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Charlotte Mills-Gallatin Co MTMISC 22.00

American Land Title Company  
1800 West Koch / P.O. Box 396  
Bozeman, Montana 59715 / 59771-0396

Order No. ALT-135

**FIRST AMENDMENT TO DECLARATION OF COVENANTS  
CONDITIONS AND RESTRICTIONS**

**WEST WINDS MASTER HOMEOWNERS' ASSOCIATION, INC.**

COMES NOW, **Cascade Development, Inc.**, a Montana Corporation of 1627 West Main Street #223, Bozeman, Montana 59718 (Declarant), and amends the Declaration of Covenants, Conditions and Restrictions for West Winds Master Homeowners' Association, Inc., which Declaration is dated the 23<sup>rd</sup> day of September, 2005, and was recorded on the 23<sup>rd</sup> day of September, 2005, as Document No. 2202936, as follows:

12.15 Fencing. Backyards and side yards may be fenced with wood or materials that look like wood or certain types of vinyl. The front yard toward the public road shall not be fenced. No chain link or wire fences shall be allowed. Fences shall be maintained in good condition at all times. **All cedar fence boards without a top cap must be a minimum of 7/8 inch in thickness.** Fences cannot be higher than six feet. If sight distance becomes an issue as stated in Sec. 13.15 of this declaration or any condition as set by the City of Bozeman allowable fence height may be reduced. All fencing designs and layouts need to be approved by the Committee.

For all multi-family lots (excepting town-home duplex lots) boundary fences between or around units shall be prohibited, although the owners or builders may erect privacy screening around their individual patios, which shall encompass the patio; provided, however, that in the event the owners or builders extend the patios beyond the area provided by the developer, neither the patio nor the privacy screening shall be any further than twelve feet (12') out from the building and not further than twelve feet (12') in width. Any privacy fence so erected shall not be taller than four feet (4'). For those owners or builders that own units with a condominium association and are desirous of privacy screening or a change in the size of the privacy screening originally provided, all such screening must be in uniformity to all other units within the condominium association and must have full approval and review of the condominium association. All lots adjacent to Oak St., 27<sup>th</sup> Street, Davis Lane, and Baxter, and are considered double frontage lots, regardless of the housing type shall conform to the requirement as set forth in this paragraph. The design and installation shall be per Exhibit A of Appendix I.

Except as herein set forth the Declaration and By-Laws for West Winds Master Homeowners' Association, Inc., shall remain in full force and effect and are incorporated herein by this reference as though fully set forth.

