



Debbie Pierson, Flathead County MT by JW

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Fees: \$48.00
7/14/2022 11:08 AM

Return To: Ramlow & Rudbach, PLLP
542 Central Avenue
Whitefish, MT 59937

★★★ see attached assessor #s tg

**AMENDMENT TO STATEMENT OF COVENANTS,
CONDITIONS AND RESTRICTIONS OF
BAY POINT ESTATES**

This AMENDMENT TO STATEMENT OF COVENANTS, CONDITIONS AND RESTRICTIONS OF BAY POINT ESTATES ("Amendment") is made this 31st day of July, 2022, by the owners of the of the condominium units located in Bay Point Estates Condominium, Whitefish Montana.

WITNESSETH:

WHEREAS, by a Merger Of Condominiums, Amended Declaration, And Statement Of Covenants, Conditions And Restrictions Of Bay Point Estates recorded April 13, 1982 in the office of the Clerk and Recorder of Flathead County, Montana, under Reception No. 4872 in Book 737, Page 417 (the "Declaration"), the developers Russell C. Street and Mary Jane Street and the Bay Point Owners Association, Inc. merged ten separate declarations of unit ownership particularly-described therein;

WHEREAS, the ten declarations of unit ownership merged in the Declaration incorporated Statements Of Covenants, Conditions, Restrictions And Bylaws Of Association Of



Unit Owners which were also merged in the Declaration (the “CCRs”);

WHEREAS, the Declaration has since been amended but said amendments have not changed or modified the CCRs;

WHEREAS, the CCRs contain Paragraphs 23, 24 and 25 which create, and refer to, a right of first refusal (the “Right of First Refusal”);

WHEREAS, the owners of the units at Baypoint Estates have found this Right of First Refusal to be cumbersome and unnecessary and therefore wish to amend the CCRs to delete said Paragraphs 23, 24 and 25;

WHEREAS, Paragraph 32 of the CCRs permits the CCRs to be amended by an instrument in writing signed and acknowledged by owners representing at least a seventy-five percent (75%) ownership interest in Bay Point Estates. Said Paragraph 32 states that any amendment to the CCRs shall be effective upon the recording of a copy of the amendment certified by the presiding officer and secretary of the Bay Point Owners Association, Inc.;

WHEREAS, the CCRs encumber and pertain to the real property particularly-described on Exhibit “A” attached hereto.

NOW THEREFORE, the CCRs, as originally stated and as merged in the Declaration, are hereby amended as follows:

1. Paragraphs 23, 24 and 25 of the CCRs are deleted.
2. All other provisions of the CCRs, as originally stated and as merged in the Declaration, remain in full force and effect.



CERTIFICATION OF APPROVAL:

We, the undersigned, the duly elected President (Presiding Officer) and Secretary of the BAY POINT OWNERS ASSOCIATION, INC. do hereby certify that the within and foregoing Amendment To Statement Of Covenants, Conditions And Restrictions Of Bay Point Estates was duly adopted by an instrument in writing signed and acknowledged by owners representing at least a seventy-five percent (75%) ownership interest of all of Bay Point Estates.

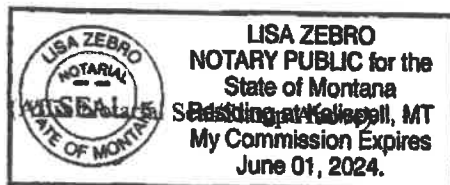
Executed by the President (Presiding Officer) of Bay Point Owners Association, Inc. on this 29 day of JUNE, 2022.

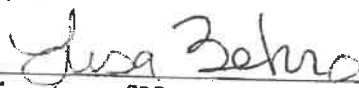


President

STATE OF MONTANA
County of Flathead

This instrument was signed before me on the 29 day of June, 2022 by Jim Smedsrud who represented to me that he/she was signing as President of the Bay Point Owners Association, Inc.





Signature of Notary



Executed by the Secretary of Bay Point Owners Association, Inc. on this July 8th day of July, 2022.

Virgil R. Chamberlain
Secretary

STATE OF MONTANA
County of Flathead

This instrument was signed before me on the 8th day of July, 2022
by Virgil R. Chamberlain who represented to me that he/she was signing as
Secretary of the Bay Point Owners Association, Inc.

Lisa Zebro
Signature of Notary

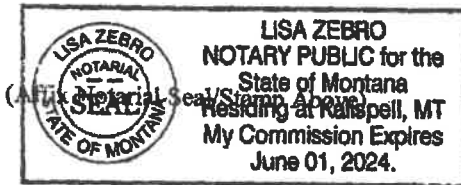




EXHIBIT "A"

A tract of land situated, lying and being in Government lot Three (3) of Section Twenty-five (25), Township Thirty-one (31) North, Range Twenty-two (22) West, P.M.M., Flathead County, Montana, and more particularly described as follows to wit:

Commencing at the NE corner of Deed Exhibit No. 525/95, records of the Clerk and Recorder's Office of Flathead County, Montana; thence N 89° 58' 00" W along the North boundary of said Deed Exhibit, 65.83 feet to a set iron pin which is the true point of beginning of the tract of land herein described; thence S 03° 15' 30" W, 60.24 feet to a set iron pin; thence S 13° 55' 48" W, 32.08 feet to a set iron pin; thence S 20° 55' 25" W, 101.53 feet to a set iron pin; thence N 81° 22' 59" W, 39.71 feet to a set iron pin; thence S 61° 46' 22" W, 75.84 feet to a set iron pin; thence S 31° 53' 06" E, 64.46 feet to a set iron pin; thence S 12° 34' 28" W 86.92 feet to a set iron pin; thence S 49° 12' 05" E, 70.90 feet to a set iron pin; thence S 69° 44' 57" E, 104.11 feet to a set iron pin; thence S 86° 54' 55" E, 104.92 feet to a set iron pin; thence S 07° 15' 34" W, 87.67 feet to a set iron pin which is a point on a 390.00 foot radius curve concave Northeasterly (having a radial bearing of N 04° 33' 10" W); thence Northwesterly through a central angle of 48° 03' 30" an arc length of 327.12 feet to a set iron pin; thence S 47° 08' 43" W, 61.93 feet to a set iron pin; thence S 68° 46' 29" W, 46.83 feet to a set iron pin; thence S 32° 57' 15" W, 12.76 feet to a set iron pin; thence S 72° 02' 08" W, 213.66 feet to a set iron pin; thence S 87° 38' 52" W, 23.31 feet to a found iron pin on the high water mark of Whitefish Lake; thence along said high water mark the following four (4) courses and distances; N 16° 30' 00" W, 90.00 feet; N 04° 03' 00" W, 187.40 feet; N 16° 01' 00" E, 179.75 feet; N 22° 30' 00" E, 125.10 feet to a found iron pin on the North boundary of said Deed Exhibit 525/95; thence leaving said high water mark and along said North boundary S 89° 58' 00" E, 165.72 feet to a set iron pin; thence leaving said North boundary S 18° 11' 49" E, 159.27 feet to a set iron pin; thence S 00° 51' 19" W, 46.94 feet to a set iron pin; thence S 36° 00' 27" W, 115.26 feet to a set iron pin; thence S 13° 03' 56" E, 45.27 feet to a set iron pin which is the P.C. of a 10.00 foot radius curve concave Northerly; thence Southeasterly and Northeasterly through a central angle of 147° 45' 28" an arc length of 25.79 feet to a set iron pin, the P.T. of said curve; thence



N 19° 10' 36" E, 33.26 feet to a set iron pin; thence
N 23° 34' 23" E, 39.19 feet to a set iron pin; thence
N 40° 18' 23" E, 38.82 feet to a set iron pin; thence
N 31° 18' 18" E, 44.26 feet to a set iron pin; thence
N 43° 35' 49" E, 40.84 feet to a set iron pin; thence
N 19° 25' 27" E, 70.32 feet to a set iron pin which is the
P.C. of a 150.00 foot radius curve concave Southeasterly;
thence Northeasterly through a central angle of 38° 55' 29"
an arc length of 101.90 feet to a set iron pin, the P.T.
of said curve; thence N 58° 20' 56" E, 53.35 feet to
a set iron pin on said North boundary of said Deed Exhibit
No. 525/95; thence S 89° 58' 00" E along said North boundary
45.78 feet to the place of beginning and containing 4.891 acres
of land more or less. Subject to and together with all
existing easements of record.

Correction Survey #5882

AND

A tract of land situated, lying and being in Government Lot 3 of Section 25,
Township 31 North, Range 22 West, M.P.M., Flathead County, Montana,
described as follows:

Commencing at the Northeast corner of a tract of land described in Deed Exhibit
in Book 525, Page 95, records of Flathead County, Montana; thence North
89°58'00" West and along the North boundary of the said tract of land (Deed
Exhibit Book 525, Page 95); a distance of 65.83 feet to a found iron pin; thence
South 03°15'30" West 60.24 feet to a found iron pin; thence South 13°55'48"
West 32.08 feet to a found iron pin; thence South 20°55'25" West 69.81 feet to
a set iron pin which is the true point of beginning of the tract of land herein
described; thence

South 31°05'53" East 40.29 feet to a set iron pin; thence
South 06°02'00" East 121.42 feet to a set iron pin; thence
South 83°58'00" West 129.83 feet to a set iron pin; thence
North 12°34'28" East 55.95 feet to a found iron pin; thence
North 31°53'06" West 64.46 feet to a found iron pin; thence
North 61°46'22" East 75.84 feet to a found iron pin; thence
South 81°22'59" East 39.71 feet to a found iron pin; thence
North 20°55'25" East 31.72 feet to the place of beginning and containing 0.381
acres of land.

Subject to and together with all existing easements of record.

CERTIFICATE OF SURVEY NO. 7808.

0404060	0508288
0529955	0170570
0508296	0508285
0837455	0508290
0557625	0876905
0508283	0040360
0029080	0557620
0468575	0581795
0508278	0508284
0837343	0508301
0508297	0508299
0634292	0877130
0508293	0508308
0837301	0508291
0508287	0837362
0508309	0837340
0404061	0508292
0379225	0929510
0508286	0807165
0837364	0508304
0441570	0837281
0044975	0508305
0508295	0508282
0392775	0837459
0508277	0508303
0406005	0837335
0508281	0423130
0837345	0595510
0837325	0508280
0508298	0837302
0508294	0508279
0315455	0508289
0508302	0138020
0837457	0982383
0508307	0974409
0256900	0508311
0508306	0508314
0508310	0508312
0340305	0508311
0837456	0974410
0974412	0974409
	0508313
	0974411