

Return recorded document to: Glacier Business Center Attn: Mark Vanzant PO Box 1424 Whitefish, MT 59937

SECOND AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

THIS SECOND AMENDMENT, made this day 19th day of February, 2018, by the Glacier Business Center Unit Owners Association, Inc., hereinafter referred to as "Association";

WHEREAS, on the 27th day of April, 2005, a Declaration of Covenants, Conditions and Restrictions (the "Declaration") was recorded as Document No. 2005-126-14260, records of Flathead County, Montana, establishing certain restrictions on the use of and for the benefit of the subdivision development known as Glacier Business Center, described more particularly on Exhibit A;

WHERAS, on the 31st day of March, 2006, a First Amendment to Declaration of Covenants, Conditions and Restrictions ("First Amendment") was recorded as Document No. 200609015010 records of Flathead County, Montana, amending certain restrictions on the use of and for the benefit of Glacier Business Center;

WHEREAS, pursuant to Article XII, paragraph D of the First Amendment, the Declaration may be amended by an instrument signed by not less than two-thirds of the Unit Owners, which instrument has been recorded, agreeing to such amendment;

WHEREAS, the undersigned comprise at least two-thirds of the Units of Glacier Business Center, and;

WHEREAS, the undersigned Unit Owners desire to amend the Covenants.

NOW, THEREFORE, the Declaration of Covenants, Conditions, and Restrictions of Glacier Business Center are amended as follows:

- 1. Article X, paragraph A is amended by deleting the paragraph in its entirety and replacing it as follows:
 - N. <u>Restricted Use</u>. The property described herein shall be used for commercial/office and retail in accordance with the Flathead County B-2 zoning regulations, except that there shall be a restriction on Marijuana Establishments, as more fully set forth below:



a. <u>Marijuana Establishment</u>. No more than one (1) Marijuana Establishment per five (5) units is allowed to operate in the Glacier Business Center as it currently exists on the day of execution of this Amendment. This restriction may be reevaluated by the Association upon the completion of an additional building on a currently undeveloped lot in the Glacier Business Center. Marijuana Establishment shall mean (i) any establishment that is in the business of growing, selling or distributing Marijuana or Paraphernalia, or (ii) a Registered Premises as those terms are defined by the Montana Medical Marijuana Act, codified at Mont. Code Ann. §§ 50-46-301, et seq.

IN WITNESS WHEREOF, the Association has executed this instrument the day and year first written above.

Mark Vanzant

Lisa Vanzant

STATE OF MONTANA

) : ss.

County of Flathead

)

On this 12 day of 14 day of 15 day of 16 day of 17 day of 18 day o

* SEAL * RESENTATION State of Montana

* SEAL * RESENTATION BY Kalispell, Montana

My Commission Expires

January 28, 2020

Printed Name: <u>ANT-1747 NATE</u> Notary Public for the State of Montana

Residing at: KAUSPEZ

My Commission Expires: <u>a/20/2c</u>

Jake Bertelson

STATE OF MONTANA

; ss.

County of Flathead

On this day of March 2018, 2018, before me, a Notary Public for the State of Montana, personally appeared Jake Bertelson, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal, the day and year first above written.

(SEAL)

Printed Name: Anne E Mass

Notary Public for the State of Montana Residing at: Whitefish MT

My Commission Expires: 8-31-20



ANNE E MARRS
NOTARY PUBLIC for the
State of Montana
Residing at Whitefish, Montana
My Commission Expires
August 31, 2020



By:

Representative

Title:

STATE OF MONTANA)

: ss.

County of Flathead Spokane)

(SEAL)

Notary Public
State of Washington
Janel E. Rainbolt
MY APPOINTMENT EXPIRES
NOVEMBER 29, 2021

Printed Name: Jane E Rainbult.

Notary Public for the State of Montana WA &

Residing at: Spokane (OUNTY

My Commission Expires: 11-29-2021



Brett Walcheck

Printed Name: <u>Kelly Jean Hawk</u> Notary Public for the State of Montana

Residing at:

My Commission Expires: _

Tean Hawkinson

STATE OF MONTANA) : ss. County of Flathead

On this 12 day of March ___, 2018, before me, a Notary Public for the State of Montana, personally appeared Brett Walcheck, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal, the day and year first above written.

)

(SEAL)

KELLY JEAN HAWKINSON NOTARY PUBLIC for the State of Montana Residing at Kalispell, Montana My Commission Expires November 06, 2019



Mike Donovan

Whatever Enterprises LLC

STATE OF Montana) : ss. County of Gallatin)

On this 12th day of Narch, 2018, before me, a Notary Public for the State of Montana, personally appeared Mike Donovan, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal, the day and year first above written.

KRISTI LEE
NOTARY PUBLIC for the
State of Montana
Residing at
(S Bozeman, Montana
My Commission Expires
October 15, 2020

Printed Name: Krist Lee

Notary Public for the State of MT

Residing at: Bozeman

My Commission Expires: 10/15/2020



EXHIBIT A

Units 1, 2, 2-C, and 3 of Lot 2 of Glacier Business Center, pursuant to the Declaration Unit Ownership Act of Lot Two of Glacier Business Center recorded as Doc. No. 200512614220, according to the map or plat thereof on file and of record in the office of the Clerk and Recorder, Flathead County, Montana; and

Units 1, 2 and 3 of Lot 3 of Glacier Business Center, pursuant to the Declaration Unit Ownership Act of Lot Three of Glacier Business Center recorded as Doc. No. 200512614230, according to the map or plat thereof on file and of record in the office of the Clerk and Recorder, Flathead County, Montana.