

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 as subsequently amended.

R E C I T A L S

1. That the original Declarant wishes to further amend the covenants to remove outbuilding restrictions and use restrictions upon three lots 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 undersigned represent more than 2/3 of the lots within the subdivision and are therefore entitled to make appropriate amendments to the covenants.

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

1. That Sections 5.4.1., 5.4.2., 5.6.4., 5.6.5., 5.6.6., 5.6.8., 5.6.12., and 5.6.26., of the Declaration of Protective Covenants and Restrictions, as Amended, are hereby deleted and the following shall be substituted in their place:

5.4.1: General: Only construction of single family homes and appropriate outbuildings will be permitted on Lots other than 5, 6 and 7. Multiple family dwellings are not permitted, but nothing contained herein will prohibit use of Lots 5, 6 or 7 for a commercial horse business, including an indoor arena.

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 (2) 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. The provisions of this article shall not limit the size of any structure placed upon Lots 5, 6 and 7.

5.6.4: Other than on Lots 5, 6 and 7, the property shall be improved only by the erection of private dwellings or residences designed for the occupancy of one family, constructed of new material, together with a two-car garage, which must be attached to the dwelling. No old buildings, metal buildings, concrete buildings, or rough buildings, whether intended for use in whole or in part as the main residential structure, or for use as a garage or other buildings, shall be moved or constructed upon the premises. The dwellings and residences shall be occupied by single families, their household guests or servants and employees.

5.6.5: No more than one single family dwelling house and a single guest house, shall be constructed upon any tract, other than Lots 5, 6 and 7. Seventy-five percent (75%) of each tract shall be open space. No lot or lots may be subsequently subdivided or platted, except pursuant to court order. Interior lot lines may be realigned or relocated, however, as permitted by the Gallatin County Subdivision Regulations only upon the approval of a majority vote of the Directors, and the governing body of Gallatin County and MDHES. Such realignment must be considered in the best interests of the Association.

5.6.6: Detached outbuildings may be constructed upon the premises for the storage of campers and boats; provided, however, that such outbuildings shall not be used as permanent residences, or for commercial purposes. All vehicles with a gross vehicle weight of eight thousand (8000) pounds or more must be concealed in an approved outbuilding. Except as provided below, there shall be no more than one (1) outbuilding on any one (1) lot, which must be of the same materials, design, and style as the primary dwelling residence and shall be no more than one (1) story and may contain no more than one thousand (1000) square feet. Lots 5, 6 and 7, which are larger lots capable of carrying more substantial structures, shall have no restrictions on the size and number of outbuildings, provided that all other applicable covenants are followed, including, but not limited to, those governing building design and setbacks.

5.6.8: The property shall be used for rural residential purposes, and no commercial business, commercial livestock yards, or feed lots, wrecking yards, storage yards, stores, gas stations, or the like shall be allowed to be located thereon, but the lands may be used for agricultural gardens for the use of the owners. No dumps, commercial dog farms, trash, junk or junked cars shall be maintained upon the property, nor shall any noxious or offensive activities be permitted to be done on the property which are a nuisance or might become a nuisance to the owner or


owners of any of the described lands. No lot shall be used in any manner or for any purpose which might endanger the health and safety of the residents of any lots within this property. Provided that such uses comply fully with all applicable environmental and zoning laws and do not constitute a nuisance to other owners within the subdivision, the owners of Lots 5, 6 and 7 shall be entitled to operate commercial horse businesses upon their lots.

5.6.12: Approval of use of the property for home occupations may be permitted by the DRC, provided that the use therefore shall be clearly incidental and secondary to the use of the lot for residential purposes and shall be limited in location to the inside of a dwelling or attached appurtenances. No home occupation or hobby shall occupy more than twenty percent (20%) of the gross floor area of a residence, nor more than four hundred (400) square feet of the gross floor of an accessory building. Examples of home occupations are professional offices and art studios. No home occupation shall be allowed without the express written approval of the DRC, other than upon Lots 5, 6 and 7. Anyone applying for permission to use the premises for a home occupation shall supply the DRC with a description of the home occupation, its proposed location, and the extent to which the premises are to be used for the home occupation, and such other information as may be required by the DRC. The owners of Lots 5, 6 and 7 may operate businesses upon their lots without the consent from DRC, except that design approval for buildings upon those lots must first be obtained from DRC.

5.6.26: Other than upon Lots 5, 6 and 7, no signs shall be erected on the property, except a discreet sign less than ten (10) square feet to identify the owner of the property and/or a "For Sale" signs which shall be allowed upon the lot being sold. Signs no greater than 30 square feet and no taller than 10 feet shall be allowed on Lots 5, 6 and 7 to identify any business that may be located upon those lots.

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.

Date: SEP 12 1996 day of September, 1996.

 *Terrance M. Grofer*
Terrance M. Grofer, President
TH Enterprises, Inc., owner of
Lots 1-15, 16, 22, 23, 32-38, 40,
43-45, 47-49, 52, 53, 65-68

STATE OF MONTANA)
 :SS
County of Gallatin)

This instrument was executed this 18th day of September, 1996. by Terrance M. Hofer, President of TMH Enterprises, Inc.

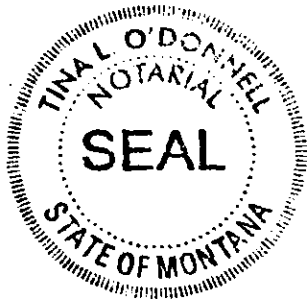
Wayne J. J...
Notary Public for the State of Montana
Residing at Batzeman, Montana
My Commission Expires: 11-1-97

Donald L. Bockhahn
DONALD L. BOCKHAHN
owner of Lot 29

Andrea K. Bockhahn
ANDREA K. BOCKHAHN
owner of Lot 29

STATE OF MONTANA)
 :SS
County of Gallatin)

This instrument was executed this 25th day of September, 1996. by Donald L. Bockhahn and Andrea K. Bockhahn.



Tina J. O'Donnell
Notary Public for the State of Montana
Residing at Batzeman, Montana
My Commission Expires: 3-26-2000

Shawn Olsen
SHAWN P. OLSEN,
owner of Lot 27

Gladys Olsen
GLADYS OLSEN
owner of Lot 27

STATE OF MONTANA)
 :SS
County of Gallatin)

This instrument was executed this 20th day of September, 1996. by Shawn P. Olsen and Gladys Olsen.



Michelle Goedeke
Notary Public for the State of Montana
Residing at Boreman, Montana
My Commission Expires: 6-14-99

Ronald R. Schmit
RONALD R. SCHMIT
owner of Lot 14

STATE OF MONTANA)
 :SS
County of Gallatin)

This instrument was executed this 18th day of September, 1996. by Ronald R. Schmit.



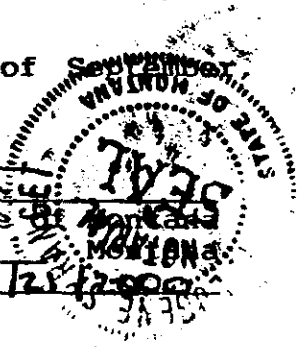
Cory A. Vellinga
Notary Public for the State of Montana
Residing at BOREMAN, Montana
My Commission Expires: 11-9-97

Larry D. Schroeder
LARRY D. SCHROEDER
owner of Lots 15 & 17

STATE OF MONTANA)
 :SS
County of Gallatin)

This instrument was executed this 19th day of September 1996. by Larry D. Schroeder.

[Signature]
Notary Public for the State of Montana
Residing at Bremer, Montana
My Commission Expires: 7/21/2000

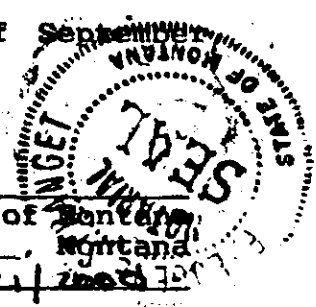


Jared Schroeder
JARED SCHROEDER
owner of Lot 24

STATE OF MONTANA)
 :SS
County of Gallatin)

This instrument was executed this 19th day of September 1996. by Jared Schroeder.

[Signature]
Notary Public for the State of Montana
Residing at Bremer, Montana
My Commission Expires: 7/21/2000



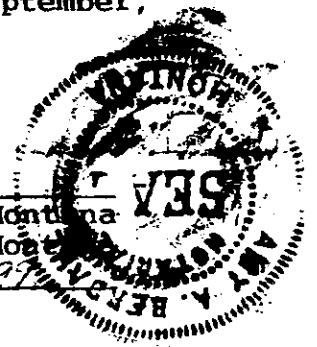
Myron Moore
MYRON M. MOORE
owner of Lot 30

Karen Moore
KAREN K. MOORE
owner of Lot 30

STATE OF MONTANA)
 :SS
County of Gallatin)

This instrument was executed this 27 day of September, 1996. by Myron M. Moore and Karen K. Moore.

Larry A. Berdahl
Notary Public for the State of Montana
Residing at Bozeman, Montana
My Commission Expires: 7-28-97



Morris L. Cascaddan
MORRIS L. CASCADAN
owner of Lot 55

FILM 169 PAGE 3716

STATE OF MONTANA)
 :SS
County of Gallatin)

This instrument was executed this 1st day of OCT. ~~September~~,
1996 by Morris L. Cascaddan.



Donita M. Milligan
Notary Public for the State of Montana
Residing at Bozeman Montana
My Commission Expires: 4/15/98

Craig E. Blockey
Craig E. Blockey
owner of Lot #6

Julie A. Blockey
Julie A. Blockey
owner of Lot #6

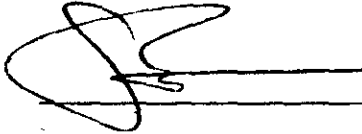
STATE OF MONTANA)
 :SS
County of Gallatin)

This instrument was executed this 31st day of December 1996.
by Craig E. Blockey and Julie A. Blockey



Cory J. Vellinga

Notary Public for the State of Montana
Residing at BOZEMAN Montana
My Commission Expires: 11-9-97



owner of Lot 25
ERIC VAN ORMAN

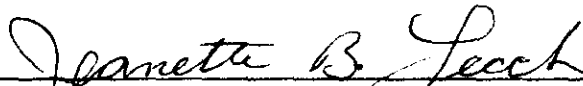


owner of Lot 25
DIXIE VAN ORMAN

STATE OF MONTANA)
 :SS
County of Gallatin)

This instrument was executed this 3 day of January, ~~1996~~ ¹⁹⁹⁷
by Eric Van Orman and Dixie Van Orman




Notary Public for the State of Montana
Residing at Gallatin County Montana
My Commission Expires: 4-5-00



337305
State of Mont., County of Gallatin. ss Filed for record JANUARY 3, 19 97
at 9:33 A M., and recorded in Book 169 of MISCELLANEOUS page 3709
Shelley M. Olson Recorder. By Carrie Brancamp Deputy

FEE: \$60.00PD
RT: TERRANCE M. HOFER
P.O. BOX 1655
BOZEMAN, MT 59715