



Upon recording, please return to:

Western Mountains Property Management

33 Hunter Circle, Suite 1

Kalispell, Montana 59901

★ ★ see attached assr's # sc

**FIRST AMENDMENT TO
DECLARATION OF CONDITIONS, COVENANTS AND RESTRICTIONS
OF SOUTHSIDE ESTATES**

This First Amendment to the Declaration of Covenants, Conditions and Restrictions of Southside Estates is executed this 23rd day of December, 2021 by the **SOUTHSIDE ESTATES HOMEOWNERS ASSOCIATION, INC.** (hereinafter "Association")

WHEREAS, the Declarant, Team Development LLC, caused to be filed the Declaration of Conditions, Covenants and Restrictions of Southside Estates on August 28, 2017 as Document No. 201700021018, records of Flathead County, Montana ("Declaration") for the real property described on Exhibit A, attached hereto and incorporated herein. The Declarant caused to be filed the Declaration of Annexation for Phase 2 of Southside Estates on December 18, 2019 as Document No. 201900033040, records of Flathead County for the real property described on Exhibit B attached hereto and incorporated herein; and

WHEREAS, the Declarant Control Period ended May 1, 2021 pursuant to Article I, Section 1.10 of the Declaration; and

WHEREAS, Article VII, Section 7.2.3 of the Declaration provides that it may be amended after the Declarant Control Period has ended upon the written consent of Owners holding 60% or more of the votes in the Association; and

WHEREAS, the Association desires to amend said the Declaration to change provisions regarding garbage and landscaping.

NOW, THEREFORE, in consideration of the foregoing recitals and the amendment powers set forth in the Declaration, the Association hereby amends the Declaration as follows:

Article V, Section 5.8 is hereby amended and republished as follows:

Section 5.8 – Landscaping: The front yard landscaping of each Lot and the side yard landscaping of each corner Lot must be completed within three (3) months from the date of occupancy of the home constructed on the Lot. In the event of undue hardship due to weather conditions, this provision may be extended upon



written request to the Association. Landscaping of all rear yard areas must be completed within six (6) months from the date of occupancy of the home on the Lot.

All front and rear yard areas shall be planted with any of the following: trees and shrubs, ground cover, conifer trees, deciduous shrubs and trees, and lawn areas. Each Lot must plant a minimum of three (3) trees or shrubs (including ornamental grasses). All other yard areas shall, at a minimum, be covered with bark mulch or similar material. Extensive areas of sparsely planted shrub beds covered with bark dust or similar materials is not permitted.

Mounding of planting beds and lawn areas will be permitted if graded so as to blend with adjacent property and/or landscaping. Special care shall be taken to ensure proper surface drainage to eliminate casual water pockets, and so as not to infringe on neighboring property.

Each Owner shall maintain the landscaping and yard area in an attractive appearance and free from insects and diseases and noxious weeds. Each Owner shall provide for the timely replacement of lost plant life and bark dust, and trimming and pruning of plant material to prevent an overgrown look. Hedges must be kept trimmed and neat and not exceed six (6) feet in height. No hedge, shrubs or other plantings or any fence shall be permitted which unreasonably obstructs the view of an Owner or motor vehicle driver.

* * * *

Article V, Section 5.17 is hereby amended and republished as follows:

Section 5.17 – Garbage: No rubbish, trash, garbage, or other waste material shall be kept or permitted on any Lot or on any Common Area. All waste shall be removed as often as reasonably necessary. Equipment for the disposal of such material shall be concealed – with the exception of one trash can with a capacity of 100 gallons or less that may be stored outside of the garage, provided it is placed up against the house and on either side of the garage door opening only. The trash can may be placed at the street no earlier than the day before the day of garbage pickup but must be removed from the street within one day of the day of garbage pickup. Loose trash bags or additional trash cans must be concealed at all times. No part of the Property shall be used or maintained as a dumping or storage ground for rubbish, trash, garbage, old automobiles or other wastes.

* * * *

ALL TERMS AND CONDITIONS OF THE DECLARATION, EXCEPT AS SPECIFICALLY
AMENDED HEREIN, REMAIN IN FULL FORCE AND EFFECT



IN WITNESS WHEREOF, the undersigned, being the President and Vice President of the Association, have executed this Amendment on the day and year first above written and hereby affirm and certify that written ballots signed by Owners holding more than 60% of the votes in the Association in favor of the provisions amended herein have been received into the Association's records.

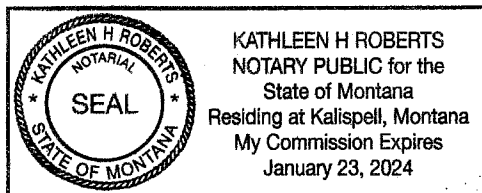
SOUTHSIDE ESTATES HOMEOWNERS ASSOCIATION, INC.

By: *Susan Danko*
Susan Danko, President

Attest: *Julie Baldrige*
Julie Baldrige, Vice President

STATE OF MONTANA)
) ss.
County of Flathead)

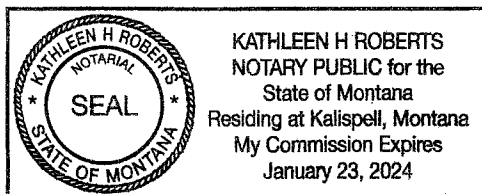
This instrument was acknowledged before me on the 23rd day of December, 2021 by Susan Danko as President of Southside Estates Homeowners Association, Inc.



Kathleen H Roberts
Notary Public for the State of Montana

STATE OF MONTANA)
) ss.
County of Flathead)

This instrument was acknowledged before me on the 23rd day of December, 2021 by Julie Baldrige as Vice President of Southside Estates Homeowners Association, Inc.



Kathleen H Roberts
Notary Public for the State of Montana

**EXHIBIT A**

THAT PORTION OF THE SOUTHWEST ONE QUARTER OF THE SOUTHEAST ONE QUARTER OF SECTION 19, TOWNSHIP 28 NORTH, RANGE 21 WEST, PRINCIPAL MERIDIAN, MONTANA, FLATHEAD COUNTY, MONTANA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 19; THENCE S00°29'25"E ON AND ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER, A DISTANCE OF 1022.22 FEET TO A POINT ON THE NORTHEASTERLY RIGHT-OF-WAY OF U.S. HWY No. 93 ALTERNATE ROUTE; THENCE N36°44'56"W ON AND ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 1260.44 FEET TO A POINT ON THE NORTHERLY LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 19; THENCE N89°03'52"E ON AND ALONG SAID NORTHERLY LINE, A DISTANCE OF 751.44 FEET TO THE POINT OF BEGINNING. THIS TRACT CONTAINS 8.816 ACRES, SUBJECT TO AND TOGETHER WITH ALL APPURTENANT EASEMENTS AND ENCUMBRANCES APPARENT AND OF RECORD.



EXHIBIT B

THAT PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 19, TOWNSHIP 28 NORTH, RANGE 21 WEST, PRINCIPAL MERIDIAN, MONTANA, FLATHEAD COUNTY, MONTANA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 19; THENCE ON AND ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER S89°03'52"W, A DISTANCE OF 30.00 FEET TO THE WESTERLY RIGHT-OF-WAY OF AIRPORT ROAD, A 60-FOOT DEEDED ROAD AND BEING THE TRUE POINT OF BEGINNING:

THENCE S00°01'22"E ON AND ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 326.36 FEET; THENCE S89°29'04"W AND LEAVING SAID RIGHT-OF-WAY, A DISTANCE OF 573.49 FEET; THENCE S89°29'17"W, A DISTANCE OF 197.18 FEET; THENCE S89°34'45"W, A DISTANCE OF 533.57 FEET TO

WEST LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 19; THENCE N00°09'25"W, A DISTANCE OF 315.90 FEET TO THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 19, THENCE ON AND ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER N89°03'52"E, A DISTANCE OF 1305.10 FEET TO THE POINT OF BEGINNING.

THIS TRACT CONTAINS 9.625 ACRES, SUBJECT TO AND TOGETHER WITH ALL APPURTENANT EASEMENTS AND ENCUMBRANCES APPARENT AND OF RECORD.

THE ABOVE-DESCRIBED TRACT OF LAND IS TO BE KNOWN AND DESIGNATED AS SOUTHSIDE ESTATES, PHASE 2 AND THE LAND INCLUDED IN ALL STREETS AS SHOW ON SAID PLAT ARE HEREBY GRANTED AND DONATED TO THE USE OF THE PUBLIC FOREVER;