

95219 10450

AMENDMENT of DECLARATION  
OF COVENANTS, CONDITIONS AND RESTRICTIONS  
FAIRWAY BOULEVARD TOWNHOUSES

PURSUANT to the provisions of Article XVI, Paragraph 4 of the Declaration recorded on February 21, 1980, as Book 688, page 548, records of Flathead County, Montana, the said Declaration is hereby amended as follows:

Article XIII, titled Children, is deleted in its entirety.

IN WITNESS WHEREOF, the undersigned, the owners of not less than seventy-five percent (75%) of the lot owners of Fairway Boulevard Townhouses, have hereunto set our hand and seal this 27<sup>th</sup> day of June, 1995.

of <u>Harry C. Johnson, Trustee</u>	Lot <u>102 2</u>	Harry C. Johnson
of <u>Donald E. Wagner</u>	Lot <u>67 67</u>	Donald E. Wagner
of <u>David M. Boisseau</u>	Lot <u>151 31</u>	David Boisseau
of <u>Robert A. Gorton</u>	Lot <u>146 65</u>	Robert A. Gorton
of <u>Neva Britton, Trustee</u>	Lot <u>106 6</u>	Neva Britton
of <u>Joel D. Hillstead</u>	Lot <u>198 43</u>	Joel D. Hillstead
of <u>Rosemary Hillstead</u>		Rosemary Hillstead #2
of <u>Kay Walterskirchen</u>	Lot <u>110 10</u>	Kay Walterskirchen
of <u>Maura Morberg</u>	Lot <u>191 50</u>	Maura Morberg
of <u>Betty Stoick</u>	Lot <u>118 18</u>	Betty Stoick
of <u>Lois M. McQueary</u>	Lot <u>136 36</u>	Lois M. McQueary
of <u>Corinne Lundgren</u>	Lot <u>129 29</u>	Corinne Lundgren
of <u>Curtis O. Peterson</u>	Lot <u>104 4</u>	Curtis O. Peterson
of <u>Phyllis Felix</u>	Lot <u>127 27</u>	Phyllis Felix

Amendment to Declaration of Covenants, Conditions, and Restrictions-Fairway  
Boulevard Townhouses

of <u>Mary H. Snyder</u>	Lot <u>111</u> <u>11</u>	Mary H. Snyder
of <u>Betty L. Bailey</u>	Lot <u>117</u> <u>17</u>	Betty L. Bailey
of <u>Lois E. Gorton</u>	Lot <u>146</u> <u>65</u>	Lois E. Gorton
of <u>Clarebell Jordan</u> <small>Lois E. Gorton proxy</small>	Lot <u>142</u> <u>42</u>	Clarebell Jordan Lois E. Gorton, proxy
of <u>Stella Mae Lilienthal</u>	Lot <u>193</u> <u>48</u>	Stella Mae Lilienthal
of <u>Inga A. Rygg</u>	Lot <u>132</u> <u>32</u>	Inga A. Rygg
of <u>Helen R. Gwynn</u>	Lot <u>149</u> <u>68</u>	Helen R. Gwynn
<small>No interest</small> of <u>Gus Iannelli</u>	Lot <u>115</u> <u>15</u>	Gus Iannelli
of <u>Phyllis Leary</u>	Lot <u>126</u> <u>26</u>	Phyllis Leary
of <u>Mary Boyd proxy - Phyllis Leary</u>	Lot <u>128</u> <u>28</u>	Mary Boyd proxy - Phyllis Leary
of <u>Geoff Hughes proxy - Phyllis Leary</u>	Lot <u>128</u> <u>28</u>	Geoff Hughes proxy - Phyllis Leary
of <u>Norma Koefeld</u>	Lot <u>197</u> <u>44</u>	Norma Koefeld
of <u>M. Pat Meyers</u> <small>Marilyn Pat Meyers</small>	Lot <u>134</u> <u>34</u>	M. Pat Meyers
of <u>Hank Haaven</u> <small>Catherine C. Haaven</small>	Lot <u>114</u> <u>14</u>	Hank Haaven
<small>regulate</small> of <u>Jackie Bengoechea</u>	Lot <u>194</u> <u>47</u>	Jackie Bengoechea
of <u>Ruth B. Wicks</u>	Lot <u>113</u> <u>13</u>	Ruth B. Wicks
of <u>Glenn Fraser</u>	Lot <u>103</u> <u>3</u>	Glenn Fraser
of <u>James F. Galvin by proxy</u>	Lot <u>180</u> <u>30</u>	James F. Galvin by Mary G. Galvin, proxy
of <u>George H. Gould</u>	Lot <u>116</u> <u>16</u>	George H. Gould
of <u>Allen Snell</u>	Lot <u>176</u> <u>45</u>	Allen Snell
of <u>Terry N. Anderson</u>	Lot <u>123</u> <u>23</u>	Terry N. Anderson

Amendment to Declaration of Covenants, Conditions, and Restrictions-Fairway  
Boulevard Townhouses

<del>DUP</del> Margaret L. Johnson	Lot <u>22</u>	Harry C. Johnson family trust by Margaret Johnson, trustee
OR <del>Paris C. Sloan</del> <sup>CO-Trustee</sup>	Lot <u>35</u>	Doris E. Sloan
DUP Nordis J. Jacobson Trust	Lot <u>70</u>	Nordis J. Jacobson
OR <del>Geoffrey S. Hughes</del>	Lot <u>28</u>	Geoffrey S. Hughes
OR <del>Frances Hughes</del>	Lot <u>28</u>	Frances Hughes
OR <del>Robert H. Bolton</del>	Lot <u>27</u>	Robert H. Bolton
OR <del>Sandra K. Sowell</del>	Lot <u>21</u>	Sandra K. Sowell
OR <del>Margorie M. Iannelli</del>	Lot <u>15</u>	Margorie M. Iannelli
OR <del>Mary Ann Schindler</del>	Lot <u>5</u>	Mary Ann Schindler
DUP <del>Dorothy Dunkin Trustee</del>	Lot <u>1011</u>	Dorothy Dunkin, trustee
OR <del>Frances Baltrusch</del>	Lot <u>19546</u>	Frances Baltrusch
OR <del>Jurgen H. Kuhr</del>	Lot <u>12222</u>	Jurgen H. Kuhr
OR <del>Violet M. Kuhr</del>	Lot <u>22</u>	Violet M. Kuhr
OR <del>Ron Koefeldt</del>	Lot <u>44</u>	Ron Koefeldt
DUP <del>Britton Trust by Eric Britton, trustee</del>	Lot <u>26</u>	Britton Trust by Eric Britton, trustee
OR <del>Dan Lundgren</del>	Lot <u>29</u>	Dan Lundgren
DUP <del>Corinne Lundgren</del>	Lot <u>29</u>	Corinne Lundgren
OR <del>James F. Galvin</del>	Lot <u>30</u>	James F. Galvin
OR <del>Stella W. Wagner</del>	Lot <u>67</u>	Stella W. Wagner
OR <del>Kenneth Gwynn</del>	Lot <u>68</u>	Kenneth Gwynn
DUP <del>Robert A. Gorton</del>	Lot <u>65</u>	Robert A. Gorton
OR <del>Mary Boyd</del>	Lot <u>25</u>	Mary Boyd

of Nordis Jacobson	Lot 151 70	Nordis Jacobson
of Ellis M. Sowell	Lot 121 21	Ellis M. Sowell
of Jewel Sykes	Lot 108 8	Jewel Sykes
of Joseph Sloan, trustee	Lot 135 35	Joseph Sloan, trustee
of Herman Dunkin, trustee	Lot 101 1	Herman Dunkin, trustee
of Con Lundgren / M. Pat Meyers	Lot 137 37	Con Lundgren M. Pat Meyers - proxy
of Fairway Development Corporation	Lot 38, 39, 40, 41, 55, 56, 57,	
By: Terry N. Anderson - President	Lot 58, 59, 60, 49	
of Fairway Partners, A Partnership	Lot 62, 63, 64, 66, 67, 71, 72, 73, 74	
By: Ernestine Anderson Terry N. Anderson	Lot 75, 76, 77, 78, 79, 80, 81, 82	
	Lot _____	
	Lot _____	Fairway Development Corporation By: Terry N. Anderson, President
	Lot _____	Fairway Partners, A Partnership By: Ernestine Anderson Terry N. Anderson

PROXY  
FAIRWAY HOMEOWNERS ASSOCIATION

I, Conrad Lundgren, a resident of Fairway Boulevard, do hereby appoint  
M. Pat Meyers as my proxy at the annual meeting of the Fairway Homeowners Association.

Signed Conrad Lundgren Date June 17 1995

PROXY  
FAIRWAY HOMEOWNERS ASSOCIATION

I, CHUCK PETERSEN 112, a resident of Fairway Boulevard, do hereby appoint  
CURTIS PETERSON as my proxy at the annual meeting of the Fairway Homeowners Association.

Signed Chuck Petersen Date 18 JUNE 1995

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PHASE VII

71	152	Fairway Partners
72	153	Same
73	154	Same
74	155	Same
75	156	Same
76	157	Same
77	158	Same
78	159	Same
79	160	Same
80	161	Same
81	162	Same
82	163	Same

0982544  
0982545  
0982546  
0982547  
0982548  
0982549  
0982550  
0982551  
0982552  
0982553  
0982554  
0982555

Fairway Partners  
7000 Partners

7  
96

PHASE I

<u>Lot</u>	<u>Address</u>	<u>Owner</u>	<u>Assessor #</u>
1	101	(Herman & Dorothy O. Dunkin Trust)	0968765
2	102	(Harry C. Johnson Family Trust)	0968766
3	103	(Glenn R. & Judy M. Fraser)	0968767
4	104	(Curtis O. & Lorraine M. Peterson)	0968768
5	105	(Sandy D. & Mary Ann Schindler)	0968769
6	106	(Britton Trust)	0968770
7	107	(Herbert M. & Norma A. Daniel)	0968771
8	108	(Jewel Sykes)	0968772
9	109	Milan F. & Jarmila Kozak	0968773
10	110	(Kathryn K. Walterskirchen)	0968774
11	111	(Mary H. Snyder)	0968775
12	112	(Charles A. Petersen)	0968776

PHASE II

21	121	(Ellis M. & Sandra K. Sowell)	0972216
22	122	(Jurgen H. & Violet M. Kuhr)	0972217
23	123	(Terry & Judy Anderson)	0972218
24	124	(Bill G. Redmond)	0972219
25	125	(Mary J. Boyd; Mary Margaret Casey)	0972220
26	126	(Phyllis M. Leary)	0972221
27	127	(Phyllis E. Felix; Patricia L. Bolog <sup>Robert H. Bolton</sup> )	0972222
28	128	(Geoffrey S. & Frances D. Hughes)	0972223

PHASE III

17	117	<sup>Bill</sup> Milton T. & (Betty L. Bailey)	0973242
18	118	(Jerome F. & Betty M. Stoick)	0973243
19	119	(Hilaire H. & Phyllis M. Doolittle)	0973244
20	120	(Paul D. Wachholz)	0973245

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34	134	<u>James C.</u> & Marilyn P. Meyers	0973246
35	135	Sloan Family Trust	0973247
36	136	Lois Mae McQueary	0973248
37	137	Conrad F. Lundgren; Conrad F. Lundgren Revocable Trust	0973249

PHASE IV

13	113	{ Ruth B. Wicks Family Trust; Ronald S. Wicks, Carol H. Taylor	0973250
14	114	Henry T. & Catherine C. Haaven	0974269
15	115	Marjorie M. Jannelli; Gregory L. Redekopp	0974270
16	116	Gould Family Trust	0974271

PHASE V (Amended L29-33)

29	129	Dan & Corinne Lundgren	0977073
30	130	James F. Galvin	0977074
31	131	David W. & Ruth Boisseau	0977075
32	132	Inga A. Rygg Revocable Trust	0977076
42	199	{ Joseph T. Whitworth, Trustee of George E. Barry Family Trust B	0977078
43	198	Joel D. & Rosemary Hillstead	0977079
44	197	Ronald & Norma Koefeld	0977080
45	196	Allen D. & LaRee R. Snell	0977081
46	195	Otto & Frances Baltrusch Jr.	0977082
47	194	Joe L. & Jacqueline Bengoechea	0977083
48	193	Stella Mae Lilienthal	0977084
49	192	Fairway Development Corporation	0977085
50	191	David & Maura Morberg	0977086
51	190	Erin L. Wilken, Douglas M. & Donna C. Miller	0977087
52	189	same	0977088

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53	188	Erin L. Wilken, Douglas M. & Donna C. Miller	0977089
54	187	same	0977090

PHASE VI (Amended L38, 41, 55, 60)

38	138	Fairway Development Corporation	0979223
41	141	same	0979226
55	186	same	0979227
60	181	same	0979232

39	139	same	0979224
40	140	same	0979225
56	185	same	0979228
57	184	same	0979229
58	183	same	0979230
59	182	same	0979231

## (Amended L61-64)

61	142	Claribell Jordan & Virginia L. Koenig	0979233
62	143	Fairway Partners	0979234
63	144	same	0979235
64	145	same	0979236

65	146	Robert A. & Lois E. Gorton	0979237
66	147	Fairway Partners	0979238
67	148	Donald E. & Stella W. Wagner	0979239

## (Amended L68 &amp; 70)

68	149	Kenneth & Helen R. Gwynn	0979240
70	151	Nordis Jacobson Trust	0979242
69	150	Fairway Partners	0979241

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PROXY  
FAIRWAY HOMEOWNERS ASSOCIATION

I Charles Gordon..... a resident of Fairway  
Boulevard, do hereby appoint  
Leis Gordon  
..... as my proxy at the  
annual meeting of the Fairway Homeowners Association.

Signed Charles Gordon..... Date 6-27-95

PROXY  
FAIRWAY HOMEOWNERS ASSOCIATION

I Mary J. Boyd..... a resident of Fairway  
Boulevard, do hereby appoint  
Phillis Deary  
..... as my proxy at the  
annual meeting of the Fairway Homeowners Association.  
*Special*

Signed Mary J. Boyd..... Date June 30 '95

PROXY  
FAIRWAY HOMEOWNERS ASSOCIATION

I James F. Galvin..... a resident of Fairway  
Boulevard, do hereby appoint  
Mary Grace Galvin  
..... as my proxy at the  
annual meeting of the Fairway Homeowners Association.  
JUNE 27<sup>th</sup>

Signed [Signature]..... Date 6-23-95



Amendment to Declaration of Covenants, Conditions, and Restrictions-Fairway Boulevard Townhouses

- of Phyllis M. Doolittle Lot 19 Phyllis M. Doolittle
- of Hilaire H. Doolittle Lot 19 Hilaire H. Doolittle
- of Sandy Schindle Lot 5 Sandy Schindle
- Dodge Trust* of Inga A. Rygg Revocable Trust Lot 22 Inga A. Rygg Revocable Trust by M. Rygg, trustee
- of Jerome F. Stoick Lot 18 Jerome F. Stoick
- of Lorraine Peterson Lot 4 Lorraine Peterson
- of Ruth Boisseau Lot 31 Ruth Boisseau
- of David R. Morberg Lot 50 David R. Morberg
- Dup* of Barbara J. Gould Trust Lot 116 16 16 Gould family trust by Barbara J. Gould
- of Herbert M. Daniel Lot 7 Herbert M. Daniel
- of Norma A. Daniel Lot 7 Norma A. Daniel
- of James C. Meyers Lot 34 James C. Meyers
- of Joe L. Bengoechea Lot 47 Joe L. Bengoechea
- of Joseph T. Whitworth Lot 42 Joseph T. Whitworth, Trust
- of Paul D. Wachholz Lot 20 Paul D. Wachholz
- of Bill G. Redmond Lot 24 Bill G. Redmond
- of Judy Anderson Lot 23 Judy Anderson
- of Charles A. Peterson by Curtis Peterson, Pa Lot 12 Charles A. Peterson by Curtis Peterson, Pa
- Lot \_\_\_\_\_

STATE OF MONTANA )  
 ) ss.  
County of Flathead )

This instrument was acknowledged before me on the 27th day of June, 1995 by the above-named owners of Fairway Boulevard Townhouses, by the president of Fairway Development Corporation and by partners of Fairway Partners, a partnership.



Stephen C. Berg  
Notary Public for the State of Montana  
Residing at Kalispell, Montana  
My Commission expires 07-01-96

RETURN TO: Stephen C. Berg  
WARDEN, CHRISTIANSEN,  
JOHNSON & BERG  
Box 3038

Kalispell, Montana 59903-3038

STATE OF MONTANA ) ss.  
County of Flathead )  
Resident of the county of Flathead et al.

1995 day of Aug at 10:45 o'clock A M.

And recording in the records of Flathead County, State of Montana.

36 Pd.

DOCUMENT NO.  
9521910450

Susan W. Haversfield  
Maria Gougeon  
Flathead County Clerk and Recorder

INDEXED	
COPIED	7
COMPARED	

Return after recording to:

Steve Cummings  
P.O. Box 7370  
Kalispell MT 59914-0370

2006229 09500

BY Cummings  
DATE 8-17-06 TIME 9:50  
\$ 21 - PAGES 3 BY je  
PAULA ROBINSON FLATHEAD COUNTY MONTANA

**SECOND AMENDMENT  
TO  
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS  
OF FAIRWAY BOULEVARD TOWNHOUSES**

This Second Amendment to Declaration of Covenants, Conditions and Restrictions of Fairway Boulevard Townhouses (this "Amendment") amends that certain Declaration of Covenants, Conditions and Restrictions of Fairway Boulevard Townhouses recorded February 29, 1980, under Reception No. 2579, Book 688, Page 532, records of Flathead County, Montana, as previously amended by Amendment of Declaration of Covenants, Conditions and Restrictions, Fairway Boulevard Townhouses, recorded August 7, 1995, under Reception No. 9521910450 (the "Current Covenants").

The Current Covenants and this Amendment relate to the following described property located in Flathead County, Montana:

Fairway Boulevard Townhouses subdivision, including all phases and all amendments to all phases, according to the maps or plats thereof on file and of record in the office of the Clerk and Recorder of Flathead County, Montana.

Section 4 of Article XVI of the Current Covenants is hereby amended to read in its entirety as follows:

**4. Amendment.** This Declaration may be amended or restated with the consent of the Owners of sixty-five percent (65%) of the Lots. Such consent may be evidenced by written consent or by written vote at a regular or special meeting of the members of the Association, or by a combination of written consents and written votes. The Board of Directors may propose amendments to the Declaration and incur expenses which shall be Association expenses in preparing amendments and seeking approval of the Owners. When approved, any amendment, together with a certification of two (2) officers or directors of the

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Association certifying that the required consent of Owners was obtained, shall be recorded in the records of Flathead County, Montana.

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Assr No	Assr No	Assr No.				
0000435	0968765	0972218	0979234	0977085	0973250	0982549
0000436	0968766	0972219	0979235	0977086	0974269	0982550
0000437	0968767	0972220	0979236	0977087	0974270	0982551
0000438	0968768	0972221	0979237	0977088	0974271	0982552
0000439	0968769	0972222	0979238	0977089	0977073	0982553
0000440	0968770	0972223	0979239	0977090	0977074	
0000441	0968771	0973242	0979240	0979223	0977075	
0000442	0968772	0973243	0979241	0979224	0977076	
0000443	0968773	0973244	0979242	0979226	0977078	
0000444	0968774	0973245	0982544	0979227	0977079	
0000445	0968775	0973246	0982545	0979228	0977080	
0000446	0968776	0973247	0982546	0979229	0977081	
0000447	0968777	0973248	0982547	0979230	0977082	
0000448	0972216	0973249	0982548	0979231	0977083	
0000449	0972217	0973250	0982549	0979233	0977084	

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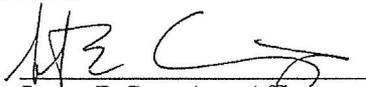
AFFIDAVIT OF ADOPTION OF SECOND AMENDMENT

STATE OF MONTANA )  
 : ss.  
County of Flathead )

STEVEN E. CUMMINGS, being over the age of 18 years and first duly sworn upon oath, deposes and says as follows:

1. This Affidavit concerns the foregoing Second Amendment to Declaration of Covenants, Conditions and Restrictions of Fairway Boulevard Townhouses (the "Second Amendment").
2. The original Declaration of Covenants, Conditions and Restrictions of Fairway Boulevard Townhouses recorded recorded February 29, 1980, under Reception No. 2579, Book 688, Page 532, records of Flathead County, Montana, as previously amended by Amendment of Declaration of Covenants, Conditions and Restrictions, Fairway Boulevard Townhouses, recorded August 7, 1995, under Reception No. 9521910450 (the "Current Covenants") can be amended with the consent of the owners of 75% of the Lots in Fairway Boulevard Townhouses.
3. The Second Amendment has been consented to and signed by the owners of 68 of the Lots in Fairway Boulevard Townhouses, all of which signatures have been notarized. This constitutes the owners of 81% of the Lots in Fairway Boulevard Townhouses, so the Second Amendment has been adopted and is in effect. The original Second Amendment document containing the original signature pages of all such owners shall be stored and maintained in the offices of the Fairway Boulevard Townhouses Homeowners Association.

DATED this 17<sup>th</sup> day of August, 2006.

  
Steven E. Cummings, Affiant

SUBSCRIBED AND SWORN to before me this 17<sup>th</sup> day of August, 2006.



  
Notary Public for State of Montana  
Rebecca L. Satterly  
(please type or print notary name)  
Residing at Kalispell, Montana  
My commission expires 9/11, 2007