

THIRD AMENDMENT TO DECLARATION FOR HISTORIC COMPLICATION CONDOMINIUMS

This Third Amendment to Declaration for Historic Complication Condominiums (this “**Third Amendment**”) is executed effective June ___, 2020 (the “**Third Amendment Date**”), by the Historic Complication Condominium Association, Inc., an Idaho non-profit corporation (the “**Association**”).

RECITALS

A. Reference is made to that certain Condominium Declaration for Historic Complication Condominiums recorded in the real property records of Ada County, Idaho on April 4, 2008 as Instrument No. 108038766 (the “**Original Declaration**”), as amended by that certain First Amendment to Condominium Declaration for Historic Complication Condominiums recorded in the real property records of Ada County, Idaho on July 3, 2008 as Instrument No. 109077277 (the “**First Amendment**”), as amended by that certain Second Amendment to Condominium Declaration for Historic Complication Condominiums recorded in the real property records of Ada County, Idaho on August 4, 2011 as Instrument No. 111063020 (the “**Second Amendment**”). The Original Declaration, First Amendment, and Second Amendment are collectively referred to herein as the “**Declaration**.” All capitalized terms not otherwise defined in this Third Amendment shall have the meaning ascribed to them in the Original Declaration.

B. The Second Amendment provides, in relevant part, that “[n]otwithstanding anything to the contrary contained in the [Original] Declaration [or First Amendment], Unit C-101 may be divided into both Residential and Commercial uses and assessed accordingly based on square footage allocated to each such use following division of the Unit, subject to any required governmental approvals and the approval of the HOA Board” (the “**C-101 Division Clause**”).

C. Pursuant to the C-101 Division Clause, the Owner of Unit C-101 has caused Unit C-101 to be divided into both Residential and Commercial Uses (the “**C-101 Division**”), with the resulting Residential Unit containing approximately 1,535 square feet (“**Unit R-101-PA1**”), and the resulting Commercial Unit containing approximately 2,799 square feet (“**Unit C-101-PA1**”), as each are legally described and graphically depicted on that certain Historic Complication Condominiums Project Amendment No. 1 recorded or to be in the real property records of Ada County, Idaho, a copy of which is attached hereto as Exhibit A and incorporated herein (the “**Plat Amendment**”).

D. By virtue of recordation of the Plat Amendment, the Owner of Unit C-101 has or will have obtained all required governmental approvals of the C-101 Division, and the board of directors of the Association (the “**HOA Board**”) has approved the Condo Division.

E. Pursuant to the C-101 Division Clause and Idaho Code § 55-1505(1)(c), the Association desires to amend the Declaration to reflect the C-101 Division, pursuant and subject to the terms and conditions hereinafter set forth.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing recitals, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Association hereby agrees and declares as follows:

1. Recitals. The Recitals contained hereinabove are true, correct, material, and are incorporated herein by reference as if set forth in full.

2. C-101 Division. The Declaration is hereby amended, in relevant part, generally to approve of and otherwise reflect the C-101 Division, and specifically to reflect that Unit C-101 has been replaced with Units R-101-PA1 and C-101-PA1.

3. Voting. The Declaration, including, without limitation, Section 7.2 thereof, is hereby amended, in relevant part, to reflect that the four (4) votes previously allocated to Unit C-101 are reallocated as follows: (a) Unit R-101-PA1 has two (2) votes; and (b) Unit C-101-PA1 has two (2) votes.

4. Assessments. The Declaration, including, without limitation, Section 9.2 thereof, is hereby amended, in relevant part, to reflect the following assessment schedule:

Basement Storage Unit	S.F.	Factor	Adj. SF	% of B Units	% of All Units	Initial Amt per \$1,000
B-1	1,363	20%	273	62.753%	1.038%	\$ 10.38
S-S18 (allocation included with residential unit calculation)						
Commerical Units	S.F.	Factor	Adj. SF	% of C Units	% of All Units	Initial Amt per \$1,000
C-101-PA1	2,799	100%	2,799	44.148%	10.661%	\$ 106.61
C-102	1,584	100%	1,584	24.984%	6.033%	\$ 60.33
R-103	986	100%	986	15.552%	3.756%	\$ 37.56
R-104	971	100%	971	15.315%	3.699%	\$ 36.99
Subtotal	6,340	100%	6,340	100.000%	24.149%	\$ 241.49
Residential Units	S.F.	Factor	Adj. SF	% of C Units	% of All Units	Initial Amt per \$1,000
R-101-PA1	1,535	100%	1,535	7.815%	5.847%	\$ 58.47
R-201	1,051	100%	1,051	5.351%	4.003%	\$ 40.03
R-202	1,143	100%	1,143	5.819%	4.354%	\$ 43.54
R-203	962	100%	962	4.898%	3.664%	\$ 36.64
R-204	861	100%	861	4.384%	3.280%	\$ 32.80
R-205 N. 10th St., 2nd Fl.	875	100%	875	4.455%	3.333%	\$ 33.33
R-206	1,358	100%	1,358	6.914%	5.173%	\$ 51.73
R-207	1,000	100%	1,000	5.091%	3.809%	\$ 38.09
R-208	1,803	100%	1,803	9.180%	6.868%	\$ 68.68
R-301*	1,033	100%	1,033	5.259%	3.935%	\$ 39.35
R-302*	1,141	100%	1,141	5.809%	4.346%	\$ 43.46
R-303	963	100%	963	4.903%	3.668%	\$ 36.68
R-304	855	100%	855	4.353%	3.257%	\$ 32.57
R-305	879	100%	879	4.475%	3.348%	\$ 33.48
R-306	1,357	100%	1,357	6.909%	5.169%	\$ 51.69
R-307	1,000	100%	1,000	5.091%	3.809%	\$ 38.09
R-308*	1,825	100%	1,825	9.292%	6.951%	\$ 69.51
Subtotal	19,641	100%	19,641	100.000%	74.813%	\$ 748.13
*Units R-301, R-302, and R-308 include patio areas in S.F. calculations						
TOTAL			26,254		100.000%	\$ 1,000.00

5. Effect of Amendment. Except as expressly provided in this Third Amendment, all of the terms and conditions of the Declaration remain in full force and effect. To the extent there is a conflict

between the terms and conditions of the Declaration and the terms and conditions of this Third Amendment, the terms and conditions of this Third Amendment shall control.

[Remainder of page intentionally left blank; signature page follows.]

IN WITNESS WHEREOF, the Association has executed this Third Amendment effective as of the Third Amendment Date.

ASSOCIATION:

Historic Complication Condominium Association, Inc.,
an Idaho non-profit corporation

By: _____
Name: Greg Perkins
Its: President

STATE OF _____)
) ss.
County of _____)

This record was acknowledged before me on _____, 2020, by Greg Perkins, as president of Historic Complication Condominium Association, Inc.

Notary for _____
Residing at _____
My Commission Expires _____

OWNER CONSENT

At the request of the Ada County Surveyor's Office we, Robert Grey Kaylor and Barbara J. Kaylor, hereby certify that we are the owners of former Unit C-101, now known as Units R-101-PA1 and C-101-PA1, and hereby consent to the recording of the Third Amendment to which this Consent is attached.

Robert Grey Kaylor

Barbara J. Kaylor

STATE OF _____)
County of _____) ss.

This record was acknowledged before me on June ____, 2020, by Robert Grey Kaylor.

Notary Public for _____
Residing at _____
My Commission Expires _____

STATE OF _____)
County of _____) ss.

This record was acknowledged before me on June ____, 2020, by Barbara J. Kaylor.

Notary Public for _____
Residing at _____
My Commission Expires _____

LENDER CONSENT

The undersigned holder of a recorded security interest in former Unit C-101, now known as Units R-101-PA1 and C-101-PA1, hereby consents to the recording of the Third Amendment to which this Consent is attached.

U.S. Bank National Association

By: _____
Name: Mark Monrow
Its: Authorized Signatory

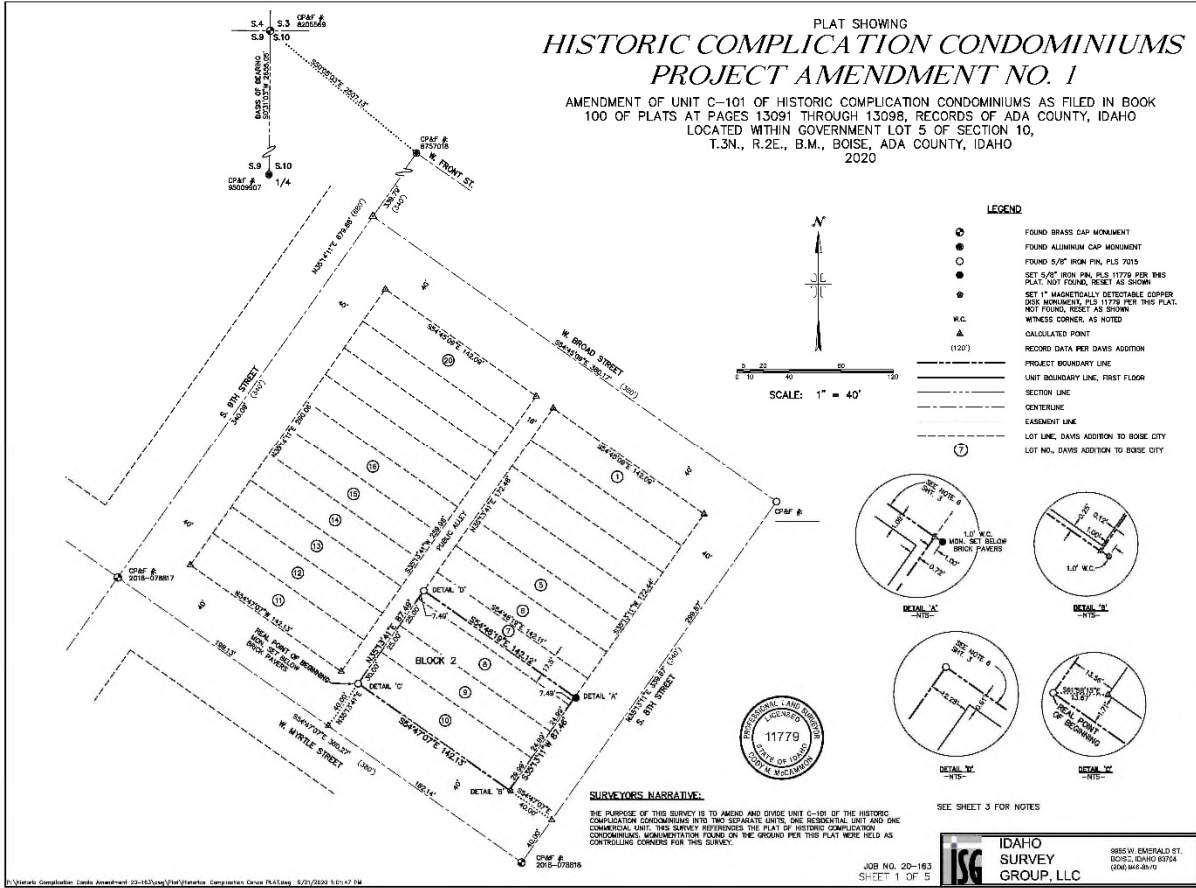
STATE OF _____)
) ss.
County of _____)

This record was acknowledged before me on June ____, 2020, by Mark Monrow, as authorized signatory of U.S. Bank National Association.

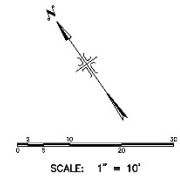
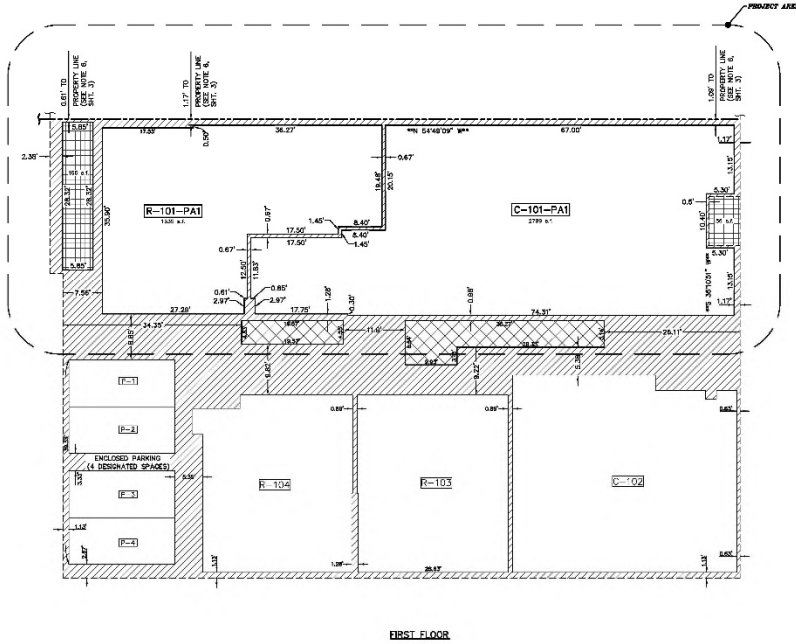
Notary Public for _____
Residing at _____
My Commission Expires _____

EXHIBIT A

PLAT AMENDMENT



HISTORIC COMPLICATION CONDOMINIUMS PROJECT AMENDMENT NO. 1



- LEGEND**
- ** N 50°15'02" W **
 - INTERIOR WALL REFERENCE BEARING. ALL INTERIOR UNIT BEARINGS AND DISTANCES ARE PARALLEL OR PERPENDICULAR TO THE REFERENCE BEARING UNLESS OTHERWISE NOTED.
 - PROJECT BOUNDARY LINE
 - UNIT BOUNDARY (OUTER WALL)
 - EXISTING BUILDING ENVELOPE/REFERENCE LINE
 - GENERAL COMMON AREA
 - COMMON AREA RESIDENTIAL USE ONLY
 - LIMITED COMMON AREA
 - C-101 COMMERCIAL UNIT DESIGNATION
 - R-103 RESIDENTIAL UNIT DESIGNATION
 - F-1 VEHICLE PARKING UNIT DESIGNATION



SEE SHEET 3 FOR NOTES

JOB NO. 20-163
SHEET 2 OF 5

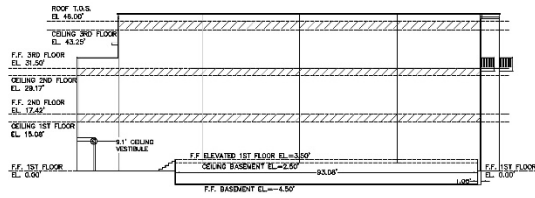
ISG IDAHO SURVEY GROUP, LLC
 9855 W. EMERALD ST.
 BOISE, IDAHO 83724
 (208) 461-8919

HISTORIC COMPLICATION CONDOMINIUMS PROJECT AMENDMENT NO. 1

NOTES.

1. THIS PLAT IS SUBJECT TO THE CONDOMINIUM PROPERTY ACT TITLE 55, CHAPTER 15, IDAHO CODE.
2. THE USES, RESPONSIBILITIES AND RELATIONSHIPS OF THE UNITS AND COMMON AREAS, AND THE DEFINITION OF A "UNIT" IS AS DESCRIBED IN THE DECLARATION FOR HISTORIC COMPLICATION CONDOMINIUMS, RECORDED ON APRIL 9, 2008 AS INSTRUMENT NO. 108038789, RECORDS OF ADA COUNTY, IDAHO (AS SUBSEQUENTLY AMENDED).
3. BUILDING AND OCCUPANCY IN THIS CONDOMINIUM PROJECT SHALL CONFORM TO THE STANDARDS ESTABLISHED BY THE DECLARATION FOR HISTORIC COMPLICATION CONDOMINIUMS, RECORDED ON APRIL 9, 2008 AS INSTRUMENT NO. 108038789, AND SECOND AMENDMENT TO CONDOMINIUM DECLARATION FOR HISTORIC COMPLICATION CONDOMINIUMS, RECORDED ON AUGUST 4, 2011 AS INSTRUMENT NO. 111603020, RECORDS OF ADA COUNTY, IDAHO (AS SUBSEQUENTLY AMENDED).
4. THE DEVELOPMENT OF THIS PROPERTY SHALL BE IN COMPLIANCE WITH THE BOISE CITY ZONING ORDINANCE OR AS SPECIFICALLY APPROVED BY IDPHS-01024.
5. THE LAND WITHIN THIS PLAT IS NOT WITHIN AN IRRIGATION DISTRICT AS DEFINED BY IDAHO CODE 31-3005, AND THE REQUIREMENTS IN I.C. 31-3005 ARE NOT APPLICABLE.
6. THIS PROJECT IS SUBJECT TO A PARTY WALL AGREEMENT RECORDED AS INSTRUMENT NO. 128039715, OFFICIAL RECORDS OF ADA COUNTY, IDAHO. THIS AGREEMENT AFFECTS THE COMMON WALL ALONG THE NORTHEAST PROPERTY LINE OF THIS PLAT.
7. SEE THE ORIGINAL PLAT OF HISTORIC COMPLICATION CONDOMINIUMS AS FILED IN BOOK 102 OF PLATS AT PAGES 13028 THROUGH 13068 AS INSTRUMENT NO. 108038787, RECORDS OF ADA COUNTY, IDAHO FOR ADDITIONAL DATA OF RECORD.

NORTHEAST ELEVATION



SCALE: 1" = 16'

LEGEND

- GENERAL COMMON AREA
- ROOF T.O.S.
- TOP OF STRUCTURAL ROOF
- F.F.
- FINISH FLOOR



JOB NO. 20-163
SHEET 3 OF 5



9855 W. EMERALD ST.
BOISE, IDAHO 83724
(208) 461-8919

HISTORIC COMPLICATION CONDOMINIUMS PROJECT AMENDMENT NO. 1

CERTIFICATE OF OWNERS

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED ARE THE OWNER(S) OF THE REAL PROPERTY PLATED HEREOF AND THAT IT IS THEIR INTENTION TO AMEND THE CONDOMINIUM PROJECT. THIS CONDOMINIUM PROJECT AMENDMENT IS AUTHORIZED BY SECTION 4.2-4.201 TO DIVIDE UNITS. CONDOMINIUM DECLARATION FOR HISTORIC COMPLICATION CONDOMINIUMS, RECORDED ON APRIL 4, 2008 AS INSTRUMENT NO. 106035784, RECORDS OF ADA COUNTY, IDAHO. THE OWNER(S) ALSO DO HEREBY CERTIFY THAT THEY CONSENT TO THE RECORDED OF DOCUMENTS PURSUANT TO CHAPTER 15, TITLE 55 OF THE IDAHO CODE.

THIS CONDOMINIUM PROJECT AMENDMENT IS TO AMEND AND DIVIDE INTO TWO SEPARATE UNITS, ONE RESIDENTIAL UNIT AND ONE COMMERCIAL UNIT OF UNIT 0-101 OF HISTORIC COMPLICATION CONDOMINIUMS AS FILED IN BOOK 100 OF PLATS AT PAGES 12091 THROUGH 12098, RECORDS OF ADA COUNTY, IDAHO, SITUATED IN GOVERNMENT LOT 5 OF SECTION 10, TOWNSHIP 3 NORTH, RANGE 2 EAST, 64M, CITY OF BOISE, ADA COUNTY, IDAHO. ALL OF THE UNITS WITHIN THIS PLAT WILL BE ELIGIBLE TO RECEIVE DOMESTIC WATER SERVICE FROM SUEZ WATER IDAHO, INC. A PUBLIC UTILITY, SUBJECT TO THE REGULATIONS OF THE IDAHO PUBLIC UTILITIES COMMISSION, AND SAID WATER COMPANY HAS AGREED IN WRITING TO SERVE ALL OF THE UNITS IN THIS CONDOMINIUM.

OWNERS:

IN WITNESS WHEREOF, THE GRANTORS HAVE CAUSED THIS INSTRUMENT TO BE SUBSCRIBED THIS _____ DAY OF _____, 2020.

ROBERT GREY KAYLOR _____

BARBARA A. KAYLOR _____

ACKNOWLEDGEMENT

STATE OF IDAHO)
) S.S.
COUNTY OF ADA)

ON THIS _____ DAY OF _____, 2020, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED ROBERT GREY KAYLOR AND BARBARA A. KAYLOR, HUSBAND AND WIFE, KNOWN OR IDENTIFIED TO ME TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE WITHIN INSTRUMENT, AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN.

NOTARY PUBLIC FOR IDAHO
RESIDING AT: _____
MY COMMISSION EXPIRES: _____

CONDOMINIUM ASSOCIATION:

IN WITNESS WHEREOF, THE GRANTORS HAVE CAUSED THIS INSTRUMENT TO BE SUBSCRIBED THIS _____ DAY OF _____, 2020.

HISTORIC COMPLICATION CONDOMINIUM ASSOCIATION, INC.

GREG PERKINS _____ PRESIDENT

ACKNOWLEDGEMENT

STATE OF IDAHO)
) S.S.
COUNTY OF ADA)

ON THIS _____ DAY OF _____, 2020, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED GREG PERKINS, KNOWN OR IDENTIFIED TO ME TO BE THE PRESIDENT OF HISTORIC COMPLICATION CONDOMINIUM ASSOCIATION, INC. AN IDAHO CORPORATION, THAT EXECUTED THE INSTRUMENT ON THE PERSON WHO EXECUTED THE INSTRUMENT 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 IN THIS CERTIFICATE FIRST ABOVE WRITTEN.

NOTARY PUBLIC FOR IDAHO
RESIDING AT: _____
MY COMMISSION EXPIRES: _____



JOB NO. 20-163
SHEET 4 OF 5



9855 W. EMERALD ST.
BOISE, IDAHO 83724
(208) 461-8919

HISTORIC COMPLICATION CONDOMINIUMS PROJECT AMENDMENT NO. 1

CERTIFICATE OF SURVEYOR

I, CODY M. McCAMMON, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR LICENSED BY THE STATE OF IDAHO, AND THAT THIS PLAT AS DESCRIBED IN THE "CERTIFICATE OF OWNERSHIP" WAS DRAWN FROM AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY DIRECT SUPERVISION AND ACCURATELY REPRESENTS THE POINTS PLATTED THEREON, AND IS IN CONFORMITY WITH THE STATE OF IDAHO CODE RELATING TO PLATS, SURVEYS AND CONDOMINIUMS.



CODY M. McCAMMON, P.L.S.

BOARD NO. 11779

CERTIFICATE OF COUNTY SURVEYOR

I, THE UNDERSIGNED, PROFESSIONAL LAND SURVEYOR, IN AND FOR ADA COUNTY, IDAHO, DO HEREBY CERTIFY THAT I HAVE CHECKED THIS PLAT AND THAT IT COMPLES WITH THE STATE OF IDAHO CODE RELATING TO PLATS, SURVEYS AND CONDOMINIUMS.

ADA COUNTY SURVEYOR _____

CERTIFICATE OF THE COUNTY TREASURER

I, THE UNDERSIGNED, COUNTY TREASURER IN AND FOR THE COUNTY OF ADA, STATE OF IDAHO, PER THE REQUIREMENTS OF I.C. 26-1308 DO HEREBY CERTIFY THAT ANY AND ALL CURRENT AND/OR DELINQUENT COUNTY PROPERTY TAXES FOR THE PROPERTY INCLUDED IN THIS CONDOMINIUM PROJECT AMENDMENT PLAT HAVE BEEN PAID IN FULL. THIS CERTIFICATION IS VALID FOR THE NEXT THIRTY (30) DAYS ONLY.

DATE _____ COUNTY TREASURER _____

COUNTY RECORDER'S CERTIFICATE

STATE OF IDAHO)
) S.S.
COUNTY OF ADA)

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD AT THE REQUEST OF ROBERT GREY KAYLOR, AT _____ MINUTES PAST _____ O'CLOCK _____ M., ON THIS _____ DAY OF _____, IN BOOK _____ OF PLATS AT PAGES _____.

INSTRUMENT NO. _____

DEPUTY _____ EX-OFFICIO RECORDER _____

FEE _____

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JOB NO. 20-163
SHEET 5 OF 5

ISG	IDAHO SURVEY	9855 W. EMERALD ST. BOISE, IDAHO 83724 (208) 461-8919
	GROUP, LLC	