



## FOURTH AMENDMENT TO COMMUNITY CHARTER FOR LEGACY

THIS FOURTH AMENDMENT (the "**Fourth Amendment**") is made to the Community Charter for Legacy ("**Charter**") dated April 25, 2008, Instrument No. 108048693, together with the First Amendment to Community Charter for Legacy, Instrument No. 111102792, the Second Amendment to Community Charter for Legacy, Instrument No. 112086395, and the Third Amendment to Community Charter for Legacy, Instrument No. 114050590, which Instruments have been recorded in the office of the Ada County Recorder.

This Fourth Amendment is made by Brahma, LLC, an Idaho limited liability company, the successor to all of the rights, title and interest of the Founder under the Charter.

### Recitals

A. Pursuant to Section 20.2 of the Charter, the Founder may unilaterally amend the Charter for any purpose until termination of the Founder Control Period.

B. Certain Limited Common Areas, including Lake Legacy, provide unique benefits to those Units fronting on Lake Legacy, but also provide benefits to all Units in the master planned community known as the Community of Legacy ("**Legacy**").

C. Although Service Area Assessments may be levied on each of the benefited Units in proportion to the benefits received, pursuant to Section 12.2 (c) of the Charter, the Founder believes said section needs further clarification.

NOW, THEREFORE, for good and valuable consideration, including the recitals contained herein, the undersigned hereby declares that Section 12.2 (c) of the Charter is amended by deleting in its entirety and replacing it as follows:

12.2(c) *Calculation of Service Area Assessments.* The total Service Area Expenses budgeted for each Service Area, less any surplus in such Service Area Budget from prior years, may be allocated among all Units in the Service Area and among some or all other Units in Legacy that are subject to Assessments under Section 12.5, as amended, and levied as a "**Service Area Assessment**". Unless otherwise specified in any supplement applicable to a Service Area, Service Area Assessments shall be set at a uniform rate per Unit in the Service Area; provided however, if the Board reasonably determines that a portion of the benefits provided by any Service Area benefit Legacy at large, and further provide special benefits to Units in the Service Area, portions of the Assessments for the Service Area may be levied upon the Units in the Service Area and portions of the Assessments may be levied upon all Units in Legacy, which portions and/or proportions shall be set as the Board may reasonably determine.

