



KNOW ALL MEN BY THESE PRESENTS:

That JANICE FORSETH, CALVIN KANNING, CURTIS KANNING, ELIZABETH ELLESCH, and EVA McLEAN, of with a common address of P. O. Box 888, Shelby, Montana 59474, hereinafter referred to as PARTIES OF THE FIRST PART, FOR AND IN CONSIDERATION of the sum of One and No/100ths Dollars, (\$1.00), in hand paid, the receipt whereof is hereby acknowledged, DO HEREBY GRANT to LLOYD KANNING, of P. O. Box 888, Shelby, Montana 59474, hereinafter referred to as PARTY OF THE SECOND PART, all the real property situated in Lewis and Clark County, State of Montana, bounded and described as follows:

Lot 4 of the Kanning Kaldesac Minor Subdivision, Helena, Montana, according to a map or plat thereof on file and of record in the office of the Lewis and Clark County Clerk and Recorder.

SUBJECT to reservations and exceptions in patents and deeds of record, and subject to visible and recorded easements.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining, included after acquired title, interest and ownership in law, as in equity of PARTIES OF THE FIRST PART in and to said premises and every part and parcel thereof.

To have and to hold, all and singular, the said premises, together with the appurtenances, unto the said PARTY OF THE SECOND PART and to him and his heirs and assigns forever.

WITNESS our hands this 21st day of June, 1998.

Janice Forseth Curtis Kanning
Calvin Kanning Eva McLean
Elizabeth Ellesch

STATE OF MONTANA
COUNTY OF TOOLE

On this 21st day of June, 1998, before me, the undersigned, a Notary Public for the State of Montana, personally appeared JANICE FORSETH, CALVIN KANNING, CURTIS KANNING, ELIZABETH ELLESCH, and EVA McLEAN, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year first hereinabove written.

Ed V. Keelble
Notary Public for State of Montana
Residing at: Shelby
My commission expires: oct 1 2001

DECLARATION OF RESTRICTIVE COVENANTS
KANNING KALDESAC MINOR SUBDIVISION

THAT WHEREAS, the undersigned, Leore Kanning, Fred Kanning, Lloyd Kanning, Dorothy Pickard, Janice Forseth, Elizabeth Ellesch, Curtis Kanning, Eva McLean and Calvin Kanning, of Helena, Montana, herein the GRANTOR, is the titled owner of that certain real property situated in Lewis and Clark County, Montana, more particularly described as follows:

Lots 1, 2, 3, 4 and 5 as shown and described on that certain subdivision plat of "Kanning Kaldesac Minor Subdivision", located in the southwest one-quarter of Section 13, Township 11 North, Range 4 West, P.M.M., on file under Document Number 5799976 in the office of the Clerk and Recorder of Lewis and Clark county, Montana.

NOW, THEREFORE, Leore Kanning, Fred Kanning, Lloyd Kanning, Dorothy Pickard, Janice Forseth, Elizabeth Ellesch, Curtis Kanning, Eva McLean and Calvin Kanning, hereby subjects said real property to the conditions, covenants and restrictions set forth herein. These conditions, covenants and restrictions shall hereafter run with the said real property and be binding upon the present owners and subsequent grantees of any portion of the said real property.

The immediate GRANTOR and all future grantees, their heirs and assigns forever, hereby covenant and agree by the acceptance of conveyance of any portion of said real property to faithfully observe and comply with said conditions, covenants and restrictions set forth herein to wit:

1. Notification is hereby given of the potential health risk from radon concentrations and that such risk can be evaluated through soil tests and can be mitigated through radon abatement techniques incorporated into structures
2. All dwelling units within the subdivision must be constructed to specifications that meet or exceed equivalent provisions in the uniform building code for this seismic zone (Zone 3).
3. The internal access road known as Painted Sky Drive will be a private road maintained under a road maintenance agreement by all owners of said real property. Said road maintenance agreement and the conditions thereof are recorded in Book 20 at Page 6398 in the Clerk and Recorder's office, Lewis and Clark County, Montana. Further, the current and future owners of said real property hereby waive their right of protest to join a maintenance district for improvements or maintenance of Robbins Drive in accordance with the Lewis and Clark County Subdivision Regulations.
4. Any additional utility lines shall be installed underground in accordance with the Lewis and Clark County Subdivision regulations.
5. Any exterior lighting shall be arranged and shielded so that the light source can not be seen from adjacent roads or property and so that no direct beam illuminates other private property or public roads, and shall not be visible from beyond the property lines.
6. Lewis and Clark County is hereby held harmless and indemnified from all claims, demands, obligations, suits, causes of action, damages, and liability, including the County's costs and attorney's fees, arising in any manner whatsoever out of, or relating to, the existence, use, operation, repair, and/or maintenance of the variance granted for right-of-way width and cul-de-sac length.
7. Each lot of said subdivision is approved for one single-family dwelling.
8. No lot shall allow development, alteration, or encroachment within the drainage easement.
9. No commercial business, industrial enterprise, mining operation, trade or manufacturing of any nature shall be conducted in said subdivision except that any in-house occupation that will not have an adverse effect on the well-being of the residential atmosphere of said subdivision shall be permitted.
10. No person in said subdivision shall raise animals, livestock or pets for sale or commercial purposes, provided that the owners of each lot may keep the usual house pets which can be kept without any continuance or audible disturbance or nuisance to other persons residing in said subdivision. Any person keeping livestock, horses or poultry for non-commercial purposes shall maintain a fence of sufficient construction to contain said livestock, horses or poultry within his or her own premises.

11. No noxious, unlawful or offensive activity shall be carried upon any lot in said subdivision which may be or may become an annoyance, disturbance or nuisance to the said subdivision and immediately adjacent properties. Any visual annoyances including but not limited to inoperable vehicles, abandoned equipment, garbage, rubbish, trash or similar detractions shall be enclosed with a fence of suitable construction to screen said visual annoyances from the view of the subdivision and immediately adjacent properties.

12. All property owners in said subdivision may fence their respective lots excepting that all fences must be well built of good materials and well maintained so as not to adversely affect the esthetic value of any adjoining property. No high board fences shall be erected or raised near Kanning Drive that will impair visibility and traffic safety.

13. Enforcement of these conditions, covenants and restrictions by any real property owner in said subdivision against any person or persons violating or attempting to violate said conditions, covenants and restrictions shall be by proceeding at law either to restrain violation or to recover damages.

14. Invalidation of any one of these conditions, covenants and restrictions by judgment or order of any court shall in no wise affect any of the other such conditions, covenants and restrictions which shall remain in full force and effect.

15. The foregoing conditions, covenants and restrictions are to run in perpetuity with the said real property. Covenants Nos. 1-6 and 8 shall be revocable or alterable only with the consent of the Lewis and Clark County Board of County Commissioners.

Dated: 5/11/98

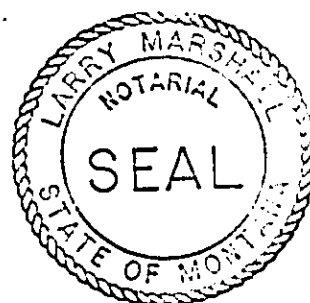
<u>Leore Kanning</u> Leore Kanning by <u>Janice Forseth</u> Power of Attorney <u>Dorothy Pickard</u> Dorothy Pickard by <u>Janice Forseth</u> Power of Attorney	<u>Fred Kanning</u> Fred Kanning <u>Janice Forseth</u> Janice Forseth <u>Eva McLean</u> Eva McLean	<u>Lloyd Kanning</u> Lloyd Kanning <u>Elizabeth Ellesch</u> Elizabeth Ellesch <u>Calvin Kanning</u> Calvin Kanning
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STATE OF MONTANA }
COUNTY OF LEWIS & CLARK }SS

On this 11th day of May, 1998,
before me a Notary Public for the State of Montana, personally appeared
Leore Kanning, Fred Kanning, Lloyd Kanning, Dorothy Pickard, Janice Forseth, Elizabeth Ellesch, Curtis Kanning, Eva McLean and Calvin Kanning,
known to me to be the person whose name is subscribed to the
within instrument and acknowledged to me that she executed the same.

Larry Marshall
Notary Public for the State of Montana

Residing at _____ NOTARY PUBLIC for the State of Montana
Residing at Helena, Montana
My Commission Expires: My Commission Expires July 15, 1998



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PAULETTE DEHART CLK & REC
LEWIS & CLARK CO

98 MAY 20 AM 8:43
BOOK 1120 PAGE 6397
BY Shirley McDougal

INDEXED

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DEPARTMENT OF ENVIRONMENTAL QUALITY
PERMITTING AND COMPLIANCE DIVISION

METCALF BUILDING
1520 E SIXTH AVE

MARC RACICOT, GOVERNOR



STATE OF MONTANA

(406)444-3080
FAX (406)444-1374

March 9, 1998

PO BOX 200901
HELENA, MONTANA 59620-0901

MT ASSOCIATES INC
4528 HWY 12 WEST
HELENA MT 59601

RE: KANNING KALDESAC
LEWIS & CLARK COUNTY
E.Q. #98-1771

Dear Sir/Madam:

The plans and supplemental information relating to the water supply, sewage, solid waste disposal facilities, and storm drainage (if any) for the above-referenced division of land have been reviewed as required by ARM Chapter 17 Section 36 and have been found to be in compliance with those acts.

Two copies of the Certificate of Subdivision Plat Approval are enclosed. The original is to be filed with the Plat at the office of the county clerk and recorder. The duplicate is for your personal records.

Your copy is to inform you of the conditions of the approval. Please note that you have specific responsibilities according to the plat approval statement, primarily with regard to informing any new owner as to inherent limitations which have been imposed.

If you wish to challenge the conditions of this Certificate of Subdivision Plat Approval, you may request a hearing before the Board of Environmental Review or the Department, pursuant to Section 76-4-126, MCA and the Montana Administrative Procedures Act.

If you have any questions, please contact this office.

Sincerely,

LEWIS & CLARK COUNTY

MAR 10 1998

PERMIT OFFICE

for Kimberly K. Warren
Dennis P. McKenna
Supervisor
Subdivision Section
Water Protection Bureau

DM/kw

cc: County Sanitarian
County Planning Board
PLAT.I

STATE OF MONTANA
DEPARTMENT OF ENVIRONMENTAL QUALITY
CERTIFICATE OF SUBDIVISION PLAT APPROVAL
(Section 76-4-101 through 76-4-131, MCA 1995)

TO: County Clerk and Recorder
Lewis & Clark County
Helena, Montana

No. E.Q. 98-1771

THIS IS TO CERTIFY THAT the plans and supplemental information relating to the subdivision known as **Kanning Kaldesac Minor Subdivision**

beginning at the center $\frac{1}{4}$ corner of section 13, township 11 north, range 4 west, P.M.M., see Appendix A

consisting of 5 lots have been reviewed by personnel of the Permitting and Compliance Division, and,

THAT the documents and data required by ARM Chapter 17 Section 36 have been submitted and found to be in compliance therewith, and,

THAT the approval of the Plat is made with the understanding that the following conditions shall be met:

THAT the lot sizes as indicated on the Plat to be filed with the county clerk and recorder will not be further altered without approval, and,

THAT each lot shall be used for one single-family dwelling, and,

THAT each individual water system will consist of a well drilled to a minimum depth of 25 feet constructed in accordance with the criteria established in Title 17, Chapter 36, Sub-Chapters 1, 3, and 6 ARM and the most current standards of the Department of Environmental Quality, and,

THAT data provided indicates an acceptable water source at a depth of approximately 155 feet, and,

THAT each individual sewage treatment system will consist of a septic tank and subsurface drainfield of such size and description as will comply with Title 17, Chapter 36, Sub-Chapters 1, 3, and 6 ARM, and,

THAT each subsurface drainfield shall have an absorption area of sufficient size to provide 160 square feet per bedroom, and,

THAT when the existing water supply system is in need of extensive repairs or replacement it shall be replaced by a well drilled to a minimum depth of 25 feet constructed in accordance with the criteria established in Title 17, Chapter 36, Sub-Chapters 1, 3, and 6 ARM and the most current standards of the Department of Environmental Quality, and,

THAT when the present sewage treatment system is in need of extensive repairs or replacement it shall be replaced by a septic tank and subsurface drainfield of such size and description as will comply with Title 17, Chapter 36, Sub-Chapters 1, 3, and 6 ARM, and,

THAT the bottom of the drainfield shall be at least four feet above the water table, and,

THAT no sewage treatment system shall be constructed within 100 feet of the maximum highwater level of a 100 year flood of any stream, lake, watercourse, or irrigation ditch, nor within 100 feet of any domestic water supply source, and,

THAT water supply systems, sewage treatment systems and storm drainage systems will be located as shown on the approved plans, and,

THAT all sanitary facilities must be located as shown on the attached lot layout, and,

THAT the developer and/or owner of record shall provide each purchaser of property with a copy of the Plat, approved location of water supply and sewage treatment system as shown on the attached lot layout, and a copy of this document, and,

THAT instruments of transfer for this property shall contain reference to these conditions, and,

THAT departure from any criteria set forth in the approved plans and specifications and Title 17, Chapter 36, Sub-Chapters 1, 3, and 6 ARM when erecting a structure and appurtenant facilities in said

E.Q. #98-1771
Page 3 of 3
Lewis & Clark County
Kanning Kaldesac Minor Subdivision

subdivision without Department approval, is grounds for injunction by the Department of Environmental Quality.

Pursuant to Section 76-4-122 (2) (a), MCA, a person must obtain the approval of the both the state under Title 76, Chapter 4, MCA, and local board of health under Section 50-2-116 (1) (I), before filing a subdivision plat with the county clerk and recorder.

YOU ARE REQUESTED to record this certificate by attaching it to the Plat filed in your office as required by law.

DATED this 19th day of February, 1998.

MARK SIMONICH
DIRECTOR

By: Joan Miles
Joan Miles
Health Officer
Lewis & Clark County
Health Department

By: Michelle Marsh
for Dennis McKenna, Supervisor
Subdivision Section
Permitting and Compliance
Division
Department of Environmental
Quality

Owner's Name: Janice Forseth

STATE OF MONTANA

County of Lewis and Clark

) KANNING KALDESEC MINOR SUBDIVISION
:ss. E.Q. #98-1771
)

DATED this

Treasurer,

led for record this _____ day of _____, 19____, at
Helena, Montana.

Clerk and Recorder
Lewis and Clark County
Helena, Montana

CERTIFICATE

STATE OF

County of

CERTIFICATE OF DEDICATION

We, the undersigned property owners, do hereby certify that we have caused
be surveyed, subdivided and platted into the lots as shown by the plat hereto
annexed, the following described land in Lewis and Clark County, to-wit:

beginning at the center 1/4 corner of Section 13, Township 11 North, Range 4
East, P.M.M., thence S00°59'17"W, 1346.98 feet; thence S88°12'10"W,
78.67 feet; thence N01°11'58"E, 1344.39 feet; thence N88°05'03"E,
73.84 feet to the Point of Beginning; containing 42.460 acres.

I, Larry M
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Dated this

The above described tract of land is to be known and designated as
KANNING KALDESEC MINOR Subdivision.

The undersigned hereby grants unto each and every person, firm or corporation,
whether public or private, providing or offering to provide telephone,
telegraph, electric power, gas, cable television, water or sewer service to
the public, the right to the joint use of their lines and other facilities,

under each area designated on this plat as "Underground Utility Easement"

shall have and to hold forever. Further, the "Drainage Easement" and "Public

Access Road Easement" are hereby established as shown and described on this plat.

Witness my hand and seal this _____ day of _____, 19____.

LEORE KANNING

FRED KANNING

LLOYD KANNING

DOROTHY PICKARD

JANICE FORSETH

ELIZABETH WILKINSON

CURTIS KANNING

EVA McLEAN

CALVIN KANNING

BAS

FOUND A

CENTERLINE

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LEGIT

SET 5

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RM: R

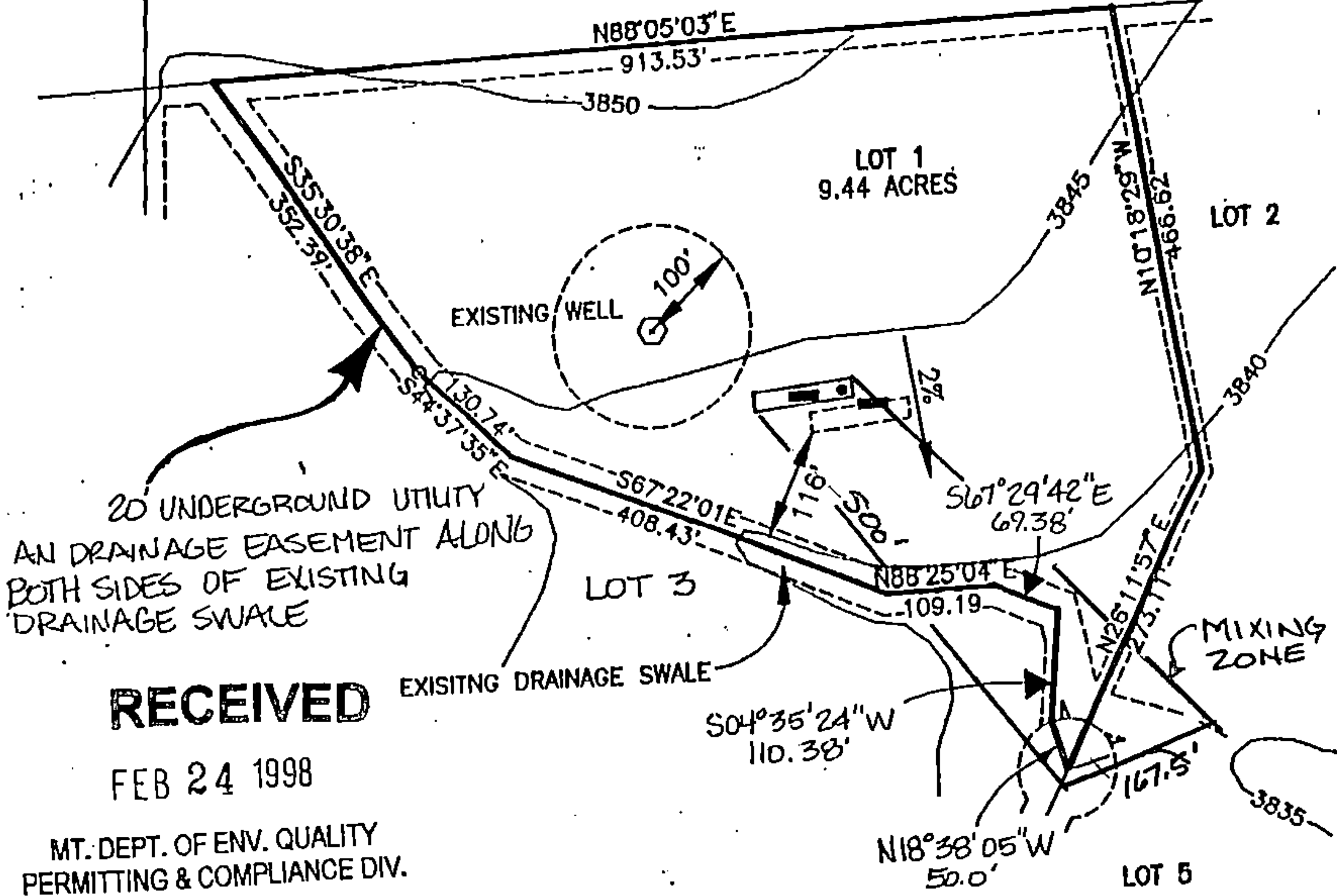
SET 5

FOUN

KANNING KALDESAC MINOR SUBDIVISION
LEWIS AND CLARK COUNTY

APPROVED
Montana Department of
Environmental Quality
Permitting and Compliance Division
3-7-98
Date

NO EXISTING OR PROPOSED
WELLS OR SEPTIC DISPOSAL
AREAS WITHIN 100' OF
PROPERTY BOUNDARY



LEGEND

- EXISTING OR PROPOSED WELL
- 7' DEEP TEST PIT
- PERCOLATION TEST SITE

- DRAINFIELD
- 100% REPLACEMENT AREA

0 50 100 200
SCALE: 1"=200'

RECEIVED

NOV 24 1997

MT. DEPT. OF ENV. QUALITY
PERMITTING & COMPLIANCE DIV

MT ASSOCIATES, INC.
LARRY MARSHALL, LS
4628 HWY 12 WEST
HELENA, MT 59601
406-449-3918
DATE OF SURVEY: 7/14/97
JOB No. 387
DWG No. 387A

Figure 3 Lot Layout for Lot 2

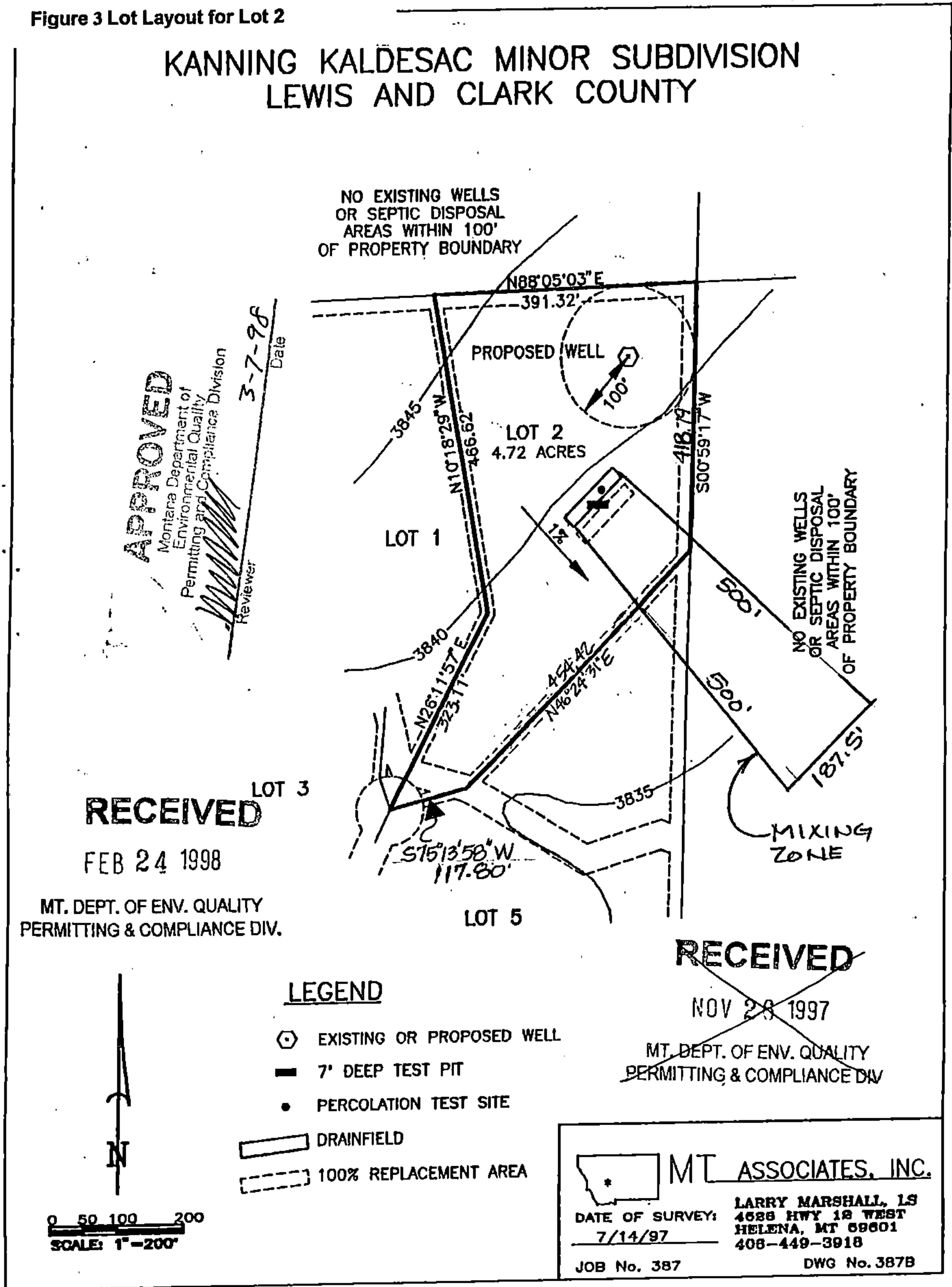


Figure 4- Lot Layout for Lot 3

KANNING KALDESAC MINOR SUBDIVISION LEWIS AND CLARK COUNTY

