

CG-CR-04-249

AGREEMENT AND AMENDMENT
TO
DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS
RIVERSIDE AT WHITEFISH
(Omnibus)

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This agreement is entered into on October 8, 2004, by and between:

**RIVERSIDE AT WHITEFISH, L.P. dba RIVERSIDE AT WHITEFISH LTD, AND
MALZ FAMILY TRUST, P. CHARLES MALZ AND DONNA S. MALZ, TRUSTEES**

The parties hereto recite and declare:

WHEREAS, there is, filed of record on July 29, 2003, the DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS - RIVERSIDE AT WHITEFISH - (Omnibus), No. #200321010460; and

WHEREAS, the Declarant therein has been requested to modify that DECLARATION; and

WHEREAS, modification of the DECLARATION is permitted therein if such modification is in writing and signed by the owners of seventy-five percent (75%) of the lots located therein;

NOW, THEREFORE, the parties hereto, constituting owners of more than seventy-five percent (75%) of said lots, hereby declare the following amendments of said DECLARATION, which amendments shall be adopted as part of the DECLARATION for all purposes, and the remainder of DECLARATION shall remain unchanged.

ARTICLE III. EXCEPTIONS

Notwithstanding anything contained herein to the contrary, there shall be excepted from the operation of both the above "General Conditions, Stipulations and Protective Covenants" and the above "Special Conditions, Stipulations and Protective Covenants" any playground, swimming pool, bathhouse or other community recreational facility to be built by Declarant.

ARTICLE IV. RESTRICTIONS AS TO USE

Section 4. Temporary Structures. No trailer, basement, tent, shack, garage, barn or other building erected or placed on any Lot shall at any time be used as a permanent residence. None of the aforementioned structures shall be erected at any time without the written approval of the Architectural Review Committee.

Section 9: Burning. Open fires for the purpose of burning refuse are not permitted on the property. Outdoor barbecues are not an open fire within the meaning hereof.

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IN WITNESS WHEREOF, the parties hereto have executed this AGREEMENT AND AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS, RIVERSIDE AT WHITEFISH, (Omnibus) the day and year first above written.

IN WITNESS WHEREOF, the above-named Owners have executed this Agreement, effective this 8th day of October, 2004.

RIVERSIDE AT WHITEFISH, L.P.
By: Meadow Lake Development Corporation,
General Partner

x: *Kevin M. Holliday*
Kevin M. Holliday, Vice President

x *P. Charles Malz, trustee*
P. Charles Malz, trustee

x *Donna S Malz, trustee*
Donna S. Malz, trustee

STATE OF MONTANA)

:SS

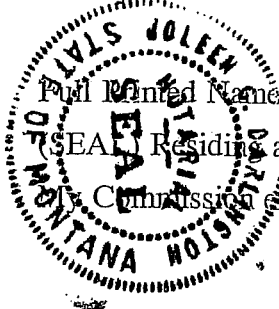
County of Flathead

On this 8th day of October, 2004, before me, the undersigned, a Notary Public for the State of Montana, personally appeared Kevin M. Holliday, known to me to be a Vice President of the Corporation whose name is subscribed to the foregoing instrument as General Partner of Riverside At Whitefish, L.P., and acknowledged to me that he executed the same on behalf of the Partnership.

IN WITNESS WHEREOF, I have herunto set my hand and affixed my official seal, the day and year last above written.

Notary Public for the State of Montana

Joleen G. Darlington



Printed Name: Joleen G. Darlington
(SEA) Residing at: Columbia Falls, MT
Commission Expires: 5-1-08

STATE OF MONTANA)

:SS

County of Flathead

On this 8th day of October, 2004, before me, the undersigned, a Notary Public for the State of Montana, personally appeared P.Charles Malz, trustee and Donna S. Malz, trustee, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same.

Notary Public for the State of Montana

Joleen G. Darlington



Printed Name: Joleen G. Darlington
Residing at: Columbia Falls, MT
Commission expires: 5-1-08

Return To:
Charles Malz
100 St. Andrews Dr.
Columbia Falls, MT 59912

STATE OF MONTANA COUNTY OF FLATHEAD)ss
RECORDED IN THE RECORDS OF FLATHEAD COUNTY, STATE OF MONTANA
AT THE REQUEST OF STS CM
01-6, 2005 @ 11:41 O'CLOCK \$ 18 CO PAID
PAULA ROBINSON, CLERK AND RECORDER BY
Paula Robinson DEPUTY
RETURN
DOCUMENT# 2005006 11410