

**FIRST AMENDMENT TO DECLARATION
FOR
ROSEDALE CONDOMINIUM**

THIS FIRST AMENDMENT ("Amendment") is made October ____, 2009, by NHB, LLC, a Montana limited liability company, PO Box 11530, Bozeman, Montana 59719 ("Declarant").

RECITALS

- A. The Declaration for Rosedale Condominium dated August 31, 2009 ("Declaration") was recorded August 31, 2009, in the records of Gallatin County, Montana under Document No. 2341120. The Declaration submitted the lands and property described therein to the provisions of Title 70, Chapter 23 of the Montana Code Annotated, also known as the "Unit Ownership Act," as a condominium.
- B. Section 2 of the Declaration states a plan of development contemplating that the Declarant may subject Planned Additions of real estate to the Unit Ownership Act, thereby making such real estate part of the Condominium Property. Section 2 further contemplates that the Declarant may add Planned Units to the Condominium, thereby increasing the number of Units in the Condominium.
- C. Declarant has constructed or is constructing two Planned Units on Lot 4, Block 3, of Falcon Hollow Subdivision, First Filing ("Lot 4"). Declarant desires to amend the Declaration to subject Lot 4 to the Unit Ownership Act and to add Lot 4 and a building containing two Planned Units constructed on Lot 4 to the Condominium Property.
- D. This Amendment is made pursuant to Paragraph 13.3 of the Declaration wherein Declarant reserved the right to amend the Declaration to facilitate the inclusion of the Planned Units in the Condominium pursuant to the development plan described in Section 2 of the Declaration.
- E. It is the Declarant's intent that the Units subject to the Declaration and the Additional Units described herein shall be treated as though they had been developed, held, occupied, and used as part of a single, undivided project.

AMENDMENT

- 1. **Definitions.** Unless the context requires otherwise, capitalized terms in this Amendment shall have the meanings given them in the Declaration.

2. **Description of Land.** The Land that by the Declaration and this Amendment is submitted and subject to the Unit Ownership Act is described as follows:

Lots 3 and 4, Block 3, of Falcon Hollow Subdivision, First Filing, being Tract A & B, Certificate of Survey No. 2031, situated in the NE¼ of Section 17, Township 2 South, Range 5 East, P.M.M. Gallatin County, Montana, according to the official plat thereof on file and of record in the office of the County Clerk and Recorder of Gallatin County, Montana. [Plat Reference: J-473].

3. **Condominium Address.** The addresses of the Condominium are 83 Talon Way, Bozeman, Montana 59718 (Units 83A, 83B, and 83C) and 85 Talon Way, Bozeman, Montana 59718 (Units 85A and 85B).

4. **Description of Buildings.** Paragraph 3.1 of the Declaration is amended to provide that the Property includes two buildings ("Buildings," each a "Building"). The Building on Lot 3 ("Lot 3 Building") has two stories above a crawlspace and an attic. Three Condominium Units are located in the Lot 3 Building, and each of the Units is two stories. The Building on Lot 4 ("Lot 4 Building") contains two Condominium Units. One of the Lot 4 Building Units (85A) is two stories, and the other (85B) is a single story. Each of the Condominium Units includes an attached garage. Reference is made to the site and floor plans attached hereto as Exhibits A and B for further details regarding the Buildings. Where necessary the term "Building" as used in the Declaration shall be changed to the plural, thereby encompassing both the Lot 4 and Lot 5 Buildings.

5. **Amendment of Site and Floor Plans.** Exhibits A, B, and C attached to the Declaration are hereby deleted. The following exhibits are attached to this Amendment, are intended to supersede the deleted exhibits, and by this reference are incorporated into and made a part of the Declaration, as amended:

- (a) Exhibit A (Site Plan) showing the site plan of the Property, the location of the Buildings on the Property, and the location of the Condominium Units within the Buildings.
- (b) Exhibit B (consisting of 3 sheets) showing the first and second floor plans of the Buildings and the designation, dimensions, and area for each of the Condominium Units located therein; and
- (c) Exhibit C (Engineer's Certificate).

6. **Reallocation of Interest in Common Elements.** Section 5.2 of the Declaration is hereby amended to reallocate the Allocated Interests appurtenant to the Units in the Condominium according to the percentages set forth below:

Unit No.	Square Footage*	Allocated Interest	Member Votes
83A	1431 ft ²	20.0%	1
83B	1425 ft ²	20.0%	1
83C	1433 ft ²	20.0%	1
85A	1433 ft ²	20.0%	1
85B	1330 ft ²	20.0%	1
Totals	7052 ft²	100.0%	5

* Includes space within attached garage

- 7. **Voting Interest.** Paragraph 6.5 of the Declaration is hereby amended to increase the total number of Member Votes in the Association from 3 to 5.
- 8. **Ratification.** Except as modified, altered or amended by the provisions of this Amendment, the Declaration shall remain in full force and effect.

IN WITNESS WHEREOF, the Declarant has caused this First Amendment to Declaration for Rosedale Condominium to be made and executed effective as of the date set forth above.

NHB, LLC, a Montana limited liability company.

by: _____
Benjamin E. Nistler, Manager

ACKNOWLEDGMENT

STATE OF MONTANA)
 : ss.
County of Gallatin)

This instrument was acknowledged before me on October ____, 2009, by Benjamin E. Nistler as manager of NHB, LLC, a Montana limited liability company.

Printed Name: _____
NOTARY PUBLIC for the State of Montana
RESIDING AT _____, Montana
My Commission Expires _____, 20__

[Seal]