

**THIRD AMENDMENT TO AMENDED AND RESTATED SUPPLEMENTAL DECLARATION
OF
COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS
FOR
APEX SUBDIVISION
(Annexation – Apex Northwest Subdivision No. 2)**

October 4, 2022

RECITALS

WHEREAS, Smith Brighton Inc., an Idaho corporation, as Declarant, recorded that certain Amended and Restated Supplemental Declaration of Covenants, Conditions, Restrictions and Easements for Apex Subdivision, recorded as Instrument No. 2022-028701 on March 22, 2022, in the records of Ada County, Idaho, as may be amended from time to time (collectively "Amended and Restated Supplemental Declaration");

WHEREAS, Section 12.01 of the Amended and Restated Supplemental Declaration allows for Declarant's annexation of additional property to the Subdivision, which additional property, when annexed, is brought within the provisions of the Amended and Restated Supplemental Declaration ; and

WHEREAS, the purpose of this Amendment is to annex the additional property hereafter described, and upon such annexation to subject such additional property to all of the terms, covenants, conditions, restrictions and easements contained in the Amended and Restated Supplemental Declaration, and to supplement the Amended and Restated Supplemental Declaration with additional or different covenants and restrictions expressly provided hereafter, if any, which covenants and restrictions shall apply to only the Annexed Property.

ARTICLE I.
PROPERTY COVERED

The property which is covered by this Third Amendment and which shall be annexed under the Amended and Restated Supplemental Declaration is the real property owned by Smith Brighton Inc., an Idaho corporation, the Declarant, and is described as follows (hereafter "Annexed Property"):

Lots 1 through and including 13, Block 3; Lots 1 through and including 13, Block 4; Lots 1 through and including 13, Block 5; Lots 1 through and including 13, Block 6, APEX NORTHWEST SUBDIVISION NO. 2, according to the official plat thereof filed in Book 124 of Plats at Pages 19844 through and including 19847, inclusive, as Instrument No. 2022-083790 on October 3, 2022, records of Ada County, Idaho.

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ARTICLE II.
DEFINED TERMS

Unless the context otherwise specifies or requires, the words and phrases in this Third Amendment shall have the same meaning as such words and phrases are defined in the Amended and Restated Supplemental Declaration .

ARTICLE III.
ANNEXATION

Pursuant to Section 12.01 of the Amended and Restated Supplemental Declaration, the Declarant hereby declares that the Annexed Property is annexed to the Property, and brought within the provisions of the Amended and Restated Supplemental Declaration , and is hereby made part of the “Subdivision” and “Property”, subject to all of the covenants, conditions, restrictions and easements of the Amended and Restated Supplemental Declaration.

ARTICLE IV.
OWNERS ASSOCIATION

As provided in Section 12.01 of the Amended and Restated Supplemental Declaration, upon the annexation of the Annexed Property, the Owners of the Lots within the Annexed Property shall become members of the Association with all rights, privileges and obligations as all other members.

ARTICLE V.
CONFLICTS

Any conflict between the terms of the Amended and Restated Supplemental Declaration and the provisions of this Third Amendment shall be controlled by this Amendment.

ARTICLE VI.
EFFECTIVE DATE

This Third Amendment shall be effective from and after the date it is recorded in the official Records of Ada County, Idaho.

IN WITNESS WHEREOF, the undersigned, being the Declarant under the Amended and Restated Supplemental Declaration, and pursuant to Section 12.01 of the Amended and Restated Supplemental Declaration, has hereunto executed this Third Amendment as of the date and year Amendment above written.

DECLARANT:

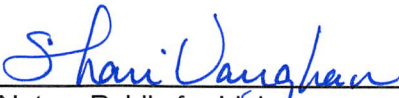
SMITH BRIGHTON INC.,
an Idaho corporation

By: 
Robert L. Phillips, Vice President

STATE OF IDAHO)
) ss:
County of Ada)

On this 4th day of October, 2022, before me, the undersigned, a Notary Public in and for said State, personally appeared Robert L. Phillips, known or identified to me to be the Vice President of SMITH BRIGHTON INC., an Idaho corporation, and the person who subscribed said Corporation's name to the foregoing instrument as the Chief Operating Officer of said Corporation, and acknowledged to me that he executed the same in said Corporation's name.

IN WITNESS WHEREOF, I have hereunto Set my hand and affixed my official seal the day and year in this certificate Amendment above written.


Notary Public for Idaho
My Commission Expires: 6-1-2024

(SEAL)

