

**AMENDMENT TO DECLARATION**  
**OF**  
**CONDITIONS, COVENANTS AND RESTRICTIONS**

THIS AMENDMENT is made this 13th day of January, 1992, by and among the undersigned property owners.

**RECITALS**

A. On the 12th day of September, 1991, a declaration of conditions, covenants and restrictions were recorded under Microfile No. 332702, records of Lake County, Montana, establishing certain restrictions on the use of that certain tract of land described as Parcel "C" of Certificate of Survey No. 4100 records of Lake County, Montana.

B. All the owners of property located within Parcel C of Certificate of Survey No. 4100 subject to the covenants are:

John G. Binkley  
John J. Thuma and Joan E. Thuma

C. The undersigned owners desire to amend the Declaration of Covenants abovementioned.

NOW THEREFORE the undersigned hereby amend the Declaration of Conditions, Covenants and Restrictions as follows:

1. Paragraph numbered 6 entitled **TIMBER** which reads as follows:

"Lot owners may not cut or sell timber on or from a parcel on a commercial basis although timber and foliage may be cut and cleared as necessary for forest survival or construction purposes. There shall be no clear cutting of timber 150 feet around improvements."

is hereby amended to read as follows:

"Lot owners may not cut or sell timber on or from a parcel on a commercial basis although timber and foliage may be cut and cleared as necessary for forest survival or construction purposes. There shall be no clear cutting of timber 150 feet beyond improvements. Vegetation shall be managed around structures to provide fire breaks."

2. Paragraph numbered 10 entitled **SETBACK LINES** which reads as follows:

"No dwelling, accessory building or satellite receiver shall be located on any parcel closer than 50 feet of any lot line of any parcel or closer than 50 feet to the high water mark of Swan Lake or closer than 50

feet to the roadway shown on COS No. 4100."

is hereby amended to read as follows:

"No dwelling, accessory building or satellite receiver shall be located on any parcel closer than 50 feet of any lot line of any parcel or closer than 50 feet to the high water mark of Swan Lake or closer than 50 feet to the roadway shown on COS No. 4100. No structure, or any appurtenances to the structure, shall be located closer than 20 feet to Bug Creek."

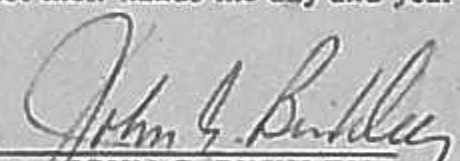


3. Two new sentences are hereby added to the end of paragraph numbered 11 entitled BUILDING STRUCTURES as follows:

"For fire prevention purposes, no buildings constructed on any property shall have wood shakes or wood shingles. No portion of any building shall be more than 32 feet from the ground as measured from the average finished grade of the building site. However, a taller building may be allowed upon approval of Lake County Planning Department.

4. A new paragraph numbered 16 entitled AMENDMENT is hereby added as follows:

These covenants, conditions and restrictions may be amended from time to time by recording an instrument in writing signed by owners of a majority of the lots then in existence. A "lot" shall be a lake shore lot and shall meet the minimum size requirement set forth in paragraph 13 hereof. Each lot shall be entitled to one vote, regardless of the number of legal owners of the lot. Approval of the Lake County Commissioners shall be required if the proposed amendment will have the effect of making the existing covenants, conditions and restrictions less restrictive. All proposed amendments shall be submitted to the Planning Director of Lake County, Polson,, Montana, at least fifteen (15) days prior to its proposed effective date.

IN WITNESS WHEREOF the undersigned have set their hands the day and year first above written.

  
JOHN G. BINKLEY  
  
JOHN I. THUMA  
  
JOAN E. THUMA



STATE OF CALIFORNIA )  
County of Orange )ss.

On this 13<sup>TH</sup> day of January, 1992 before me the undersigned, a Notary Public for the State of California personally appeared JOHN G. BINKLEY known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial seal the day and year in this certificate first above written.



Carol A. Eichhoff  
Notary Public for the State of California  
Residing at Fullerton, California  
My Commission Expires 1/21/94

STATE OF ILLINOIS )  
County of KANE )ss.

On this 11<sup>th</sup> day of January, 1992 before me the undersigned, a Notary Public for the State of Illinois personally appeared JOHN J. THUMA and JOAN E. THUMA known 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 Notarial seal the day and year in this certificate first above written.

Joan Gail Esch  
Notary Public for the State of Illinois  
Residing at ST CHARLES, Illinois  
My Commission Expires



STATE OF MONTANA, COUNTY OF LAKE

Recorded At 4:35 O'clock P M JAN 15 '92  
Microfilm 335755 RUTH E. HODGES Recorder  
Fees \$ 18.00 By Paula A. Holle Deputy

Return to: Lake County Abstract & Title  
P.O. Box 331  
Polson, MT 59860