

RECEIVED FEB 11 2005

ADA COUNTY RECORDER J. DAVID NAVARRO  
BOISE IDAHO 02/08/05 10:53 AM  
DEPUTY Bonnie Oberbillig  
RECORDED - REQUEST OF  
Moonbeam HOA

AMOUNT 171.00 57



Space above the line for Recorder's use

**First Amendment To The Declaration Of  
Covenants, Conditions, Restrictions and Easements Of  
Moonbeam Subdivision**

THIS FIRST AMENDMENT To the Declaration of Covenants, Conditions, Restrictions and Easements of Moonbeam Subdivision is made on the date hereinafter set forth by the undersigned Officers of the Moonbeam Homeowners Association, Inc.

WHEREAS, the Declaration of Covenants, Conditions, Restrictions and Easements of Moonbeam Subdivision (hereinafter the "Declaration") was recorded on February 26, 2003 as Instrument No. 103031181, records of Ada County, Idaho; and

WHEREAS, the Declaration is hereinafter referred to as the "Original Covenants"; and

WHEREAS, Article XII, Section 12.2 of the Declaration provides that any of the covenants and restrictions of the Declaration, except easements herein granted or reserved, and except the rights granted or reserved to Declarant may be amended by an instrument signed by members entitled to cast not less than sixty six and two thirds (66-2/3%) of the votes of the membership.

WHEREAS, a Special Meeting of the Members, who are owners of property governed by the Declaration, was called by the President and held on January 22, 2005;

WHEREAS, a vote was cast at the Special Meeting of the Members and sixty-six and two-thirds of the votes of the membership approved by written instrument this First Amendment To The Declaration Of Covenants, Conditions, Restrictions and Easements Of Moonbeam Subdivision and the Members in accordance with said Bylaws authorized the President and Secretary to execute this Documents on behalf of the sixty-six and 2/3 (66-2/3%) of the Members who voted and signed the written authorization to amend the Original Covenants as stated herein.

NOW, THEREFORE, the undersigned hereby declares that the Original Covenants are hereby amended as follows:

1. Article IV Section 4.1 shall be amended to read as follows:

First Amendment To The Declaration Of  
Covenants, Conditions, Restrictions and Easements Of  
Moonbeam Subdivision

Article IV Section 4.1 as follows:

Section 4.1. By Association: The Association shall be responsible for the operation, maintenance and repair of the following elements of the Property: (a) the temporary emergency access easement across Lots 2 and 3, Block 3 in accordance with the requirements of the City of Boise, until such time as the easement has been vacated by the City of Boise; and (b) the Irrigation Water Supply System as more particularly set forth in Article XI below. The maintenance by the Association only applies to the main line supply system and not to individual homeowner lines and sprinkler heads.

- 2. Except as amended herein the Original Covenants shall remain in full force and effect with no other change or modification.

Dated this \_\_ day of January 2005.

By: Moonbeam Homeowners Association, Inc.

Thomas Young  
Tom Young, President

Jason Wall  
Jason Wall, Secretary

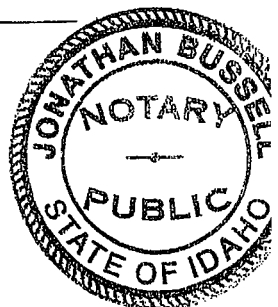
STATE OF IDAHO )  
 ) ss.  
County of Ada )

On this 4 day of Feb, 2005, before me, a notary public in and for said county and state, personally appeared Tom Young known to me to be the President of Moonbeam Homeowners Association, Inc. the corporation that executed the instrument and the person who executed the instrument on behalf of said corporation and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

Jonathan Busbell  
Notary Public for Idaho  
Residing at 1400 Vista Ave  
My Commission Expires 11/07/2009

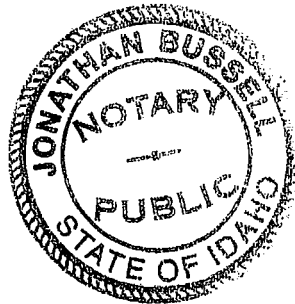
First Amendment To The Declaration Of  
Covenants, Conditions, Restrictions and Easements Of  
Moonbeam Subdivision

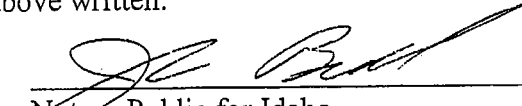


STATE OF IDAHO )  
 ) ss.  
County of Ada )

On this 4 day of Feb, 2005, before me, a notary public in and for said county and state, personally appeared Jason Wall known to me to be the Secretary of Moonbeam Homeowners Association, Inc. the corporation that executed the instrument and the person who executed the instrument on behalf of said corporation and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



  
\_\_\_\_\_  
Notary Public for Idaho  
Residing at 1400 Vista Ave  
My Commission Expires 11/07/2009