

SECOND AMENDMENT TO DECLARATION OF COVENANTS
OF
WHISPERING SWAN COVE, A LAKE COUNTY SUBDIVISION

The undersigned, being the declarant of the Covenants of Whispering Swan Cove, and presently constituting the owner of more than one-quarter of the unsold lots of this subdivision, does hereby record, impose and amend the covenants of Whispering Swan Cove as declared in this instrument.

RECITALS:

- 1. The original declaration of covenants was filed for record on February 18, 1997 under Microfile No. 380030, Lake County records. A first amendment was recorded, amending Covenant No. 5.
- 2. Covenant No. 17 expressly reserves the right of declarant to further amend the covenants.
- 3. The property affected is located in Lake County, Montana and is more particularly described as follows:

Government Lot 2, Section 24, Township 26 North, Range 19 West, P.M.M. Lake County, Montana, described as follows: Beginning at the Northwest corner of Government Lot 3 (Northeast corner Gov't. Lot 2), which is a found axle; thence, South 425.00 feet to the approximate mean-low-water-mark of Swan Lake; thence N. 80°24'29" W. along said M-L-W-M 1338.93 feet to a point on the West boundary of said Government Lot 2; thence, N. 00°09'46" E. along said West boundary 195.00 feet to a set iron pin and the Northwest corner of said Government Lot 2; thence N. 89°42'03" E. along the North boundary of said Gov't. Lot 2 a distance of 1319.68 feet to the point of beginning. Further identified as being Tract 1 on Certificate of Survey No. 5011, on file and of record in the office of the Clerk and Recorder of Lake County, Montana.

NOW THEREFORE, the declarant hereby declares as follows:

- 1. Covenant No. 6 is amended to read as follows:

Covenant No. 6: Fuel storage tanks are expressly prohibited, except steel or plastic containers of five gallons or less. A property owner may, upon receiving any appropriate or required governmental permit, install an underground propane tank for use by that property owner. All owners shall fully comply with all laws, restrictions and regulations governing the installation, maintenance, inspection and upgrading of any underground propane tank.

All remaining terms and provisions of the covenants of Whispering Swan Coves, as originally filed and provided in the First Amendment, shall remain in full force and effect.

DATED this 20 day of November, 1997.

Clyde D. Potts
CLYDE D. POTTS

Barbara J. Potts
BARBARA J. POTTS

STATE OF MONTANA)
 :SS.
County of Flathead)

On this 20 day of November, 1997, before me, the undersigned, a notary public for the State of Montana, personally appeared CLYDE D. POTTS and BARBARA J. POTTS, known to me to be the persons whose names subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year in this certificate first above written.

Donald A. Hostak
Notary Public for the State of Montana
Residing at: Bigfork, Montana
My commission expires: ~~July 25, 1999~~
April, 01



STATE OF MONTANA, COUNTY OF LAKE

Recorded At 12:19 O'Clock P M. FEB 23 1998
Microfilm 388131 RUTH E. HODGGE Recorder
Fees \$ 12.00 By Ticki Grebe Deputy

Return-
Clyde & Barb Potts
78067 Hwy 93
Bigfork, Montana
59911

Bruce Baker
24 Nov 11 1997