


RETURN TO:

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Vickie M Zeier, Missoula County Clerk & Recorder



**AMENDMENT TO SECOND RESTATED
DECLARATION OF COVENANTS, CONDITIONS,
RESTRICTIONS AND EASEMENTS FOR CANYON RIVER**

This amendment to Second Restated Declaration of Covenants, Conditions, Restrictions and Easements for Canyon River (“Amendment”) is made this 22nd day of January, 2014, by Canyon River Properties, L.L.C., a Montana limited liability company (“Declarant”).

RECITALS:

A. The Second Restated Declaration of Covenants, Conditions, Restrictions and Easements for Canyon River (the “Declaration”) was recorded on July 23, 2010, at Book 863, Page 182, Document No. 201013891, in the public records of Missoula County, Montana.

B. This Amendment was approved by the written consent of Members representing a majority of the total voting power of the Association as provided in Article IX, Section 9.4 of the Declaration.

C. This Amendment amends and modifies the Declaration as stated herein.

D. All capitalized terms herein which are not defined shall have the meaning defined in the Declaration.

AGREEMENT

NOW, THEREFORE, Declarant hereby declares that the Declaration shall be amended and modified as follows:

1. **General.** This Amendment is made for the purpose of amending and modifying certain terms and conditions of the Declaration. To the extent that the provisions of this Amendment conflict with the provisions of the Declaration, the terms of this Amendment shall control.

- 1. **AMENDMENT TO SECOND RESTATED DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS FOR CANYON RIVER**

2. Article VII, Use Restrictions. Sections 7.1.1, 7.1.2 and 7.1.3 of the Declaration are hereby deleted in their entirety and shall have no further force or effect and are hereby replaced with the following revised Sections 7.1.1, 7.1.2 and 7.1.3:

7.1.1 Use of Meadows Lots. Residential Units on Meadows Lots shall consist of total living area on the main floor of not less than 1,600 square feet plus a garage which shall be either a two-car or three-car garage. The following use restrictions apply to all Meadows Lots: (i) no yard art or sidewalk art; (ii) no swing set or playground equipment of any type or character; (iii) no basketball hoop; (iv) no trampoline; (v) no volleyball net; (vi) no skateboarding in the street, sidewalks or driveways of a Meadows Lot or the Meadows Lot Neighborhood; (vii) no vehicle be parked in the street for more than two (2) consecutive nights and Rules on parking vehicles in driveways may be passed by the Association; and (viii) no bicycles, tricycles, battery-powered vehicles or motorcycles may be parked in the lawn, sidewalk, driveway or street of a Meadows Lot or the Meadows Lot neighborhood when not in use.

7.1.2 Use of Estate Lots. Residential Units on Estate Lots shall consist of total living area on the main floor of not less than 2,000 square feet plus a three-car garage.

7.1.3 Use of River Lots. Residential Units on River Lots shall consist of total living area on the main floor of not less than 2,400 square feet plus a three-car garage.

3. Riparian Resource Area Management Plan. The Riparian Resource Area Management Plan, attached as Exhibit C to the Declaration shall be amended as follows:

(a) Section 3.1.2 of the Riparian Resource Area Management Plan shall be deleted in its entirety and shall have no further force or effect and is hereby replaced with the following revised Sections 3.1.2:

3.1.2 Homesites

No structures or roads may be placed in the riparian resource area. "No-build" areas will be designated

on the face of the plat to protect the riparian resource area.

Vegetation management including removal, pruning, weed control and planting must conform to the other sections of this management plan. Fencing is only allowed in the riparian resource area to protect new vegetation during establishment as outlined in section 3.1.5 of this plan.

All homeowners in the CRD will be provided with a list of adapted native plant species and will be encouraged to incorporate them into landscaping plans. This list will include all riparian species appropriate for revegetation.

(b) A new Section 3.1.10 shall be added to the Riparian Resource Area Management Plan, subject to review and approval by the Planning Office prior to final plat approval of Phase 3:

3.1.10 No Fish in Ponds.

Fish shall not be introduced to any of the ponds in the Canyon River Subdivision.

4. Coordination/Continuing Validity. This Amendment is intended to operate in conjunction with the Declaration. Except as expressly provided in this Amendment, the provisions of the Declaration shall remain in full force and effect.

5. Authority, Effective Date. This Amendment shall be effective on the date this Amendment is fully executed by the Declarant.

IN WITNESS WHEREOF, Declarant has executed this Amendment effective this 22nd day of January, 2014.

DECLARANT:

CANYON RIVER PROPERTIES, L.L.C.

By 
Its Co-Manager

STATE OF MONTANA

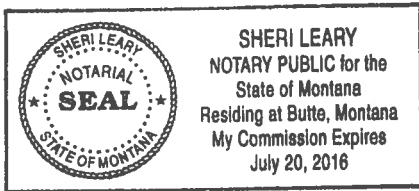
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: ss.

County of Silver Bow

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This instrument was acknowledged before me on the 22 day of January, 2014, by Teresa O'Keefe, Co-Manager of Canyon River Properties, L.L.C.



Sheri Leary
(signature)

Sheri Leary
(print name)

Notary Public for the State of MT

Residing at Butte

My Commission Expires: 7-20-2016

4. AMENDMENT TO SECOND RESTATED DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS FOR CANYON RIVER