Instrument # 393616
REXBURG, MADISON, IDAHO
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Recorded for : RICHARD SMITH
KIM H. MUIR Fee: 19.00
Ex-Officio Recorder Deputy

AMENDED DECLARATION OF PROTECTIVE COVENANTS FOR HARVEST HEIGHTS SUBDIVISION – PHASE TWO

(AMENDS INSTRUMENT NO. 355028)

This Amended Declaration of Protective Covenants is made and entered into this 16th day of February, 2015 by Harvest Heights, LLC, an Idaho limited liability company ("Declarant"), to amend the Amended and Restated Declaration of Protective Covenants for Harvest Heights – Phase Two recorded as instrument number 355028 in Madison County, Idaho on 30 June 2009.

WHEREAS, the real property described on Exhibit A attached hereto is subject to this declaration, and;

WHEREAS, Declarant desires to amend the protective covenants for the mutual benefit of all current and future owners of the property within the subdivision;

NOW THEREFORE, Declarant does hereby amend paragraph 1 of the current Amended and Restated Declaration of Protective Covenants for Harvest Heights Subdivision – Phase Two as follows:

1. Land Uses and Building Type – All lots located in the Subdivision shall be used for single-family residences only. However, nothing herein contained shall be construed as to disallow farming operations on any subdivision lot which does not have a single family residence constructed or being constructed thereon. Any farming operations must have written approval of the Declarant or Home Owners Association. Except as provided herein, no building shall be erected, altered, placed or permitted to remain on any such lot other than one single – family dwelling not to exceed two stories in height with a private attached garage for at least three (3) cars. No pre-built or log homes of any nature shall be permitted on any lot, nor shall any condominium, apartment or other multiple-dwelling structure be built. Sheds or detached garages may be allowed in accordance with the written approval of the ACC (defined below); provided that such structures will be constructed with the same kinds of materials and have the same appearance as the dwelling constructed on said lot and shall be located on the rear of the lot. Any shed or detached garage must have the prior written approval of the ACC (defined below) as to plans, design, dimensions, construction materials, color and site location on the lot.

In witness whereof, Declarant has executed this amendment the 16th day of February, 2015.

Harvest Heights, LLC
An Idaho limited Liability Company

By: _____
Richard F. Smith, Managing Member

State of Idaho }
County of Madison }

On this 18th day of Feb. , 2015, before me a Notary Public in and for said state, personally appeared Richard F. Smith, Managing Member of **HARVEST HEIGHTS, LLC** known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

ANN MARIE SORENSEN
NOTARY PUBLIC
STATE OF IDAHO

Ann Marie Sorensen
Notary Public for the State of Idaho residing in Rexburg
My commission expires: 3/20/20

Exhibit 'A'

HARVEST HEIGHTS - PHASE TWO
(Includes Division 2A and Division 2B combined together)

TOWNSHIP 6 NORTH, RANGE 40 EAST, BOISE MERIDIAN, MADISON COUNTY, IDAHO.

SECTION 29: A PART OF THE SOUTH HALF OF THE SOUTHEAST QUARTER AND

SECTION 32: A PART OF THE NORTH HALF OF THE NORTHEAST QUARTER MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTER QUARTER CORNER OF SECTION 29 AND RUNNING THENCE SOUTH 0°22'22" EAST ALONG THE WEST LINE OF THE SOUTHEAST QUARTER FOR 2,227.63 FEET TO A 5/8" REBAR AT THE SOUTHWEST CORNER OF HARVEST HEIGHTS, DIVISION No. 1 AND THE TRUE POINT OF BEGINNING.

THENCE NORTH 89°37'38" EAST ALONG THE SOUTH BOUNDARY OF SAID HARVEST HEIGHTS, DIVISION No. 1 FOR 248.00 FEET TO A 5/8" REBAR;

THENCE CONTINUING ALONG SAID SOUTH BOUNDARY NORTH 0°22'22" WEST FOR 12.00 FEET TO A 5/8" REBAR;

THENCE CONTINUING ALONG SAID SOUTH BOUNDARY NORTH 89°37'38" EAST FOR 570.00 FEET TO A 5/8" REBAR;

THENCE CONTINUING ALONG SAID SOUTH BOUNDARY NORTH 7°13'18" EAST FOR 150.00 FEET TO A 5/8" REBAR;

THENCE CONTINUING ALONG SAID SOUTH BOUNDARY SOUTH 86°44'25" EAST FOR 189.74 FEET TO A 5/8" REBAR ON THE SOUTH BOUNDARY OF HARVEST DRIVE;

THENCE ALONG THE SOUTH BOUNDARY OF HARVEST DRIVE SOUTH 62°52'00" EAST FOR 77.90 FEET TO A 5/8" REBAR ON THE SOUTH BOUNDARY OF HARVEST HEIGHTS, DIVISION No. 1;

THENCE ALONG THE SOUTH BOUNDARY OF HARVEST HEIGHTS, DIVISION No. 1 SOUTH 51°01'23" EAST FOR 167.63 FEET TO A 5/8" REBAR;

THENCE CONTINUING ALONG SAID SOUTH BOUNDARY NORTH 56°19'51" EAST FOR 160.00 FEET TO A 5/8" REBAR ON THE SOUTHWESTERLY RIGHT-OF-WAY OF MILL HOLLOW ROAD;

THENCE ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY OF MILL HOLLOW ROAD SOUTH 33°40'09" EAST FOR 718.19 FEET TO A 5/8" REBAR;

THENCE LEAVING SAID MILL HOLLOW ROAD ALONG A NON-TANGENT CURVE TO THE LEFT ALONG THE SOUTH BOUNDARY OF 7TH SOUTH STREET, A RADIAL TO

THE CENTER BEARING SOUTH 56°19'51" WEST WITH LENGTH OF 41.57 FEET, RADIUS OF 30.00 FEET, DELTA OF 79°23'49", TANGENT OF 24.91 FEET, CHORD OF 38.32 FEET AND CHORD BEARING OF NORTH 73°22'03" WEST TO A 5/8" REBAR;

THENCE CONTINUING ALONG THE SOUTH BOUNDARY OF 7TH SOUTH STREET, SOUTH 66°56'02" WEST FOR 199.37 FEET TO A 5/8" REBAR;

THENCE CONTINUING ALONG THE SOUTH BOUNDARY OF 7TH SOUTH STREET ALONG A CURVE TO THE LEFT WITH LENGTH OF 264.66 FEET, RADIUS OF 550.00 FEET, DELTA OF 27°34'14", TANGENT OF 134.94 FEET, CHORD OF 262.11 FEET AND CHORD BEARING OF S 53°08'55" WEST TO A 5/8" REBAR AT A POINT OF REVERSE CURVATURE;

THENCE CONTINUING ALONG THE SOUTH BOUNDARY OF 7TH SOUTH STREET ALONG A CURVE TO THE RIGHT WITH LENGTH OF 715.21 FEET, RADIUS OF 911.86 FEET, TANGENT OF 377.14 FEET, DELTA OF 44°56'23", CHORD OF 697.02 FEET AND CHORD BEARING OF SOUTH 61°50'00" WEST TO A 5/8" REBAR AT A POINT OF COMPOUND CURVATURE;

THENCE CONTINUING ALONG THE SOUTH BOUNDARY OF 7TH SOUTH STREET ALONG A CURVE TO THE RIGHT WITH LENGTH OF 663.48 FEET, RADIUS OF 1250.00 FEET, TANGENT OF 339.76 FEET, DELTA OF 30°24'43", CHORD OF 655.72 FEET AND CHORD BEARING OF NORTH 80°29'27" WEST TO A 5/8" REBAR;

THENCE CONTINUING ALONG THE SOUTH BOUDARY OF 7TH SOUTH STREET, NORTH 65°17'06" WEST FOR 68.67 FEET TO A 5/8" REBAR ON THE WEST LINE OF THE NORTHEAST QUARTER OF SECTION 32;

THENCE NORTH 0°07'00" WEST ALONG THE WEST BOUNDARY OF THE NORTHEAST QUARTER FOR 501.06 FEET TO A 5/8" REBAR AT THE SOUTH QUARTER CORNER OF SECTION 29;

THENCE NORTH 0°22'22" WEST ALONG THE WEST BOUNDARY OF THE SOUTHEAST QUARTER OF SECTION 29 FOR 409.90 FEET TO THE TRUE POINT OF BEGINNING.

HARVEST HEIGHTS, DIVISION No. 2 CONTAINS 35.14 ACRES, MORE OR LESS.