

After recording, please return to:  
Candace L. Kimmet  
Karell Dyre Haney PLLP  
175 North 27<sup>th</sup> Street, Suite 1303  
Billings, MT 59101

**RES**

**3751751**

08/19/2015 10:48 AM Pages: 1 of 9 Fees: 63.00  
Jeff Martin Clerk & Recorder, Yellowstone MT



**SECOND AMENDMENT**  
**TO**  
**DECLARATION OF CONDITIONS, COVENANTS AND RESTRICTIONS FOR**  
**JOSEPHINE CROSSING**

**THIS SECOND AMENDMENT TO DECLARATION OF CONDITIONS, COVENANTS AND RESTRICTIONS FOR JOSEPHINE CROSSING** (this “Second Amendment”) is hereby made and entered into by **MCCALL DEVELOPMENT, INC.**, a Montana close corporation (“Developer”), to amend the Declaration of Conditions, Covenants and Restrictions for Josephine Crossing (the “Original Declaration”) filed with the Clerk and Recorder for Yellowstone County on March 21, 2007 under Document No. 3414948, as amended by the First Amendment to Declaration of Conditions, Covenants and Restrictions for Josephine Crossing (the “First Amendment”) filed with the Clerk and Recorder for Yellowstone County on September 12, 2012 under Document No. 3638201 (collectively, the “Declaration”).

**RECITALS**

- A. Under Section 6(b) of the Declaration, Developer reserved the right to modify, amend, and alter the Declaration without the consent of any other party until such time as Developer has conveyed all lots in Josephine Crossing Subdivision (“Developer’s Right to Amend”).
- B. As more particularly described in the third major paragraph on Page 1 and Section 6(b) of the Declaration, Developer’s Right to Amend includes the Developer’s right to add and make subject to the Declaration, any additional lots in Josephine Crossing Subdivision.
- C. Developer has not yet conveyed all lots in Josephine Crossing Subdivision.
- D. This Second Amendment is hereby duly approved and adopted by Developer, as evidenced by its signature below, pursuant to Developer’s Right to Amend and in accordance with the terms of the Declaration.

**NOW THEREFORE**, the Declaration is hereby amended as follows:

- 1. **Exhibits “A” and “B”**. Exhibits “A” and “B” of the Declaration are stricken in their entirety and replaced with Exhibit “A” and Exhibit “B”, attached hereto.
- 2. **Exhibit “C”**. Exhibit “C” of the Declaration is hereby stricken in its entirety and the following reference to Exhibit “C” on page 1 of the Declaration is deleted in its entirety:



“Exhibit “C” is a map showing each of the included lots”

3. **Exhibit “D”.** Exhibit “D” of the Declaration is hereby stricken in its entirety and the second major paragraph on Page 2 of the Declaration is hereby amended to read as follows:

“**WHEREAS,** Developer has incorporated Josephine Crossing Homeowners Association, as a non-profit corporation, under the laws of the State of Montana (the “Association”), and has adopted Bylaws for the Association, a copy of which is recorded with the Clerk and Recorder of Yellowstone County, Montana.”

4. **Assessments.**

(A) ***Assessment for Reserve Budget.*** The following is hereby added to the end of Section 3(b)(1) of the Declaration:

“Assessments may also be made for the creation of a reserve budget. The Board or Management Company, on behalf of and pursuant to its contract with the Association, may, whenever necessary or appropriate, levy assessments in an amount sufficient to meet the projected reserve needs of the Association.”

(B) ***Payments.*** Section 3(b)(3) of the Declaration is hereby deleted in its entirety and replaced with the following:

“All assessments authorized hereunder (collectively, the “Assessments”) or any portion thereof which are not paid when due shall bear interest at a rate of twelve percent (12%) until paid and accrued interest, together with the collection costs and reasonable attorney’s fees, shall constitute a lien on the Lot on which it is assessed.”

(C) ***Liens.*** The first sentence of Section 3(b)(4) of the Declaration is hereby deleted in its entirety and replaced with the following:

“The Association or the Management Company, on behalf of and pursuant to its contract with the Association, shall have the right to collect all Assessments and such sums shall constitute a lien on such Lot.”

5. **Defined Terms.** Except as otherwise provided in herein, all capitalized terms used herein shall have the meanings ascribed to them in the Declaration.

6. **Ratification.** Except as specifically amended herein, the terms and conditions of the Declaration are hereby ratified.

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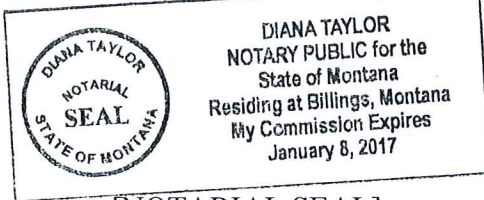
IN WITNESS WHEREOF, this Second Amendment is executed this 17<sup>th</sup> day of August, 2015.

MCCALL DEVELOPMENT, INC.

By: [Signature]  
Its: Vice President

STATE OF MONTANA )  
: ss.  
County of Yellowstone )

This instrument was acknowledged before me on this 17<sup>th</sup> day of August, 2015,  
by Gregory McCall, in his capacity as Vice President of  
MCCALL DEVELOPMENT, INC., a Montana close corporation.



[NOTARIAL SEAL]

Diana Taylor  
Print Name: Diana Taylor  
Notary Public for the State of Montana  
Residing at Billings, Montana  
My Commission expires 1-8, 2017

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The following lots in Josephine Crossing Subdivision, in the City of Billings, Yellowstone County, Montana, according to the official plat thereof on file and of record in the office of the Clerk and Recorder of said County, under Document No. 3402833:

- Block 1: Lots 3 through 16, inclusive, and Lots 21 through 24, inclusive,
- Block 2: Lots 1 through 4, inclusive,
- Block 3: Lots 1 through 11, inclusive, and Lots 18 through 40, inclusive,
- Block 4: Lots 1 through 3, inclusive, Lots 7 and 8, Lots 11 through 16, inclusive, Lots 19 through 26, inclusive, and Lots 32 through 40, inclusive, and
- Block 5: Lots 1 through 11, inclusive, and Lot 20,

Lots 1A and 2A, Block 1, Josephine Crossing Subdivision, First Filing, in the City of Billings, Yellowstone County, Montana, according to the official plat thereof on file and of record in the office of the Clerk and Recorder of said County, under Document No. 3439666,

Lots 4A and 6A, Block 4, Josephine Crossing Subdivision, First Filing, in the City of Billings, Yellowstone County, Montana, according to the official plat thereof on file and of record in the office of the Clerk and Recorder of said County, under Document No. 3456972,

Lots 9A and 10A, Block 4, Josephine Crossing Subdivision, in the City of Billings, Yellowstone County, Montana, according to the official plat thereof on file and of record in the office of the Clerk and Recorder of said County, under Document No. 3563007,

Lots 12A, 13A, 14A, and 15A, Block 3, Josephine Crossing Subdivision, in the City of Billings, Yellowstone County, Montana, according to the official plat thereof on file and of record in the office of the Clerk and Recorder of said County, under Document No. 3595249,

Lots 17A, 18A, 19A, and 20A, Block 1, Josephine Crossing Subdivision, in the City of Billings, Yellowstone County, Montana, according to the official plat thereof on file and of record in the office of the Clerk and Recorder of said County, under Document No. 3595250,

Lots 12A and 13A, Block 5, Josephine Crossing Subdivision, in the City of Billings, Yellowstone County, Montana, according to the official plat thereof on file and of record in the office of the Clerk and Recorder of said County, under Document No. 3617471,

Lots 14A-1, 15A, 16A, 17A and 18A, Block 5, Josephine Crossing Subdivision, in the City of Billings, Yellowstone County, Montana, according to the official plat thereof on file and of record in the office of the Clerk and Recorder of said County, under Document No. 3617472,

Lots 16A-1 and 17A, Block 3, Josephine Crossing Subdivision, in the City of Billings, Yellowstone County, Montana, according to the official plat thereof on file and of record in the office of the Clerk and Recorder of said County, under Document No. 3617473,



Lots 27A, 28A, 29A, 30A, and 31A, Block 4, Josephine Crossing Subdivision, in the City of Billings, Yellowstone County, Montana, according to the official plat thereof on file and of record in the office of the Clerk and Recorder of said County, under Document No. 3617474,

Lots 17A and 18A, Block 4, Josephine Crossing Subdivision, in the City of Billings, Yellowstone County, Montana, according to the official plat thereof on file and of record in the office of the Clerk and Recorder of said County, under Document No. 3621920,

The following lots in Josephine Crossing Subdivision, Second Filing in the City of Billings, Yellowstone County, Montana, according to the official plat thereof on file and of record in the office of the Clerk and Recorder of said County, under Document No. 3627576:

- Block 6: Lots 1 and 2, and Lots 7 through 11, inclusive,
- Block 7: Lots 1 through 5, inclusive, and
- Block 8: Lots 1 through 17, inclusive,

Lots 3A, 5A, and 6A, Block 6, Josephine Crossing Subdivision, Second Filing in the City of Billings, Yellowstone County, Montana, according to the official plat thereof on file and of record in the office of the Clerk and Recorder of said County, under Document No. 3654007,

The following lots in Josephine Crossing Subdivision, Third Filing, in the City of Billings, Yellowstone County, Montana, according to the official plat thereof on file and of record in the office of the Clerk and Recorder of said County, under Document No. 3664550:

- Block 1: Lots 25 through 32, inclusive,
- Block 5: Lots 19 through 25, inclusive, and Lots 28 through 50, inclusive,
- Block 6: Lots 12 through 18, inclusive,
- Block 8: Lots 19 through 21, inclusive, and Lot 26,
- Block 9: Lots 1 through 22, inclusive, and Lots 24 and 25, and
- Block 11: Lot 1,

Lots 22A, 23A and 25A, Block 8, Josephine Crossing Subdivision, Third Filing, in the City of Billings, Yellowstone County, Montana, according to the official plat thereof on file and of record in the office of the Clerk and Recorder of said County, under Document No. 3672077,

Lots 26A and 27A, Block 5, Josephine Crossing Subdivision, Third Filing, in the City of Billings, Yellowstone County, Montana, according to the official plat thereof on file and of record in the office of the Clerk and Recorder of said County, under Document No. 3682226,

The following lots in Josephine Crossing Subdivision, Fourth Filing, in the City of Billings, Yellowstone County, Montana, according to the official plat thereof on file and of record in the office of the Clerk and Recorder of said County, under Document No. 3691426:

- Block 9: Lots 23 through 27, inclusive, and Lots 30 and 31, and
- Block 10: Lots 1 through 20, inclusive,

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Lots 28A and 29A, Block 9, Josephine Crossing Subdivision, Fourth Filing, in the City of Billings, Yellowstone County, Montana, according to the official plat thereof on file and of record in the office of the Clerk and Recorder of said County, under Document No. 3729851,

The following lots in Josephine Crossing Subdivision, Fifth Filing, in the City of Billings, Yellowstone County, Montana, according to the official plat thereof on file and of record in the office of the Clerk and Recorder of said County, under Document No. 3738966:

- Block 1: Lots 33 through 76, inclusive,
- Block 8: Lots 27 through 34, inclusive, and
- Block 11: Lots 1 through 50, inclusive.

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The following lots in Josephine Crossing Subdivision, in the City of Billings, Yellowstone County, Montana, according to the official plat thereof on file and of record in the office of the Clerk and Recorder of said County, under Document No. 3402833:

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- Block 6: Lots 12 through 18, inclusive,
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- Block 9: Lots 1 through 22, inclusive,

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The following lots in Josephine Crossing Subdivision, Fifth Filing, in the City of Billings, Yellowstone County, Montana, according to the official plat thereof on file and of record in the office of the Clerk and Recorder of said County, under Document No. 3738966:

- Block 1: Lots 33 through 49, inclusive, Lots 51 through 55, inclusive, Lots 57 through 61 inclusive, Lots 63 through 67, inclusive, and Lots 69 through 76, inclusive,
- Block 8: Lots 27 through 34, inclusive, and
- Block 11: Lots 1 through 7, inclusive, Lots 9 through 13, inclusive, Lots 15 through 19, inclusive, Lots 21 through 25, inclusive, Lots 27 through 44, inclusive, and Lots 46 through 49, inclusive.