



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 previously 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 previously recorded amendments and addenda.

1. This Tenth Amendment is executed by the Carlin Bay Property Owners’ Association, Inc. (hereafter “the Association”) with the approval of two-thirds of the Association’s Concerned Property Owners at the Association’s Annual General Meeting held June 21, 2025.

2. Section B 16.00 of the Association’s Bylaws is hereby amended to read as follows:

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 purposes described in the 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 (2/3rd) VOTE of the Concerned Property Owners. For voting purposes only: A Concerned Property owner is defined as a property owner in good standing who actively participates in the management of the Association by submitting a vote, a nomination, or a survey response when called upon to do so in person, by ballot, or by proxy. Tabulation will be based on those submittals only.
- 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 (2/3rd) 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.

3. Section B 99.00 of the Association's Bylaws is hereby amended to read as follows:

B 99.00 Approval of Bylaws

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 Bylaws as of May 15, 2000. Any substantive or procedural modification to these Bylaws requires a formal VOTE by the Concerned Property Owners in which a minimum "two-thirds" majority supporting the change must be recorded.

4. Section C 99.00 of the Association's Covenants, Conditions, and Restrictions is hereby amended to read as follows:

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 fo these CC&R's requires a formal VOTE by the Concerned Property Owners in which a minimum "two-thirds (2/3rd) majority supporting the change must be recorded.

5. Section C 60.00(a) of the Association's Covenants, Conditions, and Restrictions is hereby amended to read as follows:

- 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 by naming Carlin Bay Property Owners' Association as an Additional Insured for all members/lessors with motorized watercraft in the marina.
 - properly registered with the regulating authorities.
 - must lawfully display current watercraft identification numbers.

6. The changes made by this Tenth Amendment were supported by over two-thirds (2/3rd) of the Concerned Property Owners of the Association at the Association's Annual

General Meeting of June 21, 2025. The terms hereof shall control over any on of the Association's Bylaws or Covenants, Conditions, and Restrictions, as well as any previously recorded amendment or addenda thereto.

Dated this 14th day of May, 2026.

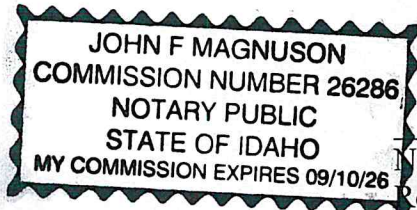
CARLIN BAY PROPERTY OWNERS' ASSOCIATION, INC.

By: *Robert W. Johnston*
ROBERT JOHNSTON, President

STATE OF IDAHO)
) ss.
COUNTY OF KOOTENAI)

On this 14th day of May, 2026, before me, the undersigned, a Notary Public in and for the said State and County, personally appeared **ROBERT JOHNSTON**, known or identified to me to be the President of Carlin Bay Property Owners' Association, Inc., the person whose name is subscribed to the within instrument and who acknowledged that he is authorized to execute the same.

WITNESS my hand and official seal.



John F. Magnuson
Notary Public in and for the State of Idaho
Residing at: *Coeur d'Alene*
My commission expires: *9/10/26*