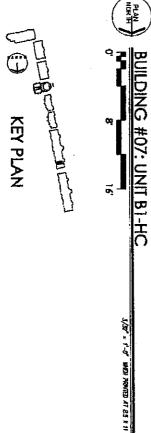


IT TYPE B1 AREAS: IT TYPE B1 - BALCONY PHASE III
UNIT TYPE BI NUMBERS:
BUILDING # 7: 175
BUILDING # 7: 275
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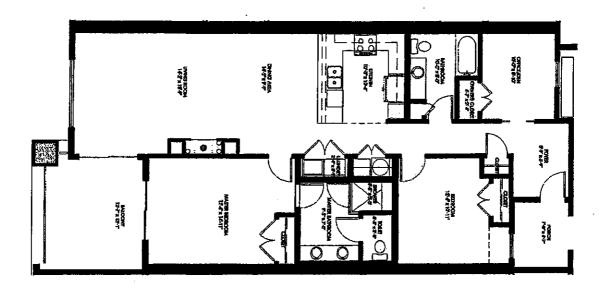


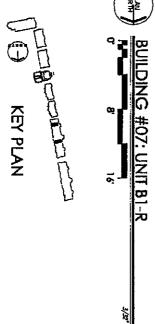
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PHASE III UNIT TYPE B1-HC NUMBERS: BUILDING # 7: 3710

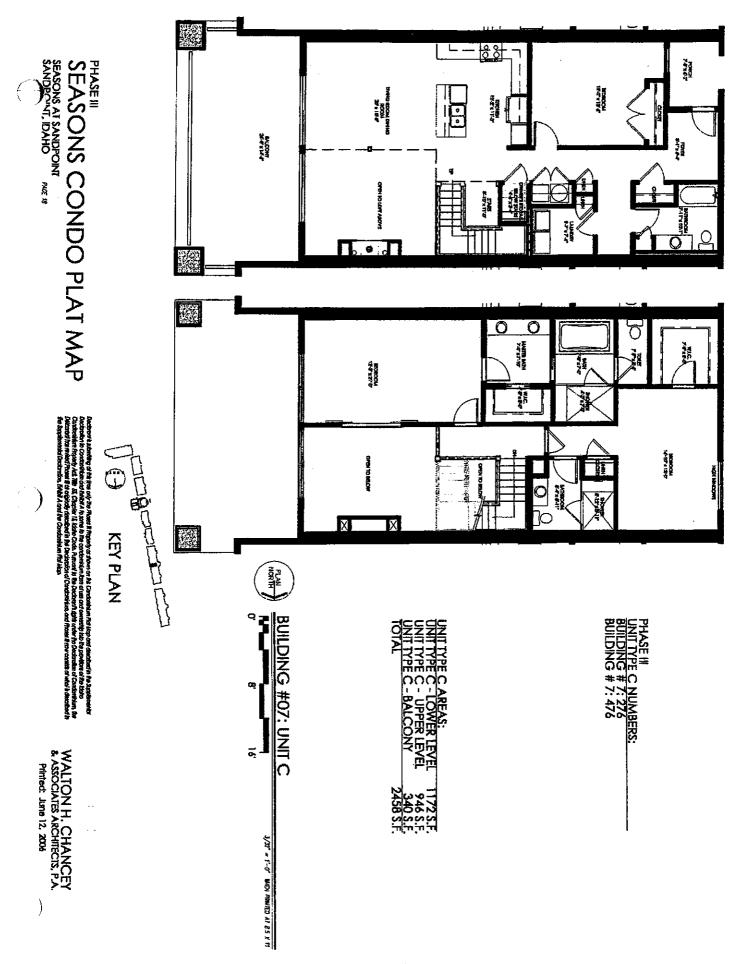
SEASONS CONDO PLAT MAP SEASONS AT SANDPOINT PAGE 17





PHASE # UNIT TYPE B1-R NUMBERS: BUILDING #7: 172 BUILDING #7: 272 BUILDING #7: 372 BUILDING #7: 472 BUILDING #7: 177 BUILDING #7: 277 BUILDING #7: 377 BUILDING #7: 477

WALTON H. CHANCEY & ASSOCIATES ARCHITECTS, P.A. Primed: June 12, 2006 I TYPE B1-R AREAS: I TYPE B1-R - BALCONY



## EXHIBIT C

## Phase IV

Condominium Plat Map

SEASONS CONDO PLAT MAP SEASONS AT SANDPOINT MAP

PHASE IV SITE PLAN

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WALTON H. CHANCEY & ASSOCIATES ARCHITECTS, P.A. Primed: August 18, 2005

SEASONS CONDO PLAT MAP SEASONS AT SANDPOINT PAGE 22

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BUILDING #08: FLOOR PLAN PAKING LEVEL

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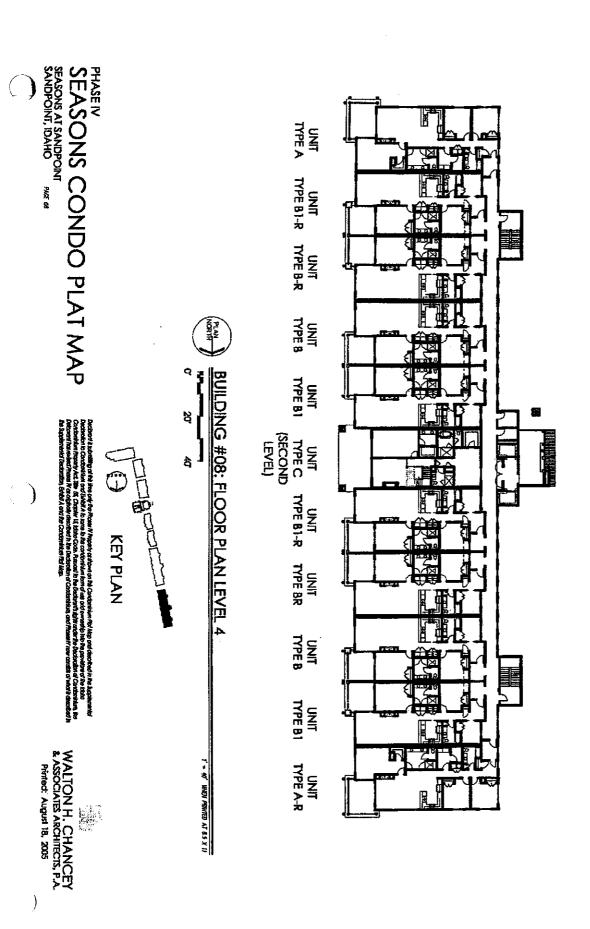
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SEASONS CONDO PLAT MAP SEASONS AT SANDPOINT SANDPOINT, IDAHO TYPE A UNIT TYPE B1-R PAGE 05 TYPE B-R TYPE B BUILDING #08; FLOOR PLAN LEVEL 3 TYPE B1 8 TYPE C (FIRST LEVEL) 60 UNIT TYPE B1-R KEY PLAN UNIT TYPE BR TYPE B )" - 40" WEN PRINTED AT AS X !! TYPE B1 WALTON H. CHANCEY & ASSOCIATES ARCHITECTS, P.A. Printed: June 22, 2005 UNIT TYPE A-R



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PHASE IV
SEASONS CONDO PLAT MAP
SEASONS AT SANDPOINT
SANDPOINT, IDAHO
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I' - 40' WHER PROFIED AT 85 X II

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WALTON H. CHANCEY & ASSOCIATES ARCHITECTS, P.A. Printed: August 17, 2005

SEASONS AT SANDPOINT PAGE AS

SEASONS CONDO PLAT MAP

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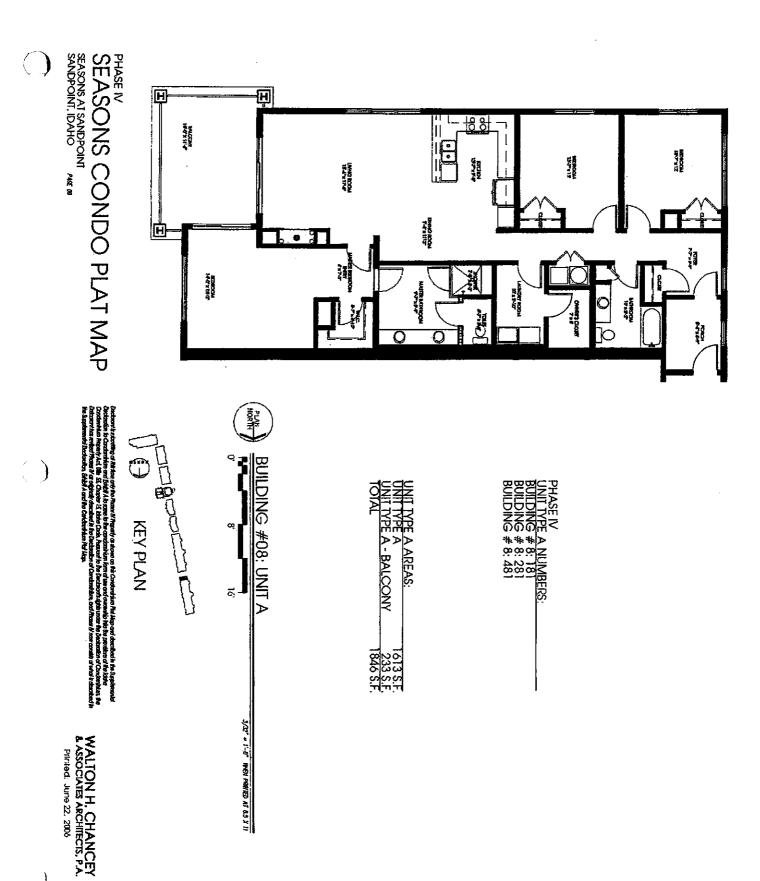
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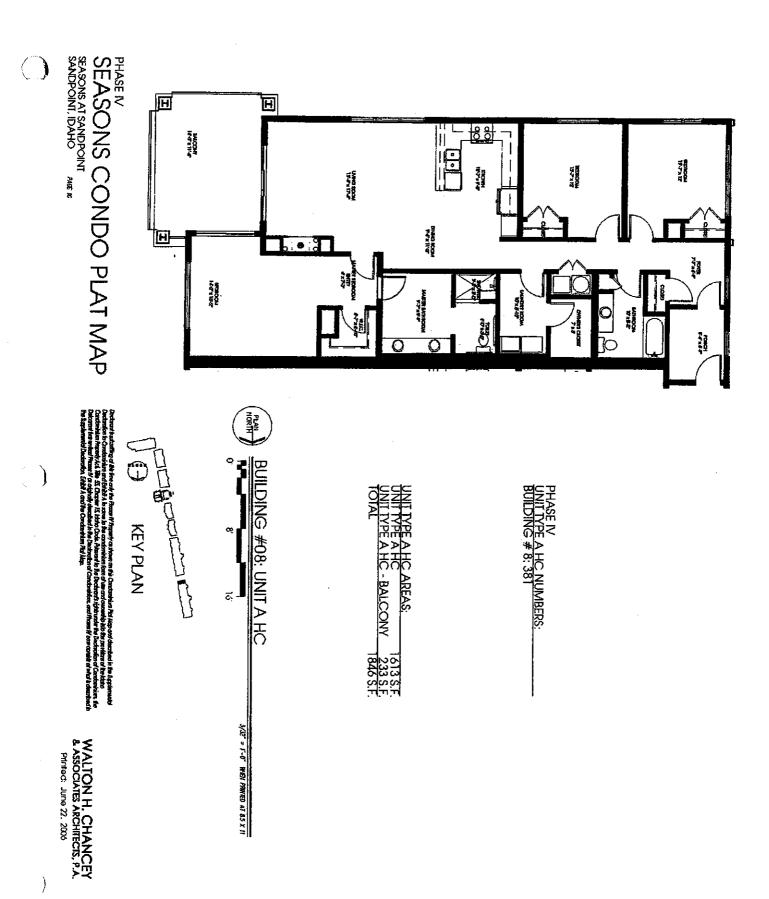
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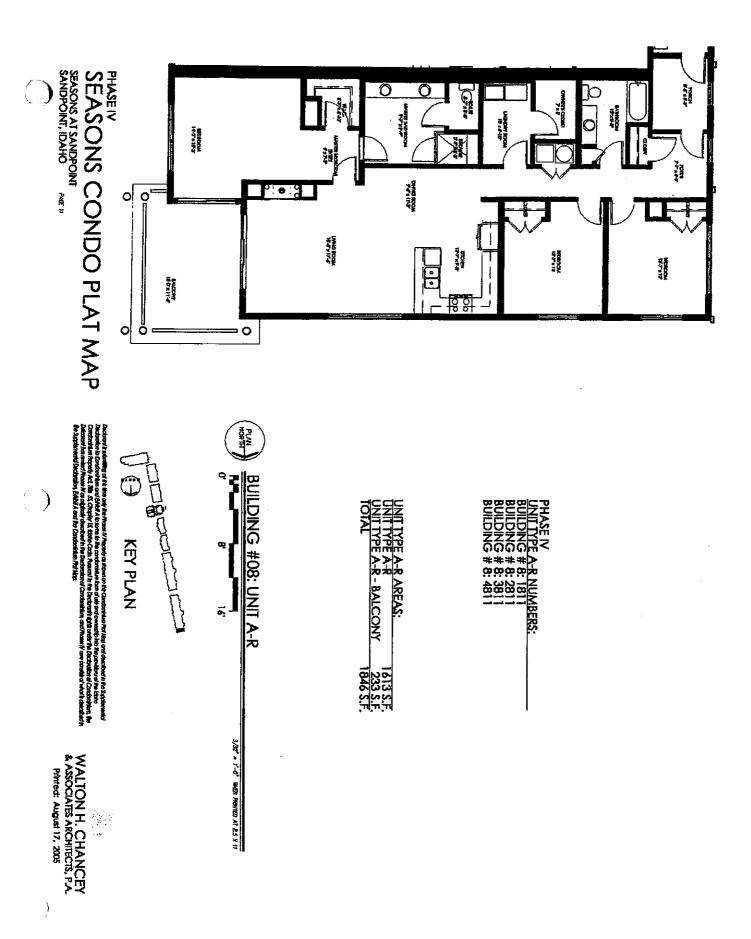
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Declarati is submitting at this time only the Phases IV Properly as shown on this Condomistion Plat Map and described in the Suprismental Declaration in Condomistion and British it is some to the condomistion from of use and wherein it is to provide us of the latest octomistion Property Act, Itile St. Chapter 15. Interior (use and wherein) is the Declaration in the Property St. Chapter 15. Interior Code, Prases IV as adjutally described in the Declaration of Condomistion, and Phases IV Declaration than Interior It is also provided in the Supplemental Declaration, Entitle A and the Condomistion Prof.

WALTON H. CHANCEY & ASSOCIATES ARCHITECTS, P.A. Printed: August 17, 2005 

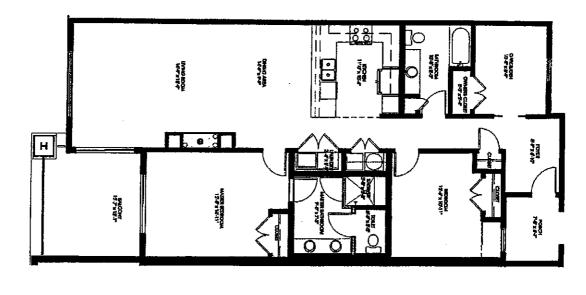


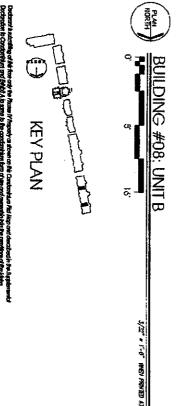




SEASONS CONDO PLAT MAP
SEASONS AT SANDPOINT
SANDPOINT, IDAHO

PAGE 17





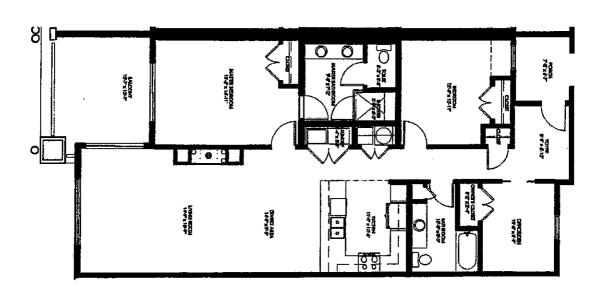
PHASE IV
UNIT TYPE B NUMBERS:
BUILDING #8: 184
BUILDING #8: 384
BUILDING #8: 384
BUILDING #8: 484
BUILDING #8: 489
BUILDING #8: 489
BUILDING #8: 489

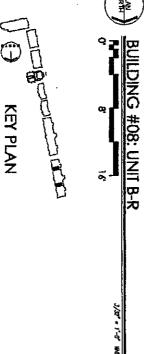
WALTON H, CHANCEY & ASSOCIATES ARCHITECTS, P.A.
Printed: June 22, 2006

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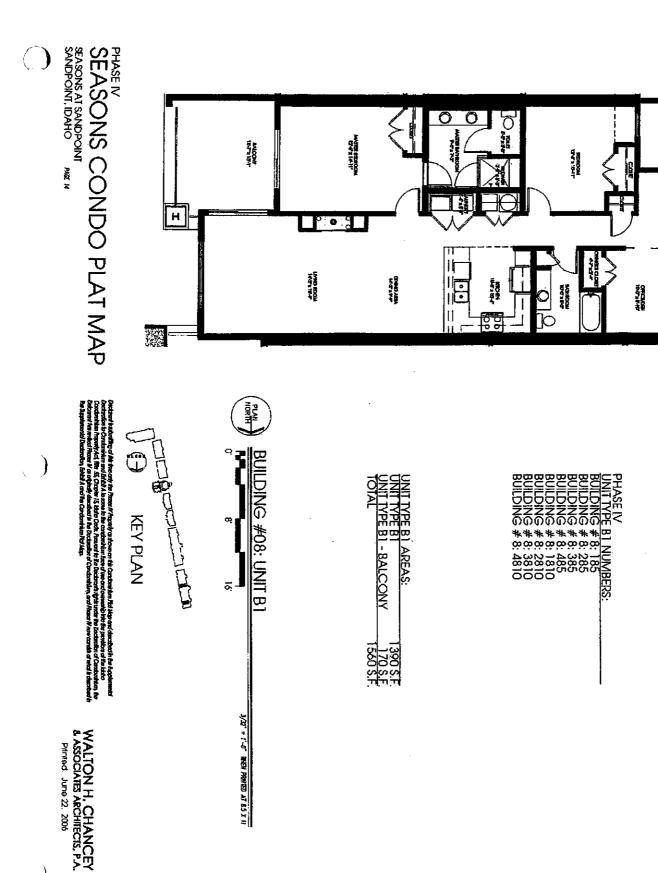




UNIT TYPE B-R NUMBERS:
BUILDING # 8: 183
BUILDING # 8: 283
BUILDING # 8: 383
BUILDING # 8: 388
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BUILDING # 8: 488

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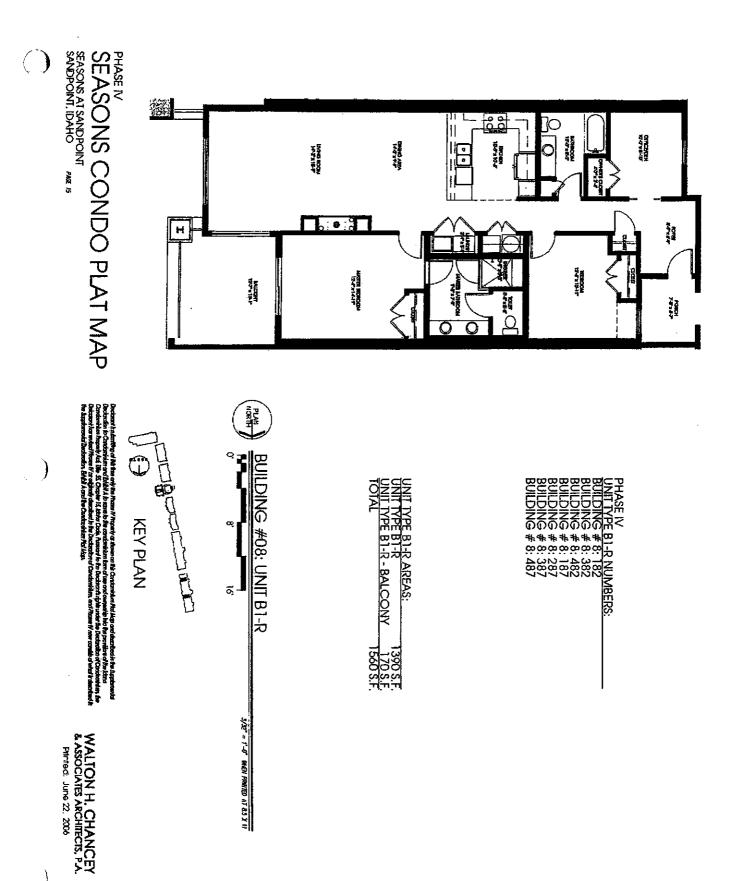
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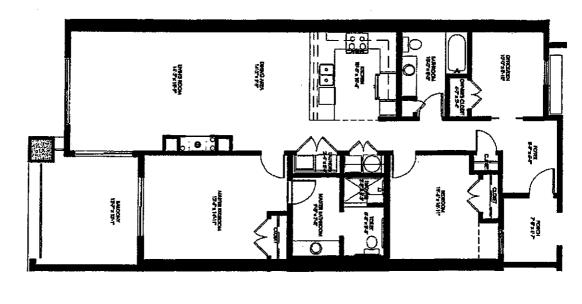
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PHASE IV
SEASONS CONDO PLAT MAP
SEASONS AT SANDPOINT
SANDPOINT, IDAHO
PAGE 16

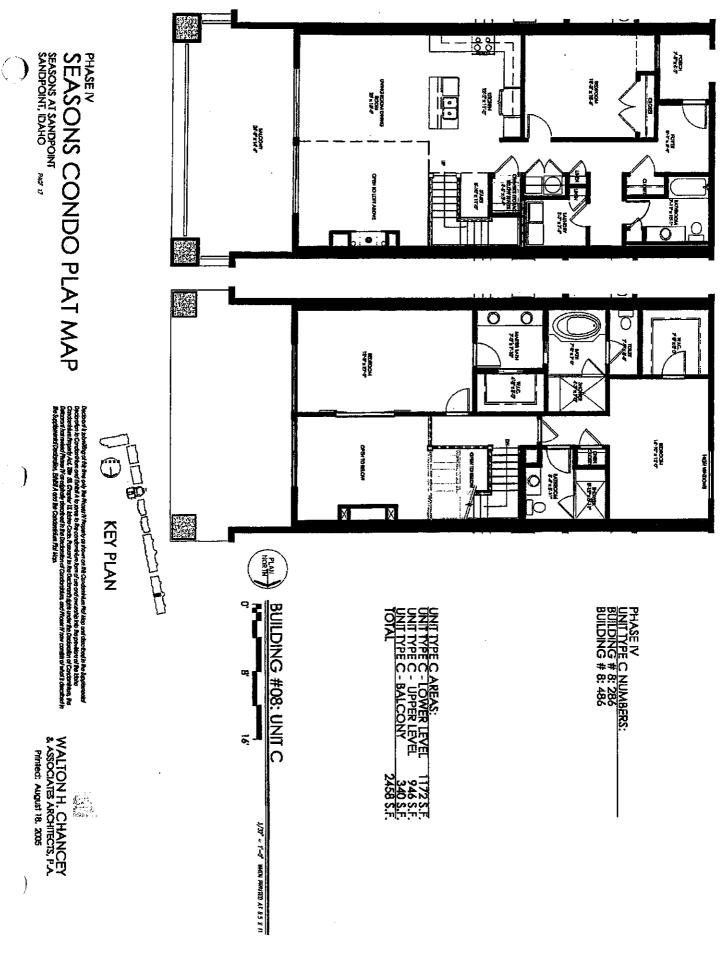


BUILDING #08: UNIT B1-R-HC

UNIT TYPE B HC AREAS:
UNIT TYPE B HC - BALCONY 170 S.F.
UNIT TYPE B HC - BALCONY 170 S.F.

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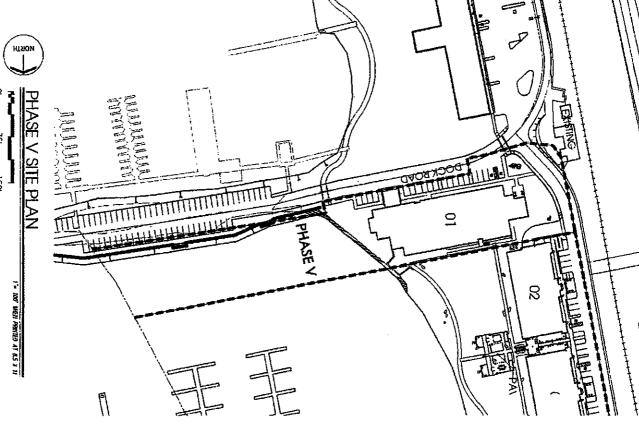
# EXHIBIT D

## Phase V

Condominium Plat Map

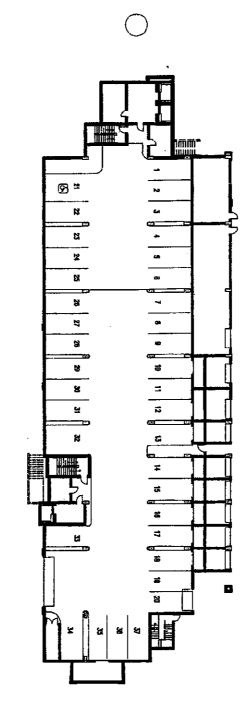
SEASONS AT SANDPOINT SEASONS CONDO PLAT MAP







8 40 KEY PLAN



SEASONS IN SUPPOINT AND PAGE 03 SEASONS CONDO PLAT MAP

KEY PLAN

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119 TYPE D-ER UNIT 1110 TYPE D-E SNI UNIT 118 TYPE D-R UNIT 117 TYPE D UNIT 115 TYPE D-R UNIT 116 TYPE D TYPE C-R UNII 113 TYPE C INI 114 UNII 112 TYPE B UNIT 111 TYPE A

SEASONS CONDO PLAT MAP SEASONS AT SANDPOINT

SINIT DAHO

PAGE OF

KEY PLAN

BUILDING #01: FLOOR PLAN LEVEL 2

UNIT 129 TYPE D-A UNIT 1210 TYPE D-E UNIT 128 TYPE D-R UNIT 127 TYPE D UNIT 125 TYPE D-R UNIT 126 TYPE D UNIT 123 TYPE C TYPE C-R 124 124 UNIT 122 TYPE B UNIT 121 TYPE A

SEASONS AT SANDPOINT PIGE 05 SEASONS CONDO PLAT MAP

KEY PLAN

BUILDING #01: FLOOR PLAN LEVEL 3

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UNIT 1310 TYPE D-E TYPE D-ER 139 NII UNIT 138 TYPE D-R UNIT 137 TYPE D UNIT 135 TYPE D-R UNIT 136 TYPE D TYPE C-A UNIT 133 TYPE C 134 134 UNII 132 TYPE B UNIT 131 TYPE A

SEASONS CONDO PLAT MAP SEASONS AT SANDPOINT PAST OF

KEY PLAN

BUILDING #01: FLOOR PLAN LEVEL 4

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TYPE D-ER UNIT 1410 TYPE D-E S N 149 UNIT 148 TYPE D-R UNIT 147 TYPE D 145 TYPE D-R UNIT 146 TYPE D S N UNIT 144 TYPE C-R UNII 143 TYPE C UNIT 142 TYPE B UNIT 141 TYPE A

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SEASONS AT SANDPOINT SEASONS CONDO PLAT MAP

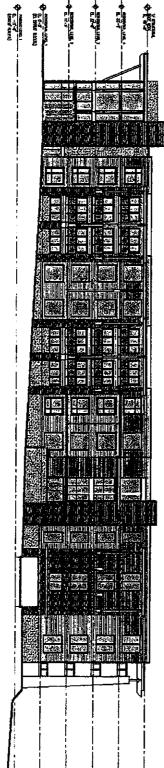
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BUILDING #01: SOUTH ELEVATION 20 6 I' - 40' IMEN PENTED AT ES X II

BUILDING #01: NORTH ELEVATION f' = 40' WHEH PROVIDED AT 8.5 % IF

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SEASONS AT SANDPOINT SEASONS CONDO PLAT MAP

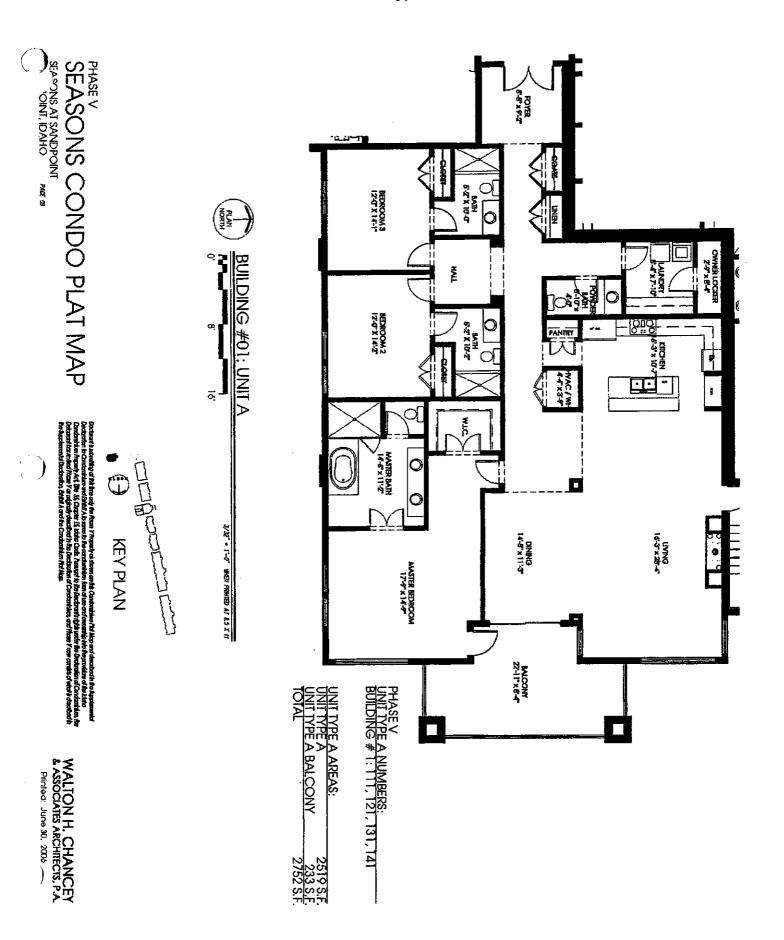
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BUILDING #01: EAST ELEVATION P HEREN Prese program 4 1 10 cd 1 ♦ Katharinga + O Kathanana Maria 1" - 40" HENEY PROVINCE AT 0.5 X 11

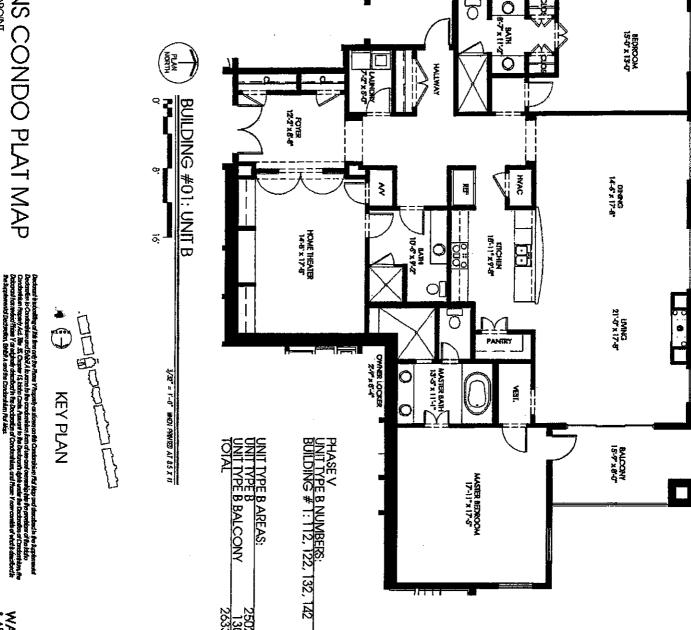
Carrie Go. T'To'S MODERA BUILDING #01: WEST ELEVATION I' = 40' HHO! PROVIED AT B.5 X II



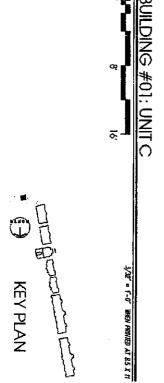
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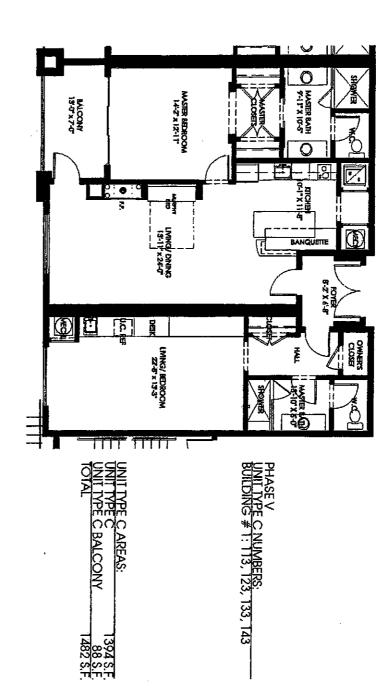
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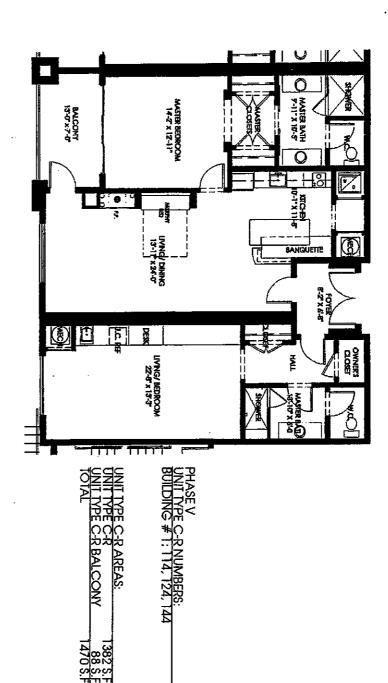


SEASONS CONDO PLAT MAP
SEASONS AT SANDPOINT
SEASONS AT SANDPOINT
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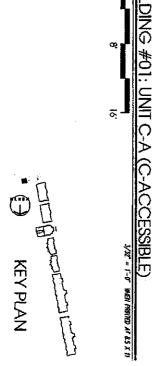


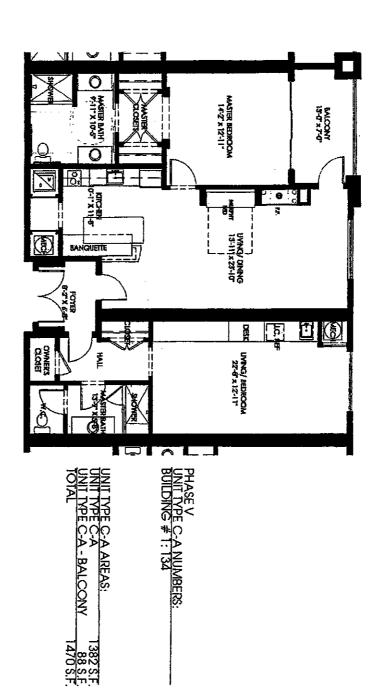


SEASONS CONDO PLAT MAP
SEASONS AT SANDPOINT
SEASONS



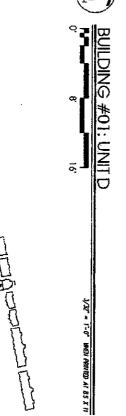


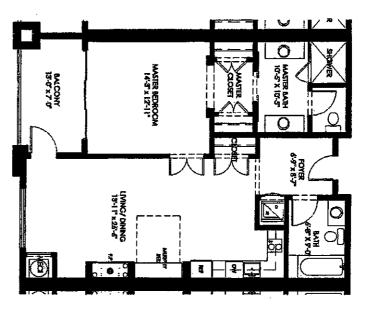


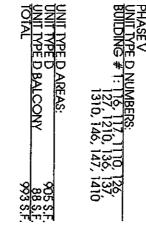


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SEASONS CONDO PLAT MAP
SEASONS AT SANDPOINT
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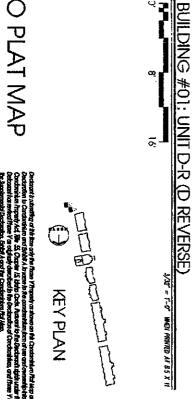


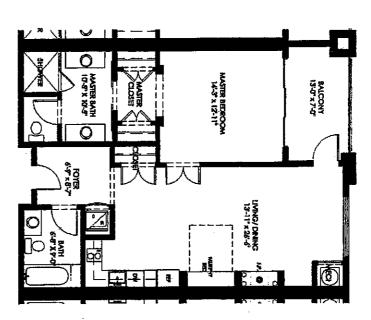


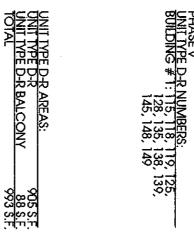
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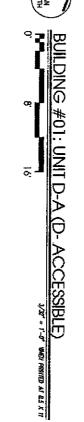


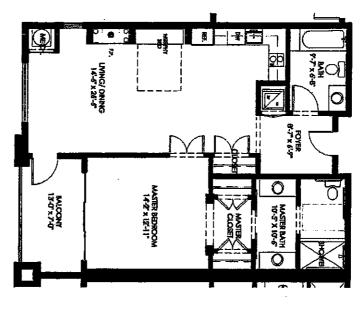


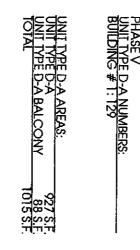




SEASONS CONDO PLAT MAP





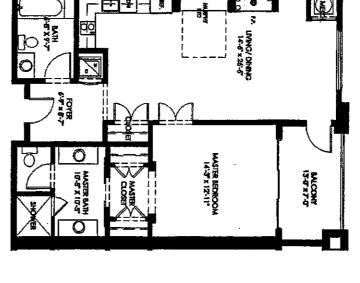


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SEASONS CONDO PLAT MAP
SEASONS AT SANDPOINT
SEASONS

BUILDING #01: UNIT D-E (D END UNIT)



PHASE V UNIT TYPE D-E NUMBERS; BUILDING # 1: 1110, 1210, 1310, 1410 UNIT TYPE D-E AREAS: UNIT TYPE D-E BALCONY 88 S.F.

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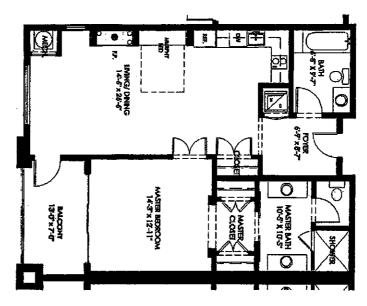
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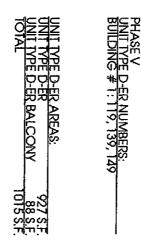
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& ASSOCIATES ARCHITECTS, P.A.
Printed: June 30, 2006

PHASE V
SEASONS CONDO PLAT MAP
SEASONS AT SANDPOINT







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### EXHIBIL E

#### Boat Slips

#### Seasons at Sandpoint - Marina Layout

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82 Total Slips

(these two slips are subject to change once constructed)

