

ARTICLES OF INCORPORATION

BY LAWS

**DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS**

**CARLIN BAY PROPERTY OWNERS' ASSOCIATION
Annual Meeting - June 17, 2000**

Carlin Bay Property Owners' Association, Inc.
June 17, 2000

[B] By Laws of the Corporation

B 10.00 Carlin Bay Property Owners' Association, Inc.

The Carlin Bay Property Owners' Association, Inc. (hereafter referred to as the "Association") services the private properties that were originally marketed by LANDS WEST, a corporate development enterprise, and previously attended to by the Carlin Bay Services Corporation. The involved properties are further identified in the uniform protective Covenants, Conditions and Restrictions (CC&R's), with the singular exception being the properties marketed as the "Lakeview Ridge Estates."

Note: From 1981 to and including 1999, the Carlin Bay Services Corporation operated as a non-profit services provider and facilities manager under the direction of LANDS WEST, a real estate development enterprise. On March 31, 2000, Carlin Bay Services Corporation lawfully changed its name to Carlin Bay Property Owners' Association, Inc.

Note: Within the original BY LAWS and "Articles of Incorporation," a provision was clearly established for LANDS WEST to convey ownership and operating responsibilities for the so-called "common areas." This transfer from the developer to the property owners was to occur "at such time as LANDS WEST is satisfied that the Carlin Bay Services Corporation is able to and will maintain such (common) areas." Both LANDS WEST and the Association agreed that the specified conditions were achieved in the calendar year 1999. On March 31, 2000, a lawful transfer of the "common areas" occurred and was properly recorded in the name of the Carlin Bay Property Owners' Association, Inc.

Note: The Association shall continue to service and manage the private and common properties originally marketed by the LANDS WEST development enterprise with the singular exception being those properties originally marketed as the "Lakeview Ridge Estates."

B 12.00 Principal Office

The principal office, place of business and mailing address of this non-profit Idaho Corporation shall be in the County of Kootenai and shall be determined by the Board of Directors of the Association and shall be announced at the annual membership meeting whenever such information is amended. On the date of enactment of these By Laws, the principal office, place of business and mailing address of this non-profit Idaho Corporation is as follows:

Carlin Bay Property Owners' Association, Inc.
13499 South Edgewater Drive
Harrison, Idaho 83833

B 14.00 Business Activities

In addition to the principal place of business, this Idaho non-profit Corporation may have other offices and the Board of Directors may conduct business in other places either within or outside the State of Idaho.

B 16.00 Principal Duties

The principal duty of the Association is to function as a non-profit service provider and facilities manager dedicated to carrying out the organizational purposes described in the uniform protective Covenants, Conditions, and Restrictions (CC&R's). The Association shall make assessments, facilitate collections, and disperse funds consistent with its dedicated non-profit duties as a service provider and facilities manager operating for the exclusive benefit of the affected property owners.

The Association members shall elect a governing body of the Corporation, known as a Board of Directors, and that governing body shall attend to the organizational purposes described in the uniform Covenants, Conditions, and Restrictions (CC&R's) and shall carry out the principal duties of the Association and shall have the following authorities:

- a] The Board of Directors may suspend membership privileges and voting rights of a property owner for cause or for any period during which any assessment against the owner's property remains unpaid or delinquent.
- b] The Board of Directors shall act in a lawful manner in matters pertaining to the peace, safety, comfort, health, and general welfare of the property owners.
- c] The Board of Directors may elect to advance payment of pass-through taxes or other appropriate fees, and thereafter assess the property owners on an individual, group or general basis.
- d] The Board of Directors may change, revise or modify the existing "Articles of Incorporation" or "Covenants, Conditions and Restrictions," but only after obtaining a two-thirds (2/3) VOTE of the concerned property owners.
- e] The Board of Directors may increase general assessments, but only to a limit not to exceed five percent (5%) annually. Any increase exceeding five percent (5%) annually must be supported by a two-thirds (2/3) VOTE of the concerned property owners at a general membership meeting.
- f] The Board of Directors may create Standing Committees on a permanent basis and Advisory Committees on a temporary basis and thereafter delegate duties to such committees.

B 18.00 Organization and Structure

The Association shall remain a non-profit service organization dedicated to the mutual interests of the affected property owners. The Association shall be organized and structured into the following four (4) functional elements:

Property Owners	[general membership]
Board of Directors	[elected by the general membership]
Committees - Standing	[appointed by the Board of Directors]
Committees - Advisory	[appointed by the Board of Directors]

B 20.00 Board of Directors

The Association shall be managed by a Board of Directors. Persons serving on the Board of Directors shall be elected by and from the general membership for a specific term. No person may hold such office unless he or she is a member in good standing of the Carlin Bay Property Owners' Association. The Board of Directors shall consist of five (5) persons, properly elected by and from the general membership. Once so constituted, the Board of Directors shall meet annually and appoint one of its own members to each of the following required Board positions:

- Board President
- Board Vice President
- Board Secretary
- Board Treasurer
- Board Member

B 22.00 Board President

The Board President is the principal executive officer for the Association, a non-profit Idaho Corporation. The President shall generally supervise and control all of the business affairs of the Association. The President shall preside at all meetings and, in general, shall perform all duties incident to the office of President and any other such duties as may be prescribed by the Board of Directors. The President shall sign, with the Secretary, or with any other Board member, all deeds, mortgages, bonds, contracts, declarations or other instruments authorized by the Board of Directors.

B 24.00 Board Vice President

The Board Vice President shall perform the duties of the President in the absence of the President, or in the event of the President's death, incapacitation, inability, or refusal to act. The Vice President, when acting for the President, shall have all of the powers and be subject to all of the restrictions placed upon the President.

B 26.00 Board Secretary

The Board Secretary shall keep minutes of the meetings of the Board and the general membership in one or more books provided for that purpose. The Secretary shall see that all notices are duly given as required by law or by the Articles of Incorporation, the By Laws or the uniform protective CC&R's. The Secretary shall be the keeper of the Association records and the custodian of the Seal of the Corporation. The Secretary shall maintain a register of the post office addresses of each member of the Association, as that information is provided by the members. The Secretary shall perform all duties incident to the office of Secretary and any other duties as may be prescribed by the Board of Directors. The Secretary shall prepare an annual report to the members in which significant Board actions are presented for review by the membership.

B 28.00 Board Treasurer

The Board Treasurer shall be in charge of and have responsibility for all funds and securities of the Association. The Treasurer shall receive and issue receipts for monies paid to the Association from any source whatsoever and shall deposit all such monies in the name of the Association in such banks, trust companies or other depositories approved by the Board of Directors. The Treasurer shall cause a proper record of all such transactions to be created and thereafter maintained for a period of not less than seven (7) years. The Treasurer shall be responsible for dispersing Association funds in payment of Association expenses only as directed by the Board of Directors and shall properly record all such transactions. The Treasurer shall carry out all duties incident to the office of Treasurer and any other duties as may be prescribed by the Board of Directors. The Treasurer shall prepare an annual report to the members in which all General and Special Assessments are presented and in which all revenues, expenses, assets and financial obligations are presented for review by the membership.

B 30.00 Board Member

The Board Member will serve at large and carry out duties as may be prescribed by the Board of Directors.

B 32.00 Board Term Limits

The established term limits for a Board member is three (3) years, during which time the Board member may serve in any of the five (5) designated positions. Board members are further limited to serving a maximum of two (2) consecutive terms of office, which is equal to six (6) total years of service. After a one year period of separation, a former Board member is again qualified for regular appointment, if so elected.

Persons elected to the Board of Directors will serve their designated term of office with the exception of [1] voluntary resignation, [2] termination of membership, [3] incapacitation, [4] demonstrated inability to perform the duties of a Board member, or [5] death. The established vacancy rotation, meaning that approximately one-third of the Board of Directors reaches the specified term limits in any given calendar year, will continue as a practice and as a policy calculated to prevent the replacement of the entire Board of Directors at any one time.

Persons properly elected to the Board of Directors serve at the will of the general membership and are empowered to act as Officers of the Corporation.

B 34.00 Board Appointments

The term of office for an elected member of the Board will commence immediately after the annual membership meeting at which the election was ratified. Thereafter, the Board of Directors will meet and make appointments to each of the five (5) designated positions and publish such appointments in the next Association newsletter. In the event of a Board vacancy, the remaining Board members may appoint an interim Board member, but only for the prescribed term of the vacancy.

B 36.00 Board Nominations and Elections

The established practice of Board nominations and elections being conducted at and during the annual membership meeting will continue as a practice and as a policy calculated to insure open and fair elections of qualified persons to the Board of Directors. Nominations may be offered by either Board members or by any qualified member of the Association, all of whom are stockholders. A property owner who is not in good standing with the Association may not offer or second a nomination or accept such a nomination or be appointed to the Board of Directors.

At the discretion of the Board of Directors, an Advisory Committee may be created concerning the nomination of qualified persons as candidates for the Board of Directors. Any recommendations by this Advisory Committee must be submitted before or during the annual membership meeting. Other nominations may be rendered at and during the annual membership meeting.

B 38.00 Board Indemnification

Board members and Committee members and duly appointed agents or employees of the Association shall be indemnified by the Association against all liabilities and expenses, including attorney's fees, reasonably incurred by or imposed in connection with any proceeding in which such person may become involved by reason of holding or having held such position, or any settlement thereof, except to the extent such liabilities and expenses are covered by any type of insurance and except in such cases in which such person is adjudged guilty of unlawful conduct in the performance of Association duties. In the event of a settlement, the indemnification shall apply only when approved by the Board of Directors.

B 40.00 Committee Appointments

At its discretion, the Board may appoint qualified members of the Association, either Board members or general members, to serve as active volunteers on Standing Committees or Advisory Committees. Only members in good standing may be so appointed and such volunteer service is at the will of the Board and without term restrictions.

B 42.00 Compensation

Board members and Committee members shall not be entitled to remuneration, except as authorized by the Board of Directors for reimbursement of actual expenses incurred on behalf of the Association.

B 44.00 Gifts

The Board of Directors may accept a gift, bequest, or devise for the general benefit or special benefit of the Association only and are prohibited from accepting personal gratuities or considerations for Board service while conducting Association business.

B 50.00 Meetings - Board of Directors

- a) Regular meetings of the Board of Directors may be held without notice at the discretion of the Board of Directors. Such meetings may be held at a convenient time and place to facilitate Association needs.
- b) Special meetings of the Board of Directors may be held when called by the Board President or by any two Board Members, but only after three (3) days notice to each elected Board Member.
- c) A majority of the elected Board Members shall constitute a quorum for the transaction of Association business.

- d] Every act or decision of the majority of the elected Board Members shall be regarded as a Board of Directors' act or decision and shall be recorded in the minutes of the Board meeting.

B 52.00 Meetings - General Members

- a] The Board of Directors shall conduct an annual meeting of the General Members. The past practice of scheduling the annual meeting during the summer months shall be adhered to in consideration of the General Members. Notice of the annual meeting shall be distributed to all General Members who are properly listed with the Association as of the date of the notice. The required notice shall be issued in a timely manner and at least thirty (30) calendar days prior to the annual meeting.
- b] The Board of Directors may conduct a special meeting of the General Members, but only after due notice of the General Members. Notice of a special meeting shall be distributed to the General Members in a timely manner and no less than ten (10) calendar days in advance of such meeting.
- c] The place of the annual meeting or a special meeting shall be within Kootenai County, Idaho.

B 60.00 Surveys and Ballots

- a] The Board of Directors may conduct surveys of the General Members either directly or indirectly. Such surveys are not formal VOTES by the General Members.
- b] The Board of Directors may conduct balloting of the General Members either directly or indirectly. Such ballots are formal VOTES and require due notice and recordation.
- c] Formal VOTING by the General Members may be conducted by proper balloting or during a proper meeting of the General Membership.
- d] General Members who are unable to attend a proper meeting may VOTE by PROXY, but only when such PROXY is accompanied by a written authorization signed by the concerned property owner.
- e] In all matters requiring a formal VOTE, a proper record of the proposal and the VOTE shall be preserved by the Board of Directors.
- f] In all matters requiring a formal VOTE, a General Member is entitled to ONE VOTE for each parcel owned within the Association. No fractional voting is permitted. No more than ONE VOTE may be exercised with respect to any particular parcel, even if such parcel is owned by multiple persons. General Members owning multiple parcels within the Association are entitled to ONE VOTE per parcel.

B 70.00 Membership Requirements

Each property owner shall be required to belong to and maintain a membership in the Association. Such membership is limited to property owners including current property owners and any subsequent property owners, grantees, heirs, successors and assigns. Such property owners constitute the General Membership. Membership privileges are administered by the elected Board of Directors in accordance with the Articles of Incorporation, the By Laws and the uniform protective Covenants, Conditions and Restrictions (CC&R's), including:

- a] Membership in the Association may not be transferred, pledged or alienated in any way, except upon the lawful transfer of ownership and then only to the new owner as identified in a lawfully recorded real estate transaction.
- b] Membership transfer, regardless of origin, shall be reported to the Board within sixty (60) calendar days following the lawful transfer of ownership.
- c] Membership privileges may be suspended by the Board for cause, meaning that a property owner who breaches or fails to comply with the approved By Laws or the uniform protective CC&R's may be subject to such sanction.

B 80.00 Enforcement Policy

- a] As a general policy, the elected Board of Directors recognizes that the Association is a private organization comprised of individual property owners who are members of the Corporation and have individual and a collective interests in the welfare and operation of the Association. Further, the Board is specifically responsible for the enforcement of the Articles of Incorporation, the By Laws and the uniform protective Covenants, Conditions and Restrictions (CC&R's)
- b] Therefore, the Board of Directors maintain that the Association is a self-governing private organization in which all property owners agree to fully comply with the self-imposed Articles of Incorporation, the By Laws and the approved CC&R's.
- c] However, it must be anticipated that some sort of violation or dispute may occur as the Association continues to service and manage the affected properties. If such a condition occurs, the Board of Directors will attempt conflict resolution as a first level response. Thereafter, the Board may issue a written "notice of non-compliance" to the offending property owner as a second level response. The written "notice of non-compliance" will specifically identify the observed violation and the governing rule or regulation. When possible, the written "notice of non-compliance" will describe the recommended remedial action to be taken by the property owner. (ref: B 90.00 "Notice of Non-Compliance")
- d] Generally, the property owner will be given thirty (30) calendar days to correct the deficiency. If at any time prior to the passage of the thirty (30) calendar days, the deficiency is corrected by the property owner, no further sanctions or recordation will occur. (ref: B 92.00 to B 96.00)

B 90.00 Notice of Non-Compliance

The Board of Directors may issue a written "notice of non-compliance" to any property owner violating any provision(s) of the Articles of Incorporation, the By Laws or the approved CC&R's. Such a notice will specifically identify the violation or deficiency, identify the remedial or corrective action required, and identify the time period in which the property owner must comply. This protocol may be accelerated if emergency (health & safety) conditions are apparent. (ref: B 92.00 "Emergency Enforcement)

B 92.00 Emergency Enforcement

In certain matters, an emergency condition may be apparent to the Board of Directors. In such emergencies (health & safety), the Board may deem it necessary and reasonable to act immediately for the common benefit of Association. In such extreme circumstances, the costs of any remedial intervention will be assessed to the concerned property owner. Generally, the Board will attempt to notify the concerned property owner in a timely manner, but Board action is not restrained or restricted by this intended courtesy.

B 94.00 Delayed Enforcement

Absent an emergency Board intervention, a written "notice of non-compliance" will be issued to the offending property owner and appropriately mailed to the registered address as provided by the property owner to the Secretary of the Corporation. Thereafter, the Board of Directors will monitor the violation or dispute for a designated time, generally thirty (30) days. During the designated time, the property owner must correct the deficiency or request an extension of the designated time in order to accomplish the necessary correction. Such an extension may or may not be granted by the Board of Directors.

B 96.00 Prolonged Enforcement

If, after due notice and consideration, the offending property owner fails to respond to the Board of Directors or fails to undertake and complete the identified remedial steps to correct the deficiency, the Board will initiate an enforcement action to protect the interest of the Association.

- a) Membership privileges and other benefits may be suspended by Board action if the property owner fails to comply with the provision(s) of the Articles of Incorporation, the By Laws or the approved CC&R's.
- b) Membership privileges and other benefits may be suspended by Board action if the property owner fails to respond satisfactorily to a written "notice of non-compliance" or to submit assessments on schedule.
- c) The Board of Directors may continue such a suspension of membership privileges and benefits for as long as the non-compliance or deficiency continues.
- d) The Board of Directors may employ professional services to correct a deficiency or to collect delinquent accounts. Any such costs, including attorney fees, will be assessed to the offending property owners and not the Association or its Officers.

B 99.00 Approval of By Laws

By a proper and lawful VOTE of the General Members, and by review and APPROVAL of the Board of Directors, the Association established these revised By Laws as of May 15, 2000. Any substantive or procedural modification to these By Laws requires a formal VOTE by the General Members in which a minimum "two-thirds" majority supporting the change must be recorded.

_____ Robert Tjossem, Board President

_____ Lyle Aeschilman, Board Member

_____ Lamar Bennett, Board Member

_____ Werner Steffen, Board Member

_____ Dave Wolfert, Board Member

[C] Covenants, Conditions & Restrictions

C 10.00 Historical Statement

LANDS WEST was established as an Idaho Corporation in 1973 and thereafter conducted a real estate development business concerning various real estate tracts and properties in the Carlin Bay area of Lake Coeur d'Alene in Kootenai County, Idaho. To facilitate community services and property management, the CARLIN BAY SERVICES CORPORATION was established in 1980 and thereafter functioned as a "non-profit" services provider with facilities and operations in and about the following real estate tracts and properties:

Sunset Shores	Carlin Bay Estates	Parkwood Acres
Sunset Shores I	Carlin Bay Ranches	Parkwood Acres I
Sunset Shores II	Carlin Bay Meadows	Edgewater Estates
Sunset Shores Vistas		Lakeview Ridge Estates

LANDS WEST and the CARLIN BAY SERVICES CORPORATION maintained stewardship of the affected real estate tracts and properties from 1981 to 1999, at which time sufficient sales of the properties had been recorded and the transfer of ownership of the "common areas" from the developer was carried out in full accordance with the provisions of the original Covenants, Conditions, and Restrictions (CC&R's) and the laws of the State of Idaho.

By a proper and lawful VOTE of the General Members, the CARLIN BAY SERVICES CORPORATION was reorganized and restructured to more effectively carry out its prescribed duties and responsibilities. While remaining intact as a "non-profit" services provider, the proper name of the organization was lawfully changed with the Idaho Secretary of State to:

Carlin Bay Property Owners' Association, Inc.
(hereafter referred to as the "Association" or "CBPOA")

C 12.00 Declaration and Notice

By a proper and lawful VOTE of the General Members, this DECLARATION of uniform protective Covenants, Conditions and Restrictions (or CC&R's) regulates and restricts the use of the private and common properties within the tracts identified herein. The properties so regulated and restricted are those properties originally developed by the LANDS WEST project and originally serviced by the Carlin Bay Services Corporation. Generally, these properties are located east of Highway 97 and alongside Carlin Bay Road, all being located on the east side of Lake Coeur d'Alene in Kootenai County, Idaho.

C 14.00 Covenants, Conditions and Restrictions

By a proper and lawful VOTE of the General Members, this DECLARATION establishes uniform protective Covenants, Conditions and Restrictions (or CC&R's) that directly effect certain private and common properties within the private lakeside residential community of Carlin Bay, to wit:

- a] These uniform protective CC&R's are intended to create and maintain general uniformity and appropriate decorum consistent with the safe habitation of a uniquely sensitive lakeside environment.
- b] These uniform protective CC&R's are intended to bind the current property owners including any grantees, heirs, successors and assigns of the current property owners and any future owners of the affected properties.
- c] These uniform protective CC&R's are intended to bind any owner or user of the affected properties to all applicable land use and construction regulations including those legislated by a valid governmental agency, commission, or district, and also including the private restrictions or requirements established by the Association and administered generally by the elected Board of Directors or as delegated by it to the Architectural-Landscaping Committee.
- d] Current property owners and any subsequent owners, grantees, heirs, successors and assigns are required to establish and maintain membership in good standing with the Association, including the timely payments of all assessments. No exceptions to this requirement are intended or recognized.
- e] The affected properties are part of a planned community. No parcel may be used or occupied for any purposes other than those consistent with a lakeside residential community supported by common services and facilities.

C 16.00 Application, Durability and Redress

The act of purchasing or accepting ownership of any of the properties affected by this DECLARATION of uniform protective Covenants, Conditions and Restrictions (CC&R's) constitutes a formal agreement to fully abide and comply with the conditions herein. Any property owner, including grantees, heirs, successors, assigns, any other current owners, any other future owners, or person in control or possession of the properties affected by this DECLARATION who breaches or fails to comply with the conditions herein will be held accountable for the breach or failure and will be subject to lawful actions by the Board of Directors. No exceptions to this requirement are intended or recognized.

- a] This DECLARATION of uniform protective CC&R's is intended to regulate the current property owners and further regulate any successors to the current property owners, regardless of how or when or why such transfer of the ownership might occur.
- b] This DECLARATION of uniform protective CC&R's shall be perpetually binding on all parties, unless revised in accordance with the provisions contained herein. Should any portion of this DECLARATION be void or become invalid for any reason, the remaining provisions shall remain in full force and effect.
- c] Should any property owner of any of the properties affected by this DECLARATION of uniform protective CC&R's cause the Board of Directors to initiate or respond to civil litigation or process, the costs, expenses and attorney fees shall be borne by the property owner and not the Association or its Officers.
- d] Should any property owner of any of the properties affected by this DECLARATION of uniform protective CC&R's cause the Board of Directors to initiate special collections of dues, fees, assessments, liens, or any other financial obligation properly attributed to the property owner, the costs, expenses and attorney fees shall be borne by the property owner and not the Association or its Officers.

C 18.00 Duties and Purpose

The Association is a dedicated non-profit service provider and facilities manager operating for the exclusive benefit of the affected property owners. By a proper and lawful VOTE of the General Members, the current duties and responsibilities of the Association were established and defined as follows:

- a] To provide care, maintenance and supervision of roads, walks, trails, greenbelts, signage and other property associated with the common areas.

- b] To provide care, maintenance and supervision of a private water system that includes water collection, water transport, water treatment, water storage, water testing and water distribution for human use.
- c] To provide care, maintenance and supervision of an unimproved airstrip and open grassy meadow area.
- d] To provide care, maintenance and supervision of a private effluent collection, pumping and lagoon system.
- e] To provide care, maintenance and supervision of a private lakeside small craft marina including docks, slips, side ties, fairways, bulkheads, moorings, pilings, breakwaters, launch ramp, swimming beach areas, picnic areas, signage, utilities, and vehicle access or parking facilities.
- f] To provide care, maintenance and supervision of wooded areas, natural areas, improved and unimproved properties including forestry projects, weed abatement, vector control, slope stabilization, fire suppression, utility easements, and so forth.
- g] To provide care, maintenance and supervision of special facilities including power distribution, traffic control, postal services, mechanical and pumping stations, fire suppression, lighting, fuel storage, and so forth.
- h] To conduct liaison with community groups and government agencies concerning the stewardship of properties (common, private and public), natural resources, environmental protection, health & safety, emergency preparedness, and so forth.
- i] To conduct open business for the benefit of the Carlin Bay property owners including assessing and collecting dues and fees; manage reserve or contingency funds; access public and private funding (loans, grants, local improvement, disaster recovery, etc.); conduct meetings; issue notices; retain agents or employees; conduct long range planning; negotiate contracts (services, supplies and capital projects); retain professional services (legal, technical, financial, etc.) when appropriate; establish "Standing Committees" (permanent) or "Advisory Committees" (temporary); conduct open and regular elections and appoint members to the Board of Directors; establish reasonable policies and practices for the common good; maintain appropriate records and prepare appropriate reports or correspondence.
- j] To prepare, maintain, revise and enforce proper Articles of Incorporation; By Laws, and protective Covenants, Conditions and Restrictions (CC&R's).

C 20.00 Notice of Easements

Property owners who take title to any of the private property identified herein are hereby given NOTICE that certain EASEMENTS affect and restrict the use of the identified properties. Generally, these are utility easements or access easements necessary to the community infrastructure.

- a] In all cases, property owners are required to conform with such EASEMENTS and are prohibited from damaging, disrupting or interfering with the delivery of service or access to such EASEMENTS.
- b] Construction and land use of the identified private properties is restricted by such EASEMENTS.
- c] The Board maintains authority over such EASEMENTS and may periodically exercise that authority by imposing weight, load and speed restrictions on the roadways.

C 22.00 Properties Affected - Private Roads

The Association owns and manages certain parcels and facilities that are defined as being "common areas," meaning that the general membership is responsible for the ownership and maintenance of these parcels and facilities by means of a duly elected Board of Directors and by a uniform set of protective Covenants, Conditions, and Restrictions (CC&R's). Certain general and special assessments may be made by the Board of Directors concerning these Association resources. The "common areas" are all located in Kootenai County, Idaho and include the following private roads: AIRPORT DRIVE, EDGEWATER DRIVE, LAKEVIEW RIDGE DRIVE, PARKWOOD DRIVE, RIDGEVIEW DRIVE, SUNSET SHORES CIRCLE, and TIMBER LANE.

C 24.00 Properties Affected - Common Areas

The Association owns and manages certain parcels and facilities that are defined as being "common areas," meaning that the general membership is responsible for the ownership and maintenance of these parcels and facilities by means of a duly elected Board of Directors and by a uniform set of protective Covenants, Conditions, and Restrictions (CC&R's). Certain general and special assessments may be made by the Board of Directors concerning these Association resources. The "common areas" are all located in Kootenai County, Idaho and are described as:

Tax Parcel Number 0-2080-ORD-000-A

Approximately 26.226 acres of original LANDS WEST property dedicated to "private roads" and platted "open spaces" within the area originally served by the Carlin Bay Services Corporation. This property includes the private roads and open areas. Transfer recorded in March 2000 as "Parcel 4" and "Parcel 5" per Kootenai County instrument # 1629083.

Tax Parcel Number 0-1100-000-011-0

A small parcel of land identified as "Lot 11" in the original plat of Carlin Bay Ranches. It is located at the south intersection of Highway 97 and Timber Lane. Transfer recorded in March 2000 as "Parcel 1" per Kootenai County instrument # 1629083.

Tax Parcel Number 49NO3W-31-8200

Approximately .255 acre of water-front land originally developed by LANDS WEST to facilitate the main marina access including the original small craft docks, slips, side-ties and fairways. Ownership of the individual boat slips is not included. The facility itself is subject to a "submerged lands" lease agreement with certain expenses being shared among the slip owners. Transfer recorded in March 2000 as "Parcel 2" and "Parcel 3" per Kootenai County instrument # 1629083.

Tax Parcel Number 49NO3W-31-9400

Approximately 3.522 acres of water-front land originally developed by LANDS WEST and described as a thin strip of land extending 1620 feet south of the main marina access. This property includes the transient docks, a small craft launch ramp, a swimming & picnic beach, and limited vehicle access. Transfer recorded in March 2000 as "Parcel 2" and "Parcel 3" per Kootenai County instrument # 1629083.

C 26.00 Properties Affected - Private Areas

The Association maintains uniform Covenants, Conditions and Restrictions (CC&R's) that affect the following private tracts and properties, all of which are located in Kootenai County, Idaho:

Platted Subdivisions

Sunset Shores

Block 1, Lots 1 - 13
Block 1, Lots 15 - 48

Sunset Shores II

Block 1, Lots 1 - 7 [Parcel "A"]
Block 1, Lots 8 - 11 [Parcel "B"]
Block 1, Lots 12 - 16 [Parcel "C"]

Sunset Shores I

Block 1, Lots 1 - 27

(aka: "Sunset Shores Vistas")

Carlin Bay Meadows

Carlin Bay Ranches
Block 1, Lots 1 - 11

Block 1, Lots 2 - 4 [contiguous to airstrip]
Block 1, Lot "A-1" [N of Parkwood W of Carlin Bay Rd.]

(aka: "Carlin Bay Estates") Block 1. Lot "A-2" [N of Parkwood W of Carlin Bay Rd.]
(Lot 11 dedicated common area) Block 1, Lot "A-3" [N of Parkwood W of Carlin Bay Rd.]

32, in (seven parcels of land, located in parts of Sections 29, 31, and Township 49 North, Range 3 West, B.M., Kootenai County, Idaho.)

Parkwood Acres

Block 1, Lots 1 - 8
Block 2, Lots 2 - 11
Block 3, Lots 1 - 18
Block 4, Lots 1 - 8

Edgewater Estates

Block 1, Lots 1 - 8
Block 2, Lots 1 - 6
Block 3, Lots 1 - 23
Block 4, Lots 1 - 3
Block 5, Lot 1
Block 6, Lots 1 - 2

Parkwood Acres I

Block 1, Lots 1 - 12

Platted Parcels

Government Lot #3

Platted parcel located at the north-east intersection of Highway 97 and Timber Lane, immediately contiguous to the "Sunset Shores" tract. The involved parcel consists of 1.523 acres and bears the plat marking of "49N03W-31-7900." Transfer recorded per Kootenai County per Instrument # 1624940.

Perea Property

Platted parcel located immediately adjacent to the "Edgewater Estates" tract and would be numbered next in order as "Block 3, Lot 24." This annexation and membership was originally approved by Board action on September 14, 1996.

C 28.00 Special Facilities

The Board shall regulate the special facilities in a proper business manner calculated to effectively protect the interest of the general membership. General assessments may be imposed to offset common costs for those common benefits shared by all property owners. Special assessments may be imposed as user fees or pass through taxes for property owners and other persons who have proprietary rights or access to any of the special facilities managed by the Association, including the following:

- a] Storage Facility (pending)
- b] Marina and Beach Facility
- c] Private Airstrip Facility

C 30.00 Planned Community

The common and private properties identified herein are part of a planned lakeside residential community supported by common services, facilities and management. No parcel may be used or occupied for any purposes other than those consistent with such a lakeside residential community. Buildings and structures are restricted to SINGLE FAMILY DWELLINGS consistent with such a lakeside residential community. Construction or modification to any common areas or facilities must comport with the lakeside residential decorum and comply with all zoning and building laws applicable thereto. No parcel may be used or occupied for commercial, industrial, business or training purposes, including nurseries,

day care centers, medical arts, health care providers, or other activities which are inconsistent with the lakeside residential decorum. All construction and modification projects require prior written approval by the Board of Directors.

C 32.00 Fire Safety

Property owners are responsible for fire prevention and fire safety on private properties and common areas. Use of fire resistant building materials and roofing and the maintenance adequate greenbelts or clear areas around residences and structures is critical. Subscription to the EASTSIDE FIRE PROTECTION DISTRICT is also critical.

C 34.00 Assessments - Schedule of Payments

Property owners are responsible for the timely payment of general or special assessments. In all cases, the payment is due on the first day of the month and will be deemed late and overdue on the fifteenth day of the month. Property owners may voluntarily submit advance payments on a quarterly or yearly basis.

- a] Property owners who fail to make their payments in a timely manner will be charged a monthly bookkeeping fee of ten (\$10.00) dollars per lot or parcel during the period of the delinquency. The bookkeeping fee will be charged to the involved property owner's account on the fifteenth day of the delinquent month and on the first day of each succeeding delinquent month .
- b] If the property owner allows the delinquency to continue for a period of six months, the Treasurer shall notify the Board of Directors of the account delinquency. Failure to submit payments in a timely manner may cause the Board to suspend membership privileges of the property owner.

C 36.00 Assessments - Delinquent Accounts

Any property owner failing to submit full payment of assessments as described and scheduled herein, will cause the Board of Directors to issue a "notice of non-compliance" [ref: B 16.00 "a" and C 16.00 "c"] and to further initiate liens, litigation, seizures, forfeitures and other lawfully permitted means of recovery and redress. Expenses for such recovery and redress will be attributed to the involved property owner and not to the Association or its Officers.

C 38.00 Assessments - Definition

By a proper and lawful VOTE of the General Members, the Board of Directors maintains the authority to establish and collect assessments for membership, services, user fees, operating expenses, capital projects, taxes, and other costs. Such assessments may be either GENERAL or SPECIAL, and must be reasonably consistent with the function of a non-profit Idaho Corporation. Increases in such assessments are limited to five percent (5%) annually.

C 40.00 Assessments - General

General assessments concern the property owners in an equal manner. However, the Board of Directors maintains the discretion to exclude certain property owners from a general assessment when deemed reasonably appropriate to do so. General assessments are determined by the Board of Directors and approved by the General Members. The Board of Directors shall maintain a record of the current general assessments and report such assessments at the annual meeting of the General Members.

C 42.00 Assessments - Special

Special assessments concern a limited number of property owners due to special services or facilities or agreements that are unique, rather than common. The Board of Directors maintains the discretion to define such special needs and considerations. The Board of Directors shall maintain a record of the current special assessments and report such assessments at the annual meeting of the General Members.

- a) If the Board of Directors approves a special assessment, the matter must be recorded properly within the minutes of the Board meeting. The proper record shall include a statement of needs, a statement of costs, a funding plan complete with a schedule of payments, the terms and conditions of the assessment, and any other information deemed appropriate. Special assessments may also be approved by a formal VOTE of the General Members.
- b) Special assessments concerning capital projects, major repairs or significant purchases that exceed normal operations must be approved by a two-thirds (2/3) VOTE of the concerned property owners, unless certain emergency conditions require immediate Board action. Special assessments concerning lot consolidations or sub-divisions may be approved by Board action. Special assessments concerning special services and annexations may be approved by Board action. Special assessments may include previous actions by the LANDS WEST development company and/or the Carlin Bay Services Corporation, all of which pre-date this DECLARATION.

C 44.00 Membership Required

Each property owner shall be required to belong to and maintain a membership in the Association. Such membership is limited to property owners including current property owners and any subsequent property owners, grantees, heirs, successors and assigns. Such property owners constitute the general membership and are, in effect, the "stockholders" of the Corporation. Membership privileges are administered by the elected Board of Directors in accordance with these uniformed protective CC&R's and the approved By Laws of the Corporation, including:

- a) Membership in the Association may not be transferred, pledged or alienated in any way, except upon the lawful transfer of ownership and then only to the new owner as identified in a lawfully recorded real estate transaction.
- b) Membership transfer, regardless of origin, shall be reported to the Board within sixty (60) calendar days following the lawful transfer of ownership.
- c) Membership privileges may be suspended by the Board for cause, meaning that a property owner who breaches or fails to comply with these uniform protective CC&R's or the approved By Laws may be subject to sanction.

C 46.00 Membership Continued

By a proper and lawful VOTE of the General Members, those property owners who were previously members in good standing with the Carlin Bay Services Corporation (CBSC) will continue their membership in its renamed successor, the Carlin Bay Property Owners' Association (CBPOA) and will maintain their membership privileges in accordance with these uniformed protective CC&R's and the approved By Laws of the Corporation.

C 48.00 General Rules and Regulations

By a proper and lawful VOTE of the General Members, the Association maintains general rules and regulations designed to enhance the community peace, safety and decorum. These general rules and regulations identify the community standards and membership responsibilities. Property owners shall:

- a] Maintain membership in good standing in the Association, meaning that all members shall fully comply with these uniformed protective CC&R's and the approved By Laws of the Corporation, including the timely payment of assessments.
- b] Actively participate in the management of the Association, meaning that each property owner is expected to submit a VOTE, a NOMINATION, or a SURVEY RESPONSE when called upon to do so.
- c] Actively participate in the management of the Association by attending the annual meeting of the general membership. If attendance is not possible, the absent property owner may instead authorize a PROXY VOTE as described herein. Property owners may submit and schedule an agenda item for the annual meeting of the general membership by means of a written request to the Board of Directors no less than thirty (30) days prior to the scheduled meeting. If necessary, a property owner attending the annual meeting of the general membership may offer an agenda item for consideration during such meeting.

C 50.00 Utilities - Installation and Maintenance

- a] All utility "hookups" from primary "feeders" to private parcels shall be properly buried underground unless, in the judgment of the Board, such an underground installation would not be feasible. As used in this sub-section, "properly buried" includes trenching, bedding, engineering, and other minimum standards. All service connections and attachments are controlled by the Board, including the use of specific components and qualified installers.
- b] Property owners are responsible for the safe and proper installation of all utilities with full compliance to all laws, rules, regulations and standards of quality associated with such installations. Each individual property owner is responsible for the costs of installation, maintenance and repair of such utilities, whether located in designated easements or on private property. All service connections and attachments are controlled and regulated by the Board, including the use of specific components and qualified installers.

C 52.00 Utilities - Primary Services Required

- a] Property owners are required to install and maintain primary utilities including water, sewer and electrical. Alternative utilities, including private utility systems or sources, may be approved by the Board, but only after the primary utilities have been properly installed and tested as safe, or the Board grants the individual property owner a variance for cause. Expenses associated with the installation, maintenance and repair of such utilities rests with the individual property owner, unless the Board acts otherwise in the interest of the Association.
- b] Alternative utilities include water wells, septic systems, solar or wind-generated electrical service, and any other form of utility service not provided by the Association or a recognized utility provider.
- c] Property owners are required to access the community services provided by the Association, including the water and waste systems, unless the Board grants the individual property owner a variance for cause or special engineering needs. In all cases, the design and control of these community service systems rests exclusively with the Board.
- d] Optional utilities include telephone, cable or earth station (satellite) installations.

C 54.00 Utilities - Prohibited Devices

- a] Property owners may not construct, erect or operate large or unusual antennas. This prohibition is predicated on aviation and fire safety issues, as well as aesthetics.

- b] No light may be displayed from any lot or parcel which is unreasonably bright or has such glare as to disturb others.
- c] No sound may be emitted from any lot or parcel that is so loud as to disturb others, including unreasonable or annoying speakers, whistles, horns, bells, alarms, live music, generators, motors, etc. Security alarms are permitted when properly installed and maintained in a condition to prevent repeated malfunctions.
- d] No cesspool, effluent pond, "privy," outhouse or open sewer is permitted as a matter of health safety. Temporary restrooms are permitted at construction sites. (ref: LAND USE PLAN)

C 56.00 Special Rules - Storage Facility
(Pending Site Selection and Development)

C 58.00 Special Rules - Marina and Beach Facility

The design, intent and regulatory controls concerning the "private small-craft marina" and the "swimming beach" facilities limit their use to property owners and their authorized guests. These facilities are not suitable for general use, commercial use or large vessel operations. In addition to the governmental authorities, the Board maintains control over the restricted use of these private lakeside facilities; which include the small-craft marina, the boat slips, the log-boom breakwater, the small boat launch ramp, the swimming beach, the picnic areas, and the vehicle access areas. By a proper and lawful VOTE of the General Members, the Association maintains the following special rules:

- a] The marina and beach facilities are private property and are not available for public use. Public access, swimming or fishing is prohibited. Trespassing or loitering on the docks or watercraft is not permitted.
- b] The Association assumes no liability concerning watercraft operations, maintenance, storage, or ownership.
- c] Property owners who permit guests to operate or store watercraft not belonging to the host property owner shall remain personally responsible for such use of the facility. Guest boaters and their watercraft must comply with all applicable rules, regulations and requirements, including those approved by the Board.
- d] Property owners and their approved guest are required to comply with all applicable rules, regulations and requirements. Persons operating watercraft of any type on or around the facility must be properly trained, licensed and insured.
- e] All users of the private marina and beach facility are required to operate watercraft and ground vehicles in a safe and lawful manner. A "NO WAKE" rule is in effect, meaning that no watercraft shall be operated inside the private marina at a speed exceeding five (5) miles an hour, or at any speed that produces excessive water disturbance.
- f] No commercial activities are permitted. Watercraft moored within the private marina are restricted to recreational uses. This section shall not be construed to restrict a property owner from maintaining or repairing a vessel owned by a property owner and registered with the Association.
- g] No person may establish onboard residency or use a moored vessel of for human habitation beyond occasional over night camping.
- h] Intoxicated or disruptive persons are not permitted on or about these facilities. Loud, disturbing or unsafe activities on the beach, docks or watercraft are prohibited.
- i] Children under twelve years of age must be must be properly supervised while on or about these facilities.
- j] Swimming is not permitted in the marina fairways or slips. Swimmers are cautioned to avoid the log-boom breakwater structure and the guest docks area as a matter of personal safety. Swimmers are cautioned to avoid the launch area. No lifeguard services are furnished or provided by the Association.
- k] Powered watercraft are not permitted to operate from or near the designated swimming beach. All watercraft shall avoid contact with the log-boom breakwater structure.

- l] Motor vehicles, boat trailers, or watercraft shall not block access to the launch ramp, unless a vessel launch or recovery is in progress.
- m] Vehicle parking and dock access are restricted to property owners and invited guests only. Property owners and guests visiting the facility must comply with posted access and parking rules. No motor vehicles are permitted onto the designated "swimming beach" as a matter of safety.

C 60.00 Special Rules - Vessel Registration and Storage

By a proper and lawful VOTE of the General Members, the Association maintains the following special rules:

- a] Regardless of type, category or use, all watercraft operating or stored in or about the private marina must comply with the following requirements:
 - ~ maintained and operated in a safe, lawful manner at all times
 - ~ adequately insured to recognized levels of coverage
 - ~ properly registered with the regulating authorities
 - ~ must lawfully display current watercraft identification numbers.
- b] Regardless of type, category or use, all watercraft regularly berthed or stored at the private marina must also be registered with the Association and thereby provide the following information:
 - ~ boat owner's information (including name, address, telephone number, emergency contact information)
 - ~ boat description (including manufacturer, year built, type, color scheme, distinctive markings or names)
 - ~ boat description (make, model, LOA, beam, draft, clearance, primary propulsion, type of fuel)
 - ~ boat identification numbers (including registration, serial, hull, sail, radio station call numbers)
 - ~ proof of ownership, current registration and adequate insurance to recognized policy limits
 - ~ proof of slip assignment (member) or berthing agreement (non-member)
 - ~ a current list of persons authorized to legally operate the watercraft
- c] The structural design and intent of the private marina necessarily limits boating operations to small watercraft. No vessel in excess of thirty-five (35) feet LOA or having a fixed draft in excess of eight (8) feet may be moored or attached in any way to any dock or marina structure.
- d] All vessels moored within the private marina shall be secured safely with adequate dock lines, anti-chafe devices, fenders, scuppers or pumps, and heavy weather through-hulls. All on-board fuels must be safely contained and properly vented. Absolutely NO SPILLAGE of fuel or solid waste or overboard discharge is permitted.
- e] No derelict or abandoned or trespassing watercraft are permitted. Watercraft not clearly displaying proper registration and identification numbers will be removed from the private marina at the owner's expense. Thereafter, such vessels may be subject to lawful lien sale.
- f] All vessels and docks must be kept in a proper "seamanship" condition. Dock boxes, boat covers, fenders and any devices attached, affixed, installed or placed on the docks, gangways or common areas require Board approval.
- g] All active electrical circuits must have safety breakers or GFI switches.
- h] No flammable, caustic or explosive materials may be stored in dock boxes or lockers.
- i] No discharge or disposal of any material is permitted either into the water or onto the land.
- j] Property owners are responsible for the clean and safe use of the marina and beach facilities and shall attend to trash removal after each visit.

C 62.00 Special Rules - LANDS WEST Boat Slips

- a] The LANDS WEST developer maintains property rights and control over all "unsold" boat slips and may sell, rent or lease such boat slips as available. The Association has no property rights

- concerning these boat slips, but does exercise community authority over the care, maintenance and operations of the private small-craft marina and beach facility.
- b] Property owners purchasing a boat slip from LANDS WEST must thereafter notify the Board of Directors within thirty (30) days so that the slip ownership can be properly recorded, assigned and assessed.
 - c] The LANDS WEST developer shall submit an annual report to the Board of Directors prior to March 15th of each calendar year and thereby provide the following information:
 - ~ complete listing of slips sold, traded or transferred to date (identified by slip number, length and owner)
 - ~ complete listing of slips not yet sold, traded or transferred (identified by slip number, length and owner)
 - ~ complete report of all revenues and expenses concerning these private facilities
 - ~ other matters of mutual interest or concern such as government liaison, anticipated maintenance or repairs, changes in ownership or operational policies, etc.

C 64.00 Special Rules - Airstrip Facility

The design, intent and regulatory controls concerning the "private airstrip" facility clearly restrict its use to property owners and their authorized guests. The facility is not suitable for general use or commercial use and is so designated in aviation-related publications, including official navigation charts. In addition to the local and Federal authorities, the Board maintains control over the use of the private airstrip facility. By a proper and lawful VOTE of the General Members, the Association maintains the following special rules:

- a] The "private airstrip" and adjacent properties are private and are not available for public use. Public access and general aviation is prohibited. Trespassing or loitering on or about the facility is not permitted.
- b] The Association assumes no liability concerning aircraft operations, maintenance, storage, or ownership.
- c] Property owners who permit guests to operate or store aircraft not belonging to the host property owner shall remain personally responsible for such use of the facility. Guest aviators and their aircraft must comply with all applicable rules, regulations and requirements, including those approved by the Board.
- d] Property owners and their approved guests are required to comply with all applicable rules, regulations and requirements. Persons operating aircraft of any type on or about the private airstrip must be properly trained, licensed and insured.
- e] All users of the private airstrip are required to operate aircraft and ground vehicles in a safe and lawful manner.
- f] All users of the private airstrip are required to adequately secure their aircraft in a safe and proper manner when stored or parked on or about the facility.
- g] No commercial activities on or about the private airstrip facility are permitted. This section shall not be construed to restrict a property owner from constructing, maintaining, or repairing an aircraft owned by a property owner, if the involved aircraft is properly registered with the Association.
- h] Property owners with private aircraft hangars shall limit the use of such hangars to aircraft storage and aviation related activities. No human habitation is permitted in such structures. This section shall not be construed to restrict occasional over night camping.
- i] Intoxicated or disruptive persons are not permitted on or about this facility.
- j] Children under twelve years of age must be properly supervised while on or about this facility.

C 66.00 Special Rules - Aircraft Registration and Storage

By a proper and lawful VOTE of the General Members, the Association maintains the following special rules:

- a] Regardless of type, category or use, all aircraft operating or stored on or about the private airstrip must comply with the following requirements:
 - ~ certified by the FAA, the EAA or a recognized aviation authority
 - ~ adequately insured to recognized levels of coverage
 - ~ must maintain and properly display current registration and identification numbers
- b] Property owners who operate or store aircraft of any type on or about the private airstrip must also register such aircraft with the Association and thereby provide the following information:
 - ~ aircraft owner's information (including name, address, telephone number, emergency contacts)
 - ~ aircraft description (including manufacturer, year built, type, color scheme, distinctive markings)
 - ~ aircraft identification (including manufacturer's serial numbers, registration numbers, etc.)
 - ~ recent color photograph depicting the general appearance of the aircraft (re: SAR Operations)
 - ~ evidence of adequate aircraft insurance having commonly recognized policy limits
 - ~ a current list of persons authorized to legally operate the aircraft

C 68.00 Special Rules - Signs and Displays

Property owners or their agents shall not erect or display any signs or advertising or directional devices for any purpose other than the following exceptions:

- a] Signs no larger than two (2) square feet identifying the occupants of the site and the address of the site.
- b] Signs no larger than five (5) square feet identifying that the property is being offered for sale or lease.
- c] Signs or displays associated with the EASTSIDE FIRE PROTECTION DISTRICT for the sole purpose of rapid emergency service responses.
- d] Signs or displays associated with the public utilities providers for the sole purpose of line protection.
- e] Temporary signage during site construction no larger than nine (9) square feet identifying the architect, prime contractor, lending institution, or any combination of the three, with a display period limited to the actual construction project or eighteen (18) months, which ever is less.
- f] Signs or displays associated with State, County or District markings or associated with the Carlin Bay Property Owners' Association facilities and operations, etc.
- g] Signs or displays no larger than four (4) feet by eight (8) feet placed by LANDS WEST adjacent to public roads concerning the original development project and with a display period limited to September 1, 2005.

C 70.00 Architectural - Landscaping Committee

The Association maintains control over the community development, including the use of the common and private properties identified herein. This function is generally assigned to a standing committee named the "Architectural - Landscaping Committee."

C 72.00 Architectural - Landscaping Committee Duties

The Association maintains a policy and practice of controlling land use by compliance with local codes or regulations and by the establishment of the "Architectural - Landscaping Committee" to process applications, oversee construction, conduct site inspections, and generally enforce the community

standards applicable to land use issues. Regular duties of this standing committee include the preparation and proper maintenance of the LAND USE PLAN, which is designed to assist property owners involved in new construction or modifications to existing structures.

C 74.00 Architectural - Landscaping Committee Communications

Property owners may access the services and expertise of the "Architectural - Landscaping Committee" by submitting a written request to the Board of Directors at the mailing address indicated herein. Thereafter, the Board will assign a committee member to assist the property owner with project inquiries and coordination. Committee members are volunteers who are authorized to assist the property owners. The Board retains the authority and responsibility to approve, modify or disapprove recommendations submitted by the committee, the property owner or other concerned parties.

C 76.00 Land Use Plan

- a) Property owners intending to erect, construct, install, modify, repair, alter, or refurbish any new or existing building, structure or utility described herein must first prepare and submit a clear and complete LAND USE PLAN so that the Board may properly review, consider and approve or disapprove the intended project. This is a required protocol designed to protect the interests of the Association, including the concerned property owner, and the unique Carlin Bay environment.
- b) The "Architectural - Landscaping Committee" will provide a written guide to preparing and completing a LAND USE PLAN to any property owner upon request. Further, the committee will assist the property owner in preparing and completing the required LAND USE PLAN and coordinating the review process by the Board of Directors.
- c) The timely completion of the LAND USE PLAN will assure the property owner and the Board that the intended project is properly designed and will be managed in a reasonable manner. Both the Committee and the Board will provide the local knowledge and experience essential for completing the intended project on schedule and within the established environmental and community standards.

C 78.00 Land Use - Access and Fencing

- a) No driveway, trail or path may intersect with a common access or roadway without the prior written consent of the Board. Care and maintenance of the common access or roadway is the responsibility of the Board.
- b) No gates or other obstructions shall be placed upon or block any common access or roadway unless and until approved by the Board and only after obtaining a two-thirds (2/3) affirmative VOTE of the concerned property owners. Gate design and construction must satisfy the environmental and appearance standards of the community and must not restrict the delivery of emergency services.
- c) No driveway, trail, path, landscaping or structure may be created in such a manner as to alter, block or restrict the free flow of periodic surface water. Structures designed to control periodic surface water flow may be constructed by the Association or the property owner, but only if approved by Board action.
- d) Private fencing is permitted only if approved by Board action. The costs of approved private fencing rests with the property owner(s) who may act alone or in concert to build common fences. In all cases, the fence design and construction must satisfy the environmental and appearance standards of the community. (ref: LAND USE PLAN)

C 80.00 Land Use - Set Backs

Property owners are restricted to common "set-backs" designed to enhance community safety and decorum. These "set-backs" are generally dependent on the size and grade of the lot or parcel and are

often established by local building or fire codes. As part of a planned community, property owners must comply with the following conditions:

- a) Parcels of four (4) acres or less shall have a minimum fifteen (15) foot side line "set-back" and a twenty-five (25) foot rear line "set-back." The front line "set-back" shall conform to local codes and remain consistent with the intended community standards. All lots and parcels must fully conform with local codes and regulations.
- b) Parcels exceeding four (4) acres shall have a minimum thirty (30) foot side line "set-back" and a thirty (30) foot rear line "set-back." The front line "set-back" shall conform to local codes and remain consistent with the intended community standards. All lots and parcels must fully conform with local codes and regulations.
- c) The Board may grant a variance to an individual property owner based on unusual lot grade or other compelling needs, but only within the minimum "set-back" standards articulated in local codes and regulations.
- d) The "set-back" standards generally do not apply to access roads, driveways, fences, gates, corrals or utilities.
- e) In all cases, the lawful and approved "set-backs" shall be clearly specified and illustrated within the LAND USE PLAN as submitted by the property owner.

C 82.00 Land Use - Primary Structures

Construction and land use of the identified private properties is restricted to SINGLE FAMILY DWELLINGS and certain approved appurtenant structures, to wit:

- a) The Association recognizes that some members purchased or otherwise acquired building sites prior to the revision of the original CC&R's, as established by LANDS WEST and the Carlin Bay Services Corporation (circa 1981 to 1995). Such property owners are entitled to rely on the "minimum square footage" building standards articulated in the previous CC&R's for purposes of new construction or for disaster related re- construction or repairs. This exception is granted only to the recorded property owner as of the date of this DECLARATION and is specifically withdrawn if the building site is sold or the ownership is otherwise transferred. Subsequent to such a sale or change of ownership, the revised and adopted "minimum square footage" building standards set forth in this sub-section shall then apply.
- b) Only SINGLE FAMILY residences and approved appurtenant structures are permitted and each primary residence structure built on a parcel five (5) acres or more shall contain a minimum of twelve hundred (1200) square feet of habitable living space exclusive of second floors, lofts, garages, porches, patios, basements, "walk-outs," RV-Boat storage areas, utility rooms, covered decks, car ports, etc.
- c) Only SINGLE FAMILY residences and approved appurtenant structures are permitted and each primary residence structure built on a parcel less than five (5) acres shall contain a minimum of nine hundred (900) square feet of habitable living space exclusive of second floors, lofts, garages, porches, patios, basements, "walk-outs," RV-Boat storage areas, utility rooms, covered decks, car ports, etc.
- d) No more than one SINGLE FAMILY residence and one detached garage building and one other approved appurtenant building may be constructed on any lot or parcel, thus constituting a maximum of three (3) structures permitted. A free-standing barn or workshop constitutes one of the described appurtenant buildings and limits any additional construction. Local "set-back" regulations may further restrict such structures.
- e) No "pre-constructed," "factory-built," "modular building," "mobile home," "trailer" or any temporary structure is permitted. However, during a period of actual construction, and not to exceed eighteen (18) months, a temporary building may be permitted at construction sites.

C 84.00 Land Use - Appurtenant Structures

Construction and land use of the identified private properties is restricted to SINGLE FAMILY DWELLINGS. The Board of Directors may approve other appurtenant structures when such structures are not intended for human habitation, including:

- a] On-site constructed barns and farm buildings may be permitted.
- b] Factory-designed and site-delivered barns and farm buildings may be permitted.
- c] Small manufactured or on-site assembled storage buildings may be permitted.
- d] Aircraft hangar buildings or structures may be permitted on certain private lots adjacent to the airstrip.
- e] Aircraft hangar buildings or structures may be permitted on certain common properties adjacent to the airstrip if such buildings or structures provide benefit to the Association.
- f] Non-residential buildings or structures may be permitted when such buildings or structures provide benefit the Association.

C 86.00 Land Use - Community Standards

- a] Approved Buildings:
Construction and land use of the identified private properties is restricted to SINGLE FAMILY DWELLINGS and certain approved appurtenant structures. Airplane hangar buildings not designed for human habitation are permitted only on certain lots and parcels adjacent to the existing airstrip. All construction and modification projects require prior written approval by the Board of Directors.
- b] Appearance - General:
Property owners are responsible for the maintenance and upkeep of their property. Property owners shall maintain their buildings and parcels in a neat and clean appearance at all times, paying attention to health, safety and community decorum. No collection of materials or waste products producing offensive or obnoxious odors is permitted within the identified properties. No dumping or storage of trash, refuse, garbage, ashes, ruins, containers, furniture, apparently disabled or abandoned vehicles, discards, or other items is permitted within the identified properties.
- c] Appearance - Special:
Property owners are responsible for the control and removal of noxious weeds, recognizing that such weeds have a tendency to spread across open areas and over property lines, thus creating hazards and liability. Trimming, spraying, or a combination of both techniques should be applied as necessary. Landscaping, grading, forestry and other alterations to the natural condition of the parcel require the prior submission of a completed LAND USE PLAN and Board approval.
- d] Common Roads:
Property owners and their guests are required to comply with posted restrictions concerning community assets such as roadways and special facilities. Care must be exercised concerning vehicle speed, traction control, and weather-related road conditions. Posted speed limits and established weight restrictions must be obeyed.
- e] Equestrian Animals:
Horses may be kept only for private (non-commercial) purposes and personal enjoyment, provided such horses are adequately fenced and sheltered in accordance with care and safety and good animal husbandry practices, and only to a limit of two (2) horses on lots or parcels that exceed five (5) acres in size, unless the Board of Directors specifically approves a variance in writing concerning the minimum size of the involved lot or parcel.
- f] Permitted Animals:
Domestic animals, including dogs, cats and other household pets, are permitted, but only if such animals are kept and housed in a manner consistent with the peaceful decorum of the community. Such animals must not be allowed to freely roam within the community or on the common properties. Property owners are responsible for maintaining kennels and other animal enclosures in a safe and clean condition, free of any offensive or obnoxious odors. Animal waste, parasites and biological vectors should not be allowed to collect.
- g] Prohibited Animals:

No animal may be kept, raised, bred or displayed in violation of any applicable laws, ordinances or regulations. Other than the domestic animals described herein, no other animals or livestock may be kept, raised, bred or displayed on any lot or parcel. No collecting of animal waste, parasites and biological vectors is permitted.

- h] Prohibited Activity:
No activity or land use that would produce excessive traffic flow, noise or environmental damage is permitted. No private or commercial mining, drilling or quarrying is permitted within the identified properties other than the LANDS WEST reasonable use of the gravel pit (LRE Lot # 9).
- i] Timber Resources:
Any significant alteration to the timber resources of the Carlin Bay environment, including construction projects, land modifications, tree re-shaping or timber removal, must comply with local and Federal regulations, and only when approved before hand in writing by the Board. Removal of diseased or potentially dangerous timber may be permitted or initiated by the Board as a matter of good forestry conservation practices. Property owners or their agents are permitted to process and harvest dead fall as firewood, fencing or for personal use. Property owners are responsible for safe storage of firewood, construction materials and other such supplies. These items should be out of general view when possible and neatly stacked so as to prevent annoyance or nuisance. Safety and fire prevention are significant criteria.
- j] Work Projects:
Property owners engaged in new construction projects or designated modifications to existing structures are required to comply with the provisions of the LAND USE PLAN described herein.

C 88.00 Land Use - Construction and Renovation

- a] The Board regulates and restricts the use of private and common properties within the properties described herein. The Board facilitates this responsibility by delegating certain tasks to a standing committee named the "Architectural - Landscaping Committee" and by use of a prescribed LAND USE PLAN.
- b] No building, fence, barn, hangar, home, kennel, shed, boat house, or any other structure may be located, stored, erected, altered or constructed on any of the identified properties unless such construction or modification complies fully with all local building codes and regulations; and further complies with the community standards generally contained in the CC&R's and specifically described in the approved LAND USE PLAN. All construction and modification projects require prior written approval by the Board of Directors.
- c] Moderate repairs, maintenance and refurbishing projects not affecting the land use or exterior appearance do not require an approved LAND USE PLAN. However, any significant construction, modification, repair, maintenance or refurbishing project affecting the land use, exterior appearance, or other community interests does require full compliance with the LAND USE PLAN protocol.

C 99.00 Approval

By a proper and lawful VOTE of the General Members, and by review and APPROVAL of the Board of Directors, the Association established these revised uniform protective Covenants, Conditions and Restrictions (or CC&R's) as of May 15, 2000. Any substantive or procedural modification to these CC&R's requires a formal VOTE by the General Members in which a minimum "two-thirds" majority supporting the change must be recorded.

Robert Tjossem, Board President

Lyle Aeschilman, Board Member

Lamar Bennett, Board Member

Werner Steffen, Board Member

Dave Wolfert, Board Member

Carlin Bay Property Owners' Association Inc.

[D] Definitions and Index

Abandoned Boats	see:	C 60.00 [e]
Abandoned Vehicles	see:	C 86.00 [b]
Access	see:	C 78.00
Airstrip	see:	C 64.00
Animals	see:	C86.00 [e], C86.00 [f], and C 86.00 [g]
Annexations	see:	C 42.00 [b]; previous references by LANDS WEST, Inc.
Architectural Committee	see:	C 70.00, C 72.00, and C 74.00, (Architectural-Landscaping)
Articles of Incorporation	see:	B 10.00 and C10.00; original references by LANDS WEST, Inc. (1973) and subsequently amended by CBPOA, Inc. (March, 2000), etc.
Assessments, Definition	see:	C 38.00
Assessments, Delinquent Accounts	see:	C 36.00
Assessments, General	see:	C 40.00
Assessments, Payment Schedule	see:	C 28.00
Assessments, Special subsequently	see:	C 42.00; original references by LANDS WEST, Inc. (1973) and amended by CBPOA (March, 2000); including B 16.00 [c], B 28.00, C 18.00 [i], and C 28.00
Association (CBPOA)	see:	B 10.00; reference to Carlin Bay Property Owners' Association
Appurtenant Structures	see:	C 84.00
Ballots and Surveys	see:	B 60.00
Beach, Swimming	see:	C 58.00
Board	see:	B 18.00 to B 38.00; reference to Board of Directors (CBPOA)
Board Actions	see:	B 16.00, B 38.00, B 50.00, and B 80.00 to B 96.00
Board Appointments	see:	B 34.00
Board Elections	see:	B 36.00
Board Indemnification	see:	B 38.00
Board Meetings	see:	B 50.00
Board Member	see:	B 30.00
Board Nominations	see:	B 36.00
Board President	see:	B 22.00
Board Secretary	see:	B 26.00
Board Term Limits	see:	B 32.00
Board Treasurer	see:	B 28.00
Board Vice President	see:	B 24.00
Boats	see:	C 28.00, C 58.00, and C 60.00 (see: "watercraft")
Boat Slips, Condition	see:	C 58.00 and C 60.00
Boat Slips, Purchase	see:	C 62.00
Boat Speed	see:	C 58.00 [e]; reference to "No Wake Rule" and "5 MPH"
Business Activities	see:	B 14.00
Business Office	see:	B 12.00
Carlin Bay Meadows	see:	C 10.00
CBE	ref:	abbreviation: Carlin Bay Estates; same as Carlin Bay Ranches
CBM	ref:	abbreviation: Carlin Bay Meadows
CBPOA	ref:	abbreviation: Carlin Bay Property Owners' Association
CBR	ref:	abbreviation: Carlin Bay Ranches; same as Carlin Bay Estates
CBSC	ref:	abbreviation: Carlin Bay Services Corporation (circa 1981 to 1999); adjunct of the LANDS WEST development company; formally re-named

CC&R's	ref:	Carlin Bay Property Owners' Association (March, 2000)
Committee, Advisory	see:	abbreviation: Covenants, Conditions and Restrictions; legally binding
Committee, Appointments	see:	B 16 [f], B 18.00, and B 40.00
Committee, Standing	see:	B 16.00 [f] and B 40.00
Landscaping)	see:	B 16.00 [f], B 18.00, B 40.00, and C 70.00 (Architectural-
Common Areas, or Properties	see:	C 22.00 and C 24.00
Compensation	see:	B 42.00
Community Standards	see:	C 86.00
Conditions	ref:	CC&R's
Consolidations	see:	C 42.00 [b]; previous references by LANDS WEST, Inc.
Construction	see:	C 76.00, C 80.00, and C 88.00
Corporation	ref:	original references to the Carlin Bay Services Corporation (circa 1981 to
1999);		contemporary references to the Carlin Bay Property Owners'
Association		
Covenants	ref:	CC&R's
Declaration and Notice	see:	C 12.00
Director, or Directors	see:	B 20.00 (et seq); reference to Board of Directors, Board Member(s)
Displays or Signs	see:	C 68.00
Divisions	see:	C 42.00 [b]; previous references by LANDS WEST, Inc.
Duties and Purpose (CBPOA)	see:	C 18.00
Duties, Board of Directors	see:	B 16.00
Duties, Committee	see:	C 72.00 re: Architectural-Landscaping Committee (Standing)
Duties, Members	see:	C 48.00
Easements	see:	C 20.00
Enforcement	see:	B 80.00 to C 96.00, etc.
Enforcement, Board Policy	see:	B 80.00
Enforcement, Delayed	see:	B 94.00
Enforcement, Emergency	see:	B 92.00
Enforcement, Expenses	see:	B 96.00 [e], C 16.00 [d], and C 36.00
Enforcement, Loss of Membership	see:	B 16.00 [a], B 70.00 [c], and B 96.00
Enforcement, Notice	see:	B 90.00
Enforcement, Policy	see:	B 80.00
Enforcement, Prolonged	see:	B 96.00
Fencing	see:	C 78.00
Fire, or Fire Safety	see:	C 32.00 (Eastside Fire Protection District)
Firewood	see:	C 86.00 [i]
Gate, or Gate Structures	see:	C 78.00 [b]
General Members	ref:	Property Owners, General Members, Stockholders, or
Shareholders		
General Rules and Regulations	see:	C 48.00
Gifts	see:	B 44.00
Historical Statement	see:	C 10.00
Horses	see:	C 86.00 [e]
LANDS WEST	see:	B 10.00, C 10.00, and C 62.00
Landscaping Committee	see:	C 70.00, C 72.00, and C 74.00 (Architectural-Landscaping)
Lakeside Residential Community	see:	C 30.00 and C 86.00
Land Use	see:	C 12.00, C 14.00, C 20.00, C 30.00, and C 76.00 to C 88.00
Land Use Plan	see:	C 76.00
Launch Ramp	see:	C 58.00 [j] and C 58.00 [l]
LRE	ref:	abbreviation: Lakeview Ridge Estates
Mailing Address	see:	B 12.00 (business office) and B 26.00 (members)

Marina see: C 28.00, C 58.00, C 60.00, and C 62.00
 Meetings, Annual see: B 52.00
 Meetings, Board see: B 50.00
 Meetings, Members see: B 52.00
 Members ref: Property Owners, General Members, Stockholders, or Shareholders
 Shareholders
 Membership, Continued see: C 46.00
 Membership, Loss see: B 16.00 [a], B 70.00 [c], and B 96.00
 Membership, Required see: C 44.00
 Membership, Restrictions see: C 44.00 and C 48.00
 Membership, Suspended see: B 16.00 [a], B 70.00 [c], and B 96.00
 Membership, Transfers see: C 44.00 [a] and C 44.00 [b]
 Modifications see: C 30.00 (Planned Community), C 50.00 (utilities), C 60.00 [f] (docks), C 78.00 (roads), and C 88.00 (construction & renovation)

Noise, Excessive see: C 30.00 (Planned Community), C 48.00, C 58.00 [h], and C 86.00 [h]
 Non-Compliance see: B 90.00
 Notice, Easements see: C 20.00
 Notice, Non-Compliance see: B 90.00
 Notice, Property Owners see: C 12.00 and C 16.00

Organization, Dissolved see: B 10.00 and C 10.00 (CBSC)
 Organization, Revised see: B 10.00 and C 10.00 (CBPOA)
 Organization, Structure see: B 18.00 (CBPOA)

Pass Through Taxes ref: original term used by LANDS WEST, revised term: "special assessment"
 assessment"

Planned Community see: C 30.00
 Private Property see: C 26.00
 Private Roads see: C 22.00
 Primary Structures see: C 82.00
 Principal Office see: B 12.00 (CBPOA)
 Property, Access see: C 78.00
 Property, Appearance see: C 86.00 [b] and C 86.00 [c]
 Property, Common see: B 10.00, C 10.00, C 20.00, C 22.00, and C 24.00
 Property, LANDS WEST see: B 10.00, C 10.00, and C 62.00
 Property, Lines see: C 80.00
 Property, Management see: B 16.00, C 18.00, and C 28.00
 Property, Private see: C 26.00
 Property, Private Roads see: C 22.00
 Purpose, Revised see: B 16.00 and C 18.00 (CBPOA)

Refuse see: C 86.00 [b]
 Registration, Aircraft see: C 66.00
 Registration, Vessels see: C 60.00
 Regulations see: C 48.00 (General), C 58.00 (Marina), C 64.00 (Airstrip), and C 86.00 (Community Standards)

Restrictions ref: CC&R's
 Renovation, or Remodel see: C 88.00
 Roads, Private see: C 22.00
 Rules see: C 48.00 (General), C 58.00 (Marina), C 64.00 (Airstrip), and C 86.00 (Community Standards)

Schedule of Payments see: C 34.00
 Signs, or Signage see: C 68.00
 Set Backs, or Setbacks see: C 80.00
 Shareholders ref: Property Owners, General Members, Stockholders, or Shareholders
 Special Annexations see: C 42.00 [b]
 Special Assessments see: C 42.00
 Special Facilities see: C 28.00
 Special Projects see: C 38.00 (funding)
 Special Services see: C 42.00 [b]

Stockholders	ref:	Property Owners, General Members, Stockholders, or Shareholders
Storage Facility	see:	C 56.00 (Pending)
Structures, Appurtenant	see:	C 84.00
Structures, Factory Built	see:	C 82.00 [e]
Structures, Minimum Size	see:	C 82.00
Structures, Modifications	see:	C 88.00
Structures, Primary Residence	see:	C 82.00
Structures, Refurbish or Remodel	see:	C 88.00
Swimming	see:	C 58.00 [j]
Timber	see:	C 86.00 [i]
Traffic, Excessive Flow	see:	C 86.00 [h]
Trash	see:	C 86.00 [b]
User Fees	ref:	original term used by LANDS WEST, revised term: "special assessment"
Utilities, Alternative	see:	C 52.00 [b]
Utilities, Installation & Maintenance	see:	C 50.00
Utilities, Optional	see:	C 52.00 [d]
Utilities, Primary	see:	C 52.00
Utilities, Prohibited Devices	see:	C 54.00
Utilities, Required	see:	C 52.00
Voting	see:	B 60.00 and C 48.00
Watercraft, or Vessel, or Boat not or floats,	ref:	any waterborne vessel, either powered or non-powered including, but restricted to: vessels powered by fossil fuels, electric motors, sail, solar, human propulsion; personal watercraft ("jet skis"); canoes; row boats, dinghies (including "rubberized" and "rigid hull" inflatable crafts), etc.
Weeds, Noxious	see:	C 86.00 [c]
Wood, Storage	see:	C 86.00 [i]

[rev 6/2000]

**Carlin Bay Property Owners' Association
CC&R's Advisory Committee**

Bob Walker
Margaret Kellogg
Jeanne Dorow
Ron Del Principe
Joe Callanan

ALPHA-GUIDE TO CBPOA DOCUMENTS

APPLICATION, DURABILITY and REDRESS C 16.00
> no substantive changes, remained consistent with previous CC&R's documents
> common protective legal language, approved by Board Attorney

APPROVAL
> Board of Director's approval and signatures
> establishes criteria for subsequent amendments
> effects: [A] Articles of Incorporation
 [B] By Laws
 [C] CC&R's

ARCHITECTURAL-LANDSCAPING COMMITTEE C 70.00
> no substantive changes, remained consistent with previous CC&R's documents
> effects: creates "standing committee" of volunteer property owners
> votes: 99-01.7 (79.8%)
 99-01.17 (80.0%)
 99-04.1 (72.4%)

ARCHITECTURAL-LANDSCAPING COMMITTEE COMMUNICATIONS C 74.00
> contains some new and revised language, remained consistent with past practices
> effects: establishes committee communication and reporting protocols
> votes: 99-04.3 (69.7%)

ARCHITECTURAL-LANDSCAPING COMMITTEE DUTIES C 72.00
> contains some new and revised language, remained consistent with past practices
> effects: establishes specific committee duties and responsibilities
> votes: 99-04.2 (71.5%)

ARTICLES OF INCORPORATION
> remained consistent with previous legal documents, complied with legal requirements, reviewed and approved by the Board's Attorney, thereafter filed with the Idaho Secretary of State, etc.
> effects: serves to legally change the organizational name (CBPOA, Inc.), does not change the "non-profit" corporation status, etc.
> votes: 99-00 (80.0%) (survey)
 99-01.23 (83.4%) (survey)

ASSESSMENTS - DEFINITION C 38.00

>	no substantive changes, remained consistent with previous CC&R's documents		
>	contains common protective legal language, contains revised terminology, etc.		
>	effects:	clarifies previous ambiguities, enhances bookkeeping functions, etc.	
>	votes:	99-01.17 (80.7%)	(modified by vote returns)
		99-03.5 (70.0%)	(modified by vote returns)
ASSESSMENTS - DELINQUENT ACCOUNTS			C 36.00
>	no substantive changes, remained consistent with previous CC&R's documents		
>	common protective legal language, contains revised terminology and procedure		
>	effects:	clarifies previous ambiguities, enhances bookkeeping functions	
>	votes:	99-01.2 (68.8%)	(modified by vote returns)
		99-03.11 (70.6%)	(modified by vote returns)
ASSESSMENTS - GENERAL			C 40.00
>	no substantive changes, remained consistent with previous CC&R's documents		
>	common protective legal language, contains revised terminology and procedure		
>	effects:	clarifies previous ambiguities, enhances bookkeeping functions	
>	votes:	99-01.1 (81.6%)	(modified by vote returns)
		99-01.17 (80.7%)	(modified by vote returns)
		99-03.5 (70.0%)	(modified by vote returns)
ASSESSMENTS - SCHEDULE OF PAYMENTS			C 34.00
>	no substantive changes, remained consistent with previous CC&R's documents		
>	common protective legal language, contains revised terminology and procedure		
>	effects:	clarifies previous ambiguity, establishes terminology and procedure	
>	votes:	99-03.11 (70.6%)	(modified by vote returns)
ASSESSMENTS - SPECIAL			C 42.00
>	no substantive changes, remained consistent with previous CC&R's documents		
>	common protective legal language, contains revised terminology and procedure (replaces: "pass through taxes" and "user fees", etc.)		
>	effects:	clarifies previous ambiguities, enhances bookkeeping functions	
>	votes:	99-03.12 (69.7%)	(modified by vote returns)
BOARD APPOINTMENTS			B 34.00
>	no substantive changes, remained consistent with previous CC&R's documents		
>	common protective legal language, contains revised terminology and procedure		
>	effects:	clarifies previous ambiguities, establishes appointment protocols	
>	votes:	99-02.3 (77.9%)	(appointments)
BOARD INDEMNIFICATION			B 38.00
>	No Change	No Votes	
>	effects:	continues liability protection at existing risk management levels	
BOARD MEMBER			B 30.00
>	no substantive changes, remained consistent with previous CC&R's documents		
>	effects:	describes specific duties and responsibilities of Board Secretary	
>	votes:	99-02.1 (78.8%)	(members)
		99-02.2 (76.1%)	(term limits)
		99-02.3 (77.9%)	(appointments)
		99.02.10 (78.8%)	(organization)
BOARD NOMINATIONS AND ELECTIONS			B 36.00

- > no substantive changes, remained consistent with previous CC&R's documents
- > common protective legal language, contains revised terminology and procedure
- > effects: clarifies previous ambiguities, continues established election protocols, provides uninterrupted Board service, continues rotation of Board members, etc.
- > votes:

99-02.1	(78.8%)	(members)
99-02.2	(76.1%)	(term limits)
99-02.3	(77.9%)	(appointments)
99.02.10	(78.8%)	(organization)

BOARD OF DIRECTORS B 20.00

- > no substantive changes, remained consistent with previous CC&R's documents
- > common protective legal language, contains revised terminology and procedure
- > effects: clarifies previous ambiguities, continues established election protocols, provides uninterrupted Board service, maintains rotation of Board members, etc.
- > votes:

99-02.1	(78.8%)	(members)
99-02.2	(76.1%)	(term limits)
99-02.3	(77.9%)	(appointments)
99.02.10	(78.8%)	(organization)

BOARD PRESIDENT B 22.00

- > no substantive changes, remained consistent with previous CC&R's documents
- > effects: describes specific duties and responsibilities of Board President
- > votes:

99-02.1	(78.8%)	(members)
99-02.2	(76.1%)	(term limits)
99-02.3	(77.9%)	(appointments)
99.02.10	(78.8%)	(organization)

BOARD SECRETARY B 26.00

- > no substantive changes, remained consistent with previous CC&R's documents
- > effects: describes specific duties and responsibilities of Board Secretary
- > votes:

99-02.1	(78.8%)	(members)
99-02.2	(76.1%)	(term limits)
99-02.3	(77.9%)	(appointments)
99.02.10	(78.8%)	(organization)

BOARD TERM LIMITS B 32.00

- > no substantive changes, remained consistent with previous CC&R's documents
- > effects: describes specific term limits for Board members
- > votes:

99-02.2	(76.1%)	(term limits)
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BOARD TREASURER B 28.00

- > no substantive changes, remained consistent with previous CC&R's documents
- > effects: describes specific duties and responsibilities of Board Treasurer
- > votes:

99-02.1	(78.8%)	(members)
99-02.2	(76.1%)	(term limits)
99-02.3	(77.9%)	(appointments)
99.02.10	(78.8%)	(organization)

BOARD VICE PRESIDENT B 24.00

- > no substantive changes, remained consistent with previous CC&R's documents
- > effects: describes specific duties and responsibilities of Board Vice President
- > votes:

99-02.1	(78.8%)	(members)
99-02.2	(76.1%)	(term limits)
99-02.3	(77.9%)	(appointments)
99.02.10	(78.8%)	(organization)

BUSINESS ACTIVITIES	B 14.00
> no substantive changes, remained consistent with previous CC&R's documents	
> effects: defines place of business and mailing address	
> votes: 99-01.23 (83.4%) (name change) (survey)	
99-02.7 (77.9%) (historical statement) (survey)	
99-02.8 (81.6%) (CBSC dissolved)	
99-02.9 (77.9%) (revised CBPOA)	
 CARLIN BAY PROPERTY OWNERS' ASSOCIATION	 B 10.00
> consistent with revised Articles of Incorporation, approved by Board Attorney	
> effects: defines "non-profit" organization including new structure and purpose, etc.	
> votes: 99-01.1 (81.6%) (principal duties) (survey)	
99-01.8 (81.6%) (revised purpose)	
99-01.23 (83.4%) (name change) (survey)	
99-02.7 (77.9%) (historical statement) (survey)	
99-02.8 (81.6%) (CBSC dissolved)	
99-02.9 (77.9%) (revised CBPOA)	
 COMMITTEE APPOINTMENTS	 B 40.00
> no substantive changes, remained consistent with previous CC&R's documents	
> common protective legal language, contains revised terminology and procedure	
> effects: clarifies previous ambiguities, establishes appointment protocols, gives Board authority to appoint "standing committees" and "advisory committees", etc.	
> votes: 99-02.4 (76.1%) (committee appointments)	
 COMPENSATION	 B 42.00
> no substantive changes, remained consistent with previous CC&R's documents	
> common protective legal language, contains revised terminology and procedure	
> effects: clarifies previous ambiguities, oversees operating expenses and reimbursements	
> votes: 99-02.5 (78.8%) (compensation)	
 COVENANTS, CONDITIONS AND RESTRICTIONS	 C 14.00
> complete revision of previous CC&R's, based on prior policies, past practices, recent surveys, and various pre-existing documents, declarations, agreements, contracts, etc.	
> revised language constructed Board members, Advisory Committee members, General Members, special readers and consultants, and by CBPOA legal counsel (extensive surveying and formal balloting, legal and technical oversight, etc.)	
> effects: created new policies, practices, protocols and community standards; created a consolidated property owners' association (ref: CBPOA, Inc.); adopted consolidated operational and administrative policies and procedures; reduced the formal VOTE criteria to a simple "two-thirds" standard; established a modern bookkeeping systems and enforcement protocols; etc.	
> votes: 99-02.10 (78.8%) (revised structure) (survey)	
99-03.1 (71.5%) (notice to property owners)	
 DECLARATION AND NOTICE	 C 12.00
> no substantive changes, remained consistent with previous CC&R's documents	
> common protective legal language, contains revised terminology and procedure	
> effects: clarifies previous ambiguities, defines liens and assessments, describes property rights and land use restrictions, etc.	
> votes: 99-03.1 (71.5%) (notice to property owners)	
 DELAYED ENFORCEMENT	 B 94.00
> no substantive changes, remained consistent with previous CC&R's and past practices	
> common protective legal language, contains revised terminology and procedure	
> effects: clarifies previous ambiguities, defines property owner responsibilities, describes Board action in non-compliant circumstances, etc.	

> votes: 99-05 (et seq) (70.6%) (modified by vote returns)

EMERGENCY ENFORCEMENT B 92.00

> no substantive changes, remained consistent with previous CC&R's and past practices
> common protective legal language, contains revised terminology and procedure
> effects: clarifies previous ambiguities, defines property owner responsibilities,
describes Board action in emergency (health & safety) circumstances, etc.
> votes: 99-05 (et seq) (70.6%) (modified by vote returns)

ENFORCEMENT POLICY B 80.00

> no substantive changes, remained consistent with previous CC&R's and past practices
> common protective legal language, contains revised terminology and procedure
> effects: clarifies previous ambiguities, establishes uniform enforcement policy
> votes: 99-05 (et seq) (70.6%) (modified by vote returns)

FIRE SAFETY C 32.00

> new standard of care, establishes responsibilities of property owners
> effects: enhances personal and community safety, supports Eastside Fire District, etc.
> votes: 99-01.11 (80.7%) (grassy areas)
99-01.13 (81.6%) (boat slips)
99-01.14 (84.4%) (wooded areas)
99-04.10 (70.0%) (timber resources)
99-04.13 (68.8%) (weed abatement)

GENERAL RULES AND REGULATIONS C 48.00

> collection of new and revised community standards, generally consistent with previous
CC&R's and past practices, generally reviewed (survey or ballot) by General Members,
significant attention to "special facilities" and "community standards" with primary attention
to maintaining a safe and secure "lakeside residential community", significant attention to
risk management and civil liability issues, etc.
> effects: clarifies previous ambiguities, defines property owner responsibilities,
clearly defines the community standards and community decorum,
prohibits certain conduct or activities, establishes VOTING rights, etc.
> votes: 99-01 (et seq) (81.6%) (principal duties & purpose)
99-02 (et seq) (78.8%) (revised organization)
99-03 (et seq) (71.5%) (membership requirements)
99-05 (et seq) (70.6%) (enforcement policy)
99-06 (et seq) (76.3%) (general rules & meetings)

GIFTS B 44.00

> no substantive changes, remained consistent with previous CC&R's documents
> effects: restricts Board members, oversees Association assets, etc.
> votes: 99-02.6 (78.8%) (gifts, bequests or devise, etc)

HISTORICAL STATEMENT C 10.00

> summary of CBPOA history and evolution (circa 1981 to 2000), attempts to document

- > the development of 11 named real estate tracts by LANDS WEST, creates proper record to distinguish past marketing practices and representations from the CBPOA management, etc.
- > effects: clarifies ownership and transfer of the so-called "common areas" (circa 2000), defines a more modern CBPOA management policy, etc.
- > votes: 99-02.7 (77.9%) (historical statement) (survey)

LAND USE PLAN C 76.00

- > new concept concerning a "user friendly" property owners' guide, attempts to assemble and refine uniform community standards concerning various land use issues, etc. (project in progress, assigned to the Architectural-Landscaping Committee)
- > effects: provides uniform community standards, permits individual site considerations, accommodates future need to revise, update or modify, etc.
- > votes: 99-04.17 (68.8%) (Land Use Plan)

LAND USE - ACCESS AND FENCING C 78.00

- > no substantive changes, remained consistent with previous CC&R's documents
- > effects: protects utilities, roadways, emergency service delivery, environment, etc.
- > votes: 99-01.9 (84.4%) (roads, walks, trails, etc.)
- 99-04.4 (71.5%) (planned community)

LAND USE - APPURTENANT STRUCTURES C 84.00

- > no substantive changes, remained consistent with previous CC&R's documents
- > effects: number, size and type of non-residential structures permitted, etc.
- > votes: 99-01.20-22 (77.0%) (minimum build) (survey)
- 99-04.2 (71.5%) (project oversight)
- 99-04.4 (71.5%) (planned community)
- 99-04.5 (70.0%) (approved buildings)
- 99-04.18 (70.0%) (number of structures)

LAND USE - COMMUNITY STANDARDS C 86.00

- > no substantive changes, remained consistent with previous CC&R's and past practices
- > effects: land use, safety, conduct, construction, environmental resources, etc.
- > votes: 99-04.5 (70.0%) (approved buildings)
- 99-04.6 (72.4%) (prohibited activity)
- 99-04.7 (69.7%) (permitted animals)
- 99-04.8 (73.3%) (prohibited animals)
- 99-04.9 (69.7%) (equestrian animals)
- 99-04.10 (70.0%) (timber resources)
- 99-04.11 (74.3%) (common roads)
- 99-04.12 (74.3%) (general appearance)
- 99-04.13 (68.8%) (special appearance)
- 99-04.15 (72.4%) (work projects)

LAND USE - CONSTRUCTION AND RENOVATION C 88.00

- > no substantive changes, remained consistent with previous CC&R's and past practices
- > effects: land use, safety, conduct, construction, environmental resources, etc.
- > votes: 99-04.15 (72.4%) (work projects)
- 99-04.17 (68.8%) (Land Use Plan)

LAND USE - PRIMARY STRUCTURES C 82.00

- > new specifications defining minimum building based on lot size and date of ownership, generally consistent with previous CC&R's and past practices, etc.
- > effects: land use, safety, conduct, construction, environmental resources, etc.
- > votes: 99-01.20 (77.0%) (minimum build: "grandfather")
- 99-01.21 (81.6%) (minimum build: large lot at 1200 sq/ft)

	99-01.22	(75.2%)	(minimum build: small lot at 900 sq/ft)	
	99-04.18	(70.0%)	(primary structures defined)	
	99-04.19	(71.5%)	(prohibited structures)	
LAND USE - SETBACKS				C 80.00
>	No Change	No Votes		
>	so-called "setbacks" are specifically controlled by local building and safety regulations			
MEETINGS - BOARD OF DIRECTORS				B 50.00
>	No Change	No Votes		
MEETINGS - GENERAL MEMBERS				B 52.00
>	No Change			
>	votes:	99-06.5	(74.5%)	(annual meeting, vote by proxy)
MEMBERSHIP CONTINUED				C 46.00
>	No Change	[transitional language re: CBSC to CBPOA]		
>	votes:	99-03.3	(72.4%)	(membership continued)
MEMBERSHIP REQUIRED				C 44.00
>	No Change	[transitional language re: CBSC to CBPOA]		
>	votes:	99-03.2	(71.5%)	(membership required)
		99-06.2	(73.6%)	(members re: CC&R's)
MEMBERSHIP REQUIREMENTS				B 70.00
>	No Change	[transitional language re: CBSC to CBPOA]		
>	votes:	99-03.2	(71.5%)	(membership required)
		99-03.4	(69.7%)	(restrictions & transfers)
		99-05.9	(68.8%)	(membership suspension)
		99-06.2	(73.6%)	(members re: CC&R's)
NOTICE OF EASEMENTS				C 20.00
>	no substantive changes, remained consistent with previous CC&R's and past practices			
>	effects:	utilities and service systems, CBPOA access and property rights, etc.		
>	votes:	99-01 (et seq)	(81.6%)	(revised purpose)
		99-02 (et seq)	(78.8%)	(revised organization)
		99-03.1	(71.5%)	(notice to property owners)
		99-04.16	(70.0%)	(primary utilities required)
NOTICE OF NON-COMPLIANCE				B 90.00
>	no substantive changes, remained consistent with previous CC&R's and past practices			
>	common protective legal language, contains revised terminology and procedure			
>	effects:	clarifies previous ambiguities, defines property owner responsibilities, describes Board action in non-compliant circumstances, provides the property owner "due process" in non-emergency circumstances, etc.		
>	votes:	99-05.5	(68.8%)	(modified by vote returns)
ORGANIZATION AND STRUCTURE				B 18.00
>	no substantive changes, remained consistent with previous CC&R's documents, eliminates various classes of property owners described in earlier amendments, etc.			
>	effects:	clarifies previous ambiguities concerning organizational structure, etc.		
>	votes:	99-02.10	(78.8)	(revised structure)

PLANNED COMMUNITY C 30.00

- > completely new section based on previous CC&R's documents and survey findings, significant shift from prior marketing models to a "lakeside residential community"
- > effects: defines the common interests of the property owners and sets the decorum as being a distinctive lakeside residential community, etc.
- > votes: 99-04.4 (71.5%) (planned community) (survey)

PRINCIPAL OFFICE B 12.00

- > No Change No Votes
- > effects: defines place of business, mailing address, and revised name (CBPOA)

PRINCIPAL DUTIES B 16.00

- > no substantive changes, remained consistent with previous CC&R's documents
- > effects: clarifies previous ambiguities concerning organizational structure and function, defines the authority of the Board of Directors, and maintains annual assessment limits (5%) as prescribed in previous CC&R's, etc.
- > votes: 99-01.1 (81.6%) (financial responsibility)
- 99-01.2 (68.8%) (membership suspension)
- 99-01.3 (79.8%) (oversee general welfare)
- 99-01.5 (74.3%) (amendment criteria)
- 99-01.7 (79.8%) (establish committees)

Note: This section was modified based on vote returns, pre-existing agreements, and the need for transitional language concerning the transfer of the so-called "common areas", etc. A proposal to increase the general assessment limit from 5% to 10% per year was defeated in the formal VOTE of the property owners. (ref: 99-03.6)

PROLONGED ENFORCEMENT B 96.00

- > no substantive changes, remained consistent with previous CC&R's and past practices
- > common protective legal language, contains revised terminology and procedure
- > effects: clarifies previous ambiguities, defines property owner responsibilities, describes Board action in non-compliant circumstances, etc.
- > votes: 99-05 (et seq) (70.6%) (modified by vote returns)

PROPERTIES AFFECTED - COMMON AREAS C 24.00

- > No Change No Votes
- > effects: ref: Kootenai County Escrow Instrument Number #1629083.

PROPERTIES AFFECTED - PRIVATE AREAS C 26.00

- > No Change No Votes

Note: Includes an updated listing of private properties based on recent records and annexations. Does not include the Carlin Bay Meadows properties or the evaporative ponds)

PROPERTIES AFFECTED - PRIVATE ROADS C 22.00

- > No Change No Votes

Note: Includes an updated listing of private properties recently transferred to CBPOA and described as being "private roads" . . . see Kootenai County Escrow Instrument Number #1629083.

SPECIAL FACILITIES C 28.00

- > No Change [transitional language re: CBSC to CBPOA]
 - > effects: management of certain "common areas" including operating expenses
 - > votes:

99-01.1	(81.6%)	(principal duties)
99-01.17	(80.7%)	(revised purpose)
99-03 (et seq)	(71.5%)	(assessments, etc.)
99-05.9	(68.8%)	(membership suspension)
- Note: This section was modified based on vote returns, pre-existing agreements, and the need for transitional language concerning the "common areas", etc.

SPECIAL RULES - AIRCRAFT REGISTRATION AND STORAGE C 66.00
and

SPECIAL RULES - AIRSTRIP FACILITY C 64.00

- > completely new sections based on previous CC&R's and past practices, subjects described in the revised CC&R's are often subordinate to local and Federal laws
- > effects: new standards designed for enhanced safety and risk management, etc.
- > votes:

99-06.7	(74.5%)	(special rules adopted)
99-06.8	(76.3%)	(law & safety compliance)
99-06.9	(69.7%)	(insurance & registration)
99-06.10	(72.7%)	(CBPOA records)
99-06.11	(67.2%)	(special assessments)
99-06.12	(76.3%)	(no liability assumed)
99-06.13	(72.7%)	(transient aircraft & pilots)
99-06.14	(75.4%)	(aviator qualifications)
99-06.15	(75.4%)	(no commercial use)
99-06.16	(70.9%)	(use of aircraft hangars)
99-06.17	(76.3%)	(no disorderly conduct)
99-06.18	(73.6%)	(supervision of children)

Note: This section was modified based on legal review, liability coverage, applicable local and Federal laws, and other aviation issues.

SPECIAL RULES - LANDS WEST BOAT SLIPS C 62.00

- > No Change [transitional language re: CBSC to CBPOA]
- > effects: revised section based exclusively on pre-existing contracts and agreements, permits CBPOA to monitor LANDS WEST activities, provides for shared facilities maintenance, planning, and funding, etc.

SPECIAL RULES - MARINA AND BEACH FACILITY C 58.00
and

SPECIAL RULES - VESSEL REGISTRATION AND STORAGE C 60.00

- > completely new sections based on previous CC&R's and past practices, subjects described in the revised CC&R's are often subordinate to local and Federal laws
- > effects: new standards designed for enhanced safety and risk management, etc.
- > votes:

99-07.1	(75.4%)	(special rules adopted)
99-07.2	(73.6%)	(law & safety compliance)
99-07.3	(73.6%)	(insurance & registration)
99-07.4	(68.1%)	(CBPOA records)
99-07.6	(75.4%)	(no liability assumed)
99-07.7	(74.5%)	(transient vessels & operators)
99-07.8	(75.4%)	(boat operators & boat speed)

99-07.9	(75.4%)	(no commercial use)
99-07.10	(72.7%)	(no onboard residency)
99-07.11	(75.4%)	(no disorderly conduct)
99-07.12	(73.6%)	(no trespassing or public use)
99-07.13	(73.6%)	(small craft use only)
99-07.14	(76.3%)	(secure craft & no discharge)
99-07.15	(75.4%)	(no abandoned vessels, etc.)
99-07.16	(75.4%)	(seaworthy vessel & safe docks)
99-07.17	(76.3%)	(electrical safety devices)
99-07.18	(76.3%)	(chemicals & fuel storage safety)
99-07.19	(76.3%)	(no discharge & no abandoned trash)
99-07.20	(76.3%)	(vehicle access & parking)
99-07.21	(74.5%)	(swimming safety & restricted areas)
99-07.22	(75.4%)	(boating safety & restricted areas)
99-07.23	(73.6%)	(supervision of children)

Note: This section was modified based on legal review, liability coverage, applicable local and Federal laws, and other boating safety issues.

SPECIAL RULES - SIGNS AND DISPLAYS C 68.00

- > no substantive change, revised section based on previous CC&R's documents, past practices and existing standards developed by the Architectural-Landscaping Committee in conjunction with property owners and local real estate professionals, etc.
- > special consideration to LANDS WEST signage on public roads, etc.
- > effects: any and all signs or displays, including real estate signage, etc.
- > votes: 99-04 (et seq) (72.4%) (Architectural-Landscaping Committee)

SPECIAL RULES - STORAGE FACILITY C 56.00

- > (pending)

SURVEYS AND BALLOTS B 60.00

- > no change in VOTING rights or protocols, adds a non-binding SURVEY process
- > effects: permits surveying and/or balloting by mail
- > votes: 99-06.4 (73.6%) (vote, nomination, or survey) (survey)
- 99-06.5 (74.5%) (annual meeting, vote by proxy)

UTILITIES - INSTALLATION AND MAINTENANCE C 50.00

and

UTILITIES - PRIMARY SERVICES REQUIRED C 52.00

and

UTILITIES - PROHIBITED DEVICES C 54.00

- > no change, revised language describes established standards and procedures, remained consistent with previous CC&R's documents and past practices, etc.
- > effects: existing and proposed single family residences
- > votes: 99-01 (et seq) (81.6%) (principal duties)
- 99-03.12 (69.7%) (special services & annexations)
- 99-04.16 (70.0%) (utilities - primary services, etc.)

Note: These revised three sections continue standards and specifications that were originally established by LANDS WEST and CBSC, Inc.