



Department of State.

CERTIFICATE OF INCORPORATION

I, PETE T. CENARRUSA, Secretary of State of the State of Idaho, and legal custodian of the corporation records of the State of Idaho, do hereby certify that the original of the articles of incorporation of

FOX RIDGE ESTATES HOMEOWNERS ASSOCIATION, INC.

was filed in the office of the Secretary of State on the 25th day
of January A.D., One Thousand Nine Hundred seventy-four and
will be duly recorded on ~~Film~~ microfilm of Record of Domestic Corporations, of the State of Idaho, and that the said articles contain the statement of facts required by Section 30-103, Idaho Code.

I FURTHER CERTIFY, That the persons executing the articles and their associates and successors are hereby constituted a corporation, by the name hereinbefore stated, for **Perpetual Existence** from the date hereof, with its registered office in this State located at Boise, Idaho in the County of Ada

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State. Done at Boise City, the Capital of Idaho, this 25th day of January , A.D., 19 74 .

Pete T. Cenarrusa
Secretary of State.

Corporation Clerk.

40837

**ARTICLES OF INCORPORATION
OF
FOX RIDGE ESTATES HOMEOWNERS ASSOCIATION, INC.**

In compliance with the requirements of Title 30, Chapters 1 and 10, Idaho Code Annotated, the undersigned, all of whom are residents of Ada County, State of Idaho and all of whom are of full age, have this day voluntarily associated themselves together for the purpose of forming a corporation not for profit and do hereby certify:

ARTICLE I

The name of the corporation is Fox Ridge Estates Homeowners Association, Inc., hereafter called the "Association".

ARTICLE II

The principal office of the Association is located at 50 South Cole Road, Boise, Idaho 83705.

ARTICLE III

1 Keith E. Stokes, whose address is 50 South Cole Road, Boise, Idaho, 83705, 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 within that certain tract of property described as:

Beginning at a brass cap marking the Northwest corner of Section 11, T. 2N., R. 1E., B. M., Ada County, Idaho;

thence North 89°13'00" East 33.00 feet along the Northerly boundary of said Section 11, which is also the Northerly boundary of Sunset Villa No. 2 Subdivision, as filed for record in the office of the Ada County Recorder, Boise, Idaho, in Book 31 of Plats at Pages 1921 and 1922 to an iron pin marking the Northeast corner of said Sunset Villa No. 2 Subdivision;

thence South 0°39'27" East 61.82 feet along the Easterly boundary of said Sunset Villa No. 2 Subdivision, which is also the Easterly right-of-way line of South Five Mile Road to a brass cap marking the REAL POINT OF BEGINNING;

thence along the following courses and distances to iron pins;

continuing South $0^{\circ}39'27''$ East 1,635.30 feet along said Easterly boundary of Sunset Villa No. 2 Subdivision to a point marking the Southeast corner of said Sunset Villa No. 2 Subdivision, also said point being on the Northerly right-of-way line of the New York Canal;

thence along the following courses and distances along said Northerly right-of-way line of the New York Canal:

North $87^{\circ}23'42''$ East 26.82 feet;

thence North $70^{\circ}17'04''$ East 363.25 feet;

thence North $69^{\circ}55'53''$ East 691.39 feet;

thence leaving said Northerly right-of-way line of the New York Canal North $25^{\circ}38'27''$ West 554.59 feet;

thence North $6^{\circ}57'14''$ West 243.27 feet;

thence North $38^{\circ}27'25''$ East 224.19 feet;

thence North $19^{\circ}05'00''$ West 290.00 feet;

thence South $68^{\circ}57'20''$ West 117.96 feet;

thence South $73^{\circ}02'00''$ West 108.83 feet;

thence North $80^{\circ}02'00''$ West 123.77 feet;

thence North $76^{\circ}45'51''$ West 152.55 feet to a point of curve;

thence Northeasterly along a curve to the right 12.77 feet, said curve having a central angle of $2^{\circ}51'42''$, a radius of 255.75 feet, tangents of 6.39 feet and a long chord of 12.77 feet bearing North $13^{\circ}33'14''$ East to a point of tangent;

thence North $75^{\circ}00'55''$ West 342.14 feet to the point of beginning, comprising 27.59 acres, more or less.

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 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 or to be recorded in the office of the 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; 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 two-thirds (2/3) of the Association members, mortgage, 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 the Association 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.

(g) have and to 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.

(h) cause the exterior of the dwellings to be maintained.

(i) appoint an Architectural Control Committee, whose duty it will be to maintain harmony of design, construction and location of structures within the above described property and any additions thereto.

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 sellers, 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

Members shall be all Lot Owners and the Declarant and shall be entitled to one 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 among themselves determine, but in no event shall more than one vote be cast with respect to any Lot. New members shall be entitled to vote and to share in the property of the Association with the old members in accordance with this general rule.

ARTICLE VII
BOARD OF DIRECTORS

The affairs of this Association shall be managed by a Board of five (5) Directors, who need not be members of the Association. The number of directors may be changed by amendment of the By-Laws 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>
DeWayne A. Bills	20 South Cole Road, Boise, Idaho
Michael D. Wardle	50 South Cole Road, Boise, Idaho
Earl T. Grossaint	20 South Cole Road, Boise, Idaho
Keith E. Stokes	50 South Cole Road, Boise, Idaho
Lawrence R. Sales	50 South Cole Road, Boise, Idaho

At the first annual meeting, and at each annual meeting thereafter, the members shall elect five directors for a term of one 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 the Association 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 corporation shall exist perpetually.

ARTICLE X
AMENDMENTS

Amendment of these Articles shall require the assent of 75 percent (75%) of the entire membership.

IN WITNESS WHEREOF, for the purpose of forming this corporation under the laws of the State of Idaho, we, the undersigned, constituting the incorporators of this Association, have executed these Articles of Incorporation this 25th day of January, 1974.

DeWayne Bills
Earl T. Grossant
Michael D. Wardle
Keith E. Stokes
Lawrence R. Sale

STATE OF IDAHO)

)

County of Ada)

On this 25th day of January, 1974, before me, a Notary Public in and for said State, personally appeared DeWayne A. Bills, Michael D. Wardle, Earl T. Grossant, Keith E. Stokes and Lawrence R. Sale known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

Michael D. Wardle
Notary Public for State of Idaho
Residing at Boise, Idaho
My Commission Expires:
5/6/74