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FIRST AMENDMENT TO THE DECLARATION FOR THE FALCON PLACE CONDOMINIUMS

THIS First Amendment to the Declaration for the Falcon Place Condominiums (the "First Amendment") is dated the 29 day of May, 2015 and is made by the undersigned in their respective capacities.

WHEREAS, On the 16th day of July, 2008, Falcon Development, Inc., hereinafter the "Declarant", subjected that property now known as Falcon Place Condominiums to the Montana Unit Ownership Act by filing in the records of the Clerk and Recorder of Flathead County, Montana, under Document No. 200800020023, the Declaration for the Falcon Place Condominiums (hereinafter the "Declaration");

WHEREAS, the Unit Owners desire to amend the Declaration by filing this Amendment to correct certain oversights therein contained and to file the Bylaws of the Falcon Place Condominium Owners Association, Inc., which were, after adoption by the Declarant, inadvertently not filed as an Exhibit to the Declaration; and

WHEREAS, Article IX, Part 1 of the Declaration provides that the Declaration may be amended by the Association upon receiving the favorable vote of 67% of the aggregate percentage of interest of the Unit Owners.

NOW THEREFORE, the parties agree as follows:

1. **Amendments to the Declaration**: The Declaration is hereby amended as follows:

   a. Article V, Part 6.b of the Declaration is hereby superseded and replaced with the following: *"There shall be no obstruction of the Common Elements nor shall anything be stored in or on the Common Elements without the prior written consent of the Association. Each Owner shall be obligated to maintain and keep in order and repair the interior of his own Unit."*

   b. Article VI, Part 7 of the Declaration is hereby renumbered to provide its actual corresponding number of 6.

   c. In the second line of Article VII, Part 10, the word "line" shall be changed to" lien".

   d. In the second to last line of Article VII, Part 11, the word "line" shall be changed to" lien".

   e. Article VII, Part 12 is hereby superseded and replaced with the following: ***"Unpaid Assessments – Mortgagee.*** *Where a lienholder or other purchaser of a Unit obtains title to the Unit as a result of foreclosure of the first mortgage or trust indenture, such acquirer of title, his successors and assigns, shall not be liable for the share of Common Expenses or assessments by the Association chargeable to such Unit which became due prior to the acquisition of title to such Unit by such acquirer. Such unpaid share of Common Expenses or assessments shall be rolled into future*

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assessments and be deemed to be Common Expenses collectable from all of the Units including such acquirer, his successors and assigns."

f. Article XI, Part 2 is hereby superseded and replaced with the following:
"Leasing. *A Unit may only be leased in a fashion consistent with the restrictions set forth in the Governing Documents and those zoning rules and regulations in place by the City of Whitefish. Owners shall be responsible for all violations of the Governing Documents and/or damages caused to the Common Elements and Units (if a Fractional Unit) by their tenants. A Unit Owner may not lease his Unit as a transient accommodation unless the Unit is leased through a licensed rental/leasing agent pursuant to a standard property management agreement which has terms and conditions substantially the same as for other similarly managed Units. The Board may adopt rules and regulations for the rental of Units."*

g. Considering that the Declarant's Control Period has expired and no Units have been fractionalized or submitted by the Declarant to the Fractional Interest form of ownership, as referenced in Section 2. of the Fractional Plan, Exhibit B and all Schedules thereto are hereby deleted in their entirety. Any reference in the Declaration to Fractional Interest, Fractional Units, or the ability of any person or entity to further submit any Unit to the Fractional Interest form of ownership is hereby deleted, removed, and is of no further affect.

2. **Incorporation of Bylaws to the Declaration**: The Declaration is hereby supplemented to incorporate as Exhibit F thereto, those Bylaws of the Falcon Place Condominium Association, Inc. attached hereto and incorporated herein as if fully restated. The Bylaws were adopted on July 16, 2008, by the Incorporator/Declarant.

3. **Authority/Certification:** The undersigned, as secretary of the Falcon Place Condominium Association, Inc., hereby certifies that after receiving a resolution of the Board, and after providing the Unit Owners with 30-day advance written notice of the Meeting and a copy of this First Amendment, the Association did on the 27 day of May, 2015, hold a Special Meeting of the Unit Owners to discuss and vote on this First Amendment. Present at said meeting, by proxy or in person, were the following Unit Owners who hold 87 % of the aggregate percentage of interest of the Unit Owners.

UNIT#	OWNERS	% of Ownership Interest
• #2	Karen Nicoletti	3.77 %
• #4	Beverly Evans	10.18 %
• #5	Nancy Mei	8.85 %
• #6	Ruby Imholt-Johansen	6.56 %
• #7	Edward Gamble	7.06 %
• #8	Ian Hudson	9.84 %
• #9	Zane Levenwood	12.59 %
• #10	Fran Somerman	18.22 %
• #11	Tim McMahon	8.60 %
• #12	Brian Ruhm	9.59 %
• #		%
• #		%

After discussion, and upon a motion duly made, seconded and carried, a vote was taken on the approval or denial of this First Amendment. Unit Owners holding 87% of the aggregate percentage of interest of the Unit Owners voted in favor of the First Amendment and therefor by resolution authorized and directed the undersigned President and Secretary of the Association to execute this First Amendment and submit it for recording with the Clerk and Recorder of Flathead County, Montana.

IN WITNESS WHEREOF, the undersigned have caused this First Amendment to be made and executed according to the provisions of the Unit Ownership Act, M.C.A. 70-23-101, et. seq, and the Declaration, after an affirmative vote in favor hereof by Unit Owners holding more than 67% of the aggregate percentage of interest of the Unit Owners.

DATED this 29 day of May, 2015.

Falcon Place Condominium Association, Inc.

X _____
Karen Nicoletti, President

X Fran Somerman
_____, Secretary

STATE OF Montana
COUNTY OF Flathead.

This instrument was acknowledged before me on the 29th day of May, 2015, by Karen Nicoletti as President and Fran Somerman as Secretary of the Falcon Place Condominium Association, Inc.

(SEAL)

SHERRI SLAYBAUGH NOTARIAL SEAL STATE OF MONTANA

SHERRI SLAYBAUGH
NOTARY PUBLIC for the
State of Montana
Residing at Whitefish, MT
My Commission Expires
May 29, 2016

X _____
Notary Public for the state aforesaid