

Accommodation

**FIRST AMENDMENT TO AMENDED AND RESTATED DECLARATION OF  
COVENANTS, CONDITIONS AND RESTRICTIONS  
FOR THE PINE 43 IRRIGATION WATER SUPPLY SYSTEM**

THIS First Amendment to Amended and Restated Declaration of Covenants, Conditions and Restrictions for the Pine 43 Irrigation Water Supply System is made on the date hereinafter set forth by C&O Development, Inc., an Idaho corporation ("Declarant").

WHEREAS, Declarant has heretofore filed of record the Amended and Restated Declaration of Covenants, Conditions and Restrictions for the Pine 43 Irrigation Water Supply System (hereinafter the "Declaration"), which Declaration was recorded on October 21, 2019 as Instrument No. 2019-102965, records of Ada County, Idaho; and

WHEREAS, pursuant to Article VI, Section 3 of the Declaration, Declarant may amend the Declaration at any time Declarant owns any real property subject thereto; and

WHEREAS, Declarant currently owns real property subject to the Declaration;

NOW, THEREFORE, Declarant hereby declares that the Declaration is hereby amended as follows:

1. Article IV, Section 4, Paragraph E, is hereby amended in its entirety to read as follows:

**"E. Calculation of Assessments: The Annual and Special Assessment levied against each Lot or Parcel in the Properties shall be based upon the size of each such Lot or Parcel and calculated by multiplying a dollar amount to be determined from time to time by the Board of Directors of the Association by the number of square feet or acres of area contained in each such Lot or Parcel. Until modified by action of the Board of Directors of the Association, the Annual Assessment for each single family residential Lot or Parcel (including townhome lots) shall be calculated by multiplying the total number of square feet of area contained in each such lot by \$0.02; and the Annual Assessment for each commercial, office, or high density multifamily residential Lot or Parcel shall be calculated by multiplying the total number of acres of area contained in each such Lot or Parcel by \$200.00. The Annual Assessments shall be set each year by the Board of Directors of the Association in such an amount as is necessary in order to generate sufficient funds to operate, maintain, repair, and improve and the**

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WHEREAS, pursuant to Article VI, Section 3 of the Declaration, Declarant may amend the Declaration at any time Declarant owns any real property subject thereto; and

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NOW, THEREFORE, Declarant hereby declares that the Declaration is hereby amended as follows:

1. Article IV, Section 4, Paragraph E, is hereby amended in its entirety to read as follows:

“E. Calculation of Assessments: The Annual and Special Assessment levied against each Lot or Parcel in the Properties shall be based upon the size of each such Lot or Parcel and calculated by multiplying a dollar amount to be determined from time to time by the Board of Directors of the Association by the number of square feet or acres of area contained in each such Lot or Parcel. Until modified by action of the Board of Directors of the Association, the Annual Assessment for each single family residential Lot or Parcel (including townhome lots) shall be calculated by multiplying the total number of square feet of area contained in each such lot by \$0.02; and the Annual Assessment for each commercial, office, or high density multifamily residential Lot or Parcel shall be calculated by multiplying the total number of acres of area contained in each such Lot or Parcel by \$200.00. The Annual Assessments shall be set each year by the Board of Directors of the Association in such an amount as is necessary in order to generate sufficient funds to operate, maintain, repair, and improve and the

Irrigation Water Supply System, including the maintenance of adequate reserves, in a prudent and businesslike manner, and to comply with any and all requirements of any governmental agency having jurisdiction thereof. Failure of the Board of Directors to fix the amount of the Annual Assessment or to deliver or mail to each Owner a notice thereof, shall not be deemed a waiver, modification, or a release of any Owner from the obligation to pay the Annual Assessment. In such event, each Owner shall continue to pay the Annual Assessment last established by the Board of Directors until a new assessment amount is established.”

Except as amended herein, the Declaration shall remain in full force and effect with no other change or modification.

DATED this 6th day of AUGUST 2020.

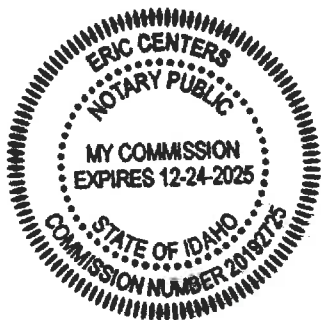
C&O Development, Inc.


By   
Dennis M. Baker, President

STATE OF IDAHO )  
: ss.  
County of Ada )

On this 6<sup>TH</sup> day of AUGUST 2020, before me, a notary public, personally appeared Dennis M. Baker, known or identified to me to be the President of C&O Development, Inc., the corporation that executed the within instrument, and known to me to be the person who executed the within 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 in this certificate first above written.



  
NOTARY PUBLIC, State of Idaho  
Residing at ADA County  
My Commission Expires: 12-24-2025