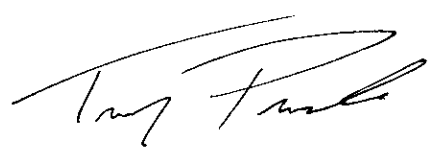


Return: Eighteen 89 Equity Group
250 Hyalite View Dr.
Bozeman, MT 59718

I, HVE Development LLC, would like the Design Guidelines for Hyalite View Estates to join documents with the Hyalite View Estates Covenants, Conditions, and Restrictions.

These Design Guidelines for Hyalite View Estates will join and replace document #2240880, recorded on 9/7/06.

HVE Development LLC



State of Montana
County of Gallatin

On this 25th day of September, 2006, before me, a Notary Public in + for the State of Montana, personally appeared Tracy Poole known to me to be person whose name is subscribed to the within instrument, + acknowledged to me that he executed the same.

In witness whereof I have here unto set my hand and affixed my Notarial Seal the day + year first above written.



Michelle Livergood
Michelle K. Livergood
Residing at Belgrade
My commission expires January 16, 2007

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INTRODUCTION TO THESE GUIDELINES

The purpose of this document is to assist lot owners in Hyalite View Estates by providing a framework for design, construction, maintenance and usage of their home and property within the subdivision. These guidelines are adopted in conjunction with the Covenants, Conditions and Restrictions (CC&R's) for Hyalite View Estates. This will allow each project to contribute to the long-term goal of creating a development that compliments and enhances the surrounding environment. This document also explains the rules and restrictions that are intended to protect the landscape, wildlife and use of property for the protection and enjoyment of all owners of Hyalite View Estates.

Specific Objectives are:

- _ To protect and enhance property values, wildlife and the natural environment.
- _ To respect environmental conditions and neighbors.
- _ To establish architectural criteria for buildings which allow for individual expression within clearly defined restraints.
- _ To address all aspects of community usage and design, including: buildings, landscaping, maintenance, fences & signs.

Element I: DESIGN GUIDELINES

1. General Information

Hyalite View Estates is located within the planning jurisdictional area Hyalite Zoning District, Gallatin County, Montana. Hyalite View Estates is consistent with the Gallatin County Subdivision Regulations and the regulations of the Hyalite Zoning District. In addition to these Design Guidelines, building design will be regulated by County, State and Federal regulatory agencies having jurisdiction. The Owner and his or her agent shall be responsible to ensure conformance with any applicable regulations, and should check with the County of Gallatin and State of Montana Building Codes Division to verify that the most recently adopted edition of any applicable regulation is being used.

No construction of, or alteration to any improvements whether temporary or permanent, including but not necessarily limited to buildings, recreational structure, fences, walls, earthwork, paving, landscaping, signs, or secondary structures such as utility or trash enclosures, wells or storage tanks shall be commenced on any lot prior to receiving the written approval of the DRC (Development Review Committee).



2. Applicable Building Codes

All construction shall comply with the provisions of the latest edition of the CC&R's and the following design guidelines, codes and their amendments, as adopted by the agency having jurisdiction.

3. Building Envelope

Each building lot in Hyalite View Estates shall have a building envelope that must adhere to current state and/or county regulation regarding minimum structure setback from drain field. Building envelope must also be located within county required property line setbacks.

All dwellings, exterior parking spaces, garages, porches and decks shall be constructed inside of the building envelope.

4. Minimum Floor Areas

A single-family dwelling shall include at least 1,500 square feet of living space on the main floor at or above ground level and a total minimum of 2,300 square feet of living space above ground level. All square foot measurements shall be taken exclusive of open porches, decks, patios or garages. Measurements shall be taken around outside walls.

Element II: SITE DESIGN GUIDELINES

The integration of buildings into the landscape of Hyalite View Estates is important to the success and appearance of the development. Site Design Guidelines specifically serve to protect and enhance the natural landscape, stream sheds, and natural habitat. Buildings shall be located in a manner that develops the least environmentally sensitive portion of a site. Building locations shall minimize the impact of cut and fill for roads, buildings, paths and other site improvements. In general, buildings should be sited in conformance with existing contours, and should disturb the existing grade as little as possible.

1. Utilities

It shall be the sole responsibility of the owner to contact utility companies prior to any excavation and grading, including, but not limited to the following:

North Western Energy, Qwest or other appropriate utility provider

Utilities shall be installed underground. Satellite dishes should be



those of smaller size of the most recent technology. Satellite dishes where possible shall be screened from adjoining lots and streets. Conventional roof-top RF television antennas and radio towers are prohibited.

Meters shall be placed in a location so as to be accessible to the Utility company and yet not highly visible from adjoining roadways or properties. Meters, transformers and other utility boxes may be concealed with landscaping, provided utility personnel are able to access equipment as needed. All conduit wires servicing the meter are to be beneath the exterior wall sheathing or enclosed.

2. Water Supply

Each residential lot shall have an individual well. See site plan map for exact location of the well.

3. Sewage Disposal

Each residential lot shall contain individual sewer drain fields. See site plan map for exact location of drain field.

4. Site Accessories

If approved by the DRC tennis courts, pools, spas, play structures and other similar personal elements shall be established within the lot area not to encroach within the setbacks unless approved by the DRC. They shall also be screened from view from adjacent properties and roads.

5. General Alteration of Landscaping

The DRC requires that all areas disturbed during the building process be restored to their natural state, or landscaped to a degree that is acceptable to the DRC. A dry land pasture mix should be used to re-seed all un-manicured areas outside the landscaped buffer, a minimum of 17 lbs/acre is recommended. Owners and their builder should designate land areas that shall not be disturbed during construction. All areas disturbed by construction shall be re-seeded with vegetation types in accordance with the Weed Management Plan. All private properties within Hyalite View Estates shall also be controlled for noxious weeds. It is the owner's responsibility to restore and landscape his or her property. A detailed landscape plan shall be presented to the DRC for approval before landscaping is begun.



6. Underground Sprinklers

Underground sprinkler systems are required where manicured portions of landscaping are planted.

7. Driveways

All driveways must have a 15" arched culvert approach.

Element III: MATERIALS AND DETAIL GUIDELINES

All dwellings and outbuildings shall be constructed of new materials and real natural materials such as stone, rock and/or wood unless otherwise approved by the DRC. No old or used structures shall be moved onto the property for use as a dwelling, outbuilding, garage, or part thereof. Accessory outbuildings may be constructed on the property subsequent to, or at the same time as, the construction of the dwelling on each lot. Such accessory outbuildings shall be used only by the resident owners for purposes associated with the single family dwelling.

1. Chimney Material

Chimneys, flues and vents may be used to create visual contrast to the dominant roof forms of the buildings within Hyalite View Estates. All flues shall be enclosed with a chimney cap and fitted with a spark arrestor. All chimney forms shall relate to the overall building, and shall be consistent with building material. No chimney enclosures shall be clad in wood, unless specifically approved by the DRC.

ELEMENT IV: SIGN GUIDELINES

All signs, posters, displays, or advertisements are prohibited unless they have received the approval of the DRC prior to installation or use. Signs covered by these requirements include:

1. Residence Identification

See section 2. D 1.3 in the CC&R's, Covenants Required by Gallatin County.

2. Contractor-Builder

Construction signs shall be placed on a lot only during the construction



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period. The sign shall not be larger than ten (10) square feet in size and be of a color that is harmonious with the structure being built and the surrounding area. The sign shall be removed immediately upon closing of property with homeowner. 'Parade of Homes' Signs are exempt from this guideline and are not limited to size, but signs must be removed within 90 days following the final day of the 'Parade of Homes' event.

3. Real Estate Marketing

Real estate signs shall be no larger than six (6) square feet in size, and shall be placed - on a lot by owners or their agents. Signs shall be removed immediately upon closing of the sale or listing expiration. This guideline in no way limits the size, location or type of signs, banners or related advertising media that the Developer (HVE Development LLC), or the Agents or Designees of the developer, wish to place in locations of their choosing. Nor is there a limit to the time the Developer, or its Agents or Designees, can maintain said signage.

4. Temporary

Signs of a temporary nature such as "Open House" or "Model" need not be approved by the DRC but shall be removed when not in use, and shall not exceed ten (10) square feet in size. Larger signs and banners shall be approved by the DRC.

ELEMENT V: DESIGN REVIEW PROCESS

The design review process shall be followed for any of the following:

- Construction of any building, fence, deck or porches.
- Renovation, expansion, or refinishing of the exterior of any building.
- Major landscape, road or parking changes.
- Exterior lighting changes.

In addition to meeting the requirements of these guidelines, an owner must comply with the requirements of all governing agencies including Gallatin County and the State of Montana in order to obtain a building permit, Certificate of Occupancy, Temporary Certificate of Occupancy or similar occupancy approval.

All plans submitted to the DRC shall be of professional quality prepared by a licensed architect or home designer. The DRC shall reject materials, designs and colors submitted with the plans, and the plans themselves, if they are not compatible or are inappropriate with the overall plan of the subdivision.

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A \$50 dollar Initial Plan review fee is to be submitted with the Initial Plan and made payable to the Hyalite View Estates Home Owners Association.

A \$300 dollar Final Plan review fee is to be submitted with each Final Plan.

The Hyalite View Estates Design Review Process has two steps: Initial Plan Review and Final Plan Review & Approval. It is recommended that owners follow this two step process for any major building project. Owners may submit materials for Final Plan Review and Approval without an Initial Plan Review, though this is not recommended. In addition, the owner may appeal the DRC's decision to the Home Owners Association Board of Directors.

A. Initial Plan Review

The Initial Plan Review addresses the conceptual design of the project. The review will address existing site conditions and planned improvements, building floor plans and elevations, roof design, architectural character or expression and exterior materials. See Initial Plan Review Checklists and Evaluation Criteria for complete submission requirements.

The Initial Plan Review includes the following steps:

1. Owner/architect prepare and submit to the DRC three copies of the Initial Plan which will include all information required by the Initial Plan Review Checklist.
2. DRC reviews Initial Plan and notifies owner in writing of the findings within 15 working days following submission.
3. If necessary the Owner may resubmit an Initial Plan or appeal to the Home Owner's Association Board of Directors within thirty days.

B. Final Plan Review & Approval

The Final Plan Review & Approval addresses the final design details of the project the review will address planned improvements, building elevations, building sections, roof design, architectural character or expression, exterior materials and site conditions.

The Final Plan Review & Approval includes the following steps:



1. Upon approval of the Initial Plan the owner/architect shall prepare and submit three copies of the final plan, which shall include all information required by the Final Plan Review Checklist.
2. DRC shall notify owner in writing of the Final Plan Approval decision within 15 working days of submission of complete Final Plan.
3. Upon issuance of written Approval, owner may begin construction process.

The DRC will not inspect projects for building code conformance. The DRC will however, from time to time review the construction sites for conformance to these design guidelines.

It is the responsibility of the Applicant or the Applicant's builder to contact the state and other authorities regarding electrical, plumbing and other required inspections for building code conformance.

Note: The following pages contain Checklist Forms, listing the required steps and submittals needed for both the Initial Plan Review and the Final Plan Review. To insure that the Lot Owner, the Owner's Architect, Builder or other representative files a complete Submittal Package with the DRC at each stage of review, it is recommended that these forms be used during the compilation of needed materials prior to scheduling a review by the DRC.

ELEMENT VI: CHECKLISTS FOR SUBMITTALS REQUIRED BY DRC

A. Initial Plan Review Checklist

Prepare and submit to the DRC three copies of the preliminary design in conceptual drawing form to describe the following:

- Submission of Initial Plan Review fee
- Site plans indicating building envelopes, easements, setbacks, existing site elements, landscaping concepts. Orientation of garage and driveway materials & width (Scale: 1" = 20' min.)
- Floor Plans showing Square Footage (Scale: 1/8" = 1'-0" min.)
- Fire Sprinkler System/ Alarm System to NFPA standard

- Exterior Elevations of all sides of proposed buildings (Scale: 1/8" = 1'-0" min.)
- Roof Design & Description of Material (Scale: 1/8" = 1'-0" min.)
- Exterior Materials
- Building height, per these Building Design Guidelines, noted on building elevation drawings
- Written Statement summarizing setback, height and square footage of proposed construction and whether any variance requests will be made

B. Initial Plan Review Evaluation Criteria

1. All development is designated so as to remain within building envelopes

2. Building section is appropriate to slope of site:

Conforms to building height requirements

Driveway conforms in terms of material

3. All variance requests regarding these guidelines are clearly defined, and in writing.

4. Appropriateness of architecture

C. Final Plan Review Checklist

Three copies of drawings and written materials, along with one set of all proposed building materials for the Final Plan Review & Approval shall be submitted to the DRC. The DRC can only approve a final plan submittal when each of the items listed below has been submitted and approved.

GENERAL

- Submission of Final Plan Review Fee
- Square footage summary
- Statement of building height and building height

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calculations

SITE PLAN (scale 1"=20" or 1"=16")

- Property boundaries
- Easements and setbacks
- Building footprint lies within building envelope and setbacks, confirmed by the production of an engineered drawing, verifying the location of all structures and improvements
- Utility meters
- Transformer locations
- Service lines for water, sewer, gas, telephone, cable TV and electric (existing service to building, if applicable)
- Proposed roads, walks, driveways, parking, decks, pools, patios, accessory buildings and all site improvements
- Materials to be utilized for construction of roads, walks, driveways, decks, pools and patios, accessory buildings and all site improvements
- Surface drainage
- Finished floor elevations

LANDSCAPE and IRRIGATION PLAN (same scale as Site Plan, to be submitted prior to beginning of landscaping)

- Proposed Landscape Plan
- Proposed treatment of all ground surfaces
- Lighting location, fixture type and wattage
- Details of any fencing proposed

BUILDING DRAWINGS (scale 1/4" = 1'-0")

- Floor Plans showing square footage

- o All exterior elevations showing finished grade, materials, windows, doors, colors, graphics, details and lighting
- o Primary roof pitch
- o Secondary roof pitch
- o Conformance with building height restrictions
- o Full schedule of exterior wall and trim materials with samples of exterior finish colors, presented as actual materials with finishes applied

D. Final Plan Review Evaluation Criteria

1. All development is contained within building envelope. This fact shall be confirmed by the production of an engineered drawing, verifying the location of the as built home.

2. Building section and form is appropriate to site:

Conforms to building height

Driveway conforms in terms of material

Two story volumes are interrupted by an intersecting roof form

3. Exterior materials and colors conform to design regulations.

4. All variance requests regarding these regulations are clearly defined, and in writing.

E. Final Plan Review Certification of Submittal Completeness

Note: AFTER FINAL PLAN APPROVAL HAS BEEN OBTAINED, NO CHANGE FROM APPROVED PLANS SHALL BE MADE WITHOUT THE REVIEW AND WRITTEN APPROVAL OF HYALITE VIEW ESTATES COMMITTEE FOR DESIGN REVIEW.

I hereby certify that all information on this sheet has been provided to the DRC.

OWNER/Designer

DATE