



Doc #: 2010-01592  
Date: 04/08/2010 09:55:00  
Sheree L. Green  
Register of Deeds  
Lawrence Co. - Fee \$28.00

Prepared By: Brady Pluimer, P.C.  
Address: 135 E. Colorado Blvd.  
Spearfish, SD 57783  
Tele. No.: (605) 722-9000

\*\*\*\*\*

**AMENDED  
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 in 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

Amended Notice of Second Amendment to Declaration of Covenants,  
Conditions, Restrictions and Reservations for Homestake  
Cabin Lot Sales in Spearfish Canyon

Page 1

Doc #: 2010-01592  
Page 1 of 10



## EXHIBIT "A"

### Legal Descriptions

Spearfish Canyon Lots 1 - 5, being a portion of the Wyoming Placer, M.S. 991, all located in the NW¼ of Section 5 and the NE¼ of Section 6, T4N, R2E, B.H.M., Lawrence County, South Dakota, according to the Plat recorded as Document No. 90-1770.

Spearfish Canyon Lots 6 and 7, being a portion of the Wyoming Placer, M.S. 991, all located in the NW¼ of Section 5, T4N, R2E, B.H.M., Lawrence County, South Dakota, according to the Plat recorded as Document No. 90-1751.

Spearfish Canyon Lot 8, being a portion of the Wyoming Placer, M.S. 991, located in the SW¼ of Section 5, T4N, R2E, B.H.M., Lawrence County, South Dakota, according to the Plat recorded as Document No. 90-1752.

Spearfish Canyon Lot 9, being a portion of the Wyoming Placer, M.S. 991, located in the SE¼ of Section 5, T4N, R2E, B.H.M., Lawrence County, South Dakota, according to the Plat recorded as Document No. 90-1753.

Spearfish Canyon Lot 10, being a portion of the Wyoming Placer, M.S. 991, located in the SE¼ of Section 5, T4N, R2E, B.H.M., Lawrence County, South Dakota, according to the Plat recorded as Document No. 90-1754.

Spearfish Canyon Lot 11, being a portion of the Wyoming Placer, M.S. 991, located in the NE¼ of Section 8, T4N, R2E, B.H.M., Lawrence County, South Dakota, according to the Plat recorded as Document No. 90-1755.

Spearfish Canyon Lot 12, being a portion of the Wyoming Placer, M.S. 991, located in the NW¼ of Section 9, T4N, R2E, B.H.M., Lawrence County, South Dakota, according to the Plat recorded as Document No. 90-1756.

Spearfish Canyon Lot 13, being a portion of the Wyoming Placer, M.S. 991, located in the NW¼ of Section 9, T4N, R2E, B.H.M., Lawrence County, South Dakota, according to the Plat recorded as Document No. 90-1757.

Spearfish Canyon Lots 14 and 15, being a portion of the Wyoming Placer, M.S. 991, all located in the NW¼ of Section 9, T4N, R2E, B.H.M., Lawrence County, South Dakota, according to the Plat recorded as Document No. 90-1760.

Spearfish Canyon Lots 16, 18, 19 and 20, being portions of the Western Placer, M.S. 1590, all located in the SW¼ of Section 9, T4N, R2E, B.H.M., Lawrence County, South Dakota, according to the Plat recorded as Document No. 90-2865.

**(Replat of Spearfish Canyon Lot 17 -- see H/FS Lots 12, 13 and Sp. Canyon Lot 17)**

Spearfish Canyon Lots 21, 22, 23 and 24, being portions of the Western Placer, M.S. 1590, all located in the SW¼ of Section 9, T4N, R2E, B.H.M., Lawrence County, South Dakota, according to the Plat recorded as Document No. 90-2866.

Spearfish Canyon Lots 25, 26, 27, 28 and 30, being portions of the Western Placer, M.S. 1590, all located in the S½ of Section 9, T4N, R2E, B.H.M., Lawrence County, South Dakota, according to the Plat recorded as Document No. 90-3426.

Spearfish Canyon Lots 29, 31, 32, 33, 34 and 35, being portions of the Western Placer, M.S. 1590, all located in the S½ of Section 9 and the N½ of Section 16, T4N, R2E, B.H.M., Lawrence County, South Dakota, according to the Plat recorded as Document No. 90-3427.

Spearfish Canyon Lots 36, 37, 127 and 129, being portions of the Montana Placer and Cascade Placer, M.S. 991 and the Little Spearfish Placer, M.S. 953, all located in the W½ of Section 31, T5N, R2E, and the E½ of Section 36, T5N, R1E, B.H.M., Lawrence County, South Dakota, according to the Plat recorded as Document No. 90-5436.

Spearfish Canyon Lot 38, being a portion of the Western Placer, M.S. 1590, located in the SE¼ of Section 9 and the NE¼ of Section 16, T4N, R2E, B.H.M., Lawrence County, South Dakota, according to the Plat recorded as Document No. 90-1758.

Spearfish Canyon Lots 39, 40 and 41, being a portion of the Western Placer, M.S. 1590, located in the NE¼ of Section 16, T4N, R2E, B.H.M., Lawrence County, South Dakota, according to the Plat recorded as Document No. 90-1759.

Spearfish Canyon Lot 42, being a portion of the Western Placer, M.S. 1590, located in the NE¼ of Section 16, T4N, R2E, B.H.M., Lawrence County, South Dakota, according to the Plat recorded as Document No. 90-2791.

Spearfish Canyon Lot 43, being a portion of the Western Placer, M.S. 1590, located in the NE¼ of Section 16, T4N, R2E, B.H.M., Lawrence County, South Dakota, according to the Plat recorded as Document No. 90-1761.

Spearfish Canyon Lot 44, being a portion of the Western Placer, M.S. 1590, located in the NE¼ of Section 16, T4N, R2E, B.H.M., Lawrence County, South Dakota, according to the Plat recorded as Document No. 90-1762.

Spearfish Canyon Lot 45, being a portion of the Western Placer, M.S. 1590, located in the NE¼ of Section 16, T4N, R2E, B.H.M., Lawrence County, South Dakota, according to the Plat recorded as Document No. 90-1763.

Spearfish Canyon Lot 46, being a portion of the Western Placer, M.S. 1590, located in the NW¼ of Section 15, T4N, R2E, B.H.M., Lawrence County, South Dakota, according to the Plat recorded as Document No. 90-1764.

Spearfish Canyon Lot 47, being a portion of the Western Placer, M.S. 1590, located in the SW¼ of Section 15, T4N, R2E, B.H.M., Lawrence County, South Dakota, according to the Plat recorded as Document No. 90-1765.

Spearfish Canyon Lot 48, being a portion of the Western Placer, M.S. 1590, located in the SW¼ of Section 15, T4N, R2E, B.H.M., Lawrence County, South Dakota, according to the Plat recorded as Document No. 90-1766.

Spearfish Canyon Lot 49, being a portion of the Western Placer, M.S. 1590, located in the SW¼ of Section 15, T4N, R2E, B.H.M., Lawrence County, South Dakota, according to the Plat recorded as Document No. 90-1767.

Spearfish Canyon Lots 50 and 51, being a portion of the Western Placer, M.S. 1590, all located in the SW¼ of Section 15, T4N, R2E, B.H.M., Lawrence County, South Dakota, according to the Plat recorded as Document No. 90-1768.

Spearfish Canyon Lot 52, being a portion of the Western Placer, M.S. 1590, located in the SW¼ of Section 15, T4N, R2E, B.H.M., Lawrence County, South Dakota, according to the Plat recorded as Document No. 90-1769.

Spearfish Canyon Lots 53, 54, 55 and 119, being portions of the Meadow No. 1, M.S. 1564, all located in the SW¼ of Section 15 and the NW¼ of Section 22, T4N, R2E, B.H.M., Lawrence County, South Dakota, according to the Plat recorded as Document No. 90-5435.

Spearfish Canyon Lot 56r, being a replat of Spearfish Canyon 56, being a portion of the Meadow No. 1 Lode of M.S. 1564, located in the NW¼ of Section 22, T4N, R2E, B.H.M., Lawrence County South Dakota, according to the Plat recorded as Document No. 98-5116.

Spearfish Canyon Lots 57r, 58r and 59r, being a replat of Spearfish Canyon Lots 57, 58 and 59, being a portion of Meadow No. 1, Meadow No. 2 and Meadow No. 3 Lodes, M.S. 1564, located in the NW¼ of Section 22, T4N, R2E, B.H.M., Lawrence County South Dakota, according to the Plat recorded as Document No. 99-2181.

Spearfish Canyon Lot 60, being a portion of Old Setler No. 4, M.S. 1510, located in the N½ of Section 6, T3N, R2E, B.H.M., Lawrence County, South Dakota, according to the Plat recorded as Document No. 90-4967.

Spearfish Canyon Lot 61, being a portion of the Pearl Edwards, M.S. 1511 and Lot 12 of the NE¼ of Section 31, T4N, R2E, B.H.M., Lawrence County, South Dakota, according to the Plat recorded as Document No. 92-4180.

Spearfish Canyon Lots 62, 74 and 76, being a portion of the Meadow No. 2 and No. 3, M.S. 1564, all located in the NW¼ of Section 22, T4N, R3E, B.H.M., Lawrence County, South Dakota, according to the Plat recorded as Document No. 90-2031.

Spearfish Canyon Lots 63 and 75, being portions of the Worlds Fair No. 4, M.S. 1594 and Meadow No. 3, M.S. 1564, all located in Sections 21 and 22, T4N, R2E, B.H.M., Lawrence County, South Dakota, according to the Plat recorded as Document No. 90-3429.

Spearfish Canyon Lots 64 and 65, being portions of the Worlds Fair No. 3 and No. 4, M.S. 1594, all located in Section 21, T4N, R2E, B.H.M., Lawrence County, South Dakota, according to the Plat recorded as Document No. 90-3430.

Spearfish Canyon Lot 66, being a portion of the Worlds Fair No. 3, M.S. 1594, all located in the NE¼ of Section 21, T4N, R2E, B.H.M., Lawrence County, South Dakota, according to the Plat recorded as Document No. 90-3431.

Spearfish Canyon Lots 67, 68 and 69, being portions of the Worlds Fair No. 1 and No. 2, M.S. 1594, all located in Section 21, T4N, R2E, B.H.M., Lawrence County, South Dakota, according to the Plat recorded as Document No. 90-3428.

Spearfish Canyon Lots 70 and 71, being portions of the Worlds Fair No. 1, M.S. 1594, all located in the W½ of Section 21, T4N, R2E, B.H.M., Lawrence County, South Dakota, according to the Plat recorded as Document No. 90-5434.

Spearfish Canyon Lot 72, being a portion of the Brody No. 1 and No. 2, M.S. 1594, all located in the SE¼ of Section 20, T4N, R2E, B.H.M., Lawrence County, South Dakota, according to the Plat recorded as Document No. 90-3432.

Spearfish Canyon Lots 73 and 115, being portions of the Constitutor No. 1, M.S. 1568, all located in the NE¼ of Section 29, T4N, R2E, B.H.M., Lawrence County, South Dakota, according to the Plat recorded as Document No. 90-4176.

Spearfish Canyon Lot C-5A and Lot 77A formerly of Spearfish Canyon Lot C-5 and Lot 77, being portions of the Meadow No. 2 and Meadow No. 3, M.S. 1564, located in the NW¼NW¼ of Section 22, T4N, R2E, B.H.M., according to the Plat recorded as Document No. 2003-0060.

Spearfish Canyon Lots 78 and 79, being a portion of Meadow No. 2, M.S. 1564, all located in the NW¼ of Section 22, T4N, R2E, B.H.M., Lawrence County, South Dakota, according to the Plat recorded as Document No. 90-2036.

Spearfish Canyon Lots 80, 82 and 84, located in Meadow No. 2, M.S. 1564, and the Boer Lode, M.S. 1603, all located in the NW¼ of Section 22, T4N, R2E, B.H.M., Lawrence County, South Dakota, according to the Plat recorded as Document No. 90-2034.

Spearfish Canyon Lot 81, located in Meadow No. 2, M.S. 1564, and the Boer Lode, M.S. 1603, all located in the NW¼ of Section 22, T4N, R2E, B.H.M., Lawrence County, South Dakota, according to the Plat recorded as Document No. 90-2035.

Spearfish Canyon Lots 83, 85, 87, 89 and 91, being a portion of the Boer Lode, M.S. 1603, all located in the NW¼ of Section 22, T4N, R2E, B.H.M., Lawrence County, South Dakota, according to the Plat recorded as Document No. 90-2033.

Spearfish Canyon Lots 86, 88, 90, 92, 93 and 94, being a portion of the Boer Lode and the Pole No. 5, M.S. 1603, all located in the NW¼ and SW¼ of Section 22, T4N, R2E, B.H.M., Lawrence County, South Dakota, according to the Plat recorded as Document No. 90-2038.

Spearfish Canyon Lots 95, 96 and 97, being a portion of the Boer Lode and the Pole No. 5, M.S. 1603, all located in the SW¼ of Section 22, T4N, R2E, B.H.M., Lawrence County, South Dakota, according to the Plat recorded as Document No. 90-2037.

Spearfish Canyon Lots 98, 99, 100 and 101, being a portion of the Pole No. 5 Lode, M.S. 1603, all located in the SW¼ of Section 22 and the NW¼ of Section 27, T4N, R2E, B.H.M., Lawrence County, South Dakota, according to the Plat recorded as Document No. 90-2032.

Spearfish Canyon Lots 102, 103, 104, 105 and 108, being portions of the Pole No. 1 and No. 5 Lodes, M.S. 1603, all located in the NW¼ of Section 27, T4N, R2E, B.H.M., Lawrence County, South Dakota, according to the Plat recorded as Document No. 90-2864.

Spearfish Canyon Lots 106 and 107, being portions of the Pole No. 1 and Gertie No. 1 Lodes, M.S. 1603, all located in the NW¼ of Section 27, T4N, R2E, B.H.M., Lawrence County, South Dakota, according to the Plat recorded as Document No. 90-5433.

Spearfish Canyon Lots 109, 110 and 111, being portions of the Gertie No. 2 Lode, M.S. 1603, all located in the S½ of Section 27, T4N, R2E, B.H.M., Lawrence County, South Dakota, according to the Plat recorded as Document No. 90-2862.

Spearfish Canyon Lots 112, 113 and 114, being portions of the Pole No. 5 Lode, M.S. 1603, all located in Sections 22 and 27, T4N, R2E, B.H.M., Lawrence County, South Dakota, according to the Plat recorded as Document No. 90-3433.

Spearfish Canyon Lots 116 and 117, being portions of the Hannah Fraction, M.S. 1366, all located in the S½ of Section 35, T4N, R2E, B.H.M., Lawrence County, South Dakota, according to the Plat recorded as Document No. 90-5008.

Spearfish Canyon Lot 118, being a portion of the Hannah Fraction, M.S. 1366, and Lot 6 of the S½ of Section 35, T4N, R3E, B.H.M., Lawrence County, South Dakota, according the Plat recorded as Document No. 92-3516.

Spearfish Canyon Lots 120, 121, 122 and 124, being portions of the Cascade Placer, M.S. 991, all located in the SW¼ of Section 30, T5N, R2E, B.H.M., Lawrence County, South Dakota, according to the Plat recorded as Document No. 90-4446.

Spearfish Canyon Lot 123, being a portion of the Cascade Placer, M.S. 991, located in the SW¼ of Section 30, T5N, R2E, B.H.M., Lawrence County, South Dakota, according to the Plat recorded as Document No. 90-3523.

Spearfish Canyon Lot 125, being a portion of the Cascade Placer, M.S. 991, located in the NE¼ of Section 30, T5N, R2E, B.H.M., Lawrence County, South Dakota, according to the Plat recorded as Document No. 90-4177.

Spearfish Canyon Lot 126, being a portion of the Cascade Placer, M.S. 991, located in the NE¼ of Section 30 and the SE¼ of Section 19, T5N, R2E, B.H.M., Lawrence County, South Dakota, according to the Plat recorded as Document No. 90-4178.

Spearfish Canyon Lots 128, 140, 141 and 142, being a portion of the Congress Placer, M.S. 479, all located in the NE¼ of Section 4, T5N, R2E, B.H.M., Lawrence County, South Dakota, according to the Plat recorded as Document No. 90-4180.

Spearfish Canyon Lot 130, being a portion of the Spearfish Placer, M.S. 439, all located in the SW¼ of Section 17, T5N, R2E, B.H.M., Lawrence County, South Dakota, according to the Plat recorded as Document No. 90-3524.

Spearfish Canyon Lots 131, 132, 133, 134 and 135, being portions of the Spearfish Placer, M.S. 439, all located in the NE¼ of Section 17 and the SE¼ of Section 8, T5N, R2E, B.H.M., Lawrence County, South Dakota, according to the Plat recorded as Document No. 90-4447 and Affidavits of Correction recorded as Document No. 90-4827 and 2000-2566.



Spearfish Canyon Lots 136 and 137, being portions of the Congress Placer, M.S. 479, all located in the E½ of Section 8, T5N, R2E, B.H.M., Lawrence County, South Dakota, according to the Plat recorded as Document No. 90-4179.

Spearfish Canyon Lot 138, being a portion of the Congress Placer, M.S. 479, all located in the NE¼ of Section 4, T5N, R2E, B.H.M., Lawrence County, South Dakota, according to the Plat recorded as Document No. 90-3525.

Spearfish Canyon Lot 139, being a portion of the Cascade Placer, M.S. 991, all located in the NE¼ of Section 19, T5N, R2E, B.H.M., Lawrence County, South Dakota, according to the Plat recorded as Document No. 90-3526.

Spearfish Canyon Lots 143, 144, 145 and 146, located in the S½ of the SE¼ of Section 33, T6N, R2E, B.H.M., Lawrence County, South Dakota, according to the Plat recorded as Document No. 90-4558.

Spearfish Canyon Lots 147 and 148, located in the NE¼ of the SE¼ of Section 33, T6N, R2E, B.H.M., Lawrence County, South Dakota, according to the Plat recorded as Document No. 90-4559.

T4N, R2E, B.H.M., Lawrence County, South Dakota:

Section 5:               Lots 14, 15 and 18  
Sections 9 and 16:     Tracts 38 and 39  
Section 15:            Lots 7, 8, 10, 12, 14, 15, 16, 17, 18, 19 and 20  
Section 16:            Lots 6 and 9;  
Section 22:            Lots 10, 11, 12, 14, 16 and 18  
Section 29:            Lot 10  
Section 35:            Lots 5 and 9

T5N, R2E, B.H.M., Lawrence County, South Dakota:

Sections 3 and 4:     Tract 38  
Section 4:             Lot 12  
Section 17:            Lot 22

As defined and described in patent of record in Document No. 92-417 in the Office of the Lawrence County Register of Deeds.

Homestake/Forest Service Lot 10 of Section 9, T4N, R2E, consisting of Lot 10A of the NW¼ of Section 9 and Lot 10B being a portion of Tract 4 of the Wyoming Placer, M.S. 991, all located in Section 9, T4N, R2E, B.H.M., Lawrence County, South Dakota, according to the Plat recorded as Document No. 92-4175.

Homestake/Forest Service Lots 12 and 13 and Replat of Spearfish Canyon Lot 17 of Section 9, T4N, R2E, consisting of Lots 12A, 13A & 21A of the SW¼ of Section 9 and Lots 12B, 13B, 21B, being portions of Tract 1 of the Western Placer M.S. 1590 and the original Spearfish Canyon Lot 17, all located in the SW¼ of Section 9, T4N, R2E, B.H.M., Lawrence County, South Dakota, according to the Plat recorded as Document No. 92-3514.

Homestake/Forest Service Lots 18 and 19 of Section 9, T4N, R2E, consisting of Lots 18A and 19A of the SW¼ of the SE¼ of Section 9 and Lots 18B and 19B, being a portion of Tract 3 of the Western Placer, M.S. 1590, all located in Section 9, T4N, R2E, B.H.M., Lawrence County, South Dakota, according to the Plat recorded as Document No. 92-4177.

Homestake/Forest Service Lot 7 of Section 16, T4N, R2E consisting of Lot 7A of the NE¼ of Section 16 and Lot 7B, being a portion of Tract 3 of the Western Placer, M.S. 1590, all located in Section 16, T4N, R2E, B.H.M., Lawrence County, South Dakota, according to the Plat recorded as Document No. 92-4174.

Homestake/Forest Service Lot 10 of Section 27, T4N, R2E, consisting of Lot 10A of the S½ of Section 27 and Lot 10B, being a portion of Tract 4 of the Gertie No. 1 and Tract 5 of the Gertie No. 2, M.S. 1603, all located in Section 27, T4N, R2E, B.H.M., Lawrence County, South Dakota, according to Plat recorded as Document No. 92-3517.

Homestake/Forest Service Lot 11 of Section 8, T5N, R2E, B.H.M., consisting of Lot 11A of Section 8 and 11B being a portion of Tract 3 of the Congress Placer, M.S. 479, all located in Section 8, T5N, R2E, B.H.M., Lawrence County, South Dakota, according to the Plat recorded as Document No. 92-4176.

Homestake/Forest Service Lot 18 of Section 17, T5N, R2E consisting of Lot 18A of the NW¼ of Section 17 and Lot 18B, being a portion of Tract 3 of the Spearfish Placer, M.S. 439, all located in Section 17, T5N, R2E, B.H.M., Lawrence County, South Dakota, according to the Plat recorded as Document No. 92-5039.

Homestake/Forest Service Lots 20 and 23 of Section 17, T5N, R2E, consisting of Lot 20A & 23A of the NW¼ of Section 17 and Lots 20B and 23B, being a portion of Tract 3 of the Spearfish Placer, M.S. 439, all located in Section 17, T5N, R2E, B.H.M., Lawrence County, South Dakota, according to the Plat recorded as Document No. 92-4178.

Spearfish Canyon Lot C-4ar, being a replat of Spearfish Canyon Lot C-4a, a Subdivision of Spearfish Canyon Lot C-4, being a portion of the Meadow No. 1 Lode of M.S. 1564, located in the NW¼ of Section 22, T4N, R2E, B.H.M., Lawrence County South Dakota, according to the Plat recorded as Document No. 98-5116.