

RECORDED AT THE REQUEST OF:
TOLL SOUTHWEST LLC
AFTER RECORDING, RETURN TO:
TOLL SOUTHWEST LLC
c/o Bill Stanton
Vice President
COLEMAN HOMES, A TOLL BROTHERS COMPANY
3103 W Sheryl Drive, Suite 100
Meridian, ID 83642

**FIRST SUPPLEMENT TO THE DECLARATION OF COVENANTS, CONDITIONS
AND RESTRICTIONS FOR HEIRLOOM RIDGE SUBDIVISION**

THIS FIRST SUPPLEMENT TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR HEIRLOOM RIDGE SUBDIVISION (this "Supplement") is made as of May 20, 2022, by TOLL SOUTHWEST LLC, a Delaware limited liability company ("Toll"), whose complete mailing address is 3103 West Sheryl Drive, Suite 100, Meridian, Idaho 83642.

1. PRELIMINARY

1.1 Definitions. Capitalized terms used but not defined in this Supplement have the meanings ascribed to them in the Declaration (defined below). The following capitalized terms used in this Supplement have the following meanings:

(a) "Annexed Common Lots" means a portion of the Annexed Land consisting of Lot 1 of Block 9, Lot 1 of Block 10, Lot 1 of Block 11, and Lots 1 and 13 of Block 12, all as platted by the Phase 3 Plat.

(b) "Annexed Land" means all lots platted by the Phase 3 Plat.

(c) "Declaration" means that certain DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR HEIRLOOM RIDGE

SUBDIVISION dated as of December 7, 2021, and recorded December 15, 2021, as Instrument No. 2021-176543 in the office of the Recorder of Ada County, Idaho.

(d) “Phase 3 Plat” means that certain plat of Rosti Farms Subdivision No. 3 as recorded May 19, 2022 in Book 123 of Plats, Page 19556 *et seq.*, as Inst. No. 2022-048490 in the office of the Recorder of Ada County, Idaho.

1.2 Parties. Toll is the owner of the fee simple interest in the Annexed Land. Toll is also the Grantor under the Declaration.

1.3 Purpose. The purpose of this Supplement is to annex to the Property all of the Annexed Land, to designate additional Common Areas, and to otherwise subject the Annexed Land to the Declaration as set forth below.

2. SPECIFIC PROVISIONS

2.1 Annexation. Pursuant to Section 10.11 of the Declaration, the Annexed Land is hereby declared to be an additional part of the “Property” as defined in the Declaration. The Annexed Land is hereby subjected to the Declaration, except as the Declaration may be modified by this Supplement with respect to the Annexed Land. Toll assumes no obligation to annex additional lands to the Property or to annex any particular tract, or to annex tracts in any particular sequence, or to annex contiguous tracts. Toll reserves the right to decline to further exercise the rights granted in Section 10.11 of the Declaration or to further exercise those rights only to a limited extent.

2.2 Additional Common Area. The Annexed Common Lots are hereby declared to be additional “Common Area” as defined in the Declaration.

2.3 Drainage. Portions of Lots 1 and 11 of Block 9, Lots 1 and 2 of Block 10 and Lot 1 of Block 11 as shown on the Phase 3 Plat, are hereby made servient to the Ada County Highway District (“ACHD”) storm water drainage system pursuant to that certain First Amended Master Perpetual Storm Water Drainage Easement recorded on November 10, 2015 as Instrument No. 2015-103256 in the office of the Recorder of Ada County, Idaho, which instrument is incorporated herein by this reference as if set forth in full. This easement and the

storm water drainage system located in this easement are dedicated to ACHD pursuant to Idaho Code Section 40-2302. This easement is for the operation and maintenance of the storm water drainage system.

3. GENERAL PROVISIONS

3.1 Covenants Run with the Land. The provisions of this Supplement will be a burden on the Property (including, without limitation, the Annexed Land) and each part thereof, will be appurtenant to and for the benefit of the Property (including, without limitation, the Annexed Land) and each part thereof, and will run with the land.

3.2 Successors and Assigns. The provisions of this Supplement will inure to the benefit of and be binding upon the Owners, their heirs, personal representatives, successors and assigns, and upon any person acquiring the Property (including, without limitation, the Annexed Land), or any portion thereof, or any interest therein, whether by operation of law or otherwise.

3.3 Modification and Termination. No modification or termination of this Supplement, in whole or in part, will be effective unless it is pursuant to the procedures for modifying or terminating the Declaration as set forth therein.

3.4 Severability. If any term or provision of this Supplement or the application of it to any person or circumstance is to any extent invalid or unenforceable, the remainder of this Supplement or the application of that term or provision to persons or circumstances, other than those as to which it is invalid or unenforceable, will not be affected thereby, and each term and provision of this Supplement will be valid and enforced to the extent permitted by law.

3.5 No Third-Party Beneficiary Rights. This Supplement is not intended to create, nor will it be in any way interpreted or construed to create, any third-party beneficiary rights in any person not a party hereto, except as expressly set forth herein.

3.6 Captions and Headings. The captions and headings in this Supplement are for reference only and will not be deemed to define or limit the scope or intent of any of the terms, covenants, conditions or agreements contained herein.

3.7 Entire Agreement. This Supplement contains the entire agreement between the parties hereto and supersedes all prior agreements, oral or written, with respect to the subject matter hereof. The provisions of this Supplement will be construed as a whole and not strictly for or against any party.

3.8 Recordation. This Supplement will be recorded in the office of the recorder of the county in which the Property is located.

{signature pages follow}

EXECUTED as of the day and year first above-written.

TOLL:

TOLL SOUTHWEST LLC, a Delaware
limited liability company

By: [Signature]
Ryan Hammons, Senior Vice President

State of IDAHO

County of Ada

This record was acknowledged before me on May 23rd, 2022 by Ryan Hammons, as
Senior Vice President of TOLL SOUTHWEST LLC.

[Signature]
Signature of notary public

(Stamp)

My commission expires: 6-25-24

