After recordation, return to:

Parkside Development, LLC
C/O Georgetown Development, Inc.
CottonTree Square, Bldg. 7G
2230 No. at University Parkway
Provo, UT 84604

Instrument # 310900
REXBURG, MADISON, IDAHO
2004-03-24 01:41:00 No. of Pages: 4
Recorded for : SCHIESS AND ASSOCIATES
MARILYN R. RASMUSSEN Fee: 12.00
Ex-Officio Recorder Deputy

FIRST SUPPLEMENT TO

AMENDED
DECLARATION OF PROTECTIVE EASEMENTS, COVENANTS, CONDITIONS AND RESTRICTIONS
(Including Bylaws)

OF

PARKSIDE

a Planned Residential Development

City of Rexburg, Madison County, Idaho

THIS FIRST SUPPLEMENT TO DECLARATION is made as of this 16th day of March, 2004, by **PARKSIDE DEVELOPMENT, L.L.C.**, an Idaho limited liability company ("Declarant"), pursuant to the following:

RECITALS:

A. Declarant is the developer of Parkside, a Planned Residential Development in Rexburg, Idaho (the "Development").

B. On or about May 2nd, 2003, Declarant caused to be recorded as Instrument No. 303860, Pages 1-25, inclusive, in the office of the Recorder of Madison County, Idaho, that certain **Amended Declaration of Protective Easements, Covenants, Conditions and Restrictions (Including Owner Association Bylaws) of Parkside, (A Planned Residential Development)** (the "Declaration") relating to the Development.

C. Pursuant to §3.03 of the Declaration, Declarant is permitted to annex into the Development additional real property ("Additional Land") as set forth and described in the Declaration (including any Exhibit thereto) for purposes of development into additional Lots and Common Areas, if any, consistent with the existing plat (Plat A) of the Development and with the Declaration.

D. Declarant desires to annex a portion of the Additional Land into the Development for development as Plat B of the Development.

NOW, THEREFORE, Declarant hereby declares as follows:

1. All defined terms as used in this First Supplement to Declaration shall have the same meaning as those set forth and defined in the Declaration.

2. The following described real property situated in the City of Rexburg, Madison County and State of Idaho, is hereby submitted to the provisions of the Declaration and, pursuant thereto, is hereby annexed into the Development to be held, transferred, sold, conveyed and occupied as a part thereof:

> Beginning at a point that is S 00°17'06" E 1451.61 feet along the section line and S 89°42'54" W 554.38 feet and S 00°17'06" E 34.01 feet from the North quarter corner of Section 25, Township 6 North, Range 39 East of the Boise Meridian Madison County Idaho and running thence N 89°42'54" E 276.78 feet; thence S 00°17'06" E 257.66 feet; thence S 89°42'54" W 237.22 feet; N 68°38'49" W 60.81 feet; thence S 89°51'29" W 144.34 feet thence N 00°08'31" W 234.88 feet; thence N 89°42'54" E 160.71 feet to the point of beginning, containing 2.50 acres.

TOGETHER WITH all easements, rights-of-way, and other appurtenances and rights incident to, appurtenant to, or accompanying the above-described parcel of real property, whether or not the same are reflected on the Plat.

RESERVING UNTO DECLARANT, however, such easements and rights of ingress and egress over, across, through, and under the said property and any improvements (including buildings) now or hereafter constructed thereon as may be reasonably necessary for Declarant (in a manner which is reasonable and not inconsistent with the provisions of the Declaration): (i) to construct and complete each of the buildings and Units and all of the other improvements described in the Declaration or in the Plat recorded concurrently herewith, and to do all things reasonably necessary or proper in connection therewith; (ii) to construct and complete on the Additional Land or any portion thereof such improvements as Declarant shall determine to build in its sole discretion (and whether or not the Additional Land or any portion thereof has been or hereafter will be added to the Development); and (iii) to improve portions of the said property with such other or additional improvements, facilities, or landscaping designed for the use and enjoyment of all the Owners as Declarant may reasonably determine to be appropriate. If, pursuant to the foregoing reservations, the said property or any improvement thereon is traversed or partially occupied by a permanent improvement or utility line, a perpetual easement for such improvement or utility line shall exist. With the exception of such perpetual easements, the reservations hereby effected shall, unless sooner terminated in accordance with their terms, expire ten (10) years after the date on which the Declaration is filed for record in the office of the County Recorder of Madison County, Idaho.

ALL OF THE FOREGOING IS SUBJECT TO all liens for current and future taxes, assessments, and charges imposed or levied by governmental or quasi-governmental authorities; all Patent reservations and exclusions; all mineral reservations of record and rights incident thereto; all instruments of record which affect the above-described real property or any portion thereof, including , without limitation, any Mortgage (and nothing in this paragraph shall be deemed to modify or amend such Mortgage); all visible easements and rights-of -way; all easements and rights-of -way, encroachments, or discrepancies shown on or revealed by the Plat or otherwise existing; an easement for each and every pipe, line, cable, wire, utility line, or

similar facility which traverses or partially occupies the said real property at such time as construction of all Development improvements is complete; and all easements necessary for ingress to, egress from, maintenance of, and replacement of all such pipes, lines, cable, wires, utility lines, and similar facilities; **AND TO EACH OF THE COVENANTS, EASEMENTS, CONDITIONS AND RESTRICTIONS CONTAINED IN THIS DECLARATION.**

3. Section 3.02 of the Declaration is amended in its entirety to read as follows:

3.02 Subdivision into Lots. The Development is hereby subdivided into 12 Twinhomes Lots and 41 Townhome Lots, as set forth and described in the Plats, each with appurtenant and equal rights and easements of use and enjoyment in and to any Common Areas, as well as appurtenant obligations, all as set forth in this Declaration.

4. Except as amended by the provisions of this First Supplement to Declaration, the Declaration shall remain unchanged and, together with this First Supplement to Declaration shall constitute the Declaration of Protective Easements, Covenants, Conditions and Restrictions for the Development as expanded by the annexation of the Additional Land described herein.

5. This First Supplement to Declaration shall be recorded concurrently with the Plat entitled Plat B, Parkside, a Planned Residential Development, Rexburg, Madison County, Idaho, prepared and certified to by Kurtis J. Rowland (a duly registered Idaho land surveyor holding Certificate No. 9369), executed and acknowledged by Declarant, accepted by Rexburg City, and filed for record in the office of the County Recorder of Madison County.

IN WITNESS WHEREOF, Declarant has executed this instrument the day and year first above set forth.

DECLARANT:

PARKSIDE DEVELOPMENT, L.L.C.
An Idaho limited liability company

By: _____
John L. Dester, Manager

STATE OF UTAH)
: ss.
COUNTY OF UTAH)

The foregoing instrument was acknowledged before me this 16th day of March, 2004 by **John L. Dester** in the capacity indicated.

SANDRA J. STEERE
NOTARY PUBLIC • STATE of UTAH
2230 N. UNIV. PKWY STE 7G
PROVO, UTAH 84604
COMM. EXP. 12-3-2005

_____
NOTARY PUBLIC

COPY

MADISON COUNTY RESOLUTION NO.249

RESOLUTION DECLARING THE INTENTION OF THE COUNTY COMMISSIONERS OF MADISON COUNTY TO ASSESS A COUNTY SURVEYOR REVIEW FEE FOR ALL MADISON COUNTY SUBDIVISION PLATS.

WHEREAS, County Ordinance No. 175, and State Law set forth certain technical requirements relevant to the filing of any plat within Madison County; and

WHEREAS, the Madison County Commissioners have the responsibility through various divisions and departments of the County to ensure that the requirements are met; and

WHEREAS, the County Commissioners have elected to have the technical compliance review handled by a designated County Surveyor.

NOW THEREFORE, be it resolved that beginning on May 13, 2002 the following permit fees shall be assessed and collected relative to all plats proposed within the County.

Subdivisions that propose to have of 2 to 10 lots, will be assessed a fee of two hundred and fifty dollars ($250.00) for the county survey review.

Subdivisions that propose to have 11 to 25 lots, will be assessed a fee of five hundred dollars ($500.00) for the county survey review.

Subdivisions that propose to have 25 or more lots, will be assessed a fee of one thousand dollars ($1000.00) for the county survey review.

All other Planning and Zoning fees as previously adopted shall continue to be enforced pursuant to Ordinance No. 175.

The passage of this resolution is hereby confirmed this 22 day of July, 2002.

Reed B Hammon
Chairman of the Board of Commissioners

Robert Pasley
Commissioner

Roger Merrill
Commissioner

ATTEST:

Marilyn R Rasmussen
County Clerk

Instrument # 297047
REXBURG, MADISON, IDAHO
2002-07-22 10:26:34 No. of Pages: 1
Recorded for : MADISON COUNTY
MARILYN R. RASMUSSEN Fee: 0.00
Ex-Officio Recorder Deputy