

After Recording

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Instrument # 277441

IDAHO CITY, BOISE COUNTY, IDAHO

11-30-2021 12:18:14 PM No. of Pages: 4

Recorded for : MOUNTAIN SHADOWS HOMEOWNERS

MARY T. PRISCO Fee: 19.00

Ex-Officio Recorder Deputy 

Index to: MISCELLANEOUS

Bill Klevenberg
President, Mountain Shadows Homeowners Association
18 Creek Hollow Drive
Garden Valley, Idaho 83622

For Recording Information

**DECLARATION OF NON-ACCEPTANCE OF AMENDMENTS TO COVENANTS CONDITIONS AND
RESTRICTIONS FOR MOUNTAIN SHADOWS 1, 2, 3 AND 4**

This Declaration ("Declaration") is made as of the date set forth below by the Board of Directors of the Mountain Shadows Homeowners Association ("MSHOA").

WHEREAS, Mountain Shadows is governed by Covenants, Conditions and Restrictions ("2015 CC&Rs") which were recorded with Boise County on August 8, 2015 under Instrument #248283.

AND WHEREAS, Article VI of 2015 CC&Rs Section 6.2 provides the developer, Mountain Shadows Development Company LLC (MSD), "the right to make unilateral amendments to these covenants, conditions and restrictions that apply to Phase 4 as he deems necessary to adjust to market conditions, ..."

AND WHEREAS, Article VI of 2015 CC&Rs Section 6.1 requires: "This development will be done maintaining the character and esthetics of Phases 1 through 3 and encompasses approximately 170 acres adjacent to the current development."

AND WHEREAS, Article 2.1 of 2015 CC&Rs requires: "Each lot, except Lot 1, shall be used solely for residential purposes and shall not be used for commercial activities."

AND WHEREAS, Article 2.2a of 2015 CC&Rs states that, "It is the intent of the Association that architectural designs similar to that of other upscale communities in the area are desired and will be utilized for construction of Residences within the Development."

AND WHEREAS, Article 2.2b of 2015 CC&Rs requires: "Each Residence constructed on a lot shall be a "single-family" dwelling as defined by building codes applicable to Boise County."

AND WHEREAS, Article VI of 2015 CC&Rs Section 6.2 requires: "All provisions, burdens, and obligations contained in these CC&Rs shall apply to Phase 4 when developed."

AND WHEREAS, a document entitled Declaration of Amendment to Revised Declaration of Covenants, Conditions and Restrictions for Mountain Shadows Subdivision No. 1, 2, 3, and 4 (future) was recorded with Boise County by Mountain Shadows Development Company, LLC, on November 12, 2019 under Instrument #265685, which document purported to amend the Revised Covenants, Conditions and Restrictions for Mountain Shadows 1, 2, 3 and 4 ("2015 CC&Rs").

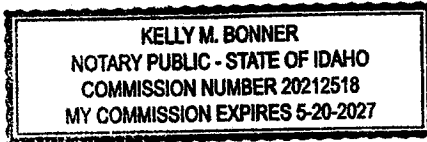
AND WHEREAS, Review and analysis of the document entitled Declaration of Amendment to Revised Declaration of Covenants, Conditions and Restrictions for Mountain Shadows Subdivision No. 1, 2, 3, and 4 (future) does not indicate that it meets the requirements of the 2015 CC&Rs as detailed above.

AND WHEREAS, After numerous requests over the past 2 years to MSD and successors for definitive information outlining the planned use and development of Phase 4, there has been nothing received by the MSHOA Board of Directors to present to the Homeowners for a vote which demonstrates that the potential development is in compliance with the requirements of the 2015 CC&Rs.

NOW, THEREFORE: Until such a time as any developer, future owner or assignee can demonstrate strict compliance with all the requirements of the 2015 CC&Rs, the Board of Directors of MSHOA hereby records this Declaration that the 2019 revisions to the Revised Declarations cannot and will not be honored or enforced by MSHOA. Without clearly demonstrated adherence to the requirements of the 2015 CC&Rs, the MSHOA Board of Directors cannot support Phase 4 being developed as part of Mountain Shadows. In addition, any developer, future owner or assignee will have no access to the water system, road infrastructure or any other aspects or features of the Mountain Shadows development unless adherence to the 2015 CC&Rs is verified.


William Klevenberg, President

STATE OF IDAHO)
) ss.
County of Boise)



This record was acknowledged before me this 17th day of November, 2021 by William Klevenberg as President of the Board of Directors of the Mountain Shadows Homeowners Association.

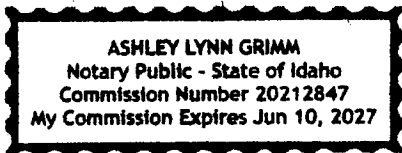

NOTARY PUBLIC for Idaho

My Commission Expires: 5/20/27

R. Scott Anglim
Scott Anglim, Vice President

STATE OF IDAHO)
) ss.
County of Boise)

This record was acknowledged before me this 16th day of November, 2021 by Scott Anglim as Vice President of the Board of Directors of the Mountain Shadows Homeowners Association.



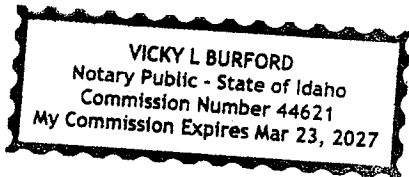
Ashley Lynn Grimm
NOTARY PUBLIC for Idaho

My Commission Expires: 06/10/27

Belinda Pond
Belinda Pond, Secretary/Treasurer

STATE OF IDAHO)
) ss.
County of Boise)

This record was acknowledged before me this 16 day of November, 2021 by Belinda Pond as Secretary/Treasurer of the Board of Directors of the Mountain Shadows Homeowners Association.



Vicky L Burford
NOTARY PUBLIC for Idaho

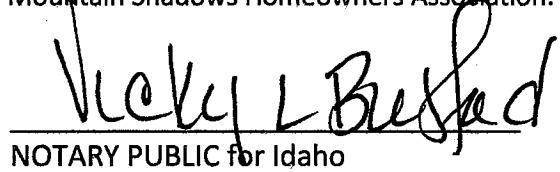
My Commission Expires: 3-23-27

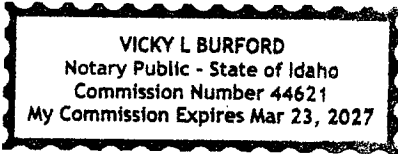


R E Hammond, Director

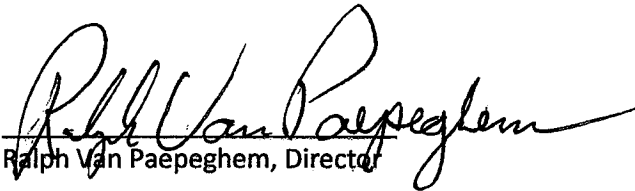
STATE OF IDAHO)
) ss.
County of Boise)

This record was acknowledged before me this 17 day of November, 2021 by R E Hammond as a Director of the Board of Directors of the Mountain Shadows Homeowners Association.


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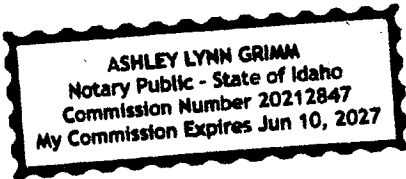


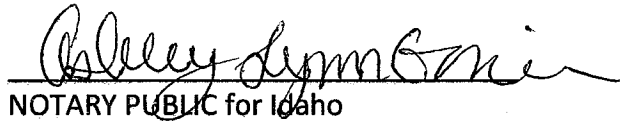
My Commission Expires: 3-23-27


Ralph Van Paepghem, Director

STATE OF IDAHO)
) ss.
County of Boise)

This record was acknowledged before me this 16th day of November, 2021 by Ralph Van Paepghem as a Director of the Board of Directors of the Mountain Shadows Homeowners Association.




NOTARY PUBLIC for Idaho

My Commission Expires: 06/10/27