

THIRD DECLARATION OF AMENDMENT TO RESTRICTIVE COVENANTS

BUFFALO HEAD, ADDITION NO. 92

Pursuant to the provision of Article X, Section 3 of the Amended Declaration recorded on October 2, 1981 in Book 724, Page 962, records of Flathead County, Montana, the said Amended Declaration is hereby further amended as indicated hereinbelow, by this Declaration which is made by the undersigned as owner of ninety per cent of the lots in said subdivision. Said further amendment is as follows:

Article II is amended by the addition of a new Section 6, which shall read as follows:

"Section 6. Party Walls:

(a) General Rules of Law to Apply. Each wall which is built as a part of the original construction of a townhouse upon the property and placed on the dividing line between the Lots shall constitute a party wall and, to the extent not inconsistent with the provisions of this article, the general rules of law regarding party walls and liability for property damage due to negligence or wilfull acts or omissions shall apply thereto."

(b) Sharing of Repair and Maintenance. The cost of reasonable repair and maintenance of a party wall shall be shared by the Owners who make use of the wall in proportion to such use.

(c) Destruction by Fire or Other Casualty. If a party wall is destroyed or damaged by fire or other casualty, any Owner who has used the wall may restore it, and if the other Owners thereafter make use of the wall, they shall contribute to the cost of restoration thereof in proportion to such use without prejudice, however, to the right of any such Owners to call for a larger contribution from the others under any rule of law regarding liability for negligent or willful acts or omissions.

(d) Weatherproofing. Notwithstanding any other provision of this Article, an Owner who by his negligent or willful act causes the party wall to be exposed to the elements shall bear the whole cost of furnishing the necessary protection against such elements.

(e) Right to Contribution Runs With Land. The right of any Owner to contribution from any other Owner under this Article shall be appurtenant to the land and shall pass to such Owner's successors in title.

(f) Arbitration. In the event of any dispute arising concerning a party wall, or under the provisions of this Article, each party shall choose one arbitrator, and such arbitrators shall choose one additional arbitrator, and the decision shall be by a majority of all the arbitrators.

Each and every other provision in the aforesaid Amended Declaration shall remain in full force and effect.

IN WITNESS WHEREOF, the undersigned, acting as the owner of Buffalo Head Properties and individually, has executed this Declaration of Amendment.

BUFFALO HEAD PROPERTIES

By Stanley W. Pine
Stanley W. Pine, Owner

By Stanley W. Pine
Stanley W. Pine, Individually

E029520, E028575, 0156960 thru 0156970, 0156951 thru 0156958
0156973, 0156975, 0156976

STATE OF MONTANA)
County of Flathead)

85109 / 12300

On this 15th day of April, 1985, before me, the undersigned a Notary Public for the State aforesaid, personally appeared STANELY W. PINE, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same.

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



(SEAL)

Stanely W. Pine
Notary Public for the State of Montana
Residing at Kalispell, Montana
My Commission Expires 9/2/86

APPROVED:

City of Kalispell

By [Signature]
Mayor

STATE OF MONTANA, }
County of Flathead } ss
Recorded at the request of Whitecap Mortgage
this 19 day of April 1985 at 12:30 o'clock P and recorded in
the records of Flathead County, State of Montana.
Fee \$ 6.00 Pd.

RECEPTION NO. 85109 12300

Susan H. Haverfield
Flathead County Clerk and Recorder
[Signature]
Deputy

RETURN TO Whitecap
341 Central Ave
Whitefish MT 59937

Trayer's Printing