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Vincent G. Rieger
Law Office of Vincent G. Rieger, P.C.
4 Meridian Court
Kalispell, MT 59901


200800002073 Fees: \$35.00 by: JL
DECL CCR AMEND by VINCENT G RIEGER
Date 1/23/2008 Time 2:18 PM Page: 1 of 5
Paula Robinson, Flathead County Montana

SECOND AMENDMENT
TO
DECLARATION
OF COVENANTS, CONDITIONS,
RESTRICTIONS AND EASEMENTS FOR

ELK HIGHLANDS

This Amendment (the "Amendment") to the Declaration of Covenants, Conditions, Restrictions and Easements for Elk Highlands (the "Declaration") is made this 8th day of January, 2008, by ELK HIGHLANDS, INC., a Montana corporation (sometimes called the "Company" in this Declaration).

RECITALS:

- A. On September 3, 2004, the Declaration was recorded at the office of the Clerk and Recorder of Flathead County, Montana at reception number 200424712330.
- B. On May 24, 2005, the First Amendment to the Declaration was recorded at the office of the Clerk and Recorder of Flathead County, Montana at reception number 200514415501.
- C. In Section 21.2. of the Declaration, the Company reserved the right to modify the Declaration.
- D. Pursuant to Section 21.2.2. of the Declaration, notice of the proposed modification was served on all Owners and less than eighty percent (80%) of the Owners objected to the proposed modification.

NOW THEREFORE, pursuant to the powers reserved by the Company in the Declaration:

0006504, 0009452 thru 0009470, E061053 thru E001055,
0501124 thru 0501146 ★★

1. *Certification.* The Company hereby certifies that the notice prescribed by Section 21.2.2. of the Declaration was provided to the Owners and that less than eighty percent (80%) of the Owners objected to the proposed modification of the Declaration within thirty (30) days of mailing of the notice.

2. *Modification.* Section 5.8 of the Declaration is hereby modified to read:

Section 5.8. *Private Driveways, Private Roadways and Lanes, and Paths.*

5.8.1. *Private Driveways.* Any private driveway located on a Lot shall be the responsibility of the Owner of the Lot. All landscaping and any other improvements installed by an Owner along the private roadways, easement lanes, paths or trails within the Property shall be the responsibility of the Owner of the Lot installing such items.

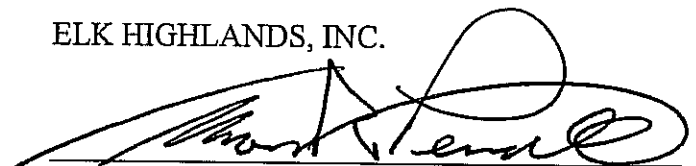
5.8.2. *Private Roadways and Lanes.* The Elk Highlands Homeowners' Association shall be responsible for maintaining all private roads within the Property. Additionally, the Elk Highlands Homeowners' Association shall be responsible for maintaining the two (2) private easement lanes depicted on Exhibits A-1 and A-2 attached hereto. Exhibit A-1 depicts a private easement lane traversing and or serving Common Area B, Lots 15, 17, 18 and 19 of Elk Highlands, Phase 1. Exhibit A-2 depicts a private easement lane traversing and or serving Lots 29 through 33 of Elk Highlands, Phase 2. Required maintenance by the Elk Highlands Homeowners' Association will include repair and replacement of the asphalt surface of such private roads and lanes, as well as regular snow, ice, and debris removal from all driving areas.

5.8.3. *Paths, Trails, etc.* The Elk Highlands Homeowners' Association shall be responsible for maintaining all paths, walkways, ski trails, bike paths, landscaping, irrigation and other improvements constructed by Declarant or the Elk Highlands Homeowners' Association which are located either within the private road easement areas shown on the Plat, the private easement lanes shown on attached Exhibits A-1 and A-2, or (with the permission of Flathead County) located within the public road rights-of-way.

All other provisions of the Declaration not herein amended or in conflict herewith, are hereby ratified and reaffirmed.

IN WITNESS WHEREOF, an authorized officer of Elk Highlands, Inc. has signed this Amendment on the Date shown above.

ELK HIGHLANDS, INC.

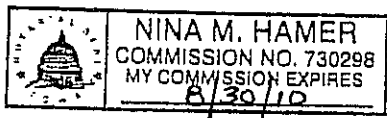


Thomas R. Penaluna, President



STATE OF Iowa)
)
County of BLACK HAWK) :SS

This instrument was acknowledged before me on this 28 day of NOVEMBER, 2007,
by Thomas R. Penaluna as President of Elk Highlands, Inc.



Nina M. Hamer
Signature of Notary Public
NINA M. HAMER
Printed Name of Notary Public
Notary Public for the State of IOWA
Residing at HUDSON, IOWA
My commission expires: 8/30/2010



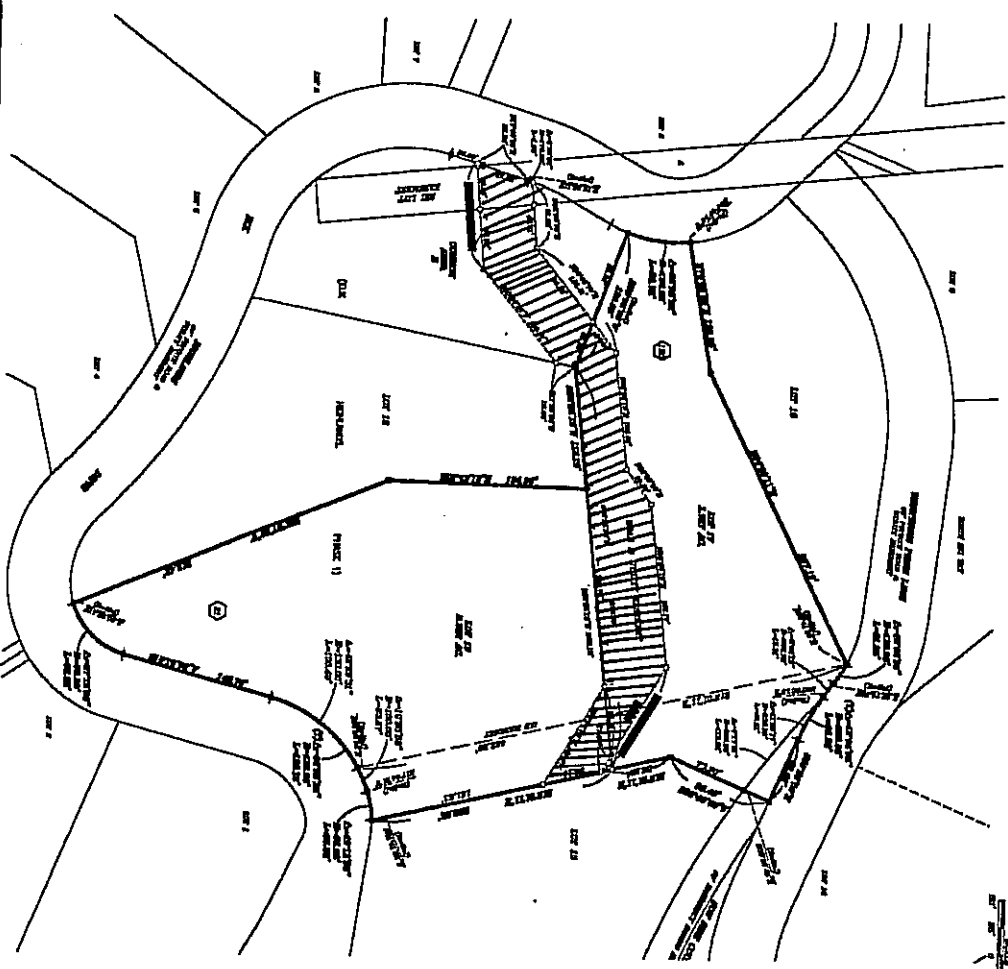
Document Number: 200800002073
Page: 3



By: SAUNDERS SURVEYING, Inc.
 2008-00002073
 (Date) 7/28/08
 JOB NO.: 2008-00002073
 DATE: NOVEMBER 2, 2008
 PROJECT: ELK HIGHLANDS, PHASE I

Amended Plat of
LOTS 17 & 19 & SOUTH SKI WAY
ELK HIGHLANDS, PHASE I
 A Subdivision Located In

SW1/4SE1/4 SEC. 2, T.31N., R.22W., P.M., M., FLATHEAD COUNTY, MONTANA



TOTAL AREA: 4,028 AC

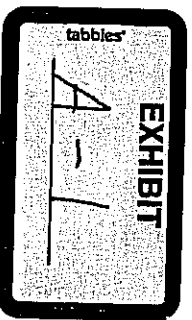


SECTION OF COUNTY RECORDING BOOK CONTAINING A COPY OF A CERTAIN
 CERTIFICATE OF SURVEY
 THE UNDERSIGNED, SAUNDERS SURVEYING, INC., A PROFESSIONAL CORPORATION, HAS THE HONOR TO CERTIFY THAT THE ABOVE DESCRIBED SURVEY WAS MADE BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT THE SAME IS TRUE AND CORRECT IN ALL RESPECTS. I HEREBY CERTIFY THAT THE SURVEY WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MONTANA SURVEYING ACT AND THAT THE SURVEY IS TRUE AND CORRECT IN ALL RESPECTS.

OFFICIAL RECORDING CERTIFICATE

THE UNDERSIGNED, SAUNDERS SURVEYING, INC., A PROFESSIONAL CORPORATION, HAS THE HONOR TO CERTIFY THAT THE ABOVE DESCRIBED SURVEY WAS MADE BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT THE SAME IS TRUE AND CORRECT IN ALL RESPECTS. I HEREBY CERTIFY THAT THE SURVEY WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MONTANA SURVEYING ACT AND THAT THE SURVEY IS TRUE AND CORRECT IN ALL RESPECTS.

- LEGEND:
- ⊕ Survey corner (see notes)
 - ⊙ 1/4" Survey (see notes)
 - ⊙ Center marker (see notes)
 - ⊙ 4/16" Center (see notes)
 - ⊙ 1/2" (1/8" above) & 1/2" (1/8" below) in 1/2" of 1/2" above & 1/2" (1/8" below) in 1/2" of 1/2" below
 - ⊙ Metal disk



THIS PLAT IS REFERRED TO BY THE SUBDIVISION PLAT

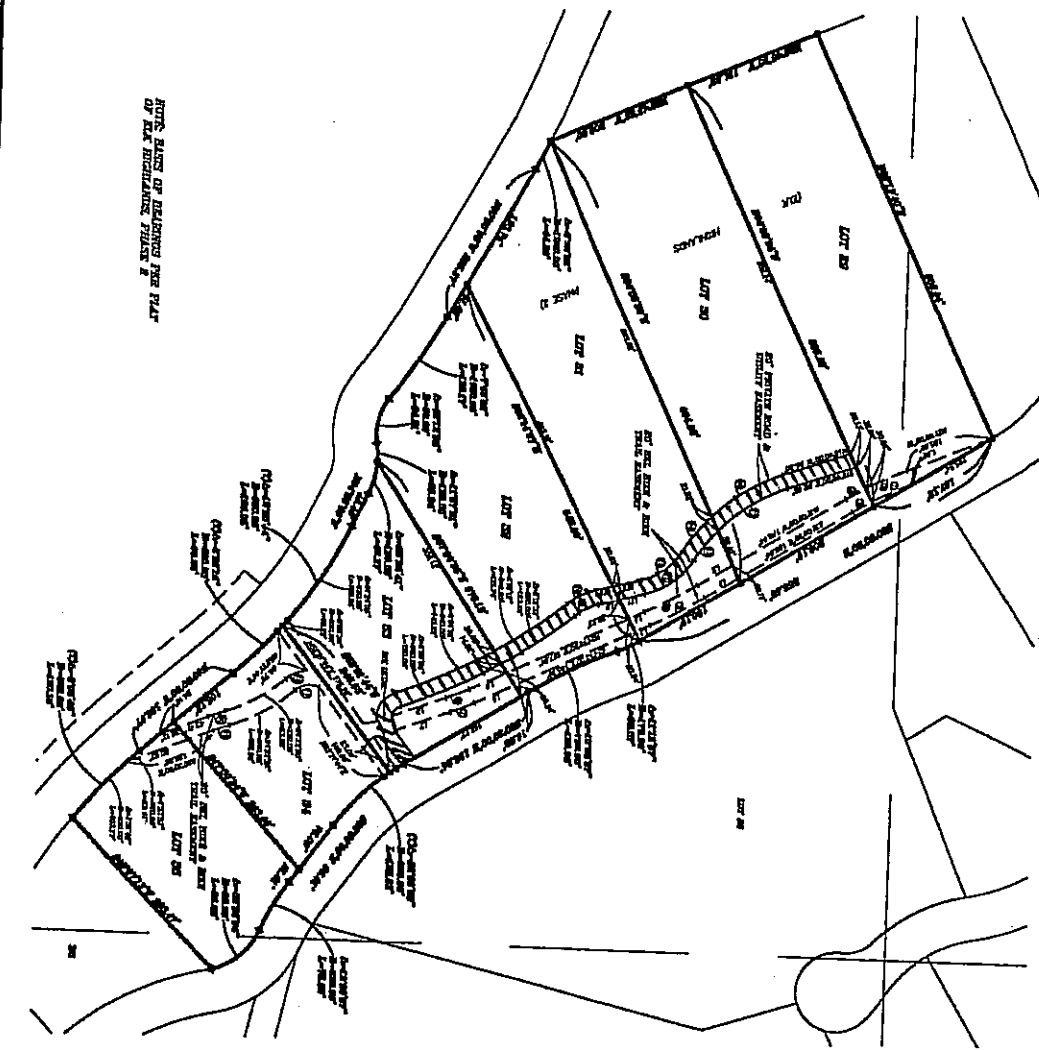
CHARACTER OF SURVEYOR
 REGISTERED & EXERCISE TITLE
 ALPHEUS J. SAUNDERS
 REGISTERED LAND SURVEYOR
 No. 10000
 STATE OF MONTANA
 COUNTY OF FLATHEAD
 DISTRICT OF 100
 DATE OF SURVEY: 7/28/08
 CLIENT: SAUNDERS
 BY: SAUNDERS
 REGISTERED TITLE NO. 10000

PLAT No. _____

SHEET 1 OF 1 SHEETS

BY: SANDY SURVEYING, Inc.
 2100 W. Loop
 Dallas, TX 75241
 (972) 782-4444

DATE: 08/14/2013
 TIME: 10:00 AM
 PROJECT: ELK HIGHLANDS PHASE 2



NOTE: BASIS OF BEARINGS PER PLAN
 BY THE HIGHLANDS PLAN 2

EXHIBIT
 EASEMENT LOTS 29-36
 ELK HIGHLANDS, PHASE 2
 SW1/4SW1/4, N1/2SW1/4 & SW1/4NW1/4
 SEC. 2, T.14N., R.22W., P.M.M.
 FAYHEAD COUNTY, MONTANA



LINE TABLE

LINE	BEARING	LENGTH
11	S89°00'00" E	100.00
12	N89°00'00" W	100.00
13	S89°00'00" E	100.00
14	N89°00'00" W	100.00
15	S89°00'00" E	100.00
16	N89°00'00" W	100.00
17	S89°00'00" E	100.00
18	N89°00'00" W	100.00
19	S89°00'00" E	100.00
20	N89°00'00" W	100.00
21	S89°00'00" E	100.00
22	N89°00'00" W	100.00
23	S89°00'00" E	100.00
24	N89°00'00" W	100.00
25	S89°00'00" E	100.00
26	N89°00'00" W	100.00
27	S89°00'00" E	100.00
28	N89°00'00" W	100.00
29	S89°00'00" E	100.00
30	N89°00'00" W	100.00

CURVE TABLE

CURVE	DELTA	RADIUS	LENGTH
1	90.0000	100.0000	157.0800
2	90.0000	100.0000	157.0800
3	90.0000	100.0000	157.0800
4	90.0000	100.0000	157.0800
5	90.0000	100.0000	157.0800
6	90.0000	100.0000	157.0800
7	90.0000	100.0000	157.0800
8	90.0000	100.0000	157.0800
9	90.0000	100.0000	157.0800
10	90.0000	100.0000	157.0800
11	90.0000	100.0000	157.0800
12	90.0000	100.0000	157.0800
13	90.0000	100.0000	157.0800
14	90.0000	100.0000	157.0800
15	90.0000	100.0000	157.0800
16	90.0000	100.0000	157.0800
17	90.0000	100.0000	157.0800
18	90.0000	100.0000	157.0800
19	90.0000	100.0000	157.0800
20	90.0000	100.0000	157.0800

- LEGEND:
- ① Section corner (see notes)
 - ② 1/4 Corner (see notes)
 - ③ Center marking (see notes)
 - ④ 1/2 Corner (see notes)
 - ⑤ Full Corner (see notes)
 - ⑥ Ironed 1/4" Stake & Cap (1992)

