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LAW OFFICE P.C.
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565880 COVENANTS Pages: 4
STATE OF MONTANA LAKE COUNTY
RECORDED: 10/17/2018 4:26 KOI: COVENANTS
PAULA A HOLLE CLERK AND RECORDER
FEE: \$28.00 BY: *Janet Huandep*
TO: ,

FIRST AMENDMENT TO DECLARATION OF PROTECTIVE COVENANTS

COMES NOW, the Soward Revocable Trust, dated the 4th day of April, 1991, as to an undivided 20% interest, Patricia A DiStefano as to an undivided 40% interest and Katherine M. Gayvert as to an undivided 40% interest, of P.O. Box 1478, Marion, MT 59928, (hereinafter collectively referred to as **Declarant**), and hereby amends that Declaration of Protective Covenants, recorded under Microfile No. 473849, records of Lake County, Montana, encumbering that real property described as Mission Bay Preserve Orchard Subdivision, Phase I, according to the map or plat thereof on file and of record in the office of the Clerk and Recorder of Lake County, Montana.

WITNESSETH:

WHEREAS, by Assignment and pursuant to that Acknowledgment recorded under Microfile No. 565877, records of Lake County, Montana, Declarant is the owner and holder of all rights and interests of the Declarant as set forth in that Declaration of Protective Covenants recorded under Microfile No. 473849, records of Lake County, Montana; and

WHEREAS, Mission Bay Preserve Orchard Subdivision, Phase I, according to the map or plat thereof on file and of record in the office of the Clerk and Recorder of Lake County, Montana, was subjected to that Declaration of Protective Covenants, recorded under Microfile No. 473849, records of Lake County, Montana, above referenced; and

WHEREAS, it was the intention of Declarant, to subject Mission Bay Preserve Orchard Subdivision, Phase I, to that Declaration of Protective Covenants, Conditions and Restrictions, recorded under Microfile No. 420072, records of Lake County, Montana, then encumbering those subdivisions known as Mission Bay Preserve, Phase I; Mission Bay Preserve, Phase II-A; Mission Bay Preserve, Phase II-B; and Mission Bay Preserve, Phase II-C, according to the respective maps or plats thereof on file and of record in the office of the Clerk and Recorder of Lake County, Montana; and

WHEREAS, although paragraph number 1. of that Declaration of Protective Covenants, recorded under Microfile No. 473849, above referenced, correctly subjects Mission Bay Preserve Orchard Subdivision Phase I, to that Declaration of Covenants, Conditions and Restrictions recorded under Microfile No. 420072, records of Lake County, Montana, the second "Whereas" in the recitals

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of the Declaration, recorded under Microfile No. 473849, records of Lake County, Montana fails to correctly identify the other subdivision properties subject to said Declaration.

NOW THEREFORE, to correct the error, Declarant Hereby Amends the Second "Whereas" in the recitals of that Declaration of Protective Covenants, recorded under Microfile No. 473849, records of Lake County, Montana to read as follows, to-wit:

WHEREAS, it is Declarant's intention to subject the subject property described as Mission Bay Preserve Orchard Subdivision, Phase I, to the Covenants and Conditions encumbering Mission Bay Preserve, Phase I, Mission Bay Preserve, Phase II-A; Mission Bay Preserve, Phase II-B; and Mission Bay Preserve, Phase II-C; all subdivisions of Lake County, Montana, according to the respective map or plat thereof on file and of record in the office of the Clerk and Recorder of Lake County, Montana.

Said Amendment shall be binding upon all present owners of the real property and upon all parties having or acquiring any right, title or interest in the real property or any part thereof, and shall inure to the benefit of and be binding upon each successor in interest to the owners thereof.

In all other respects the remaining terms and conditions of that Declaration of Protective Covenants, recorded under Microfile No. 473849, records of Lake County, Montana, remain unchanged and are hereby affirmed by Declarant.

In witness hereof the parties hereto execute this document the year and date first above written.

DECLARANTS:

Soward Revocable Trust, dated the 4th day of
April, 1991

Patricia di Stefano

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Patricia A. DiStefano
Patricia A. DiStefano

Katherine M. Gayvert
Katherine M. Gayvert

STATE OF)
County of) : ss

On this 24th day of September, 2018, before me, the undersigned, personally appeared, Patricia A. DiStefano, known to me to be the Trustee of the Soward Revocable Trust, dated the 4th day of April, 1991 and the person whose name is subscribed to the within instrument, and acknowledged to me that she 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.



KORAL HAGGARD
NOTARY PUBLIC for the
State of Montana
Residing at Polson, MT
My Commission Expires
December 22, 2021.

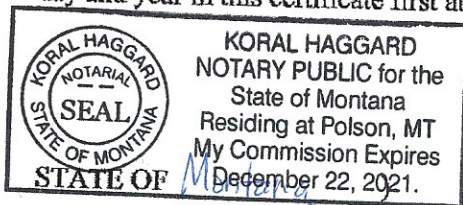
Koral Haggard
Signature of Notary Public
(Seal)

STATE OF)
County of) : ss

On this 24th day of September, 2018, before me, the undersigned, personally appeared, Patricia A. DiStefano, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

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

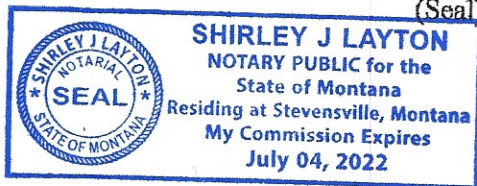


Korall Haggard
Signature of Notary Public
(Seal)

County of Missoula) : SS

On this 20th day of September, 2018, before me, the undersigned, personally appeared, Katherine M. Gayvert, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she 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.



Shirley J Layton
Signature of Notary Public
(Seal)

First Amendment to Declaration
of Protective Covenants