



**AMENDMENT TO THE BANBURY MEADOWS SUBDIVISION RESTATED MASTER
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS REGARDING
CONJOINING LOTS 49 AND 50**

Certain Building Lots have been approved for lot-line adjustment by the City of Eagle to be treated as a single Building Lot, and the owner thereof intends to build a single residence on the Conjoined Lots and treat both Lots as a single Building Lot for all intents and purposes.

I. DEFINED TERMS

Any terms not defined herein shall be used as in the Declaration, and except where this Amendment explicitly changes the Declaration, it should be read to be consistent with the Declaration.

- A. Articles** are the *Articles of Incorporation of Banbury Meadows Homeowners' Association, Inc.*, filed with the Secretary of State on March 19, 1999
- B. Association** is *Banbury Meadows Homeowners' Association, Inc.*, a nonprofit corporation organized under the laws of the State of Idaho.
- C. Board** refers to the Board of Directors of the Association, duly elected pursuant to the Governing Documents.
- D. Bylaws** refer to the properly adopted bylaws of the Association, currently the *Restated Bylaws of Banbury Meadows Homeowners' Association, Inc. Including Amendments to June 2005*.
- E. Conjoined Lots** refer to Lots 49 and 50 of Block 43, Banbury Meadows Subdivision No. 7, which are hereafter to be treated as a single Building Lot.
- F. Declaration** is the *Banbury Meadows Subdivision Restated Master Declaration of Covenants, Conditions and Restrictions*, recorded in the records of Ada County, State of Idaho as Instrument 108009071.
- G. Governing Documents** include the Declaration, Bylaws, Articles of Incorporation, Rules and Regulations, any Board Resolution, or otherwise adopted statements of corporate governance or intent.

II. LEGAL AUTHORITY

- A. Declaration Amendment.** Article XV, Section 15.3 permits the Declaration to be amended by the Grantor or by the vote of the Owners. Article III, Section 3.23 also allows that a plat may be amended, and by implication, the number of Building Lots adjusted.
- B. Bylaws Amendment.** Article XIII of the Bylaws permits the Bylaws to be amended by vote of the Owners, and also provides that in the case of any conflict, the Declaration shall control.
- C. Articles Amendment.** Article III (a) empowers the Association to exercise whatever powers are granted it by the Declaration.

III. AMENDMENT

The Declaration is hereby amended so that the Conjoined Lots, Lots 49 and 50 of Block 43, Banbury Meadows Subdivision No. 7, shall be treated as a single Building Lot for every purpose, to include but not limited to, for assessment, voting, architectural control, and setback purposes. *See, e.g.* Declaration Art. III

1

Amendment Re. Lots 49 And 50 18533-001 22032013

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§§3.7, 3.23, and 3.28. This includes an amendment of the total number of lots to be used by the Association for purposes of calculating assessment burdens of each lot. *Id.* §§8.2.3.1 and 8.2.3.2. Any requirement that all lots be assessed equally is also amended so that the Conjoined Lots are treated as a single lot.

The Bylaws and Articles both rely on the Declaration and, in the event of a conflict, are controlled by the Declaration. The intent of this Amendment is that all of the Association's Governing Documents uniformly treat the Conjoined Lots as a single Building Lot and the owner of the Conjoined Lots as a single owner/member for purposes of enforcement, voting, quorum requirements and the like.

III. CERTIFICATION

State of Idaho)
County of Ada)^{ss}

We hereby certify and attest that this Amendment has been approved by the vote or written consent of Owners representing more than fifty percent (50%) of the votes in the Master Association.

Date of Count: 5-13-2013

Total In Favor: 162

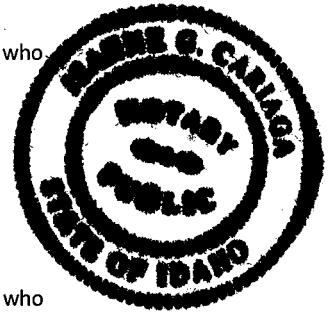
Total Votes: 163

[Signature]
President:

[Signature]
Secretary:

SUBSCRIBED AND SWORN TO before me on May 13th, 2013 by Wanda Bennett, the President of Banbury Meadows Homeowners Association, Inc., who presented documentation sufficient to establish his/her identity.

[Signature]
Notary Public for the State of Idaho
My Commission Expires: 9/1/15



SUBSCRIBED AND SWORN TO before me on May 13th, 2013 by Susan E. Logan, the Secretary of Banbury Meadows Homeowners Association, Inc., who presented documentation sufficient to establish his/her identity.

[Signature]
Notary Public for the State of Idaho
My Commission Expires: 9/1/15

