



RIVERS EDGE

1769053

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10/6/2026 9:50 AM
AMRST \$20.00



RECORDER'S OFFICE, CASS COUNTY, ND 10/6/2026 9:50 AM
I CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD THIS DATE.
GREG LARSON, COUNTY RECORDER

by Angela Bergard Deputy **1769053**

KIRKWOOD DRIVE

a part of River's Edge Second Addition to the City of Horace

2026 AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS, EASEMENTS, RESERVATIONS, LIENS AND CHARGES

THIS 2026 AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS, EASEMENTS, RESERVATIONS, LIENS AND CHARGES (the "2026 Amendment") is made effective the 5th day of October, 2026, by RIVER'S EDGE ESTATES, LLC, a North Dakota limited liability company (hereinafter, the "Developer").

RECITATIONS:

- A. River's Edge Estates, LLC, a North Dakota limited liability company (the "Developer"), previously executed the Declaration of Kirkwood Drive, a Part of River's Edge Second Addition to the City of Horace, Declaration of Covenants, Conditions, Restrictions, Easements, Reservations, Liens and Charges, recorded with the Cass County Recorder as Document No. 1728916 (the "Kirkwood Declaration"). The Kirkwood Declaration governs Kirkwood Drive and the Kirkwood Lots identified therein.
- B. Section 5 of the Kirkwood Declaration provides that the Kirkwood Lots and Kirkwood Drive are subject to the Declaration of Covenants, Conditions, Restrictions, Easements, Reservations, Liens and Charges for River's Edge Second Addition to the City of Horace, recorded with the Cass County Recorder as Document No. 1728914 (the "Second Addition Declaration").
- C. The Developer has adopted the 2026 Amended and Restated Declaration of Covenants, Conditions, Restrictions, Reservations, Easements, Liens and Charges for River's Edge Second Addition to the City of Horace and River's Edge Third Addition to the City of Horace, recorded with the Cass County Recorder as Document No. 1769011 (the "2026 Amended and Restated Declaration"), which amends, restates, consolidates and supersedes the Second Addition Declaration with respect to the property subject thereto.
- D. The Developer is amending the Kirkwood Declaration to expressly provide that the Kirkwood Lots and Kirkwood Drive are subject to the 2026 Amended and Restated



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Declaration, as the same may be amended from time to time, in place of the Second Addition Declaration referenced in Section 5 of the Kirkwood Declaration.

- E. The Developer continues to own one or more Kirkwood Lots and has not recorded any instrument or affidavit divesting itself of the right to amend the Kirkwood Declaration or of control of the Kirkwood Lots and Kirkwood Drive, or turning over such control to the Kirkwood Drive Homeowners Association. Pursuant to Section 20 of the Kirkwood Declaration, the Developer therefore retains the authority to amend the Kirkwood Declaration.

NOW, THEREFORE, the Developer, pursuant to the authority reserved to it under the Kirkwood Declaration, hereby amends the Kirkwood Declaration as set forth so that the Kirkwood Lots and Kirkwood Drive shall be subject to the 2026 Amended and Restated Declaration, while otherwise preserving the Kirkwood Declaration except as expressly amended herein.

Section 1. **Recitations.** The Recitations set forth above are hereby incorporated into this 2026 Amendment.

Section 2. **Amendment to Section 5.** Section 5 of the Hebgen Declaration is amended by being deleted in its entirety and replaced with the following:

Section 5. **Subject to 2026 Amended and Restated Declaration.** The Kirkwood Lots and Kirkwood Drive shall be subject to the Kirkwood Declaration and shall also be subject to the terms, covenants, conditions, restrictions, reservations, easements, liens, charges, assessments and other provisions of the 2026 Amended and Restated Declaration of River's Edge Second Addition to the City of Horace and River's Edge Third Addition to the City of Horace, recorded with the Cass County Recorder as Document No. 1769011, as the same may be amended from time to time.

Section 3. **Continuing Effect.** Except as expressly amended by this 2026 Amendment, the Kirkwood Declaration shall remain unchanged and in full force and effect. The Kirkwood Declaration and this 2026 Amendment shall be construed together as one instrument.

Section 4. **Recording.** This 2026 Amendment shall become effective upon recording with the Cass County Recorder and shall run with and bind the Kirkwood Lots and Kirkwood Drive and the owners thereof, together with their respective heirs, successors and assigns.

(Signature Page to Follow)



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IN WITNESS OF ITS TERMS AND CONDITIONS, the Developer has caused this 2026 Amendment to executed this 5th day of October, 2026.

DEVELOPER:

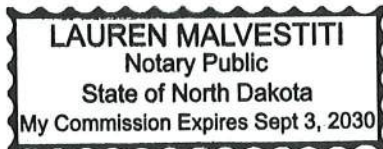
RIVER'S EDGE ESTATES, LLC

a North Dakota limited liability company

By: Donald A. Dabbert, Jr.
Its: Managing Member

STATE OF NORTH DAKOTA)
 : ss.
COUNTY OF CASS)

On this 5 day of October, 2026, before me personally appeared DONALD A. DABBERT, JR., the Managing Member of RIVER'S EDGE ESTATES, LLC, the entity that is described in and that executed the within instrument, and acknowledged to me that such entity executed the same.



Notary Public

*(2026 Amendment to Declaration of Covenants,
Conditions, Restrictions, Easements, Reservations, Liens and Charges)*