

2000  
Amendment

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**SECOND AMENDMENT TO THE DECLARATION OF  
COVENANTS, CONDITIONS AND RESTIRCTION  
FOR SUNSET POINT**



THIS AMENDMENT to the Declaration of Covenants, Conditions and Restrictions for Sunset Point, Phases I through V, is made and entered into on this 30<sup>th</sup> day of August 2000 by the owners of the real property and improvements commonly described as Sunset Point, Phases I through V, set forth below.

WHEREAS the Declaration of Covenants, Conditions and Restrictions for Sunset Point (hereinafter "Declaration,") was executed on the 6<sup>th</sup> day of October 1986, and recorded at Micro-file No. 86-290-09460 at the office of the Clerk and Recorder of Flathead County, Montana;

WHEREAS an Amendment to the Declaration of Covenants was filed on May 24, 1996, and recorded at Micro-file No.96-145-13060 at the office of the Clerk and Recorder of Flathead County, Montana;

WHEREAS the subject real property and improvements are commonly described as Sunset Point, Phases I through V, Flathead County Montana: and

WHEREAS the Homeowners Association of the subject real property and improvements desire to amend the "Declaration" for the benefit of said real property and improvements and for each owner thereof as provided herein;

NOW THEREFORE, the Owners hereby declare that the "Declaration," and any and all previous amendments thereto, are amended as follows:

**AMENDMENT TO ARTICLE III**

1. Article III, Section 2, Paragraph d. Add Paragraph d to read as follows:

Each Owner shall be responsible to notify the Secretary of the Association of any transfer of ownership. Every transfer of property shall be subject to a fee of \$500.00 payable to the Association by the Buyer.

2. Article V, Section 4. Add to the end of Paragraph to read as follows:

The Board of Directors shall have the authority to levy a special assessment of up to \$1,000.00 per unit per year without a two-thirds (2/3) vote of members.

3. Article VI, Section 1. Delete the words "party walls". The new paragraph shall read as follows.

In addition to maintenance upon the common area or common elements, the Association shall provide exterior maintenance upon each unit which

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is subject to assessment hereunder, as follows: paint, repair, replace and care for exterior walls, roofs, gutters, downspouts, exterior building surfaces and other such exterior improvements. Such exterior maintenance shall not include improvements built or placed by an owner within a patio or yard space or repairs or replacements caused by any of the perils covered by a standard form fire insurance policy with extended coverage endorsement thereon, or caused by flood, earthquake or other Acts of God, including, but not limited to glass surfaces, air conditioning units, trees, shrubs, grass, walks, driveways, parking areas, or landscaping.

4. Article XIV – General Provisions, Section 4 – Amendment. This paragraph to be deleted in its entirety. In its place the following, new paragraph four is substituted:

The Association may revise these covenants at any time as follows:

- a. The Board or any owner may propose any revision, addition or deletion of a covenant(s) at any time. For any proposed change, the Board will give written notice of a proposed change to each member of the Association at least three weeks prior to the Association's regular annual meeting. The proposed changes may be summarized.
- b. At the annual meeting, the precise, proposed change(s) would be distributed to each member in attendance.
- c. The Association will discuss the merits of each proposed change.
- d. The Association will provide each member in attendance with a written ballot for each proposed change.
- e. The members will vote by secret, written ballot. The ballots will be counted by Association's secretary and by at least one other individual appointed to assist the secretary.
- f. The results of the ballots will be announced at those meetings, with the number of members voting in favor of the proposed change(s) and the number of members voting against the proposed change(s).
- g. If seventy-five percent (75%) of those members present vote in favor of a proposed change, then that change has passed and the covenants will be revised to reflect the change.
- h. The president and secretary shall give written certification, under oath, that these steps have been followed and that a change(s) have been approved.
- i. The change(s), together with the certification, shall be recorded with the Flathead County Clerk and Recorder's office.
- j. The effective date of all changes shall be 30 days from the date they are recorded, or as specified within the proposed change.

**IN WITNESS WHEREOF**, Seventy-five percent (75%) of the homeowners and members of SUNSET POINT HOMEOWNERS ASSOCIATION unit owners of Sunset Point Phases I through V, Flathead County, Montana have consented to the entry and recording of this Amendment of Covenants.

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RE: Restated Declaration of Covenants, Conditions and Restrictions of Sunset Point Homeowners Association, Inc.

The notarized ballots of not less than 75 % (seventy-five percent) of present voting members, acting as an instrument in changing the Declaration of Covenants, Conditions and Restrictions shall be available to the public at all times in the managing office for Sunset Point Homeowners Association, presently located at 715 Electric Avenue, Bigfork, MT 59911.

STATE OF MONTANA  
County of Flathead

On this 12<sup>th</sup> day of JAN. in the year  
2001 before me, Notary Public for the State of Montana,  
personally appeared the above named person whose  
name(s) are subscribed to the within instrument and  
acknowledged to me that she executed  
the same.

Jessica E. Whitney  
IN WITNESS WHEREOF, I have hereunto set my  
hand, and affixed my Notarial Seal, the day and year  
first above written.



Victoria Lalli  
Notary Public for the State of Montana  
Residing W. Sh. Mt  
My Commission Expires Mar 22, 2003

*January 12, 01*  
*Jessica E. Whitney*  
*Business Manager*

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WAIVER OF REQUIREMENT OF APPROVAL FOR AMENDMENT OF COVENANTS,  
CONDITIONS AND RESTRICTIONS

1. The Declaration of Covenants, Conditions and Restrictions of Sunset Point was recorded in the office of the Clerk and Recorder of Flathead County, Montana, on October 17, 1986, under Reception No. 8629009460 and Amendment recorded May 24, 1996, under Reception No. 9614513060. Article XVI, Section 4 of the Declaration provides, in part, as follows:

"This Declaration may be amended by an instrument signed by not less than seventy-five percent (75%) of the unit owners. Any amendment must be recorded to be valid. Declarant may amend this document prior to delivery of the first deed to an owner. Any amendment shall be approved by the Board of County Commissioners of Flathead County, Montana.

2. The above-described Declaration affects the following described real property:

"The SUNSET POINT, PHASES I through V, plats on file and of record in the office of the County Clerk and Recorder, Flathead County, Montana."

3. The Board of Commissioners of Flathead County desires that the requirement of approval of the Board of Commissioners to amend the Declaration be waived except as it pertains to an amendment of any article in the Declaration that was a condition of subdivision plat approval.

THEREFORE, by their signatures below, the Board of Commissioners of Flathead County, Montana, hereby waives the requirement of approval of the Board of Commissioners, contained in Article XVI, Section 4 of the Declaration, for amendment of the Declaration EXCEPT as it pertains to an amendment of any article in the Declaration that was a condition of subdivision plat approval.

Dated the 10<sup>th</sup> day of October, 2000.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

By Robert W. Watne  
Robert W. Watne, Chairman

By Howard W. Gipe  
Howard W. Gipe, Member

By Dale W. Williams  
Dale W. Williams, Member

TEST: Susan M. Haverfield, Clerk

By Michelle M. Anderson  
Deputy

STATE OF MONTANA, }  
County of Flathead } ss

Recorded at the request of Jessica Whitney Plat 8629009450  
this 12 day of Jan, 2001 at 1:26 o'clock P and recorded in  
the records of Flathead County, State of Montana.

Fee \$ 24. Pd.

RECEPTION NO. 2001012 13260

RETURN TO Sunset Point  
Box 1681 Bigfork MT 59901

Susan H. Haverfield  
(Flathead County Clerk and Recorder)

Char. King  
(Deputy)

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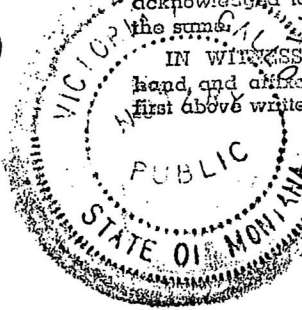


RE: Restated Declaration of Covenants, Conditions and Restrictions of Sunset Point Homeowners Association, Inc.

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STATE OF MONTANA  
County of Flathead

On this 12<sup>th</sup> day of JAN. in the year  
2001 before me, Notary Public for the State of Montana,  
personally appeared the above named person of whose  
name(s) are subscribed to the within instrument and  
acknowledged to me that she executed  
the same. Jessica E. Whitney  
IN WITNESS WHEREOF, I have hereunto set my  
hand, and affixed my Notarial Seal the day and year  
first above written.



Victoria Lallo  
Notary Public for the State of Montana  
Residing W. Sh. Mt  
My Commission expires Mar 22, 2003

*January 12, 01*  
*Jessica E. Whitney*  
*Business Manager*