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Eric Semerad - Gallatin County, MT MISC

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Griffith & Cummings, PC
PO Box 160748
Big Sky, MT 59716

**AMENDMENT TO THE DECLARATION
FOR UPPER PINES CONDOMINIUMS**

WHEREAS, Upper Pines Condominiums is an existing subdivision in Gallatin County, Montana, legally described as follows:

A tract of land located in the south half of Section 35, Township 6 South, Range 3 East, P.M.M., Gallatin County, Montana being more particularly described as follows:

Commencing on the southwest corner of Section 35.

Thence South $89^{\circ}45'15''$

East of a distance of 1176.35 feet to the True Point of Beginning:

Thence North $20^{\circ}30'14''$ West for a distance of 164.17 feet;

Thence South $52^{\circ}49'43''$ East for a distance of 93.13 feet;

Thence North $65^{\circ}04'26''$ East for a distance of 150.14 feet;

Thence North $74^{\circ}56'28''$ East for a distance of 149.77 feet;

Thence North $04^{\circ}58'44''$ West for a distance of 168.53 feet;

Thence North $67^{\circ}09'12''$ East for a distance of 113.54 feet;

Thence South $87^{\circ}03'24''$ East for a distance of 195.61 feet;

Thence South $03^{\circ}81'15''$ East for a distance of 405.15 feet;

Thence North 89°45'15" West for a distance of 610.13 feet; to the True Point of Beginning.

Said tract contains 3.92 acres, more or less, and is subject to all easements of record or apparent on the ground.

(Hereinafter referred to as "Upper Pines")

WHEREAS, all Upper Pines Lots all are part of the Upper Pines Condominium Owners Association (Hereinafter referred to as "Association"), by the following documents filed with the Gallatin County Clerk and Recorder's Office:

Title of Document	Recording Date and Recording Information	
Declaration for The Pines Condominium, Phase II Dated October 12, 2005	October 28, 2005	Document No. 2207377
Correction to Declaration for Pines II Condominium	November 8, 2005	Document No. 2208717
Amendment to Declaration for The Pines Condominium, Phase II	March 28, 2006	Document No. 2223014
Correction to Amendment to Declaration for The Pines Condominium, Phase II	May 22, 2006	Document No. 2228827
Second Amendment to Declaration for The Pines Condominium, Phase II	April 25, 2012	Document No. 2413790
Third Amendment to Declaration for The Pines Condominium, Phase II	August 23, 2017	Document No. 2590392
Fourth Amendment to Declaration for The Pines Condominium, Phase II	July 26, 2019	Document No. 2651477
Declaration for Upper Pines Condominiums (Formerly Known as The Pines Condominium, Phase II)	January 8, 2020	Document No. 2669747

WHEREAS, Building M of the Association may be exempt from roofing assessment (Hereinafter referred to as "Building M").

WHEREAS, because of the nature of Building M, the Association and the Members of the Association agree that Building M may be exempt from cold roofing enhancement assessment.

WHEREAS, according to the Declaration for Upper Pines Condominiums, recorded as Document No. 2669747 on January 8, 2020 with the office of the Clerk and Recorder for Gallatin County, Montana (Hereinafter referred to as "Declaration"), Article 13, Section 1, "the Board may unilaterally amend this Declaration if such amendment is [...] (iii) required by an institutional or governmental lender or purchaser of mortgage loans to enable such lender or purchased to make or purchase mortgage loans on the Units [...]."

WHEREAS, the Amendment shall be effective on the date the same is recorded in the office of the Gallatin County Clerk and Recorder;

NOW THEREFORE, THE DECLARATION IS AMENDED AS FOLLOWS:

Amendment 1. The Board of the Association has voted, by written vote, in favor of amending Amendment 1, Article 7.2(a)(ii) entitled "Annual Assessments", shall be amended in its entirety to read as follows:

(ii) **Annual Assessments.** The Board shall establish and levy "Annual Assessments" in the amount that the Board estimates will be sufficient to raise the funds needed to perform the duties of the Association during each fiscal year. Building M shall be exempt from: (a) the cold roofing installation project relating to Buildings I, J, K, and L (Hereinafter referred to as the "Cold Roof Project"); (b) any voting related to the Cold Roof Project; and (c) the proportional amount of the Annual Assessment in any Annual Budget which relates to the Cold Roof Project. Accordingly, Building M shall be exempt for the duration of the 10-year ARM loan (See Letter from First Security Bank dated March 17, 2022 in Exhibit A) for the proportional amount relating to the Cold Roof Project in each annual budget for the term of the aforementioned 10-year loan, or until the aforementioned loan is paid in full, whichever occurs first.

Signatures on the following pages:

IN WITNESS WHEREOF IN WITNESS WHEREOF, we certify that this Amended Declaration for the Upper Pines Condominiums was adopted, in writing, by the Board of the Association.

ATTEST:

Judith Bohnenblust
Upper Pines Assoc., Chairperson

STATE of South Dakota)
MONTANA) : ss.
County of Pennington)

On this 4 day of April, 2022, before me, a Notary Public in and for said State, personally appeared Judith Bohnenblust as the Chairperson of the Upper Pines Condominium Owner Association and acknowledged to me that he executed the same on behalf of the corporation pursuant to the power and authority vested in him.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial seal the day and year written above.

[SEAL]



Char Harris

Char Harris [print name]

Notary Public for the State of ~~Montana~~ South Dakota

Residing at: Rapid City, SD

My commission expires:

My Commission Expires
October 6, 2023

ATTEST:

Sara Pierson
Sara Pierson, Secretary

STATE of ~~MONTANA~~ Minnesota

County of Hennepin) : ss.

On this 4th day of April, 2022, before me, a Notary Public in and for said State, personally appeared Sara N. Pierson as the Secretary of the Upper Pines Condominium Owner Association and acknowledged to me that he executed the same on behalf of the corporation pursuant to the power and authority vested in him.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial seal the day and year written above.

[SEAL] Jong Hang Aaron H Wong [print name]



Notary Public for the State of ~~Montana~~ Minnesota
Residing at: Wayzata MN 55391
My commission expires: Jan, 31, 2026