

State of Idaho

Department of State

CERTIFICATE OF INCORPORATION OF

THE LUNA VISTA TOWNHOMES
HOMEOWNERS' ASSOCIATION, INC.

File Number C 118734

I, PETE T. CENARRUSA, Secretary of State of the State of Idaho, hereby certify that duplicate originals of Articles of Incorporation for the incorporation of THE LUNA VISTA TOWNHOMES HOMEOWNERS' ASSOCIATION, INC. duly signed pursuant to the provisions of the Idaho Nonprofit Corporation Act, have been received in this office and are found to conform to law.

ACCORDINGLY and by virtue of the authority vested in me by law, I issue this Certificate of Incorporation and attach hereto a duplicate original of the Articles of Incorporation.

Dated: March 18, 1997



Pete T. Cenarrusa
SECRETARY OF STATE

By

[Signature]

ARTICLES OF INCORPORATION

OF

Mar 18 1 49 PM '97

THE LUNA VISTA TOWNHOMES HOMEOWNERS' ASSOCIATION, INC.

SECRETARY OF STATE
STATE OF IDAHO

INCORPORATION FEE \$30.00
STATE FEE \$24.27
DATE 03/18/1997
IDaho SECRETARY OF STATE

In compliance with the requirements of Title 30, Chapter 3, Idaho Code, the undersigned, who is a resident of the City of Boise, County of Ada, State of Idaho, and who is of full age, has this day voluntarily associated for the purpose of forming a corporation not for profit and does hereby certify:

ARTICLE I

The name of the corporation is **THE LUNA VISTA TOWNHOMES HOMEOWNERS' ASSOCIATION, INC.** (hereinafter referred to as "Association").

ARTICLE II

The principal office of the Association is located at 1406 E. First Street, Suite 212A, Meridian, Idaho 83642.

ARTICLE III

Michael S. Homan, whose address is 1406 E. First Street, Suite 212A, Meridian, Idaho 83642, is hereby appointed the initial registered agent of this Association.

ARTICLE IV

PURPOSE AND POWERS OF THE ASSOCIATION

This Association does not contemplate pecuniary gain or profit to the members thereof, and the specific purposes for which it is formed are to provide for maintenance, preservation and architectural control of the residence Lots and Common Area, if any, within that certain tract of property described as:

(Legal Description attached hereto and made a part hereof and designated Exhibit A)

SUBJECT TO:

All easements and road rights-of-way of record on the above described parcel of land.

and to promote the health, safety and welfare of the residents within the above-described property and any additions thereto as may hereafter be brought within the jurisdiction of this Association and for this purpose to:

- (a) exercise all of the powers and privileges and to perform all of the duties and obligations of the Association as set forth in that certain Declaration of Covenants, Conditions and Restrictions for The Luna Vista Townhomes Subdivision (hereinafter called the "Declaration") applicable to the property, and recorded or to be recorded in the Office of the County Recorder of Ada County, Idaho, and as the same may be amended from time to time as therein provided, said Declaration being incorporated herein as if set forth at length;
- (b) fix, levy, collect, and enforce payment by any lawful means all charges or assessments pursuant to the terms of the Declaration, and pay all expenses in connection therewith and all office and other expenses incident to the conduct of the business of the Association, including all licenses, taxes or governmental charges levied or imposed against the property of the Association;
- (c) acquire (by gift, purchase or otherwise), own, hold, improve, build upon, operate, maintain, convey, sell, lease, transfer, dedicate for public use, or otherwise dispose of real or personal property in connection with the affairs of the Association;
- (d) borrow money and, with the assent of two-thirds (2/3) of each class of members, pledge, deed in trust, or hypothecate any or all of its real or personal property as security for money borrowed or debts incurred;
- (e) dedicate, sell or transfer all or any part of the Common Area to any public agency, authority or utility for such purposes and subject to such conditions

as may be agreed to by the members. No such dedication or transfer shall be effective unless an instrument has been signed by two-thirds (2/3) of each class of members, agreeing to such dedication, sale or transfer;

- (f) participate in mergers and consolidations with other nonprofit corporations organized for the same purposes or annex additional residential property and Common Area, provided that any such merger, consolidation or annexation shall have the assent of two-thirds (2/3) of each class of members and, so long as there is a Class B membership, the prior approval of HUDVA; and
- (g) have and exercise any and all powers, rights and privileges which a corporation organized under the Non-Profit Corporation Law of the State of Idaho by law may now or hereafter have or exercise.

ARTICLE V

MEMBERSHIP

Every person or entity who is a record owner of a fee or undivided fee interest in any Lot which is subject by covenants of record to assessment by the Association, including contract buyers, shall be a member of the Association. The foregoing is not intended to include persons or entities who hold an interest merely as security for the performance of an obligation. Membership shall be appurtenant to and may not be separated from ownership of any Lot which is subject to assessment by the Association.

ARTICLE VI

VOTING RIGHTS

The Association shall have two classes of voting membership:

Class A. The Class A members shall be all Owners, with the exception of the Declarant, and shall be entitled to one (1) vote for each Lot owned. When more than one person holds an interest in any Lot, all such persons shall be Members. The vote for such Lot shall be exercised as they determine, but in no event shall more than one vote be cast with respect to any Lot.

Class B. The Class B members shall be the Declarant and shall be entitled to three (3) votes for each Lot owned. The Class B membership shall cease and be converted to Class A membership on the happening of either of the following events, whichever occurs earlier:

- (a) When the total votes outstanding in the Class A membership equal the total votes in Class B membership, or
- (b) Ten (10) years from the date of recording the Declaration of Covenants, Conditions and Restrictions for The Luna Vista Townhomes Subdivision.

ARTICLE VII

BOARD OF DIRECTORS

The affairs of this Association shall be managed by a board of three (3) directors, who need not be members of the Association. The number of directors may be changed by amendment of the Bylaws of the Association. The names and addresses of the persons who are to act in the capacity of directors until the selection of their successors are:

<u>Name</u>	<u>Address</u>
Michael S. Homan	1406 E. First Street, Suite 212A Meridian, Idaho 83642
Robin L. Prindle	1406 E. First Street, Suite 212A Meridian, Idaho 83642
Twayne K. Walker	3965 N. Eagle Road Meridian, Idaho 83642

At the first annual meeting the members shall elect three (3) directors for a term of one (1) year.

ARTICLE VIII
DISSOLUTION

The Association may be dissolved with the assent given in writing and signed by not less than two-thirds (2/3) of each class of members. Upon dissolution of the Association, other than incident to a merger or consolidation, the assets of the Association shall be dedicated to an appropriate public agency to be used for purposes similar to those for which this Association was created. In the event that such dedication is refused acceptance, such assets shall be granted, conveyed and assigned to any nonprofit corporation, association, trust or other organization to be devoted to such similar purposes.

ARTICLE IX
DURATION

The Association shall exist perpetually.

ARTICLE X
AMENDMENTS

Amendment of these Articles shall require the assent of two-thirds (2/3) of the entire membership and, so long as there is a Class B membership, the approval of HUD/VA.

IN WITNESS WHEREOF, for the purpose of forming this corporation under the laws of the State of Idaho, I, the undersigned, constituting the sole incorporator of this Association, have executed these Articles of Incorporation this 17th of March, 1997.


By: Pres.

PROPERTY DESCRIPTION
LUNA VISTA SUBDIVISION

A parcel of land being a portion of Lot 20, Garverdale Subdivision Acreage Tracts, as filed in Book 4 of Plats at Page 193, records of Ada County, Idaho, said parcel lying in a portion of the NE1/4 NW1/4 SE1/4 of Section 2, Township 3 North Range 1 East, Boise Meridian, Ada County, Idaho and being more particularly described as follows:

Commencing at a found Aluminum Cap marking the E1/4 Corner of said Section 2, T.3N., R.1E., B.M., Ada County, Idaho; thence S.0°18'28"E. 665.52 feet (formerly 665.47 feet) along the east boundary of the said SE1/4 of Section 2 and the centerline of N. Maple Grove Road to a found Aluminum Cap marking the NS1/64th Corner common to said Section 2 and Section 1 and also marking the centerline intersection of said N. Maple Grove Road and W. Sunflower Lane, said Aluminum Cap bears N.0°18'28"W. 1996.50 feet from a found Brass Cap marking the Southeast Corner of said Section 2; thence N.89°34'13"W. 1994.19 feet along the centerline of said W. Sunflower Lane to a point on an extension of the east boundary of Sunflower Meadows Subdivision, as filed in Book 55 of Plats at Page 4948, records of Ada County, Idaho; thence N.0°08'05"W. 25.00 feet along said easterly extension of Sunflower Meadows Subdivision to a found 5/8" iron pin with cap marked L.S. 3624 and marking a point on the northerly right of way of said W. Sunflower Lane and also marking the Southeast Corner of said Sunflower Meadows Subdivision, said 5/8" iron pin replaced with a 5/8" iron pin and cap marked L.S. 7045 set inside a 2" x 36" galvanized iron pipe, said pipe marking the INITIAL POINT OF THIS PLAT.

thence continuing N.0°08'05"W. 392.14 feet (formerly 392.11 feet) along the said east boundary of Sunflower Meadows Subdivision to a set 5/8" iron pin with cap marked L.S. 7045;

thence S.89°34'13"E. 263.61 feet to a set 5/8" iron pin with cap marked L.S. 7045;

thence S.0°01'13"E. 392.13 feet to a found 5/8" iron pin with cap marked L.S. 666 and being a point on the said northerly right of way of W. Sunflower Lane;

thence N.89°34'13"W. 262.82 feet along said northerly right of way of W. Sunflower Lane to the point of beginning, containing 2.37 acres, more or less.



Colleen Marks