

RECORDING REQUESTED BY:

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FIFTH AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS, AND  
RESTRICTIONS AND RESERVATIONS OF EASEMENTS FOR THE LANDINGS AT  
WATERFORD LOCATED IN KOOTENAI COUNTY, IDAHO

AMENDING INSTRUMENT NUMBER 1842411

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TO: ALL PERSONS AND PARTIES OF INTEREST. You are hereby notified as follows:

(A) On November 12, 2003, Kootenai County Instrument No. 1842411 was recorded. Said instrument is entitled "Declaration of Covenants, Conditions, Restrictions and Reservations of Easements for The Landings at Waterford Located in Coeur d'Alene, Kootenai County, Idaho."

(B) Instrument No. 1842411 pertains to certain portions of the following described real property, located in the City of Coeur d'Alene, Kootenai County, Idaho, as is more particularly described in said instrument and all subsequent amendments thereto:

The northeast quarter of Section 28, Township 51 North, Range 4 West, Boise Meridian, Kootenai County, State of Idaho and the northwest quarter of Section 28, Township 51 North, Range 4 West, Boise Meridian, Kootenai County, State of Idaho.

(C) Instrument No. 1842411 is hereby amended as described below.

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Pursuant to Section 17.05 of Instrument No. 1842411, Section 7.04 (g), is deleted in its entirety and amended to read as follows:

Each single-family dwelling unit shall be allowed a detached, storage building. The design shall be architecturally consistent with the single-family dwelling and shall be a size and design determined by the Architectural Control Committee, in its sole discretion, as being consistent with the common scheme and plan of the Landings. The Architectural Control Committee shall have the right to withhold approval of any detached storage building in their sole discretion provided that its decision is not motivated by personal malice or spite.

Any challenge to any decision of the Architectural Control Committee based on an allegation that it has acted out of personal malice or spite shall be determined in binding arbitration by a neutral, third party arbitrator, pursuant to Idaho's statutes concerning arbitration.

Any such detached storage building shall additionally be of a color and composition

