JENNIFER LOCKE 8 P 2929763000 KOOTENAI COUNTY RECORDER BMH 2/27/2023 12:37 PM REQ OF KOOTENAI COUNTY TITLE COMPANY RECORDING FEE: \$31.00 SC

Electronically Recorded

RECORDING REQUESTED BY:

### THIRD AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS AND RESERVATIONS OF EASEMENTS FOR BROOKSHIRE LOCATED IN RATHDRUM, KOOTENAI COUNTY, IDAHO

THIS THIRD AMENDMENT is made on this 27 day of February, 2023, by BLUEGRASS DEVELOPMENT, LLC, an Idaho limited liability company, of 1250 Northwood Center Court, Suite A, Coeur d'Alene, Idaho 83814, as Grantor under the "Declaration of Covenants, Conditions, and Restrictions and Reservations of Easements for Brookshire Located in Rathdrum, Kootenai County, Idaho,," recorded November 13, 2019 as Kootenai County Instrument No. 2722518000 (hereafter "The Declaration").

- A. Grantor, as the owner of certain property in Rathdrum, Kootenai County, Idaho, caused the Declaration to be recorded November 13, 2019 as Kootenai County Instrument No. 2722518000.
  - B. Pursuant to Section 18.01.d of The Declaration:

THIRD AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS AND RESERVATIONS OF EASEMENTS FOR BROOKSHIRE LOCATED IN RATHDRUM, KOOTENAI COUNTY, IDAHO – PAGE 1

Grantor/Developer [Bluegrass Development, LLC] has the unilateral right, in its discretion, to record an amendment to this Declaration to annex additional property adjacent to or contiguous to the Property in the event the Grantor/Developer so determines. This right shall extend for a period of thirty (30) years from the recordation hereof [November 13, 2019].

C. Through this Third Amendment, Grantor/Developer (Bluegrass Development, LLC) hereby exercises its unilateral right under Section 18.01.d of The Declaration to annex additional property as described herein.

- 1. Attached hereto as Exhibit A is a true and correct copy of the Plat of Brookshire South, recorded on February 9, 2023 at Book L, Pages 783-783D, Kootenai County Instrument No. 2928301000. The real property described on Exhibit A is referred to herein for convenience as "Brookshire South."
- 2. Except as otherwise provided herein, all portions of Brookshire South as described on Exhibit A are hereby annexed and made subject to the terms of The Declaration recorded November 13, 2019 subject to the following exception: Lot 1, Block 9 of Brookshire South is <u>not</u> annexed as part of the Declaration and shall remain a stand-alone parcel unencumbered by the terms of The Declaration.
- 3. Notwithstanding any other term or provision in The Declaration or this Third Amendment, the following additional provisions shall apply to (i) Lots 1 through 10 of Block 2 and Lots 1 through 10 of Block 3 (said lots being accessed by a private alley platted as Tract A and to be maintained as HOA common area); and (ii) Lots 1 through 3, Block 4 and Lots 29 through 33, Block 1 (said lots being accessed by a private alley platted as Tract B to be maintained as HOA common area). The foregoing described lots shall proratably be subject to such additional assessments in the form of maintenance, repair, plowing, cleaning, and the like, as defined by Sections 5.03 and 5.04 of The Declaration, uniquely associated with Tract A and Tract B. Said costs shall not be borne by Association Members except those Members who own affected lots accessed by and adjacent to Tract A and Tract B as described herein. Those owners shall be subject to such general Association assessments as may arise under The Declaration and, in addition, such separate general assessments as are directly allocable to Tract A and Tract B, which shall be assessed by the Association as a separate assessment unique to these identified Members.

The undersigned has executed this Third Amendment to The Declaration on the date first above written in its status as Grantor/Developer under the terms of The Declaration recorded November 13, 2019 as Kootenai County Instrument No. 2722518000.

**GRANTOR:** 

BLUEGRASS DEVELOPMENT, LLC
An Idaho limited liability company

By: \_\_\_\_\_

Manager

STATE OF IDAHO ) ss.
COUNTY OF KOOTENAI )

On this 27day of February, 2023, before me, the undersigned, a Notary Public in and for the said State and County, personally appeared JOHN F. MAGNUSON, as Manager of Bluegrass Development, LLC, known or identified to me to be the person whose name is subscribed in the foregoing instrument and who acknowledged that he had authority to execute the same.

WITNESS my hand and official seal.

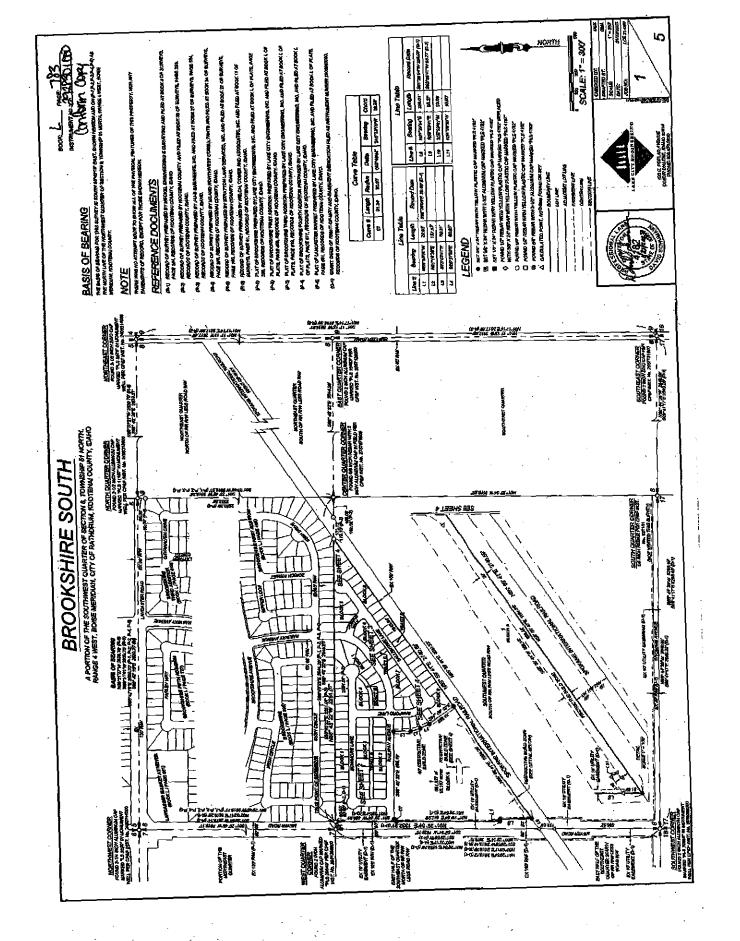
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Notary Public in and for the State of Idaho
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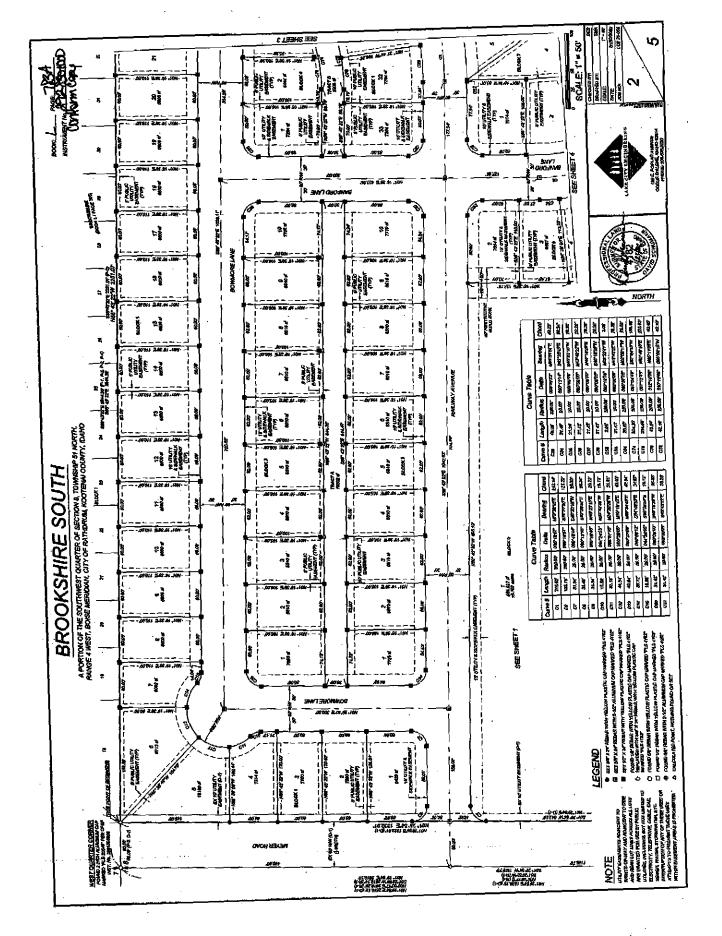
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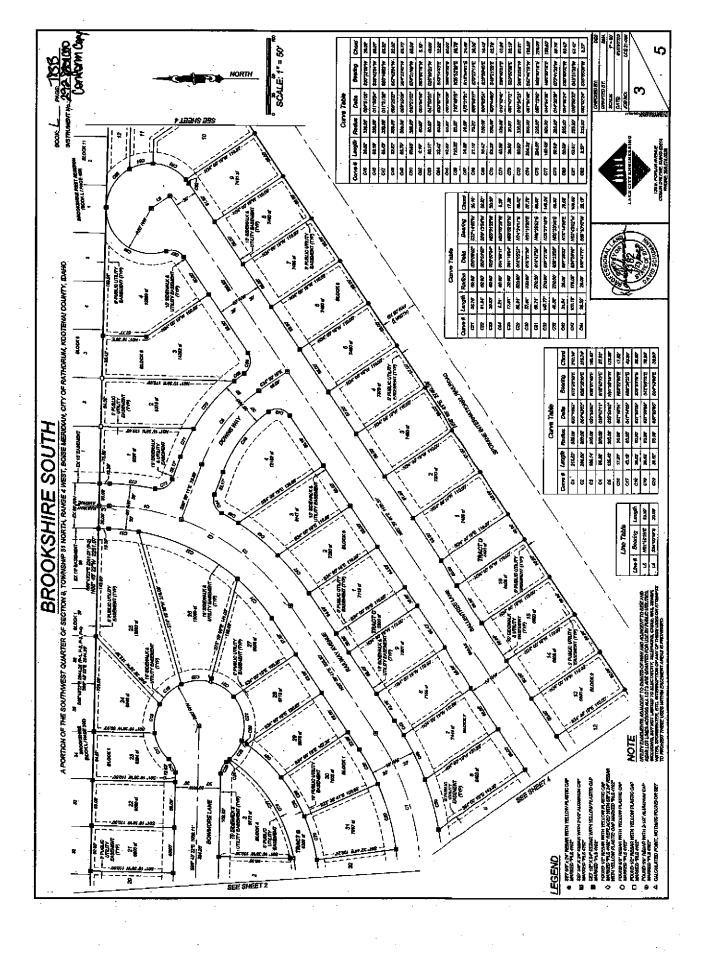
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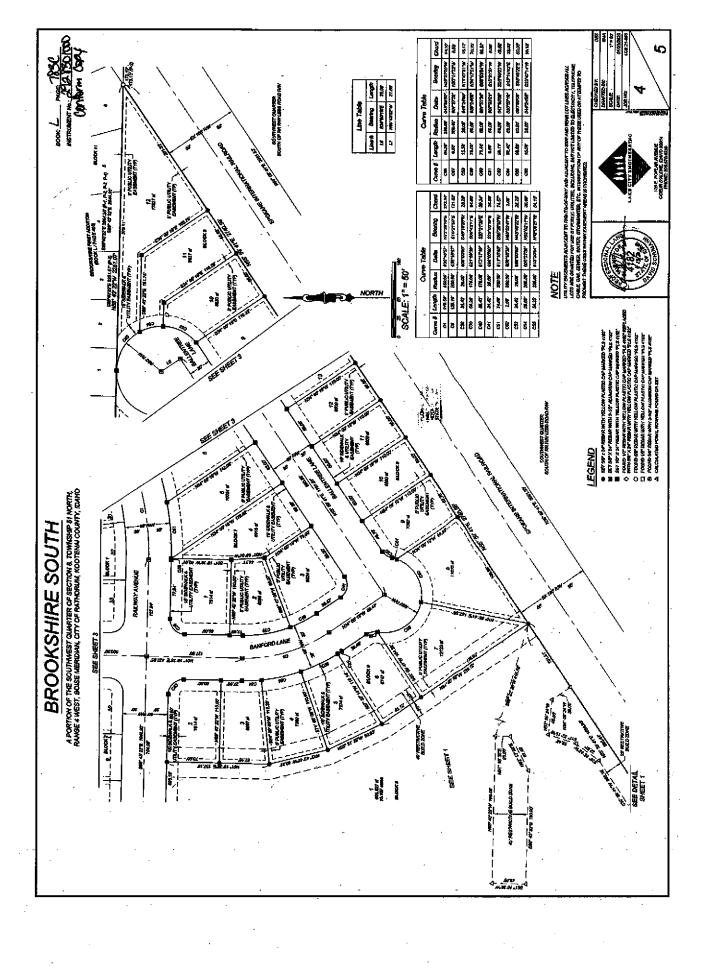
THIRD AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS AND RESERVATIONS OF EASEMENTS FOR BROOKSHIRE LOCATED IN RATHDRUM, KOOTENAI COUNTY, IDAHO – PAGE 3



### EXHIBIT A







# BROOKSHIRE SOUTH

A PORTION OF THE SOUTHWEST QUARTER OF SECTION & TOWNSHIP SI NORTH, RANGE 4 WEST, BOSSE MERIDAIN, CITY OF RATHORIUM, ROOTENAL COUNTY, DAND

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OWNERS CERTIFICATE AND DEDICATION

## KOOTENAI COUNTY RECORDER

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## COUNTY TREASURER'S CERTIFICATE

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### CITY COUNCIL, CITY OF RATHDRUM Commenter Comments Comments

## ENGINEER, CITY OF RATHDRUM

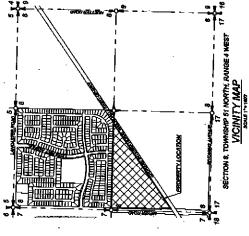
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## COUNTY SURVEYORS CERTIFICATE

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### NOTARY CERTIFICATE

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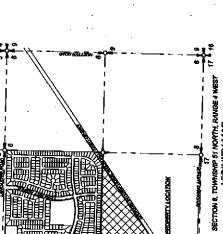
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SURVEYOR'S CERTIFICATE



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