Return to Richard DeJana, Esq.
P.O. Box 1757
Kalispell, MT 59903-1757

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4/18/2022 12:20 PM
Debbie Pierson, Flathead County MT by JW

001193 thru 001951
Approved 4/18/22 SA 0546350 0086200

AMENDMENT TO THE DECLARATION OF THE VILLAS AT JUNIPER BAY CONDOMINIUM NUMBER NO. 1

The original **DECLARATION OF THE VILLAS AT JUNIPER BAY CONDOMINIUM NUMBER NO. 1**, was filed on October 19, 2006 as Document 200629209420, hereafter "Original Declaration." Juniper Bay, LLC, a Nevada Limited Liability Company, as the owner of all the built units and the other property set aside for the expansion of the project and as the Declarant as the term is used in such declaration. Juniper Bay, LLC having transferred by deed recorded as Document 201100001053, the property and its rights to **Zingo Holdings, LLC** of 3816 MT HIGHWAY 40 W, COLUMBIA FALLS, MT 59912-8934 as to a 25% interest; **1353 S Grant St LLC** of **2079 W. 44th Ave. Denver, CO 80211as** as to a 50% interest and , and **MTCO Holdings, Ltd.** of 5720 S. Jasmine St Greenwood Village, CO 80111 as to a 25% interest , with all interests as tenants in common. So now as the owners of all the condominium units and the property as a whole and successors to the Original Declarant, **Zingo Holdings, LLC; 1353 S Grant St LLC**, and **MTCO Holdings, Ltd.** hereby amend the prior Declaration pursuant to Articles 18 and 19 thereof as follows. All other terms in the prior Declaration remain as written.

In addition the same parties, hereby elect Ben Gearhart as president, and John Cianci as secretary of the homeowners association.

FIRST AMENDMENT

Although the title of the original declaration is **DECLARATION OF THE VILLAS AT JUNIPER BAY CONDOMINIUM NUMBER NO. 1**, and this document is entitled **AMENDMENT TO THE DECLARATION OF THE VILLAS AT JUNIPER BAY CONDOMINIUM NUMBER NO. 1**, this declaration applies to buildings 1, 2, 3, 4 and 5 and the units therein.

SECOND AMENDMENT

Section 1.1 is amended by adding at the conclusion of the present section:
" Excluding therefrom any part of the property located within the original second phase of the Original Declaration said to be located on the east side of the center line of North Juniper Road. The latter property is referred to as the Lakeshore Property. Declarant hereby exercises its right to withdraw the Lakeshore property from the condominium project. Further that portion of the property described as Tract 2 of Certificate of Survey 16394, located in Gov. Lt 1, Sec. 35,T 27 N, R 21 W, PMM Flathead County, MT records of Flathead County, Montana, is also removed from the Original Declaration. The above described properties are hereby withdrawn from this project and the project is limited to what was originally the first phase." , which is more particularly described as Tract 1 of Certificate of Survey 16394 located in Gov. Lt 1, Sec. 35,T 27 N, R 21 W, PMM Flathead County, MT, records of Flathead **County Montana**

Section 1.11 is added to the declaration and is to read:
Declarant. After January 12, 2022 means collectively Zingo Holdings, LLC of 3816 MT HIGHWAY 40 W, COLUMBIA FALLS, MT 59912-8934 as to a25% interest; 1353 S Grant St LLC of 2079 W. 44th Ave. Denver, CO 80211as to a 50% interest. and , and MTCO Holdings, Ltd. of 5720 S. Jasmine St Greenwood Village, CO 80111 as to a 25% interest. In addition, the reference to Declarant anywhere else in this document is amended to be collectively Zingo Holdings, LLC, as to a 25% interest; 1353 S Grant St LLC as to a 50% interest. and MTCO Holdings, Ltd. as to a 25% interest.

THIRD AMENDMENT

ARTICLE 3 is amended to read:
"Description. The real property which is by this Declaration submitted and subject to the Montana Unit Ownership Act is described as Tract 1 of Certificate of Survey 16394 located in Gov. Lt 1, Sec. 35,T 27 N, R 21 W, PMM Flathead County, MT, records of Flathead **County Montana.**

FOURTH AMENDMENT

A portion of Article 8 is amended as follows:
Section 8.3.2 is deleted.

FIFTH AMENDMENT

Article 19 is amended to read as follows:

19.9 Right to Withdraw Property from Condominium Project. This condominium project **originally consisted** of two phases, the first phase is located to the west of North Juniper Road, Somers, Montana and the second phase is located on the east side of North Juniper Road. **The latter property is referred to as the Lakeshore Property. Declarant hereby exercises its right to withdraw the Lakeshore property from the condominium project. Further that portion of the property described as Tract 2 of Certificate of Survey 16394, in Gov. Lt 1, Sec. 35,T 27 N, R 21 W, PMM Flathead County, MT, records of Flathead County Montana is also removed from the declaration. The above described properties are hereby withdrawn from this project and the project**

is limited to what was originally the first phase and as Tract 1 of Certificate of Survey 16394, in Gov. Lt 1, Sec. 35,T 27 N, R 21 W, PMM Flathead County, MT, records of Flathead County Montana.

SIXTH AMENDMENT

These are amendments to exhibits.

Exhibits A-1 and A-2 site plan are deleted and the attached A-1 and A-2 are substituted..

Exhibit E-1 is amended by **deleting Tract 2**, which is as Tract 2 of Retracement Certificate of Survey No . 16394, located in Government Lot 1 of Sec. 35, T 27 N,. R 21 W, PMM, Flathead County, Montana.

Exhibit E-2 is **deleted from this Declaration**.

SEVENTH AMENDMENT
There added a new section : **Article 21 Further conveyances**
Future conveyances of units shall use the following descriptions:

Units A, B and C of Building 1 of The Villas at Juniper Bay Condominium Number 1, a residential condominium, according to the Declaration of The Villas at Juniper Bay Condominium Number 1 recorded October 19, 2006 as Document No. 200629209420 and any amendments thereto, records of Flathead County, Montana.
Together with the general and limited common elements appurtenant to said unit, in the percentages as set forth in said Declaration and amendments thereto, excluding those prior common elements as are removed under this document.

Units A, B and C of Building 2 of The Villas at Juniper Bay Condominium Number 1, a residential condominium, according to the Declaration of The Villas at Juniper Bay Condominium Number 1 recorded October 19, 2006 as Document No. 200629209420 and any amendments thereto, records of Flathead County, Montana.
Together with the general and limited common elements appurtenant to said unit, in the percentages as set forth in said Declaration and amendments thereto, excluding those prior common elements as are removed under this document.

Units A, B and C of Building 3 of The Villas at Juniper Bay Condominium Number 1, a residential condominium, according to the Declaration of The Villas at Juniper Bay Condominium Number 1 recorded October 19, 2006 as Document No. 200629209420 and any amendments thereto, records of Flathead County, Montana.
Together with the general and limited common elements appurtenant to said unit, in the percentages as set forth in said Declaration and amendments thereto, excluding those prior common elements as are removed under this document

Units A, B and C of Building 4 of The Villas at Juniper Bay Condominium Number 1, a residential condominium, according to the Declaration of The Villas at Juniper Bay

Condominium Number 1 recorded October 19, 2006 as Document No. 200629209420 and any amendments thereto, records of Flathead County, Montana.

Together with the general and limited common elements appurtenant to said unit, in the percentages as set forth in said Declaration and amendments thereto, excluding those prior common elements as are removed under this document

Units A, B and C of Building 5 of The Villas at Juniper Bay Condominium Number 1, a residential condominium, according to the Declaration of The Villas at Juniper Bay Condominium Number 1 recorded October 19, 2006 as Document No. 200629209420 and any amendments thereto, records of Flathead County, Montana.

Together with the general and limited common elements appurtenant to said unit, in the percentages as set forth in said Declaration and amendments thereto, excluding those prior common elements as are removed under this document

EIGHTH AMENDMENT

EXHIBIT D TO THE ORIGINAL DECLARATION ARE THE ORIGINAL BYLAWS OF THE VILLAS AT JUNIPER BAY HOME OWNERS ASSOCIATION .

Zingo Holdings, LLC to a25% interest; **1353 S Grant St LLC**as to a 50% interest and , and **MTCO Holdings, Ltd.** to a 25% interest as the successor Declarant and as owners of 100% of the condominiums above described, **hereby amend those Bylaws as** found as Exhibit D to the original declaration as follows and reaffirm those not amended herein:

Section 1.1 The provisions of these Bylaws govern the internal affairs of this corporation and its members as applicable to the operation, administration, use and occupancy of Villas at Juniper Bay Home Owners' Association, Inc., located on the real property in Flathead County, Montana, described as follows:
See Exhibits *"E-1" as attached and incorporated, Exhibit "E-2" is hereby deleted.*

ARTICLE II is amended to read: The principal office of the corporation shall be maintained at 3816 MT Highway 40 Columbia Falls, MT 59912 or a such other place as the directors may select.

Section 3 .10 is amended to read Declaration. Means **THE DECLARATION OF THE VILLAS AT JUNIPER BAY CONDOMINIUM NUMBER NO. 1 as amended by the AMENDMENT TO THE DECLARATION OF THE VILLAS AT JUNIPER BAY CONDOMINIUM NUMBER NO. 1**

Section 3 .12 is amended to read as follows: Property. Means all the land, buildings, improvements and structures thereon and all easements, rights and appurtenances

belonging thereto, which described in the **AMENDMENT TO THE DECLARATION OF THE VILLAS AT JUNIPER BAY CONDOMINIUM NUMBER NO. 1**

ARTICLE IV is amended to read:

ADOPTION OF DECLARATION OF CONDOMINIUM

These Bylaws adopt by reference **THE DECLARATION OF THE VILLAS AT JUNIPER BAY CONDOMINIUM NUMBER NO. 1 as amended by the AMENDMENT TO THE DECLARATION OF THE VILLAS AT JUNIPER BAY CONDOMINIUM NUMBER NO. 1** in their entirety, and render the provisions thereof applicable to the corporation and its members.

A copy of said **THE DECLARATION OF THE VILLAS AT JUNIPER BAY CONDOMINIUM NUMBER NO. 1 as amended by the AMENDMENT TO THE DECLARATION OF THE VILLAS AT JUNIPER BAY CONDOMINIUM NUMBER NO. 1** and any amendments thereto shall be retained in the corporation's permanent records, but need not be appended hereto as an exhibit.

Section 5.5 is amended to read: Voting rights shall be as set forth in **THE DECLARATION OF THE VILLAS AT JUNIPER BAY CONDOMINIUM NUMBER NO. 1** , as provided in Section 9.5.

Section 6.1 is amended to read: From January 12, 2020, the business and property of the Association shall be managed under the direction of the Declarant as defined in the **AMENDMENT TO THE DECLARATION OF THE VILLAS AT JUNIPER BAY CONDOMINIUM NUMBER NO. 1** acting as a three member Board of Directors, or their appointed successors . Upon the election of the first elected Board of Directors, the number of Directors shall remain three who shall be elected for a term of three years, subject to the limitations set forth in Section 2 of this Article relating to the lengths of terms of the first elected Board of Directors. The Board may increase the number of directors to five.

Section 6.2 is amended to read: The three directors above named shall call an organizational meeting of members to be held within 90 days after the closing of the sale of two-thirds of the units to parties other than the DECLARANT as defied in the **AMENDMENT TO THE DECLARATION OF THE VILLAS AT JUNIPER BAY CONDOMINIUM NUMBER NO. 1**. At the organizational meeting of members, a three member Board of Directors shall be elected to terms as follows: One Director shall be elected for a term of three years: One director shall be elected for a term of two years and One director shall be elected for a term of one year. Any Director may be removed at any meeting of members by due and proper vote at that meeting, providing proper notice of such resolution or vote had been mailed to all members at least 10 days prior to said meeting.

In witness hereto we have set our hands adopting to forgoing amendments to the Original Declaration and the Original Bylaws as above stated.

Zingo Holdings, LLC;

by_____ **Dated:** 2-14-22

Dean Grommet, member

State of Montana
County of Flathead

This instrument was acknowledged before me on 2-14-2022 by DEAN GROMMET known to be to me a member of Zingo Holdings, LLC and on behalf of Zingo Holdings, LLC

seal

Print Name:_____
Notary Public of the State of Montana
Residing at:_____

MARY DEJANA NOTARIAL SEAL STATE OF MONTANA
MARY DEJANA
NOTARY PUBLIC for the
State of Montana
Residing at Kalispell, MT
My Commission Expires
October 05, 2022.

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1353 S Grant St LLC

by Ben Gearhart **Dated:** 2/9/22

Ben Gearhart, member and as President of the Homeowners Association

State of MT

County of Flat.

This instrument was acknowledged before me on 2/9/22, by Ben Gearhart known to be to me a member of 1353 S Grant St LLC and on behalf of 1353 S Grant St LLC .

seal

Print Name:

Notary Public of the State of

Residing at:

RICHARD DE JANA NOTARIAL SEAL STATE OF MONTANA

RICHARD DE JANA
NOTARY PUBLIC for the
State of Montana
Residing at Kalispell, MT
My Commission Expires
June 20, 2023.

MTCO Holdings, Ltd.

By_____ **Dated:** 2.9.22

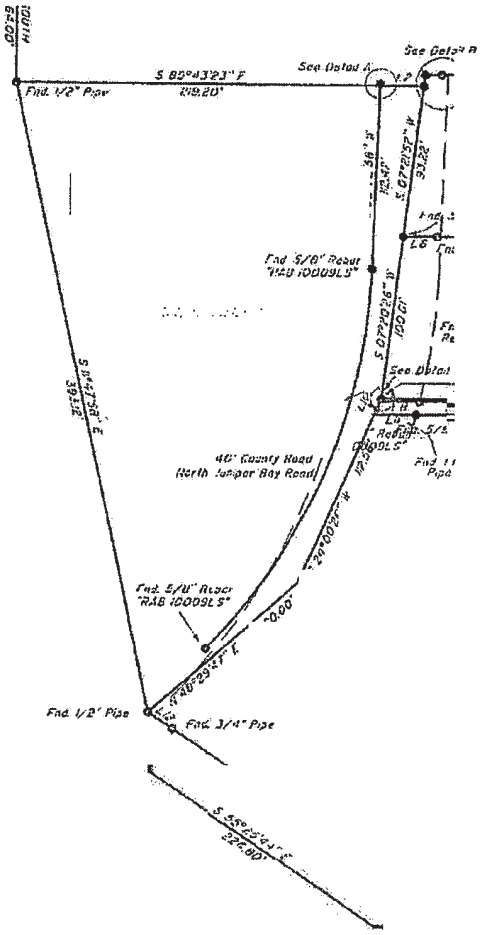
John Cianci and as Secretary of the homeowners Association

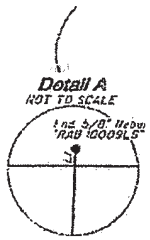
State of MT
County of Fl.

This instrument was acknowledged before me on 2-9-22, by John Cianci known to be to me a member of **MTCO Holdings, Ltd.** and on behalf of **MTCO Holdings, Ltd.**

seal RICHARD DE JANA
NOTARY PUBLIC for the
State of Montana
Residing at Kalispell, MT
My Commission Expires
June 20, 2023.

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





OF: Juniper Bay LLC
WNSC Juniper Bay LLC

The Villas at Juniper Bay
Exhibit "A-1"
Site Plan

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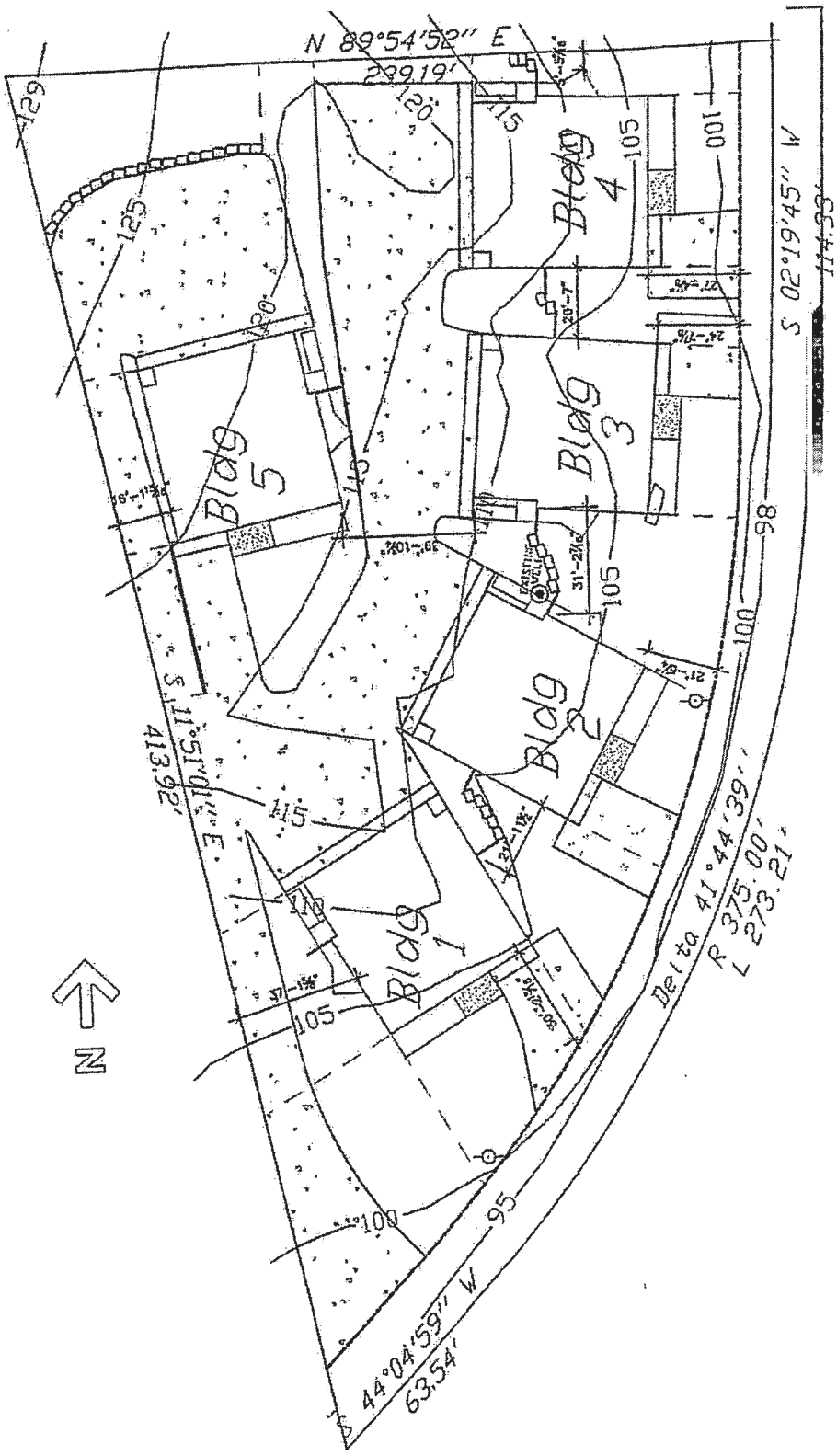

The Villas at Juniper Bay
Exhibit "A-2"
Footprint

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Amendment Certification by Montana Department of Revenue

The undersigned, being the duly authorized agent of the Department of Revenue of the State of Montana, County of Flathead, hereby executes the certification of amendment relating to The Villas at Juniper Bay , which is/are situated on the following described parcel(s) of real property:

Assessor Number *See Exhibit A; Tract 1 of CS 16394 of Flathead County Montana*

DATED this April 14, 2022.

State of Montana Department of Revenue

Jake Thiesen
Signature

Jake Thiesen
Printed

Appraiser
Title

Exhibit A

Assessor Numbers:

0546350
0088200
0011939
0011940
0011941
0011942
0011943
0011944
0011945
0011946
0011947
0011948
0011949
0011950
0011951

From: Erik Mack
To: Sarah Arrigoni
Cc: Sheena Sterling; Rich DeJana (rdejana@montanasky.net)
Subject: RE: final
Date: Tuesday, April 12, 2022 3:32:10 PM
Attachments: 220215 Amendment to the DEC of the Villas At Juniper Bay Cond Number1.pdf

This office has considered the proposed Amendment to the Declaration of the Villas at Juniper Bay Condominium No. 1 and the removal of said Tract 2 of COS 16394 and the removal of the property located within the original second phase of the Original Declaration said to be located on the east side of the center line of North Juniper Road. The latter property is referred to as the Lakeshore Property from the declaration that is 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.

Please know that I have reviewed the attached document from Mr. de Jana and am ok with the proposal as such I do not feel the need to write another letter on this matter. This email serves as certification from the Flathead County Planning and Zoning Department that the proposed removal as defined in the attached document is allowable.

Thank You,

Erik K. Mack, AICP
Planning Director

Flathead County Planning & Zoning
40 11th St West Ste. 220
Kalispell, MT 59901
Phone: 406.751.8200

Any communications with the Flathead County Planning and Zoning Office are subject to relevant State and Federal public record and information laws and regulations, and may be disclosed without further notice to you.

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Plat Room
Flathead County, Montana
800 S. Main St.
Kalispell, MT 59901
(406) 758-5510

This Form is for Condominiums Only

FOR : Zingo, MTCO, 1353 S Grant DATE : 03/28/2022

DESCP : All units of The Villas at Juniper Bay PURPOSE : AMD DUO
The Villas at Juniper Bay

YEARS	ASSESSOR #
2019-2021	0011939, 0011940, 0011941
	0011942, 0011943, 0011944
	0011945, 0011946, 0011947
	0011948, 0011949, 0011950
	0011951, 0088200, 0546350

I hereby certify that there are no outstanding taxes on the property assigned the assessor numbers listed above, for the years indicated for each assessor number.

MAR 29 2022 Jody J Workman
Deputy Treasurer
(seal)