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RECORDED

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WILLIAM H. HURST  
CANYON CNTY RECORDER  
BY *Bill Taylor Land Planning*  
REQUEST  
TYPE *MBE* *54*

**FOURTH AMENDMENT TO  
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS  
(Reflection Lane Subdivision)**

This Fourth Amendment to the Declaration of Covenants, Conditions and Restrictions ("Fourth Amendment") executed by the undersigned is effective immediately upon filing for record thereof. The original Declaration of Covenants, Conditions and Restrictions was recorded on February 27, 2001 as Instrument No. 200106990 ("Original Declaration" and "Declaration"). The First Amendment to the Declaration was recorded on July 20, 2001 as Instrument No. 200128967, the Second Amendment to the Declaration was recorded on October 16, 2002 as Instrument No. 200248750, and the Third Amendment to the Declaration was recorded on February 4, 2004 as Instrument No. 200406486.

For purposes of this Fourth Amendment, the Declarants are the owners of certain residential real properties in Canyon County, Idaho identified as Rich Porter Lemp Park Addition, more particularly described in Exhibit A, and commonly referred to as Reflection Lane subdivision. This Fourth Amendment is the result of an irrigation-system dispute between the Developer, the owner(s) of Parcel 42B, and the Reflection Lane Homeowner's Association ("Association").

The Association's irrigation system was modified and separated in June 2006 from the pond, pump, pump house, and irrigation system located on Parcel 42B, which parcel is continuing to use the original irrigation system subject to the terms and conditions of that certain Settlement Agreement and Mutual Release between Kimberly Bailey (owner of Parcel 42B) and Alan Mills (Developer). A new irrigation system was constructed in June 2006 to serve all previously-served parcels, except Parcel 42B.

Declarants intend for this Fourth Amendment: 1) to describe the maintenance and assessment obligations of the two irrigation systems now in place in the subdivision; and 2) to declare invalid and void/remove irrigation easements burdening Parcel 42B that were declared and imposed by the Developer in the original and/or First Amended Declaration of Conditions, Covenants and Restrictions and/or shown on the

Record of Survey recorded in Canyon County, Idaho on April 4, 2001 as Instrument No. 200112481.

**The Original Declaration and previous amendments are modified as necessary to be consistent with and read as follows:**

The undersigned owners of parcels identified in the Record of Survey recorded in Canyon County, Idaho on April 4, 2001 as Instrument No. 200112481 ("Reflection Lane Record of Survey"), except Parcel 42A, adopt and make this Fourth Amended Declaration.

### ARTICLE I. PROPERTY USE RESTRICTIONS

F. Easements for installation and maintenance of utilities, irrigation, and drainage facilities, including common facilities, shall be reserved as shown on the Record of Survey, and as provided in any instruments pertaining to the providers of such utility services or the Association, except that any such irrigation easements burdening Parcel 42B for the Common Irrigation System are hereby relinquished by the Developer, Association, and individuals previously having an interest in the easement(s), and are hereby conveyed to and merged with real property ownership and rights of Parcel 42B.

### ARTICLE III. HOMEOWNERS ASSOCIATION:

E. Common Facilities, Ditches and Easements.

1. There is a private road providing access for the parcels commonly known as Reflection Lane. Declarant is also providing two pressurized irrigation systems to provide irrigation water to each of the parcels: one system serving only Parcel 42B consists of the pond, pump, pump house, and irrigation system located completely on Parcel 42B ("Parcel 42B's Irrigation System"); and one system serving the remaining parcels identified in the Reflection Lane Record of Survey ("Common Irrigation Facility").

The private road be deemed a facility common to all parcels, and the Common Irrigation Facility shall be deemed a facility common to all parcels, except Parcel 42B. The private road (Reflection Lane) and the Common Irrigation Facility together are, and hereinafter referred to as, "Common Facilities". Parcel 42B's Irrigation System is not a common facility or part of the Common Facilities. The Board may adopt additional rules or regulations as part of the Association Bylaws pertaining to the Common Facilities, which are consistent with this Declaration. The Board shall set and the Association shall approve assessments sufficient for the construction, maintenance, or improvement of the Common Facilities. Owners of Parcel 42B shall not be assessed

or pay assessments related to the Common Irrigation Facility, but shall be assessed and pay assessments related to the private road or other Common Facilities. Such assessments shall be set annually after a review of the Common Facilities by the Board or a committee selected for such purpose. The Board shall determine what maintenance or improvement shall be accomplished for Common Facilities in the calendar year and set the assessment amount, which shall be submitted to a vote by the eligible parcels in the Addition. If any of the Common Facilities require maintenance or improvement in order to provide service to the parcels, such necessary assessment shall be approved by the Association. Provided however, that in the event the assessment set by the Board exceeds necessary maintenance or improvement, such excess assessment amount shall be subject to the vote of sixty percent (60%) of the parcels eligible to vote.

3. The Association is responsible for any normal operation, maintenance, improvement, insurance and costs of the Common Irrigation Facility and the owner(s) of Parcel 42B is(are) solely responsible for any operation, maintenance, improvement, insurance and costs of Parcel 42B's Irrigation System. The Association shall not interfere with Parcel 42B's Irrigation System and the owner(s) of Parcel 42B will not interfere with the Common Irrigation Facility.

ARTICLE IV. WATER SYSTEMS, IRRIGATION AND SEPTIC SYSTEMS is amended to read as follows:

A. Water Systems, Irrigation and Septic Systems. Declarant does not warrant any water source, supply or quality. The parcel owners are solely responsible to obtain potable water supply to their parcel. Declarant provides only the pressurized irrigation system, which shall be a facility common to all parcels in the Addition, except Parcel 42B, ("Common Irrigation Facility") and Parcel 42B's Irrigation System.

WHEREFORE, the undersigned have executed this Amendment on the dates following their respective signatures thereto.

DECLARANTS:

Earl Uptmor  
Arlene Uptmor  
Earl or Arlene Uptmor

Parcel: 38A Dated: 1/14/07

Gwen Scott  
Steve or Gwen Scott

Parcel: 38B Dated: 1/15/07

Calvin or Elizabeth McDonald  
Calvin or Elizabeth McDonald

Parcel: 39A Dated: 1/11/07

Kaye Kimbrell  
David or Kaye Kimbrell

Parcel: 39B Dated: 1-11-07

Chris Maynard  
Chris Maynard

Parcel: 40A Dated: 1-14-07

Brent or Tracy Young  
Brent or Tracy Young

Parcel: 40B Dated: 1/11/07

Shelly Henry  
Shelly Henry

Parcel: 41A Dated: 1/15/07

Terry or Stacy Poyzer  
Terry or Stacy Poyzer

Parcel: 41B Dated: 1/15/07

Kimberly Bailey  
Kimberly Bailey

Parcel: 42B Dated: 3/12/07

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Parcel: \_\_\_\_\_ Dated: \_\_\_\_\_

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Parcel: \_\_\_\_\_ Dated: \_\_\_\_\_

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**AFFIDAVIT**

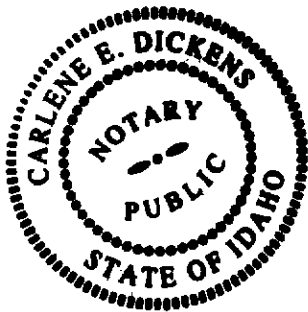
State of Idaho )  
County of Canyon ) S.S

I, KAYE KIMBRELL, being first duly sworn, depose and state:

1. I am over the age to 18.
2. I make this affidavit based on my own personal knowledge.
3. I am the Vice President of the Reflection Lane Homeowners' Association, Inc., which is responsible for administering applicable Covenants, Conditions and Restrictions of Rich Porter Lemp Park Addition ("CC&Rs"), consisting of ten (10) residential parcels.
4. The CC&Rs may be amended by a written instrument signed by the owners of the legal title to not less than two-thirds of the legally created parcels.
5. The original Declaration of Covenants, Conditions and Restrictions was recorded on February 27, 2001 as Instrument No. 200106990. The First Amendment was recorded on July 20, 2001 as Instrument No. 200128967, the Second Amendment was recorded on October 16, 2002 as Instrument No. 200248750, and the Third Amendment was recorded on February 4, 2004 as Instrument No. 200406486.
6. A Fourth Amendment to the Declaration of Covenants, Conditions and Restrictions has been executed by the owners of the legal title to at least two-thirds of the parcels, and is hereby submitted for filing in the records of Canyon County, Idaho, and becomes effective upon recording.

DATED this 23 day of March, 2007.


  
KAYE KIMBRELL



**ACKNOWLEDGEMENT CERTIFICATE**

State of Idaho )  
County of Canyon ) s.s.

On this 23rd day of March, in the year of 2007, before me, a notary public, personally appeared Kaye Kimbrell, personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

  
Notary Public  
My Commission Expires on Aug 24, 2012