

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

This Third Amendment to Declaration of Condominium for Waterside Condominium under the Montana Unit Ownership Act is executed this 7 day of ~~June~~^{August}, 2007 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 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 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 desires to amend said Declaration of Condominium, the First Amendment to Declaration of Condominium, and the Second Declaration of Condominium to correct Exhibit B, and amend the allocation of Garage Nos. 64 and 65, and specify further development rights.

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:

- Common Elements:** The interest of each Unit Owner in the Common Elements is hereby amended pursuant to ¶5 of the Original Declaration. Exhibit B1 attached to the Second Amendment to Declaration is hereby amended and completely restated as set forth on Exhibit B1 attached hereto and by this reference incorporated herein.
- Garage Allocation:** Garage Numbers 30 through 68 depicted on Exhibit B5 attached hereto are Limited Common Elements reserved and allocated to the following Units of Building III as follows:

| <u>Unit No.</u> | <u>Parking No.</u> |
|-----------------|--------------------|
| III-101 | 59 |
| III-102 | 47 |
| III-103 | 48 |
| III-104 | 57 |
| III-105 | 53 |
| III-201 | 60 |
| III-202 | 49 |
| III-203 | 50 |
| III-204 | 58 |
| III-205 | 56 |
| III-301 | 66 |
| III-302 | 54 |
| III-303 | 55 |
| III-304 | 65 |
| III-305 | 64 |
| IV-101 | 40 |

APPROVED 9/6/07
0011362 ~ 0011382
0012162 - 0012168, 0461350, 0010876 - 0010891, 0011350 ~ 0011361, 0012152 - 0012159

| | |
|--------|----|
| IV-102 | 32 |
| IV-103 | 35 |
| IV-104 | 42 |
| IV-105 | 67 |
| IV-106 | 51 |
| IV-107 | 68 |
| IV-201 | 30 |
| IV-202 | 33 |
| IV-203 | 37 |
| IV-204 | 63 |
| IV-205 | 61 |
| IV-206 | 46 |
| IV-207 | 44 |
| IV-301 | 31 |
| IV-302 | 36 |
| IV-303 | 41 |
| IV-304 | 62 |
| IV-305 | 45 |
| IV-306 | 43 |
| IV-307 | 52 |



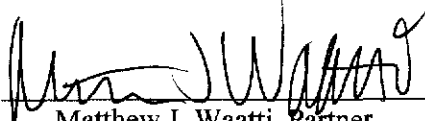
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Page: 2

3. **Future Amendment:** Declarant, consistent with the original Declaration amended hereby, specifically reserves the rights contained in said Declaration to further amend said Declaration by altering the allocation of the limited common elements. However, Declarant specifically revokes its power, pursuant to Sections 9 and 10 of the Original Declaration to construct additional Units, and agrees Declarant shall not construct more than the 65 Units currently completed or under construction. Further, when all 65 Units are sold, conveyed, or transferred, by Declarant, at which time Declarant no longer owns any units, Declarant shall finally amend the Declaration to completely revoke any further powers of Declarant to amend or control Waterside Condominium, at which time said rights shall be transferred to the Association pursuant to Sections 9 and 10 of the Original Declaration.

4. **Terms of Original Declaration:** All terms and conditions set forth in the Original Declaration, with the exception of those amended hereby and amended pursuant to that First Amendment to Declaration of Condominium for Waterside Condominium recorded with the Flathead County Clerk and Recorder as Document No. 200604516100 and amended pursuant that Second Amendment to Declaration of Condominium for Waterside Condominium recorded with the Flathead County Clerk and Recorder as Document No. 200634611490, shall remain in full force and effect subject to the amendment powers reserved unto Declarant contained in said Original Declaration and reaffirmed hereby.

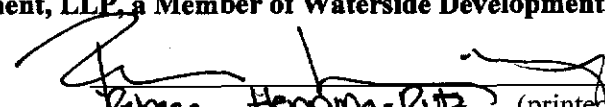
7 **IN WITNESS WHEREOF**, the Declarant has caused this Declaration to be executed this day of ~~June~~, 2007.
August

**WATERSIDE DEVELOPMENT, LLC
BY PEAK DEVELOPMENT, LLP**

By: 
Matthew J. Waatti, Partner

STATE OF MONTANA)
) ss.
County of Flathead)

This instrument was acknowledged before me on the 7 day of *August*, 2007 by **Matthew J. Waatti as Partner of Peak Development, LLP, a Member of Waterside Development, LLC.**


Rebecca Henning-Rutz (printed name)
Notary Public for the State of Montana
Residing at Kalispell, MT
My Commission expires 11/15/10





**AMENDED ALLOCATION OF PERCENTAGE OWNERSHIP
OF COMMON ELEMENTS**

| <u>Unit No.</u> | <u>Percentage Ownership of Common Elements</u> |
|------------------------|---|
| I-100 | 1.53846% |
| I-101 | 1.53846% |
| I-102 | 1.53846% |
| I-103 | 1.53846% |
| I-104 | 1.53846% |
| I-105 | 1.53846% |
| I-200 | 1.53846% |
| I-201 | 1.53846% |
| I-202 | 1.53846% |
| I-203 | 1.53846% |
| I-204 | 1.53846% |
| I-205 | 1.53846% |
| I-300 | 1.53846% |
| I-301 | 1.53846% |
| I-302 | 1.53846% |
| I-303 | 1.53846% |
| I-304 | 1.53846% |
| II-100 | 1.53846% |
| II-101 | 1.53846% |
| II-102 | 1.53846% |
| II-103 | 1.53846% |
| II-104 | 1.53846% |
| II-105 | 1.53846% |
| II-200 | 1.53846% |
| II-201 | 1.53846% |
| II-202 | 1.53846% |
| II-203 | 1.53846% |
| II-204 | 1.53846% |
| II-205 | 1.53846% |
| III-101 | 1.53846% |
| III-102 | 1.53846% |
| III-103 | 1.53846% |
| III-104 | 1.53846% |
| III-105 | 1.53846% |
| III-201 | 1.53846% |
| III-202 | 1.53846% |
| III-203 | 1.53846% |
| III-204 | 1.53846% |
| III-205 | 1.53846% |
| III-301 | 1.53846% |
| III-302 | 1.53846% |
| III-303 | 1.53846% |
| III-304 | 1.53846% |
| III-305 | 1.53846% |
| IV-101 | 1.53846% |
| IV-102 | 1.53846% |
| IV-103 | 1.53846% |
| IV-104 | 1.53846% |
| IV-105 | 1.53846% |
| IV-106 | 1.53846% |
| IV-107 | 1.53846% |
| IV-201 | 1.53846% |
| IV-202 | 1.53846% |
| IV-203 | 1.53846% |
| IV-204 | 1.53846% |
| IV-205 | 1.53846% |

| | |
|--------------|-------------|
| IV-206 | 1.53846% |
| IV-207 | 1.53846% |
| IV-301 | 1.53846% |
| IV-302 | 1.53846% |
| IV-303 | 1.53846% |
| IV-304 | 1.53846% |
| IV-305 | 1.53846% |
| IV-306 | 1.53846% |
| IV-307 | 1.53846% |
| Total | 100% |



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AMENDMENT APPROVAL BY DEPARTMENT OF REVENUE

The 3rd Amendment to Waterside Condo amendment has been reviewed by an agent of the Department of Revenue for Flathead County, Montana and includes all of the information required for approval.

Dated this 6th day of August 2007

Signature Jami Kingery

Printed Name Tami Kingery