

ADA COUNTY RECORDER
J. DAVID NAVARRO
BOISE, IDAHO

2000 AP -3 AM 11:53

RECORDED - REQUEST OF
Aries Development
FEE \$8.00 DEPUTY *J. Hooper*
100024873

**AMENDED DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
OF BROOKWOOD PLANNED UNIT DEVELOPMENT**

THE UNDERSIGNED, ARIES DEVELOPMENT, L.L.C., is the record title owner of more than seventy-five percent (75%) of the lots in the Brookwood Planned Unit Development as of the date of execution hereof. The Brookwood Planned Unit Development is located in the City of Eagle, County of Ada, Idaho, and is more particularly described on Exhibit "A" attached hereto and made a part hereof by reference. The undersigned hereby declares and enacts the following amendment to the Declaration of Covenants, Conditions and Restrictions of Brookwood Planned Unit Development, recorded as Instrument No. 100013379, in the official records of Ada County, Idaho:

1. Except as herein expressly provided to the contrary, said Declaration of Covenants, Conditions and Restrictions of Brookwood Planned Unit Development shall remain in full force and effect as initially written, executed and recorded in the records of Ada County, Idaho.
2. Section 3.1 of Article III of said Declaration shall be amended to read as follows:

Section 3.1 Residential Purposes. Lots shall be restricted exclusively to residential use. No modular home, manufactured home, trailer, mobile home, camper, motorhome, recreational vehicle, tent, shack, carport, garage or other similar vehicle, structure or improvement shall be used as a residence, either temporarily or permanently, on any Lot. On Lots containing 20,000 square feet of area or less, the enclosed living space of a single-story primary residential structure (excluding decks, patios, covered walkways, or garages) shall not be less than 1,400 square feet, and said living space on a two-story primary residential structure shall not be less than 1,800 square feet. On Lots containing more than 20,000 square feet of area, the enclosed living space of a single-story primary residential structure (excluding decks, patios, covered walkways, or garages) shall not be less than 2,000 square feet, and said living space of a two-story primary residential structure shall not be less than 3,000 square feet. Residences shall include garaged parking for not less than two automobiles together with uncovered off-street parking for not less than two automobiles.

The foregoing amendment to the Declaration of Covenants, Conditions and Restrictions of Brookwood Planned Unit Development is enacted and executed pursuant to Article X, Section 10.1 of said Declaration, and shall be and become effective upon its recordation in the official records of Ada County, Idaho.

DATED this 31st day of March, 2000.

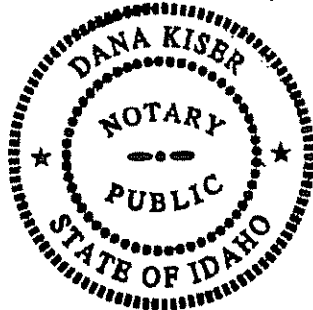
ARIES DEVELOPMENT, L.L.C.,
an Idaho limited liability company

By: *Michael Hormaechea*
MICHAEL HORMAECHEA
Managing Member

STATE OF IDAHO)
)ss.
County of Ada)

On this 31st day of March 2000, before me, a Notary Public, in and for said County and State, personally appeared MICHAEL HORMAECHEA, known or identified to me to be the managing member of ARIES DEVELOPMENT, L.L.C., an Idaho limited liability company, the company that executed the within and foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said company, for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute said instrument.

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



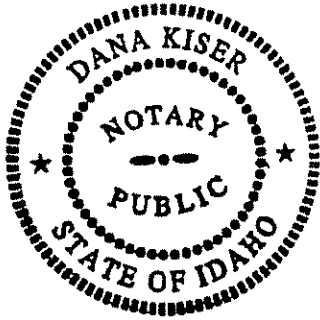
Dana Kiser
NOTARY PUBLIC FOR IDAHO
Residing at: Bowling
My commission expires: 02/02/04

rhw\realstat\CCR Brookwood Am

STATE OF IDAHO)
 ss.
COUNTY OF ADA)

On this fifth day of May, 1999, before me, the undersigned Notary Public in and for said State, personally appeared AMY MARIE WRAY and MICHAEL B. HORMAECHEA, known or identified to me to be General Partners of HORMAECHEA LIMITED PARTNERSHIP, the Idaho limited partnership that executed the foregoing instrument and the persons whose names are subscribed to the within instrument, and acknowledged to me that said limited partnership 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.



Dana Kiser
NOTARY PUBLIC, State of Idaho
Residing at Bolsi, Id
My commission expires: 09/02/2004

EXHIBIT A

* * * * *

A part of the South half of Section 4, Township 4 North, Range 1 East, Boise-Meridian, Ada County, Idaho more particularly described as follows:

Beginning at the Southwest corner of said Section 4, thence
North 1°24'57" West along the West line of said Section 4, 1150.33 feet to a point, thence
North 81°43'02" East along the centerline of Dry Creek 116.02 feet, thence
North 55°21'13" East along said centerline 190.85 feet, thence
North 80°10'56" East along said centerline 326.67 feet, thence
South 89°50'40" East along said centerline 286.81 feet, thence
North 51°59'24" East along said centerline 6.29 feet to a point on a 1/16 line, thence
North 89°11'37" East along said 1/16 line 438.87 feet to a point, thence
North 1°30'25" West along a 1/16 line 569.84 feet to a point, thence along the North bank of Dry
Creek
North 85°30'42" East 103.80 feet to a point, thence
North 70°36'38" East 121.13 feet to a point, thence
North 66°09'53" East 613.83 feet to a point, thence
North 68°13'15" East 791.68 feet to a point, thence
North 89°13'34" East 100.10 feet to a point, thence
North 83°43'39" East 1433.75 feet to a point, thence
North 73°37'30" East 142.95 feet to a point on the center of Section Line where the North bank
of Dry Creek intersects the center of Section Line, thence
North 89°17'58" East along the East-West center Section Line 778.45 feet to a point on the East
line of said Section 4, being the East quarter corner of Section 4, thence
South 01°03'27" East along the East line of said Section 4, 713.15 feet to a point, thence
South 51°02'33" West 969.37 feet to a point, thence
South 89°11'31" West 62.36 feet to a point, thence
South 11°21'18" West 482.38 feet to a point, thence
South 72°52'18" West 400.10 feet to a point on a 1/16 line, thence
South 1°18'42" East along the 1/16 line 730.46 feet to a point on the South line of said Section
4, thence
South 89°05'02" West along the South line of said Section 4, 1312.19 feet to the South quarter
corner of said Section 4, thence
South 89°05'17" West along the South line of said Section 4, 1010.06 feet, thence
North 1°30'25" West 280.00 feet, thence
South 65°21'50" West 347.95 feet to a point on a 1/16 line, thence
South 1°30'25" East along the 1/16 line 140.00 feet to a point on the South line of said Section
4, thence
South 89°05'17" West along the South line of said Section 4, 1330.06 feet to the point of
beginning.

Except rights of way for Eagle Road, Floating Road, and Dry Creek

AND EXCEPT:

A triangular parcel of land for public right of way located in the Southwest quarter of the Southwest quarter of Section 4, Township 4 North, Range 1 East of the Boise-Meridian, Ada County, Idaho, more particularly described as follows:

Commencing at the section corner common to Sections 4, 5, 8 and 9 of Township 4 North, Range 1 East, Boise-Meridian, thence North along the Section Line common to Sections 4 and 5, a distance of 45.00 feet to a point, thence Easterly a distance of 25.00 feet to a point, said point, being the Easterly right of way line of North Eagle Road, also said point being the real point of beginning, thence

South along the Easterly right of way line of North Eagle Road, a distance of 20.00 feet to a point, thence Easterly along the Northerly right of way line of Floating Feather Road, a distance of 20.00 feet to a point, thence Northwesterly, a distance of 28.28 feet more or less to the real point of beginning.

AND FURTHER EXCEPTING that certain piece or parcel of land conveyed by said Grantor to The Ada County Highway district by Warranty Deed dated October 25, 1995, recorder November 3, 1995, as Instrument No. 95081337, records of Ada County, Idaho, more particularly described as follows, to-wit:

A parcel of land for public right of way located in the South Half (S ½) of Section 4, Township 4 North, Range 1 East, Boise Meridian, Ada County, Idaho, and being more particularly described as follows:

BEGINNING at the Southwest corner of said Section 4 of Township 4 North, Range 1 East, Boise Meridian;

Thence North 0°24'01" West (formerly North 1°24'57" West) along the Section Line common to Sections 5 and 4, a distance of 272.50 feet to a point;

Thence North 89°35'59" East, a distance of 33.00 feet to a point;

Thence South 0°24'01" East a distance of 200.81 feet to a point;

Thence South 45°07'35" East, a distance of 59.68 feet to a point;

Thence South 89°51'08" East, a distance of 425.00 feet to a point;

Thence South 0°24'01" East, a distance of 30.00 feet to a point;

Thence North 89°51'08" West (formerly South 89°05'17" West) along the Section Line common to Sections 4 and 9, a distance of 500.00 feet to the PLACE OF BEGINNING containing 22,895.25 square feet or 0.5071 acres.

NOTE: This legal description INCLUDES the North 25.00 feet of the existing Floating Feather Road right of way abutting said parcel and the East 25.00 feet of the existing Eagle Road right of way abutting said parcel and said parcels containing 16,895.25 square feet or 0.387 acres of existing right of way.