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309742 BOOK: 405 RECORDS PAGE: 79 Pages: 3
STATE OF MONTANA LINCOLN COUNTY
RECORDED: 03/14/2024 12:08 KOI: COVENANTS
CORRINA BROWN CLERK AND RECORDER
FEE: \$24.00 BY: Felisha Storkan deputy
FOR: SCHICKEDANZ MONTANA LLC O/A INDIAN SPRING P.O. BOX 226,

**FIRST AMENDMENT TO THE AMENDED AND RESTATED DECLARATION TO THE
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR INDIAN
SPRINGS RANCH**

This First Amendment to the Amended and Restated Declaration to the Declaration of Covenants, Conditions and Restrictions for Indian Springs Ranch (this "Amendment") is made this 25th day of May, 2023 by Schickedanz Montana, LLC, a Montana limited liability company ("Declarant").

RECITALS

- A. WHEREAS, on June 30, 2014, an *Amended and Restated Declaration to the Declaration of Covenants, Conditions and Restrictions for Indian Springs Ranch* was recorded with the Clerk and Recorder of Lincoln County, Montana, under Document No. 252068 (hereinafter the "Declaration");
 - B. WHEREAS, the Declaration provides that it entirely supersedes and replaces the Original Declaration for the Real Property;
 - C. WHEREAS, Section 9(e) of the Declaration gives Declarant the right to "amend, modify, make additions to or deletions from this Declaration that it alone deems appropriate" during Declarant's Control Period;
 - D. WHEREAS, pursuant to Section 2(b) of the Declaration, "Declarant's Control Period shall terminate upon the date which is sixty (60) days after conveyance of 80% of the Lots in all platted and planned phases of the Real Property to Owners other than Declarant, or December 31, 2025";
 - E. WHEREAS, Declarant has not yet conveyed the requisite number of Lots set forth in Section 2(b) of the Declaration to trigger the end of its Control Period;
 - F. WHEREAS, Declarant wishes to amend the Declaration as hereinafter set forth; and
- NOW, THEREFORE, Declarant, being within the Control Period, hereby amends the Declaration, as follows, according to the definitions of terms contained in the Declaration and without otherwise altering the Declaration's contents except as explicitly stated:

- 1) Redefined Boundaries. The boundaries of the Real Property that is subject to jurisdiction of the

Declaration are hereby amended & restated, in its entirety, as follows:

Lots 1 through 16, 27 through 55, and 62 through 63 of the Plat of Indian Springs Subdivision, Phase 1, SE1/4 of the SW1/4, Section 25 and Section 36, T37N, R27W, P.M., M., which Plat is recorded as Doc. No. 205682 in the Office of the Clerk and Recorder of Lincoln County, Montana; and

Lots 17 through 26 of The Amended Plat of Lots 17 through 26, Indian Springs Subdivision, Phase 1, SW1/4, Section 25, NW1/4, NE1/4, SE1/4 & SW1/4, Section 36, T37N, R27W, P.M., M., and NW1/4, Section 2, T36N, R27W, P.M., M., which Plat is recorded as Doc. No. 246859 in the Office of the Clerk and Recorder of Lincoln County, Montana; and

Lots 1 through 5 of The Amended Plat of Lots 56-61 and 64-67 of Indian Springs Subdivision, Phase 1, NW1/4, Section 36, T37N, R27W, P.M., M., which Plat is recorded as Doc. No. 251511 in the Office of the Clerk and Recorder of Lincoln County, Montana; and

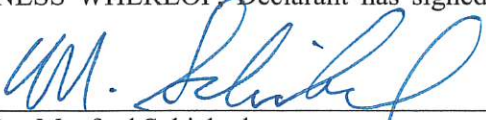
Lots 73 through 82, 101 through 102, and 124 through 210 of the Plat of Indian Springs Subdivision, Phase 2, SE1/4 of the SW1/4, Section 25 and Section 36, T37N, R27W, P.M., M., which Plat is recorded as Doc. No. 211014 in the Office of the Clerk and Recorder of Lincoln County, Montana; and

Lots 83A, 84A, 85A, 86A, 87A, 88A, 89A, and 90A of The Amended Plat of Lots 83 through 95, Indian Springs Subdivision, Phase 2, SW1/4, Section 25, NW1/4, NE1/4, SE1/4 & SW1/4, Section 36, T37N, R27W, P.M., M., and NW1/4, Section 2, T36N, R27W, P.M., M., which Plat is recorded as Doc. No. 246882 in the Office of the Clerk and Recorder of Lincoln County, Montana; and

Lots 91 through 100 of the Plat of Indian Springs Ranch, Phase 4, SE1/4, NW1/4 and S1/2 of Section 36, T37N, R27W, P.M., M., which Plat is recorded in the Office of the Clerk and Recorder of Lincoln County, Montana.

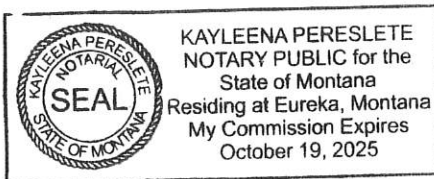
- 2) Extension of Control Period. The Declarant hereby revokes the second sentence of the second paragraph of Section 2(b), and replaces it with the following sentences. "The Declarant's Control Period shall terminate upon the earlier of i) that date which is sixty (60) days after Declarant's conveyance, to Owners other than Declarant, of 100% of the Lots in all platted and planned phases of Indian Springs Subdivision, according to those governing approvals by the County of Lincoln, State of Montana (generally described in that Certificate of Subdivision Plat Approval issued by the Montana Department of Environmental Quality on May 9, 2007 (E.Q. #06-3321), as partially modified by the February 9, 2021 rewrite (E.Q. #20-1619)), or ii) Declarant's unilateral filing with the Clerk and Recorder of Lincoln County, Montana of a termination of its Control Period hereunder."
- 3) Water and Sewer Utility. The Declarant hereby revokes the language of Section 5(c) and replaces it with the following. "Each Lot shall be served by the Public Water supply provided by extension and service connections to the Indian Springs Public Water Supply System, PWS#MT0004611. For sewage, each Lot shall be served by extension and service connection to the public wastewater treatment system as designed and approved under EQ#06-3321."

IN WITNESS WHEREOF, Declarant has signed this Declaration on the date first shown above.


By: Manfred Schickedanz
As: Manager of Schickedanz Montana, LLC

STATE OF MONTANA)
 :SS
County of Flathead)

This instrument was acknowledged before me on the 25th day of May, 2023 by Manfred Schickedanz as the Manager of Schickedanz Montana, LLC




Notary Public for the State of Montana