

AMENDMENT NO. 3
TO THE CONDOMINIUM DECLARATION AND
BYLAWS FOR KAGY VILLAGE CONDOMINIUMS

COMES NOW, the Declarant and the undersigned owners of existing Units within the Kagy Village Condominiums, and hereby amend the Condominium Declaration and By-Laws for Kagy Village Condominiums recorded on April 5, 2006 as Document No. 2223832; Amendment recorded December 18, 2006, as Document No. 2251235; and Amendment recorded January 9, 2007 as Document No. 2253276, records of Gallatin County, Montana.

The purpose of this Amendment No. 3 to the Condominium Declaration and Bylaws for Kagy Village Condominiums is to: (1) add Phase 2 to the KAGY VILLAGE CONDOMINIUMS regime; and (2) to record updated and corrected floor plans for the Units of the KAGY VILLAGE CONDOMINIUMS. Said Condominium Declaration and Bylaws for Kagy Village Condominiums, as previously amended, is hereby amended as follows:

1. The first section of Article II of the Declaration, entitled "Description and Future Units", is amended to read as follows:

The property by which is by this Declaration submitted and subject to the Montana Unit Ownership Act is described in Exhibit "A" attached hereto and incorporated herein by reference.

The condominium consists of three (3) possible phases. Phase 1 as built consists of three separate buildings and nine (9) separate Units designated as Units A1, A2-1, A2-2, A3, B1, B2, B3, C1 and C2. Phase 2 as built consists of 3 separate Units designated as Units D1, F1, and F2. The provisions of this Declaration and the Bylaws, as amended, shall be construed to be covenants running with the land, and shall include every Unit and shall be binding upon the Unit Owners, their heirs, successors, personal representatives and assigns for as long as the Declaration and Bylaws for the KAGY VILLAGE CONDOMINIUMS, as subsequently

amended, is in effect.

Declarant anticipates constructing up to three (3) additional and separate buildings containing one or more Units on certain real property described as Lot 3 in Block 2 of the Correction Plat of Kagy Crossroads Subdivision, Gallatin County, Montana ("Additional Property"). At such time Declarant wishes to add such additional Units and Additional Property to KAGY VILLAGE CONDOMINIUMS, Declarant shall record in the office of the Clerk and Recorder of Gallatin County, Montana, a Supplemental Declaration containing:

A. A site plan showing the Building or Buildings constructed on the Additional Property added to the condominium regime;

B. A designation of the Units within the Buildings to be constructed with the same to be shown on the site plan to be recorded;

C. Floor plans showing the Units to be contained within the additional Buildings to be constructed and added to this condominium regime together with the numbers and letters given to the specific Units;

D. A description of the buildings and the materials of which they are constructed;

E. A schedule of the percentage of undivided ownership of the specific Units to be added to the condominium regime in the General Common Elements, computed for each condominium Unit which, when added to the number of Units as a whole, will give the additional condominium Units, as well as the previously existing condominium Units, their respective percentages of interest in the expanded or new condominium regime;

F. To be and remain in compliance with the provisions of Section 70-23-306, MCA, at the time of the filing of such amendment or amendments, floor plans and an architect, land surveyor, or engineer's certificate shall additionally be prepared and recorded, being additions to Exhibit "E" herein, certifying and showing that the said floor plans fully and accurately depict the layout of the Units in the floors of the buildings and that construction of each such additional new building has been completed; and

G. A description of any and all Limited Common Elements to the new Units if there shall be any changes to the description contained in the existing Declaration or any of the amendments thereto.

At the time the Declarant, or Declarant's successors or assigns, elects to file such amendment to the Declaration, all then existing condominium Unit Owners hereby covenant and agree that they will, upon request, join in the execution of such amendment papers agreeing, consenting and joining in such amendment, and further agreeing to reduce their percentage of ownership interest in the General Common Elements.

The within agreement shall be a covenant running with the land, and shall be binding upon the owners of the then existing Units, who upon acquiring title to such Unit, by this covenant agree and consent to the filing of such amendment and join in the same, and by this covenant agree and consent to the appointment of Declarant as its attorney-in-fact so that the Declarant may in its discretion simply file the Declaration on his or her own initiative, having been herein given the power and authority to make such amendment for and on behalf of all subsequent condominium Unit Owners in KAGY VILLAGE CONDOMINIUMS.



2305678

Page: 2 of 27
07/16/2008 03:35P

After the recording of such supplemental and amended Declarations, all Unit Owners of condominium Units in the property shall have a nonexclusive right and license, subject to the provisions herein, to use and enjoy all of the General Common Elements of the property and all of the General Common Elements added to the condominium regime by such amendment. In addition, the Unit Owners of the respective Units shall further have the nonexclusive right and license to use and enjoy the Limited Common Elements which are appurtenant and a part of their respective Units which may be added to the condominium regime which are limited to the use of less than all of the Unit Owners.

Except as otherwise specifically provided in the Declaration, any subsequent amendments thereto, or in any supplemental declarations, all of the provisions, terms and definitions contained in the Declaration and any subsequent amendments thereto shall be deemed expanded to include the additional Units.

In the event that Declarant determines not to add additional condominium units and/or additional real property to this condominium regime, Declarant shall record a document with the office of the Clerk and Recorder of Gallatin County certifying that the condominium regime is complete and stating which parcels of real property listed above as Additional Property shall not be included in this condominium regime.

Subdivision of Units

Each Unit (except for Units A2-1 and A2-2) may be subdivided one time into a total of no more than two (2) Units. In the event that a Unit is subdivided, the Unit Owner of said Unit shall record in the office of the Clerk and Recorder of Gallatin County, Montana, a Supplemental Declaration containing:

- A. Updated floor plans for the subdivided Units together with the letters/numbers given to the specific units;
 - B. A revised schedule of the percentage of undivided ownership in the General Common Elements of the subdivided Unit and of the additional Unit created by said subdivision. The percentage of undivided ownership of any other Unit may not be changed without amending the Declaration pursuant to the procedures set forth in the Declaration. The percentage of undivided ownership in the General Common Elements of the subdivided Unit and of the additional Unit created by said subdivision must not exceed the percentage interest of the subdivided Unit before subdivision.
 - C. To be and remain in compliance with the provisions of Section 70-23-306, MCA, at the time of the filing of such supplemental declaration, floor plans and a certificate of a registered architect or registered professional engineer shall additionally be prepared and recorded, being additions to the exhibits herein, certifying and showing that the said floor plans of the subdivided Unit and of the additional Unit created by said subdivision fully and accurately depict the layout of said units and that construction of said Units has been completed.
 - D. The signatures and acknowledgment of all lienors and mortgagees of the Unit being subdivided.
2. The schedule appearing on page 12, Article IV of the



2305678
Page: 3 of 27
07/16/2008 03:35P

Declaration which sets forth the square footage measurements and the percentage of interest of the General Common Elements owned by each of the Units, is amended to read as follows:

UNIT NO.	SQUARE FOOTAGE	PERCENTAGE OF INTEREST IN GENERAL COMMON ELEMENTS*
A1	2,269	5.62%*
A2-1	1,675	4.15%*
A2-2	1,675	4.15%*
A3	2,269	5.62%*
B1	1,700	4.21%*
B2	2,220	5.50%*
B3	1,700	4.21%*
C1	1,942	4.80%*
C2	2,392	5.92%*
D1	14,850	36.77%*
F1	5,564	13.78%*
F2	2,130	5.27%*
TOTAL	40,386*	100%

*Subject to the expansion and subdivision provisions.

3. The second section of Article IV of the Declaration, titled "Floor Plans and Exhibits", is amended to read as follows:

For identification and descriptive purposes the following exhibits are attached and by reference hereto incorporated into and made a part of the Declaration

Exhibit B: showing the floor plans and elevations for each of the Units in Phase 1 and Phase 2 of KAGY VILLAGE CONDOMINIUMS, the area of each, and the dimensions and the designation for each Unit.

Exhibit C: showing the site plan of KAGY VILLAGE CONDOMINIUMS showing the location of the buildings and Units of Phases 1 and 2 of KAGY VILLAGE CONDOMINIUMS.

4. The two (2) additional buildings with the additional three (3) Units within Phase 2, are built as shown on the floor plans attached hereto as Exhibit "B" and the site plan attached hereto as Exhibit "C". The principal materials of construction are the same as listed in Article IV of the Declaration, Construction Materials.

5. A revised legal description of declared phases of the KAGY VILLAGES CONDOMINIUM is described in Exhibit "A" attached hereto and incorporated herein by reference.

6. A Certificate of Floor and Site Plans is attached hereto as Exhibit E and incorporated herein by reference.

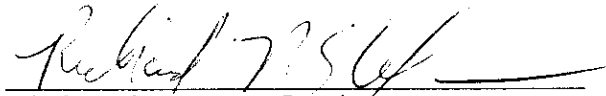
7. A Certificate of Payment of Assessments and Taxes executed by the authorized representative of the Department of Revenue of the State of Montana is attached hereto as Exhibit "F" and incorporated herein by reference.

8. This Amendment No. 3 to the Condominium Declaration and Bylaws for Kagy Village Condominiums is made pursuant to Articles II, VI, VII and other appropriate provisions of the Declaration and pursuant to the terms of Amendment No. 2 to the Condominium Declaration and Bylaws for Kagy Village Condominiums.

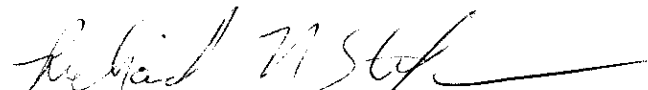
9. Except for the specific changes, modifications, clarifications and additions contained and set forth herein, each and every one and all the terms and conditions of the Declaration and all prior amendments thereto remain in full force and effect, unchanged and unaltered by this Amendment except where inconsistent with or in conflict with the terms of this Amendment in which case the terms of this Amendment shall control. The Declarant and the undersigned Unit Owners hereby ratify all previous amendments to the extent to which said amendments do not conflict and are consistent with this Amendment No. 3 to the Condominium Declaration and Bylaws for Kagy Village Condominiums.

DATED this 30 day of April, 2008.

DECLARANT and OWNERS OF UNITS C1 and C2:


Richard N. Stefani

KAGY VILLAGE, LLC, by


Richard N. Stefani, Member

DMC INCORPORATED, by


David M. MacDonald, President



2305678

Page: 5 of 27
07/16/2008 03:35P

STATE OF MONTANA)
 : ss.
County of Gallatin)

On this 30 day of April, 2008, before me, a Notary Public in and for said State, personally appeared RICHARD N. STEFANI, Member of KAGY VILLAGE, LLC and RICHARD N. STEFANI, individually, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he and the company executed the same.

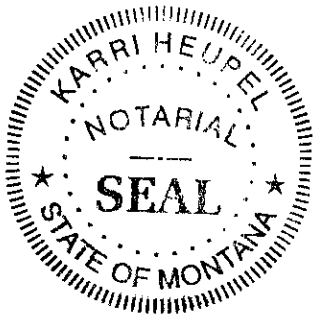


Karri Heupel
Printed Name: Karri Heupel
Notary Public for the State of Montana.
Residing at Bozeman, Montana.
My commission expires: March 9, 2011

Karri Heupel
Notary Public for the State of Montana
Residing at Bozeman, Montana
My Commission Expires March 9, 2011

STATE OF MONTANA)
 : ss.
County of Gallatin)

On this 30 day of April, 2008, before me, a Notary Public in and for said State, personally appeared DAVID M. MacDONALD, President of DMC INCORPORATED known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that the corporation executed the same.



Karri Heupel
Printed Name: Karri Heupel
Notary Public for the State of Montana.
Residing at Bozeman, Montana.
My commission expires: March 9, 2011

Karri Heupel
Notary Public for the State of Montana
Residing at Bozeman, Montana
My Commission Expires March 9, 2011

SIGNATURE PAGE FOR

AMENDMENT NO. 3 TO THE CONDOMINIUM DECLARATION AND BYLAWS FOR KAGY VILLAGE CONDOMINIUMS

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DATED this 2nd day of May, 2008.

OWNER OF UNITS B1, B2 AND B3:

MIDNIGHT BASIN PROPERTIES LLC, by

Robert W. Ostrum
Robert W. Ostrum, Member

Karen M. Ostrum
Karen M. Ostrum, Member

STATE OF Montana)
County of Gallatin) : ss.

On this 2nd day of May, 2008, before me, a Notary Public in and for said State, personally appeared ROBERT W. OSTRUM and KAREN M. OSTRUM, Members of MIDNIGHT BASIN PROPERTIES LLC known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that the company executed the same.



Cynthia A. Dimarco
Printed Name: Cynthia A. Dimarco
Notary Public for the State of Montana
Residing at Bozeman, MT
My commission expires: 1-11-2012



2305678

Page: 8 of 27
07/16/2008 03:35P

SIGNATURE PAGE FOR

AMENDMENT NO. 3 TO THE CONDOMINIUM DECLARATION AND BYLAWS FOR KAGY VILLAGE CONDOMINIUMS

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DATED this 2nd day of MAY, 2008.

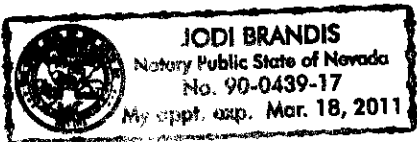
OWNER OF UNITS A2-2 and A3:

D.J. WOODY PROPERTIES, L.L.C., by

Don R. Woody, Member

STATE OF ~~MONTANA~~ Nevada)
County of ~~Gallatin~~ White Pine : ss.

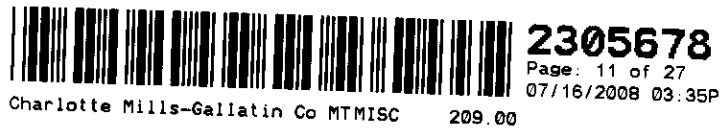
On this 2nd day of May, 2008, before me, a Notary Public in and for said State, personally appeared Don R. Woody, Member(s) of D.J. WOODY PROPERTIES, L.L.C., known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that the company executed the same.



Jodi Brandis
Printed Name: Jodi Brandis
Notary Public for the State of Montana NU
Residing at Ely, Montana NU
My commission expires: March 18, 2011

EXHIBIT "A"

Lots 1 and 2 in Block 2 of Correction Plat of Kagy Crossroads Subdivision, located in the SE¼ of Section 14, Township 2 South, Range 5 East, P.M.M., City of Bozeman, Gallatin County, Montana, according to the official plat thereof on file and of record in the office of the County Clerk and Recorder, Gallatin County, Montana (Plat Reference: J-328-A)

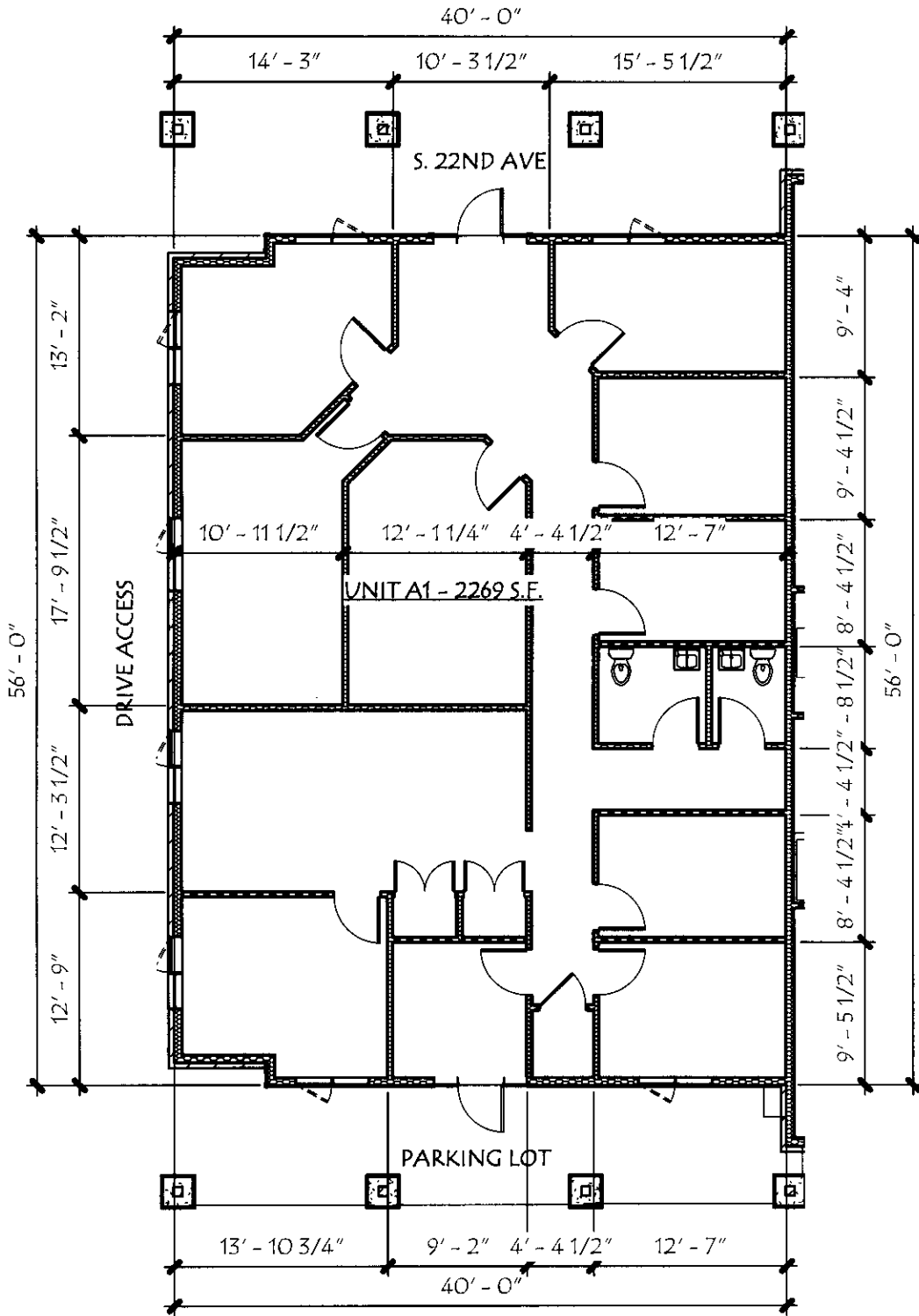


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Page: 11 of 27
07/16/2008 03:35P

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EXHIBIT B - FLOOR PLAN FOR UNIT A1



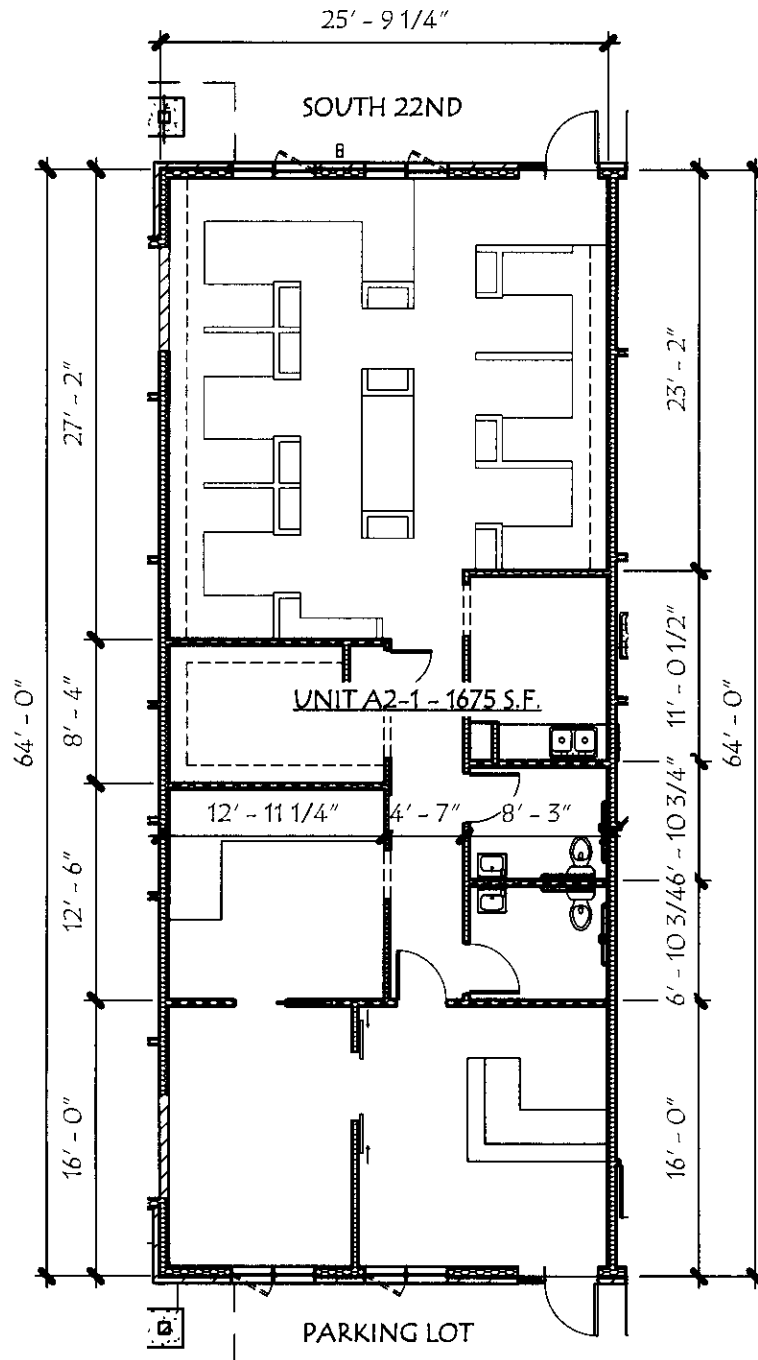
PILARI ARCHITECT, INC.



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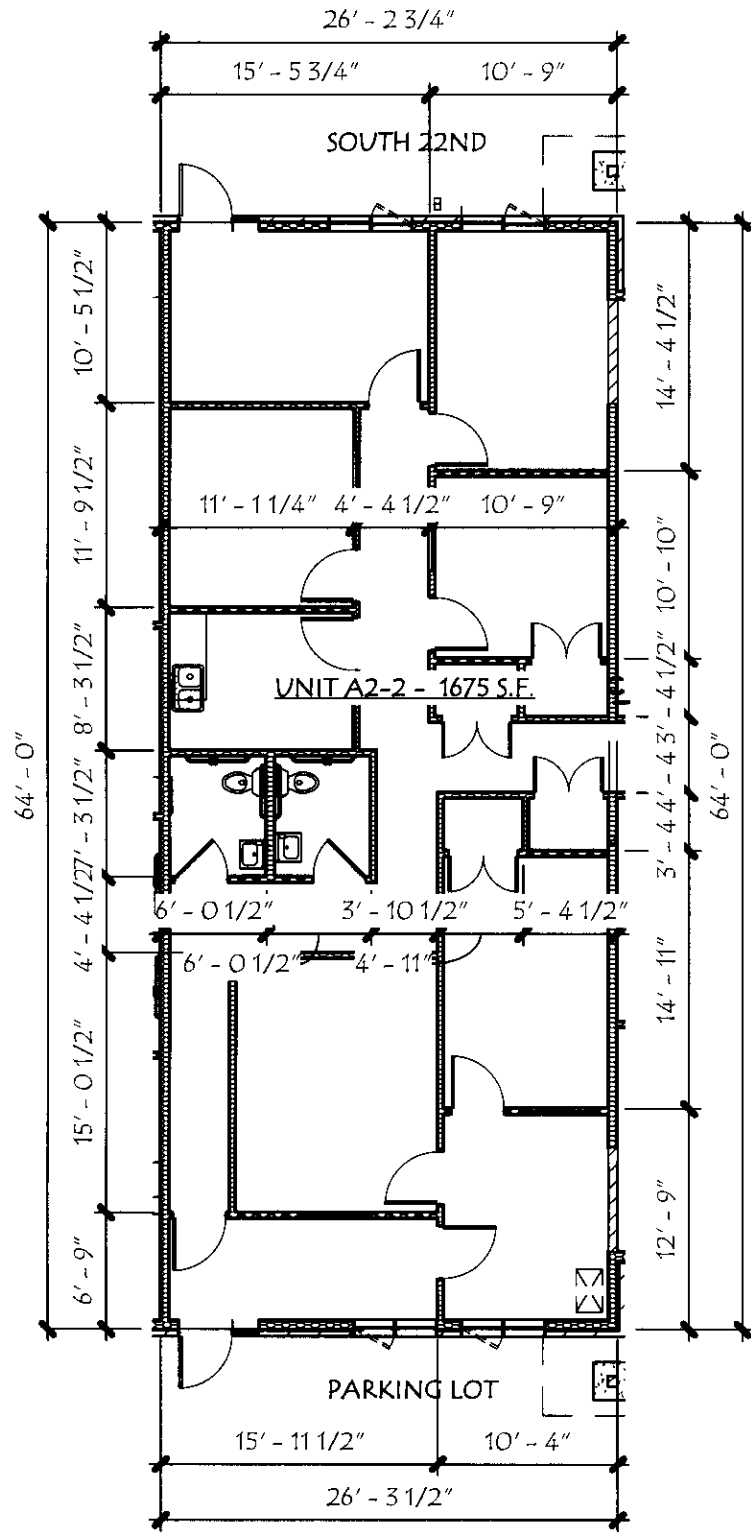
Page: 12 of 27
07/16/2008 03:35P

EXHIBIT B - FLOOR PLAN FOR UNIT A2-1



PILARI ARCHITECTS, INC.

EXHIBIT B - FLOOR PLAN FOR UNIT A2-2



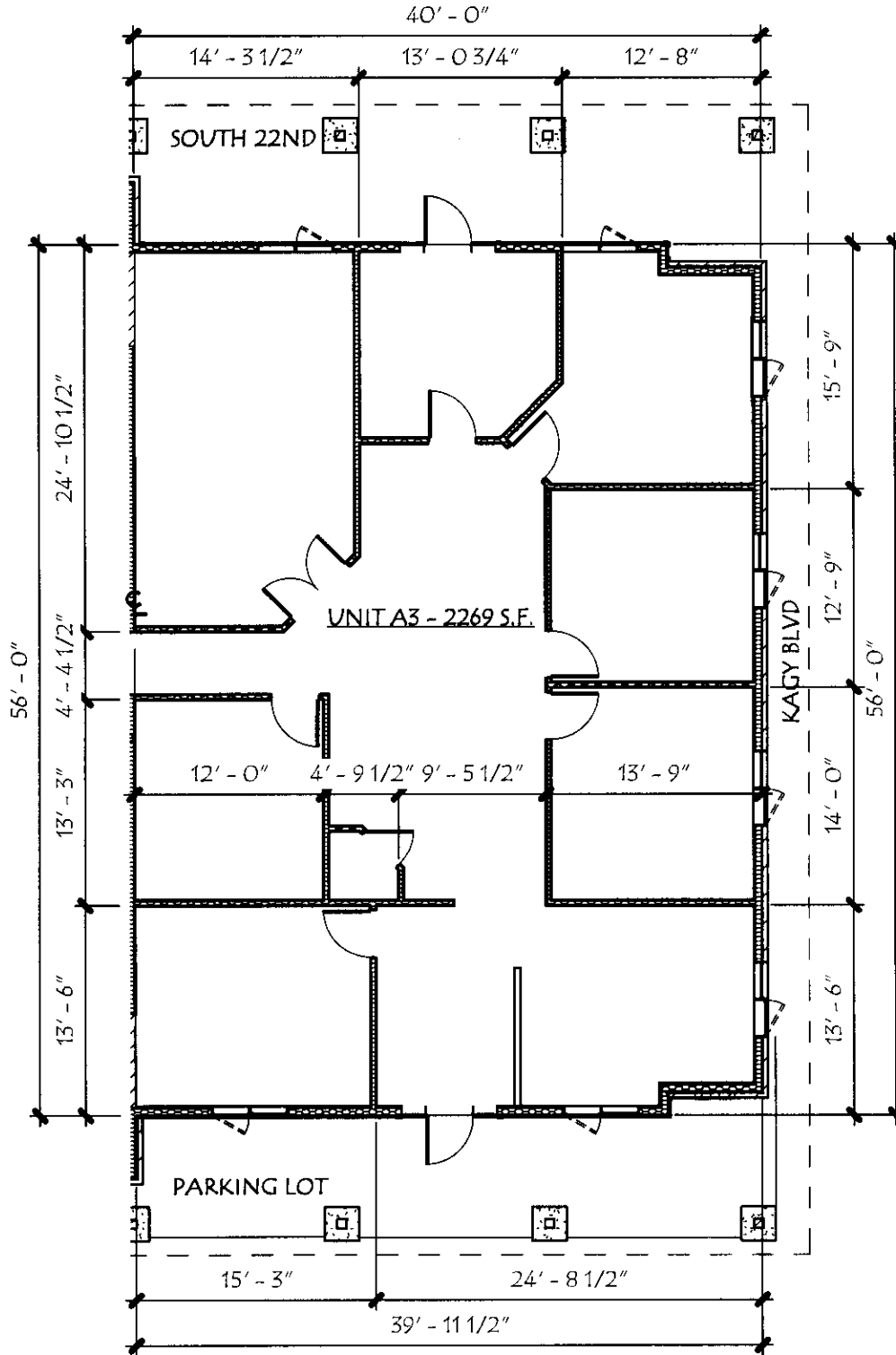
PILAR ARCHITECTS, INC.



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Page: 14 of 27
07/16/2008 03:35P

EXHIBIT B - FLOOR PLAN FOR UNIT A3



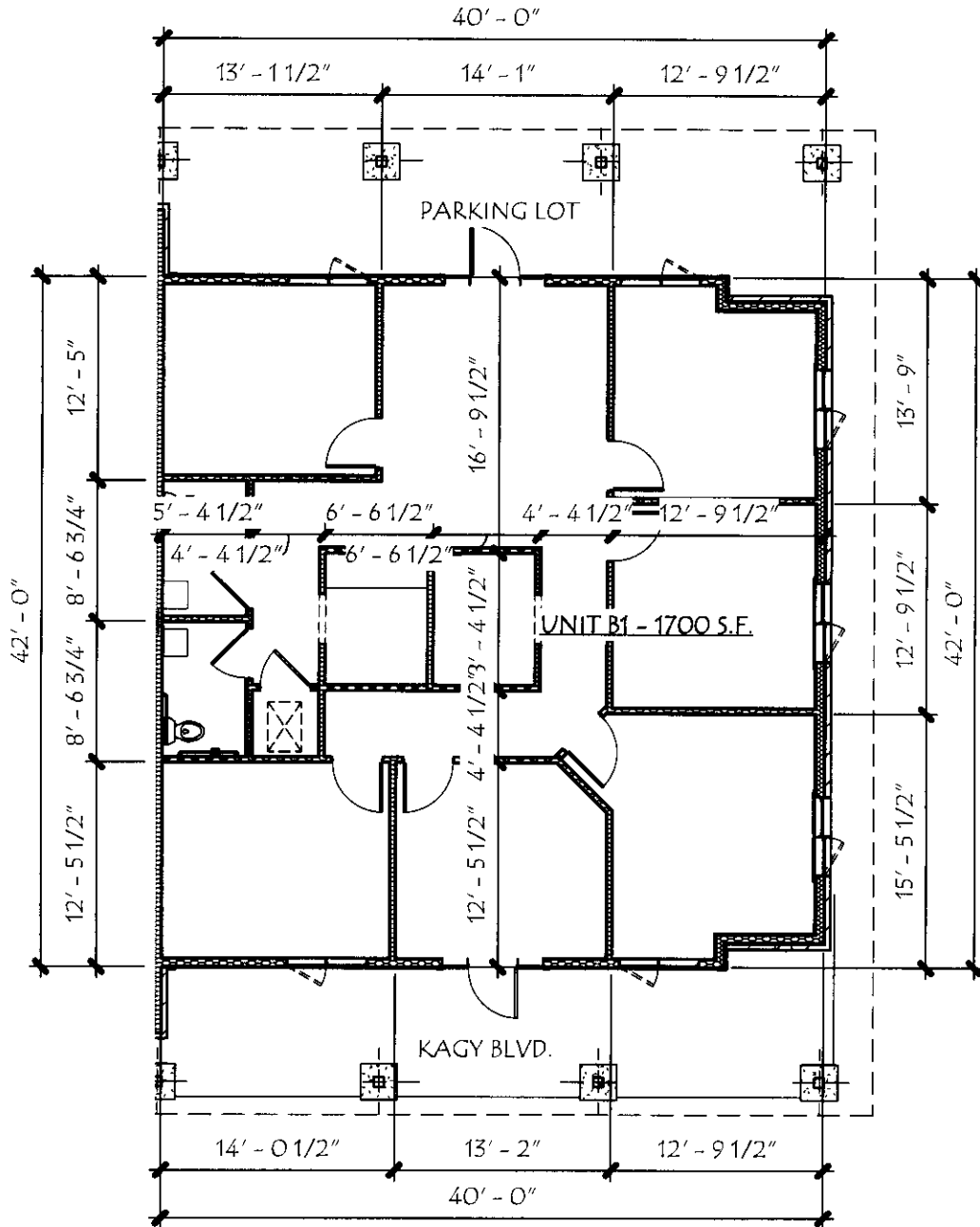
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Page: 15 of 27
07/16/2008 03:35P

EXHIBIT B - FLOOR PLAN FOR UNIT B1



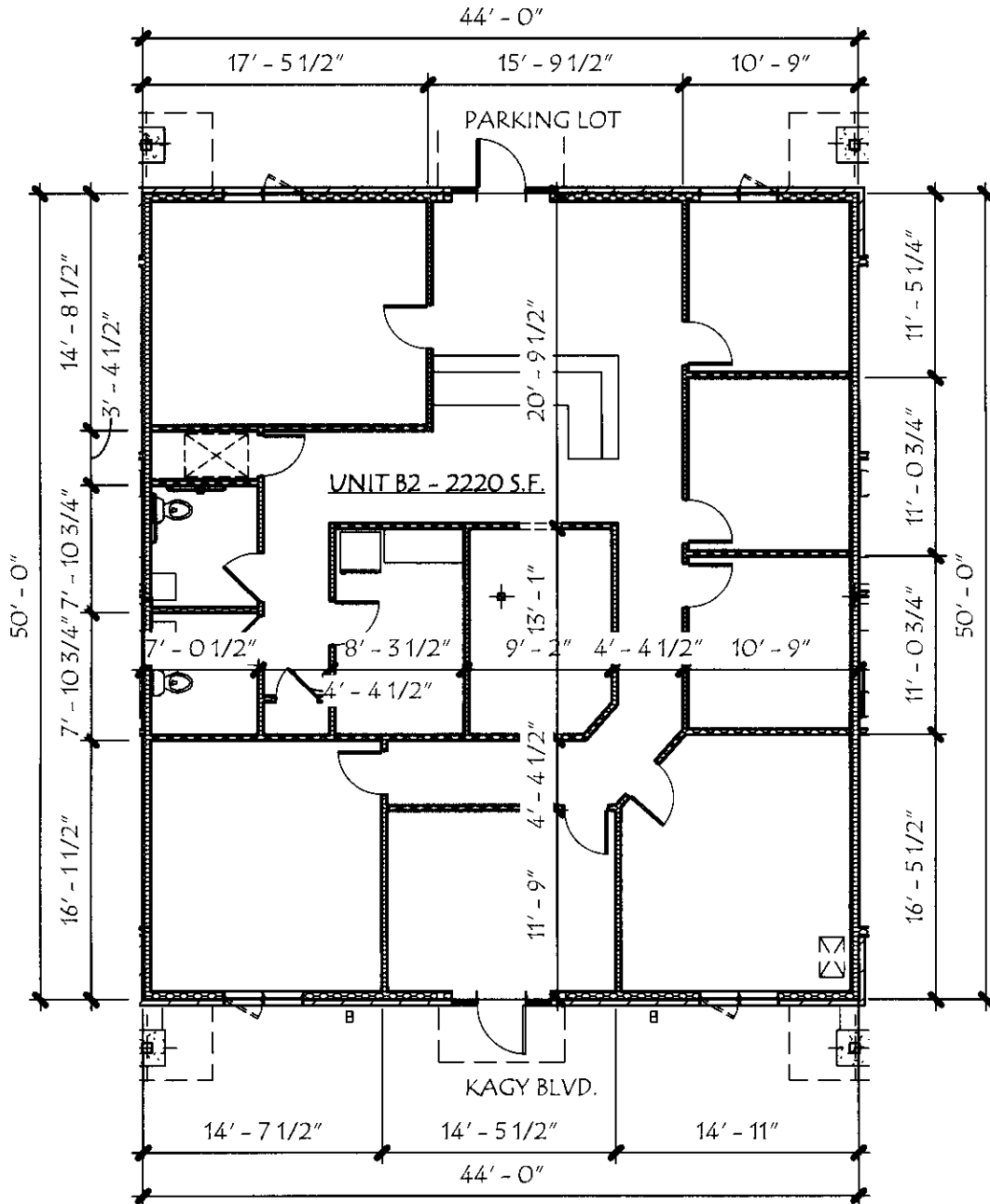
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Page: 16 of 27
07/16/2008 03:35P

EXHIBIT B - FLOOR PLAN FOR UNIT B2



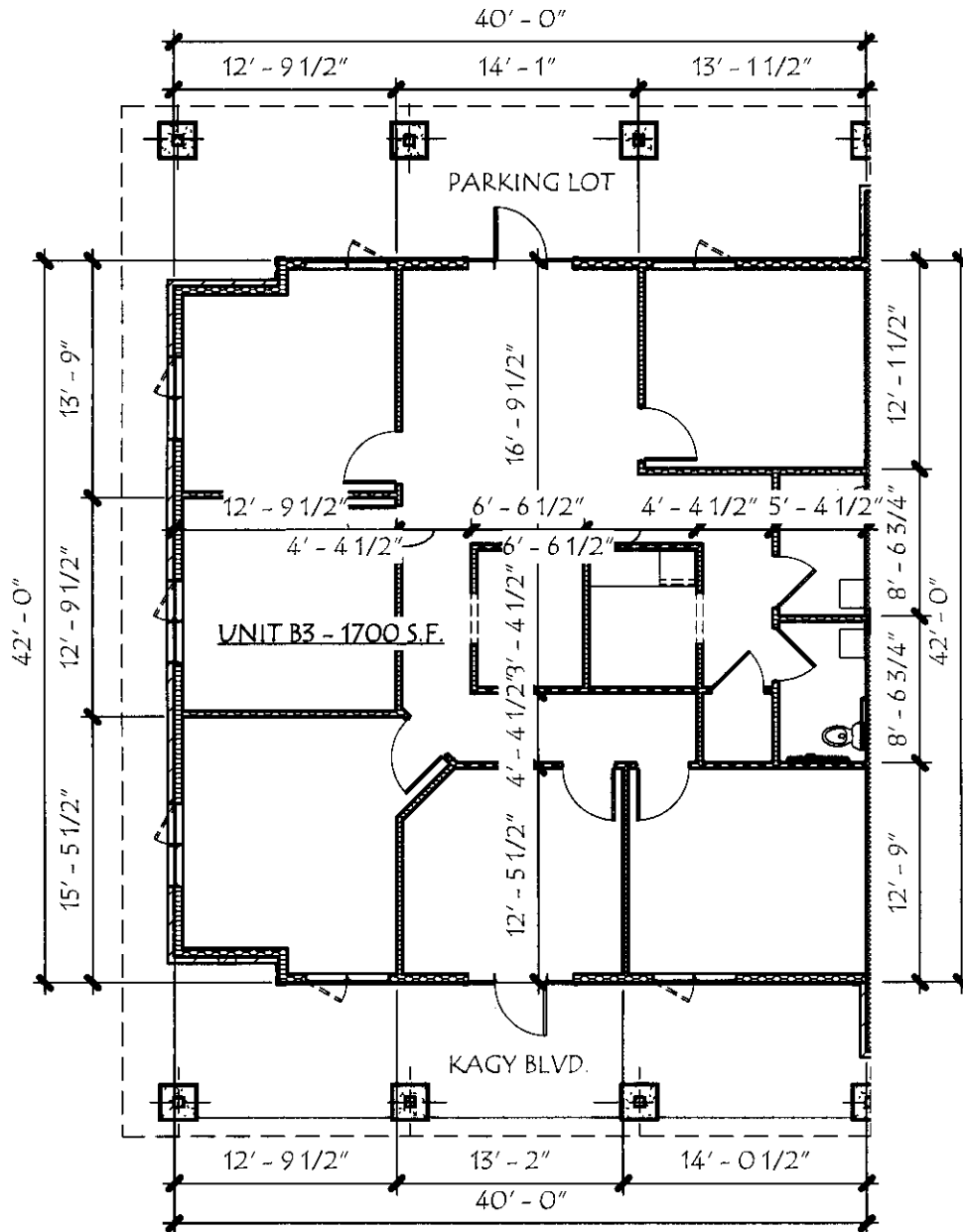
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Page: 17 of 27
07/16/2008 03:35P

EXHIBIT B - FLOOR PLAN FOR UNIT B3

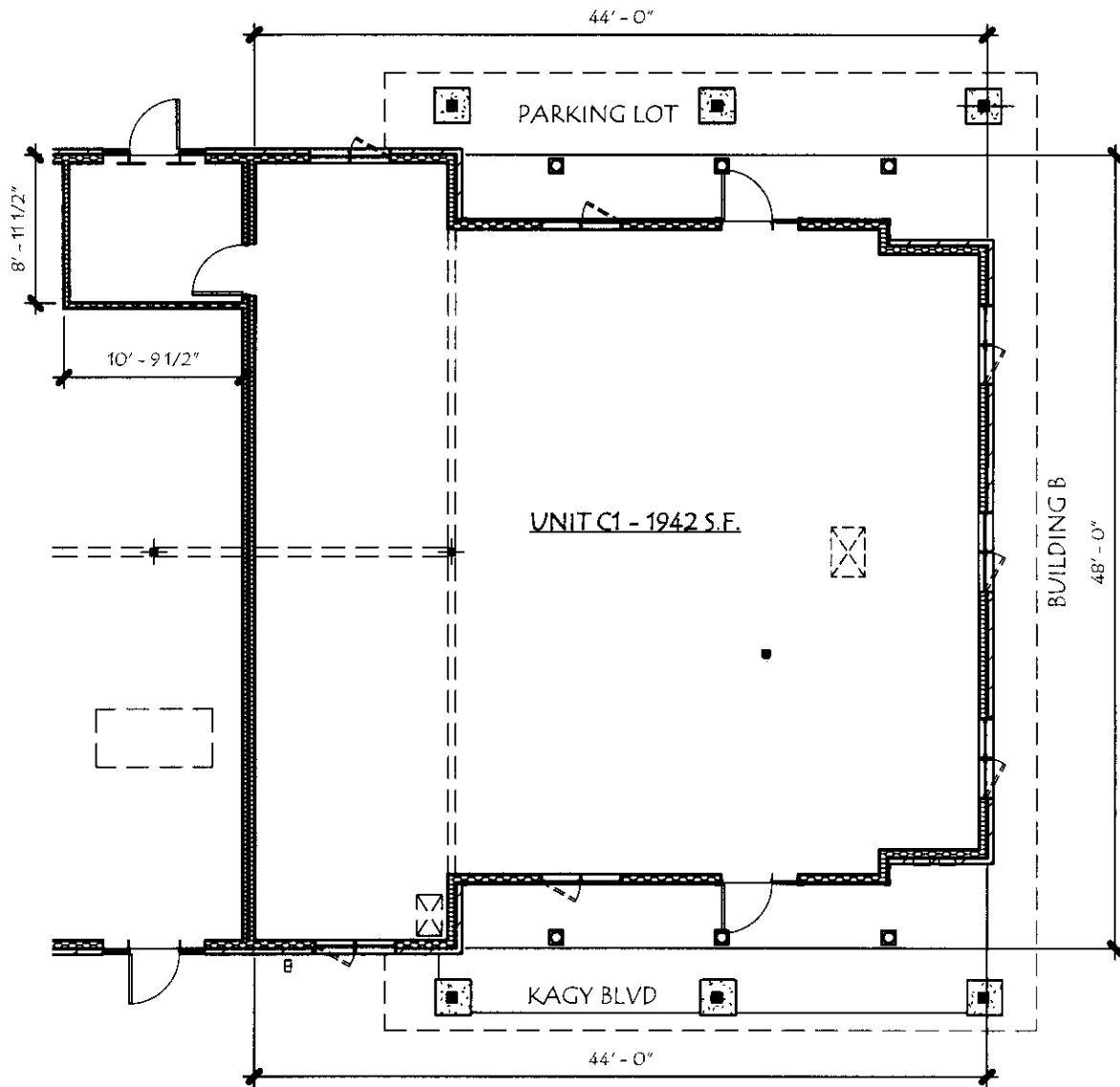


PILARI ARCHITECTS, INC.



2305678
 Page: 18 of 27
 07/16/2008 03:35P

EXHIBIT B - FLOOR PLAN FOR UNIT C1



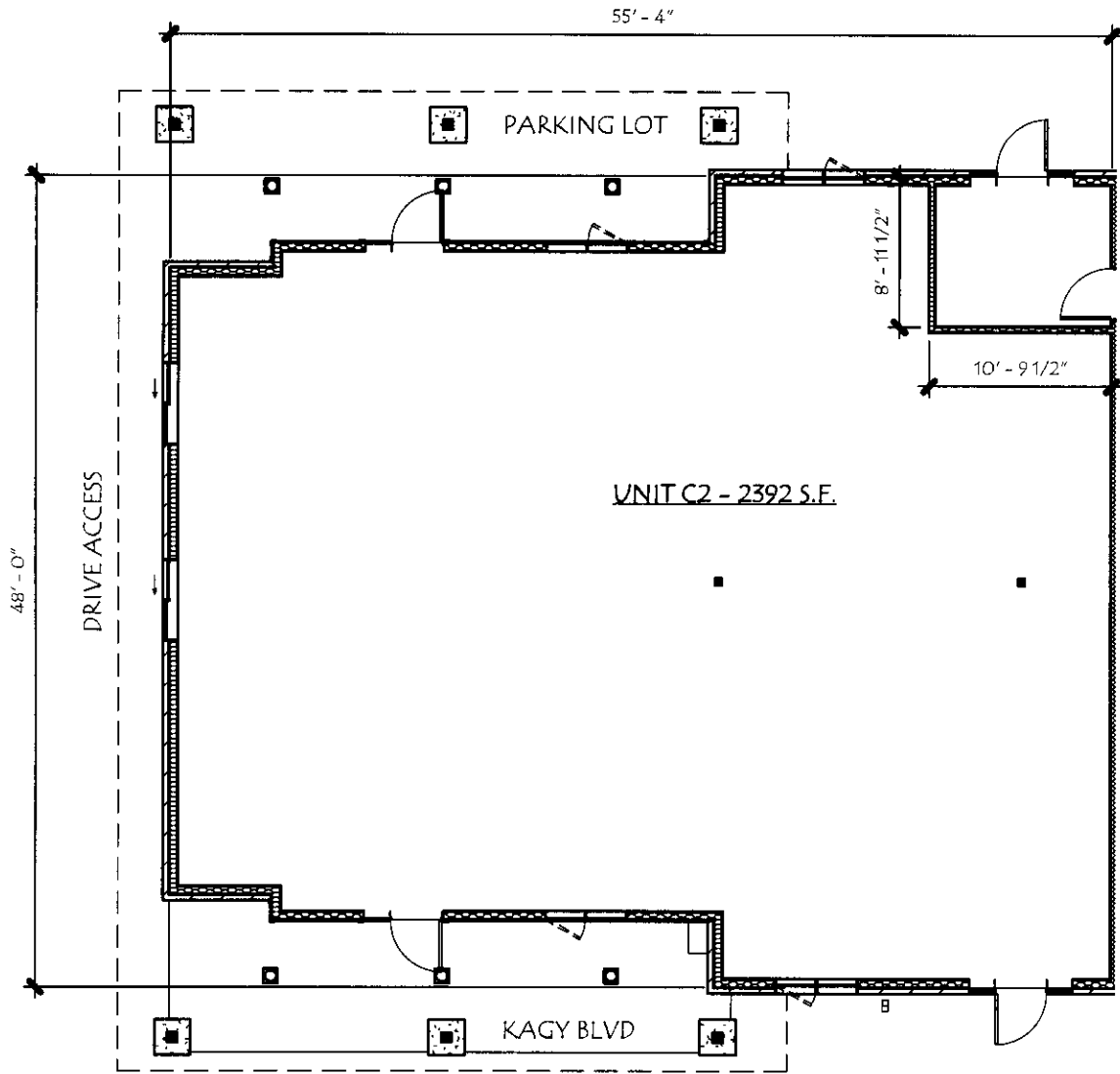
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Page: 19 of 27
07/16/2008 03:35P

EXHIBIT B - FLOOR PLAN FOR UNIT C2



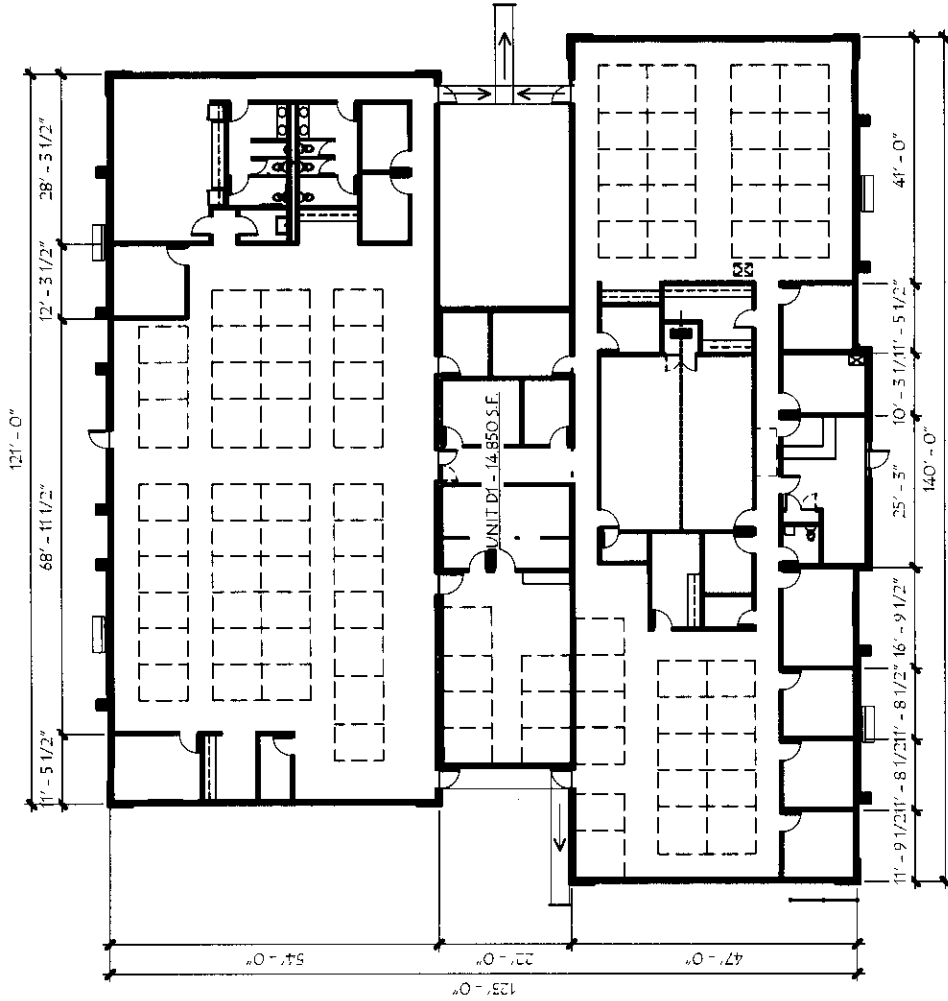
PILAR ARCHITECTS, INC.



2305678

Page: 20 of 27
07/16/2008 03:35P

EXHIBIT B - FLOOR PLAN FOR UNIT D1



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Page: 21 of 27
07/16/2008 03:35P

2305678
Page: 22 of 27
07/16/2008 03:35P



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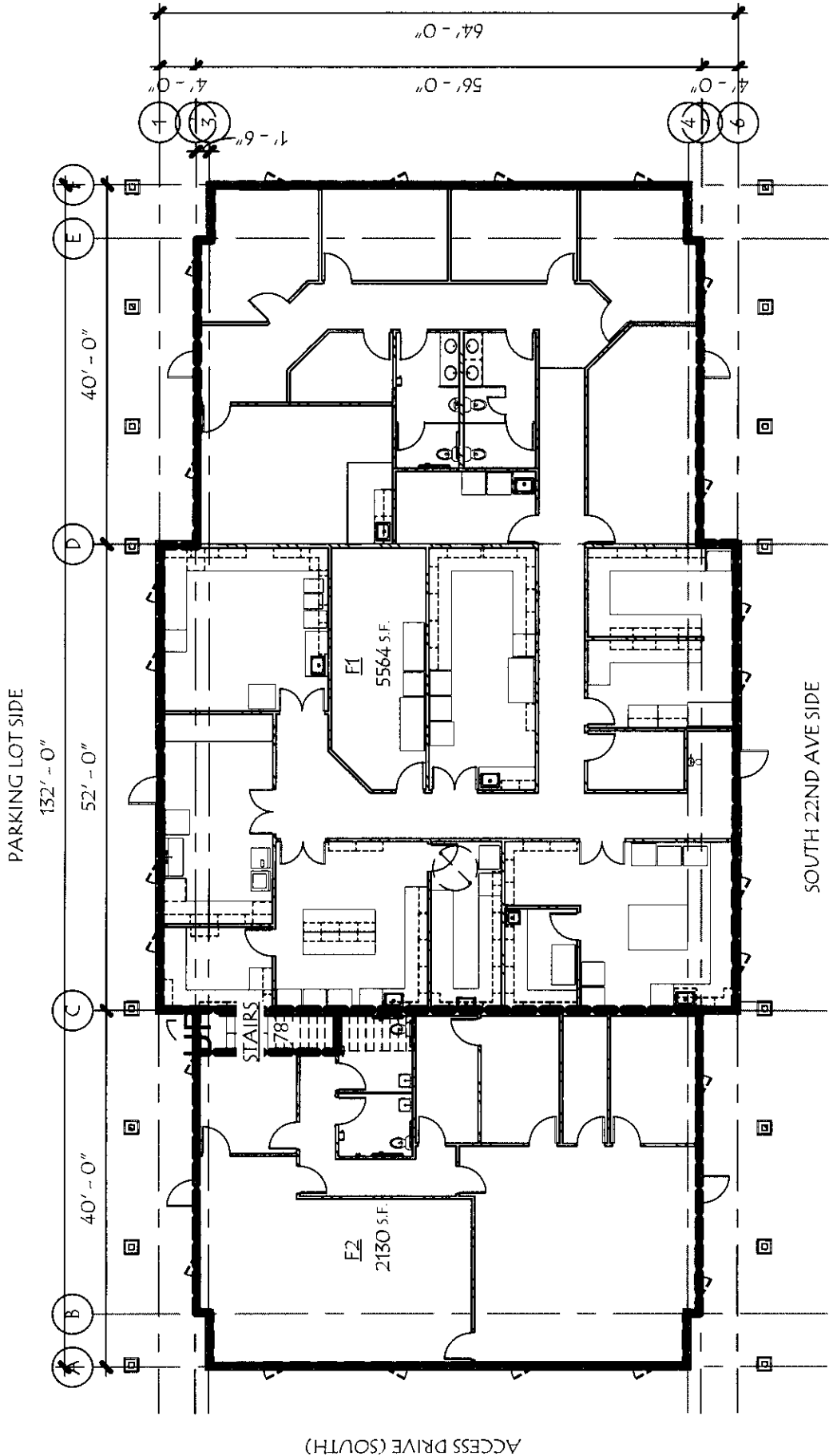


EXHIBIT B - FLOOR PLAN FOR UNITS F1 & F2

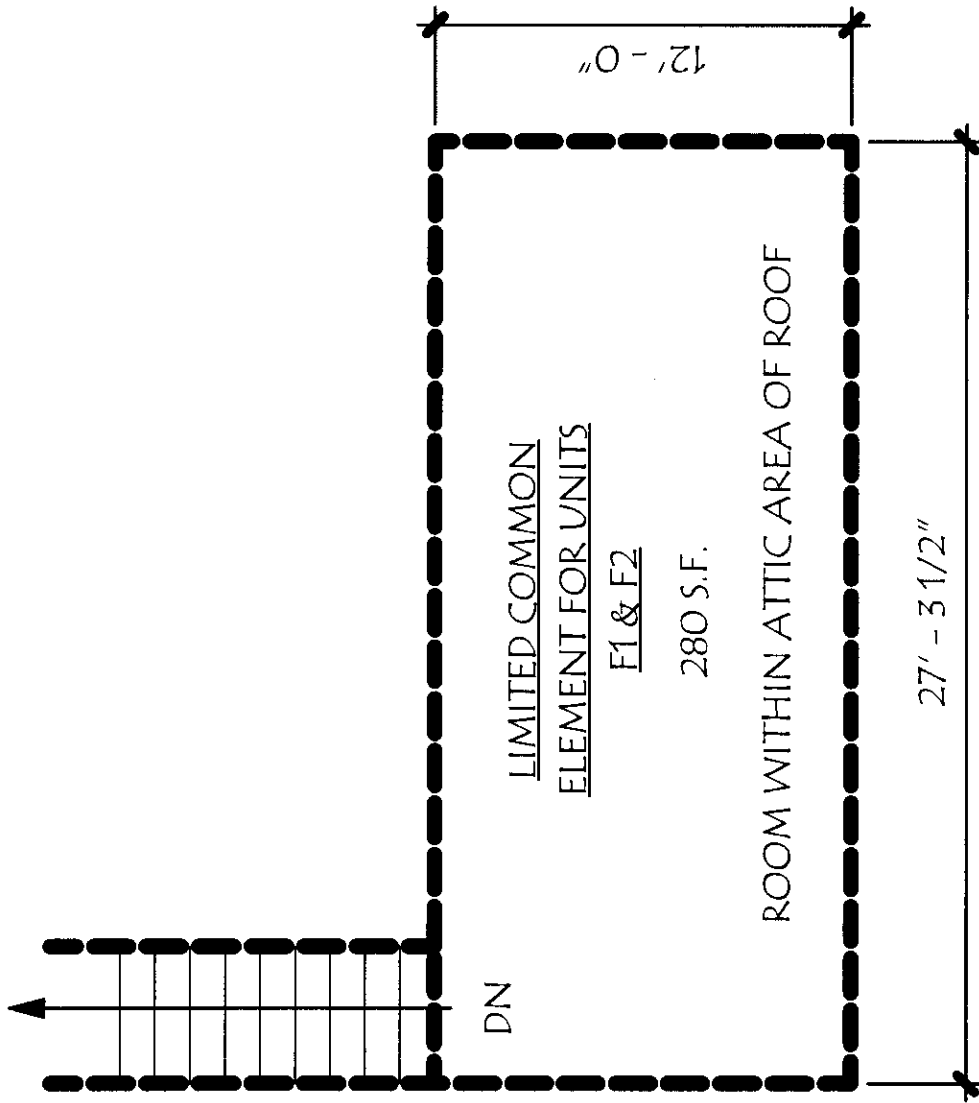


EXHIBIT "E" - CERTIFICATE OF FLOOR AND SITE PLANS

The undersigned, being a duly registered professional architect in the State of Montana, herewith certifies the following:

That the floor and site plans for the KAGY VILLAGE CONDOMINIUMS situated on Lots 1 and 2 in Block 2 of Correction Plat of Kagy Crossroads Subdivision, located in the SE¼ of Section 14, Township 2 South, Range 5 East, P.M.M., City of Bozeman, Gallatin County, Montana, according to the official plat thereof on file and of record in the office of the County Clerk and Recorder, Gallatin County, Montana (Plat Reference: J-328-A), as duly filed with Amendment No. 3 to the Condominium Declaration and Bylaws for Kagy Village Condominiums, fully and accurately depict the layout, location, unit designation and dimensions of the KAGY VILLAGE CONDOMINIUMS as of this date, and that such floor and site plans are an accurate copy of the plans filed with and approved by the officials and officers of the City of Bozeman having jurisdiction to issue building permits. Such floor and site plans render hand representation of the actual buildings as built.

Dated: 1.14.2008

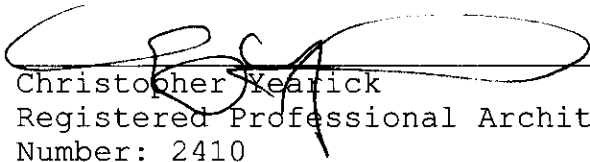

Christopher Yearick
Registered Professional Architect
Number: 2410

EXHIBIT "F" - CERTIFICATE OF PAYMENT OF ASSESSMENTS AND TAXES

The undersigned being the duly authorized agent of the Department of Revenue of the State of Montana within the County of Gallatin, herewith certifies that all taxes and assessments due and payable for the following described real property added to Kagy Village Condominiums have been paid to date.

Lot 2 in Block 2 of Correction Plat of Kagy Crossroads Subdivision, located in the SE $\frac{1}{4}$ of Section 14, Township 2 South, Range 5 East, P.M.M., City of Bozeman, Gallatin County, Montana, according to the official plat thereof on file and of record in the office of the County Clerk and Recorder, Gallatin County, Montana (Plat Reference: J-328-A) have been paid to date.

Dated: May 8, 2008

Pamela M. Kniffen
County Assessor



2305678

Page: 26 of 27
07/16/2008 03:35P



**CITY OF BOZEMAN
DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT**

Alfred M. Stiff Professional Building
20 East Olive Street
P.O. Box 1230
Bozeman, Montana 59771-1230

phone 406-582-2260
fax 406-582-2263
planning@bozeman.net
www.bozeman.net

Date: January 25, 2008

To Whom It May Concern:

Senate Bill 527 amending §76-3-203, M.C.A. was signed into law on April 17, 2007. This bill revised the exemption for the creation of new condominiums from the Subdivision and Platting Act. The amendment had an immediate effective date. The text of the amended section is now as follows:

Section 1. Section 76-3-203, M.C.A., is amended to read:

“76-3-203. Exemption for certain condominiums. Condominiums constructed on land subdivided in compliance with parts 5 and 6 of this chapter or on lots within incorporated cities and towns are exempt from the provisions of this chapter if:

- (1) the approval of the original subdivision of land expressly contemplated the construction of the condominiums and any applicable park dedication requirements in 76-3-621 are complied with; or
- (2) the condominium proposal is in conformance with applicable local zoning regulations when local zoning regulations are in effect.”

Pursuant to the above statute, the Department of Planning and Community Development has determined that the condominium development on property legally described as Lot 2, Block 2, Correction Plat of Kagy Crossroads Subdivision.

does not require subdivision review and has satisfied the exemption criteria.

has completed review as a subdivision.

If you have any questions or comments, please contact the City of Bozeman Planning Office at 582-2260. Thank you for your cooperation.

Andrew C. Epple, AICP
Director of Planning and Community Development

 **2305678**
Page: 27 of 27
07/16/2008 03:35P
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