
**TENTH AMENDMENT TO
DECLARATION OF COVENANTS, CONDITIONS,
AND RESTRICTIONS OF
CARLIN BAY PROPERTY OWNERS' ASSOCIATION, INC.**

This document is intended to be the Tenth Amendment (hereafter "Tenth Amendment") to Bylaws and Declaration of Covenants, Conditions, and Restrictions of Carlin Bay Property Owners' Association, Inc., and all recorded Amendments and recorded Addenda thereto. The referenced "Declaration of Covenants, Conditions, and Restrictions of Carlin Bay Property Owners' Association, Inc." including the Association's Bylaws, was recorded on June 19, 2000 as Kootenai County Instrument No. 1638923. The use of the term "Declaration" herein shall be understood to refer to the referenced Declaration, together with all recorded Amendments and Addenda.

1. Contextual Background. Section C 99.00 of the Declaration provides that [a]ny substantive or procedural modification to these CC&Rs requires a formal VOTE by the General Members in which a minimum "two-thirds majority supporting the change must be recorded." This provision is interpreted by the Board of Directors of the Association to require a minimum "two-thirds" majority of a quorum of General Members voting in favor of the proposed Amendment at a general or special member meeting at which the requested amendment has been properly noticed. Section B 99.00 of the Declaration, which consists of the Association's Bylaws, provides that "[a]ny substantive or procedural modification to these Bylaws requires a formal VOTE by the General Members in which a minimum two-thirds majority supporting the change must be recorded." The Association's Board of Directors interprets this provision to require that an Amendment to the Bylaws be approved by a two-thirds vote of a quorum at a general Member meeting or a special Member meeting. The Board has adhered to the foregoing standards with respect to the recordation of this Tenth Amendment, and certifies that the Amendments set forth herein were duly-adopted by two-thirds of a quorum of Members at the Association's Annual General Meeting of 2024, held on June 22, 2024.

2. Effect of Amendment. All Amendments set forth in this Tenth Amendment are

effective upon the recordation hereof. Any Amendment herein takes precedence and priority over any conflicting provision in the Association's Declaration (including any prior Amendments thereto) or in the Association's Bylaws (including any prior Amendments thereto).

3. Amendment to Section C 76.00 of the Declaration. Section C 76.00 (headed "Land Use Plan") of the Declaration is hereby amended in its entirety to read as follows:

- a. Property owners intending to erect, construct, install, modify, repair, alter or refurbish any new or existing building, structure, or utility described herein must adhere to the LAND USE PLAN utilizing the current CBPOA guideline document so that the Board may properly review, consider and approve or disapprove the intended project.
- b. This is a required protocol designed to protect the interests in the Association, including the concerned property owner, and the unique Carlin Bay environment.
- c. As defined in C 72.00 above, the LAND USE PLAN is designed to reflect the CBPOA CC&Rs as close as possible to assist property owners intending to build residences/structures and to correctly use their properties within the CBPOA community. Using the approved baseline LAND USE PLAN dated 2-18-2024 and from that date forward, any changes to that document made by the Architectural Landscaping Committee (ARLC) must be brought before the Board of Directors for their concurrence and ratification or sent back for ARLC clarification or updates. Once concurred and ratified by the Board of Directors, the updated (but still unapproved) LAND USE PLAN must be brought to the Association's Membership for final approval vote. As is the case for CC&R change/addition approval using a two-thirds majority the LAND USE PLAN approval will require the same super-majority requirement. Once approved by the Membership, the updated LAND USE PLAN will be republished and re-stated as the valid CBPO LAND USE PLAN document.

4. Amendment to Section C 64.00 of the Declaration. Section C 64.00 (headed "Special Rules - Airstrip Facility") is amended as set forth below. The language in C 64.00(a) through (j) is restated and re-adopted herein. A new subsection (k) is added to Section C 64.00 as follows:

- k. No student or unlicensed pilot shall take off, land or operate any aircraft while at or on the CBPOA airport or runway. No certified flight instructor may do any training at the Carlin Bay airport or traffic area. No non-FAA certified pilot may land, take off, or operate an aircraft at the CBPOA airport.

5. Section C 48.00 of the Declaration. Section C 48.00 of the Declaration (headed "GENERAL RULES AND REGULATIONS") is amended as follows. The introductory paragraph

and Subsections (a) through (c) are restated and re-adopted herein. The following additional Subsection (d) is added to Section C 48.00:

- d. Any motion from the floor at a Member meeting that requires a formal vote of the Membership shall subsequently be sent by the Board to all CBPOA Members as a ballot to allow all Members to vote on the floor motion. The motion shall be sent to all CBPOA Members within thirty (30) days of the Member meeting and shall include a summary of the motion as well as a summary of arguments for and against the motion presented by the Board or Members. The Board shall propose a reasonable time for all ballots to be received to be counted toward the final formal vote.

6. Section B 28.00 of the Bylaws. Section B 28.00 of the Bylaws is amended as follows. The entirety of Section B 28.00 as contained in the Declaration is restated and re-adopted herein with the addition of the following sentence at the end of existing Section B 28.00:

Treasurer shall, on a monthly basis, submit an itemization and a brief explanation of all checks executed by the CBPOA.

7. Section B 34.00 of the Bylaws. Section B 34.00 of the Bylaws is re-adopted and restated herein subject to the following amendment. The last sentence of existing B 34.00 of the Bylaws is replaced with the following provision:

In the event of a Board vacancy, the remaining Board Members may appoint an interim Board Member who shall serve only until the next AGM (Annual General Meeting) when the vacancy shall be filled by a vote of the Membership. Should the appointed Board Member run for and be elected to the Board by a proper vote of the Membership at the AGM, then the time the appointed Board Member served prior to election shall not count against that Board Member's ability to serve a three (3) year term nor shall it affect the temporary Board Member's subsequent ability to serve two (2) full terms on the Board.

8. Section C 86.00(f) and (g) of the Declaration. Section C 86.00 of the Declaration, at Subsections (f) and (g), are amended as set forth below. The remaining said subsections in Section C 86.00 (Subsections (a) through (e) and Subsections (h) through (j)) remain as stated and are unamended hereby.

- f. **PERMITTED ANIMALS:** Domestic household animals such as dogs, cats and other 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 Association Member-permitted 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. Domestic fowl permitted hereunder are limited to chickens or hens only and all roosters are prohibited. With respect to any permitted chickens or hens, the following additional restrictions shall apply:

- (i) Chickens are allowed on lots or parcels that exceed 2.1 acres in size;
- (ii) Prior to acquiring chickens, a Member must get approval from the ARLC and the Board. Any use of the Member's property for properly-authorized hens or chickens must be for personal use only and may not, in any manner, be used for commercial purposes;
- (iii) The number of chickens per acre is limited to four (4) with a maximum of thirty (30) chickens in total;
- (iv) The chickens must be fenced and may not be free range;
- (v) Any fenced in area must be approved by the ARLC and the Board and must be of sufficient quality to ensure the safety being of chickens and to deter predators;
- (vi) A chicken coop must be approved by the ARLC and the Board and said coop must require adequate ventilation;
- (vii) The coop should be located as far away as possible from each property line with the goal of minimizing resident's ability to see the coop; and
- (viii) The coop facilities must be cleaned daily and kept free of rodents, pests, or smells.

Section C 86.00(g) of the Declaration is amended and replaced with the following:

- g. **PROHIBITED ANIMALS:** No animal or fowl may be kept, raised, bred or displayed in violation of any applicable laws, ordinances, resolutions, or the terms of the Declaration. No chickens are allowed except upon full compliance with the provisions of Section C 86.00(f). There is no grandfathered allowance of any chickens that may have been on a parcel prior to June 22, 2024, and any Member owning any such chickens must comply with Section C 86.00(f). Prohibited fowl include but are not limited to roosters, turkeys, ducks, geese, pigeons, peacocks and guineas. Other than the domestic animals described in these CC&Rs, no other animals or livestock

may be kept, raised, bred, or displayed on any lot or parcel. No collecting of animal waste, parasites or biological vectors is permitted.

The undersigned President of the Carlin Bay Property Owners' Association, Inc. hereby certify that the foregoing Amendments to the Declaration and Bylaws were adopted in conformity with the stated standards that apply and upon obtaining the requisite required Membership votes.

Dated this 14th day of April, 2025.

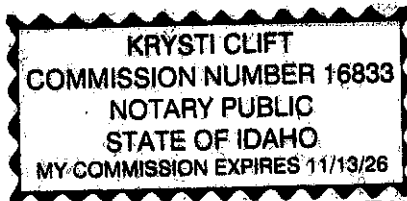
**CARLIN BAY PROPERTY OWNERS'
ASSOCIATION, INC.**

By: 
TAMMY NAGEL, President


STATE OF IDAHO)
) ss.
COUNTY OF KOOTENAI)

On this 14th day of April, 2025, before me, the undersigned, a Notary Public in and for the said State and County, personally appeared **TAMMY NAGEL**, known or identified to me to be the President of Carlin Bay Property Owners' Association, Inc., whose name is subscribed to the within instrument and who acknowledged that she is authorized to execute the same.

WITNESS my hand and official seal.



CARLIN BAY-CCRS-10TH AMENDMENT-04 08 25.wpd


Notary Public in and for the State of Idaho
Residing at: Coeur d'Alene
My commission expires: 11/13/26