

# State of Idaho



## CERTIFICATE OF INCORPORATION OF

MAGIC VALLEY MOBILE HOME HOMEOWNERS ASSOCIATION, INC.

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 MAGIC VALLEY MOBILE HOME 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 July 2, 1982.

*Pete T. Cenarrusa*  
SECRETARY OF STATE

Corporation Clerk



ORIGINAL

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SECRETARY OF STATE

ARTICLES OF INCORPORATION  
OF

MAGIC VALLEY MOBILE HOME HOMEOWNERS ASSOCIATION, INC.

KNOW ALL MEN BY THESE PRESENTS, that I, the undersigned, DENNIS S. VOORHEES, citizen of the United States and of lawful age, has this day resolved to form a nonprofit corporation under the Idaho Nonprofit Corporation Act, and all other laws of the State of Idaho pertaining thereto, and I hereby certify as follows:

ARTICLE I

The name of this corporation shall be MAGIC VALLEY MOBILE HOME HOMEOWNERS ASSOCIATION, INC., and shall be a nonprofit corporation.

ARTICLE II

The registered office of this corporation shall be located at 795 Walnut Street North, Twin Falls, Idaho. The registered agent shall be Eugene F. Huckfeldt.

ARTICLE III

The Association is organized not for pecuniary gain or profit but for the specific purpose to provide for the maintenance, preservation and architectural control of the residential lots, mobile homes and carports thereon and the ownership, maintenance, preservation and control of the common area within that certain tract of land located in Twin Falls County, Idaho, more particularly described on Exhibit "A" attached hereto and by this reference incorporated in these Articles of Incorporation as if set out in full, 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, hereinafter called the "Declaration", applicable to the property and recorded in the Office of the County Recorder of Twin Falls County, Idaho, and as the same may be amended from time to time as therein provided;

(B) Fix, levy, collect and enforce payment by any lawful means, all charges or assessments pursuant to the terms of the Declaration; to 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 three-fourths (3/4) of each class of the members of the Association, mortgage, pledge, deed in trust, or hypothecate any or all of the Association's 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 of the Association. Provided, however, that no such dedication or transfer shall be effective unless an instrument has been signed by three-fourths (3/4) of each class of the members of the Association 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, pro-

vided that any such merger, consolidation or annexation shall have the assent of three-fourths (3/4) of each class of the members of the Association;

(G) Have and exercise any and all powers, rights and privileges which a corporation organized as a nonprofit corporation under and pursuant to the laws of the State of Idaho may now or hereafter have or exercise.

#### ARTICLE IV

Notwithstanding any other provision of these Articles of Incorporation, this Association is deemed to be exempt from taxes by reason of provisions of the Internal Revenue Code relating to tax exempt organizations.

#### ARTICLE V

This Association shall have perpetual existence.

#### ARTICLE VI

The total authorized number of memberships in the Association shall be equal to the number of individual lots designated for dwelling units (hereinafter called "lot" or "lots") in Magic Valley Mobile Home Subdivision comprised of the real property described in Article III of these Articles. As presently planned the total number of memberships shall be ninety (90). In the event of re-subdivision, annexation, sale, merger, or any other cause the number of said lots is increased or decreased accordingly without formal amendment of these Articles of Incorporation.

Every person or entity who is a record owner of a fee or undivided fee interest in any lot within the subdivision is a member of the Association, provided that in cases where there are more than one person or entity owning a lot or any interest therein each such person or entity shall share the one membership in the same proportion as ownership of the lot is shared. The foregoing is not intended to include persons or entities

who hold an interest in a lot 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 and the transfer of title to the membership. Certificates of membership shall be issued to each member by the Association.

#### ARTICLE VII

The Association shall have two (2) classes of voting membership:

Class A: Class A members shall be recorded owners and shall be entitled to one vote for each lot owned. When more than one person owns an interest in any lot, all joint owners shall share the membership appurtenant to the lot owned. The vote for such a lot shall be exercised as they among themselves determine but in no event shall more than one (1) vote be cast with respect to any lot.

Class B: Class B members shall be the Declarant (as defined in the Declaration) and shall be entitled to ten (10) votes for each lot owned. The Class B membership shall cease and be converted to Class A membership when the total votes outstanding in the Class A membership equal the total votes outstanding in the Class B membership.

#### ARTICLE VIII

The number of directors of the Association shall not be less than five (5) nor more than nine (9), who need not be members of the Association, and the number, qualifications, and terms of office, manner of election, time and place of calling meetings, and powers and duties of the Directors, shall be prescribed in the By-Laws of the Association. The Board of Directors shall have the power to conduct all of the affairs of this Association.

#### ARTICLE IX

The officers of this Association shall be a President, Vice

President, Secretary and Treasurer, and such other officers as the Board of Directors shall deem necessary. Any of the officers mentioned herein may, as permitted by law, be combined in one person. Each of the officers shall have such powers as are conferred by the By-Laws of the Association.

#### ARTICLE X

An annual meeting of the membership of the Association shall be held upon a date provided for in the By-Laws of the Association.

#### ARTICLE XI

The Association may be dissolved with the assent given in writing and signed by all members of each class of membership or at a regular or special meeting of the members by a vote of three-fourths (3/4) of each class present or by proxy. 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 XII

These Articles of Incorporation may be amended by a three-fourths (3/4) majority vote of each class of the members of the Association eligible to vote who are present at any regularly called meeting of the Association, provided that the substance of the proposed amendment has been submitted with one of the notices for the meeting.

The By-Laws of the Association may be adopted or may be repealed or amended and new By-Laws may be adopted upon a majority vote of the members of the Association.

#### ARTICLE XIII

As long as there is any Class B membership, the following

actions require the approval of any governmental or quasi-governmental entity holding or insuring any first mortgage lien (including Deed of Trust), such as the Federal Housing Administration or Veterans Administration: Annexation of additional properties, mergers or consolidations, mortgaging of common area, dedication of common area, dissolution, or amendment of these Articles of Incorporation.

#### ARTICLE XIV

The name and street address of the incorporator of the Association is Dennis S. Voorhees, 761 Juniper, Twin Falls, Idaho. The name and street address of the director constituting the initial Board of Directors is Eugene F. Huckfeldt, 795 Walnut Street North, Twin Falls, Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand this  
first day of July, 1982. 

Dennis S. Voorhees  
DENNIS S. VOORHEES

STATE OF IDAHO )  
 ) ss.  
County of Twin Falls )

On this 1st day of July, 1982, personally appeared before me, the undersigned, a notary public in and for said State, DENNIS S. VOORHEES, known to me to be the signer of the within instrument, and who duly acknowledged to me that he executed the same.

Phyllis Baker James  
NOTARY PUBLIC  
Residence: 1111 Fallside Drive

EXHIBIT "A"

PARCEL I

Township 10 South, Range 17 East of the Boise Meridian, Twin Falls County, Idaho,

SECTION 29: A parcel of land located in the SE<sup>1/4</sup>NE<sup>1/4</sup> being more specifically described as follows:

COMMENCING at the Northeast corner of said Section 29; THENCE due South 2679.01 feet to the East quarter corner of said Section 29, said quarter corner also lies due North 2678.89 feet from the Southeast corner of said Section 29; THENCE North 89° 29' 07" West, 353.00 feet along the North boundary of "Washington Park Townhouse Subdivision" to the POINT OF BEGINNING; THENCE North 89° 29' 07" West, 838.19 feet along the North boundary of "Washington Park Townhouse Subdivision"; THENCE North 00° 30' 34" East, 803.34 feet; THENCE South 90° 00' 00" East, 623.27 feet; THENCE due South 265.21 feet; THENCE South 89° 30' 32" East, 207.75 feet; THENCE due South 543.85 feet to the POINT OF BEGINNING.

PARCEL II

Township 10 South, Range 17 East of the Boise Meridian, Twin Falls County, Idaho,

SECTION 29: That part of the NE<sup>1/4</sup> described as follows:

BEGINNING at the Northeast corner of said Section 29; THENCE South 0° 14' 30" West 1865 feet; THENCE North 89° 41' West 1184 feet to a point; THENCE South 0° 51' West 73.3 feet to the Northeast corner of the parcel to be described, the POINT OF BEGINNING; THENCE South 0° 51' West 731 feet to a point on the East and West quarter line of said Section; THENCE along said quarter line North 89° 24' 30" West 338.7 feet; THENCE North 0° 12' West 731 feet; THENCE South 89° 24' 30" East 347 feet to the POINT OF BEGINNING.