



Upon recording, please return to:
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**SECOND AMENDMENT TO
DECLARATION OF COVENANTS, CONDITIONS,
RESTRICTIONS AND RESERVATIONS FOR SILVERBROOK ESTATES**

A Residential and Commercial Development in Kalispell, Montana

THIS SECOND AMENDMENT TO THE DECLARATION of Covenants, Conditions, Restrictions and Reservations for Silverbrook Estates is executed this 18th day of January, 2011 by 93 and Church, LLC, a Montana limited liability company, hereinafter referred to herein as the "Declarant."

WHEREAS, Declarant caused to be filed the Declaration of Covenants, Conditions, Restrictions and Reservations for Silverbrook Estates with the Flathead County Clerk and Recorder as Document No. 200800008099; and

WHEREAS, Declarant caused to be filed the First Amendment to and Complete Restatement of the Declaration of Covenants, Conditions, Restrictions and Reservations for Silverbrook Estates with the Flathead County Clerk and Recorder as Document No. 201000002264, hereinafter sometimes "First Amendment," or "Declaration;" and

WHEREAS, pursuant to the Declaration, Declarant specifically reserved unto itself the right to amend said Declaration during the period of Declarant Control; and

WHEREAS, Declarant is the owner of more than seventy-five percent (75%) of the lots comprising Silverbrook Estates; and

WHEREAS, notice has been provided to Owners pursuant to Section 16.8.2 of the Declaration and Declarant certifies that fewer than 75% of Owners objected to this action by virtue of Declarant's ownership of greater than 75% of the lots; and

WHEREAS, Declarant desires to amend said Declaration to change the time frame for installation of all landscaping (Section 7.3), and republish same as set forth hereinafter; and

WHEREAS, Declarant desires to amend said Declaration to change the minimum single family residence square footage (Section 17.2.7), and republish same as set forth hereinafter; and

WHEREAS, Declarant continues to reserve the right to further amend said Declaration as contemplated within the Declaration referenced hereinabove.

NOW, THEREFORE, in consideration of the foregoing recitals and the amendment powers reserved unto Declarant as set forth in the Declaration, Declarant hereby amends said Declaration as follows:

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Section 7.3 of Article VII (Design Guidelines) is hereby deleted in its entirety and republished as follows:

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Section 7.3 *Design Review Committee:* The Silverbrook Estates Design Review Committee (DRC) is hereby established and shall carry out all duties bestowed upon it by the Association, these Covenants, the Design Guidelines and any amendments to such documents.

The procedures for seeking DRC review and approval of any proposed Improvement are set forth in the Design Guidelines.

No Improvement of any kind shall be commenced without the written approval of the DRC. Each structure must be constructed in compliance with the Design Guidelines, including but not limited to, location, size, height, color, materials, design and all other requirements of the Design Guidelines.

All front, rear and side landscaping must be installed within the first growing season following occupancy of any residential or commercial development.

* * *

Section 17.2.7 of Article XVII (Zoning Regulations and Codes) is hereby deleted in its entirety and republished as follows:

17.2.7 Maximum Building Footprints and Minimum Floor Areas:

The minimum ground level floor area of any single family residence located east of Silverbrook Drive shall not be less than 1200 square feet of living space. The minimum ground level floor area of any single family residence located west of Silverbrook Drive shall not be less than 2000 square feet of living space. These square footages are exclusive of exterior parking spaces and decks. Each principal residential structure shall have at a minimum, an attached or detached two-car garage.

R-4 Residential residences shall comply with all applicable Kalispell Zoning Ordinances.

Commercial properties have no maximum footprint or lot coverage requirements except as limited by the confines of the applicable setbacks.

All building size requirements are subject to the maximum lot coverage restrictions set forth in Section 17.2.6, above and the applicable City of Kalispell zoning ordinance, which take precedence over building size requirements and allowances.

* * *

All terms and conditions set forth in the First Amendment to and Complete Restatement of Declaration of Covenants, Conditions, Restrictions and Reservations for Silverbrook shall remain in full force and effect, subject, however, to the power of amend reserved unto Declarant, which power is contained in said Declaration and reaffirmed hereby.



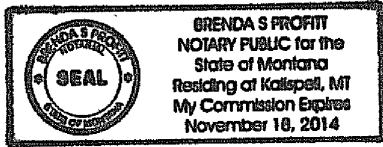
IN WITNESS WHEREOF, the Declarant has executed this Second Amendment to Declaration of Covenants, Conditions, Restrictions and Reservations for Silverbrook Estates this 18th day of January, 2011.

93 and Church, LLC
a Montana Limited Liability Company

By: Howard T. Mann
Howard T. Mann, Managing Member

STATE OF MONTANA)
 :SS
County of Flathead)

This instrument was acknowledged before me on the 18th day of January, 2011 by **HOWARD T. MANN**, known to me to be the Managing Member of 93 and Church, LLC, a Montana limited liability company, the Declarant herein, and acknowledged to me that he executed the same.



Brenda S. Proffitt
Notary Public for the State of Montana
Residing at Kalispell
My Commission Expires 11-18-2014
Brenda S. Proffitt
Printed Name of Notary Public