

DANIEL J. ENGLISH 6P I 2223436000
KOOTENAI CO. RECORDER Page 1 of 6
BBB Date 07/22/2009 Time 11:24:00
REC-REQ OF BLACKROCK
RECORDING FEE: 18.00
2223436000 SC 6

SECOND AMENDMENT TO THE
MASTER DECLARATION OF
CONVENANTS CONDITIONS and RESTRICTIONS
FOR
BELLERIVE

The undersigned, NW Properties, LLC, an Idaho limited liability company authorized to do business under the laws of the state of Idaho, is the Declarant under the Master Declaration of Covenants, Conditions and Restrictions for Bellerive, recorded in Kootenai County, Idaho, on April 14, 2006, as instrument number 2025462000, and as subsequently amended. Bellerive is more particularly described on Exhibit "A", attached hereto (hereinafter referred to as the "Property").

Pursuant to Section 22.2.2 of said Master Declaration, Declarant hereby amends and adopts the following Second Amendment to the Master Declaration for Bellerive.

Section 9.2. currently reads as follows:

Use of Units: Each Dwelling Unit may be used only as a single family residence and not for any commercial purposes. A Commercial Unit may be used only for the commercial purpose set forth by the Declarant. In the event of a conflict between any provision of the applicable subdivision ordinances and any provision of this Declaration, the more restrictive provision shall control. Leasing of a Dwelling Unit shall not be considered a commercial purpose within the meaning of this subsection.

Section 9.2. is hereby amended by adding the following:

9.2.1. Use Restrictions Applicable to Commercial Units. Notwithstanding the broad uses allowed for the Commercial Units pursuant to Section 9.2. above, the following activities shall be prohibited:

9.2.1.1. Possession, maintenance, use, or sale of any noxious, hazardous, toxic, caustic, explosive, or corrosive fuel, gas or other substance;

9.2.1.2. Possession, maintenance, use, or sale of any fire hazard, explosive material, or other damaging or dangerous hazard, including the storage or sale of explosives or fireworks;

9.2.1.3. Any distillation or refinery facility (excepting therefrom any microbrewery or similar business);

9.2.1.4. Any dumping of garbage or refuse, except in places designated for disposal by the Association;

9.2.1.5. Any motorized vehicle repair shop; automobile dealership; automotive supply stores;

9.2.1.6. Any car wash;

9.2.1.7. Any meeting place, place of public assembly, pool hall, game arcade, betting facility or video or games arcade;

9.2.1.8. Any indecent or pornographic uses, massage parlor, adult bookstore, peepshow store, or any other similar store or club; and any business devoted to the sale of articles and merchandise normally

EXHIBIT "A"
LEGAL DESCRIPTION

PARCEL 1:

THAT PORTION OF LOT 1, BLOCK 4 OF THE PLAT OF RIVERSTONE, LYING SOUTHWESTERLY OF THE BURLINGTON NORTHERN RAILROAD RIGHT OF WAY AS SHOWN ON SAID PLAT FILED IN BOOK "I" OF PLATS AT PAGE 250, RECORDS OF KOOTENAI COUNTY, IDAHO.

PARCEL 2:

TOGETHER WITH A PORTION OF THE EAST HALF OF SECTION 10, TOWNSHIP 50 NORTH, RANGE 4 WEST, BOISE MERIDIAN, KOOTENAI COUNTY, IDAHO, SHOWN AS PART OF AREA 2 ON THAT RECORD OF SURVEY FILED IN BOOK 13 OF SURVEYS AT PAGE 68, RECORDS OF KOOTENAI COUNTY, IDAHO, DESCRIBED AS FOLLOWS:

BEGINNING AT A STEEL PIN MONUMENTING THE NORTHWEST CORNER OF SAID PARCEL 1;

THENCE SOUTH 26 DEGREES 41' 56" WEST, 352.17 FEET TO A STEEL PIN MONUMENTING THE SOUTHWEST CORNER OF SAID PARCEL 1, BEING A POINT ON THE RIGHT BANK OF THE SPOKANE RIVER;

THENCE NORTHWESTERLY ALONG THE MEANDER LINE OF SAID RIGHT BANK, THE FOLLOWING COURSES AND DISTANCES:

THENCE NORTH 50 DEGREES 11' 41" WEST, 384.37 FEET;

THENCE NORTH 41 DEGREES 23' 14" WEST, 325.25 FEET;

THENCE NORTH 45 DEGREES 08' 10" WEST, 261.01 FEET TO A POINT ON THE SOUTHEASTERLY LINE OF LOT 1, BLOCK 39 OF RIVERSIDE PARK ADDITION, AS FILED IN BOOK "B" OF PLATS AT PAGE 138, RECORDS OF KOOTENAI COUNTY, IDAHO;

THENCE LEAVING SAID MEANDER LINE ALONG SAID SOUTHEASTERLY LINE AND ITS NORTHEASTERLY EXTENSION THEREOF, NORTH 32 DEGREES 01' 36" EAST, 147.96 FEET TO A POINT ON SAID SOUTHWESTERLY BURLINGTON NORTHERN RAILROAD RIGHT OF WAY, SAID RIGHT OF WAY BEING 30 FEET SOUTHWESTERLY OF AND PARALLEL WITH THE CENTERLINE OF SAID RIGHT OF WAY;

THENCE ALONG SAID RIGHT OF WAY, SOUTH 57 DEGREES 57' 44" EAST, 914.33 FEET TO THE REAL POINT OF BEGINNING.

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EXHIBIT "A"

LEGAL DESCRIPTION

Lot 8, Block 2, according to the plat of Bellerive Subdivision, Section 10, Township 50 North, Range 4 West, Boise Meridian, City of Coeur d'Alene, Kootenai County, Idaho recorded on April 13, 2006, in Book "J" of Plats, Pages 311, 311A through 311C, as Instrument Number 2025150000, at the office of the Kootenai County Recorder.

"A"