

**AMENDMENT TO  
DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS**

THIS AMENDMENT made this 30 day of November, 1999, by **MISSION MOUNTAIN PARTNERSHIP**, a general partnership consisting of Joseph W. Keeva and Cindy L. Johnson, **MICHAEL C. MALONE** and **SHARON C. MALONE**, ~~MICHAEL D. STRONBERG~~ and ~~SUSAN C. STRONBERG~~, being the owners of more than 75% of the following described real property:

Tracts A, B, C, D, E, F and G on Certificate of Survey No. 5054 located in portions of the E1/2NE1/4NE1/4 and the SE1/4NE1/4 of Section 9, and in the W1/2NW1/4 of Section 10, all in Township 24 North, Range 19 West, P.M.M., Lake County, Montana, and in Lots 1, 4, 7 and 9 of Block 1 of ORCHARD VILLA SITES, a recorded subdivision in Section 9, Township 24 North, Range 19 West, P.M.M., Lake County, Montana.

WHEREAS, all of the above described real property is subject to that certain Declaration of Covenants, Conditions and Restrictions dated August 21, 1995, and recorded August 23, 1995 under Microfile No. 368213, records of Lake County, Montana;

WHEREAS, the undersigned, being at least 76% of the fee owners of the above described real property, desire to amend those covenants, conditions, and restrictions by replacing the existing LAND USE Paragraph 3 in order to allow for commercial orchards on Tracts A and E.

**NOW THEREFORE**, Declarants hereby amend the Declaration of Covenants, Conditions and Restrictions recorded at Microfile No. 368213, by deleting the existing LAND USE Paragraph 3 and replacing it with the following:

3. No commercial or public enterprise of any kind, except that Tract A and Tract E may be used as commercial orchards.

Except as herein specifically modified and amended, said Declaration of Covenants, Conditions and Restrictions dated August 21, 1995, and recorded August 23, 1995 under Microfile No. 368213, records of Lake County, Montana, are hereby ratified and affirmed and remain in full force and effect.

IN WITNESS WHEREOF, the Declarants have hereunto set their hands and seals to this instrument the day and year first above written.

**MISSION MOUNTAIN PARTNERSHIP**

By: Joseph W. Keeva  
Joseph W. Keeva, Partner

By: Cindy L. Johnson  
Cindy L. Johnson, Partner

Michael C. Malone  
Michael C. Malone

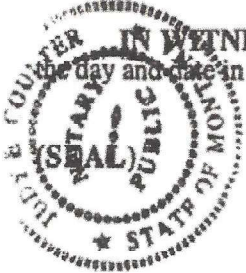
Sharon C. Malone  
Sharon C. Malone

~~Michael D. Stronberg~~

~~Susan C. Stronberg~~

STATE OF MONTANA )  
County of Lake ) :ss.

On this 30 day of November, 1999, before me, the undersigned, a Notary Public for the State aforesaid, personally appeared **JOSEPH W. KEEVA** and **CINDY L. JOHNSON**, known to me to be the partners of **MISSION MOUNTAIN PARTNERSHIP**, the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same in such capacity.



IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and date in this Certificate first above written.

Judy E. Coulter  
Notary Public for the State of Montana  
Residing at: Polson  
My commission expires: 8-9-2002

STATE OF OREGON )  
County of Multnomah ) :ss.

On this 15<sup>th</sup> day of December, 1999, before me, the undersigned, a Notary Public for the State aforesaid, personally appeared **MICHAEL C. MALONE** and **SHARON C. MALONE**, known to me to be the persons whose names are 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 date in this Certificate first above written.



Romelle L. Guidry  
Notary Public for the State of Oregon  
Residing at: Portland, OR  
My commission expires: 4/24/01

After recording, return to:  
Mission Mountain Partnership  
P.O. Box 681  
Polson, MT 59860

STATE OF MONTANA, COUNTY OF LAKE

Recorded At 1:55 O'clock P M. DEC 23 1999

Microfilm 405073 RUTH E. HODGES Recorder

Fees \$ 1250 By Judy Coulter Deputy