



RIVERS EDGE

1769054

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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 Redgood Deputy **1769054**



HEBGEN 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 Hebgen 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. 1728915 (the "Hebgen Declaration"). The Hebgen Declaration governs Hebgen Drive and the Hebgen Lots identified therein.
- B. The Hebgen Declaration presently identifies Lots 2, 3, 5, 6, 7, 8, 9 and 10, Block 9, River's Edge Second Addition to the City of Horace, Cass County, North Dakota, as the "Hebgen Lots" served by Hebgen Drive. The Bylaws of the Hebgen Drive Homeowners Association also identify those Lots as the Premises governed by the Bylaws.
- C. The Developer is the owner of Lots 1 and 2, Block 1, and Lot 1, Block 2, River's Edge Third Addition to the City of Horace, Cass County, North Dakota (collectively, the "Additional Hebgen Lots"), and desires to subject the Additional Hebgen Lots to the Hebgen Declaration and the Bylaws of the Hebgen Drive Homeowners Association.
- D. 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 prior River's Edge Second Addition Declaration with respect to the property subject thereto. The 2026 Amended and Restated Declaration separately provides that it does not terminate, amend or supersede a separate private road agreement, declaration or restrictive covenant unless it expressly provides otherwise.

- E. The Developer is amending the Hebgen Declaration to incorporate the Additional Hebgen Lots into the Hebgen Lots, subject the Additional Hebgen Lots to the private road rights and obligations established pursuant to the Hebgen Declaration and the Bylaws, and amend references therein to the prior River's Edge Second Addition Declaration to instead reference the 2026 Amended and Restated Declaration.
- F. The Developer continues to own one or more Hebgen Lots and has not recorded any instrument or affidavit divesting itself of the right to amend the Hebgen Declaration or of control of the Hebgen Lots and Hebgen Drive, or turning over such control to the Hebgen Drive Homeowners Association. Pursuant to Section 20 of the Hebgen Declaration, the Developer therefore retains the authority to amend the Hebgen Declaration.

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

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

Section 2. **Additional Hebgen Lots.** Lots 1 and 2, Block 1, and Lot 1, Block 2, River's Edge Third Addition to the City of Horace, Cass County, North Dakota, are hereby subjected to the Hebgen Declaration and the Bylaws of the Hebgen Homeowners Association and shall constitute "Hebgen Lots" for all purposes under the Hebgen Declaration and Bylaws. The Owners of the Additional Hebgen Lots shall have all rights and shall be subject to all obligations applicable to Hebgen Lot Owners under the Hebgen Declaration and Bylaws, including rights to use Hebgen Drive and obligations relating to maintenance, repair, replacement, assessments and membership in the Hebgen Drive Homeowners Association.

Section 3. **Amendment to Recitation D.** Recitation D of the Hebgen Declaration is deleted in its entirety and replaced with the following:

- D. Hebgen Drive is a private road located in Block 9 of River's Edge Second Addition to the City of Horace. Hebgen Drive serves, and the term "Hebgen Lots" shall mean, the following Lots:



1. Lots 2, 3, 5, 6, 7, 8, 9 and 10, Block 9, River's Edge Second Addition to the City of Horace, Cass County, North Dakota; and
2. Lots 1 and 2, Block 1, and Lot 1, Block 2, River's Edge Third Addition to the City of Horace, Cass County, North Dakota.

Section 4. **Amendment to Recitations E and F.** Recitations E and F of the Hebgen Declaration are deleted in their entirety and replaced with the following:

- E. Hebgen Drive and the Hebgen Lots are subject to this Hebgen Declaration and, to the extent applicable, are also subject to the 2026 Amended and Restated Declaration.
- F. Terms not defined in this Hebgen Declaration shall have the meanings assigned to them in the 2026 Amended and Restated Declaration.

Section 5. **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 Hebgen Lots and Hebgen Drive shall be subject to the Hebgen 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 6. **Amendment to Section 8.3.** The final two sentences of Section 8.3 of the Hebgen Declaration are deleted and replaced with the following:

The Articles of Incorporation and Bylaws of the Hebgen Drive Homeowners Association shall be consistent with this Hebgen Declaration and the 2026 Amended and Restated Declaration. This Hebgen Declaration and the 2026 Amended and Restated Declaration shall be construed together, to the extent reasonably possible, to give effect to both. The provisions of this Hebgen Declaration specifically governing Hebgen Drive, including its use, maintenance, repair, replacement, administration and assessment, shall remain in full force and effect and shall not be deemed terminated, superseded or replaced by the 2026 Amended and Restated Declaration unless expressly provided otherwise therein.

Section 7. **Amendment to Section 15.** In Section 15 of the Hebgen Declaration, the reference to the "River's Edge Second Addition Declaration" is deleted and replaced with the "2026 Amended and Restated Declaration."



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Section 8. **Amendment to Bylaws Section 1.2.** Section 1.2 of the Bylaws of the Hebgen Drive Homeowners Association is deleted in its entirety and replaced with the following:

Section 1.2. **Premises.** The Premises governed by these Bylaws consist of the following Lots:

1. Lots 2, 3, 5, 6, 7, 8, 9 and 10, Block 9, River's Edge Second Addition to the City of Horace, Cass County, North Dakota; and
2. Lots 1 and 2, Block 1, and Lot 1, Block 2, River's Edge Third Addition to the City of Horace, Cass County, North Dakota.

Section 9. **Amendment to Bylaws Section 2.1.** The final sentence of Section 2.1 of the Bylaws of the Hebgen Drive Homeowners Association is deleted and replaced with the following:

These Bylaws shall apply to all Lots comprising the Premises.

Section 10. **Continuing Effect.** Except as expressly amended by this 2026 Amendment, the Hebgen Declaration and the Bylaws of the Hebgen Drive Homeowners Association shall remain unchanged and in full force and effect, including, without limitation, the provisions governing Hebgen Drive and the amendment authority reserved under Section 20 of the Hebgen Declaration. The Hebgen Declaration and this 2026 Amendment shall be construed together as one instrument. Nothing in the 2026 Amended and Restated Declaration shall be construed to terminate, supersede or replace the Hebgen Declaration except as expressly provided therein.

Section 11. **Recording.** This 2026 Amendment shall become effective upon recording with the Cass County Recorder and shall run with and bind the Hebgen Lots, including the Additional Hebgen Lots, and Hebgen 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 be executed this 5th day of October, 2026.

DEVELOPER:

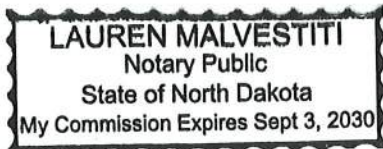
RIVER'S EDGE ESTATES, LLC

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)*