



**EIGHTH AMENDMENT TO THE AMENDED AND RESTATED DECLARATION
OF COVENANTS, CONDITIONS & RESTRICTIONS FOR
ALEXANDRIA SUBDIVISION**

THIS EIGHTH AMENDMENT TO THE AMENDED AND RESTATED DECLARATION OF COVENANTS, CONDITIONS & RESTRICTIONS FOR ALEXANDRIA SUBDIVISION (the "Amendment") is made in accordance with Section 9.4 of that certain Amended and Restated Declaration of Covenants, Conditions & Restrictions for Alexandria Subdivision, recorded on July 12, 2007 as Instrument No. 107099049 in the Official Records of Ada County, Idaho (the "Declaration"). This Amendment shall be effective upon the date of recordation and shall thereafter be binding upon all Owners of lots within the Alexandria Subdivision.

The undersigned (the "Declarant"), constituting two-thirds (2/3) of the Owners as required by the Declaration hereby amends the Declaration as follows:

1. The Fourth Amendment to the Declaration of Easements, Covenants, Conditions and Restrictions for Alexandria Subdivision; Article Seven of the Declaration entitled "Architectural Control" is hereby removed in its entirety.
2. Article Nine - General Provisions - 9.1 Enforcement of the Amendment is hereby amended by the addition of the following provisions:

9.1 Enforcement

a. Fine Assessment: The Association or any Owner or the Owner of any recorded mortgage upon any part of said property, shall have the right to enforce, by any proceedings at law or in equity, all restrictions, conditions, covenants, reservations, liens and charges now or hereafter imposed by the provisions of this Declaration. In addition to the foregoing, the Association shall be entitled to impose a monetary penalty, not to exceed the sum of \$100 per day, against an Owner who has caused or permitted a violation of any of the restrictions, conditions or covenants contained herein, provided that:

(i) A majority vote by the board shall be required prior to imposing any fine on a member for a violation of any covenants and restrictions pursuant to the rules and regulations of the homeowner's association.

(ii) A majority vote by the board shall determine the daily fine - not to exceed \$100 per day.

(iii) Written notice by personal service or certified mail of the meeting during which such vote is to be taken shall be made to the member at least thirty (30) days prior to the meeting.

(iv) In the event the member begins resolving the violation prior to the meeting, no fine shall be imposed so long as the member continues to address the violation in good faith until fully resolved.

(v) No portion of any fine may be used to increase the remuneration of any board member or agent of the board.


(vi) No part of this section shall affect any statute, rule, covenant, bylaw, provision or clause that may allow for the recovery of attorney's fees.

In all other respects the Declaration shall remain unchanged and in full force and effect.

Dated this 5th day of Sept, 2014.

Declarant:

L & K Development, Inc.

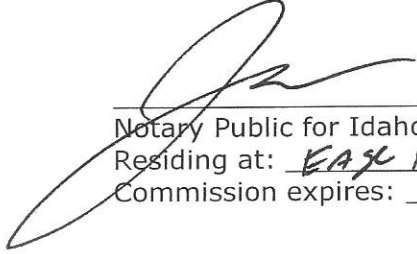

By: Lonnie L. Johnson
President

STATE OF IDAHO)
) ss.
County of Ada)

On this 5th day of September 2014, before me, the undersigned, a Notary Public in and for said State, personally appeared Lonnie L. Johnson, the President of L & K Development, Inc., known to me to be the person who executed the within and foregoing instrument for and on behalf of said corporation, and acknowledged to me that said corporation executed the same.

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




Notary Public for Idaho
Residing at: EAST Wells Fargo Idm
Commission expires: 12/19/19

IN THE SENATE

SENATE BILL NO. 1310

BY COMMERCE AND HUMAN RESOURCES COMMITTEE

AN ACT

1 RELATING TO PROPERTY; AMENDING CHAPTER 1, TITLE 55, IDAHO CODE, BY THE AD-
2 DITION OF A NEW SECTION 55-115, IDAHO CODE, TO DEFINE TERMS, TO PROVIDE
3 THAT A HOMEOWNER'S ASSOCIATION MAY NOT IMPOSE FINES ON MEMBERS UNLESS
4 ITS AUTHORITY TO DO SO IS CLEARLY SET FORTH IN THE COVENANTS AND RE-
5 STRICTIONS; TO PROVIDE A PROCEDURE RELATING TO THE IMPOSITION OF FINES
6 ON HOMEOWNER'S ASSOCIATION MEMBERS, TO PROVIDE THAT NO FINE SHALL BE
7 IMPOSED IF A MEMBER BEGINS RESOLVING THE VIOLATION PRIOR TO THE MEETING
8 SO LONG AS THE MEMBER CONTINUES TO ADDRESS THE VIOLATION IN GOOD FAITH
9 UNTIL FULLY RESOLVED, TO PROVIDE A RESTRICTION RELATING TO THE USE OF
10 FINES AND TO PROVIDE THAT SPECIFIED LAW SHALL NOT AFFECT CERTAIN AUTHOR-
11 ITY THAT MAY ALLOW FOR THE RECOVERY OF ATTORNEY'S FEES.
12

13 Be It Enacted by the Legislature of the State of Idaho:

14 SECTION 1. That Chapter 1, Title 55, Idaho Code, be, and the same is
15 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
16 ignated as Section 55-115, Idaho Code, and to read as follows:

17 55-115. HOMEOWNER'S ASSOCIATION -- PROHIBITED CONDUCT. (1) As used in
18 this section:

19 (a) "Homeowner's association" shall have the same meaning as in section
20 45-810(6), Idaho Code.

21 (b) "Board" means the entity that has the duty of governing the associ-
22 ation that may be referred to as the board of directors, executive board
23 or any such similar name.

24 (c) "Member" or "membership" means any person or entity owning or pos-
25 sessed an interest in residential real property or lot within the phys-
26 ical boundaries of an established homeowner's association.

27 (2) No fine may be imposed for a violation of the covenants and restric-
28 tions pursuant to the rules or regulations of the homeowner's association
29 unless the authority to impose a fine is clearly set forth in the covenants
30 and restrictions and:

31 (a) A majority vote by the board shall be required prior to imposing any
32 fine on a member for a violation of any covenants and restrictions pur-
33 suant to the rules and regulations of the homeowner's association.

34 (b) Written notice by personal service or certified mail of the meeting
35 during which such vote is to be taken shall be made to the member at least
36 thirty (30) days prior to the meeting.

37 (c) In the event the member begins resolving the violation prior to the
38 meeting, no fine shall be imposed so long as the member continues to ad-
39 dress the violation in good faith until fully resolved.

40 (d) No portion of any fine may be used to increase the remuneration of
41 any board member or agent of the board.

1 (e) No part of this section shall affect any statute, rule, covenant,
2 bylaw, provision or clause that may allow for the recovery of attorney's
3 fees.