DECLARATION OF PROTECTIVE RESTRICTIONS,
COVENANTS AND CONDITIONS
OF
RIVERVIEW ORCHARDS--BITTERROOT VISTA

THIS AMENDMENT made this 23rd day of August, 1982, by E. M. SMALL, R. W. SMALL, and SKIP BUCK a/k/a JOHN H. BUCK by his Attorney-in Fact DENNIS E. LIND, hereinafter called Declarants and HIDDEN VALLEY RANCHES, a partnership, of Missoula, Montana:

W I T N E S S E T H:

WHEREAS, Declarants have placed Protective Restrictions, Covenants and Conditions on Riverview Orchards-Bitterroot Vista, a platted subdivision of Ravalli County, Montana, recorded April 7, 1982, Book 161, page 712, of the records of Ravalli County, Montana, and

WHEREAS, Declarants and Hidden Valley Ranches are the owners of more than two-thirds (2/3) of all of the real property as described in Exhibit "A" hereto attached and constituting the real property commonly referred to as Riverview Orchards--Bitterroot Vista, and

WHEREAS, it is the desire of the parties hereto to amend said Declaration of Protective Restrictions, Covenants and Conditions by an additional assessment,

NOW, THEREFORE, the parties hereto make the following addition to that section entitled "Article VI. Assessments" which shall read as follows:

"Section 11. Road Maintenance Assessment: In addition to other assessments provided for herein, the Association shall levy a special assessment each year for the purpose of paying for road maintenance charges at their actual costs, which assessment shall not exceed ~~Thirty-five Dollars ($35.00) per year unless there is an additional~~ special assessment passed pursuant to Section 5 herein. This assessment shall be levied at a uniform rate for all tracts adjoining the non-dedicated road easements or any other roads not maintained by Ravalli County."

It is agreed by the parties hereto that all other protective restrictions, covenants and conditions set forth in the Declaration filed April 7, 1982, shall remain in full force and effect.

Hidden Valley Ranches hereby ratifies the Declaration of Protective Restrictions, Covenants and Conditions as filed April 7, 1982, in Book 161, page 712, records of Ravalli County, Montana.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals the day and year first above written.

E. M. Small

E. M. SMALL

R. W. Small

R. W. SMALL

Skip Buck a/k/a John H. Buck

By: Dennis E. Lind

SKIP BUCK, by his Attorney-in-Fact DENNIS E. LIND

HIDDEN VALLEY RANCHES, a partnership

By Delbert C. F. Ashmore

DELBERT C. F. ASHMORE

STATE OF MONTANA)
)ss.
County of Missoula)

On this 23rd day of August, 1982, before me, the undersigned, a Notary Public for the State of Montana, personally appeared E. M. Small, R. W. Small, Dennis E. Lind as Attorney-in-Fact for Skip Buck,* and Delbert C. F. Ashmore, 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 Official Seal the day and year first above written.

(SEAL)

Notary Public for the State of Montana
Residing at Missoula, Montana
My Commission Expires 7/1/84

*a/k/a JOHN H. BUCK

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MICKELSON LAW OFFICE

Jim N. Mickelson
Attorney-at-Law

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Missoula, Montana 59806

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January 8, 2001

Mark S. Connell
CONNELL LAW FIRM
P.O. Box 9108
Missoula, Montana 59807-9108

Re: *Riverview Orchards Landowners Association, Road Issues*

Dear Mr. Connell:

I am under contract with the Ravalli County Board of Commissioners to represent them on certain civil legal matters. In this regard, I received a copy of the your December 11, 2000 to George Corn and a copy your October 25, 2000 letter addressed to the Commissioners concerning roads in the Riverview Orchards subdivision. I have been asked to respond on behalf of the Commission to these letters.

I reviewed the original plat map for the Riverview Orchards subdivision filed in the 1930's and it is clear from the plat that all the roads in the subdivision were dedicated for public use. Therefore, I agree those roads fall under the County's jurisdiction. Under MCA § 7-14-2103(1) the Board of Commissioners has general supervisory power over all county roads, including maintenance responsibility. The Commission has been informed of these facts and their statutory responsibilities.

However, MCA § 7-14-2103 (4) states the Commission has the discretion to set the level and scope of maintenance on any county road. The Commission is constantly evaluating and determining the maintenance needs and requirements with its citizens and the road supervisor. As you are probably well aware, some of the factors the County considers to determine the scope and level of maintenance are the number of people using a particular road, the quality of the constructed road, the amount of maintenance required, the money available to the county for road maintenance and the risks associated with no maintenance. Money of course is a major limiting factor for the county. Ravalli County has thousands of miles of roads under its jurisdiction and a very limited budget for repairs and maintenance.

In this particular case, the roads in question have never been on the County's road maintenance schedule nor are they constructed to current County standards for roads. For the most part these roads have simply evolved over several decades with continued and increasing use. The County currently has no plan to add these roads to its maintenance schedules or to repair.

Nedra P. Taylor CLERK AND RECORDER BY: _____

Autumn Linda Swendsen 5643 Meadowview Dr. N. Florence MT 59833-6632

AMENDMENT TO DECLARATION OF PROTECTIVE RESTRICTIONS OF RIVERVIEW ORCHARDS—BITTERROOT VISTA

THIS AMENDMENT made this 1st day of October 2003, by Bill Swendsen President, on behalf of the current Association Board Members of the Riverview Orchard Landowners Association.

WITNESSETH:

WHEREAS, Declarants have placed protective restrictions, covenants, and conditions on Riverview Orchards, a platted subdivision of Ravalli County, Montana, and

WHEREAS, Declarants are the owners of more than 2/3 (two-thirds) of all real property described in the Association, an

WHEREAS, it is the desire of the parties hereto to amend said Declaration of Protective Restrictions, Covenants and Conditions by an additional assessment,

NOW, THEREFORE, the parties hereto make the following addition to that section entitled, "Article VI. Assessments" and was voted on by a quorum of voters and passed on October 1, 2003, which shall read as follows:

"Section II. Road Maintenance Assessment: In addition to the other assessments provided for herein, the Association shall levy a special assessment for the purpose of improvement and maintenance of the roads in said sub-division. The initial fee of $200 per lot will be assessed immediately due on October 1, 2003. Each year thereafter, a fee of $50 per year will be assessed the owners to maintain said roads.

It is agreed by parties hereto that all other protective restrictions, covenants, and conditions as filed April 7, 1982, in Book 161, page 712, records of Ravalli County, Montana, shall remain in effect and unchanged.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands this day and year first written above.

Bill Swendsen, President

Jim Trotter, Vic-President

State of Montana
County of Ravalli

On this 10 day of May, 2004, before me, the undersigned, a Notary Public for the State of Montana, personally appeared Bill Swendsen and Jim Trotter and subscribed to the within instrument and acknowledged to me that they executed the same.

IN WHITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal the day first above written.

Notary Public for the State of Montana
Residing at ~~Ravalli County~~ Florence MT
My Commission Expires Oct 31 2004

PAMELA A. DEPUYDT
NOTARY SEAL
STATE OF MONTANA

+ Bill Swendsen as President of Riverview Orchards Landowners Association and Jim Trotter as Vice-president of Riverview Orchards Landowners Association.

ATTACHMENT TO
RIVERVIEW ORCHARD LANDOWNERS COVENANTS

February 28, 2013

The following is amended to the Protective Covenants of Riverview Orchards Bitterroot Vista Homeowners Association, whose address is P.O. Box 313, Florence, Montana 59833 pursuant to the Amended Declaration of Protective Restrictions, Covenants and Conditions, recorded in Book 161, at page 712, in the records of the Ravalli County Clerk and Recorder, Hamilton, Montana.

The Board of Directors has passed by a majority vote of a quorum to eliminate all road fund assessments against vacant lots in the sub-division with no structures of any kind on said 5 acre parcels. This includes homes, barns, loafing sheds, shops, garages or any structure. This is effective starting the 2013 Calendar Year and will remain in effect until changed by the Board of Directors of the Riverview Orchard Landowners Association.

DATED this 28th Day of February, 2013

Riverview Orchard Landowners Association

By: _____
William V. Swendsen
President of Riverview Orchards B Bitterroot Vista Homeowners Association

STATE OF MONTANA)
: ss.
County of Ravalli)

On this 28 day of February 2013, before me, the undersigned, a Notary Public for the State of Montana, personally appeared William V. Swendsen, President of Riverview Orchards Bitterroot Vista Homeowners Association and subscribed to within instrument and acknowledged to me he executed the same.

_____
Printed Name: _____
Notary Public for the State of Montana
Residing at: _____
My Commission Expires: _____

(NOTARIAL SEAL)

MARLEEN P. MONROE
NOTARY PUBLIC for the
State of Montana
Residing at Florence, Montana
My Commission Expires
September 1, 2013

C&R Note: Deeds Book 161 Page 712 is Document Number 266927

STATE OF MONTANA RAVALLI COUNTY Page: 1 of 1
DOCUMENT: 665285 COVENANTS
RECORDED: 3/21/2013 11:44:21 AM
Regina Plettenberg, CLERK AND RECORDER
Fee $17.00 By _____ Deputy

Note: Riverview Orchard Landowners Assoc. P.O. Box 313