

BY-LAWS OF THE
THE BEAR LAKE RV PARK
PROPERTY OWNERS' ASSOCIATION, INC.

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THE BEAR LAKE RV PARK
PROPERTY OWNERS' ASSOCIATION, INC.

ARTICLE I: MEMBERSHIP

SECTION A: BEAR LAKE RV PARK MEMBERS.

1. Every person acquiring legal or equitable title to any site in Bear Lake RV Park, located in Bear Lake County, State of Idaho, becomes a member of the Bear Lake RV Park Property Owners' Association, Inc. (hereinafter referred to as the "Association"), and with such ownership and membership in the Association becomes subject to the requirements and limitations imposed in the By-laws of the Association and in the Second Amended Covenants, Conditions and Restrictions of the Bear Lake RV Park No. 1, No. 2, and No. 3 that run with the land and to the regulations and assessments of the Association, with the exception, however, of such person or persons who hold an interest in any such site merely as security for the performance of an obligation to pay money, that is mortgages, deeds, trusts, or real estate contract purchases.
2. However, if such person should realize upon his security and become the real owner of one or more sites within the plats, such person shall then assume the status of a regular member and be subject to all of the foregoing restrictions and assessments.

SECTION B: MEMBERSHIP RIGHTS.

1. Members shall have the right to use all the parks, private or public roads, recreational facilities, utility systems and all other services including, but not limited to, water, sewer, garbage disposal, and all other amenities within the plat(s) or owned by the Association.

SECTION C: OWNERS' EASEMENTS OF ENJOYMENT.

1. Every member shall have an undivided interest and reciprocal right and easement to use the common areas, roadways, and recreational facilities within the plat(s) or owned by the Association for all uses authorized by the Association.
2. No portion of such facilities shall be used in such manner as to obstruct or interfere with the enjoyment of members or their guests, or to annoy them by unreasonable noises or otherwise, nor shall any nuisance, immoral or illegal activity be committed or permitted to occur in or about such facilities.

SECTION D: SUSPENSION OF MEMBERSHIP.

1. Breach by any member or guest of any member of the regulations imposed by the Association and the Second Amended Covenants, Conditions and Restrictions Of Bear Lake RV Park No. 1, No. 2, and No. 3, or failure to pay any assessment or fee lawfully imposed by the Association, shall constitute grounds for suspension of all membership rights, including voting rights, at the discretion of the Board of Directors of the Association.
2. No delay or omission on the part of the Board of Directors in exercising any right, power, or remedy herein provided, in the event of any breach of the conditions contained herein, shall be considered as a waiver thereof or acquiescence therein.
3. A waiver of any breach of the conditions contained herein shall not be construed as a waiver of any succeeding breach or violation, and no such waiver shall result in or impose any liability on the Board of Directors.

ARTICLE II: MEETINGS OF MEMBERS

SECTION A: ANNUAL MEETINGS.

1. The Annual Meeting of the members shall be held at an address specified in the "Notice of the Annual Meeting" of each year on the date and at the time specified in said notice.

SECTION B: SPECIAL MEETINGS.

1. Special meetings of the members for any purpose may be called at any time by the President of the Board or as requested by any Director.
2. The Secretary shall request a special meeting upon written request of at least five percent (5%) of the members who have a right to vote.

SECTION C: NOTICES.

1. Notice of meetings shall be given to the members by the Secretary in accordance with Idaho Code which states in part the following:
 - a. Notice may be oral or written;
 - b. Notice by electronic transmission is written notice;
 - c. Notice may be communicated: in person; by telephone or voice mail; by telegraph, teletype or other electronic means; or by mail or private carrier;
 - d. If these forms of personal notice are impracticable, notice may be communicated by publication for ten (10) days pursuant to Idaho Code, as part of a written notice or report delivered as part of a newsletter, magazine or other publication regularly sent to members shall constitute a written notice.
2. Each member shall register his or her address and e-mail address, and any change to those addresses, with the Secretary within thirty (30) days of any change.
3. Any member not providing notice of current mailing address, phone number, e-mail address, or any changes to the above, cannot hold the Association liable and/or responsible for not providing adequate notice regarding actions and functions of the Association and the conducting of the Association business and voting by its members.

SECTION D: VOTING.

1. To be eligible to cast a vote, either in person or by proxy, members must be in good standing regarding compliance with the Second Amended Covenants, Conditions and Restrictions Of Bear Lake RV Park No. 1, No. 2, and No. 3, and By-Laws and shall not be in arrears on any annual or special assessments.
2. "Vote" shall mean the single vote cast per site by (a) a single Owner of a site or sites in good standing or (b) a group of multiple Owners of a site or sites in good standing or (c) multiple Owners commonly owning multiple sites in good standing.
 - a. For purposes of elections of the Board of Directors in annual meetings of the Association, owners shall be entitled to one vote per improved site owned. No votes shall be cast in said Board of Directors elections based on ownership of unimproved sites¹.
 - b. Provided, however, that in the event that the Association or the Board of Directors of the Association propose any: (1) increase in assessments that have a financial impact on the unimproved sites, (2) special assessments, (3) assessments for capital improvements, and (4) any other similar financial action or decision proposed to be taken by the Association that may have a financial impact on the unimproved sites, each site owner, including the owner or owners of unimproved sites as defined above shall have the right to one (1) vote for each site owned. In the event that the financial impact is to the improved sites only each owner

¹ Settlement Case CV-2008-128 In the District Court of the Sixth Judicial District of The State of Idaho, in and for the County of Bear Lake

or owners of the improved sites shall have the right to one (1) vote for each such site owned. Such expenditures must be approved by a majority of votes based on the total number of the sites in the subdivision.²

- c. All sites, including unimproved sites as defined shall be subject to approved special assessments and the owners of the sites shall be obligated to pay the approved special assessment. The special assessments shall be pro rated equally to each site in the subdivision³.
3. At any membership meeting, the presence (whether in person or by proxy) of members entitled to vote (but not less than five percent (5%) shall constitute a quorum for the transaction of business other than special assessments requiring membership approval, as noted above.
4. Increases to annual assessments made in the ordinary course of business conducted within the limits of a budget adopted by the Board shall be approved by a majority vote at the designated annual site owners meeting as set forth in the CC&R's and the By-Laws.
5. For the purposes of approving increases for special assessments for capital improvements or other special designated projects (other than regular maintenance as described in Section D Item 3) a majority vote (as defined in Section D, paragraph 2), will be required consisting of the presence of members or member proxies at the annual meeting and/or a special noticed meeting called by the Board of Directors.
6. If the required quorum is not present, (calculated by the total of members present and authorized proxy votes received) another meeting may be called by the Board of Directors or any member subject to the same notice requirement, and the required quorum at the subsequent meeting shall be one-half (1/2) of the required quorum at the preceding meeting.
7. No such subsequent meeting shall be held sooner than either thirty (30) days or more than 60 days following the preceding meeting.
8. All proxies shall be in writing and be filed with the Secretary before the commencement of the annual meeting. Any proxy given by a person who shall not be a qualified member on the date of the meeting, as well as any proxy given more than eleven (11) months prior to the date of the meeting, shall be void.

ARTICLE III: BOARD OF DIRECTORS

SECTION A: MEMBERSHIP AND POWERS.

1. The Association shall be governed by a Board of Directors consisting of no fewer than five (5) Directors.
2. Without limiting the generality of the preceding sentence, or any power vested in it by law, the Board of Directors shall have the power to:
 - a. Appoint and remove, with or without cause, all officers, agents and employees of the Association, to prescribe their duties, fix their compensation, if any, and require of them security or fidelity bonds as it may deem expedient. (Nothing contained in these By-laws shall be construed to prohibit the employment of any member, officer or Director of the Association in any capacity whatsoever);
 - b. Establish, levy, assess and collect the annual assessments and all other charges;
 - c. Maintain and manage property and community facilities belonging to the Association;
 - d. Exercise for the Association all powers, duties, and authority vested in or delegated to this Association, except those expressly reserved to the members;
3. In the event any member of the Board of Directors of this Association shall be absent from two consecutive regular meetings without the approval of the Board, the Board may take action at the

² Ibid.

³ Ibid.

meeting in which such second absence occurs to declare the office of said absent Director to be vacant.

SECTION B: CONFLICT OF INTEREST.

1. No Director, nor any appointed committee member, acting on behalf of the Board shall be involved with any decision, advise said members, or influence the decision making process where he or she might be party to or may receive benefits from the final decision.
2. This includes any other arrangement that might be determined to be for a Director's or appointed committee member's benefit.
3. It is expected that said persons would make it known to the Board of any conflict of interest and excuse themselves from the decision making process.
4. It is the prerogative of the Board, if such a conflict of interest has been discovered after the fact, to review said decision and vote again if the added information would affect the outcome of the decision.

SECTION C: DUTIES.

It shall be the duty of the Board of Directors to:

1. Cause to be kept a full, true and accurate record of its acts and corporate affairs and to present a statement thereof to the members at the Annual Meeting of the members or at any special meeting when requested in writing by at least five percent (5%) of the full membership;
2. Supervise all officers, agents and employees of the Association, and to see that their duties are properly performed;
3. Fix the amount of the annual assessment;
4. Prepare a roster of the properties and the annual assessments applicable thereto which shall be kept in the office of the Association; and
5. Send written notice of each assessment to every owner subject thereto.

SECTION D: VACANCIES.

1. Vacancies on the Board of Directors shall be filled by the affirmative vote of a majority of the remaining Directors, though less than a quorum of the Board of Directors, and any such appointed Director shall hold office for the unexpired term of his predecessor in office.

ARTICLE IV: MEETINGS OF THE BOARD OF DIRECTORS

SECTION A: ANNUAL MEETINGS.

1. The Annual Meeting of the Board of Directors shall be held immediately following adjournment of the Annual Meeting of the members in each year.

SECTION B: REGULAR MEETINGS.

1. A regular meeting of the Board of Directors shall normally be held once a month, as determined by Board Resolution, during the months of June, July, and August at the Bear Lake RV Park at a place to be announced-for the purpose of conducting Association business with an opportunity for members to provide input as determined by a discussion agenda item.

SECTION C: SPECIAL MEETINGS.

1. Special meetings of the Board of Directors shall be requested by the Secretary upon request by any officer of the Association or by any two Directors.
2. The action of a majority of the Board, although not at a regularly scheduled meeting, shall be valid and effective in all respects if the record of the meeting shall be assented to in writing by all members of the Board.

SECTION D: NOTICES AND WAIVERS.

1. No notice need be given for the Annual Meeting or any regular meeting of the Board.
2. Notice of any special meeting shall be sufficient when given per Article II, Section C, Notices at least ten days before the meeting, or given personally or by telephone not later than seven days before the meeting.
3. No notice need be given to any Director who attends the meeting or to any Director, who, in writing, before or after the meeting, waives such notice.

SECTION E: QUORUM.

1. At all meetings of the Board, a majority of the Board of Directors shall constitute a quorum; and, except as otherwise provided by law or by the By-laws, the act of a majority of the Directors present shall be the act of the Board.

ARTICLE V: ELECTION OF DIRECTORS

SECTION A: BALLOTS.

1. The election of Directors shall be by written ballots as hereinafter provided.
2. At each Annual Meeting or at any special meeting called for the purpose of electing Directors, the members or their proxies may cast, in respect to each vacancy, as many votes as they are entitled to through site ownership as defined in Article II, Section D.
3. The nominees receiving the largest number of votes shall be elected.

SECTION B: NOMINATIONS AND THE NOMINATING COMMITTEE.

1. Nomination for election to the Board of Directors shall be made by the Nominating Committee that shall consist of a Director, who shall be the Chairperson of the Nominating Committee.
2. The Nominating Committee shall be appointed by the Board of Directors prior to each Annual Meeting of the members, to serve during such Annual Meeting and until the next Annual Meeting or until its successor shall have been duly designated and qualified.
3. The members of the Nominating Committee shall be on the agenda of the annual Board of Directors Meeting and announced at the Annual Meeting of the members.

SECTION C: NOMINEES.

1. The Nominating Committee shall make as many nominations for election to the Board of Directors as it shall determine necessary (but not fewer than the number of vacancies to be filled).
2. Such nominations may be made from among members as the Committee shall determine with discretion.
3. Nominations shall be placed on a written ballot as provided in Article II Section D and shall be made in advance of the times fixed in Article II Section C for the mailing of such ballots to the members.

SECTION D: PROCEDURES.

1. All elections of the Board of Directors shall be made on written ballots which shall:
 - a. Describe the number of vacancies to be filled;
 - b. Set forth the names of those nominated by the Nominating Committee for such vacancies; and
 - c. Contain a space for a write-in vote by the members for each vacancy.
2. Such ballots shall be prepared and mailed by the Secretary to the members in advance of the date set forth therein for a return (which shall be a date not later than the day before the Annual Meeting or any special meeting called for the purpose of electing Directors).

SECTION E: TERMS.

1. To provide for continuity and the efficient administration of the affairs of the Association, the initial election of the Board of Directors shall be as follows:
 - a. Two Directors shall serve for one year
 - b. Two Directors shall serve for two years
 - c. One director shall serve for three years
 - d. Succeeding terms of office shall be two years.
 - e. Following initial elections, at the first organizational meeting of the Board of Directors, the Board shall be responsible for determining which Directors shall serve one, two and three year terms.

ARTICLE VI: OFFICERS

SECTION A: OFFICERS.

The officers of the Association shall be a:

1. President;
2. President Elect
3. Secretary;
4. Treasurer;
5. Member At large, and
6. Past President shall be an ex-officio member of the Board.

SECTION B: ELECTION BY BOARD OF DIRECTORS.

1. The President shall be elected at such Annual Meeting of the Board, and each officer shall hold office until the next Annual Meeting of the Board and until his successor shall have been duly elected and qualified or until his earlier death, resignation, or removal in accordance with the By-laws.
2. The officers shall be chosen by a majority vote of the Directors.

SECTION C: PRESIDENT AND DUTIES.

1. The President shall be the chief executive officer of the Association and as such shall have general supervision of the affairs and property of the Association and over its several officers, subject to the direction of the Board of Directors.
2. The President shall, if present, preside over all meetings of the Board of Directors and shall generally do and perform all acts incident to the office of President.
3. The President may sign in the name and on behalf of the Association all notes, leases, mortgages, deeds and all other written instruments authorized by the Board, except where the Board shall delegate the execution thereof to some other officer or agent of the Association.

SECTION D: PRESIDENT ELECT AND DUTIES.

1. In the event the President is unable to perform his or her duties, the President Elect shall act as defined in Section C above.
2. The President Elect shall perform all other functions as assigned by the President.

SECTION E: SECRETARY AND DUTIES.

1. The Secretary shall record the votes and keep the minutes of all proceedings in a book or on a computer disk to be kept for the purpose of historical record.
2. The Secretary shall keep the records of the Association.

3. The Secretary shall record the names and addresses of all members of the Association, shall see that all notices are duly given as required by the By-laws, Second Amended Covenants, Conditions and Restrictions Of Bear Lake RV Park No. 1, No. 2, and No. 3, or applicable law.
4. The Secretary shall perform all other functions as assigned by the President.

SECTION F: TREASURER AND DUTIES.

1. The Treasurer, or a third party selected by the Board, shall, at the direction of the Board of Directors, send written notice of annual assessments to every member and shall receive and maintain proper books of account for all assessments paid.
2. The treasurer or said appointed officer shall deposit in bank accounts approved by the Board all monies of the Association.
3. All checks issued require two signatures, the President and Treasurer, as directed by a resolution of the Board of Directors (provided, however, that a resolution of the Board shall not be necessary for disbursements made in the ordinary course of business conducted within the limits of a budget adopted by the Board).
4. The Treasurer or appointed officer shall keep proper books of account and prepare an annual budget and an annual balance sheet statement.
5. The budget and balance sheet statement shall be presented to the membership at its Annual Meeting.
6. The Treasurer shall perform all other functions as assigned by the President.

SECTION G: MEMBER AT LARGE AND DUTIES.

1. The Member At Large shall be the chairperson of the Architecture and Planning Committee.
2. The chairperson shall receive, process, and keep the records of applications for site improvements as required and allowed by the Bylaws and the Second Amended Covenants Conditions and Restrictions.
3. The chairperson shall report to the Board any and all request approvals and denials for any site improvements as requested by site owners.
4. The Member At Large shall perform all other functions as assigned by the President.

SECTION H: PAST PRESIDENT AND DUTIES

1. The Past President shall serve at the discretion of the current President.
2. The Past President position will be for the length of the current President's term, or until a new President is elected.
3. The Past President shall be responsible for helping the transition from one president to another, in the transferring of records and documents to the new officers, and other duties as deemed by the current President.

ARTICLE VII: ANNUAL ASSESSMENTS

SECTION A: ANNUAL ASSESSMENTS.

1. An annual assessment shall be adopted at the annual membership meeting to enable the Association to:
 - a. Properly maintain the private roads, common areas, recreational facilities and other amenities within the plats and/or owned by the Association;
 - b. Provide utility systems and services, including but not limited to electricity, water, sewer, and garbage collection;
 - c. Provide for the administration of the business of the Association, and to construct, maintain, or repair any improvements upon property within the plats and/or owned by the Association;

- d. Pay any taxes due;
 - e. Pay for needed legal fees for the administration of the Association;
 - f. The Board of Directors of the Association shall be empowered to annually assess equally each site held by the members, thereof and in accordance with the Second Amended Covenants, Conditions and Restrictions Of Bear Lake RV Park No. 1, No. 2, and No. 3 and the Association By-Laws through a proposed budget for approval and adoption by a majority of the member's present and any authorized proxy votes from members in good standing received prior to the annual meeting of the Association.
2. Any sums collected from the members for the purpose of constructing improvement upon property within the plats and/or owned by the Association, or for the purpose of establishing reserves for the construction and maintenance of such improvements, shall be deemed contributions to the capital of the Association, to be distributed pro rata to the members upon dissolution of the Association.

SECTION B: SPECIAL ASSESSMENTS.

1. In addition to the annual assessments authorized above, the Association may levy, in any assessment year, a special assessment applicable to that year or years so stated only for the purpose of defraying, in whole or in part, the cost of any construction, reconstruction, repair or replacement of a capital improvement upon the common area, including fixtures and personal property related thereto, provided that any such assessment shall have the assent of a simple majority of the members present and any proxy votes received.
2. All special assessments, when presented for voting upon, are to state the following:
 - a. The purpose or intent of the assessment;
 - b. The length of time the assessment will apply (number of year(s) and/or months);
 - c. The total amount of the special assessment shall be assessed as provided in Article II Section D and Article VII Section F.
 - d. The total amount of the assessment over the determined period of the assessment;
 - e. If financing is required, the amount of interest, the amount of the loan, the lender, and all pertinent information relating thereto.

SECTION C: AMOUNT.

1. The Board of Directors will annually consider and adopt a budget in an amount sufficient to operate and manage the affairs of the Association and the facilities available to the members, which will be the basis for the determination of the annual assessments on sites held by the members.
2. The annual budget shall include amounts to:
 - a. Enable the Association to properly maintain the private roads, common areas, recreational facilities and other amenities within the plats and/or owned by the Association;
 - b. Provide utility systems and services, including but not limited to electricity, water, sewer, and garbage collection;
 - c. Provide for the administration of the business of the Association;
 - d. Payment of taxes required for operation of the Park;
 - e. Construct, maintain, or repair any improvements upon property within the plats and/or owned by the Association;
 - f. Pay for legal fess for the administration of the Association;
 - g. The Board of Directors of the Association shall be empowered to annually assess each site held by the members, thereof and in accordance with the Second Amended Covenants, Conditions and Restrictions Of Bear Lake RV Park No. 1, No. 2, and No. 3 and presented to

the members through a proposed budget for approval and adoption by the members at the annual meeting of the Association.

- h. If a special assessment is requested by the Board, the special assessment will be voted upon separate and apart from the regular annual budget per the voting requirements of the Bylaws for special assessments.
3. The annual budget shall include, in a separate section of the annual budget, a special report regarding the special assessment. This report will provide at least the following:
 - a. When the assessment was approved;
 - b. The term of the assessment;
 - c. The total dollar amount of the assessment;
 - d. The annual dollar assessment amount to be received;
 - e. The annual dollar site assessment amount;
 - f. The designated purpose of the special assessment; and
 - g. The amount received and expended to date.
4. All member assessments, annual and special, shall be determined and fixed at a uniform rate for all sites except as noted in Article II, Section D. and Article VII, Section F.

SECTION D: DUE DATES.

1. The annual assessments shall be payable by the members to the Association on or before the thirty-first (31st) day of March of each year, for the ensuing year.
2. The Board of Directors of the Association shall fix the amount of the annual budget and assessments by the first day of December of each year, and written notice of fees so fixed shall be sent to each member during December at their last recorded address.
3. Any member may request in writing to the Board to:
 - a. Be allowed to make payments of regular assessments and special assessments based upon a stated hardship to be made on a prorated monthly basis for the budget year if the Association members so approve at the annual meeting;
 - b. No more than ten percent (10%) of the Association members may be allowed to pay prorated monthly assessments in any given year;
 - c. The requests to be considered will be on a first come basis as determined by United States Postal Service stamp date or UPS or FedEx stamp date;
 - d. The monthly prorated payment will be for the current budget year in which the budget and request is approved by the membership;
 - e. Any prorated monthly payment will be permitted for one (1) year only, and not two (2) years in succession;
 - f. Beginning the third (3rd) year the member will be required to again apply for the monthly prorated payment;
 - g. The purpose of the limitation is the potential financial impact on the annual operating budget when start-up expenses are incurred for the budget year and opportunity for other members to participate in the prorated payment plan.
4. All assessments will be considered late if not received before April 1st of the ensuing budget approval year. At this time penalties will apply as stated in this Article VII, Section E, Past Due Penalties.

SECTION E: PAST DUE PENALTIES.

1. All assessments thirty (30) days past due will have interest applied to the balance at the rate of nine percent (9%) per annum.

2. A service charge of seventy-five dollars (\$75) may also be charged by the Board.
3. All assessments ninety (90) days or more past due are subject to being sent to collection and lien by the Association as determined by the Board of Directors.

SECTION F: SITES

An "**unimproved site**".^{4 5} is defined as those sites: (1) which have not been sold or transferred or that may be transferred in bulk sales of not less than ten (10) sites, and (2) that have not been put into "actual use".⁶

1. A site shall be deemed to have been put into "actual use" when a site or sites are sold in quantities of less than ten (10) sites or an end user occupies the site with a recreational vehicle such that utilities including electricity and/or water are consumed thereby.⁷
2. The "unimproved sites" will be assessed annual maintenance fees of \$30.00 per site per year beginning 2010.⁸
3. The annual maintenance fee of \$30.00 per site assessed to the unimproved sites shall continue to apply to transferees, assignees, and/or successors so long as the ownership of the sites is transferred in bulk transactions of not less than ten (10) unimproved sites. In the event that any of the unimproved sites are put into "actual use" as defined above, the site or sites shall then be assessed the full annual maintenance fee in an amount equal to all other improved sites.⁹
4. When a site owner of an "unimproved site" sells and/or transfers ownership of the site to another owner(s), whether an individual site or bulk sites sale or transfer, within thirty (30) days of the recording of the sale and/or transfer (the postmark date will serve as the official notice date), the New Owner must notify in writing to the Association the following information to maintain the "unimproved site" status:
 - a. Date of the sale or transfer of site(s);
 - b. Site number(s) purchased or transferred
 - c. The name of each Site owner(s);
 - d. The mailing address of each Site owner(s);
 - e. The phone number of each Site owner(s);
 - f. The E-mail address(s) of each Site owner(s).

SECTION G: TAXES ON SITES AND COMMON AREAS

1. All sites are owned by an individual and/or groups of individuals. Therefore, the payment of the County of Bear Lake taxes are the responsibility of the site owner(s) and are to be paid each year according to the County of Bear Lake tax due dates.
2. The "Common Areas" are taxed and are included in pro-rata portions to each site and therefore are included in the site tax bill received and paid by the site owner(s) each year.

⁴ Sites: 19, 21, 22, 23, 33, 70, 71, 72, 73, 74, 79, 80, 81, 86, 87, 88, 89, 92, 93, 95, 96, 97, 98, 99, 100, 101, 102, 103, 109, 110, 111, 117, 118, 119, 120, 121, 132, 133, 134, 135, 136, 137, 139, 140, 141, 142, 156, 157, 158, 164, 165, 166, 167, 170, 174, 179, 180, 181, 192, 193, 194, 195, 196, 197, 198, 199, 200, 204, 205, 206, 207, 208, 210, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 245, 246, 273, 274, 281, 284, 285, 286, 287, 288, 289, 290, 291, 292, 295, 319, 320, 321, 322, 323, 324, 325.

⁵ The unimproved sites referenced above are those as of the date of the settlement agreement. These site definitions and applications will no longer apply when sold according to the provisions of the settlement agreement

⁶ Settlement Case CV-2008-128 In the District Court of the Sixth Judicial District of The State of Idaho, in and for the County of Bear Lake

⁷ Ibid.

⁸ Ibid.

⁹ Ibid

ARTICLE VIII: COMMITTEES

SECTION A: STANDING COMMITTEES.

1. Standing committees of the Association shall be the:
 - a. Nominating Committee;
 - b. Maintenance Committee;
 - c. Audit Committee;
 - d. Architecture and Planning Committee
 - e. Community Governance Committee
2. Unless otherwise provided herein, each committee shall consist of a Board member who shall act as chairperson and two or more members as determined by the Board.
3. Each committee shall be appointed by the Board of Directors at its Annual Meeting to serve until the next Annual Meeting of the Board and until its successors shall have been duly elected and qualified, except that the Nominating Committee shall be appointed in accordance with Article V, Section B, above and the Architectural and Control Committee will be appointed consistent with the Second Amended Covenants, Conditions and Restrictions Of Bear Lake RV Park No. 1, No. 2, and No. 3.

SECTION B: NOMINATING COMMITTEE.

1. The Nominating Committee shall have the duties and functions according to the provision set forth in these By-Laws the following:
 - a. Solicit and receive nominations for Board of Directors position(s);
 - b. Prepare election ballots for distribution;
 - c. Mail and distribute ballots;
 - d. Tally the ballots received at the annual elections described in Article V.
2. The Nominating Committee shall be composed of two (2) members plus the Chairperson. The committee members shall be site owners in good standing.
3. The Member At Large shall be the Chairperson of the committee.

SECTION C: MAINTENANCE COMMITTEE.

1. The Maintenance Committee shall advise the Board of Directors on all matters pertaining to the maintenance, repair or improvement of any common property or community facilities within Bear Lake RV Park, and shall perform such other functions as the Board shall determine necessary.
2. The Maintenance Committee shall be composed of two (2) members plus the Chairperson. The committee members shall be site owners in good standing.
3. The President Elect shall be the Chairperson of the committee.

SECTION D: AUDIT COMMITTEE.

1. The Audit Committee shall make an annual review of the Association's books and recommend the annual budget and balance sheet statement to the Board of Directors to be presented to the members at their Annual Meeting(s).
2. The Audit Committee shall be composed of two (2) members plus the Chairperson. The committee members shall be site owners in good standing.
3. The Treasurer shall be the Chairperson of the committee.

SECTION E: ARCHITECTURAL AND CONTROL COMMITTEE.

1. The Architectural and Control Committee shall have broad responsibility for supervision in all aspects of any and all improvements to be constructed, remodeled, altered, or added to any site or common area within the plats following the procedures detailed in the Second Amended Covenants, Conditions and Restrictions Of Bear Lake RV Park No. 1, No. 2, and No. 3.
2. The Architectural and Control Committee shall be composed of not less than two (2) and not more than four (4) members plus the Chairperson. The committee members shall be site owners in good standing.
3. The Member At Large shall be the Chairperson of the committee.

SECTION F: COMMUNITY GOVERNANCE COMMITTEE

1. The Community Governance Committee has the responsibility of reviewing and making recommendations to the Association Board of Directors on matters of the park, concerning but not limited to and as given direction by the President, over the following matters:
 - a. Site owner(s) concerns.
 - b. Rules and regulations and enforcement of same to be approved and posted by site owner(s).
 - c. Any surveys to be conducted relating to the betterment of the park, i.e. for construction on common areas.
 - d. Conducting surveys of site owners regarding rules and regulations of the park, construction projects and desires in the park; usage of the park; other activities and projects.
 - e. Provide for and organization of various social events for site owners.
 - f. Provide for and ensure the proper registration and collection of fees for site owner guests and groups utilizing the park facilities.
2. The committee shall be composed of four (4) members plus the Chairperson. The committee members must be site owners in good standing.
3. The Secretary will be the Chairperson of the committee.

SECTION G: AD HOC COMMITTEES.

1. The Board of Directors may appoint ad hoc committees as they deem appropriate.

SECTION H: GENERAL DUTIES.

1. It shall be the duty of each committee member to receive suggestions from the members on any matter involving Association functions, duties and activities within the field of its responsibility.
2. It shall act on such suggestions by referral to the appropriate committee for consideration or to the full Board for consideration and action.

ARTICLE IX: BOOKS AND PAPERS

SECTION A: AVAILABILITY.

1. In accordance with Idaho Code, the books and written records of the Association shall at all times, during reasonable business hours, be subject to inspection by any member upon written request to the President specifying the reason thereof.
2. A member is entitled to inspect and copy, at a reasonable time and location specified by the Corporation, any of the records of the Corporation described in Idaho Code, if the member gives the Corporation written notice or a written demand at least fifteen (15) business days before the date on which the member wishes to inspect and copy.

ARTICLE X: AMENDMENTS

SECTION A: AMENDMENT PROCEDURES.

1. The By-Laws may be amended by:
 - a. A simple majority vote of the Directors of the Association; or
 - b. A vote of a simple majority of the site owners in person or represented by proxy at a regular or special meeting of the Association shall be required to amend these By-Laws.
2. These By-Laws will also be considered amended by and through the amendment of the Second Amended Covenants, Conditions and Restrictions Of Bear Lake RV Park No. 1, No. 2, and No. 3, whereby sixty-six percent (66%) of the site owners are required to amend the Second Amended Covenants, Conditions and Restrictions Of Bear Lake RV Park No. 1, No. 2, and No. 3.
3. Any amendments of the Second Amended Covenants, Conditions and Restrictions will automatically be considered applicable and become a part of the By-Laws, whereby not requiring a separate approval for inclusion in and revision to the By-laws at such time the Second Amended Covenants, Conditions and Restrictions are amended.

SECTION B: RESOLUTION OF CONFLICTS.

1. In the case of any conflict between these By-laws and the Second Amended Covenants, Conditions and Restrictions Of Bear Lake RV Park No. 1, No. 2, and No. 3, the Second Amended Covenants, Conditions and Restrictions Of Bear Lake RV Park No. 1, No. 2, and No. 3 shall prevail.

Adopted by the Board of Directors on this _____ day of _____, in the year _____.

President – Daryl Attig

Vice-President – Harold Sorrells

Secretary – Debi Hunt

Treasurer – Bona Miller

Member-At-Large – Jay Williams