

FILED/EFFECTIVE
ARTICLES OF INCORPORATION
OF
OAKLEAF SUBDIVISION HOMEOWNERS' ASSOCIATION, INC.

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 **OAKLEAF SUBDIVISION HOMEOWNERS' ASSOCIATION, INC.** (hereinafter referred to as "Association").

ARTICLE II

The principal office of the Association is located at 4635 N. Buckboard Ave., Boise, Idaho 83713.

ARTICLE III

Jerry W. Anderson, whose address is 4635 N. Buckboard Ave., Boise, Idaho 83713, 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 preservation and architectural control of the residence Lots, Common Area and maintenance of certain facilities as set out in the Oakleaf Subdivision Declaration of Covenants, Conditions and Restrictions within that certain tract of property described as:

C 138008

Lots 1 through 14 inclusive, Block 1 and Lots 1 through 11 inclusive, Block 2, Oakleaf Subdivision, lying in the NE1/4 SE1/4, Section 15, Township 3 South, Range 6 East, Boise Meridian, Elmore County, Idaho.

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 Oakleaf Subdivision (hereinafter called the "Declaration"), applicable to the property, and recorded or to be recorded in the Office of the County Recorder of Elmore 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 (with the exception of Phase Two) and, so long as there is a Class B membership, the prior approval of HUD/VA; 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 (1) vote be cast with respect to any Lot.

Class B. The Class B member shall be the Declarant. Upon the

recording hereof, Declarant shall be entitled to ten (10) votes for each Lot of which Declarant is the Owner. The Class B membership shall cease and be converted to Class A membership on January 1, 2005, or when the Declarant no longer owns any Lots within the Property subject to the Declarations, whichever shall first occur.

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>
Jerry W. Anderson	4635 N. Buckboard Avenue Boise, Idaho 83713
Brian K. Anderson	4635 N. Buckboard Avenue Boise, Idaho 83713
Laura J. Anderson	4635 N. Buckboard Avenue Boise, Idaho 83713

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 1st of March, 2001.


By: Jerry W. Anderson, Incorporator
4635 N. Buckboard Avenue
Boise, ID 83713