

BOOK 224 PAGE 1458

**DECLARATION OF  
COVENANTS, CONDITIONS AND RESTRICTIONS  
BUCKEYE PLACER MINOR SUBDIVISION**

JUL 25 2005

This Declaration of covenants, Conditions and Restrictions regulating and controlling the use and development of certain real property as hereinafter described is made to be effective this 30 day of Sept, 2005 by MAQLLC hereinafter referred to as "Declarant", the Owner or beneficial Owner of all Lots of BUCKEYE PLACER MINOR SUBDIVISION, SUBDIVISION NO. 483 in accordance with the plat filed for record in the office of the Clerk of Park County, Montana, and which shall hereinafter be referred to as the "Property".

NOW, Therefore, Declarant, hereby declares that all of the Property described shall be owned, held, sold, conveyed, encumbered, leased, used, occupied and developed subject to the following easements, restrictions, covenants and conditions, which are for the purpose of protecting the value and desirability of, and which shall run with, the real Property and be binding on all parties having any right, title or interest in the described Property or any part thereof, their heirs, successors and assigns and shall inure to the benefit of each Owner of any part thereof.

All lot owners shall be members of the Placer Minors Homeowners Association.

**ARTICLE I**

Section 1. Governing Body shall mean the Commissioners of Park County, Montana

Section 2. "Lot" shall mean and refer to any of the single family residential plots of land described above and shown upon that certain recorded Subdivision Plat of the Property filed by the Declarant in the Office of the Park County Clerk.

Section 3. "Owner" or "Lot Owner" shall mean and refer to the record Owner, whether one or more persons or entities, of a fee simple title to any lot, including contract buyers and Owners of a beneficial interest, but excluding those having such interest merely as security for the performance of an obligation.

**ARTICLE II  
COVENANTS**

1. Fences shall be maintained by the landowners in accordance with State Law, which requires that maintenance of boundary fences is divided 50-50 among adjoining landowners.\*
2. No grazing livestock shall be kept on the lots. If livestock is kept on the lots a management plan d developed with in conjunction with the Park County Extension Office.\*
3. Not more than two dogs over the age of six months are permitted, provided, however, that such dogs shall at all times be restrained or leashed. \*
4. The area is rich in wildlife. Wildlife may damage landscaping and may also present a hazard to domestic pets. \*
5. Exterior lighting shall be subdued, understated and indirect. Area lighting shall have concealed light sources and shall be pale yellow. Lighting, including yard lighting shall be "down" type and shall

not radiate out from the property. In all cases, excessive glare to neighboring properties or circulation shall be avoided. No twenty-four hour yard lights shall be allowed.\*

6. All lots within the Minor Subdivision shall be controlled for noxious weeds. The lot owner shall comply with the weed control plan approved by the Park County Weed Board. \*
7. Address signs identifying residences shall be in conformance with Park County Rural Addressing standards. The identification shall be clearly visible to emergency vehicles from the adjacent road at all times.\*
8. No commercial enterprises shall be allowed on the property. Home Businesses that have no impact on traffic and are contained totally within the residence are allowed.
9. The lots are located in an agricultural area. Lot Owners recognized adjoining landowners right to farm.\*
10. There shall be no building within 100 feet of Emigrant Creek.\*
11. Any construction in the designated floodplain of Emigrant Creek requires a floodplain development permit be obtained from the Park County Floodplain Administrator.\*
12. Any interior lot line fencing shall be wildlife friendly.\*
13. There is an active gravel crushing facility on this subdivision.\*
14. The lots shall be limited to one single family residence with one guest house and outbuildings.\*
15. The private interior subdivision roads shall be maintained by the Homeowner's Association.\* Only tract owners who are served by the private road shall be assessed for road maintenance for the private roads.
16. No manufactured, mobile or modular homes shall be allowed on these tracts. \*
17. No home shall be less than 2,000 square feet livable area, excluding decks, patios and porches.
18. No swine, goats or chickens, ducks or other fowl shall be kept on any of the lots.
19. All exterior construction shall be completed within eighteen (18) months from start of construction.

### **ARTICLE III** **ENFORCEMENT, DURATION AND AMENDMENT**

**Section 1. Enforcement.** Any Owner, or the owner of the remainder tract, shall have the right to enforce, by any proceeding at law or in equity, all restrictions, conditions, covenants, reservations, liens and charges now or hereafter imposed by the provisions of this Declaration

**Section 2. Duration of Restrictions.** All of the covenants, conditions, and restrictions set forth in these Covenants shall continue and remain in full force and effect at all times against said property and the Owners thereof, subject to the right of amendment or modification provided for in the Article 3.

**Section 3. Amendment.** This declaration may be amended by an instrument signed by not less than seventy-five percent (75 %) of the lot Owners. which instrument must be recorded in the Office of the County Clerk

of Park County, Montana. Any covenants included herein as a condition of preliminary plat approval and required by the County Commission may not be amended or revoked without the mutual consent of the owners in accordance with the amendment procedures in these covenants and the governing body of Park County. These covenants are marked with an asterisk (\*). Such amendments shall be duly executed by the Declarant and placed of record in the Office of the County Clerk of Park County, Montana.

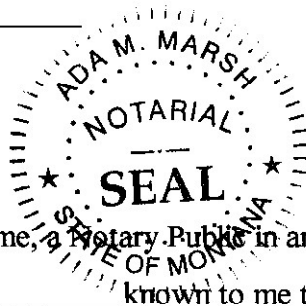
JUL 25 2005

DATED this 16<sup>th</sup> day of July, 2005.  
BUCKEYE PLACER MINOR SUBDIVISION, EMIGRANT, MONTANA

Michael Adkins

Michael Adkins, MAQLLC  
STATE OF MONTANA

:SS



County of Park

On this 16 day of July, 2005 before me, a Notary Public in and for said State, personally appeared

MICHAEL ADKINS

known to me to be the person whose name is subscribed

to the within instrument and acknowledged to me that he executed the same.

Adam M. Marsh  
Notary Public for the State of Montana.

Residing at LEWISSTON, Montana.

My commission expires: 4-17-2009

Vito Quatraro

Vito Quatraro, MAQ LLC  
STATE OF MONTANA

:SS

County of Park

On this 16<sup>th</sup> day of JUNE, 2005 before me, a Notary Public in and for said State, personally appeared

VITO QUATRARO

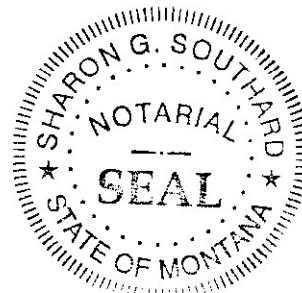
known to me to be the person whose name is subscribed

to the within instrument and acknowledged to me that he executed the same.

Sharon G. Southard  
Notary Public for the State of Montana.

Residing at \_\_\_\_\_, Montana.

My commission expires: Sharon G. Southard  
Notary Public for the State of Montana  
Residing at Bozeman, Montana  
My Commission Expires October 22, 2006



Kirk Michals

Kirk Michals, MAQ LLC  
STATE OF MONTANA



ROLL 224 PAGE 1461

On this 6 day of JULY, 2005 before me, a Notary Public in and for said State, personally appeared  
MICHEL known to me to be the person whose name is subscribed  
to the within instrument and acknowledged to me that he executed the same.

Cynthia R. Murphy  
Notary Public for the State of Montana.  
Residing at LIVINGSTON, Montana.  
My commission expires: 9/9/2008

JUL 25 2005

329483 Fee: \$ 44.00 Roll 224 Pg 1458-61

PARK COUNTY Recorded 09/30/2005 At 10:47 AM  
Denise Nelson, Clk & Rcd By DNB  
Return to: DUBIEL WELLS ASSOCIATES  
40 SPANISH PEAK SUITE 101 BOZEMAN, MT 59718

SID 483

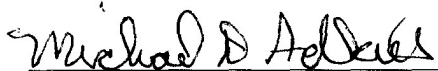
DECLARATION OF  
COVENANTS, CONDITIONS AND RESTRICTIONS FOR  
BUCKEYE PLACER MINOR SUBDIVISION AMEMDED PLAT  
ADOPTED AND EXECUTED BY THE OWNERS OF  
TRACTS D-1 AND D-2 OF S/D 483  
AND TO BE RECORDED WITH AMEMDED SUBDIVISION PLAT NO. 555

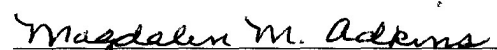
WHEREAS, the Owners of Tracts D-1 and D-2 of plat S/D 483 of record and on file in the Clerk and Recorders office of Park County, Montana have changed these tracts by boundary realignment; and

WHEREAS, the Owners identified herein are the owners of the affected property and they desire to adopt certain covenants for Tracts D-1-A and D-2-A.

NOW, THEREFORE, the following covenants, conditions and restrictions are made to apply to Tracts D-1-A and D-2-A, and are for the use and benefit of the owners of these said tracts:

1. The parties hereto shall be the owners at any time of Tracts D-1-A and D-2-A of the amended subdivision, and are hereafter referred to as the "owners".
2. The pre-existing covenants on the Buckeye Placer minor subdivision filed with subdivision plat S/D 483 and recorded as roll 224 pages 1458 through 1461 shall apply in full effect to Tracts D-1-A and D-2-A.
3. As required by the Park County governing body, the owners of Tract D-1-A shall construct a cul-de-sac turnaround or T shaped turnaround near the end of the residence driveway at the time a residence is constructed on Tract D-1-A. The required turnaround shall be sized in accordance with the Park County Subdivision Regulations to accommodate emergency response vehicles.
4. These covenants shall run with the land and shall inure to the benefit of and be binding upon the heirs, executors, beneficiaries, successors and assigns of the owners. All rights and responsibilities of the parties as set forth herein shall be an appurtenance and/or burden upon Tracts D-1-A and D-2-A within the amended subdivision.

  
Michael D. Adkins, Property Owner

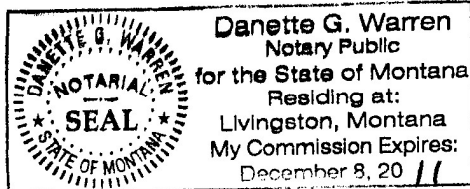
  
Magdalen M. Adkins, Property Owner

STATE OF MONTANA )  
 ) : ss.  
County of Park )

On this 29 day of Sept., 2009, before me, Danette G. Warren,  
a Notary Public in and for the State of Montana, personally appeared MICHAEL D.  
ADKINS and MAGDALEN M. ADKINS, known to me to be the persons who signed the  
forgoing instrument and who acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereto set my hand and affixed my Official Seal the  
day and year herein first above written.

(Seal)



Danette G. Warren  
Notary Public for the State of Montana  
Residing at Livingston, Montana  
My Commission expires 12-08-2011  
(4 digit year)

**357461 Fee: \$22.00 Roll: R 291 Page(s): 2**  
Park County Recorded 9/29/2009 At 12:20 PM  
Denise Nelson, Clk & Rcdr By DN, MR Return To:  
MICHAEL D. ADKINS P.O. BOX 32  
PRAY, MT 59065

SID 555