

Return to:
Barry Ultican
35 Swan Mtn. Dr.
Kalispell, MT 59901

0010923 thru 0010929
0011077
0010931 thru 0010983



Debbie Pierson, Flathead County MT by NC

201500025042
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Fees: \$108.00
10/26/2015 12:27 PM

**SECOND AMENDED DECLARATION OF UNIT OWNERSHIP
FOR
SWAN MOUNTAIN VILLAGE MANUFACTURED HOME PARK**

KNOW ALL MEN:

Barry Richard Ultican and Karalyn J. Parks of 35 Swan Mountain Drive, MT Highway 35, Kalispell, MT 59901-7709, hereafter referred to as Declarant, hereby files this **SECOND AMENDED DECLARATION OF UNIT OWNERSHIP FOR SWAN MOUNTAIN VILLAGE MANUFACTURED HOME PARK** which was filed as document # 200521715000, records of Flathead County, Montana, (hereafter Original Declaration) AND that amendment signed recorded as document # 201400011251, records of Flathead County, Montana, (hereafter Amended Declaration), which has been executed by at least 75% percent of the unit owners.

Approved 10/26/15 [Signature]

1. Incorporation by reference: Except as stated herein the Original Declaration and Amended Declaration remain as written and except for the terms altered, added, or removed herein, the terms of the Original Declaration as amended by the Amended Declaration shall remain enforceable for this property.

2. Purpose of Second Amended Declaration: The purpose of this document is to convert the premises to a town house development. Glacier Pines Mobil Home Park, was reviewed under the Montana Subdivision Platting act and was zoned as a manufactured home part under a conditional use dated March 1, 1994. That park was the basis of the Original Declaration and the Amended Declaration. Pursuant to 76-3-203 and 70-23-102 (14) Montana Code Annotated, the foot prints may be converted to townhouses. This Second Amended Declaration's purpose is to make that conversion.

3. Amendments

- A. To Original and Amended Declarations
 - 1. The Section entitled PRELIMINARY DECLARATIONS is deleted.



2. The term:

A. "Condominium" is replaced at all parts of the declarations with the term "Townhouse."

B. "Exhibit C" is replaced at all parts of the declarations with the term "Amended Exhibit C."

3. In the section entitled "Definitions":

A. the fifth definition is amended to read:

"Townhouse" means the ownership of a single unit with common elements located on the property submitted to the provisions of this document. It may be referred to as a "Unit."

B. the twenty-first definition is amended to read:

"Unit" means a part of the property depicted as a lot on the survey attached to the Second Amended Declaration as Exhibit C."

4. Exhibits: All exhibits to the Original Declaration as amended or replaced in the Amended Declaration are incorporated by the reference, except for the original Exhibit C, which is replaced by the attached Amended Exhibit C.

5. Approval of Flathead County Zoning and Planning: Attached hereto as Exhibit G is the approval for this conversion by Flathead County Zoning and Planning.

Dated this 1st day of October 2015.

Barry Richard Ultican

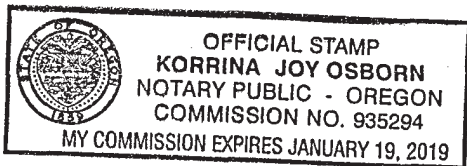
/Karalyn J. Parks

State of ~~Montana~~ OR

County of ~~Flathead~~ POLK

Acknowledged before me by ~~Barry Richard Ultican~~ and Karalyn J. Parks.

Print Name: Korrina Joy Osborn
Notary Public for the State of Montana OR
Residing at Dallas
My Comm. Expires 1-19-19





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B. "Exhibit C" is replaced at all parts of the declarations with the term "Amended Exhibit C."

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Dated this 30 day of Sept. 2015.
Barry Richard Ultican
Barry Richard Ultican

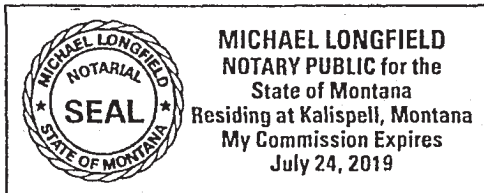
Karalyn J. Parks

State of Montana

County of Flathead

Acknowledged before me by Barry Richard Ultican and ^{ML}Karalyn J. Parks on September 30, 2015.

Michael Longfield
Print Name: _____
Notary Public for the State of Montana
Residing at _____
My Comm. Expires _____





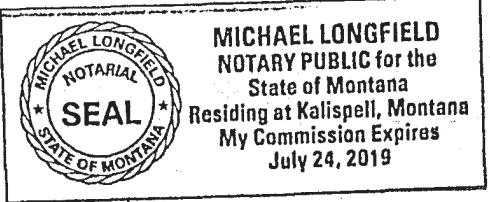
Bradly G. McGinnis
Bradly G. McGinnis

Sara M. McGinnis
Sara M. McGinnis

State of Montana

County of Flathead

Acknowledged before me by Bradly G. McGinnis and Sara M. McGinnis. on
September 30, 2015



Michael Longfield

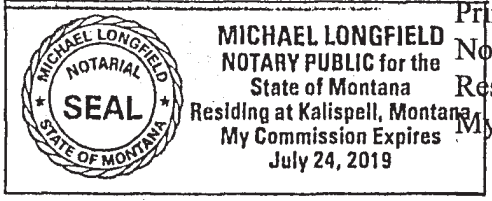
Print Name: _____
Notary Public for the State of Montana
Residing at _____
My Comm. Expires _____

Karen L. Ninman Revokable Trust *al*

by *Karen L. Ninman*
Karen L. Ninman, Trustee *Trustee*
Revocable Trust
State of Montana

County of Flathead

Acknowledged before me by Karen L. Ninman, trustee, for the Karen L. Ninman Revokable Trust. on *September 30, 2015*



Michael Longfield

Print Name: _____
Notary Public for the State of Montana
Residing at _____
My Comm. Expires _____

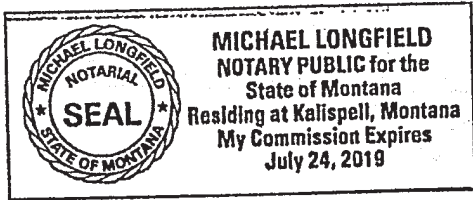


Kathryn M Truzzolino^{OK}
Kathryn M. Truzzolino

State of Montana

County of Flathead

Acknowledged before me by Kathryn M. Truzzolino on September 30, 2015.



Michael Longfield
Print Name: _____
Notary Public for the State of Montana
Residing at _____
My Comm. Expires _____

The Continelli Family Trust ^{OK}

By Ronald Continelli
Ronald Continelli, Trustee

By Deborah Continelli
Deborah Continelli, Trustee

State of California

County of _____

Acknowledged before me by Ronald Continelli and Deborah Continelli, trustees for
The Continelli Family Trust.

See Attached
Print Name: _____
Notary Public for the State of California
Residing at _____
My Comm. Expires _____



GENERAL ACKNOWLEDGEMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
) §
COUNTY OF SAN DIEGO)

On October 5, 2015, before me, **Mariah Faith Continelli**, the undersigned notary, personally appeared Ronald Richard Continelli who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument, the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.



WITNESS my hand and official seal.

My commission expires: 12/26/2018

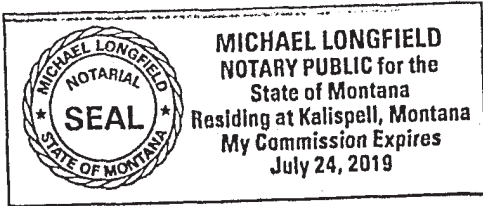


Kathryn M Truzzolino
Kathryn M. Truzzolino

OK
State of Montana

County of Flathead

Acknowledged before me by Kathryn M. Truzzolino on September 30, 2015.



Michael Longfield
Print Name: _____
Notary Public for the State of Montana
Residing at _____
My Comm. Expires _____

The Continelli Family Trust

By _____
Ronald Continelli, Trustee

By _____
Deborah Continelli, Trustee

State of California

County of _____

Acknowledged before me by Ronald Continelli and Deborah Continelli, trustees for
The Continelli Family Trust.

Print Name: _____
Notary Public for the State of California
Residing at _____
My Comm. Expires _____

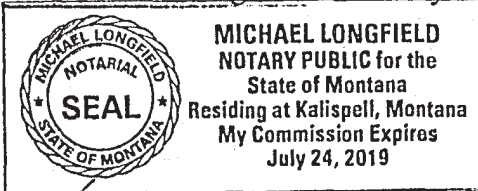


Roger Shoening Marjorie Shoening
Roger Shoening Marjorie Shoening

State of Montana

County of Flathead

Acknowledged before me by Roger Shoening and Marjorie Shoening on 9-30-2015,



Mukul Singh
Print Name: _____
Notary Public for the State of Montana
Residing at _____
My Comm. Expires _____

Elmo H. Baughman
Elmo H. Baughman

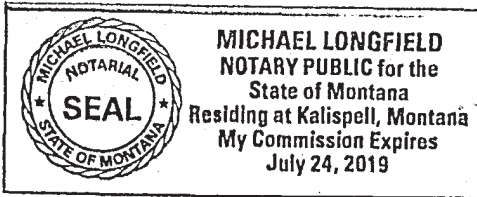
Joyce Baughman
Joyce Baughman

Jeffrey Baughman

State of Montana

County of Flathead

Acknowledged before me by Elmo H Baughman, Joyce Baughman, and Jeffrey Baughman.
On September 30, 2015.



Mukul Singh
Print Name: _____
Notary Public for the State of Montana
Residing at _____
My Comm. Expires _____



RS Recreational Properties, LLC *RL*

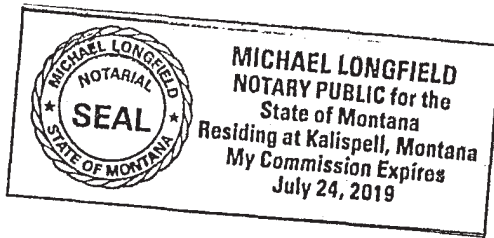
by *Robert Stimmel*
Robert Stimmel, Member/Manager

State of Montana

County of Flathead

Acknowledged before me by Robert Stimmel, Member/Manager, for RS Recreational Properties, LLC on *September 30, 2015.*

Michael Longfield
Print Name: _____
Notary Public for the State of Montana
Residing at _____
My Comm. Expires _____





1035 First Ave West
Kalispell, MT 59901
OFFICE 406.751.8200
FAX 406.751.8210
EMAIL planningweb@flathead.mt.gov
WEB flathead.mt.gov/planning_zoning

CERTIFICATE OF CONDOMINIUM COMPLIANCE

October 23, 2015

Barry Ultican and Karalyn Parks
1850 Montana Highway 35
Kalispell, MT 59901-7709

Ms. Parks and Mr. Ultican:

Pursuant to the requirement of 70-23-301(8) M.C.A., your representative Olaf Ervin recently provided our office with a draft Second Amended Declaration of Unit Ownership (DUO) for Swan Mountain Village Manufactured Home Park. Swan Mountain Village is a 60-lot manufactured home park located on the south side of Montana Highway 35 just south and east of the intersection with Helena Flats Road for which a Conditional Use Permit was approved on March 01, 1994 and the Flathead County Commissioners granted approval of a revised preliminary plat on April 29, 2002.

In 2005, a Declaration of Unit Ownership (DUO) was filed for the approved 60-lot manufactured home park to create a 60-unit condominium manufactured home park, each unit in the condominium being a lot in the approved 60-lot manufactured home park.

In approximately 2007, Flathead County interpreted the Unit Ownership Act to not allow land to be declared as condominium units. Since that time, only units in a building or buildings may be declared to be condominiums. However, the DUO for Swan Mountain Village Manufactured Home Park was filed prior to this interpretation.

Our office has reviewed the DUO to ensure that the condos proposed are either exempt from review under 76-3-203, M.C.A. or have been approved following review under Title 76, Chapter 3, Parts 5 and 6 of M.C.A.

This letter serves as certification from the Flathead County Planning and Zoning Office that the proposed amendments to the existing *Amended Declaration of Unit Ownership for Swan Mountain Village Manufactured Home Park* to convert the existing condominium units to townhome lots is allowable because:

1. Glacier Pines Mobile Home Park was reviewed under the Flathead County Subdivision Regulations as a 60-lot "Subdivision by Rent or Lease." Preliminary plat was approved by the Flathead County Commissioners on February 05, 1998. Revised preliminary plat

was approved by the Flathead County Commissioners on April 29, 2002 and a copy of the revised preliminary plat is on file at the Flathead County Planning and Zoning Office (file #FRP-02-02). (76-3-203 M.C.A.)

2. The original DUO declaring a 60-unit manufactured home park condominium (Swan Mountain Village Manufactured Home Park) was filed in 2005 prior to Flathead County's interpretation that only units in a building or buildings may be declared condominium units.
3. The proposed amendment to convert condominium units to townhome lots would not create a land use that is prohibited by local zoning, it would only alter the ownership arrangement. (76-3-203(2) M.C.A.)
4. After review, our office finds that the proposed amendments to the amended 2014 DUO do not create any new lots or units in the existing manufactured home park.

Please carefully note that all future land uses must comply with the Flathead County Zoning Regulations. Additionally, an increase in the number of lots would require review under the Flathead County Subdivision Regulations. **And finally, development of lots is likely to require review and approval under the Flathead County Floodplain and Floodway Management Regulations. All of these regulatory requirements are independent of and unrelated to statements made in the currently proposed Amended DUO or Conditions, Covenants and Restrictions (CC&Rs).**

Sincerely,



Mark Mussman
Planning Director

FLATHEAD COUNTY PLANNING AND ZONING

OFFICE 406.751.8200 FAX 406.751.8210

1035 First Ave West Kalispell, MT 59901

EMAIL: planningweb@flathead.mt.gov WEB: flathead.mt.gov/planning_zoning



EXHIBITS

The following exhibits remain unchanged and the reader is referenced to the Original Declaration

EXHIBIT A - CERTIFICATION FROM DEPARTMENT OF REVENUE

EXHIBIT B - METES AND BOUNDS DESCRIPTION

EXHIBIT E - BY LAWS OF ASSOCIATION

Exhibit "C" 1of2

SWAN MOUNTAIN VILLAGE MANUFACTURED HOME PARK

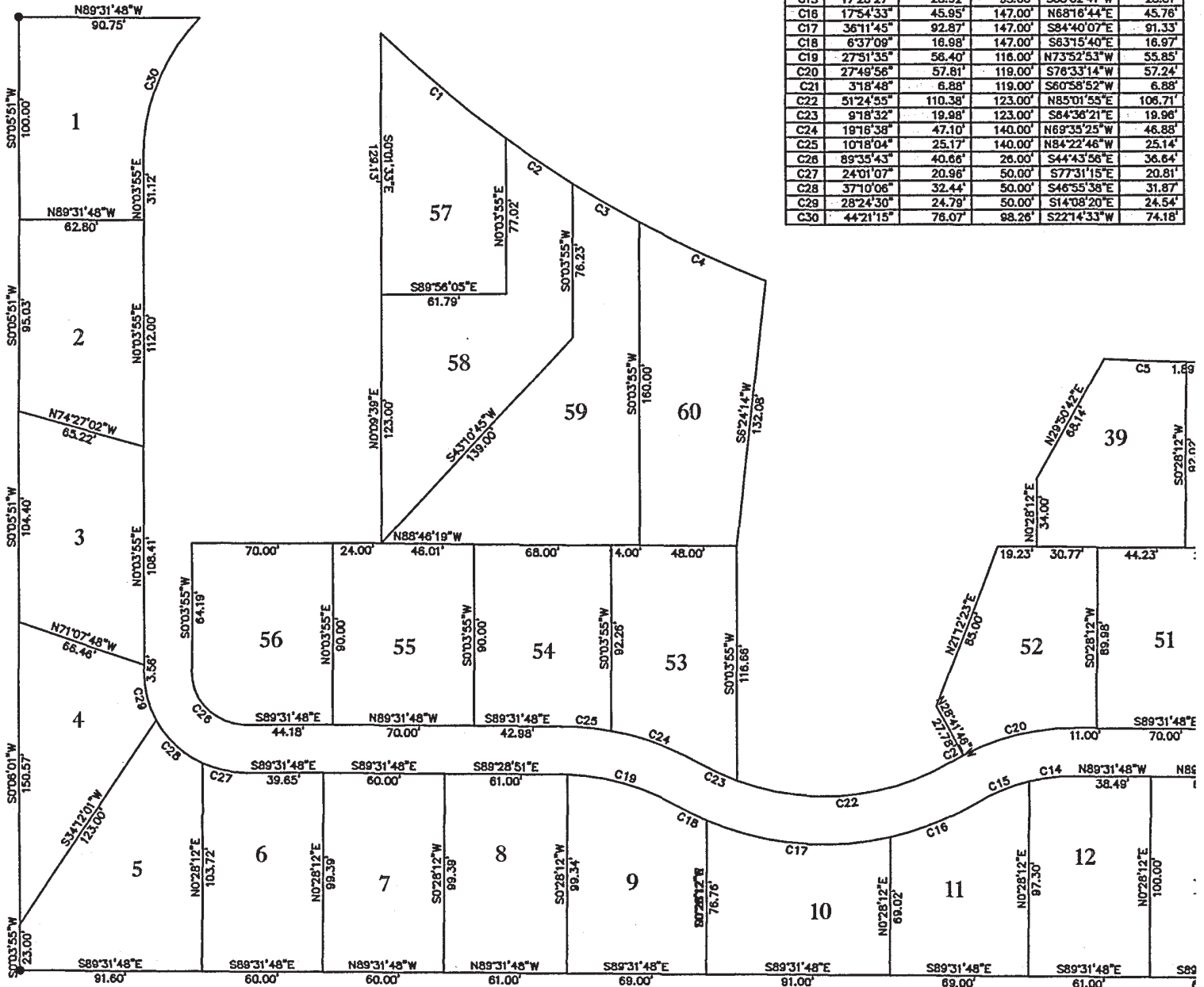
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Fees: \$108.00
10/26/2015 12:27 PM

LEGEND

- ✚ SECTION CORNER (AS NOTED)
- ⊕ 1/4 CORNER (AS NOTED)
- ⊙ CENTER OF SECTION (AS NOTED)
- ⊙ 1/16 CORNER (AS NOTED)
- FOUND RECORD SURVEY MONUMENT

CURVE TABLE

NUM	DELTA	ARC	RADIUS	BEARING	DISTANCE
C1	8°02'52"	81.06'	577.08'	S49°53'15"E	80.99'
C2	4°03'13"	39.85'	563.21'	S55°51'41"E	39.84'
C3	3°53'26"	38.19'	562.47'	S59°43'22"E	38.19'
C4	6°56'29"	69.04'	569.88'	S65°01'43"E	69.00'
C5	3°55'48"	39.72'	579.00'	S87°33'53"E	39.71'
C6	2°03'13"	100.54'	2805.00'	N86°38'02"W	100.54'
C7	2°03'31"	100.78'	2805.00'	N84°05'07"W	100.78'
C8	9°10'47"	41.35'	26.00'	N44°54'18"E	37.13'
C9	88°52'13"	40.33'	26.00'	N45°05'42"W	36.41'
C10	28°55'27"	23.50'	50.00'	N12°48'08"E	23.28'
C11	36°18'57"	31.71'	50.00'	N44°25'50"E	31.18'
C12	27°52'23"	24.32'	50.00'	N76°32'00"E	24.08'
C13	9°10'47"	41.35'	26.00'	N44°54'18"E	37.13'
C14	13°42'17"	22.72'	95.00'	S83°37'03"W	22.67'
C15	17°28'27"	28.92'	95.00'	S68°02'41"W	28.81'
C16	17°54'33"	45.85'	147.00'	N68°16'44"E	45.76'
C17	36°11'45"	92.87'	147.00'	S84°40'07"E	91.33'
C18	6°37'09"	16.98'	147.00'	S63°15'40"E	16.97'
C19	27°51'35"	56.40'	116.00'	N73°52'53"W	55.85'
C20	27°49'56"	57.81'	119.00'	S78°33'14"W	57.24'
C21	3°18'48"	6.88'	119.00'	S60°58'52"W	6.88'
C22	51°24'55"	110.38'	123.00'	N85°01'55"E	106.71'
C23	9°18'32"	19.98'	123.00'	S64°36'21"E	19.96'
C24	19°16'38"	47.10'	140.00'	N69°35'25"W	46.88'
C25	10°18'04"	25.17'	140.00'	N84°22'46"W	25.14'
C26	89°35'43"	40.66'	26.00'	S44°43'56"E	36.64'
C27	24°01'07"	20.96'	50.00'	S77°31'15"E	20.81'
C28	37°10'06"	32.44'	50.00'	S46°55'38"E	31.87'
C29	28°24'30"	24.79'	50.00'	S14°08'20"E	24.64'
C30	44°21'15"	76.07'	98.26'	S22°14'33"W	74.18'



SWAN MOUNTAIN VILLAGE MANUFACTURED HOME PARK



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Fees: \$108.00
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LEGEND

- ✦ SECTION CORNER (AS NOTED)
- ⊙ 1/4 CORNER (AS NOTED)
- ⊙ CENTER OF SECTION (AS NOTED)
- ⊙ 1/16 CORNER (AS NOTED)
- FOUND RECORD SURVEY MONUMENT

NG	DISTANCE
FE	80.89'
E	39.84'
FE	38.19'
FE	69.00'
FE	39.71'
W	100.54'
W	100.78'
FE	37.13'
W	36.41'
FE	23.28'
FE	31.18'
FE	24.08'
FE	37.13'
W	22.67'
W	28.81'
E	45.76'
FE	91.33'
FE	18.97'
W	55.85'
W	57.24'
W	6.88'
FE	108.71'
E	19.86'
W	46.88'
W	25.14'
FE	38.64'
FE	20.81'
FE	31.87'
FE	24.54'
W	74.18'

