

**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, recorded in Film 148, page 1837, records of the Clerk and Recorder of Gallatin County, Montana, and that Amendment to Declaration of Protective Covenants and Restrictions for Lazy TH Estates, dated February 14, 1995 and recorded on February 14, 1995 in Film 151, Page 1872, Records of Gallatin County, Montana.

R E C I T A L S

1. That the original Declarant wishes to further amend the covenants to allow for greater flexibility and clarity in calculating the square footage of houses within the subdivision.

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


"5.4.2: Building Size and Height: No single-story dwelling house shall have less than one thousand five hundred (1500) square feet of floor area on the main level, which shall be above grade. Houses which have more than two levels of living space above grade shall have a total foundation area ("footprint") of at least one thousand two hundred (1200) square feet and shall have a total of at least one thousand eight hundred (1800) square feet of livable floor area above grade. This is exclusive of carports, porches, or any other addition thereto. In addition, no structure more than two (2) stories above grade 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."

FILM 161 PAGE 1826

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

Dated this 18th day of March, 1996.



Terrance M. Hofer

 TERRANCE M. HOFER, President

 TMH Enterprises, Inc.

STATE OF MONTANA)
)ss
County of Gallatin)

On this 18th day of March, 1996, before me, the undersigned, a Notary Public in and for the State of Montana, personally appeared TERRANCE M. HOFER, President of TMH Enterprises, Inc., 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 D. [Signature]
 Notary Public for the State of Montana
 Residing at Bozeman, Montana
 My Commission Expires: 11-1-97

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State of Mont., County of Gallatin. ss Filed for record March 21, 19 96
 at 1:20 P M., and recorded in Book 161 of MISCELLANEOUS page 1825
Shelley M. Cheney Recorder. By [Signature] Deputy
 Rt: Terrance M. Hofer
 2006 W. Babcock Suite B
 Bozeman, MT 59715
 Fee: \$12.00pd