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Lawrence County  
Register of Deeds

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**NOTICE OF SECOND AMENDMENT TO  
DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND  
RESERVATIONS FOR HOMESTAKE CABIN LOT SALES IN SPEARFISH CANYON**

**NOTICE IS HEREBY GIVEN** that the Second Amendment to the Declaration of Covenants, Conditions, Restrictions and Reservations for Homestake Cabin Lot Sales and Spearfish Canyon has been approved by more than 2/3 of the owners of such cabin lots, present and voting or voting by mail, to the adoption of the following Amendments:

**1. Amend Article III, Section 1 of the Covenants to add a new subsection (r) as follows:**

- (r) **Indemnification.** Any and each owner shall indemnify the Association against all costs, expenses, liabilities, losses, damages, injunctions, suits, fines, penalties, claims and demands, including reasonable counsel fees, arising out of any violation of or default in any bylaw, rule, covenant or restriction. The Association shall also be entitled to file a lien for any unpaid dues or assessments, fines or other charges made by the Association in accordance with these covenants and the By-Laws and rules duly adopted by the Association. Liens filed under this provision shall be subordinate to any lien previously filed or recorded. The lien shall be an obligation of such lot, but shall also be the joint personal obligation of each owner thereof.

**2. Amend Article III, Section 1(a) of the Covenants to allow home occupations that do not require signage or vehicle traffic:**


- (a) **General:** Property classified as "Single-Family Residential" may be used only for the construction and occupancy of single-family detached dwellings and typical residential activities incidental thereto. All property shall be used, improved and devoted exclusively to single-family residential use. Incidental business activities and home offices may be permitted provided that the business use does not affect the primary use and occupancy of the dwelling as a single-family residence, and where any permitted activity does not require signage, commercial vehicle traffic, is essentially office/administrative-type activity, and excludes construction, vehicle/equipment maintenance and repair activities. No structure whatever, other than one private, single-family residence, and related accessory structures, shall be erected, placed, or permitted to remain on any Lot.

This Amendment shall serve to amend the Declarations affecting the following real property:

**Spearfish Canyon Lots 1-148, Lawrence County, South Dakota**

According to Declarations recorded June 20, 1990 as Document #90-2494; Declaration recorded August 8, 1990 as Document #90-3272; Declaration recorded October 1, 1990 as Document #90-4112; Declaration recorded September 6, 1990 as Document #90-3751; Declaration recorded November 20, 1990 as Document #90-4850; Declaration recorded December 28, 1990 as Document #90-5478; Declaration recorded October 23, 1990 as Document #90-4403; Declaration recorded December 4, 1992 as Document #92-5977; and Declaration recorded February 26, 1992 as Document #92-846, all recorded in the office of the Lawrence County, Register of Deeds

Duly approved on July 14<sup>th</sup>, 2007 at the Annual Meeting of Spearfish Canyon Owners Association.

  
JAMES NELSON, President

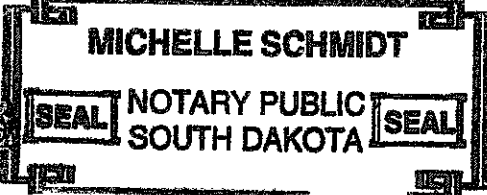


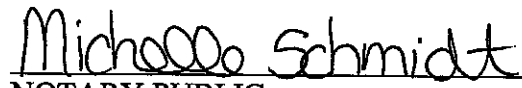
RICHARD PLUIMER, Secretary  
(CORPORATE SEAL)

STATE OF SOUTH DAKOTA )  
)SS.  
COUNTY OF LAWRENCE )

On this, the 23<sup>rd</sup> day of August, 2007, before me, the undersigned Notary Public, personally appeared JAMES NELSON and RICHARD PLUIMER who acknowledged themselves to be the President and Secretary of the Spearfish Canyon Owners Association and as such President and Secretary being authorized so to do, executed the foregoing document on behalf of the organization as such President and Secretary.

In Witness Whereof, I have hereunto set my hand and official seal.

(Seal)  MICHELLE SCHMIDT  
NOTARY PUBLIC  
SOUTH DAKOTA

  
NOTARY PUBLIC  
My Commission Expires: 02-13-2011  
My Commission Expires: \_\_\_\_\_