

STATE OF MONTANA LAKE COUNTY

RECORDED: 01/16/2015 4:45 KOI: COVENANTS

PAULA A HOLLE CLERK AND RECORDER

FEE: \$35.00

BY: Wanda A. Root, Dep.

TO:

After Recording Return To:

MISSION BAY PRESERVEP.O. BOX 1775POLSON, MT 59860

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

This First Amendment to the Declaration of Covenants, Conditions and Restrictions for Mission Bay Preserve Subdivision (First Amendment) is made this 16 day of JANUARY, 2015, by Lookback, LLC, a Montana Limited Liability Company, of P.O. Box 129 Polson, Montana 59860 (Lookback) and the Mission Bay Preserve Homeowners Association, Inc. a Montana Non-Profit Corporation of P.O. Box 1775 Polson, Montana 59860 (the Association) provides as follows:

RECITALS

1. Lookback is the successor in interest to Northwest Holdings, LLC, a Delaware Limited Liability Company (the Original Declarant), which was the developer of certain real property in Lake County, Montana, comprising 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.
2. The Original Declarant subjected the real property comprising the developments identified above pursuant to a Declaration of Covenants, Conditions and Restrictions for Mission Bay Preserve Subdivision dated October 31, 2001 and recorded under Document No. 420072, records of Lake County, Montana (Mission Bay Preserve Declaration) and subsequent declarations bringing the phases subsequent to Mission Bay Preserve Phase I, under the Mission Bay Preserve Declaration.
3. The Mission Bay Preserve Declaration, addressed the authority to amend as follows:

Amendment. The Declarant reserves the sole right to amend, modify, make additions to or deletions from this Declaration it alone deems appropriate. This right of the Declarant to make such amendments shall continue for so long as Declarant is a Member in the Association. After that time the right to amend shall pass to the Association to be

exercised only upon a concurrence of seventy-five (75) percent of the Lot Owners of property in Mission Bay Preserve (See Article II: Membership and Voting Rights). In no event may those provisions of this Declaration required by a preliminary plat approval letter from the City of Polson to Declarant dated September 20, 2000, or (sic) be amended or deleted except with the express written consent of the City of Polson, its successors or assigns.

4. Lookback is at the time of entry into this First Amendment an owner of more than one Lot subject to the Mission Bay Preserve Declaration and is the holder of the Original Declarants rights as Declarant, pursuant to that certain Quitclaim Deed, recorded April 24, 2014, as Document No. 534767 and that Quitclaim Deed recorded April 24, 2014, as Document No. 534770.
5. As result, Lookback is a Member of the Association and as holder of all Declarant rights desires to amend the Mission Bay Preserve Declaration, in the manner as set forth below, for the purpose of enhancing and protecting the value, desirability, and attractiveness of the real property subject of the Mission Bay Preserve Declaration as a desirable residential development.
6. In particular, the Association and Lookback desire to amend Article VII, Section 3 of the First Amended Restated Declaration concerning special assessments. Prior to so amending Article VII, Section 3, the Association put the amendment to the vote of the membership of the Association. After due notice to the members of the Association, 77.9% of the members of the Association voted to amend Article VII, Section 3 of the First Amended Restated Declaration, as set forth below.
7. In addition, in consultation with the Association, Lookback desires to amend Article XI, Section 4, so as to make the percentage of owners necessary to amend the Mission Bay Preserve Declaration, match that for Mission Bay.
8. As this First Amendment, set forth below, does not affect the provisions of the September 20, 2000 letter from the City of Polson, the consent of the City of Polson is not required.

AMENDMENT

Now therefore Lookback and Association hereby amend the Mission Bay Preserve Declaration, which 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 and interest to the owners thereof as follows:

1. Article VII, Section 3 of the Mission Bay Preserve Declaration, shall be amended as follows:

Section 3. Special Assessments. Upon determination by the Board of Directors of the Association, assessments may be levied for special or particular purposes. Without limiting the special or particular purposes for which special assessments may be levied, it is specifically provided that special assessments may be levied for the one-time purpose of repairing and resurfacing Hawk Road from its intersection with Highway 35 to the Community Center. Special assessments may include related administration costs and such other costs or charges as are reasonably required. Special assessments shall be fixed, established and collected in the amount and manner as the Association might determine but in any event they shall be separately treated from other assessments provided for by this Article. Funds utilized for special assessments shall be accounted for separately.

2. Article XI, Section 4 of the Mission Bay Preserve Declaration, shall be amended as follows:

Amendment. The Declarant reserves the sole right to amend, modify, make additions to or deletions from this Declaration it alone deems appropriate. This right of the Declarant to make such amendments shall continue for so long as Declarant is a Member in the Association. After that time the right to amend shall pass to the Association to be exercised only upon a concurrence of two-thirds (2/3rds) of the Lot Owners of property in Mission Bay Preserve (See Article II: Membership and Voting Rights). In no event may those provisions of this Declaration required by a preliminary plat approval letter from the City of Polson to Declarant dated September 20, 2000, or (sic) be amended or deleted except with the express written consent of the City of Polson, its successors or assigns.

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

IN WITNESS WHEREOF, Lookback and Association have executed the foregoing First Amendment on the day and year first above written.

[Signatures and Notary Acknowledgements on Next Pages]

539419

Lookback, LLC
A Montana Limited Liability Company

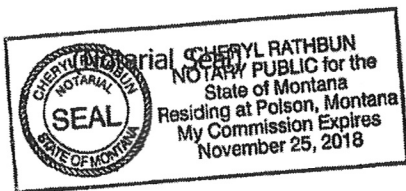
By: D. R. Duty
Dennis R. Duty, member
By: Tim Hinderman
Tim Hinderman, member

Mission Bay Preserve Homeowners
Association, Inc. a Montana Non-Profit
Corporation

By: D. R. Duty
_____, President
Attest: Jillayne Southerland
_____, Secretary

STATE OF MONTANA)
: SS.
County of Lake)

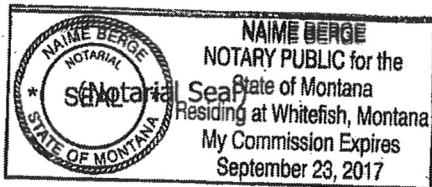
This instrument was acknowledged before on the 16 day of Jan 2015,
by Dennis R. Duty, as member of Lookback, LLC, a Montana Limited Liability Company.



Cheryl Rathbun
Notary Public for the State of Montana
Printed Name: Cheryl Rathbun
Residing at: _____
My Commission expires: _____

STATE OF MONTANA)
: SS.
County of Flathead)

This instrument was acknowledged before on the 9th day of December 2014,
by Tim Hinderman, as member of Lookback, LLC, a Montana Limited Liability Company.

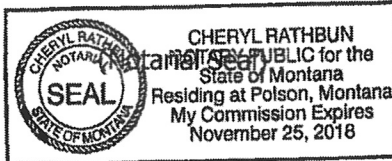


Naime Berge
Notary Public for the State of Montana
Printed Name: NAIME BERGE
Residing at: Whitefish, MT.
My Commission expires: 9/23/2017

539419

STATE OF MONTANA)
 : ss.
County of Lake)

This instrument was acknowledged before on the 16 day of Jan 2015, by
Dennis R. Diley, as President and Silayne Southard as Secretary, of Mission Bay
Preserve Homeowners Association, Inc. a Montana Non-Profit Corporation.



Cheryl Rathbun
Notary Public for the State of Montana
Printed Name: _____
Residing at: _____
My Commission expires: _____