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PAULA ROBINSON FLATHEAD COUNTY MONTANA

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FIRST AMENDMENT TO
DECLARATION OF CONDOMINIUM FOR WATERSIDE CONDOMINIUM
UNDER THE MONTANA UNIT OWNERSHIP ACT
200521713500
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APPROVED 12-14-06

**FIRST AMENDMENT TO THE DECLARATION OF
CONDOMINIUM FOR WATERSIDE CONDOMINIUM
UNDER THE MONTANA UNIT OWNERSHIP ACT**

This First Amendment to the Declaration of Condominium for Waterside Condominium under the Montana Unit Ownership Act is executed this 17th day of February, 2006 by Waterside Development, LLC, a Montana Limited Liability Company in Kalispell, Montana (hereinafter referred to as "Declarant").

WHEREAS, Declarant caused to be filed that Declaration for Waterside Condominium with the Flathead County Clerk and Recorder as Document No. 200521713500 (hereinafter sometimes "Original Declaration"); and

WHEREAS, pursuant to said Declaration, Declarant specifically reserved unto itself the right to amend said Declaration to, among other things, expand the number of Units to be included within said Declaration of Condominium; and

WHEREAS, Declarant desires to amend said Declaration of Condominium to provide for an additional thirty-three (33) Units, to provide for an amended Dock Schematic and Boatslip Limited Common Element Designation, and to redesignate the Carport, Garage and Garage Carport Limited Common Elements; and

WHEREAS, Declarant continues to reserve the right to further amend said Declaration of Condominium to further expand the number of units to be included within the Original Declaration referenced herein above.

NOW, THEREFORE, in consideration of the foregoing recitals and the amendment powers reserved unto Declarant as set forth in that Declaration of Condominium on file and of record in the office of the Flathead County Clerk and Recorder as Document 200521713500, Declarant hereby amends said Declaration as follows:

1. **Additional Units:** Declarant hereby expands the number of units to be included within said Declaration by adding one (1) three (3) story condominium building comprised of twelve (12) Units (hereinafter sometimes "Building II"), and one (1) three (3) story condominium building comprised of twenty-one (21) Units (hereinafter sometimes "Building IV"), all numbered as set forth on Exhibit B1 attached hereto and by this reference incorporated herein. The general location of said condominium buildings is depicted on Exhibit A1(b) of the original Declaration as "Phase 2" (in reference to Building II) and "Phase 4" (in reference to Building IV). The general dimensions and designations of the units contained within the above described buildings are set forth on the following Exhibits attached hereto and by this reference incorporated herein.
 - a. Exhibit A6-Building II First floor plans depicting Units II-100 through II-105.
 - b. Exhibit A7-Building II Second floor plans depicting Units II-200 through II-205.
 - c. Exhibit A8-Building II Third floor plans depicting second levels of Units II-200 through II-205.
 - d. Exhibit A9-Building IV First floor plans depicting Units IV-101 through IV-107.
 - e. Exhibit A10-Building IV Second floor plans depicting Units IV-201 through IV-207.
 - f. Exhibit A11-Building IV Third floor plans depicting Units IV-301 through IV-307.

Each Unit, together with its appurtenant undivided interest in the common elements, shall comprise one unit, shall be inseparable, and may be conveyed, leased, devised, or encumbered only as a condominium unit. Each unit shall be bound as to both horizontal and vertical boundaries as shown on the floor plans set forth on Exhibits A6, A7, A8, A9, A10 and A11, subject to any encroachments contained in the building whether they exist now or created by construction, settlement, or movement of the building or by permissible repairs, reconstruction or alterations. Each unit shall include all of the walls and partitions within the units perimeter boundaries, the interior decorated or finished surfaces of all walls, floors and ceilings within

the units perimeter boundaries, and all fixtures attached to the property that are within the units perimeter walls.

2. **Common Elements:** The ownership interest of each Unit Owner is hereby amended pursuant to ¶ 5 of the Original Declaration. The Owner of each Unit shall have an undivided 1/50th interest in the Common Elements, subject to the interests of other Owners of Units in Waterside Condominium and subject to the amendment powers retained by Declarant in connection with the Original Declaration and this First Amendment thereto. Exhibit B1 attached to the Original Declaration is hereby amended and completely restated as set forth on Exhibit B1 attached hereto and by this reference incorporated herein.
3. **Garage Allocation:** Garage Numbers 16 through 27 depicted on Exhibit A6 attached hereto are Limited Common Elements reserved and allocated to the following Units of Building II:

<u>Garage No.</u>	<u>Unit No.</u>
16	II-200
17	II-100
18	II-101
19	II-201
20	II-102
21	II-202
22	II-103
23	II-203
24	II-104
25	II-204
26	II-105
27	II-205

4. **Garage, Carport and Garage/Carport Redesignation:** The garage and carport designation set forth on Exhibit A1(b) attached to the original Declaration shall be redesignated as follows:

<u>Original Designation</u>	<u>Amended Designation</u>
CG-1	1
CG-2	2
CG-3	3
CG-4	4
CG-5	5
CG-6	6
CG-7	7
CG-8	8
CG-9	9
CG-10	10
CG-11	11
CG-12	12
CG-13	13
CG-14	14
CG-15	15
G-1	28
G-2	29
G-3	30
G-4	31
G-5	32
G-6	33
G-7	34

Notwithstanding the redesignation of the garage and garage/carport designations as set forth herein above, Declarant has not yet allocated said limited common elements to any Units, with the exception of the garages allocated pursuant to ¶¶ 3 and 5 hereof, and Declarant continues specifically reserve the right to amend this Declaration to allocate said limited common elements, which allocation may be made by further amendment to the Declaration or by an Assignment or Deed of Conveyance filed with the Flathead County and Recorder.

5. **Garage Designation:** References contained in the Original Declaration to carports and garage/carports are hereby amended and restated as references to garage(s). The location and designation of all garages is depicted on Exhibit B3 as Numbers I-68.

The following garages have heretofore been allocated to the following Units as Limited Common elements, which allocation is memorialized hereby:

<u>Garage No.</u>	<u>Unit No.</u>
1	I-200
2	I-202
3	I-201
4	I-100
5	I-102
6	I-302
7	I-301
8	I-103
9	I-101
10	I-204
11	I-105
12	I-203
13	I-304
14	I-303
15	I-205
28	I-104
29	I-300

6. **Dock Schematic and Boatslip Limited Common Element Designation:** Exhibit B2 appended to the Original Declaration is hereby amended and completely restated as Exhibit B2 attached hereto and by this reference incorporated herein. The original Declaration is hereby revised to provide for thirty-one (31) boatslips, three of which (namely boatslip numbers 2, 10 and 16) shall be dedicated to use for personal water craft/jet ski craft. Boatslip numbers 2, 10 and 16 shall be comprised of the following boatslip spaces for such personal water craft/jet ski craft:

<u>Boatslip No. 2</u>	<u>Boatslip No. 10</u>	<u>Boatslip No. 16</u>
JS2-A	JS10-A	JS16-A
JS2-B	JS10-B	JS16-B
JS2-C	JS10-C	JS16-C
	JS10-D	JS16-D

All boatslips will be allocated pursuant to the Original Declaration, including the eleven (11) boatslip spaces for personal water craft/jet ski craft.

The following boatslips are Limited Common Elements reserved and allocated to the following Units:

<u>Boatslip No.</u>	<u>Unit No.</u>
5	I-303
6	I-205 (Use Package A)
6	I-202 (Use Package B)
7	I-105 (Use Package A)
8	I-203 (Use Package A)
8	I-301 (Use Package B)
8	I-103 (Use Package C)
9	I-302 (Use Package A)
9	I-200 (Use Package B)
9	I-104 (Use Package C)
13	I-201
14	I-304
21	I-102

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FIRST FLOOR PLAN

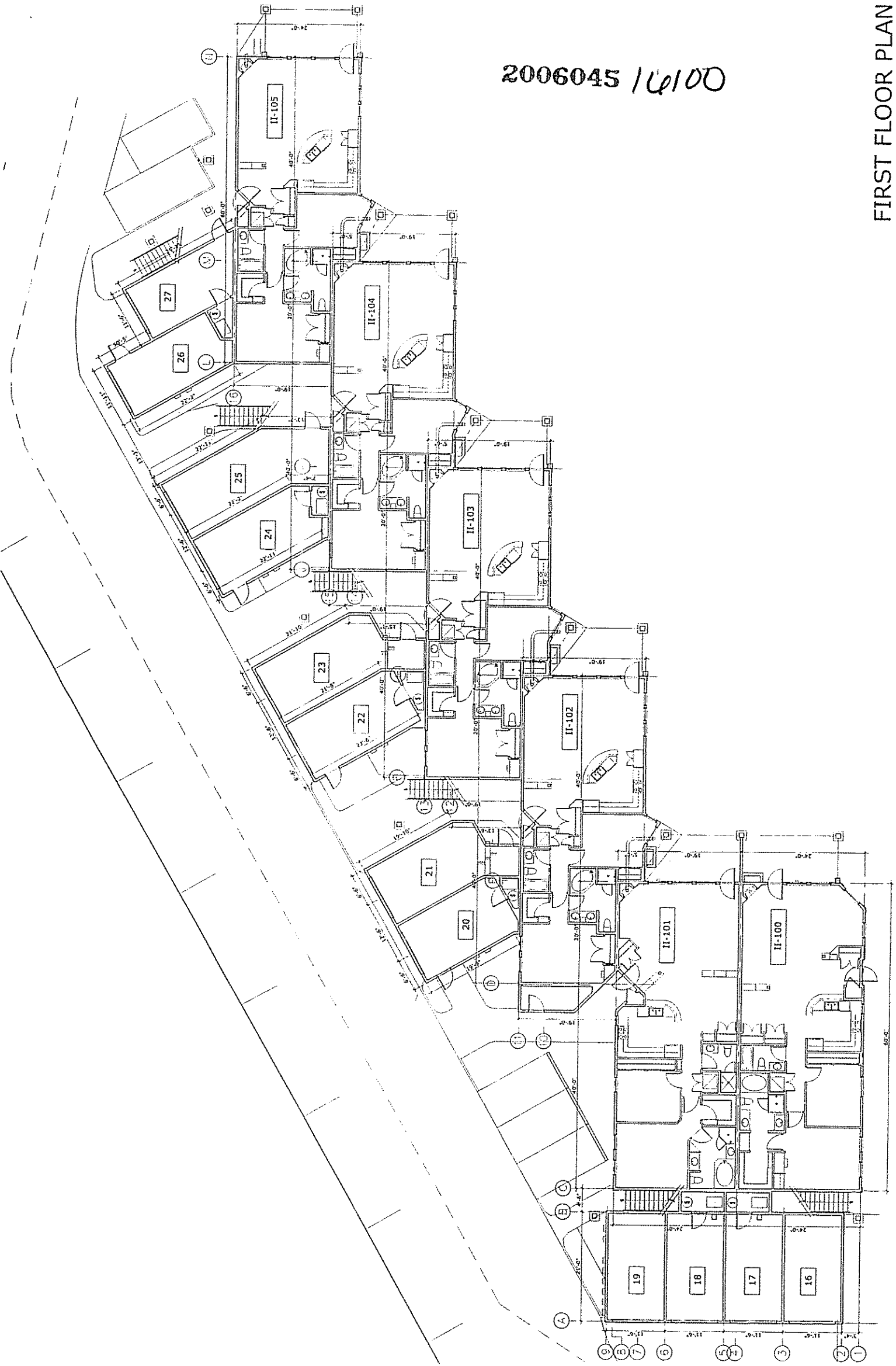


Exhibit A6 - Building II First floor plan depicting Units II-100 thru II-105

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SECOND FLOOR PLAN

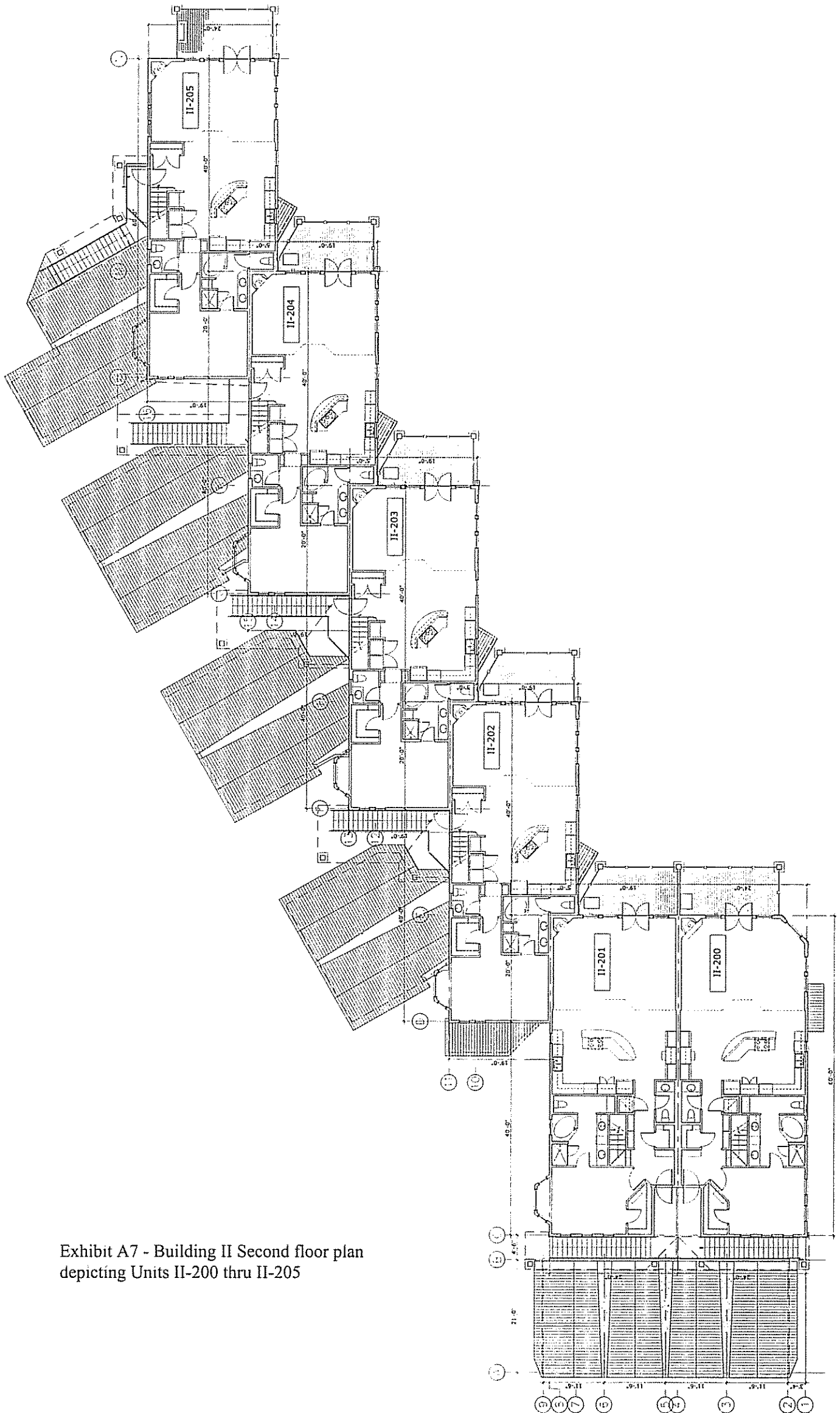


Exhibit A7 - Building II Second floor plan depicting Units II-200 thru II-205

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THIRD FLOOR PLAN

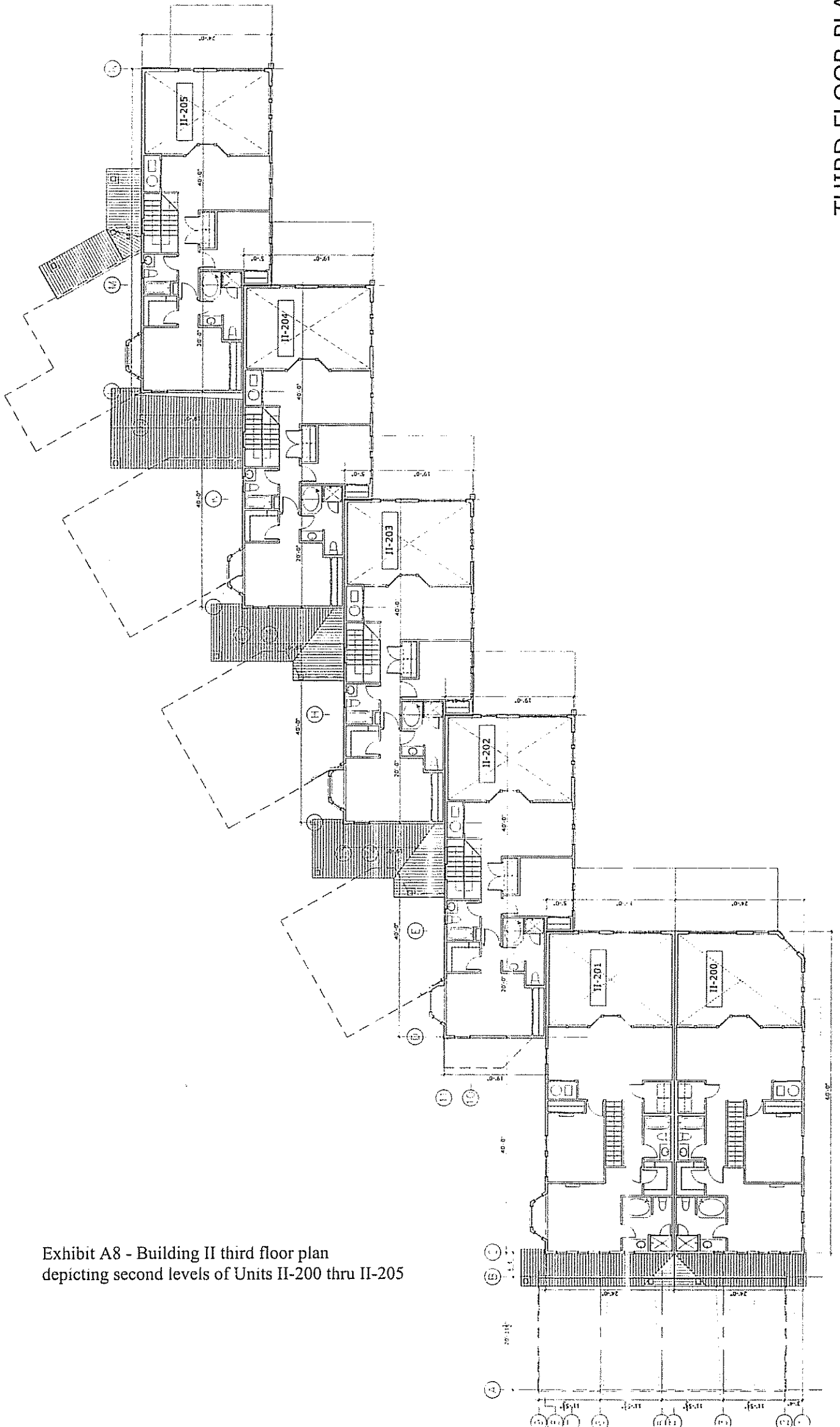
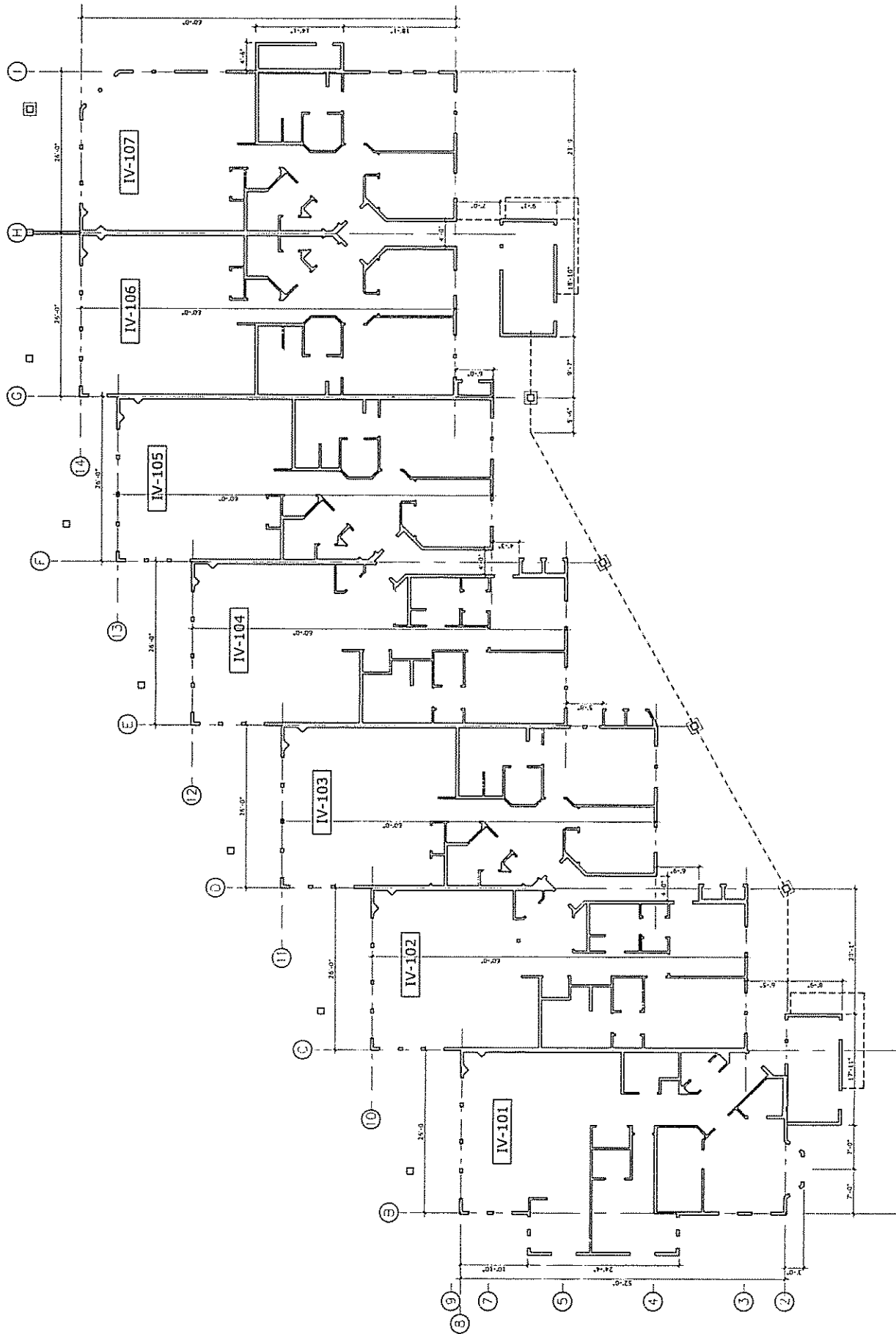


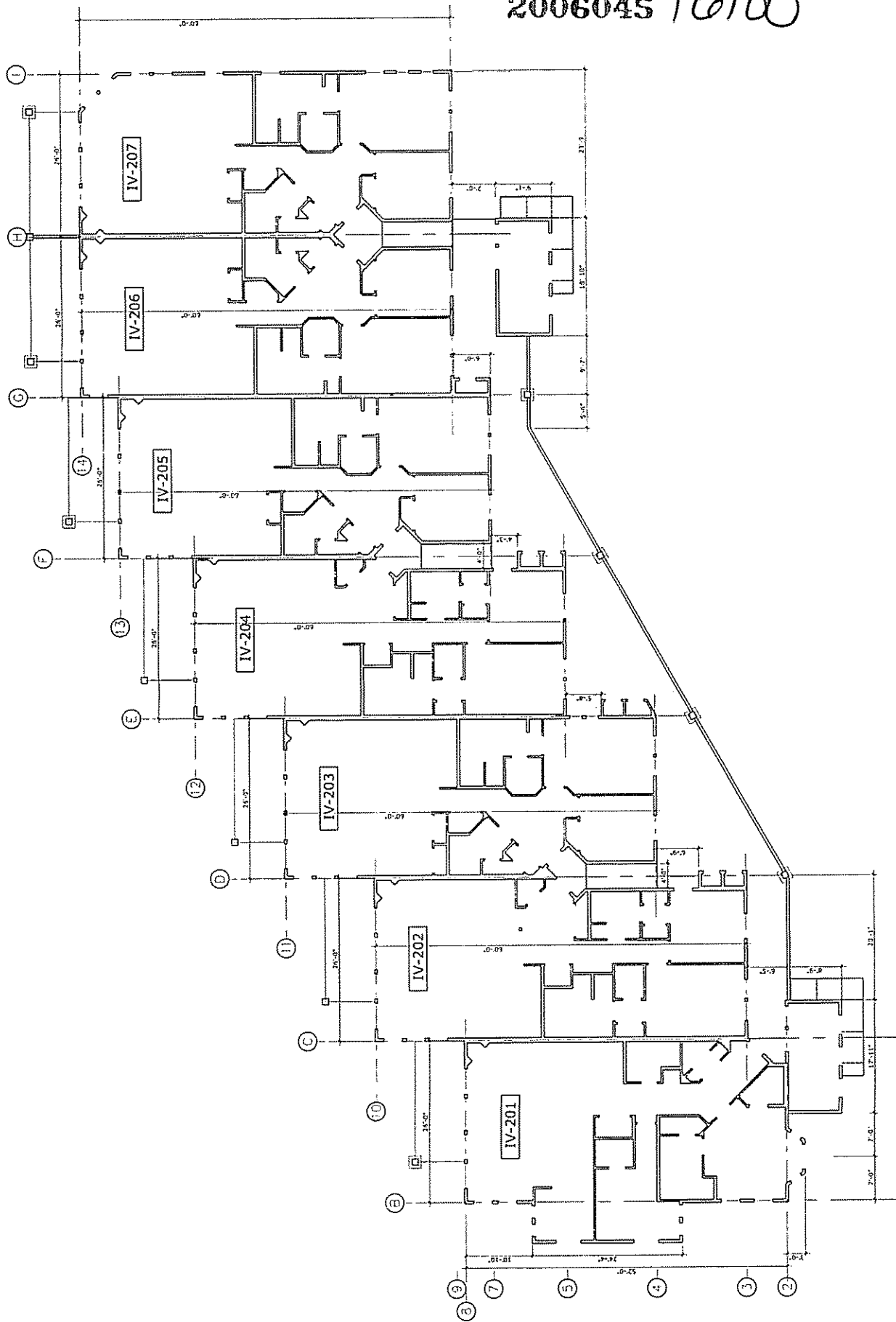
Exhibit A8 - Building II third floor plan depicting second levels of Units II-200 thru II-205



FIRST FLOOR PLAN

EXHIBIT A9
Building IV first floor plan
depicting Units IV-101 through IV-107

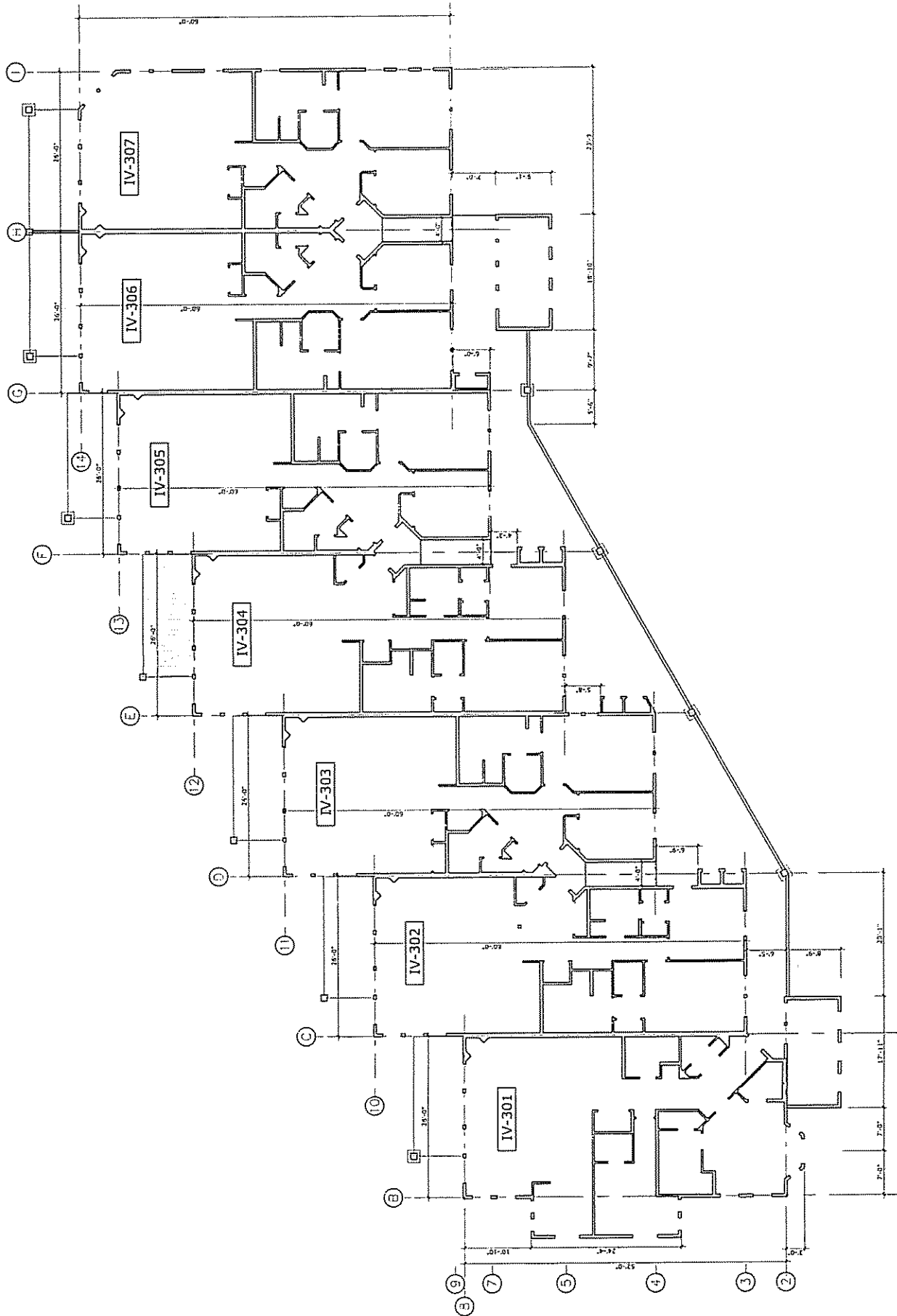
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SECOND FLOOR PLAN

EXHIBIT A10
Building IV second floor plan
depicting Units IV-201 through IV-207

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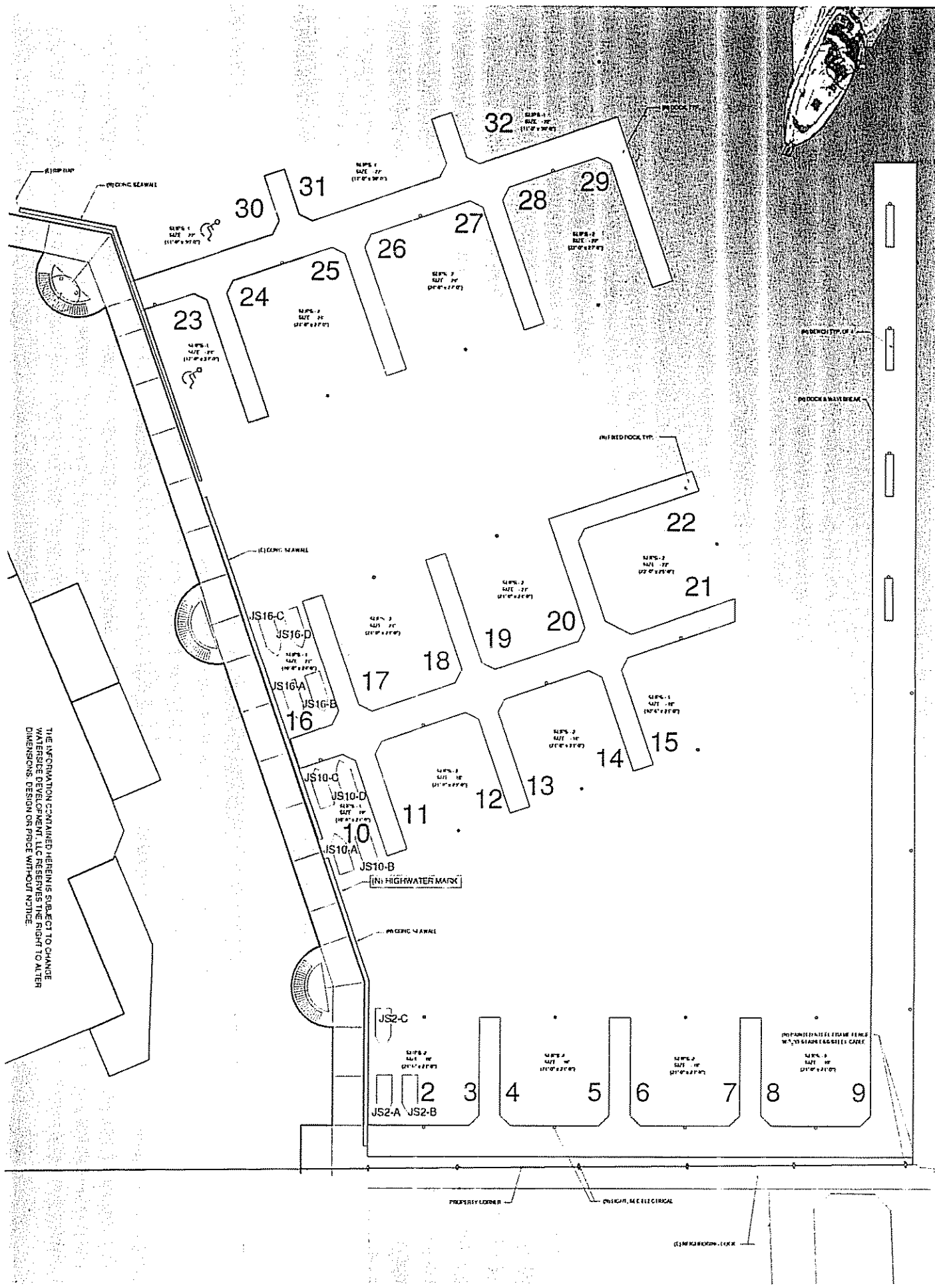
THIRD FLOOR PLAN

EXHIBIT A11
Building IV third floor plan
depicting Units IV-301 through IV-307

AMENDED ALLOCATION OF PERCENTAGE OWNERSHIP
OF COMMON ELEMENTS

<u>Unit No.</u>	<u>Percentage Ownership of Common Elements</u>
I-100	2%
I-101	2%
I-102	2%
I-103	2%
I-104	2%
I-105	2%
I-200	2%
I-201	2%
I-202	2%
I-203	2%
I-204	2%
I-205	2%
I-300	2%
I-301	2%
I-302	2%
I-303	2%
I-304	2%
II-100	2%
II-101	2%
II-102	2%
II-103	2%
II-104	2%
II-105	2%
II-200	2%
II-201	2%
II-202	2%
II-203	2%
II-204	2%
II-205	2%
IV-101	2%
IV-102	2%
IV-103	2%
IV-104	2%
IV-105	2%
IV-106	2%
IV-107	2%
IV-201	2%
IV-202	2%
IV-203	2%
IV-204	2%
IV-205	2%
IV-206	2%
IV-207	2%
IV-301	2%
IV-302	2%
IV-303	2%
IV-304	2%
IV-305	2%
IV-306	2%
IV-307	2%

The percentage of ownership of Common Elements is subject to adjustment for future additions to Waterside Condominium. In this regard, said adjustment shall occur as soon as reasonably feasible upon construction of additional condominium buildings containing condominium Units that are habitable. All such adjustments shall be memorialized by an Amendment to the Original Declaration as contemplated in said Original Declaration. All Unit Owners, by accepting a deed to a Unit, hereby consent to the adjustments contemplated herein and appoint Declarant as their attorney in fact for purposes of making said adjustment, which will reduce the Percentage Ownership in said Common Elements as set forth herein.



WATERSIDE
 AT FLATHEAD LAKE
 7175 HWY 93 S., LAKESIDE, MONTANA

OSBERNER SHEKHET ARCHITECTURE
 1500 Lincoln St. 2nd Fl.
 Denver, CO 80202
 TEL: 303.733.4000
 FAX: 303.733.4005

EXHIBIT B2
 to First Amendment to Declaration of
 Condominium for Waterside Condominium

2006045 / 6/00

LEGAL DESCRIPTION

A tract of land located in US Government Lot 4 of Section 7, Township 26 North, Range 20 West, Principal Meridian, Montana, Flathead County, Montana and more particularly described as follows:

Commencing at the Southwest corner Parcel D of Certificate of Survey No. 8202 and which point is the true Point of Beginning;

Thence on and along the boundaries of said Parcel D, the following eight (8) courses:

North 15°30'30" W, a distance of 337.59 feet to a point;

South 89°04'41" E, a distance of 56.70 feet to a point;

North 00°42'27" E, a distance of 95.57 feet to a point;

South 89°08'06" E, a distance of 423.09 feet to a point;

South 47°04'34" E, a distance of 190.03 feet to a point;

South 05°00'04" E, a distance of 281.20 feet to a point;

South 89°32'07" W, a distance of 265.50 feet to a point;

South 89°37'49" W, a distance of 288.83 feet to the true Point of Beginning.

This Tract contains 5.315 acres as shown on Certificate of Survey No. 16830.

EXHIBIT C