

**FIRST SUPPLEMENTAL DECLARATION
AND THIRD AMENDMENT
TO
DECLARATION
OF
COVENANTS, CONDITIONS AND RESTRICTIONS
FOR
THE HOMESTEADS AT TETON VILLAGE**

**to
include**

**THE HOMESTEADS AT TETON VILLAGE
SECOND FILING**

(LOTS 17-26 and COMMON AREA LOT 27)

**FIRST SUPPLEMENTAL
DECLARATION
AND THIRD AMENDMENT
TO THE
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR
THE HOMESTEADS AT TETON VILLAGE**

THIS FIRST SUPPLEMENTAL DECLARATION AND THIRD AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR HOMESTEADS AT TETON VILLAGE (the "First Supplemental Declaration and Third Amendment") is made to be effective upon its recordation in the Office of the Clerk of Teton County, Wyoming, by Lodges at Fish Creek, LLC, a Wyoming limited liability company (hereinafter, with its successors and assigns, referred to as "Declarant").

W I T N E S S E T H

WHEREAS, Declarant's predecessor, Crystal Springs Ranch, Inc., filed that certain Declaration of Covenants, Conditions and Restrictions for The Homesteads at Teton Village (the "Original Declaration") in the Office of the Clerk in Teton County, Wyoming in Book 824 of Photo, Pages 799 to 832, as amended by that certain First Amendment to Declaration of Covenants, Conditions and Restrictions for The Homesteads at Teton Village recorded in the Office of the Clerk in Teton County, Wyoming in Book 923 of Photo, Pages 399 to 400, and as amended by that certain Second Amendment to Declaration of Covenants, Conditions and Restrictions for The Homesteads at Teton Village recorded in the Office of the Clerk in Teton County, Wyoming in Book 923 of Photo, Pages 401 to 403 (collectively, the "Declaration"); and

WHEREAS, pursuant to the terms of Section 9.5 and Section 9.9 of the Declaration, Declarant reserved the right to vacate and replat the Phase 3 Lot (Lot 16 of The Homesteads at Teton Village recorded in the Office of the Teton County Clerk, Wyoming on November 5, 2012 as Plat No. 1323) and reserved the right to file a Supplemental Declaration for the purpose of annexing the Lots and Common Area Lot 27 created by such re-plat into the Declaration, pursuant to the terms and conditions set forth herein; and

WHEREAS, pursuant to Section 12.1 of the Declaration, the Declarant reserved the unilateral authority to amend or repeal the Declaration for any purpose until the conveyance of all of the real property set forth on the Final Plat of the Homesteads at Teton Village recorded in the Office of the Teton County Clerk, Wyoming on November 5, 2012 as Plat No. 1323 to an Owner unaffiliated with the Declarant; and

WHEREAS, the Declarant vacated and replatted the Phase 3 Lot pursuant to that certain Final Plat of The Homesteads at Teton Village Second Filing recorded in the Office of the Clerk of Teton County, Wyoming the same date hereof; and

WHEREAS, Declarant desires to file this First Supplemental Declaration and Third Amendment in coordination with a vacation and replat of the foregoing mentioned Phase 3 Lot for the purpose of annexing Lots 17 through 27 of The Homesteads at Teton Village Second Filing, according to that certain plat recorded the same date hereof (the "Second Filing Lots" and the "Second Filing Plat", respectively) into the Declaration, subject to the terms and conditions set forth herein; and

WHEREAS, as of the date hereof, Declarant has not conveyed all of the real property set forth on the Final Plat of the Homesteads at Teton Village recorded in the Office of the Teton County Clerk, Wyoming on November 5, 2012 as Plat No. 1323 to an Owner unaffiliated with Declarant; and

WHEREAS, the Declarant hereby executes and records this First Supplemental Declaration and Third Amendment and hereby desires to amend and supplement the Declaration as set forth herein, subject to the terms and conditions set forth herein.

NOW, THEREFORE, pursuant to the authority granted to the undersigned Declarant under the Declaration, Declarant hereby supplements and amends the Declaration and declares as follows:

1. **Annexation of Second Filing Lots, Modification of LCE-Driveway Designated to Lot 13 and Designation of LCE-Yard to Lot 17.** The Declarant hereby declares that the Second Filing Lots shall be owned, conveyed and used subject to all of the provision of the Declaration, which shall run with the title to such property. **Exhibit A** to the Declaration is hereby deleted in its entirety and replaced with the attached **Exhibit A**. The Declaration shall be binding upon all Persons having any right, title or interest in any portion of the Second Filing Lots, their heirs, successors, successors-in-title and assigns. The Second Filing Lots shall be included within the defined terms of “Properties” and “Lots”. Pursuant to the reserved right of Declarant to modify the LCE-Driveway designated to Lot 13 as set forth in Section 9.9 of the Declaration, Declarant hereby assigns to Lot 13 that modified LCE-Driveway specifically described on **Exhibit C** attached hereto and incorporated herein. In addition, pursuant to the reserved right of Declarant as set forth in Sections 9.6 and 9.9 of the Declaration to designate Common Area as limited common elements. Declarant hereby assigns to Lot 17 that LCE-Yard specifically described on **Exhibit D** attached hereto and incorporated herein.

2. **Amendment to Article II - Definitions.**

(a) **Common Area.** Section 2.5 of the Declaration is hereby deleted in its entirety and the following shall be inserted in lieu thereof:

2.5 “Common Area” or “Common Areas”. *Shall mean all of the General Common Elements and Limited Common Elements, including but not limited to the following: (i) Common Area Lot 14 and Common Area Lot 27 as designated on the Final Plat, which lots include the Roadways, Association Landscaping, LCE-Driveways, LCE-Yards and all parkways and sidewalks located thereon; and (ii) All real and personal property, including easements, which the Association owns, leases or in which it otherwise holds possessory or use rights for the common use and enjoyment of the Owners.*

(b) **Plat or Final Plat.** Section 2.9 of the Declaration is hereby deleted in its entirety and the following shall be inserted in lieu thereof:

2.9 “Final Plat” or “Plat”. *The final plat of The Homesteads at Teton Village as approved by Teton County and recorded in the Office of the Clerk of Teton County, Wyoming on November 5, 2012 as Plat No. 1323 (the “First Filing Plat”) and the Final Plat of The Homesteads at Teton Village Second Filing as approved by Teton County and recorded in the Office of the Clerk of Teton County, Wyoming the same date hereof (the “Second Filing Plat”).*

(c) **Lot.** Section 2.13 of the Declaration is hereby deleted in its entirety and the following shall be inserted in lieu thereof:

2.13 “Lot”. *Those lots designated on the First Filing Plat as a Lots 1 through 13 and on the Second Filing Plat as Lots 17 through 26, and all additional lots annexed hereto in the future pursuant to Article 9 of this Declaration.*

(d) **Residential Townhome Lot**. Section 2.23 of the Declaration is hereby deleted in its entirety and the following shall be inserted in lieu thereof:

2.23 “Residential Townhome Lot”. *“Residential Townhome Lot” means each of the Lots 1 through 13 as designated on the First Filing Plat and Lots 17 to 26 on the Second Filing Plat.*

(e) **Roadway**. Section 2.24 of the Declaration is hereby deleted in its entirety and the following shall be inserted in lieu thereof:

2.24 “Roadway” or “Roadways” shall consist of Taminah Road and Rimrock Road which shall be located within the Common Area Lot 14 and Common Area Lot 27, and upon which the Owners are granted easements herein for access (pedestrian, bicycle and vehicular) and utilities for the benefit of their Lot and the Association has the obligation of maintenance as provided herein.

(f) **Townhome**. Section 2.29 of the Declaration is hereby deleted in its entirety and the following shall be inserted in lieu thereof:

2.29 “Townhome”. *Shall mean the residential building located upon each of Lots 1 through 13 of the First Filing Plat and Lots 17 to 26 of the Second Filing Plat. A “Townhome” may also be referred to herein as a “Townhouse” and such terms may be used interchangeably.*

(g) **Village Core Parcel J – Phase Three FDP and DP**. The following definition is hereby inserted at the end of Article II as Section 2.33:

2.33 “Village Core Parcel J – Phase Three FDP and DP”. *“Village Core Parcel J – Phase Three Final Development Plan” shall mean the Teton Village Area Two P.U.D Village Core Parcel J Phase Three: Final Development Plan, DEV2017-0009 for Affordable Housing, approved by the Teton County Planning Director on September 26, 2017 as memorialized by that certain Development Permit issued on September 26, 2017 and all amendments and minor deviations thereto.*

(h) **Limited Common Elements – Driveway**. Section 2.12 of the Declaration is hereby deleted in its entirety and the following shall be inserted in lieu thereof:

2.12 “Limited Common Elements - Driveway”. *“Limited Common Elements - Driveway” means those portions of the Common Area as described by Wyoming Statute Section 34-20-103 for the exclusive use of one or more but fewer than all of the Lots for vehicular and pedestrian ingress, egress and access as shown on the Final Plat. Limited Common Elements-Driveway may be referred to herein or on the Final Plat as “Limited Common Element-Driveway” or “LCE-Driveway”. LCE – Driveway for Lot 13 may be modified pursuant to Section 9.9. and re-described or designated in a Supplemental Declaration. The LCE-Driveway for Lot 13 located within Lot 14 has been modified as depicted on the Second Filing Plat and as depicted on the attached **Exhibit C**.*

(i) **Limited Common Elements - Yard**. The following definition is hereby inserted at the

end of Article II as Section 2.34:

2.34 "Limited Common Elements - Yard". "Limited Common Elements - Yard" means those portions of the Common Area as described by Wyoming Statute Section 34-20-103 for the exclusive use of one or more but fewer than all of the Lots as a yard as shown on the Final Plat and/or as designated in a Supplemental Declaration. Limited Common Elements-Yard may be referred to herein or on the Final Plat as "Limited Common Element-Yard" or "LCE-Yard" or "LCE-Y", as may be modified pursuant to Section 9.9. The Limited Common Element-Yard with respect to Lot 17 includes a portion of Lot 14 as depicted on the Second Filing Plat and on the attached **Exhibit D**.

(j) **Limited Common Elements - Yard.** The following provision is hereby inserted at the end of Section 4.11 as Subsection (d):

(d) **LCE-Yard.** *With respect to any designated LCE-Y, above-ground gardens shall be permitted within LCE-Y provided such gardens are screened from neighbors and such Owner has obtained prior approval from the Board for the placement of such garden(s) within its LCE-Y. Subject to the Board's prior review and approval for size and aesthetics, children's play and recreational equipment may be permitted on LCE-Y. Fencing is permitted within LCE-Y subject to the rules and regulations set forth herein. An Owner may construct fencing within such Owner's LCE only after obtaining approval from the Village Core DRC. All fencing shall be in conformity with those materials, design and fence specifications set forth in the Design Guidelines. All fencing within LCE-Y shall be installed only along the LCE-Y boundaries in those certain locations as shown in the Design Guidelines, unless otherwise approved by Declarant, in its sole discretion. All fencing shall include a doorway to allow for access by the Association in the event of emergency where access is necessary. After the initial required landscaping and irrigation system is installed within LCE-Y, each Owner shall maintain the same and shall obtain the prior written approval from the Association prior to the installation of any additional landscaping within such Owner's LCE-Y. The Board may adopt a schedule of pre-approved plants, trees, flowers, and grasses that an Owner may install within LCE-Y without prior Board approval, so long as all such items are maintained in accordance with the standards set forth herein. For purposes of clarity, outdoor hot tubs, Jacuzzis and/or other similar items are not permitted within LCE-Yards.*

3. **Amendment to References to Village Core Parcel J Phase Three FDP and DP.** All references to the "Village Core Parcel J – Phase One FDP and DP" in the Declaration are hereby deleted in their entirety and the following is hereby inserted in lieu thereof: "Village Core Parcel J – Phase One FDP and DP and Village Core Parcel J – Phase Three FDP and DP, as applicable".

4. **Declaration; Design Guidelines; Master Plan, the Village Core Parcel J – Phase One FDP and DP, the Village Core Parcel J – Phase Three FDP and DP.** Section 4.1(a) of the Declaration is hereby deleted in its entirety and the following shall hereby be inserted in lieu thereof:

(a) **Declaration; Design Guidelines; Master Plan, the Village Core Parcel J –Phase One FDP and DP, Village Core Parcel J – Phase Three FDP and DP.** *No structure shall be placed, erected or installed upon any Lot and/or Common Area and no improvements (including staking, clearing, excavation, grading and other site work, exterior alterations of existing improvements and planting and removal of landscaping materials, trees or shrubs) shall take place within the Properties except in compliance with this Declaration and the Design Guidelines promulgated pursuant to Section 4.2. In addition to obtaining any approvals required by this Declaration, an*

Owner shall comply with the terms, conditions and restrictions of the Master Plan for Area Two, the Village Core Parcel J – Phase One FDP and DP and Village Core Parcel J – Phase Three FDP and DP, as applicable, and shall, prior to commencing construction on any Lot and/or Common Area, complete the application process for all improvements and obtain approval from the Village Core DRC as required by the Village Core Declaration. No installation, modification and/or removal of improvements and/or landscaping may be made to Common Area Lot 14 (with the exception of LCE-Yard for Lot 17, as provided in Section 2.34 above) and/or Common Area Lot 27 without the prior written consent of the Declarant, which approval may be withheld for any reason or no reason.

5. **Restriction on Maximum Allowable Square Footage.** Section 4.1(c)(ii) of the Declaration is hereby deleted in its entirety and the following shall be inserted in lieu thereof:

*(ii) The square footage of each Townhome constructed within each Residential Townhome Lot shall not exceed the maximum allowable square footage for such Lot as set forth on the Building Permit for such Lot issued by Teton County Planning Department as of 2012 (with respect to Lots 1 to 13 of the First Filing Plat) and as of 2017 (with respect to Lots 17 to 26 of the Second Filing Plat), as such square footage may be amended upon approval of Declarant and Teton County Planning Department (as applicable). The current allowable square footage for each Townhome is as set forth in the attached **Exhibit B**; and*

6. **Fencing.** Section 4.11(b) of the Declaration is hereby deleted in its entirety and the following shall be inserted in lieu thereof:

*(b) **Fencing.** Fencing is permitted within the Residential Townhome Lots (and LCE-Yard with respect to Lot 17) subject to the rules and regulations set forth herein. An Owner may construct fencing within such Owner's Residential Townhome Lot (and LCE-Yard with respect to Lot 17) only after obtaining approval from the Village Core DRC. All fencing shall be in conformity with those materials, design and fence specifications set forth in the Design Guidelines. All fencing within a Lot shall be installed only in those areas of each Residential Townhome Lot (and LCE-Yard with respect to Lot 17) in those certain locations as shown in the Design Guidelines, unless otherwise approved by Declarant, in its sole discretion. All fencing shall include a doorway to allow for access by the Association in the event of emergency where access is necessary.*

Except as expressly amended by this First Supplemental Declaration and Third Amendment and all prior amendments, the Declaration is and remains in full force and effect, unchanged. Capitalized terms not defined herein shall be construed in accordance with their definitions set forth in the Declaration. References to section numbers refer to section numbers contained in the Declaration, unless otherwise expressly delineated to the contrary. This First Supplemental Declaration and Third Amendment may be executed in counterparts.

IN WITNESS WHEREOF, the undersigned Declarant has executed this First Supplemental Declaration and Third Amendment as of the date and year first written above.

DECLARANT:

**Lodges at Fish Creek, LLC,
a Wyoming limited liability company**

By: _____
John L. Resor, its Manager

STATE OF WYOMING)
)
) ss.
COUNTY OF TETON)

The foregoing instrument was acknowledged before me by John L. Resor, as Manager of Lodges at Fish Creek, LLC, a Wyoming limited liability company, this _____ day of _____, 20__.

Witness my hand and official seal.

Notary Public
My commission expires:

My commission expires:

EXHIBIT A
Legal Description of Real Property

Lots 1 through 14 of The Homesteads at Teton Village according to that Plat recorded in the Office of the Clerk of Teton County, Wyoming as Plat No. 1323 on November 5, 2012;

TOGETHER WITH

Lots 17 through 27 of The Homesteads at Teton Village Second Filing, according to that Plat recorded in the Office of the Clerk of Teton County, Wyoming the same date hereof.

Exhibit B
 For Use In Determining
 Base Assessment
 The Homesteads At Teton Village
 Prepared 2018-05-30

Lot Number	Improvements Square Footage	Improvement Percent of Total
1	1,715	4.29%
2	1,715	4.29%
3	1,715	4.29%
4	1,715	4.29%
5	1,715	4.29%
6	1,715	4.29%
7	1,715	4.29%
8	1,715	4.29%
9	1,715	4.29%
10	1,715	4.29%
11	1,715	4.29%
12	1,715	4.29%
13	2,247	5.62%
14	1,715	4.29%
15	1,715	4.29%
16	1,715	4.29%
17	1,715	4.29%
18	1,715	4.29%
19	1,715	4.29%
20	1,715	4.29%
21	1,715	4.29%
22	1,715	4.29%
23	1,715	4.29%

EXHIBIT C
LEGAL DESCRIPTION OF THE
MODIFIED
LOT 13 LCE-DRIVEWAY

TO WIT:

A PARCEL OF LAND being a part of Common Area Lot 14 of The Homesteads at Teton Village, a subdivision of record in the Office of the Clerk of Teton County, Wyoming as Plat No. 1323;

said **PARCEL** is within Government Lot 3 of Section 24, T.42N., R.117W., 6th P.M., Teton County, Wyoming;

said **PARCEL** is identical with an as-built driveway that extends from the west edge of an emergency turnaround for Rimrock Road within said Lot 14 to the easternmost boundary of Lot 13 of said Plat No. 1323;

said **PARCEL** is secondarily described as follows:

BEGINNING at the intersection said Lot 13 boundary with the south edge of said driveway, from which the southernmost corner of said Lot 13 bears S31°51'21"W, 28.21 feet, more or less; said corner is monumented by a 5/8 inch diameter steel reinforcing bar with 2 inch diameter aluminum cap inscribed "JORGENSEN ASSOCIATES PLS 8469";

thence on said Lot 13 boundary, N31°51'21"E, 12.56 feet, more or less, to the north edge of said as-built driveway;

thence on the north edge of said driveway, S75°22'48"E, 7.14 feet, more or less, to the west edge of said emergency turnaround;

thence on the west edge of said emergency turnaround, S14°37'12"W, 12.00 feet;

thence on the south edge of said driveway, N75°22'48"W, 10.86 feet to the **POINT OF BEGINNING**;

said **PARCEL ENCOMPASSES AN AREA OF 108 SQUARE FEET**, more or less;

the **BASIS OF BEARING** for this description is N0001'49"E on the west boundary of the E½NW¼ of Section 25, T.42N., R.117W., 6th P.M., Teton County, Wyoming;

said **PARCEL** is shown on that **ILLUSTRATIVE MAP TO ACCOMPANY LEGAL DESCRIPTION OF THE MODIFIED LOT 13 LCE-DRIVEWAY** being Page 2 of this exhibit, attached hereto and by this reference made a part hereof.

JORGENSEN ASSOCIATES, P.C.

Prepared May 24, 2018

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EXHIBIT C
LEGAL DESCRIPTION OF THE
MODIFIED
LOT 13 LCE-DRIVEWAY

CRYSTAL SPRINGS ROAD
 741P622-628;
 744P546-556;
 806P534-545;
 751P631-636;
 751P488-502;
 912P385-392;
 834P813-826;

- PRELIMINARY -
SUBJECT TO CORRECTION
AND APPROVAL

T.42N. R.117W.
 Section 24

Government Lot 3

Lot 12, Plat 1323

Easements For
 Wire Utilities
 Created By
 Plat 1323

Utility Easement
 812P758-763

Lot 8, Plat 1323

**THE HOMESTEADS
 AT
 TETON VILLAGE
 PLAT 1323**

COMMON AREA
 LOT 14

741P615-621;
 744P546-556;
 806P534-545;
 751P631-636;
 751P488-502;
 912P385-392;
 834P813-826;

LOT 13, PLAT 1323
 (PROPERTY TO WHICH
 SUBJECT LCE
 APPURTENANT)

Area Reverting To
 General Common Element
 Part Of Area of
 Emergency Turnaround

RIMROCK ROAD
 Parts of Rimrock Road Subject To The
 Amended And Restated
 Declaration Of Access Easement And
 Water And Sewer Utility Easement And
 Cost Sharing Covenant
 834P813-826

LEGEND

no monument; symbol used for drawing clarity only

● 5/8 inch diameter steel reinforcing bar with 2 inch diameter aluminum
 cap inscribed "JORGENSEN ASSOCIATES PLS 8469"

boundary of subject Lot 13 and Common Area Lot 14, The Homesteads
 At Teton Village, Plat 1323

Originally Designated
 Lot 13
 LCE-DriveWAY
 Coincident With
 As-Built Driveway
 As Shown On Plat 1323

LCE-Yard
 For Lot 17
 Second Filing

NOTE:
 THIS EXHIBIT DOES NOT
 NECESSARILY SHOW ALL EASEMENTS
 WITHIN THE DEPICTED AREA AND
 SHOWS ONLY THOSE MONUMENTS
 PERTINENT TO THE DESCRIBED
 LCE-DRIVEWAY

Scale: 1 Inch = 20 Feet

0 20 40

This scale valid only for 8.5x14 prints.

THE HOMESTEADS
 AT
 TETON VILLAGE
 SECOND FILING
 (A Subdivision To
 Be Recorded
 On The Same
 Date As The
 Instrument To
 Which This Is
 Attached)

**ILLUSTRATIVE MAP
 TO ACCOMPANY
 LEGAL DESCRIPTION OF
 MODIFIED
 LOT 13 LCE-DRIVEWAY**

LOCATED WITHIN
 COMMON AREA LOT 14
 THE HOMESTEADS AT TETON VILLAGE
 PLAT 1323



indicates area of Lot 14, Plat 1323, originally classified as Lot 13 Limited
 Common Element - Driveway reverting to General Common Element

indicates Modified Lot 13 Limited Common Element - Driveway within Lot
 14, Plat 1323

JORGENSEN
 JACKSON, WYOMING
 www.jorgeng.com

EXHIBIT D
LEGAL DESCRIPTION OF THE
LOT 17 LCE-YARD

TO WIT:

A PARCEL OF LAND being a part of Common Area Lot 14 of The Homesteads at Teton Village, a subdivision of record in the Office of the Clerk of Teton County, Wyoming as Plat No. 1323;

said **PARCEL** is within Government Lot 3 of Section 24, T.42N., R.117W., 6th P.M., Teton County, Wyoming;

said **PARCEL** is more particularly described as follows:

BEGINNING at a point on the boundary of said Lot 14, identical with the western most corner on the boundary of Lot 10 of said Plat 1323; said corner is monumented by a 5/8 inch diameter steel reinforcing bar with 2 inch diameter aluminum cap inscribed "JORGENSEN ASSOCIATES PLS 8469";

thence S76°04'46"E, 50.39 feet on the south boundary of said Lot 10, coincident with a segment of the boundary of said Lot 14 to a 5/8 inch diameter steel reinforcing bar with 2 inch diameter aluminum cap inscribed "JORGENSEN ASSOCIATES PLS 8469" marking a corner on said common boundary;

thence N83°03'00"W, 51.32 feet on a boundary of said Lot 14, coincident with the common boundary of said The Homesteads at Teton Village, Plat no. 1323, and The Homesteads at Teton Village Second Filing, the plat for which is to be recorded in said Office on the same date as the instrument to which this exhibit is attached;

thence into said Lot 14, 6.25 feet on the arc of a non-tangent curve to the left having a radius of 449.26 feet through a central angle of 0°47'51" to the **CORNER OF BEGINNING**; the chord of said curve bears N19°00'24"E, 6.25 feet; the radius point of said curve bears N70°35'41"W from the beginning of said curve;

said **PARCEL ENCOMPASSES AN AREA OF 157 SQUARE FEET**, more or less;

the **BASIS OF BEARING** for this description is N0001'49"E on the west boundary of the E½NW¼ of Section 25, T.42N., R.117W., 6th P.M., Teton County, Wyoming;

said **PARCEL** is shown on that **ILLUSTRATIVE MAP TO ACCOMPANY LEGAL DESCRIPTION OF THE LOT 17 LCE-YARD** being Page 2 of this exhibit, attached hereto and by this reference made a part hereof.

JORGENSEN ASSOCIATES, P.C.

Prepared May 24, 2018

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EXHIBIT D
LEGAL DESCRIPTION OF THE
LOT 17 LCE-YARD

