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CLINTON J. FISCHER  
LAW OFFICE P.C.  
P.O. BOX 879  
POLSON, MT 59860

565881 COVENANTS Pages: 5  
STATE OF MONTANA LAKE COUNTY  
RECORDED: 10/17/2018 4:27 KOI: COVENANTS  
PAULA A HOLLE CLERK AND RECORDER  
FEE: \$35.00 BY: Janet Munn  
TO: ,

SECOND AMENDMENT TO THE DECLARATION OF COVENANTS,  
CONDITIONS AND RESTRICTIONS FOR MISSION BAY PRESERVE SUBDIVISION

THIS Second Amendment to the Declaration of Covenants, Conditions and Restrictions for Mission Bay Preserve Subdivision ( Second Amendment) is made and entered into on this 15 day of October, 2018, by the **Soward Revocable Trust, dated the 4<sup>th</sup> 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, **Mission Bay Preserve Homeowners Association, Inc.**, a Montana non-profit corporation, of P.O. Box 1775, Polson, M, 59860 ( hereinafter referred to as **Association**).

WITNESSETH:

WHEREAS, by Assignment and pursuant to that Acknowledgment, recorded under Microfile No. 565879, records of Lake County, Montana, Declarant is the owner and holder of all rights and interest of the Declarant, as set forth and defined in the Declaration of Protective Covenants, Conditions and Restrictions, recorded under Microfile No. 420072, records of Lake County, Montana, as amended from time to time ( Mission Bay Preserve Declaration); and

WHEREAS, Mission Bay Preserve Declaration encumbers those subdivision properties located in Lake County, Montana known and referred to as Mission Bay Preserve, Phase I; Mission Bay Preserve, Phase II-A; Mission Bay Preserve, Phase II-B; Mission Bay Preserve, Phase II-C; Mission Bay Preserve Orchard Subdivision, Phase I; and Mission Bay Preserve Orchard Subdivision, Phase II, respectively according to the maps or plats on file and of record in the office of the Clerk and Recorder of Lake County, Montana (Mission Bay Preserve); and

WHEREAS, the Mission Bay Preserve Declaration was amended by the First Amendment to the Declaration of Covenants, Conditions and Restrictions for Mission Bay Preserve Subdivision, recorded under Microfile No. 539419, records of Lake County, Montana, (First Amendment to Mission Bay Preserve Declaration).

WHEREAS, Declarant owns Lots in Mission Bay Preserve and is a member of the Mission Bay Preserve Homeowners Association; and

WHEREAS, pursuant to Article XI, Section 4. of the First Amendment to the Mission Bay Preserve Declaration, recorded under Microfile No. 539419, records of Lake County, Montana, Declarant currently has the sole right to amend, modify, make additions to or deletions from the Mission Bay Preserve Declaration; and

WHEREAS, Mission Bay Preserve Homeowners Association agrees with and approves this Second Amendment.

Now therefore, **Article VII: Assessments, Section 2. Rate of Assessments** of the Mission Bay Preserve Declaration, recorded under Microfile No. 420072, records of Lake County, Montana, is hereby amended to read as follows, to-wit:

**Section 2. Rate of Assessments.** Where applicable, assessments for services may be based on usage i.e., charges for RV storage facilities, equestrian, irrigation water, or similar items shall be assessed to those Property Owners who benefit directly from those services. All other assessments including charges for private roads, Common Area maintenance and capital improvement on systems utilized to provide services shall be fixed at uniform rates per Lot.

If allowed by the governing authority to do so, owners of two or more adjoining Lots may amend the recorded Plat to reduce the number of Lots by eliminating or relocating interior or adjoining boundary lines; however, assessments will continue to be based upon the original number of Lots on the subdivision Plat prior to such amendment.

Undeveloped Lots owned by Declarant shall be subject to assessment at one-fourth (that is, 25%) of the amount of assessments fixed for other Lots.

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.



565881

Other than as expressly set forth above, the Mission Bay Preserve Declaration, and amendments thereto, shall remain in full force and effect as previously written.

In witness hereof Declarant and Association have executed the foregoing Second Amendment on the year and date first above written.

DECLARANT

Soward Revocable Trust, dated the 4<sup>th</sup> day of April, 1991

Patricia DiStefano  
Trustee

Patricia DiStefano  
Patricia A. DiStefano

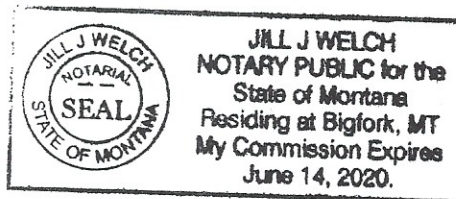
Katherine M. Gayvert  
Katherine M. Gayvert

ASSOCIATION:

Mission Bay Preserve Homeowners Association, Inc.

By [Signature]  
Its Vice-President

STATE OF Montana )  
County of Flathead ) : ss

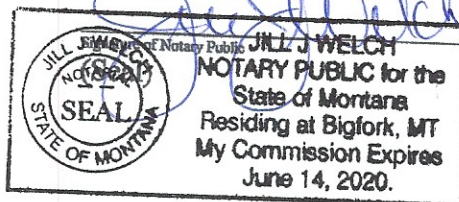


On this 18<sup>th</sup> day of July, 2018, before me, the undersigned, personally appeared, Patricia DiStefano, known to me to be the Trustee of the Soward Revocable Trust, dated the 4<sup>th</sup> day of April, 1991 and the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

565881

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

STATE OF Montana )  
: SS  
County of Flathead )



On this 18th day of July, 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.

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

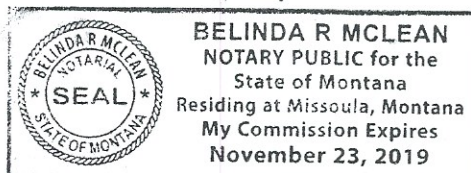
Jill J. Welch  
Signature of Notary Public  
(Seal)

STATE OF Montana )  
: SS  
County of Missoula )

On this 25 day of July, 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.

Belinda R. McLean  
Signature of Notary Public  
(Seal)

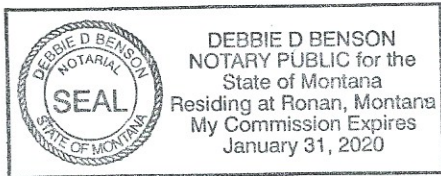


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STATE OF Montana )  
County of Lake : SS  
)

On this 15<sup>th</sup> day of October, 2018, before me, the undersigned, personally appeared, Margaret A. Fair, known to me to be the Vice-President of Mission Bay Preserve Homeowners Association, Inc. and 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.



Debbie D Benson  
Signature of Notary Public  
(Seal)