

Instrument # 943938
Bonner County, Sandpoint, Idaho
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Recorded for: VASSEUR & SCHLOTTHAUER, PLLC
Michael W. Rosedale Fee: \$37.00
Ex-Officio Recorder Deputy cbrannon
Index to: CONDITIONS COVENANTS & RESTRICTIONS

**FIRST AMENDMENT TO THE DECLARATION OF
RESIDENTIAL COVENANTS, CONDITIONS, EASEMENTS
AND RESTRICTIONS APPLICABLE TO QUAIL RIDGE,
BONNER COUNTY, IDAHO**

AND

**FIRST AMENDMENT TO THE FIRST AMENDED AND
RESTATED DECLARATION OF RESIDENTIAL COVENANTS,
CONDITIONS, EASEMENTS AND RESTRICTIONS
APPLICABLE TO THE ADDITION TO QUAIL RIDGE IN
BONNER COUNTY, IDAHO**

<p>RECORDED AT THE REQUEST OF: <i>(Please Return a Copy to:)</i></p> <p>Brent G. Schlotthauer Vasseur & Schlotthauer, PLLC PO Box 808 Coeur d' Alene, Idaho 83816-0808</p>	<p><i>(This Space for Recorder's Use Only)</i></p>
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**FIRST AMENDMENT TO THE DECLARATION OF
RESIDENTIAL COVENANTS, CONDITIONS, EASEMENTS
AND RESTRICTIONS APPLICABLE TO QUAIL RIDGE,
BONNER COUNTY, IDAHO**

AND

**FIRST AMENDMENT TO THE FIRST AMENDED AND
RESTATED DECLARATION OF RESIDENTIAL COVENANTS,
CONDITIONS, EASEMENTS AND RESTRICTIONS
APPLICABLE TO THE ADDITION TO QUAIL RIDGE IN
BONNER COUNTY, IDAHO**

THIS INSTRUMENT is hereby made and entered into by the Lot Owners of both the Quail Ridge residential subdivision and the addition thereto. In consideration of the terms and covenants of this instrument, and other valuable consideration, the receipt of which is hereby acknowledged, the Lot Owners hereby amend the below-referenced declarations as follows:

NOW THEREFORE, pursuant to the provisions of the DECLARATION OF RESIDENTIAL COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS APPLICABLE TO QUAIL RIDGE, BONNER COUNTY, IDAHO, dated November 15, 2006, and recorded on January 31, 2007, as Bonner County Instrument No. 722007 (herein the "Original Declaration"), the Lot Owners hereby modify, revise and/or amend the Original Declaration as set forth herein;

NOW THEREFORE, pursuant to the provisions of the FIRST AMENDMENT TO THE FIRST AMENDED AND RESTATED DECLARATION OF RESIDENTIAL COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS APPLICABLE TO THE ADDITION TO QUAIL RIDGE IN BONNER COUNTY, IDAHO, dated September 16, 2014, and recorded on September 18, 2014, as Bonner County Instrument No. 864350 (herein the "Addition Declaration"), the Lot Owners hereby modify, revise and/or amend the Addition Declaration as set forth herein;

FIRST AMENDMENT TO QUAIL RIDGE DECLARATIONS - 1

1. **BACKGROUND.** Each of the amendments to the Original Declaration and the Addition Declaration as set forth herein are based upon the following:

A. The Original Declaration, at Section 12.4 (*Homeowner Modification*) thereof, provides that the Original Declaration may be modified at any time in writing by the owners of no less than 75% of the lots and with the Declarant's approval; and

B. The Addition Declaration provides that the Adjacent Property shall be subject to the covenants, easements, restrictions, rights and privileges set forth in the Original Declaration.

2. **CONSIDERATION.** The Lot Owners and the Declarant acknowledge the receipt and sufficiency of good and valuable consideration for the making of each of the amendments set forth herein.

3. **MODIFICATION OF ORIGINAL DECLARATION.** The following section of the Original Declaration is hereby modified, revised, restated, added and/or otherwise amended in its entirety as follows:

4.2.2 **Driveways.** With respect to any and all Lots that are fronted by an asphalt surfaced Common Road, the driveway respecting such Lot shall be constructed with a hard, all weather surface (1" asphalt or better) for a distance into the Lot of no less than ten feet (10') from the Common Road.

4. **MODIFICATION OF ADDITION DECLARATION.** The following section of the Addition Declaration is hereby modified, revised, restated, added and/or otherwise amended in its entirety as follows:

1.3 **Section 1.3 of the Addition Declaration is hereby struck in its entirety.**

5. **MODIFICATION OF ADDITION DECLARATION.** The following section of the Addition Declaration is hereby modified, revised, restated, added and/or otherwise amended in its entirety as follows:

1.5 **Maintaining driveways in good condition shall be encouraged.**

6. **MODIFICATION OF ADDITION DECLARATION.** The following section of the Addition Declaration is hereby modified, revised, restated, added and/or otherwise amended in its entirety as follows:

1.6 **Section 1.6 of the Addition Declaration is hereby struck in its entirety.**

7. **SCOPE.** All provisions of the Original Declaration and Addition Declaration shall remain in full force and effect except as expressly modified, repealed and/or amended by this instrument.

8. **BINDING NATURE.** All provisions of this instrument shall be binding upon and inure to the benefit of all of the parties hereto, and their estates, heirs, legatees, legal representatives, successors and assigns.

9. **AUTHORITY TO EXECUTE.** The signatories of this instrument warrant that they have the authority to contractually execute the same.

10. **SEVERABILITY.** In the event any term or provision of this instrument or the application thereof to any person or circumstance shall to any extent be held by a court of competent jurisdiction to be invalid or unenforceable, the remainder of this agreement and the application of such term or provision to persons or circumstances other than those to which it is specifically held invalid or unenforceable shall not be affected thereby, and each term and provision of this agreement shall be valid and enforceable to the fullest extent permitted by law.

11. **EXECUTION IN COUNTERPARTS.** This instrument may be executed in any number of counterparts, each of which shall be deemed an original, and all of which together shall be deemed to constitute one and the same instrument.

12. **GOVERNING LAW.** This instrument shall be interpreted, governed by, construed and enforced in accordance with the laws of the State of Idaho.

DATED this 30th day of July, 2019.


By: Angela K. Lenz
Its: Secretary

8/19/19
Date

SECRETARY CERTIFICATION

The undersigned Secretary of QUAIL RIDGE HOA, INC. hereby certifies that the forgoing amendment was properly approved by the affirmative vote and consent of 75% of the voting power of the Lot Owners voting at a duly called meeting of the owners held on the 30th day of July, 2019.

Quail Ridge: The requisite number of affirmative votes of the original property were obtained as set forth and evidenced on Exhibit A attached hereto.

Quail Ridge Addition: The requisite number of affirmative votes of the adjacent property were obtained as set forth and evidenced on Exhibit B attached hereto.


By: Angela K. Lenz 8/22/19 Date
Its: Secretary

DECLARANT APPROVAL

The undersigned Declarant, the holder of Class B Shares, hereby certifies, states and confirms his approval of each of the amendments set forth above.

SPIRIT LAKE NORTH, LLC

By: George Gauzza
Its: Manager

SECRETARY CERTIFICATION

The undersigned Secretary of QUAIL RIDGE HOA, INC. hereby certifies that the forgoing amendment was properly approved by the affirmative vote and consent of 75% of the voting power of the Lot Owners voting at a duly called meeting of the owners held on the 30th day of July, 2019.

Quail Ridge: The requisite number of affirmative votes of the original property were obtained as set forth and evidenced on Exhibit A attached hereto.

Quail Ridge Addition: The requisite number of affirmative votes of the adjacent property were obtained as set forth and evidenced on Exhibit B attached hereto.

By: Angela K. Lenz
Its: Secretary

Date

DECLARANT APPROVAL

The undersigned Declarant, the holder of Class B Shares, hereby certifies, states and confirms his approval of each of the amendments set forth above.

SPIRIT LAKE NORTH, LLC

By: 
Its: Manager

STATE OF IDAHO)

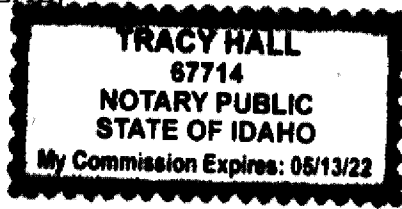
ss.

County of Heater

On this 19th day of August, 2019, before me personally appeared **ANGELA K. LENZ**, who by me being personally sworn, declared that she is the SECRETARY of the QUAIL RIDGE HOA, INC., that (s)he signed the foregoing document in such duly authorized capacity for the uses and purposes therein mentioned.

GIVEN UNDER MY HAND AND OFFICIAL SEAL the day and year in this certificate first written above.

(SEAL)



Tracy Hall
Notary Public in and for the State of Idaho
Residing At: Blanchard
My Commission Expires: May 13, 2022

STATE OF IDAHO)

ss.

County of _____)

On this _____ day of _____, 2019, before me, a notary public, personally appeared **GEORGE GAUZZA**, to me known to be the individual described in and who executed the foregoing instrument and acknowledged that he signed and sealed the same as his own free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN UNDER MY HAND AND OFFICIAL SEAL the day and year in this certificate first written above.

(SEAL)

Notary Public in and for the State of Idaho
Residing At: _____
My Commission Expires: _____

STATE OF IDAHO)

ss.

County of _____)

On this _____ day of _____, 2019, before me personally appeared **ANGELA K. LENZ**, who by me being personally sworn, declared that she is the **SECRETARY** of the **QUAIL RIDGE HOA, INC.**, that (s)he signed the foregoing document in such duly authorized capacity for the uses and purposes therein mentioned.

GIVEN UNDER MY HAND AND OFFICIAL SEAL the day and year in this certificate first written above.

(SEAL)

Notary Public in and for the State of Idaho

Residing At: _____

My Commission Expires: _____

STATE OF IDAHO)

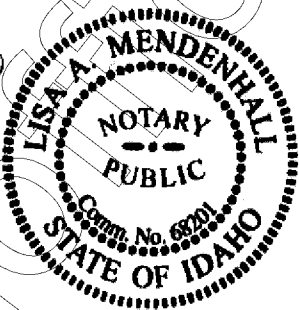
ss.

County of Bonner)

On this 20 day of August, 2019, before me personally appeared **GEORGE GAUZZA**, who by me being personally sworn, declared that he is the **MANAGER** of **SPIRIT LAKE NORTH, LLC.**, that he signed the foregoing document in such duly authorized capacity for the uses and purposes therein mentioned.

GIVEN UNDER MY HAND AND OFFICIAL SEAL the day and year in this certificate first written above.

(SEAL)



Lisa A. Mendenhall

Notary Public in and for the State of Idaho

Residing At: Sandpoint

My Commission Expires: 8/3/2022

Quail Ridge HOA Issues- Original Property

• **Director's Resolution- AMENDMENT OF BYLAWS:**

WHEREAS, the Association hereby intends and desires to increase its number of directors from three (3) to five (5) seats:

The association Bylaws are hereby amended by the complete deletion of Article 5.2 (Number, Tenure and Qualifications), and in its replacement by the new text under the same title as follows:

5.2 Number, Tenure and Qualifications. The Association shall have five (5) Directors. Directors shall be elected by the Association at its Annual Meeting. A Director shall be a Member. Directors shall serve staggered three (3) year terms. A Director shall hold office until the next Annual Meeting or until the Director's successor has have been elected and qualified, whichever last occurs. Co-owners may serve as Directors.

Yes	100 	111	No	 	9
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• **MODIFICATION OF ORIGINAL DECLARATION:**

The following section of the Original Declaration is hereby modified, revised, restated, added and/or otherwise amended in its entirety as follows:

4.2.2 Driveways. With respect to any and all Lots that are fronted by an asphalt surfaced Common Road, the driveway respecting such Lot shall be constructed with a hard, all weather surface (1" asphalt or better) for a distance into the Lot of no less than ten feet (10') from the Common Road.

Yes	100 	112	No	 	7
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• **MODIFICATION OF ADDITION DECLARATION:**

The following section of the Addition Declaration is hereby modified, revised, restated, added and/or otherwise amended in its entirety as follows:

1.5 Maintaining driveways in good condition shall be encouraged.

Yes	100 	114	No	 	5
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The following section of the Addition Declaration is hereby modified, revised, restated, added and/or otherwise amended in its entirety as follows:

1.3 Section 1.3 of the Addition Declaration is hereby struck in its entirety

Yes	100 	114	No	 	5
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The following section of the Addition Declaration is hereby modified, revised, restated, added and/or otherwise amended in its entirety as follows:

1.6 Section 1.6 of the Addition Declaration is hereby struck in its entirety.

Yes	100 	115	No	 	4
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Quail Ridge HOA Issues- Adjacent Property

• **Director's Resolution- AMENDMENT OF BYLAWS:**

WHEREAS, the Association hereby intends and desires to increase its number of directors from three (3) to five (5) seats:

The association Bylaws are hereby amended by the complete deletion of Article 5.2 (Number, Tenure and Qualifications), and in its replacement by the new text under the same title as follows:

5.2 Number, Tenure and Qualifications. The Association shall have five (5) Directors. Directors shall be elected by the Association at its Annual Meeting. A Director shall be a Member. Directors shall serve staggered three (3) year terms. A Director shall hold office until the next Annual Meeting or until the Director's successor has have been elected and qualified, whichever last occurs. Co-owners may serve as Directors.

Yes 110 111 118

No 1 NO BALLOT - 9 10

• **MODIFICATION OF ORIGINAL DECLARATION:**

The following section of the Original Declaration is hereby modified, revised, restated, added and/or otherwise amended in its entirety as follows:

4.2.2 Driveways. With respect to any and all Lots that are fronted by an asphalt surfaced Common Road, the driveway respecting such Lot shall be constructed with a hard, all weather surface (1" asphalt or better) for a distance into the Lot of no less than ten feet (10') from the Common Road.

Yes 110 111 118

No 1 NO BALLOT - 9 10

• **MODIFICATION OF ADDITION DECLARATION:**

The following section of the Addition Declaration is hereby modified, revised, restated, added and/or otherwise amended in its entirety as follows:

1.5 Maintaining driveways in good condition shall be encouraged.

Yes 110 111 118

No 1 NO BALLOT - 9 10

The following section of the Addition Declaration is hereby modified, revised, restated, added and/or otherwise amended in its entirety as follows:

1.3 Section 1.3 of the Addition Declaration is hereby struck in its entirety

Yes 110 111 118

No 1 NO BALLOT - 9 10

The following section of the Addition Declaration is hereby modified, revised, restated, added and/or otherwise amended in its entirety as follows:

1.6 Section 1.6 of the Addition Declaration is hereby struck in its entirety.

Yes 110 111 118

No 1 NO BALLOT - 9 10