

INSTRUMENT NO. 108440

BYLAWS
OF
TAMARACK VIEW ESTATES OWNERS' ASSOCIATION, INC.

AN IDAHO NONPROFIT CORPORATION

ARTICLE 1. OFFICES

Section 1: Principal Office: The principal office of Tamarack View Estates Property Owners' Association, an Idaho nonprofit corporation (the "Corporation"), shall be located at the corner of Highway 59 and Rim Road, New Meadows, 83654. The Corporation may have such other offices as the Board of Directors may designate or as the business of the Corporation may require from time to time.

Section 2: Registered Agent: The registered agent for the Corporation shall be Walter Lawrence Clem, Jr. The registered office for the Corporation shall be located at corner of Highway 59 and Rim Road, New Meadows, 83654, and may be changed from time to time by appropriate Resolution of the Board of Directors.

ARTICLE 2. MEMBERSHIP AND VOTING RIGHTS

Section 1: Organization: The Corporation is organized as an Idaho corporation under the Idaho Nonprofit Corporation Law. The Corporation is charged with the duties and vested with the powers prescribed by law and set forth in the Articles, and the Declaration of Covenants, Conditions and Restrictions for Tamarack View Estates (hereinafter "Declaration"), recorded at the office of the Adams County Recorder. Neither the Articles nor these Bylaws shall, for any reason, be amended or otherwise changed so as to be inconsistent with the Declaration. In the event that there should exist any ambiguity in any provision of the Articles or these Bylaws, then such provision shall be construed, to the extent possible, so that such provision shall be interpreted to be consistent with the provisions of the Declaration.

Section 2: Membership: Every person or entity who is a record Owner of a fee or undivided fee interest in any Lot located within the property which is known as Tamarack View Estates, as shown on a recorded plat or plats for the same with the Adams County, Idaho Recorder, shall be a Member of the Corporation, unless specifically excluded pursuant to a Supplemental Declaration recorded by the Declarant prior to the sale of such Lot. Membership shall be appurtenant to and may not be separated from the fee ownership of any Lot. Ownership of such Lot shall be the sole qualification for membership, and shall be determined by the records of the Office of Assessor and Recorder for Adams County, Idaho. Transfer of a Lot shall automatically transfer membership in the Corporation.

Section 3: Members in Community Association: Each Owner shall be a Member of the Association. An Owner shall automatically be a holder of the membership appurtenant to such Owner's Lot, and the membership shall automatically pass with fee simple title to the Lot. Declarant shall hold one membership in the Association for each Lot owned by Declarant. Membership in the Association shall not be assignable separate and apart from fee simple title to a Lot, except that the Owner may assign some or all the Owner's rights as an Owner and as a Member of the Association to a contract purchaser, tenant or First Mortgagee, and may arrange for such person to perform some or all of such Owner's obligations as provided in this Declaration, but no such delegation or assignment shall relieve an Owner from the responsibility for full fulfillment of the obligations of the Owner under the Association documents.

Section 4: Suspension of Voting Rights: No member shall be entitled to vote or be counted for purposes of a quorum unless they are then current in the payment of assessments, whether Regular or Special, which have been levied by the Association.

Section 5: Control by Declarant: Until transfer of control of the Association by Declarant to the Members, pursuant to Section 4.6 of the Declaration, the Declarant shall have the right to appoint a majority of the members of the Board of Directors. "Declarant" as used in these Bylaws refers to the Declarant named in the Declaration, its successors and assigns. "The Property" as used in these Bylaws shall mean the Property described in the attached **Exhibit A**, together with any additional property which is annexed into the Property, pursuant to the terms of the Declaration. Declarant shall have the option, at its sole discretion, of turning over control and management of the Corporation to the members prior to the transfer of control date. "Transfer of control" and "transfer of control date" as used in these Bylaws shall have the same meaning as provided at Section 4.6 of the Declaration.

ARTICLE 3. MEETINGS

Section 1: Annual Meetings: An annual meeting of the Members shall be held during the month of July in each year. The exact date, time and place of the meeting shall be established by the Board of Directors. The annual meeting shall be for the purpose of electing directors, and for the transaction of such other business as may come before the meeting.

Section 2: Special Meetings: Special meetings of the Members may be called by the Board of Directors or on the request of not fewer than ten percent (10%) of the Members of the Corporation, subject to Article 2, Section 5 above.

Section 3: Place of Meetings: The Board of Directors may designate any place, either within or without the State of Idaho, as the place of meeting for any annual meeting or for any special meeting. If no designation is made, or if a special meeting is otherwise called, the place of meeting shall be the principal office of the Corporation in the State of Idaho.

Section 4: Notice of Meeting: Written notice stating the place, day and hour of any meeting of Members shall be delivered either personally, by mail, by facsimile, or by e-mail if reply is given, to each member, not less than fifteen (15) days before the date of the meeting. If mailed, notice shall be sent to each member at the address shown on the records of the Secretary of the Corporation; or, if no such record exists, to the address shown on the records of the Adams County Assessor.

Section 5: Waiver of Notice: Whenever any notice is required to be given to any member under the provisions of the Idaho Nonprofit Corporation Act as set forth in Title 30, Chapter 3, Idaho Code (the "Act") or under the provisions of the Articles of Incorporation of the Corporation (the "Articles") or these Bylaws, a waiver thereof in writing signed by the person or persons entitled to such notice, whether before or after the time stated therein, shall be deemed equivalent to the giving of such notice.

Section 6: Officers of the Members' Meeting: The presiding officer at members' meetings shall be the President of the Corporation or, in the absence of the President, the Vice President or, in the absence of both the President and Vice President, a chairman elected by the Members present at the meeting. The Secretary of the Corporation or, in the absence of the Secretary, any person appointed by the presiding officer of the meeting, shall act as Secretary of a members' meeting.

Section 7: Quorum and Voting Requirements: One-third (1/3) of the Members entitled to vote, represented in person or by proxy, shall constitute a quorum at a meeting of Members. The Members present at a duly organized and conveyed meeting where a quorum has been present can continue to business as a quorum until adjournment, notwithstanding the withdrawal of enough Members to leave less than a quorum. If a quorum is present, the affirmative vote of the majority of the Members represented at the meeting and entitled to vote on the subject matter shall be the act of the members, unless the vote of a greater number is required by the Act, the Articles, or the Bylaws.

Section 8: Proxies: A member may vote either in person or by proxy executed in writing by the member. No proxy shall be valid after eleven (11) months from the date of its execution. Every proxy shall be revocable at the pleasure of the member who executed it.

Section 9: Action by Members Without a Meeting: Any action required or permitted to be taken at a meeting of the Members of the Corporation may be taken without a meeting if a consent in writing, setting forth the action so taken, shall be signed by all of the Members entitled to vote with respect to the subject matter thereof. Such consent shall have the same effect as a unanimous vote of members, and may be stated as such in any articles or documents filed with the Idaho Secretary of State under the Act.

ARTICLE 4. DIRECTORS

Section 1: General Powers and Standard of Care: All corporate powers shall be exercised by or under authority of, and the business and affairs of the Corporation shall be managed under the direction of, the Board of Directors, except as may be otherwise provided in the Act, in the Articles, or herein.

Section 2: Number, Tenure and Qualifications: There shall be not less than three (3) nor more than five (5) directors, the exact number to be determined by the Declarant until the transfer of control date, and by the existing Board of Directors thereafter.

Until the transfer of control date, the Declarant shall appoint a majority of the members of the Board of Directors.

The remaining Director(s) shall be elected for staggered terms. Each such director shall hold office until the end of the term or until a successor shall be elected and qualified. Such remaining Directors shall be elected when necessary at the annual meeting of the membership by a majority vote of the voting Members present. After the transfer of control date, Directors shall be Members of the Corporation.

Section 3: Vacancies: Any vacancy occurring on the Board of Directors and any directorship to be filled by reason of any increase in the number of directors shall be filled by the Board of Directors. Directors elected to fill a vacancy shall be elected for the unexpired term of their predecessor in office.

Section 4: Removal of Directors: Any director may be removed from office either with or without cause at any time by a vote of the Members representing fifty-one percent (51 %) of the total membership at any special meeting called for that purpose, subject to Article 2, Section 5 above.

Section 5: Regular Meetings: A regular annual meeting of the Board of Directors shall be held without other notice than this Bylaw, immediately following the annual meeting of members. The Board of Directors may provide by resolution the time and place for the holding of additional regular meetings of the Board.

Section 6: Special Meetings: Special meetings of the Board of Directors may be called by or at the request of the President or any two (2) directors. The person or persons authorized to call special meetings of the Board may designate any place as the place for holding any special meeting of the Board called by them.

Section 7: Notices: Notice of any special meeting of the Board of Directors shall be given at least five (5) days previous thereto by written notice delivered personally, by mail, by facsimile, or by e-mail if reply is given, to each director at his address as shown by the records of the Corporation. The attendance of a director at any meeting shall indicate that such director received notice of such meeting. The purpose of any special meeting of the Board shall be specified in the notice or waiver of notice of such meeting.

Section 8: Quorum: A majority of the Board of Directors shall constitute a quorum for the transaction of business at any meeting of the Board, but if fewer than a majority of the directors are present at said meeting, a majority of the directors present may adjourn the meeting without further notice. Once a quorum is established, it shall remain for the duration of the meeting.

Section 9: Manner of Acting: The act of the majority of the directors present at a meeting at which a quorum is present shall be the act of the Board of Directors, unless otherwise provided by law or by these Bylaws.

Section 10: Informal Action: Any action required to be taken at a meeting of the Board of Directors may be taken without a meeting if a consent in writing setting forth the action as taken shall be signed by a majority of the directors.

Section 11: Compensation: The officers and directors shall serve without compensation, but reasonable expenses incurred may be reimbursed when expended for an in the interest of the Corporation and approved by the Board of Directors in advance.

Section 12: Director Conflicts of Interest: No contract or other transaction between the Corporation and one or more of its Directors or any other corporation, firm, association, or entity in which one or more of its directors are Directors or officers or are financially interest, shall be either void or voidable because of such relationship or interest or because such Director or Directors are present at the meeting of the Board of Directors or a committee thereof which authorizes, approves or ratifies such contract or transaction or because such Director's or Directors' votes are counted for such purposes, if:

(a) The fact of such relationship or interest is disclosed or known to the Board of Directors or committee which authorizes, approves, or ratifies the contract or transaction by a vote or consent sufficient for the purpose without counting the vote or consent of such interested Directors; or.

(b) The fact of such relationship or interest is disclosed or known to the Members entitled to vote and they authorize, approve, or ratify such contract or transaction by vote or written consent, in which vote or consent such interested Directors may participate to the extent that they are also members; or

(c) The contract or transaction is fair and reasonable to the Corporation and the fact of such relationship or interest is fully and fairly disclosed or known to the Corporation.

Interested Directors may be counted in determining the presence of a quorum at a meeting of the Board of Directors or a committee thereof which authorized, approves, or ratifies such contract or transaction.

ARTICLE 5. OFFICERS

Section 1: Number and Title: The officers of the Corporation shall be a President, one or more Vice Presidents (the number thereof to be determined by the Board of Directors), a Secretary, a Treasurer, and such other officers as may be elected in accordance with the provisions of this Article. The Board of Directors may elect one or more assistant secretaries or one or more assistant Treasurers as it may be felt desirable. Any two or more offices may be held by the same person, except the office of President and the office of Secretary must be held by two different persons when there is more than one Director.

Section 2: Election and Term of Office: The officers of the Corporation shall be elected annually by the Board of Directors at the annual meeting of the Board of Directors. If the election of officers shall not be held at such meeting, such election shall be held as soon as possible. Each officer shall hold office until their successor shall be duly elected and qualified.

Section 3: Vacancies: Vacancies may be filled or a new office created and filled at any meeting of the Board.

Section 4: Removal: Any officer elected or appointed by the Board of Directors may be removed by an affirmative vote of two-thirds (2/3) of the total Board whenever, in its judgment, the best interest of the corporation would be served thereby.

Section 5: President: The President shall preside at all meetings of the Board of Directors and the general membership. He may sign with the Secretary, or any other proper officer of the corporation authorized by the Board of Directors, any deed, mortgage, bond, contract, or other instrument which the Board of Directors has authorized to be executed, except in cases where the signing and execution thereof shall be expressly delegated to some other officer or agent of the Corporation. In general, s/he shall perform all duties incident to the office of President and such other duties which shall be prescribed by the Board of Directors from time to time.

Section 6: Vice President: In the absence of the President or in the event of the President's inability or refusal to act, the Vice President (or in the event there shall be more than one Vice President, the Vice Presidents in order of their election) shall perform the duties of the President, and when so acting shall have all the powers of and be subject to all the restrictions upon the President. Any Vice President shall perform other duties as from time to time may be assigned by the President or the Board of Directors.

Section 7: Secretary: The Secretary shall keep the permanent minutes of the meetings of the Board of Directors in one or more books provided for that purpose, see that all notices are duly given in accordance with the provisions of these Bylaws, or as required by law; be custodian of the corporate records and corporate seal; keep a register of the name and post office address of each corporate member, and in general perform all duties incident to the office of Secretary and such other duties as from time to time may be assigned by the President or the Board of Directors.

Section 8: Treasurer: The Treasurer shall have charge and custody of and be responsible for all funds and securities of the corporation; the Treasurer shall assure that the bookkeeper receive and give receipts for money due and payable to the Corporation from any source whatsoever and deposit all monies in the name of the Corporation in such bank or other financial institution as shall be selected by the Board of Directors, and in general perform all the duties incident to the office of Treasurer and such other duties as from time to time may be assigned by the Board of Directors. The Treasurer and executive director shall, with the appropriate standing committee, prepare an annual operating budget showing income and expenses to be presented to the Board for approval at the annual regular meeting of the Board of Directors.

ARTICLE 6. COMMITTEES

Section 1: Standing Committees: The Board of Directors may establish such additional committees as are necessary and appropriate to carry out the business of the Corporation. Each committee shall have the duties and responsibilities delegated to it by the Board of Directors.

Section 2: Duties: The duties, responsibilities, authority and composition of all standing committees and ad hoc committees shall be stated in writing and adopted by resolution of the Board of Directors.

Section 3: Term of Office: All committee Members shall serve until the first meeting following their appointment or until their successors have been appointed.

ARTICLE 7. DUTIES AND POWERS OF THE CORPORATION

Section 1: General Powers of the Corporation: The specific and primary purposes and powers of the Corporation and its Board of Directors are to enforce the provisions of the Declaration and the Corporation's Articles and these Bylaws, and any other instruments relating to the management and control of the Corporation. The Corporation may do any and all other acts and things that a nonprofit corporation is empowered to do, which may be necessary, convenient or desirable in the administration of its affairs for the specific and primary purposes of meeting its duties set forth in the Declaration. The Corporation, through its Board of Directors, shall have the authority to delegate its powers to committees, offices of the Corporation or its employees.

Section 2: Corporation Rules: The Board of Directors shall have the power to adopt, amend, and repeal such rules and regulations as it deems reasonable. The rules of the Corporation shall govern such matters in furtherance of the purposes of the Corporation. The rules of the Corporation may not discriminate among Owners and shall not be inconsistent with the Declaration, the Articles or Bylaws. A copy of the rules of the Corporation as they may from time to time be adopted, amended or repealed or a notice setting forth the adoption, amended or repealed or a notice setting forth the adoption, amendment or repeal of specific portions of the rules of the Corporation shall be delivered to each Owner in the same manner established in the Declaration for the delivery of notices. Upon completion of the notice requirements, said rules of the Corporation shall have the same force and effect as if they were set forth in and were part of the Declaration and shall be binding on the Owners and their successors in interest whether or not actually received. The rules of the Corporation, as adopted, amended or repealed, shall be available at the principal office of the Corporation to each owner. In the event of any conflict between any such rules of the Corporation and any other provision of the Declaration, or the Articles or these Bylaws, the provisions of the rules of the Corporation shall be deemed to be superseded by the provisions of the Declaration, the Articles or these Bylaws to the extent of any such conflict.

ARTICLE 8. MISCELLANEOUS

Section 1: Indemnification: The Corporation shall indemnify any director, officer or former director or officer of the Corporation against expenses actually and reasonably incurred by him in connection with the defense of any action, suit or proceeding, civil or criminal, in which he is made a party by reason of being or having been a director or officer, except in relation to matters as to which he is adjudged in such action, suit or proceeding to be liable for negligence or misconduct in the performance of duty to the Corporation.

Section 2: Depositories: All funds of the Corporation not otherwise employed shall be deposited from time to time to the credit of the Corporation in such banks, savings and loan associations, trust companies, or other depositories as the Board of Directors may elect.

Section 3: Contracts: The Board of Directors may authorize any officer(s) or agent(s) of the Corporation, in addition to the officers authorized by these Bylaws, to enter into any contract or execute and deliver any instrument in the name of and on behalf of the Corporation, and such authority may be general or confined to specific instances.

Section 4: Checks, Drafts, Etc.: All checks, drafts, or orders for the payment of money, notes, or other evidence of indebtedness issued in the name of the Corporation shall be signed by such persons and in such manner as shall from time to time be determined by resolution of the Board of Directors. In the absence of such determination by the Board of Directors, such instrument shall be signed by the Treasurer or an assistant Treasurer.

Section 5: Fiscal Year: The fiscal year of the Corporation shall end on the last day of December of each year.

Section 6: Investment: Any funds of the Corporation which are not needed currently for the activities of the Corporation may, at the direction of the Board of Directors, be invested in such investments as are permitted by law.

Section 7: Non-liability of Directors, Officers, Committee Members: To the fullest extent permitted by law, neither the Board, any committees of the Corporation or any member of such Board or committee shall be liable to any Member of the Corporation for any damage, loss or prejudice suffered or claimed on account of any decision, course of action, act, omission, error, negligence or the like, made in good faith, and while such Board, committees or persons reasonably believed to be acting within the scope of their duties.

Section 8: Books and Records: The Corporation shall keep correct and complete books and records of accounts and shall also keep minutes of the proceedings of its members, Board of Directors, and committees having any of the authority of the Board of Directors, and shall keep a record giving the name and address of the Members entitled to vote. All books and records of the Corporation may be inspected by any member or his agent or attorney or the general public for any proper purpose at any reasonable time.

Section 9: Dissolution:

(a) A resolution to dissolve the Corporation shall be submitted to a vote of the members.

(b) In the event of dissolution of the Corporation, the Board of Directors shall, after payment of all liabilities of the Corporation, dispose of the assets of the Corporation, exclusively for the purposes of the Corporation in such manner or to such organizations organized and operating exclusively for charitable, educational, religious, or scientific purposes as shall at the time qualify as an exempt organization or organizations under Section 501(c)(3) of the Internal Revenue Code of 1954 (or the corresponding provision of any future United States Internal Revenue Law) and which is organized for purposes substantially similar to that of the Corporation.

Section 10: Nondiscrimination: This Corporation is an equal opportunity employer and shall make available its services without regard to race, creed, age, sex, color, ancestry, or national origin.

Section 11: Political Activity: The Corporation shall not, in any way, use corporate funds in the furtherance of, nor engage in, any political activity for or against any candidate for public office. However, this Bylaw shall not be construed to limit the right of any official or member of this Corporation to appear before any legislative committee, to testify as to matters involving the Corporation.

Section 12: Gifts: The Board of Directors may accept, on behalf of the Corporation, any contribution, gift, bequest, or devise for the general purposes or for any special purposes of the Corporation.

Section 13: Parliamentary Procedure: All meetings of the Board of Directors and membership shall be governed by *Roberts' Rules of Order* (Current Edition), unless contrary procedure is established by the Articles of Incorporation or these Bylaws, or by resolution of the Board of Directors.

ARTICLE 9. AMENDMENTS

These Bylaws may be altered, amended, or repealed and a new set of Bylaws adopted by a majority vote of the Board of Directors except that any amendment of these Bylaws which would alter, amend or modify the provisions of Article 2, Section 2 or 3 herein shall require the written consent of Declarant (as long as Declarant owns any Lots in the Property) and the approval of sixty-seven percent (67%) of the Members of the Association who are present or represented by proxy at a properly scheduled meeting of the Members at which a quorum is present. At least ten (10) days' prior written notice setting forth a proposed action and time and place of meeting shall be given to all Directors.

CERTIFICATION

This is to certify that the foregoing Bylaws have been duly adopted by the Board of Directors at a meeting held on March 22nd, 2005.

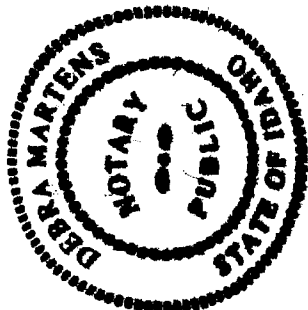
TAMARACK VIEW ESTATES PROPERTY OWNERS' ASSOCIATION, INC.

By: Walter L. Clem, Jr.
WALTER LAWRENCE CLEM, JR.,
President

STATE OF IDAHO,)
) ss.
County of Valley.)

On this 22nd day of March, 2005, before me, Debra Martens, a Notary Public in and for said State, personally appeared WALTER LAWRENCE CLEM, JR., known authorized agent for **Tamarack View Estates Property Owners' Association, Inc.**, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same for and on behalf of said corporation.

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



Debra Martens
NOTARY PUBLIC FOR IDAHO
My Commission Expires: 6/1/2008

Instrument # 108440
COUNCIL, ADAMS, IDAHO
2005-03-22 04:05:41 No. of Pages: 7
Recorded for : WALTER L CLEM JR
MICHAEL FISK Fee: 21.00
Ex-Officio Recorder Deputy Michael Fisk
Index to: BY-LAWS


**DECLARATION OF PROTECTIVE COVENANTS,
CONDITIONS, RESTRICTIONS AND EASEMENTS FOR
TAMARACK VIEW ESTATES**

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Exhibit A – Legal Description of the Property

Instrument # 108441

COUNCIL, ADAMS, IDAHO
2005-03-22 04:08:36 No. of Pages: 22
Recorded for : WALTER L CLEM JR
MICHAEL FISK Fee: 66.00
Ex-Officio Recorder Deputy 
Index to: COVENANTS

**DECLARATION OF PROTECTIVE COVENANTS,
CONDITIONS, RESTRICTIONS AND EASEMENTS FOR
TAMARACK VIEW ESTATES**

THIS DECLARATION is made this 22nd day of March, 2005, by Larry Clem LLC ("Declarant").

ARTICLE 1 - GENERAL

Section 1.1: Common Interest Community: The name of the common interest community created by this Declaration is "Tamarack View Estates". All of the community is located in Adams County, Idaho.

Section 1.2: Property Affected: Declarant owns certain real property in Adams County, Idaho, which is described on the attached Exhibit A. Such property, together with any property which is annexed thereto by Declarant, pursuant to the terms of this Declaration, shall be referred to in this Declaration as "the Property". The "Existing Property", when used in this Declaration, refers to only that property identified in the attached Exhibit A.

Section 1.3: Purpose of Declaration: This Declaration is executed and recorded (a) to provide for the Property Owners Association to maintain non-public roads within the Property and to perform certain functions for the benefit of Owners of land within the Property; (b) to define the duties, powers and rights of the Property Owners Association; and, (c) to define certain duties, powers and rights of Owners.

Section 1.4: Declaration: Declarant hereby declares that each lot, parcel or portion of Tamarack View Estates, is and shall be held, sold conveyed, encumbered, hypothecated, leased, used, occupied and improved subject to the following terms, covenants, conditions, easements and restrictions, all of which are declared and agreed to be in furtherance of a general plan for the protection, maintenance, subdivision, improvement and sale of the Property, and to enhance the value, desirability and attractiveness of the Property. The terms, covenants, conditions, easements and restrictions set forth herein: (i) shall run with the land constituting the Property, and shall be binding upon all persons having or acquiring any right, title or interest in the Property or any lot, parcel or portion thereof; (ii) shall inure to the benefit of every lot, parcel or portion of the Property and interest therein; (iii) shall inure to the benefit of and be binding upon Declarant, Declarant's successor in interest and each grantee or Owner and such grantee's or Owner's respective successors in interest; and, (iv) may be enforced by Declarant, by any Owner or such Owner's successors in interest, or by the Association as hereinafter described.

ARTICLE 2 - DEFINITIONS

Section 2.1: Articles: "Articles" shall mean the Articles of Incorporation of the Association or other organizational or charter documents of the Association.

Section 2.2: Assessments: "Assessments" shall mean those payments required of Association Members, including Regular, Special and Limited Assessments of the Association as further defined in this Declaration.

Section 2.5: Association: "Association" shall mean the Tamarack View Estates Property Owners' Association.

Section 2.4: Association Documents: "Association documents" shall mean the various operative documents of the Association, including: (a) the Articles of Incorporation of the Association; (b) the Bylaws of the Association; and, (c) this Declaration, and all Amendments to any of the aforementioned documents.

Section 2.5: Board of Directors: "Board of Directors" or "Board" shall mean the Board of Directors of the Association.

Section 2.6: Bylaws: "Bylaws" shall mean the Bylaws of the Association.

Section 2.7: Committee: "Committee" shall mean the Design Review Committee.

Section 2.8: Community: "Community" as used herein shall refer to the Existing Properties considered as a whole.

Section 2.9: Declarant: "Declarant" shall mean Larry Clem LLC, and any successor bulk purchaser of the subdivision lots whom is designated in writing recorded with the Office of Recorder of Adams County, Idaho by Larry Clem LLC as a successor Declarant.

Section 2.10: Declaration: "Declaration" shall mean this Declaration of Covenants.

Section 2.11: Design Review Committee: "Design Review Committee" or "DRC" shall mean the committee created pursuant to Article 6.

Section 2.12: Existing Property: "Existing Property" shall mean the real property described on Exhibit A. "The Property" or the "the Subdivision" shall mean the Existing Property, together with any additional properties which are annexed to the Existing Property pursuant to Section 8.2 herein. Either term shall include any improvements now or hereafter made on such real property and appurtenances and rights to such real property.

Section 2.13: Governing Instruments: "Governing Instruments" shall mean the various operative documents of Tamarack View Estates and the Tamarack View Estate Property Owners' Association, including this Declaration, the Bylaws, the Articles, or any applicable Rules and Regulations, and any amendments thereto.

Section 2.14: Improvements: "Improvements" shall include buildings, outbuildings, roads driveways, parking areas, fences, screening walls, retaining walls, stairs, decks, hedges, windbreaks, plantings, planted trees and shrubs, poles, signs and all other structures or landscaping improvements of every type and kind.

Section 2.15: Lot: "Lot" shall mean a parcel of land subject to this Declaration which is identified as a Lot in any plat subsequently recorded against the Existing Property or the Property. A lot may also be referred to herein as a "parcel".

Section 2.16: Member: "Member" shall mean a member of the Association, who must be an Owner. Membership in the Association shall be appurtenant to and may not be severed from ownership of a Lot.

Section 2.17: Owner: The term "Owner" shall refer to that person or entity or those persons or entities who hold the ownership interest in any Lot as shown on the records of the County Recorder, Adams County, Idaho; such term shall also include any person, persons, entity or entities who succeed to such recorded interest by any means, including buyers under executory contracts of sale and excluding those holding an interest merely as security for the performance of an obligation.

Section 2.18: Person: "Person" shall mean a natural person, a corporation, a partnership, or any other entity recognized as being capable of owning real property under Idaho law.

Section 2.19: Plat: "Plat" shall mean the final plat, filed of record with the Adams County Office of Recorder.

Section 2.20: Record, Recorded: "Record" and "Recorded" shall mean, with respect to any documents, the recordation of said document in the Office of the County Recorder, Adams County, Idaho.

Section 2.21: Rules and Regulations: "Rules and regulations" shall mean the rules and regulations adopted by the Board of Directors concerning the operation of the Association.

Section 2.22: Structure: "Structure" shall include buildings, outbuildings, fences, walls, stairs, decks and poles.

ARTICLE 3 - LAND USES AND IMPROVEMENTS

Section 3.1: Land Use and Living Units: All of the subject lots in the Existing Property shall be used and occupied solely for single-family residential purposes. None of the subject lots or parcels shall be split, divided or subdivided into a smaller lots or parcels than indicated on the Final Plat of Tamarack View Estates Subdivision, as filed with the office of the County Recorder of Adams County, Idaho, except as otherwise provided in Section 8.4. All single family residences shall be subject to the following conditions and limitations:

A. No buildings other than one residence, a guest/caretaker residence and associated accessory buildings incidental and appurtenant to a private residence, shall be erected or maintained on any lot, provided, (1) a garage sufficient in size for Owner's vehicles must be constructed either as part of the primary residence or, if detached, within ninety (90) days after the construction of the residence; and,

(2) no more than a total of three (3) buildings, or four (4) buildings if a guest/caretaker residence is constructed and if the garage is detached, shall be allowed on any lot. No use whatsoever shall be made of any parcel herein other than as the site and grounds of a private residence. The term "private residence" as used herein is intended to exclude every form of multi-family dwelling, boarding or lodging house, and the like; and, any separate rental of any separate dwelling unit shall be specifically determined to be multi-family dwelling. This is not, however, intended to exclude a guest house, a house for family members, or caretakers' quarters for persons employed upon the premises, if such guest, family member's, or caretaker's housing is allowed by applicable Adams County Ordinances, and South District Health. This is also not intended to exclude In Home Businesses described at Section 3.2. All building exteriors must be of similar materials and colors as others located on the same Lot.

B. No structure of a temporary character, to specifically include mobile homes, pre-manufactured homes, modular homes, basement, shack, garage, barn or other outbuilding shall be used on any lot at any time as a residence, either temporarily or permanently except during the period of construction as defined and limited by Section 6.8; nor shall any residential structure be moved on to any lot from any other location, unless the prior written approval of the DRC is obtained, such approval to be obtained in the same manner as for new construction. However, certain Lots may be exempted from this restriction until the transfer of control date by Declarant pursuant to a Supplemental Declaration recorded with the Adams County, Idaho Recorder.

C. Visitors and guests may park a camper, motor home or trailer on a Lot for a reasonable term, not to exceed ninety (90) days consecutive duration or more than a total of one hundred twenty (120) days each calendar year, except with special permission of the DRC.

D. A residence shall contain no less than 1,200 square feet, if single storied, or 1,500 square feet, if two storied, of heated floor area devoted to living purposes (i.e. exclusive of roof or unroofed porches, terraces, basements or garages); and, all construction must be of good quality and done in a good workmanlike manner.

E. No Improvements which will be visible above ground or which will ultimately affect the visibility of any above ground improvement shall be built, erected, placed or materially altered on or removed from the Property unless and until the building plans, specification, and plot plan or other appropriate plans and specifications have been reviewed in advance by the DRC, and the same have been approved in writing. The procedures for review are as more fully set forth in Article 6.

F. Detached garages, guest quarters, barns, outbuildings and storage sheds shall be allowed if in conformity with the provisions of this Declaration and the applicable ordinances of Adams County. Garages, storage sheds, patio covers, and all other structures shall be constructed of, and roofed with, the same or compatible materials, and with similar colors and design, as the residential structure on the applicable Lot, or as otherwise approved by the DRC. No metal structures shall be allowed for residential use, however detached garages and outbuildings may constructed using metal materials with the prior approval of the DRC, if the colors used are compatible with the Property.

G. All access driveways shall have an all weather wearing surface approved by the DRC and shall be constructed to assure proper drainage. The foregoing is not a requirement that driveways be paved.

H. Each Lot shall have a street number discreetly placed at or near the street entrance to the Lot. All mailboxes and stands, if any, will be of consistent design, material and coloration.

I. Exterior lighting shall be part of the architectural concept of the improvements on a Lot. Fixtures, standards and all exposed accessories shall be harmonious with building design, and shall be as approved by the DRC. Lighting shall be restrained in design, and excessive brightness shall be avoided. For instance, all lighting shall be shielded and directed downward, and flood lights shall not be allowed unless used with a motion censor and with a shield to direct light downward. Christmas lights during the holiday season are not intended to be a violation of this Section.

J. The maximum height of any building shall be in compliance with the applicable Adams County land use or zoning ordinances, but shall not exceed thirty-five (35) feet in height, measured from the grade which pre-existed construction to the highest point of any roofline.

K. Roofs shall be required to be of pitched design and shall be covered with nonflammable materials (e.g. non-reflective metal, tile, fiberglass shingles, fire retardant wood shingles or shakes). No galvanized metal roofs shall be allowed. Metal roofs shall be of earth tone colors which are compatible with the Property. Owners desiring to use non-metal roofs must demonstrate to the DRC that the desired material is fire resistant.

L. The color and type of the exterior surfaces of any structure shall be subject to approval by the DRC. Exteriors of structures for residential use must be of natural materials (i.e. wood or stone); provided, the DRC may, upon petition from an Owner, allow a non-natural material if, after reviewing samples, the Committee is convinced that the material has a natural appearance consistent with these covenants. Earth tone colors shall be preferred, except for trim. The Board will establish Rules and Regulations for design guidelines, pursuant to Section 5.3, with regard to exterior materials.

M. No TV Satellite dishes larger than thirty-six inches (36") in diameter shall be allowed.

N. The setback of any structure shall be in compliance with the applicable Adams County land use or zoning ordinances, but all setbacks shall be not less than fifty feet (50'), unless otherwise specified by Declarant pursuant to a Supplemental Declaration recorded with the Adams County, Idaho Recorder.

Section 3.2: In Home Businesses: "In home business," which involve the coming and going of clients or customers or the parking or storage on a Lot of vehicles, machinery, equipment or materials shall not be allowed, except by permission of the Board granted following the process for variances specified in Section 6.10 below. The Board shall not grant the request from an Owner to conduct an in home business which involves the coming and going of customers or clients or the parking or storage on the Lot of vehicles, machinery, equipment or materials unless the Board determines in its sole discretion that the impacts on other lot owners will be negligible.

Section 3.3: Storage of Building Materials: No building materials shall be stored on any Lot except temporarily during continuous construction of a building or its alteration or improvement.

Section 3.4: Storage of Owners' Vehicles and Equipment: All Owners' automobiles, trucks, snowmobiles, boats, boat trailers, travel trailers, camper trailer, motor homes, automotive campers, or other vehicles or equipment shall be parked/stored in a garage or other enclosed building. However, certain Lots may be exempted from this restriction until the transfer of control date by Declarant pursuant to a Supplemental Declaration recorded with the Adams County, Idaho Recorder.

Section 3.5: Guest Parking: Guest parking shall be accommodated on Lots with no Owner parking of vehicles allowed on private or public streets.

Section 3.6: Wild Game: Nothing shall be done or kept on any Lot which will inhibit, interfere with, or endanger the wild game which enter onto any Lot, or anywhere in the Subdivision. All Lot Owners must understand and accept the fact that the wild game will eat landscaping, plants and trees. Lot Owners may use only game-friendly means of protecting their landscaping. Wild game shall not be fed within the Property.

Section 3.7: Animals: Animals may be maintained on the Property for personal domestic use only, and not for any commercial or business enterprise, including the raising of any animal for sale.

No animal, bird, insect, pigeon, poultry or livestock shall be kept by a Lot Owner unless the presence of such creature does not constitute a nuisance. This Section does not apply to the keeping of domesticated dogs, cats, and other household pets, for non-commercial purposes, which do not unreasonably bother or constitute a nuisance to others. Without limiting the foregoing, consistent and/or chronic barking by dogs shall be considered a nuisance.

The following, additional restrictions, also apply:

A. **Large Animals:** Up to one grazing animal per every 1.5 acres shall be allowed to be kept on any Lots, shall be allowed to be kept on any Lot, as long as such animals are kept in an enclosure which has been approved by the DRC. Grazing animals shall include horses, mules, cattle, llamas, sheep, and

comparable size and type animals. The enclosure cannot be constructed of barbed wire or chain link. Fencing shall be constructed in accordance with Section 3.8 below.

B. Dogs: All dogs must be restrained so that they do not leave the property. "Invisible Fences" shall be the preferred means of restraint. No more than two (2) dogs per Lot shall be allowed. Dogs shall not be allowed to disturb other Owners, by barking or otherwise. Dogs shall be kept on a leash when such animals are off the premises of their owner.

Section 3.8: Fences: No fence, wall or hedge higher than four (4) feet, six (6) inches shall be erected or maintained on any Lot, save and except, however, with the previous written consent of all adjoining Lot Owners and the DRC. The DRC shall have complete control over the allowance of a fence over the four foot six inch height limit. No fence may be constructed of wire or metal. Fencing consisting of natural materials consistent in appearance with the buildings on the Lot shall be preferred. All fencing shall first be approved by the DRC.

Section 3.9: Rebuilding or Restoration: Any dwelling unit or other improvement which may be destroyed in whole or in part must be rebuilt, or all debris must be removed and the Lot restored to a slightly condition. Such rebuilding, restoration or removal shall be completed within reasonable promptness and in any event within two (2) years from the time the damage occurred.

Section 3.10: Drainage: There shall be no interference with the established drainage pattern over any portion of the Property. For the purposes hereof, "established" drainage is defined as the system of drainage, whether natural or otherwise, which exists at the time that road construction and installation of utility lines is completed by Declarant.

Section 3.11: Utilities & Roads:

A. Telephone, Electrical: The Declarant shall provide underground electrical power and telephone service to the Community as a whole. The purchaser and owner of each Lot agrees to use the service so provided. Private electrical generating systems shall not be permitted for domestic electrical service, except as a backup system in case of primary electrical service failure. Solar panels are allowed, but must be approved by the DRC. All electrical power lines, telephone lines and other utility service lines shall be underground from each individual parcel line to the point of use on each parcel. Overhead lines and utility poles shall not be permitted, except during the construction phase.

B. Water: Water for each Lot shall be supplied by means of individual wells, installation and maintenance of which shall be the sole and exclusive responsibility of Lot Owners.

C. Septic: Sewage disposal for each Lot shall be supplied by means of individual septic/drainfield systems, installation and maintenance of which shall be the sole and exclusive responsibility of Lot Owners. Permits therefor shall be required from the South District Health Department.

D. Roads: It is anticipated that a majority of the roads within the Subdivision will be public. Maintenance, repair, replacement and/or plowing of any private roads shall be the responsibility of the Association.

Section 3.12: Obstructions on Common Easements: No gates or obstructions shall be placed upon or block any access road unless the access road terminates on the Lot Owner's property, and the gate or obstruction is placed within the Lot Owner's property. Under no circumstances shall any acts be taken by any Lot Owner which unreasonably degrade or impair the rights possessed by any third-parties to traverse any roads or easements on or across the Property.

Section 3.13: Snow Machines, Motorcycles, and All Terrain Vehicles: All terrain vehicles, snow machines, motorcycles and other similar motorized vehicles may be operated within the Subdivision only for ingress and egress, and for assistance in maintaining improvements on a Lot. Such equipment shall not be used within the Subdivision for racing or joyriding.

Section 3.14: Prohibited Lot Uses:

A. There shall be no mining, smelting or milling of ores or similar mineral operations within the Community, except as allowed pursuant to Sections 7.3 and 8.3.