

ADA COUNTY RECORDER
DAVID NAVARRO
REC. CLERK

RECORDED - REQUEST OF

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**DECLARATION OF COVENANTS, CONDITIONS &
RESTRICTIONS OF BROOKWOOD SUBDIVISION NO. 5**

Aries Development

THIS DECLARATION is made on the date hereunder set forth by the undersigned, hereinafter referred to as "Declarant".

RECITALS:

This Declaration is made in contemplation and furtherance of the following facts and purposes:

- A. Declarant is the owner of certain property located in the City of Eagle, Ada County, State of Idaho, more particularly described as follows:
- Brookwood Subdivision No 5, a residential subdivision, according to the official plat thereof recorded as Instrument No. 102066519, records of Ada County, Idaho (hereinafter sometimes referred to as "Subdivision").
- B. The Subdivision, and all improvements and structures to be erected and maintained thereon, is a residential subdivision, developed pursuant to applicable zoning, subdivision and land use ordinances of the City of Eagle, Idaho
- C. It is the intent of the Declarant that the Subdivision be a quality residential community in harmony with the surrounding environment for the enjoyment and convenience of persons living within said project, and to secure said objectives through the Covenants, Conditions & Restrictions hereinafter set forth.
- D. The Subdivision represents the fifth phase of a phased planned unit development, the first phase for which is Brookwood Subdivision No 1, a residential subdivision, as set forth in the official plat thereof recorded as Instrument No. 99123455, records of Ada County, Idaho (hereinafter sometimes referred to as "Phase One")
- E. In conjunction with the platting of Phase One, the Declarant promulgated and recorded, as Instrument No. 100013379, records of Ada County, Idaho, a Declaration of Covenants, Conditions & Restrictions of Brookwood Planned Unit Development, as amended under Instrument No. 100024873, recorded April 3, 2002, Ada County, Idaho records, which provided, *inter alia*, that subsequent residential phases of the planned unit development, including all lots, common areas and real property situated therein could be brought under and within the purview of that Declaration and its covenants, conditions and restrictions.
- F. It is the intent of the Declarant, by this instrument, to place the Subdivision under and within the purview of the above-referenced Declaration of Covenants, Conditions & Restrictions of Brookwood Planned Unit Development, as amended

DECLARATION:

- 1 Declarant hereby declares, pursuant to the provisions of Article IX, Annexation, contained in the above-referenced Declaration of Covenants, Conditions & Restrictions of Brookwood Planned Unit Development, recorded February 22, 2000, as Instrument No. 100013379, records of Ada County, Idaho, that Brookwood Subdivision No. 5 shall be, and hereby is, placed under and within the purview of said Declaration and all covenants, conditions and restrictions therein contained, as amended, and that all real property within said Subdivision, and all improvements now or hereafter situated thereon, shall be held, conveyed, encumbered, leased and used subject to said Declaration of Covenants, Conditions & Restrictions of Brookwood Planned Unit Development, as amended, which shall run with the Subdivision and be binding upon, and benefit, all parties now or hereafter having or acquiring any right, title or interest therein, or to any part thereof
- 2 Without limiting the foregoing, the Declarant further declares that all parcels and lots situated within said Subdivision, shall, for all purposes, be included within the definition of "Lot", as defined in Article I of the above-referenced Declaration of Covenants, Conditions & Restrictions of Brookwood Planned Unit Development, as amended, and that present and subsequent owners thereof shall, by acquiring a deed thereto, be deemed to acknowledge and consent to have said property, and the ownership thereof, be controlled and governed by, and subject to, all of the applicable terms and conditions of said Declaration.
- 3 This Declaration is executed this 30th day of AUGUST, 2002.

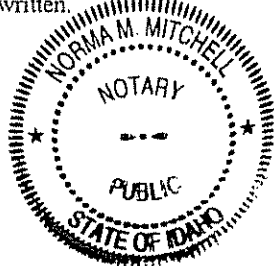
"DECLARANT"
ARIES DEVELOPMENT, L.L.C.

By: *Michael Hormaechea*
Michael Hormaechea,
Managing Member

STATE OF IDAHO)
)ss
County of Ada)

On this 30th day of AUGUST, 2002, 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., the limited liability company that executed the foregoing instrument, 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.



Norma M. Mitchell
NOTARY PUBLIC FOR IDAHO
Residing at: BOISE, Idaho
My commission expires: 5/1/2005

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