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Fees: $48.00
Debbie Pierson, Flathead County MT by MD 1/9/2025 3:46 PM

After Recording Return to
Snyder, Beaudry & Cook, P.C.
PO Box 717
Bigfork, MT 59911

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FIRST AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS FOR WHISPERING ROCK ESTATES SUBDIVISION

This First Amendment to the Declaration of Covenants, Conditions, Restrictions and Easements for Whispering Rock Estates Subdivision (hereafter "First Amendment") applies to the established residential community known as Whispering Rock Estates Subdivision. This First Amendment has been approved by the Whispering Rock Estates Homeowners' Association ("HOA") having received required approval.

RECITALS:

A. Certain real property in Flathead County is subject to a Declaration of Covenants, Conditions, Restrictions and Easements for Whispering Rock Estates Subdivision (hereafter "Declaration"), which Declaration was recorded at Reception No. 200426808200 on September 24, 2004, records of Flathead County, Montana;

B. This First Amendment applies to all real property located within the Whispering Rock Estates Subdivision. (see attached Exhibit "A")

C. Pursuant to Declaration Article XIX, Section 19.2.3(a-i), owners representing at least 2/3 of the Lots of which the Owners are in good standing in the HOA have approved this Amendment;

NOW, THEREFORE, the HOA, by and through its President and Secretary, hereby enters into this FIRST AMENDMENT to the Declaration as follows:

1. Article II, Section 2.22 of the Declaration is deleted in its entirety and replaced with the following:

    a. "Lot" means a parcel of land designated as a lot on any Plat of the Property subject to this Declaration. Lots shall be utilized for single family residences only. Under no circumstances shall townhomes or duplexes be allowed.

2. Article IV, Section 4.3 of the Declaration is deleted in its entirety and replaced with the following:

    a. *Class of Membership.* Whispering Rock Estates Homeowners' Association will have one class of voting membership, comprised of all Owners.

3. Article VII, Section 7.2 of the Declaration is deleted in its entirety and replaced with the following:

    a. *Use of Lots*: Lots shall be utilized for single family residences only. Under no circumstances shall townhomes or duplexes be allowed.

4. Article VII, Section 7.39.1 of the Declaration is deleted in its entirety and replaced with the following:

    a. All Lots (Estates and Cabins) shall be utilized for single family residences only, and may be leased or rented by a written agreement with a minimum term of at least six (6) months. Vacation rentals are otherwise prohibited. Owner shall provide a copy of any lease verifying the minimum lease term to the Board of Directors within three (3) business days of executing the lease.

    NOTE: This amendment supersedes anything to the contrary which may be written in the Restatement applying to the cabins.

5. Article XII, Section 12.10 of the Declaration is hereby amended by removing the following language from the section:

    a. Any such insurance obtained by an Owner will include a waiver of the particular insurance company's right of subrogation against Declarant, the Board of Directors, Whispering Rock Estates Homeowners' Association, the Manager, and other Owners.

ALL OTHER TERMS AND CONDITIONS OF THE DECLARATION AND THE RESTATEMENT, UNLESS OTHERWISE AMENDED HEREIN, REMAIN IN FULL FORCE AND EFFECT.

CERTIFICATION

IN WITNESS WHEREOF, the Whispering Rock Estates Homeowners' Association, by and through its President Elizabeth M. Todd, certifies and swears the process set out in Article XIX (19.3 a-i) has been followed. Elizabeth M. Todd has executed this First Amendment on September 11, 2024, in accordance with the Declaration.

STATE OF MONTANA

County of Flathead

On the 11 day of September, 2024, personally appeared Elizabeth M. Todd, and who, being first duly sworn, did that say that she is a member of the Executive Committee of the HOA and that said instrument was signed and sealed on behalf of said HOA by authority of its Executive Committee; and each of them acknowledged said instrument to be their voluntary act.

Elizabeth M. Todd, President

BRANT BEAUDRY NOTARY PUBLIC for the State of Montana Residing at Bigfork, MT My Commission Expires January 18, 2026.

Brant Beaudry
Notary Public for the State of Montana
Residing at Bigfork, Montana
My commission expires January 18, 2026

CERTIFICATION

IN WITNESS WHEREOF, the Whispering Rock Estates Homeowners' Association, by and through its Secretary Kevin Kleckner certifies and swears the process set out in Article XIX (19.3 a-i) has been followed. Kevin Kleckner has executed this First Amendment on September 13, 2024, in accordance with the Declaration.

STATE OF MONTANA

County of Flathead

On the 13 day of September, 2024, personally appeared Kevin Kleckner, and who, being first duly sworn, did that say that he is a member of the Executive Committee of the HOA and that said instrument was signed and sealed on behalf of said HOA by authority of its Executive Committee; and each of them acknowledged said instrument to be their voluntary act.

Kevin Kleckner, Secretary

BRANT BEAUDRY NOTARIAL SEAL STATE OF MONTANA

BRANT BEAUDRY
NOTARY PUBLIC for the
State of Montana
Residing at Bigfork, MT
My Commission Expires
January 18, 2026.

Brant Beaudry
Notary Public for the State of Montana
Residing at Bigfork, Montana
My commission expires January 18, 2026

"EXHIBIT A"

Lot 1 of Whispering Rock Estates Subdivision No. 2, according to the map or plat thereof on file and of record in the office of the Clerk and Recorder of Flathead County, Montana.

And,

Lot 2 of Whispering Rock Estates Subdivision No. 2, according to the map or plat thereof on file and of record in the office of the Clerk and Recorder of Flathead County, Montana.

And,

Lot 3 of the Amended Plat of Lots 3, 4 and 5 of Whispering Rock Estates Subdivision, according to the map or plat thereof on file and of record in the office of the Clerk and Recorder of Flathead County, Montana.

And,

Lot 4 of the Amended Plat of Lots 3, 4 and 5 of Whispering Rock Estates Subdivision, according to the map or plat thereof on file and of record in the office of the Clerk and Recorder of Flathead County, Montana.

And,

Lot 5 of the Amended Plat of Lots 3, 4 and 5 of Whispering Rock Estates Subdivision, according to the map or plat thereof on file and of record in the office of the Clerk and Recorder of Flathead County, Montana.

And,

Lot 6 of Whispering Rock Estates Subdivision, according to the map or plat thereof on file and of record in the office of the Clerk and Recorder of Flathead County, Montana.

And,

Lot 7 of Whispering Rock Estates Subdivision, according to the map or plat thereof on file and of record in the office of the Clerk and Recorder of Flathead County, Montana.

And,

Lot 8 of Whispering Rock Estates Subdivision, according to the map or plat thereof on file and of record in the office of the Clerk and Recorder of Flathead County, Montana.

And,

Lot 9 of Whispering Rock Estates Subdivision, according to the map or plat thereof on file and of record in the office of the Clerk and Recorder of Flathead County, Montana.

And,

Lot 10 of Whispering Rock Estates Subdivision No. 3, according to the map or plat thereof on file and of record in the office of the Clerk and Recorder of Flathead County, Montana.

And,

Lot 11 of Whispering Rock Estates Subdivision No. 5, an Amended Plat of Lots of Lots 11 and 12 of Whispering Rock Estates Subdivision No. 3, according to the map or plat thereof on file and of record in the office of the Clerk and Recorder of Flathead County, Montana.

And,

Lot 12 of Whispering Rock Estates Subdivision No. 5, an Amended Plat of Lots of Lots 11 and 12 of Whispering Rock Estates Subdivision No. 3, according to the map or plat thereof on file and of record in the office of the Clerk and Recorder of Flathead County, Montana.

And,

Lot 13 of Whispering Rock Estates Subdivision No. 3, according to the map or plat thereof on file and of record in the office of the Clerk and Recorder of Flathead County, Montana.

And,

Lot 14 of Whispering Rock Estates Subdivision No. 4, according to the map or plat thereof on file and of record in the office of the Clerk and Recorder of Flathead County, Montana.

And,

Lot 15 of Whispering Rock Estates Subdivision No. 4, according to the map or plat thereof on file and of record in the office of the Clerk and Recorder of Flathead County, Montana.

And,

Lot 16 of Whispering Rock Estates Subdivision No. 4, according to the map or plat thereof on file and of record in the office of the Clerk and Recorder of Flathead County, Montana.