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**FIRST AMENDMENT**  
**TO THE AMENDED AND RESTATED**  
**DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS**  
**FOR**  
**OLIVETREE AT SPURWING SUBDIVISION**

DATED: September 26, 2018

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**FIRST AMENDMENT  
TO THE AMENDED AND RESTATED  
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS  
FOR  
OLIVETREE AT SPURWING SUBDIVISION**

DATED: September 26, 2018

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**FIRST AMENDMENT TO THE  
AMENDED AND RESTATED DECLARATION OF COVENANTS, CONDITIONS  
AND RESTRICTIONS FOR OLIVETREE AT SPURWING SUBDIVISION**

THIS FIRST AMENDMENT TO THE AMENDED AND RESTATED DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR OLIVETREE AT SPURWING SUBDIVISION ("Amendment") is made this 26<sup>th</sup> day of September, 2018 ("Effective Date"), by SPURWING LIMITED PARTNERSHIP, an Idaho limited partnership ("Declarant").

**ARTICLE 1: RECITALS**

1.1 Declarant is the owner of all of the real property located in the City of Meridian, County of Ada, State of Idaho, described in the attached Exhibit "A" (the Property), attached hereto and incorporated herein by reference.

1.2 Declarant recorded the Declarations of Covenants, Conditions and Restrictions for Olivetree at Spurwing Subdivision with the Ada County Recorder's Office on or about April 24, 2018, for the purpose of setting forth the basic restrictions, covenants, limitations, easements, and equitable servitudes (collectively Restrictions) that apply to the Property.

1.3 Declarant thereafter recorded the Amended and Restated Declaration of Covenants, Conditions and Restrictions for Olivetree at Spurwing Subdivision with the Ada County Recorder's Office on or about August 6, 2018, as Instrument No. 2018-073889.

1.4 Declarant desires to amend Section 7.5 of the foregoing Amended and Restated Declaration with regard to the Uniform Rate of Assessment provision.

1.5 Declarant has the power, authority and right to amend the Declaration in accordance with the terms of the Declaration and hereby exercises such authority as set forth below.

NOW THEREFORE, Declarant does hereby amend the foregoing Amended and Restated Declaration as of the Effective Date by replacing said paragraph to read as follows:

7.5 Uniform Rate of Assessment. Unless otherwise specifically set forth in this Declaration, the Regular and Special Assessments shall be fixed at a uniform rate for those Building Lots for those Members of the Association owning Building Lots 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, and 34 of Block 1, and a separate and different uniform rate of Regular and Special Assessments for those Members owning Building Lots 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, and 19 of Block 2 of the Olivetree at Spurwing Subdivision according to the official plat thereof.

All of the terms of the Declaration shall be construed consistent with this Amendment. In all other respects the Declaration shall remain in full force and effect except as amended herein.

SPURWING LIMITED PARTNERSHIP,  
an Idaho limited liability partnership

By: Spurwing Corporation, General Partner

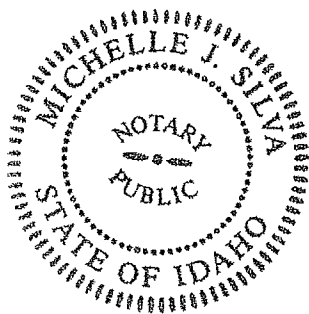
By: \_\_\_\_\_

John W. Hewitt, President

STATE OF IDAHO    )  
                              )ss.  
County of Ada        )

On this 26<sup>th</sup> day of September, 2018, before me, the undersigned Notary Public in and for said State, personally appeared John W. Hewitt, known or identified to me to be the President of Spurwing Corporation, General Partner of Spurwing Limited Partnership, the entity that executed the instrument or the person who executed the instrument on behalf of said entity, and acknowledged to me that such entity executed the same.

SUBSCRIBED AND SWORN TO Before me this 26<sup>th</sup> day of September, 2018.



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Notary Public for Idaho  
Residing at Mendota, Idaho  
My Commission Expires: 11-17-22

## EXHIBIT "A"

Lots 1 through 53 of Block 1, and Lots 1 through 19 of Block 2, of the Olivetree at Spurwing Subdivision. The foregoing being a Resubdivision of Lot 3, and portions of Lots 2 & 4, Block 1, Spurwing Subdivision located in the SW 1/4 of Section 23, T.4N., R.1W., B.M. Meridian, Ada County, Idaho.