

Re-Recorded to add legal description

Instrument # 259671
VALLEY COUNTY, CASCADE, IDAHO
2002-01-10 03:27:27 No. of Pages: 8
Recorded for: AMERITITLE
LELAND G. HEINRICH
Ex-Officio Recorder Deputy
Index to: RESTRICTIVE COVENANT
Fee: 24.00

AMENDMENT TO
**DECLARATION OF PROTECTIVE COVENANTS,
CONDITIONS, RESTRICTIONS AND EASEMENTS FOR
EAGLE NEST SUBDIVISION**

THIS AMENDMENT is made as of the 9th day of Nov., 2001, to that certain **Declaration Of Protective Covenants, Conditions, Restrictions and Easements For Eagle Nest Subdivision**, recorded on August 28, 2001, as Instrument No. 256598, records of Valley County, Idaho (the "Declaration").

The amendments are as follows:

1: Article 3.6.C. of the Declaration shall be amended as follows: Article 3.6.C. shall be deleted and replaced in its entirety with the following:

C. Large Animals: Horses, llamas and mules shall be allowed to be kept on any Lot for use by an Owner; provided, such animals may be allowed on a Lot for up to, but not exceeding, twenty (20) days within any calendar year, as long as such animals are kept in an enclosure which has been approved by the Architectural Control Committee. The enclosure cannot be constructed of barbed wire or chain link. Fencing shall be constructed in accordance with Section 3.7 below. No other large animal, to include cattle, sheep, pigs, goats, and comparable sized animals, shall be allowed to be kept on any Lot.

However, the Board shall have the authority to grant variances to this provision, both as to the type of allowable animal and as to the 20 day limitation, if, in their sole discretion, such variance will not negatively impact adjoining or neighboring properties. Any such variance shall be limited to one (1) year increments, and shall evidence no commitment to renew the variance again in future years. For each year in which an Owner wishes to obtain a variance, said Owner shall submit to the Board in writing an application which specifies the following: lot size; the materials and dimensions for the enclosure; the number of animals and the type of animals; the number of days for which the animal(s) are requested to be maintained on the Lot; and, such application must demonstrate that such use will have no or minimal impact on adjoining and neighboring properties. At least fifteen (15) days prior to the Board's review of the variance request, at the Applicant's expense, written notice of the request and the time and place at which the Board will consider the request shall be mailed, via first class mail, to all record Owners with Lots adjoining that of the applicant, including Owners of Lots that would adjoin the applicant's Lot but for a road in between. The decision of the Board with regard to a variance granted under this Section 3.6.C. can be overruled or modified only as provided at Section 6.10.F.

AMENDMENT TO
DECLARATION OF PROTECTIVE COVENANTS, CONDITIONS,
RESTRICTIONS AND EASEMENTS FOR EAGLENEST SUBDIVISION - 1

Instrument # 259604
VALLEY COUNTY, CASCADE, IDAHO
2002-01-08 03:35:12 No. of Pages: 6
Recorded for: AMERITITLE
LELAND G. HEINRICH
Ex-Officio Recorder Deputy
Index to: RESTRICTIVE COVENANT
Fee: 18.00

2: Article 6.10. of the Declaration shall be amended as follows:

The following words:

“Variances: Upon written request from an Owner, the Board may grant a variance from any of the provisions of Article 3, except those limiting land use in the Subdivision to single-family residential uses, as follows:”

shall be replaced with the words:

“Variances: Variances with regard to large animals are provided for at Article 3.6.C. The Board may grant a variance from any of the other provisions of Article 3, except those limiting land use in the Subdivision to single-family residential uses, upon written request from an Owner, as follows:”

3: Except as amended in this Amendment, the remaining terms and conditions set forth in the Declaration shall remain in full force and effect.

The undersigned owners of Lots within Eagle Nest Subdivision (i) certify and attest that they are the owners of the Lot(s) specified by their name hereinbelow, and (ii) execute and approve this Amendment effective on the date set forth above.

Owner of Lot 7, Block 1: Lawrence B. Weirum
Lawrence B. Weirum

Owners of Lot 18, Block 3: David R. O'Brien Brenda L. O'Brien
David R. O'Brien Brenda L. O'Brien

Owners of Lot 13, Block 3: _____
John A. Corsaro, Jr. Eileen P. Corsaro

Owner of the Remainder of the Lots
in Eagle Nest Subdivision:

EAGLENEST, LLC

By: F. Phillip Davis
F. PHILLIP DAVIS, Managing Member

STATE OF IDAHO,)
(ss.
County of _____)

On this _____ day of _____, 2001, before me, _____, a Notary Public in and for said State, personally appeared JOHN A. CORSARO, JR. and EILEEN P. CORSARO, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

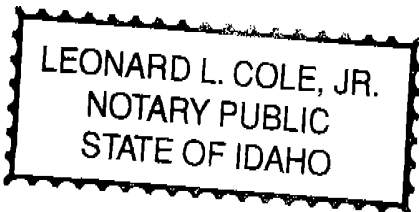
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

NOTARY PUBLIC FOR IDAHO
Residing at: _____
My Commission Expires: _____

STATE OF IDAHO,)
(ss.
County of Valley.)

On this 21 day of November, 2001, before me, Leonard L. Cole Jr. a Notary Public in and for said State, personally appeared F. PHILLIP DAVIS, known or identified to me to be the Managing Member of the limited liability company that executed the instrument or the person who executed the instrument on behalf of said limited liability company, and acknowledged to me that such limited liability company 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.



Leonard L. Cole Jr.

NOTARY PUBLIC FOR IDAHO
Residing at: CASCADE
My Commission Expires: 06-14-05

IN WITNESS WHEREOF, the Declarant hereby consents to this Amendment pursuant to Section 10.5 of the Declaration effective on the date set forth above.

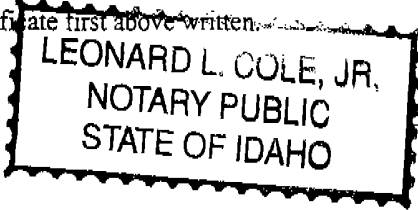
EAGLENEST, LLC

By: [Signature]
F. PHILLIP DAVIS, Managing Member

STATE OF IDAHO,)
(ss.
County of Valley)

On this 9 day of November, 2001, before me, Leonard L. Cole, Jr., a Notary Public in and for said State, personally appeared LAWRENCE B. Weirum, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he 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.

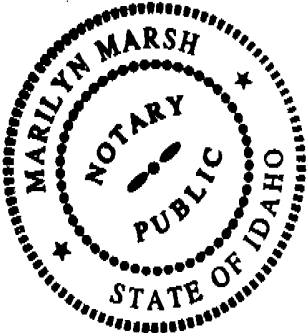


[Signature]
NOTARY PUBLIC FOR IDAHO
Residing at: CASCADE
My Commission Expires: 01-14-05

STATE OF IDAHO,)
(ss.
County of Valley)

On this 30th day of Nov, 2001, before me, Marilyn Marsh, a Notary Public in and for said State, personally appeared DAVID R. O'BRIEN and BRENDA L. O'BRIEN, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they 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.

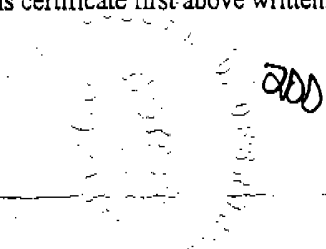


[Signature]
NOTARY PUBLIC FOR IDAHO
Residing at: Cascade, Id
My Commission Expires: 5-26-06

STATE OF IDAHO,)
(ss.
County of Chittenden)

On this 31 day of December, 2001, before me, John Desroches, a Notary Public in and for said State, personally appeared JOHN A. CORSARO, JR. and EILEEN P. CORSARO, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they 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.



John Desroches
NOTARY PUBLIC FOR IDAHO
Residing at: Essay, UT
My Commission Expires: 2-10-03

STATE OF IDAHO,)
(ss.
County of Valley.)

On this ___ day of _____, 2001, before me. _____, a Notary Public in and for said State, personally appeared F. PHILLIP DAVIS, known or identified to me to be the Managing Member of the limited liability company that executed the instrument or the person who executed the instrument on behalf of said limited liability company, and acknowledged to me that such limited liability company 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 FOR IDAHO
Residing at: _____
My Commission Expires: _____

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Owner of Lot 1, Block 4:

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Roswell A. Riegel

Suzanne Riegel
Suzanne Riegel

Owners of Lot 18, Block 3:

David R. O'Brien

Brenda L. O'Brien

Owners of Lot 13, Block 3:

John A. Corsaro, Jr.

Eileen P. Corsaro

Owner of the Remainder of the Lots
in Eagle Nest Subdivision:

EAGLENEST, LLC

By: _____
F. PHILLIP DAVIS, Managing Member

