

**Articles of Incorporation for the
Aikens Plaza Condominium Association, Inc.**

For Office Use Only

-FILED-

File #: 0005609133

The undersigned, in compliance with the requirements of the Idaho Code, Date Filed: 2/20/2024 3:22:00 PM corporation not for profit and does hereby certify:

**ARTICLE I
NAME OF CORPORATION**

The name of the corporation is the Aikens Plaza Condominium Association, Inc., hereafter called the "Association."

**ARTICLE II
REGISTERED OFFICE**

The initial registered office of the Association is located at 116 S. 2nd Street, Eagle, Idaho 83616.

**ARTICLE III
REGISTERED AGENT**

Steven E. Roth, located at 116 S. 2nd Street, Eagle, Idaho 83616, is hereby appointed the initial registered agent of this Association.

**ARTICLE IV
PURPOSE AND POWERS OF THE ASSOCIATION**

This Association is a nonprofit corporation. The specific purposes for which it is formed are to provide for maintenance and preservation of the Condominiums within that certain tract of property commonly known as the Aikens Plaza Condominiums, according to the plat thereof recorded, or to be recorded, in the official records of Ada County, Idaho, hereinafter called the "Project", and to promote the health, safety and welfare of the Owners and occupants within the Project. Without limiting the power and authority of the Association, the Association may take any of the following actions in furthering its purposes:

- (a) exercise all of the powers and privileges and perform all of the duties and obligations of the Association as set forth in that certain Condominium Declaration For The Aikens Plaza Condominiums, hereinafter called the "Declaration," applicable to the Project and recorded, or to be recorded, in the official records of Ada 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; 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/or mortgage, pledge, deed in trust, or encumber any or all of its real or personal property as security for money borrowed or debts incurred;

(e) exercise any and all powers, rights and privileges which a corporation organized under the Idaho Nonprofit Corporation Act may by law now or hereafter have or exercise.

ARTICLE V MEMBERSHIP

Declarant and every Owner of a Condominium within the Project shall be a Member in the Association. Membership shall be appurtenant to and may not be separated from ownership of any Condominium.

ARTICLE VI VOTING RIGHTS

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

Class A. Class A Members shall be all Owners other than Declarant. Each Class A Member shall be entitled to one (1) vote for each Condominium owned. When more than one (1) person holds such an interest in any Condominium, all such persons shall be Members, but all such persons shall be entitled to only one vote with respect to their Condominium and in no event shall the vote cast with respect to any Condominium be split.

Class B. The Class B Member shall be Declarant, its successors and assigns. The Class B Member shall be entitled to ten (10) votes for each Condominium owned.

Additional voting and voting rights may be further described and defined in the Declaration.

ARTICLE VII BOARD OF DIRECTORS

The affairs of this Association shall be managed by a board of at least three (3) but no more than five (5) directors who need not be members in the Association. Initially, the board shall consist of three (3) directors. The number of directors may be changed by amendment of the Association's bylaws. The names and addresses of the persons who are to act in the capacity of the directors until the selection of their successors are:

<u>NAME</u>	<u>ADDRESS</u>
Steven E. Roth	116 S. 2 nd Street Eagle, Idaho 83616
Christie L. Roth	116 S. 2 nd Street Eagle, Idaho 83616
Paul E. Case	116 S. 2 nd Street Eagle, Idaho 83616

ARTICLE VIII DISSOLUTION

The Association may be dissolved by a unanimous vote of the Members at a duly noticed meeting and written consent from the City of Eagle. 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 exclusively to such similar purposes. No part of the monies, properties or assets of the Association, upon dissolution or otherwise, shall inure to the benefit of any private person or individual or Member.

ARTICLE IX DURATION

The corporation shall exist perpetually unless dissolved as provided herein.

ARTICLE X AMENDMENTS

Amendment of these Articles shall be in accordance with the Idaho Code. In addition, any such amendment shall be deemed an amendment to the Declaration which, in addition to any required filings with the Idaho Secretary of State, shall be recorded in the records of Ada County, Idaho properly referring to the Declaration and its recording information.

ARTICLE XI DEFINITIONS/CONFLICTS

All capitalized terms not otherwise defined herein shall have the same meaning as are ascribed to them in the Declaration. In the event of a conflict between these Articles and the Declaration, the Declaration shall control. In the event of a conflict between these Articles and the Association's bylaws, these Articles shall control.

IN WITNESS WHEREOF, for the purpose of forming this Association under the laws of the state of Idaho, I, the undersigned, the incorporator of this Association, have executed these Articles of Incorporation this 18th day of January, 2024.



Steven E. Roth
116 S. 2nd Street
Eagle, Idaho 83616