

475075

After Recording Return To:
Riverview Development Group, L.L.C.
312 Montana Landing-Box 129
Polson, Montana 59860

STATE OF MONTANA, COUNTY OF LAKE

Recorded At 2:14 O'clock P M DEC 1 2006

Microfilm 475075 RUTH E. HODGES Recorder

Fees \$ 4200 By Judy Muniz Deputy

**FIRST AMENDMENT TO
DECLARATION OF CONDOMINIUM,
COVENANTS, CONDITIONS AND RESTRICTIONS
FOR
RIVER LANDING CONDOMINIUMS**

This First Amendment to Declaration of Condominium, Covenants, Conditions and Restrictions for River Landing Condominiums is made this 30th day of November, 2006, by Riverview Development Group, L.L.C. of 312 Montana Landing-Box 129, Polson, Montana 59860 provides as follows:

RECITALS

1. The Real Property subject to this Amendment is located in Lake County, Montana and described as follows:

Tract A, Certificate of Survey No. 6254 RT; being that property as described in Document number 338515, records of Lake County, located in Government Lot 6, Section 4, Township 22 North, Range 20 West, Principal Meridian Montana, Lake County, Montana, and being more particularly described as follows:

Commencing at the Southeast corner of said Government Lot 6; thence, N.00°13'00"W., 27.00 feet to the intersection of the north right-of-way of 7th Avenue, and the west right-of-way of 6th Street, point being the TRUE POINT OF BEGINNING; thence along said right-of-way of 7th Avenue S.89°56'29"W., 269.54 feet, to a point on the easterly boundary of Certificate of Survey No. 6229, records of Lake County; thence departing said right-of-way N.00°32'57"W., 442.80 feet to the Flathead River; thence along said River N.74°49'54"E., 281.64 feet; to a point on the west right-of-way of 6th Street, thence along said 6th Street, S.00°13'00" E., 516.20 feet to the TRUE POINT OF BEGINNING. Containing 2.96 acres, more or less,

being subject to all easements or right-of-ways as shown, existing or of record.

- 2. The Real Property was subjected to a Declaration of Condominium, per the Montana Unit Ownership Act, as set out in a document entitled Declaration of Condominium, Covenants, Conditions and Restrictions for River Landing Condominiums, which was recorded upon the records of the office of the Lake County Clerk & Recorder on the 16th day of November, 2006, under Microfilm No. 474656 and permanent file J-7865. (the " Declaration").
- 3. The Declaration provided that amendment thereto may occur as follows:

Amendments. This Declaration may be waived, abandoned, terminated, modified, altered, changed or amended only by written instrument executed by Sixty Seven Percent (67%) of the Owners, unless other higher percentages are required by law. Provided, however, the Declarant reserves the right to waive, abandon, terminate, modify, alter, change or amend this Declaration up until the Transition Date, or until such earlier time as the Declarant may opt out of this provision. All Owners and all mortgagees of a Condominium Unit, by acceptance of a deed, mortgage or trust indenture to any Condominium Unit, shall be deemed to consent to any such waiver, abandonment, termination, modification, alteration, change or amendment by the Declarant. In addition to the necessary consent of the Owners to any modifications to this Declaration as is described above, a change in any of the following must also be approved by requesting eligible mortgage holders who represent at least Fifty-One Percent (51%) of the votes of Condominium Units subject to mortgages held by eligible mortgage holders (all such eligible mortgage holders in the case of abandonment of the Declaration); (a) Voting rights; (b) Responsibility for maintenance and repairs; (c) Reallocation of interests in Common Areas or Limited Common Areas or rights to their use other than as set forth in this Declaration; (d) Redefinition of any boundaries for completed Condominium Units after conveyance by the Declarant; (e) Conversion of Condominium Units to Common Areas or vice versa, other than as provided in this Declaration; (f) Expansion or contraction of the project, or the addition or withdrawal of property to or from the project, other than as set forth in this Declaration; (g) Restrictions on leasing of Condominium Units; (h) Imposition of restrictions on an Owner's right to sell his or her Condominium Unit; (i) Restoration or repair of the project in a manner other than as provided in this Declaration; (j) Changes from self management to professional management, or vice versa; and (k) Amendment of the Bylaws. All amendments to this Declaration shall be recorded in the office of the Lake County Clerk and Recorder, Polson, Montana.

- 4. The Declarant, as Owner of one or more of the Units subject of the Declaration, desires to amend the Declaration so as to correct an error in the illustration of the Main Floor Plans for Units "A" and "C", which mis-labeled the garage areas appurtenant to Units "C" and "D". The Transition Date has not passed and Declarant has not opted out of its right to amend.

AMENDMENT

NOW THEREFORE the Declarant, provides as follows:

- 1. Section 3(a) of the Declaration is hereby amended to read as follows (amended language appears underlined):

Description of Project. The project consists of eleven Buildings to be built which will contain a total of twenty Condominium Units, including garages. Eight of the eleven Buildings will each contain one Condominium Unit on a single level (Units 4 through 11). Three of the eleven Buildings will each contain four Condominium Units on four levels, two Units being on the upper two levels (Units 1A, 1C, 2A, 2C, 3A and 3C) and two Units on the lower two levels (Units 1B, 1D, 2B, 2D, 3B and 3D). The location of the Buildings and each Condominium Unit shall be as shown on the floor plans recorded with the Declaration as Exhibit "A", other than the page depicting the Main Floor Plan of Units "A" and "C", which is attached to this First Amendment as Revised Exhibit "A Main Floor Plan Units 'A' and 'C' ". Attached to this Condominium Declaration is an architect's statement as required by Montana Code Annotated §70-23-306. The Buildings are or will be constructed of wood frame construction with siding, concrete foundations, and shingle roofs. Interior walls are or will be constructed of sheetrock. Declarant proposes to convey the Condominium Units by Warranty Deed pursuant to which the grantees shall have the exclusive right to occupy the Condominium Units and the non-exclusive right to use and enjoy the Common Areas and Limited Common Areas as specified in the Declaration, subject to the limitations, covenants, conditions, restrictions and easements set forth herein. Declarant intends to establish a common scheme and plan for the use, enjoyment, repair, maintenance, restoration, remodeling and improvement of the Condominium Units and for the payment of taxes, assessments, insurance premiums and other expenses pertaining thereto, and hereby declare that the Condominium Units are and shall be held, conveyed, hypothecated, encumbered, occupied and improved subject to the limitations, covenants, conditions, restrictions and easements set out in this Declaration, all of which are declared to be in furtherance of a plan established for the purpose of enhancing the value, desirability and enjoyment of the Real Property and the Condominium Units therein to be

conveyed. All such limitations, covenants, conditions, restrictions and easements are intended to run with the land, to-wit, each Condominium Unit covered by the Declaration, and each Owner and each Owner's successors and assigns are and shall be bound by the Declaration.

- 2. Other than as set forth above, the Declaration shall remain in full force and effect as originally written.
- 3. Now therefore the Declarant hereby amends the Declaration, which Amendment shall be binding upon all present owners of the Real Property and the Condominium Units and upon all parties having or acquiring any right, title or interest in the Real Property, the Condominium Units or any part thereof, and shall inure to the benefit of and be binding upon each successor and interest to the owners thereof.

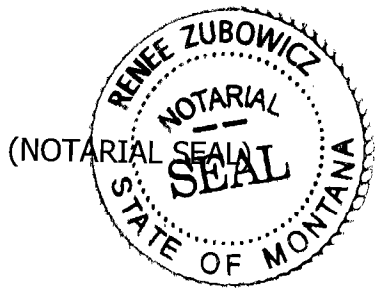
IN WITNESS WHEREOF, the undersigned, has set its hands and seal this ___ day of November, 2006.

Riverview Development Group, L.L.C.
By: [Signature]
Tim Hinderman, Manager

Riverview Development Group, L.L.C.
By: [Signature]
Jeff Gallatin, Manager

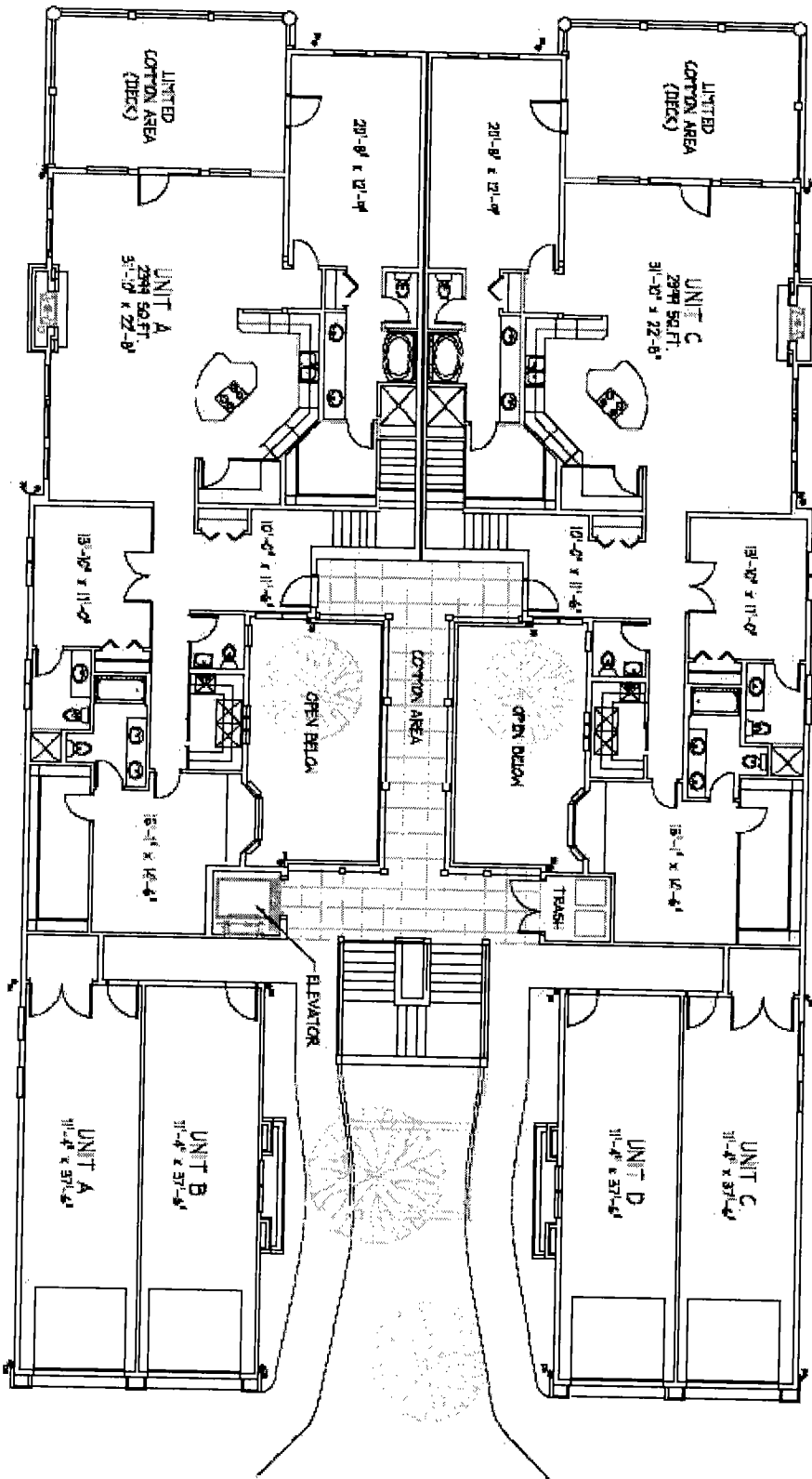
STATE OF MONTANA)
 :SS.
County of Lake)

Acknowledged before me this 30th day of November, 2006 by Tim Hinderman, Manager, Riverview Development Group, L.L.C., and Jeff Gallatin, Manager, Riverview Development Group, L.L.C.



[Signature]
Notary Public for the State of Montana
Printed Name: _____
Residing at: RENEE ZUBOWICZ
My commission expires NOTARY PUBLIC for the State of Montana
Residing at Polson, Montana
Commission Expires 10/19/2007

Revised Exhibit "A Main Floor Plan Units 'A' and 'C' "



MAIN FLOOR PLAN UNITS 'A' AND 'C'
SCALE: 1/4" = 1'-0"

47507AS

