

**AMENDMENT TO DECLARATION OF PROTECTIVE
COVENANTS AND RESTRICTIONS FOR
LAZY TH ESTATES**

Reference is made to the Declaration of Protective Covenants and Restrictions for Lazy TH Estates dated October 13, 1994, and recorded in Film 148, page 1837, records of the Clerk and Recorder of Gallatin County, Montana.

R E C I T A L S

1. That the original Declarant wishes to amend the covenants to allow for greater flexibility in square footage of houses, to provide a deadline for completion of landscaping and to establish a mechanism for approval of septic system installers.

2. That the changes desired by the Declarant do not affect any covenants which were established as conditions of preliminary plat approval for the subdivision and therefore do not require the consent of the Gallatin County Commission.

3. That the original Declarant remains the owner of more than 2/3 of the lots within the subdivision and is therefore entitled to make appropriate amendments to the covenants.

NOW THEREFORE, the Declarant does hereby amend the Declaration of Protective Covenants and Restrictions of Lazy TH Estates as follows:

1. The following shall be included as an additional requirement of Section 5.3:

"Section 5.3.8: The conditions imposed by the Montana Department of Health and Environmental Sciences Certificate of Subdivision Plat Approval, dated March 31, 1994, referenced in Section 5.3.6 above, specify the type of septic system to be installed and the monitoring process which must be utilized by the developer. Any septic system installed during such time as the developer is required to provide monitoring shall be subject to the requirement that the installer of the septic system must be experienced with the required type of septic system and must be approved, in advance, in writing, by the developer prior to the installation of the septic system."

2. That Section 5.4.2 of the original Declaration of Protective Covenants and Restrictions is hereby deleted and the following shall be substituted in its place:

"5.4.2: Building Size and Height: No dwelling house

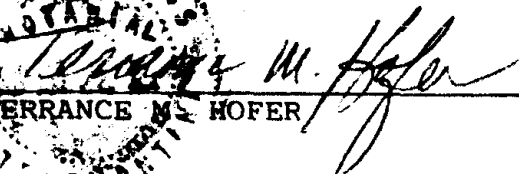
shall have less than one thousand five hundred (1500) square feet of floor area on the main level, except that houses which have more than two levels of living space above grade may have one thousand two hundred (1200) square feet of floor area on the lowest level above grade and a total of at least two thousand (2000) square feet of floor area above grade. This is exclusive of carports, porches, or any other addition thereto. In addition, no structure more than two (2) stories shall be constructed. Approval of size and height shall take into consideration unusual designs, views, and solar effects of existing buildings, but no building for residential use shall exceed thirty-five (35) feet to the top line of the roof joint from an average grade at side elevation. No other structures on the lot may exceed a height of twenty-four (24) feet to the top line of the roof joint from the average grade to the side elevation."

3. Section 5.5.1 shall be deleted in its entirety and the following shall be substituted in its place:

"5.5.1: General: Upon completion of the residential structure, each lot shall be landscaped in accordance with the landscape plan which must also be submitted to the DRC at the time of initial approval for the residence to be located on the lot. The DRC shall take into consideration the nature of the residence, the nature of surrounding residences, and the basis for the owner's landscaping plan in deciding whether to approve or disapprove the same. In all cases, planting of trees and shrubs is encouraged upon each lot but no specific landscaping plan shall be required, other than that landscaping must be completed within the front and side setback areas and within 50 feet of the rear of the house upon the lot, or the rear property line, whichever is nearer. The landscaping for the lot shall be completed within eighteen (18) months of the date that the residence on each lot is completed or the date upon which the residence is to be completed, whichever shall occur first."

4. That except as specifically amended hereby, all of the original Protective Covenants and Restrictions for the Lazy TH Estates shall remain in full force and effect.

Dated this 27th day of February, 1995.


TERRANCE M. HOFER

STATE OF MONTANA)
 :ss
County of Gallatin)

On this 14th day of February, 1995, before me, the undersigned, a Notary Public in and for the State of Montana, personally appeared TERRANCE M. HOFER, the Declarant, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

Wayne Jennings
Notary Public for the State of Montana
Residing at Bozeman, Montana
My Commission Expires: 11-1-97

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State of Montana }
County of Gallatin } ss.
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Shelley M. Cheney
County Clerk & Recorder
By Carris Brancamp
Deputy
Fee \$ 18.00PD

RT: WAYNE JENNINGS
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BOZEMAN, MT 59715