



Return to:
Waterside Development, LLC
PO Box 2270
Littleton, CO 80161-2270

0011362 thru 0011382
0011362 thru 0011382

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

This Seventh Amendment to Declaration of Condominium for Waterside Condominium under the Montana Unit Ownership Act is executed this 28th day of December, 2011, 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 of Condominium for Waterside Condominium with the Flathead County Clerk and Recorder as Document No. 200521713500 (hereinafter sometimes "Original Declaration"); and

WHEREAS, pursuant to Paragraph 2 of said Declaration, Declarant specifically reserved unto itself the right to amend said Declaration; and

WHEREAS, Declarant previously amended said Declaration pursuant to that First Amendment to Declaration of Condominium for Waterside Condominium dated February 14, 2006 and recorded with the Flathead County Clerk and Recorder as Document No. 200604516100; and

WHEREAS, Declarant also previously amended said Declaration pursuant to that Second Amendment to the Declaration of Condominium for Waterside Condominium dated December 8, 2006 and recorded with the Flathead County Clerk and Recorder as Document No. 200634611490; and

WHEREAS, Declarant also previously amended said Declaration pursuant to that Third Amendment to the Declaration of Condominium for Waterside Condominium dated August 7, 2007 and recorded with the Flathead County Clerk and Recorder as Document No. 200700027233; and

WHEREAS, Declarant also previously amended said Declaration pursuant to that Fourth Amendment to the Declaration of Condominium for Waterside Condominium dated November 21, 2007 and recorded with the Flathead County Clerk and Recorder as Document No. 200700035567; and

WHEREAS, Declarant also previously amended said Declaration pursuant to that Fifth Amendment to the Declaration of Condominium for Waterside Condominium dated April 17, 2009 and recorded with the Flathead County Clerk and Recorder as Document No. 200900010862; and

WHEREAS, Declarant also previously amended said Declaration pursuant to that Sixth Amendment to the Declaration of Condominium for Waterside Condominium dated January 28, 2011 and recorded with the Flathead County Clerk and Recorder as Document No. 201100002428; and

WHEREAS, Declarant desires to again amend said Declaration of Condominium to provide a complete allocation of boatslips, garages and carports.

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

THE FOLLOWING PROVISIONS ARE HEREBY DELETED IN THEIR ENTIRETY:

- Section 6 of the original Declaration of Condominium of Waterside Condominium
- Sections 3, 4, 5 and 6 of the First Amendment to Declaration of Condominium of Waterside Condominium

Approved 12/28/2011 LF



- Section 3 of the Second Amendment to Declaration of Condominium of Waterside Condominium
- Section 2 of the Third Amendment to Declaration of Condominium of Waterside Condominium
- Section 6 of the Sixth Amendment to Declaration of Condominium of Waterside Condominium

SUCH PROVISIONS ARE COLLECTIVELY REPLACED AND RECONSTITUTED AS FOLLOWS:

Limited Common Elements: The Limited Common Elements are those Common Elements reserved for the use of fewer than all of the Unit Owners. Without limiting the foregoing, the Limited Common Elements shall include stairways, balconies, entrances, stoops, flues, chimneys, ducts, cables, conduits, public utility lines, water, sewer, electrical, gas, cable television lines, hot and cold water pipes (all such utility pipes and lines are Limited Common Elements where they service fewer than all of the Units; where they service all of the Units, they shall be General Common Elements), boilers, hot water tanks, and fixtures, or other portions of the building servicing only a particular Unit or less than all the Units, skylights, and the utilities and heating contained within such individual Unit to the exclusion of the use thereof by the Owners, except by invitation.

The Limited Common Elements shall also include boatslips, carports, garages, and garage/carports. The 31 boatslips are hereby designated as Limited Common Elements and are reserved for the use of a certain Unit or number of Units to the exclusion of other Units. Said boatslips are numbered 2 through 32 and are depicted on Exhibit B2 attached hereto and by this reference incorporated herein. (Exhibit B2 attached hereto is a duplicate of the Exhibit B2 attached to the First Amendment to Declaration of Condominium of Waterside Condominium). The boatslips shall be allocated pursuant to Exhibit B2a attached hereto and by this reference incorporated herein. No boatslip may be leased, rented, or otherwise utilized by any person other than a Unit Owner or anyone utilizing the Unit of the Unit Owner entitled to the use of a boatslip. No boatslip may be used for commercial purposes. As used herein, "commercial purposes" includes any service or activity for which remuneration is provided. A boatslip may be designated as a Limited Common Element appurtenant to one (1) Unit or three (3) Units. A Unit Owner to whom a boatslip is designated as a Limited Common Element shall be allowed the use of the boatslip as follows:

- a. If the boatslip is allocated to only one Unit, the Unit Owner shall be entitled to the exclusive use of said Boatslip.
- b. If the boatslip is allocated to three (3) Units, the Unit Owners shall be entitled to the usage set forth on Exhibit B4 attached hereto and by this reference incorporated herein. (Exhibit B4 attached hereto is a duplicate of the Exhibit B4 attached to the original Declaration of Condominium of Waterside Condominium).

Notwithstanding anything to the contrary contained herein, the dock structures shall be Common Elements, with the boatslips being designated as Limited Common Elements.

The 68 carports and garages are hereby designated as Limited Common Elements and are reserved for the use of a certain Unit to the exclusion of other Units. Said carports and garages are numbered 1 through 68 and are depicted on Exhibit B3 attached hereto and by this reference incorporated herein. (Exhibit B3 attached hereto is a duplicate of the Exhibit B3 attached to the First Amendment to Declaration of Condominium of Waterside Condominium). The garages and carports shall be allocated pursuant to Exhibit B3a attached hereto and by this reference incorporated herein.

Subsequent to Declarant's allocation of boatslips, carports, garages, and garage/carports to various Units as Limited Common Elements, the Unit Owner to whose Unit said Limited Common Element(s) is/are appurtenant shall be entitled to convey the right to the use of said Limited Common Element to any other Unit Owner to be appurtenant to said transferee Unit Owner's Unit. Said transfer shall be pursuant to a deed of conveyance or assignment acceptable to the Board of Directors of the Association, who shall keep detailed records of the ownership of said Limited Common Element use rights. The foregoing shall only apply to boatslips, carports, garages, and no other Limited Common Element. Declarant may allocate the Limited Common Elements referred to in the immediately preceding sentence by deeds of conveyance to be recorded with the Flathead County Clerk and Recorder. In no event shall a Unit Owner be entitled to transfer the right to the use of any such Limited Common Element to anyone other than a Unit Owner to be appurtenant to the Unit of said Unit Owner.

All terms and conditions set forth in the original Declaration, except as amended herein or by previous amendments to the original Declaration, shall remain in full force and effect subject, however, to the power to amend reserved unto Declarant, which power is contained in said Original Declaration and reaffirmed hereby.

IN WITNESS WHEREOF, the Declarant has caused this Seventh Amendment to the Declaration of Condominium for Waterside Condominium to be executed this 28 day of December, 2011.

WATERSIDE DEVELOPMENT, LLC
By

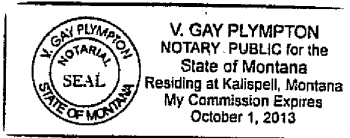
DOCKSIDE, LLC, Member
By

PEAK DEVELOPMENT, LLP, Member

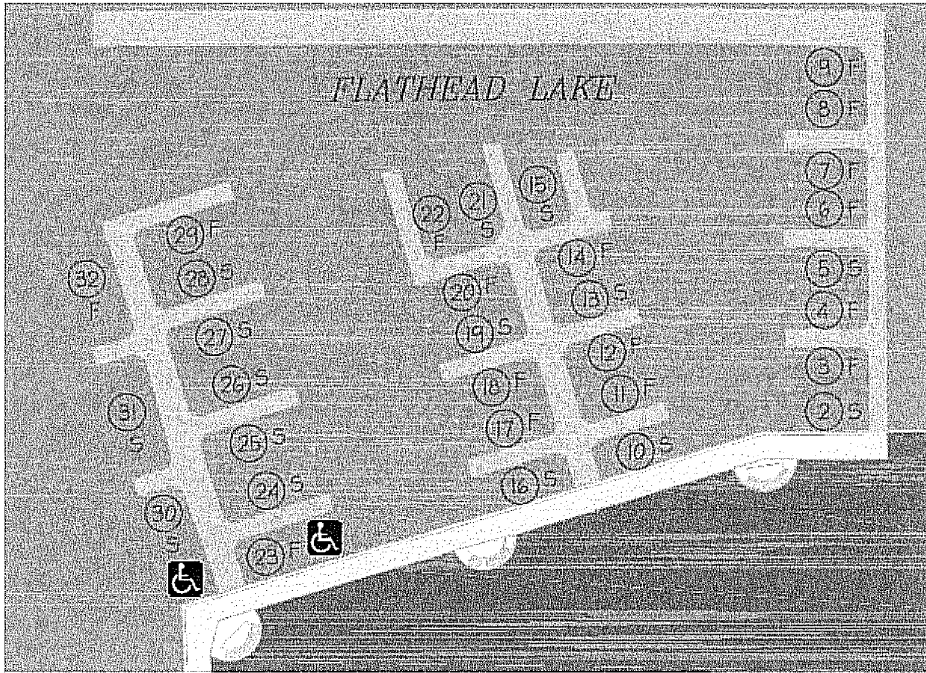
By: *Matthew J. Waatti*
Matthew J. Waatti, Partner

STATE OF MONTANA)
) ss.
County of Flathead)

This instrument was acknowledged before me on the 28 day of December, 2010 by MATTHEW J. WAATTI, a partner of Peak Development, LLP, which is a member of Dockside, LLC, which is a member of Waterside Development, LLC.



V. Gay Plympton
Notary Public for the State of Montana
Residing at Kalispell
My Commission expires 10/1/2013
V. Gay Plympton
Printed Name of Notary Public



- ② S - INDICATES SLIP WITH SINGLE OWNERSHIP
- ③ F - INDICATES SLIP WITH FRACTIONAL OWNERSHIP

| SLIP NUMBER | SLIP LENGTH | OWNERSHIP | SLIP NUMBER | SLIP LENGTH | OWNERSHIP |
|-------------|-------------|------------|-------------|-------------|------------|
| 2 | 21' | Single | 18 | 24' | Fractional |
| 3 | 21' | Fractional | 19 | 24' | Single |
| 4 | 21' | Fractional | 20 | 24' | Fractional |
| 5 | 21' | Single | 21 | 25' | Single |
| 6 | 21' | Fractional | 22 | 25' | Fractional |
| 7 | 21' | Fractional | 23 | 27' | Fractional |
| 8 | 21' | Fractional | 24 | 27' | Single |
| 9 | 21' | Fractional | 25 | 27' | Single |
| 10 | 21' | Single | 26 | 27' | Single |
| 11 | 21' | Fractional | 27 | 27' | Single |
| 12 | 21' | Fractional | 28 | 27' | Single |
| 13 | 21' | Single | 29 | 27' | Fractional |
| 14 | 21' | Fractional | 30 | 30' | Single |
| 15 | 21' | Single | 31 | 30' | Single |
| 16 | 24' | Single | 32 | 30' | Fractional |
| 17 | 24' | Fractional | | | |

Exhibit B2



ALLOCATION OF BOATSLIPS

| Boatslip Number | Unit Number | Boatslip Number | Unit Number |
|--------------------|-------------|--------------------|-------------|
| 2 | III-203 | 16 | III-303 |
| 3A | IV-102 | 17A/B | II-201 |
| 3B | III-202 | 17C | IV-305 |
| 3C | III-202 | 18A | II-202 |
| 4A | II-105 | 18B | II-203 |
| 4B | II-103 | 18C | III-102 |
| 4C | II-102 | 19 | II-205 |
| 5 | I-303 | 20A | III-104 |
| 6A | IV-204 | 20B | IV-306 |
| 6B | I-202 | 20C | IV-202 |
| 6C | II-100 | 21 | I-102 |
| 7A | I-105 | 22A | III-105 |
| 7B | IV-106 | 22B | IV-105 |
| 7C | IV-307 | 22C | IV-304 |
| 8A | I-203 | 23A | III-103 |
| 8B | I-301 | 23B | III-205 |
| 8C | I-103 | 23C | IV-103 |
| 9A | I-302 | 24 | III-201 |
| 9B | I-200 | 25 | III-304 |
| 9C | I-104 | 26 | III-301 |
| 10 | III-104 | 27 | III-302 |
| 11 | IV-205 | 28 | IV-207 |
| 12 | III-204 | 29A | II-204 |
| 13 | I-201 | 29B | III-305 |
| 14A | IV-206 | 29C | I-205 |
| 14B | I-304 | 30 | IV-104 |
| 14C | IV-203 | 31 | III-101 |
| 15 | III-303 | 32 | III-302 |

Exhibit B2a
to Seventh Amendment to Declaration of Waterside Condominium

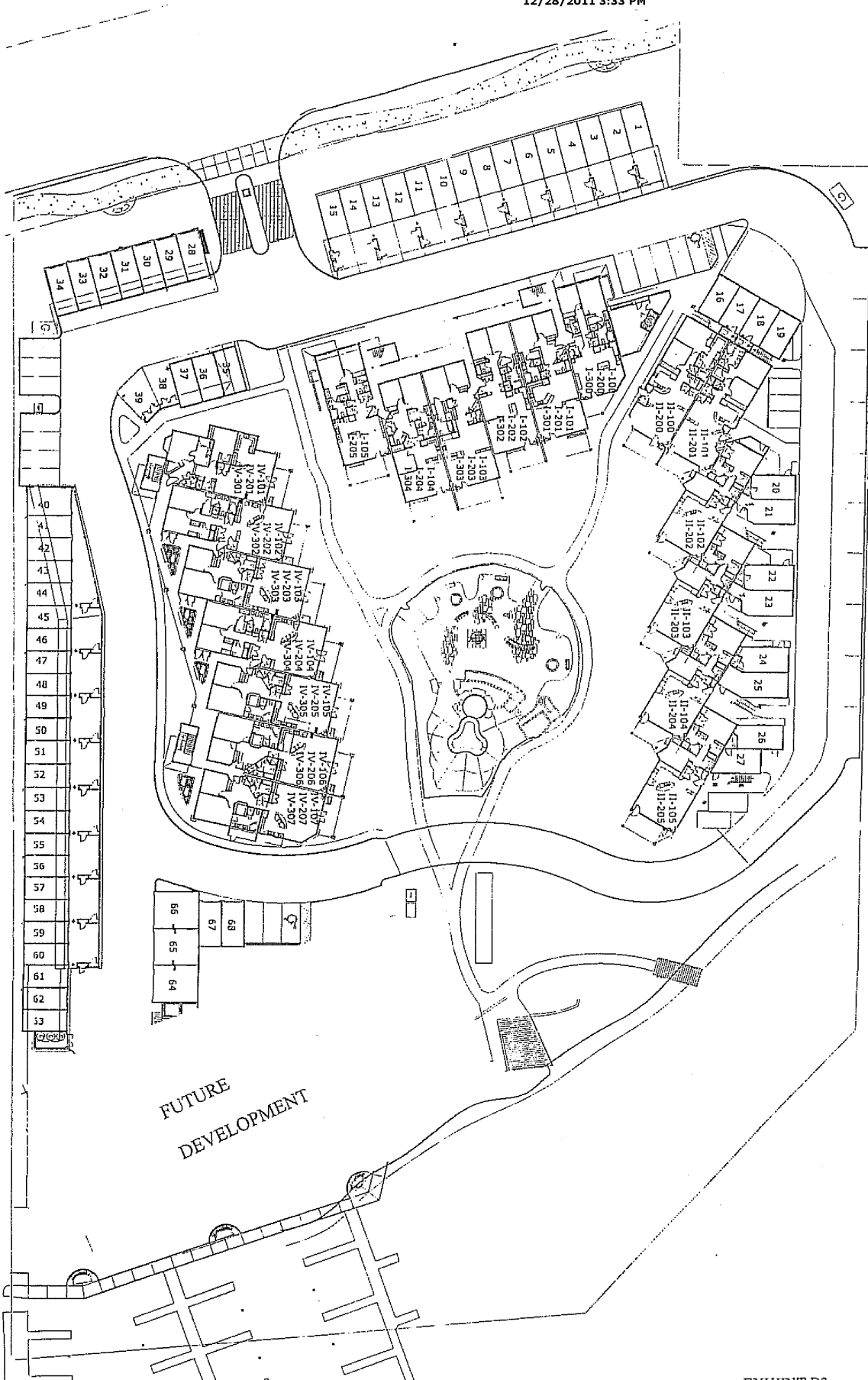


EXHIBIT B3
Garage Schematic



ALLOCATION OF GARAGES AND CARPORTS

| Garage Number | Unit Number | Garage Number | Unit Number |
|---------------|-------------|---------------|-------------|
| 1 | I-200 | 38 | IV-205 |
| 2 | I-202 | 39 | IV-301 |
| 3 | I-201 | 40 | IV-101 |
| 4 | I-100 | 41 | IV-303 |
| 5 | I-102 | 42 | IV-104 |
| 6 | I-302 | 43 | IV-306 |
| 7 | I-301 | 44 | IV-207 |
| 8 | I-103 | 45 | IV-305 |
| 9 | I-101 | 46 | IV-206 |
| 10 | I-204 | 47 | III-102 |
| 11 | I-105 | 48 | III-103 |
| 12 | I-203 | 49 | III-202 |
| 13 | I-304 | 50 | III-203 |
| 14 | I-303 | 51 | IV-106 |
| 15 | I-205 | 52 | IV-307 |
| 16 | II-200 | 53 | III-302 |
| 17 | II-100 | 54 | III-303 |
| 18 | II-101 | 55 | III-104 |
| 19 | II-201 | 56 | III-205 |
| 20 | II-102 | 57 | III-204 |
| 21 | II-202 | 58 | III-101 |
| 22 | II-103 | 59 | III-201 |
| 23 | II-203 | 60 | III-105 |
| 24 | II-104 | 61 | IV-205 |
| 25 | II-204 | 62 | IV-304 |
| 26 | II-105 | 63 | IV-204 |
| 27 | II-205 | 64 | III-305 |
| 28 | I-104 | 65 | III-301 |
| 29 | I-300 | 66 | III-304 |
| 30 | IV-201 | 67 | IV-105 |
| 31 | IV-301 | 68 | IV-107 |
| 32 | IV-102 | | |
| 33 | IV-202 | | |
| 34 | III-302 | | |
| 35 | IV-103 | | |
| 36 | IV-302 | | |
| 37 | IV-203 | | |

Exhibit B3a
to Seventh Amendment to Declaration of Waterside Condominium



BOATSLIP USAGE

Certain boatslips will be allocated as Limited Common Elements to three (3) Units, the Owners of which shall be entitled to the exclusive use of said boatslips on a scheduled basis. The Owners of the three Units to whom a boatslip is allocated shall be designated by Declarant as Owner A, Owner B, or Owner C. Commencing in calendar year 2006, Owner A shall be entitled to Use Package A, Owner B shall be entitled to Use Package B, and Owner C shall be entitled to Use Package C defined below:

| | |
|----------------|--------------------------------------|
| Use Package A: | Use weeks 22, 23, 28, 29, 34, and 35 |
| Use Package B: | Use weeks 24, 25, 30, 31, 36, and 37 |
| Use Package C: | Use weeks 26, 27, 32, 33, 38, and 39 |

Each year after 2006, the Use Package assigned to the Owners will rotate backwards. For example, in 2007, Owner A is entitled to Use Package C, Owner B is entitled to Use Package A, and Owner C is entitled to Use Package B.

Use Week No. 1 is the seven days commencing at 8:00 a.m. on the first Saturday of January each year. Use Week Nos. 2 through 52 are calculated by working forward from Use Week No. 1 each year. Use Weeks run from 8:00 a.m. on the first day of the Use Week to 7:59 a.m. on the first day following the Use Week.

The Association shall periodically prepare an extended calendar to establish and define the Use Weeks assigned to Owners A, B, and C for succeeding years pursuant to the schedule established and defined by this Exhibit B4.

Use of the boatslips during use weeks other than those specifically referenced herein shall be on a first come, first served basis.