

STATE OF MONTANA LAKE COUNTY

RECORDED: 02/02/2018 8:44 KOI: COVENANTS

PAULA A HOLLE CLERK AND RECORDER

FEE: \$49.00

BY: *Wanda R. Reat Dep*

Return to: **Ogle, Worm & Travis, PLLP**
P.O. Box 899
Kalispell, MT 59903

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**FOURTH AMENDMENT TO DECLARATION OF COVENANTS,
CONDITIONS, RESTRICTIONS OF
WHISPERING SWAN COVE, A LAKE COUNTY SUBDIVISION**

THIS FOURTH AMENDMENT made this 22nd day of January, 2018, by WILLIAM F. BROWN and GWENDOLYN A. BROWN, trustees of the BROWN TRUST DATED JANUARY 18, 2012, 27937 Swan Cove Drive, Bigfork, Montana 59911, hereinafter called "BROWN"; MARK A. ENSIO and RACHELLE S. ENSIO, trustees of the MAERSE REVOCABLE TRUST, 2304 East Sentry Ridge Court, Tucson, Arizona 85718-7865, hereinafter referred to as "ENSIO"; MARC RACICOT and THERESA RACICOT, 28013 Swan Cove Road, Bigfork, Montana 59911, hereinafter referred to as "RACICOT"; and PONDEROSA HOLDINGS, LLC, of 4 Cove Point Way, Walpole, Massachusetts 02081, hereinafter referred to as "PONDEROSA".

WITNESSETH:

WHEREAS, BROWN owns Lot 1 of Whispering Swan Cove, a Subdivision of Lake County, Montana; and

WHEREAS, ENSIO owns Lot 3 Whispering Swan Cove, a Subdivision of Lake County, Montana; and

WHEREAS, RACICOT owns Lot 4A of the Amended Plat of Lot 4 of Whispering Swan Cove, a Subdivision of Lake County, Montana; and

WHEREAS, PONDEROSA owns Parcel A of the Amended Plat of Lot 4 of Whispering Swan Cove, a Subdivision of Lake County, Montana; and

WHEREAS, all lots in Whispering Swan Cove are subject to the Declaration of Covenants, Conditions, Restrictions of Whispering Swan Cove, a Lake County Subdivision, recorded February 18, 1997 as Document No. 380030, records of Lake County, Montana; and

WHEREAS, the Declaration of Covenants, Conditions and Restrictions of Whispering Swan Cove provide that the Covenants may be amended if three of the four owners agree to an amendment and record the amendment with the Lake County Clerk and Recorders office; and

WHEREAS, BROWN, ENSIO and RACICOT are three of the four owners of property in Whispering Swan Cove; and

WHEREAS, the parties hereto desire to record this Fourth Amendment to Declaration of Covenants for the purpose of releasing and removing Parcel A of the Amended Plat of Lot 4 of Whispering Swan Cove from the Covenants, Conditions and Restrictions of Whispering Swan Cove.

NOW, THEREFORE, the undersigned owners of property in Whispering Swan Cove do hereby amend the Declaration of Covenants, Conditions and Restrictions of Whispering Swan Cove as follows:

1. The Declaration of Covenants, Conditions and Restrictions of Whispering Swan Cove, a Lake County Subdivision, recorded February 18, 1997, as amended, are hereby released and removed from Parcel A of the Amended Plat of Lot 4 of Whispering Swan Cove, a Lake County, Subdivision;

Parcel A of the Amended Plat of Lot 4 of Whispering Swan Cove shall hereafter be free and clear of the Covenants, Conditions and Restrictions described in the Declaration of Covenants, Conditions and Restrictions of Whispering Swan Cove, a Lake County Subdivision, recorded February 18, 1997 as Document No. 380030, records of Lake County, Montana, as amended;

3. **Parcel A of the Amended Plat of Lot 4 of Whispering Swan Cove shall no longer be entitled to beneficial use and enjoyment of the sixty-foot private road and utility easement identified as Swan Cove Drive on the plat filed of Whispering Swan Cove, in the records of Lake County, Montana, as referred to in Covenant No. 1 of the Declaration of Covenants, Conditions and Restrictions of Whispering Swan Cove, a Lake County Subdivision, recorded February 18, 1997 as Document No. 380030, records of Lake County, Montana, as amended;**

4. Covenant No. 17: Existing Covenant No. 17 is hereby revoked, and Covenant No. 17 is amended to read as follows:

Covenant No. 17: These covenants may be amended if three of the four owners agree to an amendment, place it in writing, and record the amendment with the Lake County Clerk and Recorders Office.

560484

This Fourth Amendment to the Declaration of Covenants, Conditions and Restrictions of Whispering Swan Cove shall be binding upon the parties hereto, their heirs, personal representatives, successors and assigns.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands to this document on the date(s) hereinafter set forth.

DATED THIS 19 day of January, 2018.

William F. Brown
William F. Brown, Trustee of the
Brown Trust dated January 18, 2012

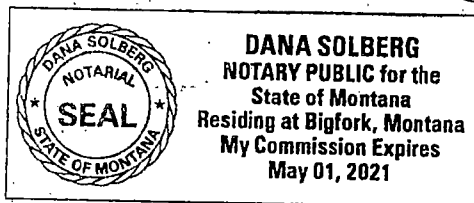
Gwendolyn A. Brown
Gwendolyn A. Brown, Trustee of the
Brown Trust dated January 18, 2012

STATE OF MONTANA)


County of FLATHEAD :ss.
~~Lake~~)

2018 This instrument was acknowledged before me on this 19th day of JANUARY, ~~2007~~ by **William F. Brown and Gwendolyn A. Brown, Trustees of the Brown Trust** dated January 18, 2018.


Dana Solberg
Notary Public for the State of Montana



DATED THIS 22nd day of January, 2018.



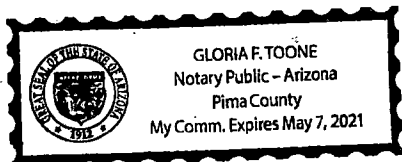
Mark A. Ensio, Trustee of the
Maerse Revocable Trust, Grantee

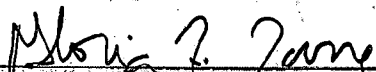


Rachelle S. Ensio, Trustee of the
Maerse Revocable Trust, Trustee

STATE OF Arizona)
) ss.
County of Pima)

This instrument was acknowledged before me on this 22nd day of January, 2018
by Mark A. Ensio and Rachelle S. Ensio, Trustees of the Maerse Revocable Trust,
Grantee.





Notary Public for the State of Arizona

560484

DATED THIS 19 day of January, 2018.

Marc Racicot

Marc Racicot

Theresa Racicot

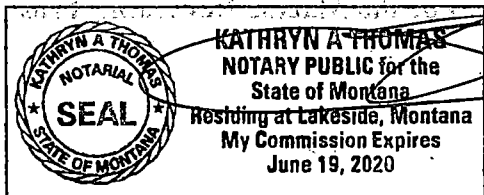
Theresa Racicot

STATE OF MONTANA)

:SS.

County of Lake)

This instrument was acknowledged before me on this 19 day of January, 2018, by **Marc Racicot and Theresa Racicot**.



Kathryn A. Thomas
Notary Public for the State of Montana

LAKE COUNTY APPROVAL AND ACCEPTANCE

Upon review of the aforesaid amendment of the Declaration of Conditions, Covenants, and Restrictions for the Whispering Swan Cove Subdivision, recorded under Doc. No. 380030, we, the Lake County Commissioners hereby approve the Amended Declaration of Conditions, Covenants, and Restrictions for the Whispering Swan Cove Subdivision.

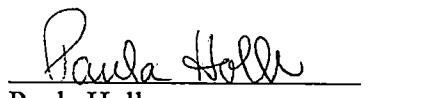
Dated this 1st day of February, 2018.


Gale Decker, Chairman


William Barron, Commissioner


Dave Stipe, Commissioner

Attest:


Paula Holle
Lake County Clerk and Recorder