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801 W. Main St., Ste 2A  
Bozeman, MT 59715



Doc #: 212657 Pages: 2 Book: Page:

STATE OF MONTANA MADISON COUNTY

Recorded 11/29/2023 12:35 PM KOI: COVENANTS

Paula McKenzie, CLERK & RECORDER

Fee: \$ 16.00

BY: *Paula McKenzie*

To: BROWNING KALECZYC ET AL, 801 W MAIN #2A, BOZEMAN MT 59715

**FIRST SUPPLEMENT TO THE AMENDED AND RESTATED DECLARATION  
OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR  
MADISON RIVER RCH ASSOCIATION, INC.**

COMES NOW, Madison River RCH Association, Inc., a Montana nonprofit corporation, of 194 Wickwire Way, Bozeman, Montana 59718 ("HOA") to amend the Amended and Restated Declaration of Covenants, Conditions, and Restrictions for Madison River RCH Association, Inc. recorded on May 21, 2009, as Document No. 131318 in the office of the Madison County Clerk and Recorder ("Declaration").

**Recitals**

- A. The property described on Exhibit "A" ("Property") of the Amended and Restated Declaration of Covenants, Conditions and Restrictions for Madison River RCH, recorded in Book 342, on Page 127, in the office of the Madison County Clerk and Recorder has been made subject to the terms and provisions to that certain Declaration of Covenants, Conditions and Restrictions dated October 31, 1988, as amended.
- B. The Declaration provides that it may be amended with the consent of the persons owning a majority of the Tracts comprising the Property.
- C. Owners of a majority of the Tracts have voted affirmatively to amend the Declaration as follows:
  - 1. Paragraph 6.4 of the Declaration is deleted and replaced with the following:

6.4 Business Uses. The Tracts shall be used primarily for single-family residential purposes. No more than two (2) single-family residences may be constructed on any Tract. Each residence may also have an appurtenant noncommercial guesthouse. Noncommercial garages, small sheds, corrals, barns and horse facilities are also permitted on the Property. No Tracts within the Property shall ever be occupied or used for any commercial or business purposes, except for an office or studio contained within the owner's residence, as long as such office or studio does not entail regular visits by members of the public. However, nothing in this Paragraph 6.4 shall be deemed to prevent: (a) Declarant or its duly authorized agent from using any Tract owned by Declarant as a sales office, sales model, property management office or rental office; or (b) any Owner or his duly authorized agent from renting or leasing any residential building for residential uses from time to time, subject to all of the provisions of this Declaration.

Renting of Properties on Madison River Ranch will be limited to, no less than 14 consecutive days, with a signed lease. This lease will be for one lessee. No subletting will be allowed. No renting is allowed from December 1st, through June 1st. A copy of the lease must be provided to the homeowner's association board for their records. Contact information for the lessee will be provided to the board by the lessor. Landlords, tenants and their guests are subject to the rules and regulations of the Declaration (Covenants and Bylaws). Landlords will be responsible for violations.

2. This amendment is not effective with respect to any holder, successor, or assign of the holder of a mortgage or deed of trust recorded prior to the recording of this instrument unless such holder executed or consented in writing to this instrument.

3. Except as amended as set forth above, the Declaration, as subsequently amended and supplemented, remains in full force and effect. In the event of any conflict between the terms of said Declaration and this First Supplement, the terms of this Supplement shall control. This First Supplement shall run with the land and shall bind the heirs, successors, and assigns of the owners of the above described Property.

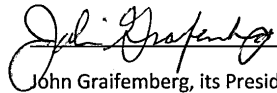
**CERTIFICATE**

Pursuant to Paragraph 15.1 of the Bylaws, this First Supplement was approved by mail-in ballot authorized in Article 7.10. Over 50% was required to approve this First Supplement. Of 142 total voting members, 79 voted affirmatively, 28 voted negatively, for a total of 107 qualifying votes. The vote simply needed 72 qualifying votes to affirm the amendment. Four votes, including 3 affirmative votes and 1 negative vote were disqualified for technical defects. I swear that the foregoing information is true, accurate, and complete.

Dated: November 21, 2023

MADISON RIVER RCH ASSOCIATION, INC.

BY:

  
John Graifemberg, its President


STATE OF California )

:SS

COUNTY OF El Dorado )

This instrument was acknowledged before me on this 21<sup>st</sup> day of November, 2023 by John Graifemberg, President of the Madison River RCH Association, Inc.



  
Name: Tomi Abiola Ojo

Notary Public for the State of California.