

RECORDING FEE \$19.00

SC



Recording Requested by:
Mill River Property Owners Association
1250 Ironwood Drive, Suite 226
Coeur d'Alene, ID 83814

FIRST AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS AND RESERVATION FOR "EDGEWATER" MILL RIVER SUBDIVISION PHASE I (INCLUDING ALL SUBSEQUENT ADDITIONS THERETO), FOR MILL RIVER FIRST ADDITION, FOR MILL RIVER SECOND ADDITION, AND FOR MILL RIVER THIRD ADDITION

This document amends the restrictive Covenants defined in **Exhibit A**, attached hereto and incorporated herein by reference and attached hereto and incorporated herein by reference, which real property lies within that certain multi-phase development commonly referred to as Mill River. The restrictive covenants listed in Exhibit A are referred to collectively therein as the "Covenants."

WHEREAS, Mill River encompasses certain commercial property and several distinct residential neighborhoods, including Edgewater, River Life, Rivers Edge, Summer Walk and the Condominiums at Mill River, as defined in the Covenants;

WHEREAS, the members of the Mill River Property Owners Association, Inc. (the "Association") recognize that the creation of additional covenants and separate boards responsible for the management of each residential community is consistent with the goals of the Covenants;

WHEREAS, the members recognize that separate covenants and management structures are already in place for the Condominiums and Rivers Edge;

WHEREAS, the members desire that separate management boards and/or committees, subject to the overview of the Board (defined below), be created for the Edgewater, River Life and Summer Walk neighborhoods for the purposes outlined herein; and

WHEREAS, the Covenants can be amended by the affirmative vote or written consent of not less than seventy-five percent (75%) of the members of the Association.

NOW THEREFORE, the members, constituting not less than seventy-five percent (75%) of membership in the Association, do hereby amend the Covenants. A new section is hereby added to the Covenants as follows:

Section 17.05A: Board Amendments. The Board of Directors of the Mill River Property Owners Association (the "Board") is hereby empowered to make any and all amendments to the Covenants, and all applicable articles of incorporation and bylaws of the Association, for the purpose of creating, subject to the overview of the Board, neighborhood boards and/or committees for the Edgewater, Summer Walk and River Life communities, each board and/or committee with the power and duty to manage its own common areas, levy assessments, create annual budgets and exercise all other powers and duties deemed appropriate by the Board and as specified in any amendment promulgated in connection hereto. These enabling powers shall be

construed broadly in favor of the Board's discretion to make any and all changes that it deems appropriate to accomplish the foregoing purpose.

All amendments made pursuant to this section must comply with the following procedure:

- (1) The Board will give written notice to the members of all proposed amendments. Notice will be given by email, if an email address is on file, or by mail if no email address is on file, and shall include in such notice the date, time and location of a special board meeting called for the purpose of considering such proposed amendments. Said meeting must be scheduled at least two (2) weeks after notice of the proposed amendment is provided to the members;
- (2) Members may provide written comments to the Board (or the Board's designee as identified in the notice) regarding the proposed amendment up to two (2) business days before the date of the special board meeting;
- (3) At the special Board meeting the Board may consider the comments timely submitted and make any additional changes to the proposed amendments that the Board deems appropriate, in its discretion;
- (4) Proposed amendments must be adopted by a unanimous vote of the board members present at the special board meeting (or at any reconvening of such meeting); and
- (5) All approved amendments will be signed by at least two (2) members of the Board, indicating that the foregoing procedure has been followed, and then recorded in the office of the Kootenai County Recorder.

6-22-16

Chet Gaede, President

Date

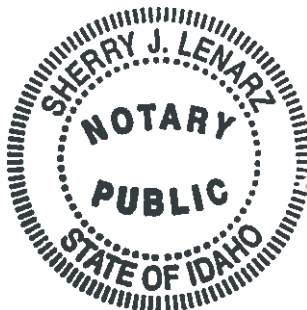
STATE OF IDAHO)

)SS

County of Kootenai)

On this 22 day of June, 2016, before me, a Notary Public in and for the State of Idaho, personally appeared Chet Gaede, knows or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same.

WITNESS my hand and official seal hereto affixed the day and year first above written.



Sherry J. Lenarz
Notary for the State of Idaho
Residing at: Coeur d'Alene
My Commission Expires: June 21, 2019

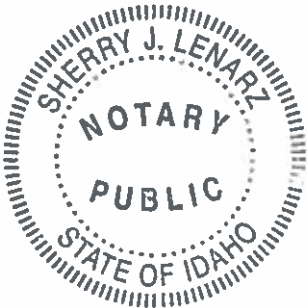

Director, Dave Bakelift

6.22.16
Date

STATE OF IDAHO)
)SS
County of Kootenai)

On this 22 day of June, 2016, before me, a Notary Public in and for the State of Idaho, personally appeared DAVE BAKELIFT, knows or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same.

WITNESS my hand and official seal hereto affixed the day and year first above written.



Sherry J. Lenarz
Notary for the State of Idaho
Residing at: POUND ALLEN
My Commission Expires: JUNE 21, 2019

EXHIBIT A

The foregoing amendment shall amend the following restrictive covenants and shall be appurtenant to that real property which is referenced in such covenants: (1) the "Declaration of Covenants, Conditions Restrictions and Reservations of Easements for 'Edgewater' Mill River Subdivision, Phase 1" recorded as instrument number 1893355, records of Kootenai County, Idaho and referred to herein as the "Edgewater CC&Rs" including the "Consent to be Bound by Declaration of Covenants, Conditions and Restrictions and Reservations of Easements for 'Edgewater' Mill River Subdivision, Phase 1 (Replat Lot 1, Block 35)" recorded as instrument number 2486450000, records of Kootenai County, Idaho; (2) the "Revised Declaration of Covenants, Conditions Restrictions and Reservations of Easements for Mill River First Addition" recorded as instrument number 1975160 on August 25, 2005, records of Kootenai County, Idaho and referred to herein as the "First Addition CC&Rs"; (3) the "Declaration of Covenants, Conditions Restrictions and Reservations of Easements for Mill River Second Addition" recorded as instrument number 1995324 on November 15, 2005, records of Kootenai County, Idaho and referred to herein as the "Second Addition CC&Rs"; and (4) the "Declaration of Covenants, Conditions Restrictions and Reservations of Easements for Mill River Third Addition" recorded as instrument number 1998752 on November 29, 2005, records of Kootenai County, Idaho and referred to herein as the "Third Addition CC&Rs"; The above instruments are referred to collectively herein as the "Covenants."