

618867

618511

3. 1

Re-recorded for the addition of the Notary Public

AN AMENDMENT TO THE DECLARATION OF CONDOMINIUM  
REGIME. HERITAGE VILLAGE CONDOMINIUM  
900 McKinley Avenue Pocatello, Idaho

Pursuant to Article XIII Section 3

AMENDMENT

It is deemed to the advantage of Heritage Village Association that  
the wording be changed to read as follows.

And further this Declaration may be amended during the said first  
twenty year period (computed from 20 July 1972) by an instrument  
signed by not less than seventy percent (70%) of the Unit Lot  
Owners. After that period by sixty percent (60%).

Ora L. Brown  
Heritage Village Association President

NOTARY SEAL

Craig Phalance  
Notary Public  
Pocatello  
Expiration 1-1-83

3-1

619188

AN AMENDMENT TO THE DECLARATION OF CONDOMINIUM REGIME  
"HERITAGE VILLAGE CONDOMINIUM" 900 McKinley  
Pocatello, Idaho

WE THE OWNERS AT HERITAGE VILLAGE ASSOCIATION WISH TO PROHIBIT ALL  
FOR SALE SIGNS FROM OUR PROPERTY. THIS ALSO INCLUDES ALL REAL ESTATE  
SIGNS.

Ora L. Brown  
PRESIDENT HERITAGE VILLAGE ASSOC.

Patricia J. Whitmarsh  
Notary Public  
Pocatello, Idaho  
Commission Expires: June, 1981

619188

NJ.  
RECORDED AT REQUEST OF  
Ora Brown & Faye Helmcamp  
FEB 23 3 32 PM '79  
OFFICIAL RECORD BK NO 333  
BANNOCK COUNTY IDAHO  
G. NEIL ANDERSON RECORDER  
FEE 3.00 DEPUTY EC

2-1

620243  
March 13, 1979

AN AMENDMENT TO THE DECLARATION OF CONDOMINIUM REGIME  
"HERITAGE VILLAGE CONDOMINIUM" 900 MCKINLEY  
POCATELLO, IDAHO

PURSUANT TO ARTICLE X SECTION 3 (a) and (b)  
MAXIMUM ASSESSMENTS

It is deemed to the advantage of Heritage Village Association that the wording be changed to read as follows.

(a) From and after January 1 of the year immediately following conveyance of the first Unit to an Owner, the maximum assessment may be increased. each year not more than 8% above the maximum assessment for the previous year, without a vote of the Association membership.

(b) From and after January 1 of the year immediately following the conveyance of the first Unit to an Owner, the maximum annual assessment may be increased above and in excess of 8% by a vote of two-thirds (2/3) of the Association members, except the Declarants, who are voting in person or by proxy, at a meeting duly called for this purpose.

641607

Exhibit C

6-6

**203 AMENDMENTS TO THE DECLARATION OF CONDOMINIUM REGIME**  
**"HERITAGE VILLAGE CONDOMINIUM" 900 McKinley**  
**POCATELLO, IDAHO**

**PURSUANT TO ARTICLE XVI (USE PROVISIONS)**

**Section 7.** No sign shall be displayed to the public view on, or in, any lot or Unit.

**PURSUANT TO ARTICLE XIII (GENERAL PROVISIONS)**

**Section 1. ENFORCEMENT.** The Association, or any Unit Owner, shall have the right to enforce, by any proceeding at law or in equity, all restrictions, conditions, covenants, reservations, liens and charges now or hereafter imposed by the provisions of this Declaration. Failure by the Association or by any Owner to enforce any covenant or restriction herein shall in no event be deemed a waiver of the right to do so thereafter. All expenses incurred in this enforcement would be the responsibility of the violator.

**PENALTIES:** Any person who shall willfully violate any provision of this act or who willfully violates any rule or regulation or order of this act, or who willfully violates any rule or regulation or order of the commission made and served upon said person, pursuant to the provisions of this act to be unlawful, shall be subject to a \$500.00 fine.

Ora L. Brown  
 PRESIDENT HERITAGE VILLAGE

Cladi McLeaver  
 VICE PRESIDENT HERITAGE VILLAGE

Alfred [Signature]  
 REPRESENTATIVE BLDG. C

Walter D. Brown  
 REPRESENTATIVE BLDG. E

Robert B. Whaley  
 REPRESENTATIVE BLDG. F

Norma Clark  
 SECRETARY TREASURER

641607

RECORDED &amp; RETURNED

Ora Brown

FEB 1 3 16 P

 OFFICIAL RECORD BY  
 CLAYTON COUNTY ID  
 NEW ANDERSON RE  
 \$12.00 DEPUTY

PAGE ONE

641697

6-1

AMENDMENTS TO THE DECLARATION OF CONDOMINIUM REGIME  
"HERITAGE VILLAGE CONDOMINIUM" 900 McKinley  
POCATELLO, IDAHO

PURSUANT TO ARTICLE XVI (USE PROVISIONS)

Section 7. No sign shall be displayed to the public view on, or in, any lot or Unit.

PURSUANT TO ARTICLE XIII (GENERAL PROVISIONS)

Section 1. ENFORCEMENT. The Association, or any Unit Owner, shall have the right to enforce, by any proceeding at law or in equity, all restrictions, conditions, covenants, reservations, liens and charges now or hereafter imposed by the provisions of this Declaration. Failure by the Association or by any Owner to enforce any covenant or restriction herein shall in no event be deemed a waiver of the right to do so thereafter. All expenses incurred in this enforcement would be the responsibility of the violator.

PENALTIES: Any person who shall willfully violate any provision of this act or who willfully violates any rule or regulation or order of this act, or who willfully violates any rule or regulation or order of the commission made and served upon said person, pursuant to the provisions of this act to be unlawful, shall be subject to a \$500.00 fine.

PAGE ONE

646092

AMENDMENT TO THE DECLARATION OF CONDOMINIUM REGIME  
"HERITAGE VILLAGE CONDOMINIUM" 900 MCKINLEY  
POCATELLO, IDAHO

PURSUANT TO ARTICLE X (SPECIAL ASSESSMENTS FOR CAPITAL IMPROVEMENT).  
SECTION 4.

IT IS DEEMED TO THE ADVANTAGE OF HERITAGE VILLAGE ASSOCIATION  
THAT THE WORDING BE CHANGED TO READ AS FOLLOWS:

IN ADDITION TO THE ANNUAL ASSESSMENTS AUTHORIZED ABOVE, THE  
ASSOCIATION MAY LEVY, IN ANY ASSESSMENT YEAR, A SPECIAL  
ASSESSMENT APPLICABLE TO THAT YEAR ONLY FOR THE PURPOSE  
OF DEFRAYING, IN WHOLE OR PART, THE COST OF ANY CONSTRUCTION,  
RECONSTRUCTION, REPAIR OR REPLACEMENT OR A CAPITAL IMPROVEMENT  
UPON THE COMMON AREA, INCLUDING FIXTURES AND PERSONAL PROPERTY  
RELATED THERETO, PROVIDED THAT A BOARD APPROVED PETITION  
BE SIGNED BY THE MAJORITY OF UNIT OWNERS WHO ARE LIVING IN  
THEIR UNIT AND WHO ARE NOT USING THEIR UNIT FOR RENTAL  
PURPOSES.

INSTRUMENT # 620243

AN AMENDMENT TO THE DECLARATION OF CONDOMINIUM REGIME  
"HERITAGE VILLAGE CONDOMINIUM"  
900 MCKINLEY  
POCATELLO, IDA.

PURSUANT TO ARTICLE X SECTION 3 (A) and (B)  
MAXIMUM ASSESSMENTS

IT IS DEEMED TO THE ADVANTAGE OF HERITAGE VILLAGE  
ASSOCIATION THAT THE WORDING BE CHANGED TO READ  
AS FOLLOWS.

(a) FROM AND AFTER JANUARY 1 OF THE YEAR IMMEDIATELY  
FOLLOWING CONVEYANCE OF THE FIRST UNIT TO AN OWNER, THE  
MAXIMUM ASSESSMENT MAY BE INCREASED EACH YEAR NOT MORE  
THAN 8% ABOVE THE MAXIMUM ASSESSMENT FOR THE PREVIOUS  
YEAR, WITHOUT A VOTE OF THE ASSOCIATION MEMBERSHIP.

(b) FROM AND AFTER JANUARY 1 OF THE YEAR IMMEDIATELY  
FOLLOWING THE CONVEYANCE OF THE FIRST UNIT TO AN OWNER,  
THE MAXIMUM ANNUAL ASSESSMENT MAY BE INCREASED ABOVE  
AND IN EXCESS OF 8% BY A VOTE OF TWO-THIRDS (2/3) OF  
THE ASSOCIATION MEMBERS, EXCEPT THE DECLARANTS, WHO ARE  
VOTING IN PERSON OR BY PROXY, AT A MEETING DULY CALLED  
FOR THIS PURPOSE.

INSTRUMENT # 618867

AN AMENDMENT TO THE DECLARATION OF CONDOMINIUM  
REGIME. HERITAGE VILLAGE CONDOMINIUM  
900 MCKINLEY AVENUE POCA TELLO, IDAHO

PURSUANT TO ARTICLE XIII SECTION 3

AMENDMENT

IT IS DEEMED TO THE ADVANTAGE OF HERITAGE VILLAGE  
ASSOCIATION THAT THE WORDING BE CHANGED TO READ  
AS FOLLOWS.

AND FURTHER THIS DECLARATION MAY BE AMENDED DURING  
THE SAID FIRST TWENTY YEAR PERIOD (COMPUTED FROM 20  
JULY 1972) BY AN INSTRUMENT SIGNED BY NOT LESS THAN  
SEVENTY PERCENT (70%) OF THE UNIT LOT OWNERS. AFTER  
THAT PERIOD BY SIXTY PERCENT (60%).



*Original*  
PAGE ONE

THIS AMENDMENT WAS  
3-1 RESCINDED BY AMENDMENT # 766170

646093

AN AMENDMENT TO THE DECLARATION OF CONDOMINIUM REGIME  
"HERITAGE VILLAGE CONDOMINIUM" 900 MCKINLEY  
POCATELLO, IDAHO

PURSUANT TO ARTICLE X COVENANT FOR ASSESSMENTS SECTION 9.  
IT IS DEEMED TO THE ADVANTAGE OF HERITAGE VILLAGE ASSOCIATION  
THAT THE UNDERLINED PORTION OF THE FOLLOWING SECTION BE  
DELETED FROM THE COVENANT.

SUBORDINATION OF THE LIEN TO MORTGAGES. THE LIEN OF THE  
ASSESSMENTS PROVIDED FOR HEREIN SHALL BE SUBORDINATE TO THE  
LIEN OF ANY FIRST MORTGAGE. SALE OR TRANSFER OF ANY UNIT SHALL  
NOT AFFECT THE ASSESSMENT LIEN. HOWEVER, THE SALE OR TRANSFER  
OF ANY UNIT PURSUANT TO MORTGAGE FORECLOSURE OR ANY PROCEEDING  
IN LIEU THEREOF, SHALL EXTINGUISH THE LIEN OF SUCH ASSESSMENTS  
AS TO PAYMENTS WHICH BECAME DUE PRIOR TO SUCH SALE OR TRANSFER.  
NO SALE OR TRANSFER SHALL RELIEVE SUCH UNIT FROM LIABILITY FOR  
ANY ASSESSMENTS THEREAFTER BECOMING DUE OR FROM THE LIEN THEREOF.

THE AMENDED COVENANT WOULD READ AS FOLLOWS:

ARTICLE X SECTION 9 COVENANT FOR ASSESSMENTS

NO SALE OR TRANSFER OF ANY UNIT SHALL AFFECT THE ASSESSMENT  
LIEN. THIS INCLUDES THE SALE OR TRANSFER OF ANY UNIT PURSUANT  
TO MORTGAGE FORECLOSURE OR ANY PROCEEDING IN LIEU THEREOF  
BECAUSE HERITAGE VILLAGE ASSOCIATION HAS PROVIDED AN EXPENSIVE  
AND NECESSARY SERVICE FOR EACH UNIT AND IN SO DOING IT HAS  
BEEN TO THE ADVANTAGE OF THOSE WHO ACQUIRE THIS UNIT PURSUANT  
TO MORTGAGE FORECLOSURE OR ANY PROCEEDING THEREOF. NO SALE  
OR TRANSFER SHALL RELIEVE OR EXTINGUISH ANY SUCH UNIT FROM  
LIABILITY FOR ANY ASSOCIATION ASSESSMENT WHICH BECAME DUE  
PRIOR TO SUCH SALE OR TRANSFER. NO SALE OR TRANSFER SHALL  
RELIEVE THE UNIT FROM LIABILITY FOR ANY ASSESSMENTS THEREAFTER  
BECOMING DUE OR FROM THE LIEN THEREOF.

*Original*

AN ADDENDUM TO THE DECLARATION OF COVENANTS, CONDITIONS  
AND RESTRICTIONS OF A CONDOMINIUM REGIME AND PLAN OF OWNER-  
SHIP KNOWN AS "HERITAGE VILLAGE CONDOMINIUM" 900 MCKINLEY  
POCATELLO, IDAHO

PURSUANT TO ARTICLE XVI INSURANCE  
SECTION 4 OWNERS RESPONSIBILITY

In the event that you have an insurance claim in your own  
unit, under the Associations policy you will be required to  
pay the \$100.00 deductible.

There are some exceptions. The outside water outlets, on the  
front of the buildings are subject to freezing. If these pipes  
freeze and cause damage, the Association will be responsible  
for the deductible. This exception does not include the water  
outlet on the patio, if this pipe freezes, the unit owner will  
be assessed for the \$100.00 deductible. The water outlets  
referred to are identified as follows:

Building A: Between 976 and 974-between 968 and 966-  
between 964 and 962-between 956 and 954.

Building B : North end of 964, 956, 972.

Building C: South end 966, 954, North end 976.

Building D: South end 920, 912, 904.

Building E: North end 918, 910, 902.

Building F: South end 904, 912, 920.

IF ANY OF OUR UNITS ARE LEFT WITHOUT HEAT AND ARE VACANT  
WHEN THIS BREAKAGE AND DAMAGE OCCURS THE UNIT OWNER WILL  
BE RESPONSIBLE.

PAGE ONE

2-1

667706

AN ADDENDUM TO THE DECLARATION OF COVENANTS, CONDITIONS AND  
RESTRICTIONS OF A CONDOMINIUM REGIME AND PLAN OF OWNERSHIP  
KNOWN AS "HERITAGE VILLAGE CONDOMINIUM"

900 MCKINLEY POCATELLO, IDAHO

The large grassy area at the North end of buildings E and F  
and at the South end of buildings B and C, has been  
designated as the play area for our children.

Due to the proximity, the courts are not conducive for play  
activities.

The courts are more specifically defined as the area with the  
curved sidewalks and the round flower planters which is loc-  
ated between buildings B and C and between buildings E and F.

NO. **667706**  
RECORDED & INDEXED OF  
Ora Brown

'81 MAY -8 A10:54

OFFICIAL RECORD NO. **367**  
BANDERET  
G. NEIL ANDERSON  
FEE **4.00** DEF. **lah**

PAGE ONE

3-1

688677

AN ADDENDUM TO THE DECLARATION OF COVENANT, CONDITIONS  
AND RESTRICTIONS OF A CONDOMINIUM REGIME AND PLAN OF  
OWNERSHIP KNOWN AS "HERITAGE VILLAGE CONDOMINIUM"

900 McKinley Pocatello, Idaho

PURSUANT TO ARTICLE XVI (USE PROVISIONS)

IT IS DEEMED TO THE ADVANTAGE OF HERITAGE VILLAGE  
ASSOCIATION TO PROHIBIT ALL PLAY GROUND EQUIPMENT  
FROM BEING INSTALLED OR PLACED ON OUR PROPERTY.  
THIS INCLUDES ADULT RECREATIONAL EQUIPMENT SUCH  
AS HORSE SHOE PITS, ETC. WE WISH TO KEEP OUR  
EXPENSES TO A MINIMUM AND ANY RECREATIONAL EQUIPMENT  
WOULD REQUIRE MAINTENANCE.

AN AMENDMENT TO THE BY-LAWS OF HERITAGE VILLAGE ASSOCIATION INC.  
"HERITAGE VILLAGE CONDOMINIUM"  
900 McKinley Pocatello, Idaho

It is deemed to the advantage of Heritage Village Association Inc. that the Articles listed below be amended to read as follows.

ARTICLE II

BOARD OF DIRECTORS

1. Number and qualification. The property, business and affairs of the Association shall be controlled and managed by a Board of Directors, which shall consist of seven members. Members of the Board must be members of the Association. Each building will hold a meeting and elect a representative from their building. The six representatives will appoint the secretary-treasurer. The six representatives and the secretary will comprise the governing body, each having voting power. The governing body will elect the President and Vice President from among the Board members.

3. Vacancies. Any vacancy occurring on the Board of Directors whether by removal, resignation, death, or otherwise shall be filled as soon as possible by the above voting procedure.

5. Notice and Waiver. If a special meeting is necessary it may be called by the President without delay.

ARTICLE IV

RIGHTS, DUTIES AND OBLIGATIONS OF THE MEMBERS OF THE ASSOCIATION

4. Annual Meetings. An annual meeting of the members shall be held the second Monday in February at 7:30 P.M. in a convenient location in the City of Pocatello, Idaho.

6. Notice; Waiver. Notice of annual and special meetings of the members must be given in writing and must state the date, hour, place of meeting, and generally describe the nature of the business to be transacted. The clips provided on the back gate of each unit will serve as a means of notice or communication. The absentee owners will receive their notice through the mail. Such notice shall be delivered or deposited in the mail at least ten (10) days prior to the date of the meeting.

AN AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS AND  
RESTRICTIONS OF A CONDOMINIUM REGIME AND PLAN OWNERSHIP  
OF  
"HERITAGE VILLAGE CONDOMINIUM"  
900 MCKINLEY, POCA TELLO, IDAHO

It is deemed to the advantage of Heritage Village Association, Inc.  
that the Article listed below be amended to read as follows:

ARTICLE X

Section 6: Uniform Rate of Assessment. Both annual and special assessments must be fixed at a uniform rate for all Units with the exception of those Units who own a large storage shed at the North end of the property. These Units will pay an additional \$2.00 (two dollars) each month which will enable the Association to keep the sheds in good repair. All dues may be collected on a monthly basis. Provided, further, that any units owned by the developer or the original Declarants, once such units are constructed, completed and occupied by either a lessee or a unit purchaser, shall be assessed fully, and in conformance with the other unit lot owners. And that no Unit will be assessed under this Article until it is built and occupied by either a renter or by a contract purchaser. Further, once a unit is completed and occupied --whether by lease or by purchase--the unit owner shall be obligated for all assessments notwithstanding the subsequent vacancy or abandonment of such unit by first lessee of such Unit Owner (including lessee of either the developer or Declarants owning such a unit).

PAGE ONE

AN AMENDMENT TO THE DECLARATION OF CONDOMINIUM REGIME  
HERITAGE VILLAGE CONDOMINIUM  
900 MCKINLEY, POCA TELLO, IDAHO

IT IS DEEMED TO THE ADVANTAGE OF HERITAGE VILLAGE ASSOCIATION, INC. TO RESCIND AMENDMENT NO. 646093, DATED APRIL 11, 1980, ARTICLE X - COVENANT FOR ASSESSMENTS, SECTION 9 - SUBORDINATION OF THE LIEN TO MORTGAGES, WHICH READS AS FOLLOWS:

NO SALE OR TRANSFER OF ANY UNIT SHALL AFFECT THE ASSESSMENT LIEN. THIS INCLUDES THE SALE OR TRANSFER OF ANY UNIT PURSUANT TO MORTGAGE FORECLOSURE OR ANY PROCEEDING IN LIEU THEREOF BECAUSE HERITAGE VILLAGE ASSOCIATION HAS PROVIDED AN EXPENSIVE AND NECESSARY SERVICE FOR EACH UNIT AND IN SO DOING IT HAS BEEN TO THE ADVANTAGE OF THOSE WHO ACQUIRE THIS UNIT PURSUANT TO MORTGAGE FORECLOSURE OR ANY PROCEEDING THEREOF. NO SALE OR TRANSFER SHALL RELIEVE OR EXTINGUISH ANY SUCH UNIT FROM LIABILITY FOR ANY ASSOCIATION ASSESSMENT WHICH BECAME DUE PRIOR TO SUCH SALE OR TRANSFER. NO SALE OR TRANSFER SHALL RELIEVE THE UNIT FROM LIABILITY FOR ANY ASSESSMENTS THEREAFTER BECOMING DUE OR FROM THE LIEN THEREOF.

THE ABOVE AMENDMENT CONTRADICTS THE ORIGINAL ARTICLE X SECTION 9 OF HERITAGE VILLAGE ASSOCIATION'S COVENANT WHICH WAS IN AGREEMENT WITH THE IDAHO CODE.

THE AMENDED COVENANT SHALL READ AS FOLLOWS:

ARTICLE X, SECTION 9: SUBORDINATION OF THE LIEN TO MORTGAGES. THE LIEN OF THE ASSESSMENT PROVIDED FOR HEREIN SHALL BE SUBORDINATE TO THE LIEN OF ANY FIRST MORTGAGE. SALE OR TRANSFER OF ANY UNIT SHALL NOT AFFECT THE ASSESSMENT LIEN. HOWEVER, THE SALE OR TRANSFER OF ANY UNIT PURSUANT TO MORTGAGE FORECLOSURE OR ANY PROCEEDING IN LIEU THEREOF, SHALL EXTINGUISH THE LIEN OF SUCH ASSESSMENTS AS TO PAYMENTS WHICH BECAME DUE PRIOR TO SUCH SALE OR TRANSFER. NO SALE OR TRANSFER SHALL RELIEVE SUCH UNIT FROM LIABILITY FOR ANY ASSESSMENTS THEREAFTER BECOMING DUE OR FROM THE LIEN THEREOF.

7-1

20406008

Amendment to the Declaration of Condominium Regime

"Heritage Village Condominium" 900 McKinley

Pocatello, Idaho

Persuant to article XVI (Prohibition of television or radio antennas)

It is deemed to the advantage of Heritage Village Association that the wording be changed to read as follows:

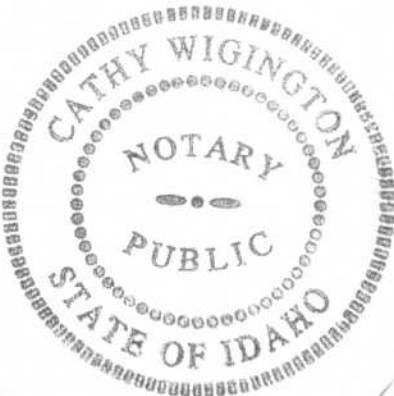
It is proposed that there be 1 supplier to install 1-2 satellite dishes on roof of each building as master antenna to supply satellite TV to Heritage Village Association, dish to be no larger than 24" in diameter. There will be no charge to association for installation of master antenna. Satellite dishes will not be installed on roof until or unless there is a request for this service. If satellite is desired, owner will be responsible for initial hook-up and monthly fees.

Linda Gibson

Linda Gibson  
Secretary/Treasurer

20406008  
Heritage Village  
RECORDED AT REQUEST OF  
FEE 3 DEPUTY BP

2004 MAR 26 AM 11 40  
OFFICIAL RECORD BK# 846  
LARRY W CHAN RECORDER  
BANNOCK COUNTY IDAHO



Cathy Wigington - Notary  
Exp 7/2005  
Residing in Pocatello, Idaho