

**RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:**

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(space above line for Recorder's Use)

**SECOND AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS
AND RESTRICTIONS OF OLD CUTTERS SUBDIVISION**

This Second Amendment to Declaration (the "Amendment") is made as of the date set forth below as follows:

1. The Declaration Establishing Covenants, Conditions and Restrictions for Old Cutters Subdivision and amendments thereto were recorded November 29, 2007 as Instrument No. 553633 and _____, 2013 as Instrument No. _____ in the records of Blaine County, Idaho (collectively the "Declaration").

2. Section 2.1.1 of the Declaration shall be amended to read as follows:

2.1.1. Use and Size of Dwelling Structure. All Lots shall be exclusively for residential purposes and such home occupations as may be permitted by applicable zoning ordinances. The total gross living area of any primary residence located on a single family residential Lot shall not be less than 1,200 sq. ft., exclusive of decks, open porches, carports, garages, and basements. The total gross living area of any townhouse unit constructed on a Duplex Lot shall not be less than 1,100 sq. ft., exclusive of decks, open porches, carports, garages and basements, and at least 400 sq. ft. of living area must be on a second story. The gross living area of any townhouse unit constructed on a Cottage Lot shall be not less than 450 sq. ft. and not greater than 1,200 sq. ft., exclusive of decks, open porches, carports, garages and basements.

3. Section 2.1.4 of the Declaration shall be amended to read as follows:

2.1.4. Fencing. All property boundary fencing within Blocks 1, 2, 3, 8 and 12 shall be post and rail with a maximum top rail height of 42" and a minimum bottom rail height of 18" above the finished grade surface of the Lot. Within Blocks 4, 5, 6, 7, 9, 10 and 11, fencing along property boundaries that front street shall be not more than 42" high, all other fences shall be not more than 72" high, and sold fences shall have features every 16'.

4. Section 2.1.6 of the Declaration shall be amended to read as follows:

2.1.6. Wood Stoves. All wood burning stoves must be EPA certified.

5. Section 2.17 of the Declaration shall be amended to read as follows:

2.17. Livestock and Pets. No horses or other livestock, including but not limited to cows, pigs, or sheep, nor exotic or dangerous pets or animals may be kept on any or in any Lot, provided that this covenant shall not operate to prohibit the keeping of a reasonable number of household pets. When outdoors, all pets shall be either in a kennel or on a leash at all times. All outdoor kennels shall be completely enclosed, including a roof, to prevent mountain lion depredation. All pet food shall be stored and fed in a manner that does not attract nuisance wildlife such as skunks and raccoons. Lot Owners shall be responsible for controlling nuisance wildlife, and any actions taken to alleviate nuisance wildlife problems shall be those prescribed by the Idaho Department of Fish and Game. Chickens may be kept as per Hailey City ordinances on lots larger than 12,000 sq. ft.

6. Section 2.18 of the Declaration shall be amended to read as follows:

2.18. Landscaping. A landscaping plan must accompany all plans submitted to the DRC. Landscaping is required, and although it may be low maintenance in nature, it must be well maintained. The objective of the landscaping is to permit a pleasant visual transition from the improvements to the natural ground cover. A reasonable number of trees and shrubs are required. Failure to adhere and/or complete the landscaping plan within two years from obtaining design review approval from the DRC for an Improvement requiring design review approval will constitute express authorization for the Association to take any and all action necessary to complete the landscaping plan and assessing the Lot Owner for the cost of completing the landscaping plan.

7. Section 3.B of Exhibit A to the Declaration shall be amended to read as follows:

3. ARCHITECTURAL DESIGN.

b. ROOFS.


Roofs for all structures except entry porches shall be no flatter than 6:12 pitch and no steeper than a 12:12 pitch. Entry porch roofs may be flatter than a 6:12 pitch. Every roof must have a minimum of a one (1) foot overhang. Permissible roof materials are limited to non-reflective materials. Flat roofs (pitched 1:12 or less) are permissible in Blocks 1, 2, 3, 4, 8, 9, 10, 11 and 12.

STATE OF IDAHO)
)
County of Blaine) ss.

On this 5 day of March, 2013, before me, the undersigned notary public in and for said state, personally appeared K. Malone, known or identified to me to be the secretary of OLD CUTTERS HOMEOWNERS ASSOCIATION, INC., and the person who executed the foregoing instrument on behalf of said corporation and acknowledged to me that said corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year in this certificate first above written.



PATRICK M BUCHANAN 
Notary Public for IDAHO
Residing at: 520 COLUMBIA, HAILEY
Commission expires: 6-15-15