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PATTY O. WEAVER
CLERK OF THE DIST. COURT
PAMELA SCHNEIDER
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AHERIN, RICE & ANEGON
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Attorneys for Petitioners

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IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

In the Matter of the organization of CENTRAL ORCHARDS SEWER DISTRICT.	NO. 32873 ORDER FOR INCLUSION

ANTHONY C. ANEGON, counsel for the Central Orchards Sewer District, having filed herein a certified copy of an order of the Board of Directors of the Central Orchards Sewer District dated April 11, 2013, and said order having granted the petition of Alene Tutcher, as Personal Representative of the Estate of Robert B. Cargill, deceased and Virginia A. Cargill-Tutcher, for the inclusion of property described in said order within the Central Orchards Sewer District, and there having been filed a certified copy of the petition presented to the Board, and proof of publication of notice, and the Court being fully advised in the premises, finds and concludes:

That the petitioners, Alene Tutcher, as Personal Representative of the Estate of Robert B. Cargill, deceased and Virginia A. Cargill-Tutcher, named in the order of the Board of Directors of the Central Orchards Sewer District dated April 11, 2013, regularly filed with said Board a petition praying for the inclusion of their property described in said petition within the Central

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Lewiston, Idaho

Orchards Sewer District; that said petition was duly acknowledged and in all respects executed in accordance with the statutes of the State of Idaho; that subsequent to the filing of said petition, notice of said hearing was duly and regularly given in the manner and form required by law; that upon said hearing, the Board, having heard any and all protests properly submitted to the Board and having duly considered the matter, deeming it in the best interests of the Central Orchards Sewer District, as well as the individual petitioners, the Board of Directors duly and regularly entered its order of April 11, 2013.

That a certified copy of said order has been heretofore filed and is by reference made a part hereof as though fully set forth herein; that all of the said proceedings leading up to the inclusion of the property described in said order from the Central Orchards Sewer District having been properly and regularly taken in the manner and form required by the statutes of this state; it appearing that the petitioners named in said order of the Central Orchards Sewer District having not withdrawn their petition for inclusion upon the announcement of the terms and conditions as set forth in said order, pursuant to the laws of the State of Idaho; IT IS THEREFORE ORDERED, ADJUDGED AND DECREED THAT THE PROPERTY OF ALENE TUTCHER, as Personal Representative of the ESTATE OF ROBERT B. CARGILL, deceased, and VIRGINIA A. CARGILL-TUTCHER, AS DESCRIBED IN THE CERTIFIED COPY OF THE ORDER OF THE BOARD OF DIRECTORS OF THE CENTRAL ORCHARDS SEWER DISTRICT DATED APRIL 11, 2013, ON FILE HEREIN, BE AND THE SAME IS HEREBY ORDERED TO BE INCLUDED WITHIN THE CENTRAL ORCHARDS SEWER DISTRICT: the description of said property so included is as described in said order of the Board of Directors of the Central Orchards Sewer District and is made a part of this order by reference thereto as though the same had been fully set forth herein.

DATED this 1 day of May, 2013.

JEFF M. BRUDIE
District Judge

I, Patty O. Weeks, Clerk of the above entitled Court do hereby certify the foregoing to be a full, true and correct copy of the original Order in the above entitled cause as the same now appears on file and of record in my office.
WITNESS my hand and official seal this 5-1-13
PATTY O. WEEKS, Clerk
By Deputy

CLERK OF DISTRICT COURT SECOND JUDICIAL DISTRICT NEZ PERCE COUNTY STATE OF IDAHO
EX-OFFICIO AUDITOR AND RECORDER

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May 6, 2013

Craig Johnson
GIS Analyst Senior
Technical Support Bureau
Idaho State Tax Commission
800 Park Blvd. Plaza IV
Boise, ID 83722

Dear Mr. Johnson:

RE: Central Orchards Sewer District/Brooks Annexation of May 1, 2013

Enclosed please find a certified copy of the Order for Inclusion by the District Court in Nez Perce County dated May 1, 2013, and a certified copy of the Central Orchards Sewer District Order regarding the annexed property dated April 11, 2013, pursuant to Idaho Code Section 63-215. This order reflects the most recent change in the legal description of the Central Orchards Sewer District.

An updated map and legal description of the Central Orchards Sewer District will be provided per our past agreement with your office at the end of December 2013.

If you have any questions, do not hesitate to contact me.

Thank you for your consideration.

Sincerely,

AHERIN, RICE & ANEGON

Anthony C. Anegon
Attorney at Law

ACA:sdr
N:\COSD (Central Orchards Sewer District)\Documents\Tutcher-Cargill Annexation\Letter to Craig Johnson, GIS Analyst 5-06-13.docx
Enclosures
cc: COSD

BEFORE THE BOARD OF DIRECTORS OF THE
CENTRAL ORCHARDS SEWER DISTRICT

In the Matter of Inclusion of Lands Within the Above Named Sewer District.	ORDER

THE CENTRAL ORCHARDS SEWER DISTRICT, having been petitioned by ALENE TUTCHER, as Personal Representative of the ESTATE OF ROBERT B. CARGILL, deceased and VIRGINIA A. CARGILL-TUTCHER, for the inclusion of their property in the said district, and proper notice of said petition and hearing thereon being given pursuant to law and the Board of Directors having duly considered the matter and having heard any and all protests to said petition properly submitted at the hearing on April 11, 2013, at the hour of 7 o'clock p.m., and the Board of Directors of the Central Orchards Sewer District having determined that as a condition of annexation of the property the petitioners shall be assessed according to Idaho Code Section 42-3218 and Central Orchards Sewer District Resolution 89-1, and having duly considered the problems of annexation and the extra costs to the district for said property due to the fact that the property was not in the Central Orchards Sewer District at the time the General Obligation Bond issue was passed to construct sewers, and acknowledging that providing sewer service to said property will be at an increased cost to the district, and the Board of Directors, deeming it in the best interests of the Central Orchards Sewer District, as well as the individual petitioners;

CENTRAL ORCHARDS SEWER DISTRICT BOARD OF DIRECTORS HEREBY MAKES AND ENTERS ITS ORDER AS FOLLOWS:

That the above-named petitioners, having heretofore filed their petition in writing praying that the real property described therein following their names, be included in the Central Orchards Sewer District, said petition being duly acknowledged and being a part of the records and files of this board, said petitioner should have their petition granted in full and that the real property described following their names be included in the boundaries of the Central Orchards Sewer District, to wit:

ALENE TUTCHER, as Personal Representative of the ESTATE OF ROBERT B. CARGILL, deceased and VIRGINIA A CARGILL-TUTCHER, owners of the following described property:

#131 Situate in the County of Nez Perce, State of Idaho, to-wit:

The Northwest Quarter of the Northwest Quarter of the Northeast Quarter of the Southwest Quarter of Section 22, Township 35 North, Range 5 West of the Boise Meridian, SUBJECT to right of way granted by Instrument recorded June 4, 1890 in Book B of Miscellaneous, page 54, records of Nez Perce County, Idaho (as to the NE¼SW¼ and NW¼SE¼); right of way granted by Instrument recorded June 4, 1890 in Book B of Miscellaneous, page 86, records of Nez Perce County, Idaho (as to the NE¼SW¼ and NW ¼SE ¼); easement as set forth in Instrument recorded August 5, 1958, as Instrument No. 265190, records of Nez Perce County, Idaho, and easement as set forth in Instrument recorded August 8, 1958, as Instrument No. 265262, records of Nez Perce County, Idaho, assigned by Instrument recorded April 14, 1961, as Instrument No. 282123, records of Nez Perce County, Idaho.

IT IS HEREBY ORDERED that the owners of the above-described property shall pay the sum of Five Hundred Dollars ($500) for their property as a condition to being annexed into the Central Orchards Sewer District pursuant to Central Orchards Sewer District Resolution 89-1.

IT IS FURTHER ORDERED that the Secretary of the Board of Directors cause to be filed a certified copy of this Order with the Clerk of the Court of the Second Judicial District of the State of Idaho, in and for the County of Nez Perce, along with a certified copy of the petition of the above-named petitioners and proof of publication and notice, PROVIDED, that if the owners of the afore-described property withdraw their petition on or before April 25, 2013, pursuant to Idaho Code Section 42-3218(c), said property shall not be included within the boundaries of the Central Orchards Sewer District.

DATED this 11 day of April, 2013.

CENTRAL ORCHARDS SEWER DISTRICT

By Jerry D. Northrup
Jerry Northrup
Chairman

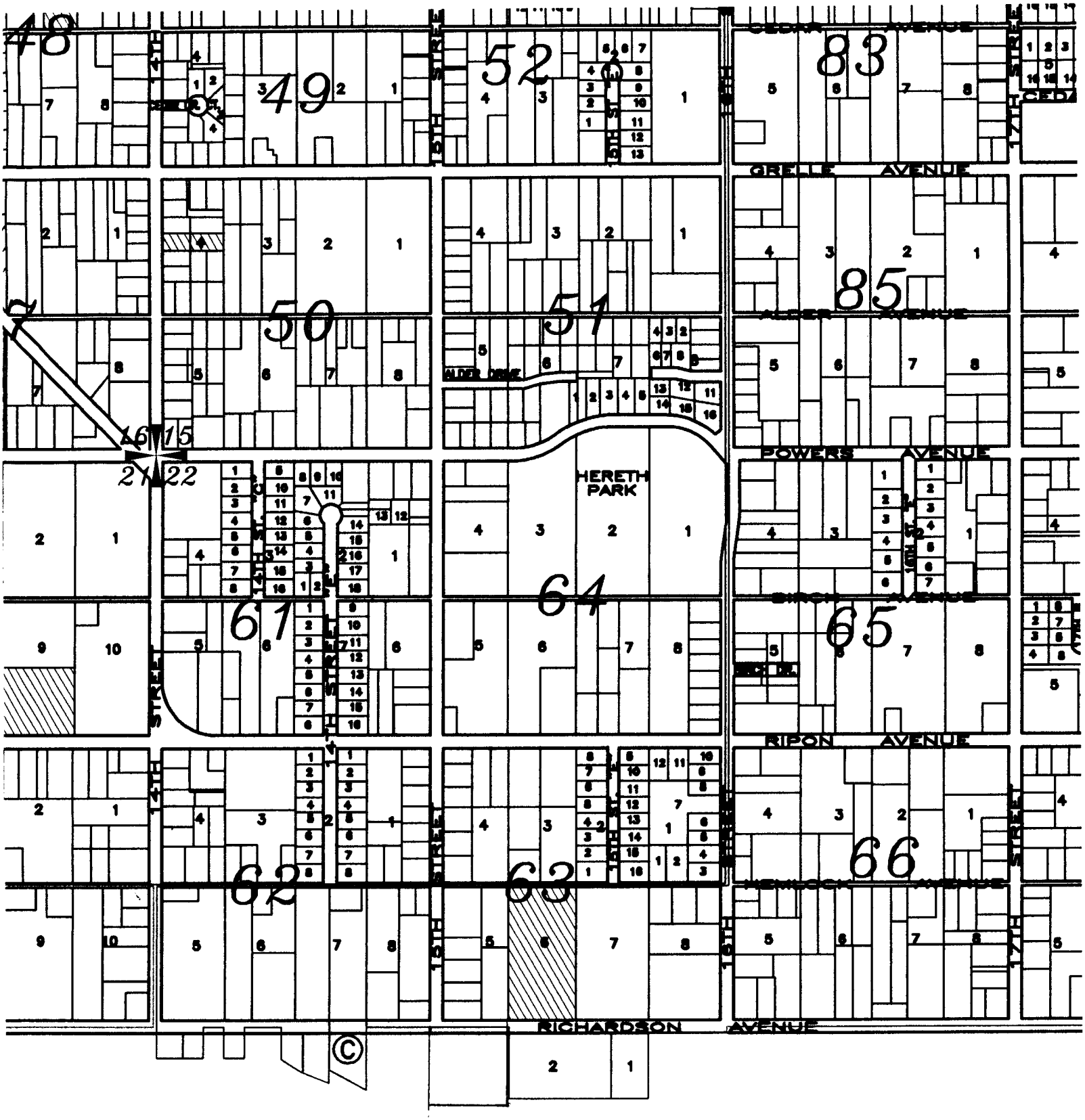
ATTEST:

Vernon L. Williams, Secretary

I, Secretary of the Central Orchard Sewer District do hereby certify the foregoing to be a full, true and correct copy of the original Order as the same now appears on file and of record in the office of the Central Orchard Sewer District.

WITNESS my hand and official seal this 11th day of April, 2013.

Secretary



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