

RETURN TO:

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Missoula, Montana 59802

FNTCR-1-24-1

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

This Fourth Amendment to Second Restated Declaration of Covenants, Conditions, Restrictions and Easements for Canyon River ("Fourth Amendment") is made this 7th day of January, 2024, by Canyon River Properties, L.L.C., a Montana limited liability company, as assignee and successor in interest to Canyon River Development, LLC ("Declarant").

RECITALS:

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

B. The Amendment to the Declaration was recorded on February 5, 2014, at Book 925, Page 24, Document No. 201401501, in the public records of Missoula County, Montana ("Amendment").

C. The Second Amendment to the Declaration was recorded on April 9, 2021, at Book 1053, Page 483, Document No. 202109153, in the public records of Missoula County, Montana ("Second Amendment").

D. The Third Amendment to the Declaration was recorded on October 20, 2023, at Book 1094, Page 582, Document No. 202313289, in the public records of Missoula County, Montana ("Third Amendment").

E. The Fourth Amendment is being recorded with the filing of the Plat Maps and Master Plan, as amended, for Phases 9-11.

F. The Fourth Amendment supplements the Declaration, Amendment, Second Amendment and Third Amendment as stated herein.

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

G. 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, Amendment, Second Amendment and Third Amendment shall be amended and modified as follows:

1. **General.** The Fourth Amendment is made for the purpose of amending and modifying certain terms and conditions of the Declaration, Amendment, Second Amendment and Third Amendment. To the extent that the provisions of the Fourth Amendment conflict with the provisions of the Declaration, Amendment, Second Amendment or Third Amendment, the terms of the Fourth Amendment shall control.

2. **Article I, Definitions**

A. There shall be added Section 1.48 to Article I, Definitions as follows:

1.48 “**Cottage Lots**” shall mean and refer to those Residential Lots designated Lots 187-199 on the Plat Maps and Master Plan, as amended.

3. **Article VII, Use Restrictions**

A. There shall be added Section 7.1.7 to Article VII, Use Restrictions, as follows:

7.1.7 “**Cottage Lots**”. Residential Units on Cottage Lots shall consist of total living area on the main floor of not less than 1,600 square feet plus a minimum of a two-car garage.

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

5. **Authority, Effective Date.** The Fourth Amendment shall be effective on the date the Fourth Amendment is fully executed by Declarant.

IN WITNESS WHEREOF, Declarant has executed this Fourth Amendment effective this 9th day of January, 2024.

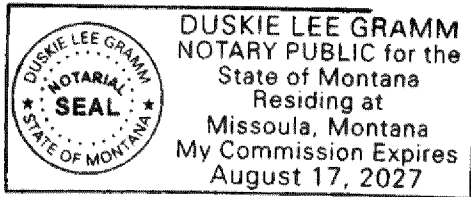
DECLARANT:

CANYON RIVER PROPERTIES, L.L.C.

By [Signature]
MARK J. Burnham, Its Manager

STATE OF MONTANA)
)
: ss.
County of Missoula)

This instrument was acknowledged before me on the 8th day of January, 2024, by Mark J. Burnham, Manager of Canyon River Properties, LLC.



[Signature]
(signature)

(print name)

Notary Public for the State of _____
Residing at _____
My Commission Expires: _____

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