

Fairway Estates Division 28

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS AND ANNEXATION

THIS DECLARATION is made effective on the 25th day of October 2021, by CAMBRIDGE DEVELOPMENT, INC., hereinafter referred to as "Declarant".

I. References, Definitions and Intent:

A. Reference herein to "the Property" or "Fairway Estates Division 28" means the following described property:

Fairway Estates, Division 28, an addition to the City of Idaho Falls, Bonneville County, Idaho, according to the official plat thereof on file in the office of the County Recorder of Bonneville County, Idaho and recorded therein on August 23, 2021 under Instrument Number 1697330.

Described by boundary description as follows:

PART OF THE SOUTH 1/2 OF SECTION 31, TOWNSHIP 3 NORTH, RANGE 38 EAST B.M., BONNEVILLE COUNTY, IDAHO DESCRIBED AS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 31; THENCE S 88°42'48" W 2206.49 FEET ALONG THE SOUTH SECTION LINE; THENCE NORTH 1315.06 FEET TO THE NORTHEAST CORNER OF LOT 21, BLOCK 15, FAIRWAY ESTATES, DIVISION NO 23, RECORDED AS INSTRUMENT NO. 1627973, SAID CORNER BEING THE POINT OF BEGINNING; THENCE ALONG THE NORTHERLY BOUNDARY OF SAID DIVISION NO. 23 S 89°34'51" W 152.70 FEET TO THE NW CORNER OF LOT 21 BLOCK 15 OF SAID FAIRWAY ESTATES DIV. 23, ALSO BEING ON THE EASTERLY BOUNDARY OF FAIRWAY ESTATES DIVISION NO 22, RECORDED AS INSTRUMENT NO. 1584575, THENCE ALONG THE BOUNDARY OF SAID DIVISION 22 THE FOLLOWING TWO (2) COURSES (1) N 00°17'19" W 246.92 FEET TO THE NE CORNER OF LOT 15, BLOCK 15 OF SAID FAIRWAY ESTATES DIV. 22; (2) S 89°39'34" W 289.58 FEET TO THE NW CORNER OF LOT 15, BLOCK 19 OF SAID FAIRWAY ESTATES DIV. 22 AND THE EASTERLY BOUNDARY OF FAIRWAY ESTATES DIVISION 24, RECORDED AS INSTRUMENT NO. 1627974 AND THE EAST LINE OF FAIRWAY ESTATES DIV. 27, RECORDED AS INSTRUMENT NO. 1679681; THENCE ALONG SAID DIVISION 24 THE FOLLOWING THREE (3) COURSES (1) N 00°20'28" W 125.00 FEET; (2) S 89°39'32" W 5.02 FEET; (3) N 00°21'03" W 255.05 FEET TO THE SE CORNER OF LOT 3, BLOCK 25 OF SAID FAIRWAY ESTATES DIV 27; THENCE ALONG SAID EAST LINE OF FAIRWAY ESTATES DIV. 27 N 00°21'03" W 116.97 FEET; THENCE N 89°42'26" E 175.12 FEET; THENCE S 00°20'28" E 10.90 FEET; THENCE N 89°39'32" E 137.30 FEET; THENCE S 00°20'28" E 92.00 FEET; THENCE N 89°39'32" E 198.47 FEET; THENCE S 00°00'19" E 178.88 FEET; THENCE S 45°03'50" E 28.31 FEET TO A POINT ON A CURVE; THENCE SOUTHEASTERLY 100.14 FEET ALONG SAID CURVE TO THE RIGHT, CURVE DATA (RADIUS = 935.00 FEET, DELTA = 6°08'11") CHORD BEARS S 87°03'14" E 100.09 FEET; THENCE S 00°00'19" E 415.31 FEET TO THE NE CORNER OF LOT 4 BLOCK 22 OF FAIRWAY ESTATES DIV. 23; THENCE ALONG THE NORTHERLY BOUNDARY OF FAIRWAY ESTATES DIV. 23 THE FOLLOWING TWO (2) COURSES (1) S 89°59'41" W 180.00 FEET TO THE WESTERLY RIGHT-OF-WAY OF CYPRESS CREEK; (2) S 00°00'20" E 21.73 FEET ALONG SAID WESTERLY RIGHT-OF-WAY TO THE POINT OF BEGINNING.

B. A Declaration of Covenants, Conditions and Restrictions recorded November 18, 2001, in the office of the Recorder of Bonneville County, Idaho, under recorder's number 1045699 (hereinafter the "Division 9 Declaration"), subjected Fairway Estates Division 9, a subdivision of the City of Idaho Falls, Bonneville County, Idaho, to a regime of covenants, conditions and restrictions and created the Fairway Estates Homeowners Association. All capitalized terms not defined herein shall have the meaning defined in the Division 9 Declaration.

C. The Division 9 Declaration allows annexation of other neighboring property into the Division 9 Project by the Declarant. Declarant has made other properties subject to the Division 9 Declaration by declarations and annexations recorded in the office of the County Recorder of Bonneville County as follows:

Fairway Estates Division 10, Instrument No. 1159527, on July 27, 2004
Fairway Estates Division 11, Instrument No. 1156747, on June 29, 2004
Fairway Estates Division 13, Instrument No. 1159528, on July 27, 2004
Fairway Estates Division 14, Instrument No. 1206265, on November 16, 2005
Fairway Estates Division 15, Instrument No. 1206266, on November 16, 2005
Fairway Estates Division 16, Instrument No. 1206267, on November 16, 2005
Fairway Estates Division 17, Instrument No. 1226949 on June 13, 2006
Fairway Estates Division 18, Instrument No. 1226950 on June 13, 2006



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Fairway Estates Division 19, Instrument No. 1434523 on December 18, 2012
Fairway Estates Division 20, Instrument No. 1477272 on July 15, 2014
Fairway Estates Division 21, Instrument No. 1590308 on August 30, 2018
Fairway Estates Division 22, Instrument No. 1590613 on September 4, 2018
Fairway Estates Division 23, Instrument No. 1644273 on June 11, 2020
Fairway Estates Division 24, Instrument No. 1644274 on June 11, 2020
Fairway Estates Division 27, Instrument No. 1688090 on June 2, 2021
Fairway Estates Division 25, Instrument No. 1688101 on June 2, 2021

D. The "Project" means the Property, and all the property made subject to and annexed as subject to the Division 9 Declaration and administered by the Fairway Estates Homeowners Association.

E. Fairway Estates Division 28 is adjacent to or neighboring other property in the Project.

F. Declarant owns Fairway Estates Division 28 and desires that all of Fairway Estates Division 28 become part of the Project and that all the Lots in Fairway Estates Division 28 be subject to the same covenants, conditions, and restrictions as set forth in the Division 9 Declaration except as herein expressly provided.

G. Declarant owns additional neighboring lands which it desires to develop under a common development program as part of the Project.

H. This Declaration and Annexation is adopted to establish mutually beneficial restrictions and obligations with respect to the maintenance, use and enjoyment of Fairway Estates Division 28, to provide a plan for the maintenance, beautification and protection, and to enhance the value, desirability and attractiveness of the Property for Declarant's benefit and for the benefit of future owners of Lots within the Property and the Project.

II. Annexation and Subjection to Covenants, Conditions and Restrictions.

A. Declarant, for the purposes set forth above, declares that all the Lots in Fairway Estates Division 28 shall be sold, held, transferred, conveyed, leased, occupied, and used subject to all the covenants, conditions, and restrictions set forth in the Division 9 Declaration, with the following amendments:

1. Size Limitation. The minimum size limitation set forth in Section 3.1.a of the Division 9 Declaration applicable to Fairway Estates Division 28 shall be as set forth in Table 3.1 (Division 28) attached hereto.
2. Model homes may be constructed and maintained in the Division so long as they comply with the applicable ordinances of the City of Idaho Falls.
3. Fencing, when constructed shall comply with the following criteria:
 - a. Privacy Fences shall be Vinyl construction not to exceed 6 feet in height, except where the fence is located within 15 feet of a city sidewalk, in which case the maximum height shall be 42".

B. The covenants, conditions and restrictions established by this instrument and the Division 9 Declaration shall run with the land and be binding upon the Property and all parties having or acquiring any right, title, or interest in or to the Property, or any part thereof, irrespective of whether or not referenced in



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...other applicable instrument of conveyance, and shall inure to the benefit of Declarant, each Owner thereof, the Association and each member of the Association where applicable.

C. Fairway Estates Division 28 is annexed into and shall become a part of the Project. Each lot within Fairway Estates Division 28 shall be and is subject to the obligation to pay assessments as set forth in the Division 9 Declaration and the Association has the right to a lien for collection of assessments and enforcement of covenants, conditions and restrictions.

III. Minimum Size Limitations:

Table 3.1 (Division 28) is attached hereto and incorporated herein by reference. No Residence shall be constructed on any Lot of the Fairway Estates Division 28 having an interior area in square feet, exclusive of porches and garages, less than the minimum size set forth in Table 3.1 (Division 28).

Dated : Oct. 27, 2021

DECLARANT:

CAMBRIDGE DEVELOPMENT, INC.

By: Kevin Allcott, its President

STATE OF Idaho)

) ss.

County of Bonneville

On this 27th day of October, 2021, before me, the undersigned Notary Public personally appeared Kevin Allcott, on behalf of Cambridge Development, Inc., who, being by me first duly sworn, declared that he is the President of Cambridge Development, Inc. that he signed the foregoing document on behalf of the Corporation, and that the statements therein contained are true.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year herein above first written.

(SEAL) Bertha Stafford
NOTARY PUBLIC

Residing at:

Residing at Idaho Falls
Expires 1/27/2023

My Commission Exp.:



