



**RE: 5% TMA Civic Assessment for Third Party Vendors**

**Attention third party vendor:**

Welcome to Tamarack Resort. Tamarack Municipal Association (TMA) is the master Owner Association at Tamarack. One of TMA's revenue sources is an assessment that piggy-backs on Idaho Sales Tax. In short, if you are required to collect sales tax, you are also required to collect a 5% Civic Assessment and remit that 5% to TMA on or before the 20th day of the following month the transaction was executed.

The Civic Assessment should be added to all taxable goods and services as a “pass through” fee paid by the customer, collected by the third party and paid to the Municipal Association. This revenue stream helps with maintenance of the roadways, signage and lighting across the resort.

Assessment payments may be provided to the attention of the TMA Community Manager Levi Johnson during regular business hours at the main office located in Design Plaza, 311 Village Drive or by USPS to the following address:

Tamarack Municipal Association Inc.  
c/o DEVELOPMENT SERVICES INC  
9601 W State St, Ste 203 – Boise, ID 83714  
Phone 208-939-6000, Fax 208-939-6118

All payments are required to include a Sales Summary Report with the payment.

An excerpt from the Tamarack Municipal Association Bylaws outlining the requirements and guidelines for this assessment is included on the subsequent pages.

Thank you for your attention to this policy and for conducting business at Tamarack Resort.

Sincerely,  
Levi Johnson  
Community Manager, TMA  
ljohnson@tmaidaho.com  
(208) 325-1461

**SEVENTH AMENDMENT TO  
BYLAWS OF  
TAMARACK MUNICIPAL ASSOCIATION, INC.**

**THIS SEVENTH AMENDMENT** is made to the Fourth Amended and Restated Bylaws of Tamarack Resort Association, Inc., which was recorded with the Valley County, Idaho Recorder on September 8, 2006 as Instrument No. 313106 (the "Bylaws").

The purpose of the following amendment to the Bylaws is to remove certain limits on civic assessments, to allow for more activities to be subject to civic assessments, and to more equitably apportion and allocate Association services to various activities.

The Bylaws, pursuant to the direction of the Board, are amended as follows:

**A.** Section 9.2 is deleted in its entirety and replaced with the following:

**9.2 Civic Assessments:** The Board shall regularly levy upon and collect from each Class A, B, Class C, Class D and Class F Member, and from others with Assessable Income arising from activities within the Resort, an assessment (the "Civic Assessment") as follows:

**(a) Class A Residential Members:** The Civic Assessments for the Class A Members shall be determined by multiplying (A) the Class A Member's Assessable Income, as defined in this Section 9.2(a), by (B) the Class A Member's Civic Assessment Rate determined by the Board in accordance with Section 9.2(h) below. The Class A Member's Assessable Income shall mean all income from the rental of their Unit which is subject to the current Idaho Sales Tax Act (Idaho Code, Title 63, Chapter 36) (the "Idaho Sales Tax"), as reduced by Exempt Sales pursuant to Section 9.2(i) below.

**(b) Class B Village Members:** The Civic Assessments for the Class B Members shall be determined by multiplying (A) the Class B Member's Assessable Income, as defined in this Section 9.2(b), by (B) the Class B Member's Civic Assessment Rate determined by the Board in accordance with Section 9.2(h) below. The Class B Member's Assessable Income shall mean all income derived from: any sales made, consummated, conducted, or transacted by such member within the geographical boundaries of Tamarack Resort; any services made, performed or rendered by or on behalf of such Member within the geographical boundaries of Tamarack Resort; and/or the rental of the Member's Unit, or of any equipment or other personal or real property consummated, conducted, transacted or occurring within the geographical boundaries of Tamarack Resort (all of which are referred to herein as "Local Sales"), which are subject to the Idaho Sales Tax, as reduced by Exempt Sales pursuant to Section 9.2(i) below. Income derived from sales occurring on any of the following properties shall not be subject to the Class B Member Civic Assessment:

**(i)** A Club Facility; but, such sales shall instead be subject to the Civic Assessment for the Class C Club Member;

(ii) Any portion of the Golf Course; but, such sales shall instead be subject to the Civic Assessment for the Class D Golf Member;

(iii) A Mountain Facility; but, such sales shall instead be subject to the Civic Assessment for the Class E Mountain Member.

(c) **Class C Club Member:** The Civic Assessments for the Class C Member shall be determined by multiplying (A) the Class C Member's Assessable Income, as defined in this Section 9.2(c), by (B) the Class C Member's Civic Assessment Rate determined by the Board in accordance with Section 9.2(h) below. The Class C Member's Assessable Income shall mean all income from all sales which are subject to the Idaho Sales Tax, including all income from merchandise sales, and food and beverages and the rental of any Unit, and as reduced by Exempt Sales pursuant to Section 9.2(i) below.; provided that, notwithstanding the foregoing, the Class C Member's Assessable Income shall specifically exclude any income from any initiation or other fees associated with the purchase of a Club membership; any dues paid by members of the Club; .

(d) **Class D Golf Member:** The Civic Assessments for the Class D Member(s) shall be determined by multiplying (A) the Class D Member's Assessable Income, as defined in this Section 9.2(d), by (B) the Class D Member's Civic Assessment Rate determined by the Board in accordance with Section 9.2(h) below. The Class D Member's Assessable Income shall mean all income received by the Class D Member from sales which are subject to the Idaho Sales Tax, including all income from equipment rentals, merchandise sales, and food and beverages and the rental of any Unit and further including any instructional fees, whether subject to the Idaho Sales Tax Act or not, and as reduced by Exempt Sales pursuant to Section 9.2(i) below; provided that, notwithstanding the foregoing, the Class D Member's Assessable Income shall specifically exclude any income received from the Class C Club Member.

(e) **Class E Mountain Member(s):** The Civic Assessments for the Class E Member(s) shall be determined by multiplying (A) the Class E Member's Assessable Income, as defined in this Section 9.2(e), by (B) the Class E Member's Civic Assessment Rate determined by the Board in accordance with Section 9.2(h) below. The Class E Member's Assessable Income shall mean all income from sales which are subject to the Idaho Sales Tax, including all income from equipment rentals, merchandise sales, and food and beverages and the rental of any Unit and further including any instructional fees, whether subject to the Idaho Sales Tax Act or not, and as reduced by Exempt Sales pursuant to Section 9.2(i) below; provided that, notwithstanding the foregoing, the Class E Member's Assessable Income shall specifically exclude any income received from the Class C Club Member.

(f) **Class F Declarant Member:** The Declarant Member shall not be subject to Civic Assessments, except to the extent that it is a member of Class A, B, C, D, E or G.

(g) **Class G Declarant-Assignee Member:** Any Class G Declarant-Assignee Member shall be subject to the Civic Assessments imposed upon the membership Class that the Declarant-Assignee Member would be a member of if the Declarant had not assigned the Class G membership to it.

**(h) Civic Assessment Rates:** Based on budget estimates and the most recently available historical data with regard to Class A, B, C, D, E and G Members' Assessable Income, the Board shall determine and set forth in its annual budget the Civic Assessment Rate required to produce the total Civic Assessment set forth in such budget. The Civic Assessment Rate shall be uniform among membership classes.

**(i) Exempt Sales:** Gross receipts from the following shall not be included in Assessable Income for the purpose of calculating Civic Assessments for any of the Members: (i) any event sponsored by an organization exempt from Idaho Sales Tax, but, only to the extent such gross receipts relate to purchases by the organization for official organization business that are therefore exempt from Idaho Sales Tax, or, (ii) any receipts exempted by the Board pursuant to Section 9.2(k) below.

**(j) Payment of Civic Assessments & Reporting:** Each such member's Civic Assessment shall be due and payable without notice from the Resort Association each time and at such time as such member is required to remit or pay Idaho Sales Tax to the State of Idaho or would be required to make such payment if the sales were covered by the Sales Tax. Each such member shall also deliver to the Resort Association, without notice, true and correct copies of all written reports, returns, statements, records and declarations, including any supplements or amendments thereto (all of which are referred to herein as "Reports") made or provided to the State of Idaho by such member in connection with the member's Idaho Sales Tax obligations, at such time as such Reports are required to be made to the State of Idaho. If any subsequent adjustments, additions, or modifications are made to any Idaho Sales Tax remitted or paid or Report made by any member to the State of Idaho, such member shall within 30 days thereafter so notify the Resort Association and provide it with true and complete copies of all Reports or other written material issued or received by such member in regard thereto. If any adjustment increases the amount of Idaho Sales Tax a member is required to remit or results in a refund of such tax, such member shall accordingly pay an appropriate additional Civic Assessment or receive an appropriate refund from the Resort Association of any excess Civic Assessments previously paid. In addition to all other remedies provided in any Association Document, or by law, any portion of any Civic Assessment not paid by any member when due and payable shall become a lien on and against all of the real property owned or leased by such member in Tamarack Resort. The Board, in its sole discretion, in cases of extreme hardship may release any such lien if it receives other security for the payment of the delinquent Civic Assessments which it deems sufficient to protect the interests of the Resort Association.

**(k) Board Discretion:** Calculation of all Civic Assessments are in part based upon the current Idaho Sales Tax Act, but Civic Assessments are not, and shall not be considered, a "tax" of any kind; rather, the Act is simply incorporated herein as a means of defining and describing the Civic Assessment. In the event that all or any portion of the Idaho Sales Tax Act is amended in a way that would affect the calculation of Assessable Income, the Board shall have the discretion to consider such amendment in calculating the Civic Assessment, or to continue to consider the previously existing law. The Board shall also have the discretion to further exempt certain types of income from inclusion in the calculation of Assessable Income, either temporarily or permanently, by adoption of rules or regulations in that regard pursuant to Section 6.19 of the Declaration.

**(l) Sales By Third Parties:** Any sale of any service, admission, recreation, or tangible personal property that would be subject to a civic assessment payable by any Class A, Class B, Class C, Class D, Class E, Class F, or Class G member shall be subject to a like Assessment payable to the Association for any such activity conducted by any third party. Each and every contract or agreement, written or oral, between any third party and any class member identified above shall include a provision, and by this Bylaw said contract shall be deemed to include this provision, that requires said third party to collect, account for, and pay over to the Association the Assessment at the rate then payable by said Class Member. Any Class Member who hires a third party to undertake any activity that would result in creation of a Member's assessable income shall be liable to the Municipal Association in the event that said third party fails to make the payments required by this Section 9.2(l). This part (l) shall be construed to require that all transactions, whether carried on by a class member or by any other party, shall be subject to the Civic Assessment payable if the activity had been undertaken by a Class Member.