

DECLARATION OF RESTRICTIONS.

ALICE E. COLLINS of Roberts, Carbon County, Montana:

TO THE PUBLIC:

WHEREAS, the above named individual is the owner of the following described real estate, to-wit:

A tract of land situated in a portion of the East Half of the Southeast Quarter (E $\frac{1}{2}$ SE $\frac{1}{4}$) of Section Thirty-five (35), Township Six (6) South, Range Twenty (20) East, Montana Principal Meridian, more particularly described as follows: Beginning at a point on the South line of Section Thirty-five which is West a distance of 840.70 feet from the Southeast corner of said Section Thirty-five, said Township and Range, thence North 26° 08' East a distance of 200 feet, thence North 22° 15' East a distance of 702.5 feet, thence North 27° 50' East a distance of 180 feet, thence North 37° 00' West a distance of 25.32 feet, thence North 07° 30' East a distance of 111.93 feet, thence North 39° 15' East a distance of 191 feet, thence North 06° 15' East a distance of 32 feet, thence North 70° 30' West a distance of 136 feet, thence North 02° 30' West a distance of 213 feet, thence South 73° 05' West a distance of 143.5 feet, thence South 06° 29' 28" East a distance of 148.61 feet, thence South 29° 11' 18" West a distance of 162.73 feet, thence South 19° 35' West a distance of 237.85 feet, thence South 01° 35' West a distance of 133.93 feet, thence South 19° 20' West a distance of 168.84 feet, thence South 08° 30' West a distance of 369.16 feet, thence North 81° 30' West a distance of 30 feet, thence South 63° 49' 58" West a distance of 178.21 feet, thence South a distance of 270 feet to a point on the South line of said Section Thirty-five, thence East on and along said South line of said Section Thirty-five a distance of 159.00 feet to the point of beginning, said tract containing 7.577 acres, more or less, to be known and designated as COLLINS ACREAGE TRACTS, THIRD FILING, according to plat of survey prepared by Atlas Engineers Incorporated of Billings, Montana, and filed in the office of the Clerk and Recorder of Carbon County at Red Lodge, Montana, as Certificate of Survey No. 629.

PERSONS BOUND BY THESE RESTRICTIONS:

All persons and corporations who now own or shall hereafter acquire any interest in and to the above described property shall be taken and held to agree and covenant with the owners, and with their heirs and assigns to conform to and observe the following covenants, restrictions and stipulations as to the use thereof, and as to the construction of improvements thereon.

RESTRICTIONS.

A. All buildings are to be of new construction.

B. All buildings constructed upon said property shall be located not less than thirty (30) feet from the front lot line and shall be located not less than ten (10) feet from the side lot lines.

C. No livestock shall be permitted upon said lots with the exception of domesticated pets.

1 D. No commercial livestock business will be permitted.

2 E. No lot shall be used to store junk cars, trucks, etc.

3 F. None of said lots shall be used for any purposes resulting
4 in noxious or offensive odors, dust, smoke, or noise, or unsightly, unclean
or hazardous conditions.

5 G. No signs, billboards or posters of any character shall be
6 permitted except subdivision promotional signs.

7 H. No excavations shall be made on any of the lots until such
time as construction shall commence and the work of constructing the
8 dwelling once started shall be completed within two years.

9 I. None of said lots may contain more than one cabin or dwelling
10 with the exception of a guest cabin which shall be of smaller square footage
than the main dwelling.

11 J. No imitation brick siding, tar paper siding, or tar and paper
composition siding material shall be used as siding on the exterior of any
12 dwelling or building constructed upon said lot. No sheet or galvanized iron
may be used on exterior of any building upon said lot.

13 K. Outside toilets that are constructed are to be maintained in
14 a sanitary condition and effective disinfectants are to be used regularly.

15 L. Cesspools are to be used in conjunction with sinks, bathtubs,
and inside toilets. No drainage or waste water will be allowed to accumulate
16 above ground.

17 M. All rubbish, trash, or garbage shall be removed from said lots
and shall not be allowed to accumulate and shall not be burned thereon except
18 in a modern, sanitary disposal unit.

19 N. No building shall be moved onto said lots, with the exception
of prefabricated cabins of new construction. No permanent trailer houses
20 will be allowed, except mobil homes twelve (12) feet in width or over to be
placed on a permanent foundation or on blocks and attractively skirted.
21 Trailers and pickup campers may be used during the construction of a dwelling.

22 O. Pollution of the streams by garbage, junk, trash, or sewage is
prohibited.

23 P. Restricting the natural flow of streams through the lots shall
24 not be allowed unless the reservoir, pond, or lake has the same amount of
flow from the outlet as has the inlet.

25 Q. All restrictions that may be set by the Carbon County Planning
26 Board, the State Board of Health, or any other legal entity having jurisdic-
tion over said property, shall be complied with.

27 RIGHT TO ENFORCE.

28 The restrictions herein set forth shall run with the land and bind the present
29 owners, their heirs, devisees, trustees, grantees and assigns, and any and
all other parties claiming by, through or under them, shall be taken to hold,
30 agree, and covenant with the owners of said lots, their heirs, devisees,
trustees, grantees and assigns, and with each of the owners of said lots, to
31 conform to and observe said restrictions as to the use of said lots and the
construction of improvements thereon, but no restrictions herein set forth
32 shall be personally binding upon any corporation, person or persons, except
to breaches committed during its, his or their seizen of or title to said

lands; and the owner or owners of any of the above described lots shall have the right to sue for and obtain an injunction, prohibitive or mandatory, to prevent the breach of, or to enforce the observation of the restrictions above set forth, in addition to ordinary legal action for damages; and the failure of the present owners, or the owner or owners of any other of the lots to enforce the restrictions herein set forth at the time of any violation thereof shall be in no event deemed as a waiver of the right to do so. The grantees of any lot, by the acceptance of a conveyance, covenant and agree to faithfully observe, abide by and conform to all of the conditions, covenants and restrictions set forth herein. Invalidation of any of these covenants by judgment or Court order shall in no wise affect any of the other provisions, which shall remain in full force and effect.

These restrictions may be altered, amended or rescinded at any time by the recording of an instrument in the office of the Clerk and Recorder of Carbon County, Montana, duly executed by the owners of record of not less than 75 percent of the lots in said Certificate of Survey. For the purposes hereof, the word "owner" shall not be deemed to include a contract vendee or mortgagee, even though the contract of the vendee is of record.

DATED and signed this 2nd day of August, 1971.

Alice E. Collins

STATE OF MONTANA,

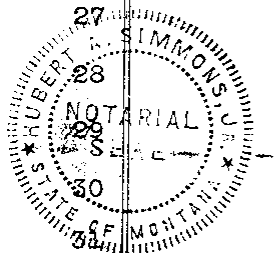
ss.

ACKNOWLEDGMENT.

County of Carbon,

On this 2nd day of August, 1971, before me, the undersigned, a Notary Public for the State of Montana, personally appeared ALICE E. COLLINS, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same.

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



Robert A. Simmons
NOTARY PUBLIC FOR THE STATE OF MONTANA.
Residing at Red Lodge, Montana. My
Commission expires December 16, 1973.

State of Montana
County of Carbon

I hereby certify that the within instrument was filed in this office to record the 2nd day of August, A.D. 1971 at 1:00 O'Clock P.M., and was duly recorded in book 54 of Miscellaneous on page 458.

FRANK DANICHEK, COUNTY CLERK

Recorder

Deputy

Recorded		
Compared		
Indexed		<u>NE</u>

208619

WARRANTY DEED

BOOK 100 393

FOR VALUABLE CONSIDERATION, receipt of which is acknowledged this 12 day of October, 1978, the undersigned JOHN H. COLLINS and EDNA R. COLLINS, husband and wife, whose post office address is Box 56, Roberts, Montana, hereby grant unto DAVID L. YOUNG and SHARON YOUNG, husband and wife, of Billings, Montana, as joint tenants with right of survivorship and not as tenants in common, the following described real property situated in Carbon County, Montana, to-wit:

Lot 6, COLLINS ACREAGE TRACTS, Third Filing, CERTIFICATE OF SURVEY NO. 629, Carbon County, Montana, according to the official plat thereof on file and of record in the office of the Clerk and Recorder of said County, under Document No. 182188, EXCEPTING AND RESERVING all minerals and other substances in and under the above described land which now are or may in the future become intrinsically valuable, that is, valuable in themselves aside from their location within the earth, with the right to explore for and to mine, extract, produce and remove the same by any method, even though the method employed shall result in damage to or destruction of all or a substantial portion of the surface of such land; but if the mining, extraction, production, and removal of such substances shall unreasonably interfere with or destroy the use and enjoyment of the surface of the land, compensation shall be paid to the owners for such unreasonable interference or destruction. Such compensation shall be computed on the basis of the reduced value for surface use only of the land impaired or destroyed.

TO HAVE AND TO HOLD unto the Grantees, the survivor thereof, and to the heirs and assigns of such survivor forever, subject, however, to:

- (a) All reservations and exceptions in patents from the United States or the State of Montana;
- (b) All existing easements and rights of way;
- (c) All building and use restrictions; and
- (d) Taxes and assessments for 1978 and subsequent years.

EXCEPT with reference to the items referred to in paragraphs (a) to (d) inclusive, this deed is given with the usual covenants expressed in § 74-110, R.C.M. 1947.

IN WITNESS WHEREOF, the Grantors herein have executed this instrument the day and year first hereinabove written.

State of Montana, County of Carbon, this 16 day of OCT. A.D. 1978, I, Notary Public, and was duly recorded in Book 100 of Deeds on page 393.

Long M. Zupar, Notary Public, Fee \$200.00

John H. Collins
Edna R. Collins

STATE OF MONTANA)
County of Yellowstone) ss.

On this 12 day of October, 1978, before me, a Notary Public for the State of Montana, personally appeared JOHN H. COLLINS and EDNA R. COLLINS, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

A. Brighton D. Verapetad
Notary Public for the State of Montana
Residing at Billings Montana
My commission expires 11-29-79

(Notarial Seal)

COLLINS ACREAGE TRACTS THIRD FILING

LOCATED IN THE E1/2 OF THE SE1/4
OF SECTION 35, T.6 S., R.20 E., P.M.M.,
CARBON COUNTY, MONTANA

ATLAS ENGINEERS INCORPORATED — JUNE, 1971

FOR: ALICE COLLINS



SCALE 1"=100'

CERTIFICATE OF DEDICATION

STATE OF MONTANA }
COUNTY OF CARBON } ss.

KNOW ALL MEN BY THESE PRESENTS: That ALICE E. COLLINS, a widow, does hereby certify that she has caused to be surveyed, subdivided and platted into lots and a street, a certain tract of land as shown on the annexed plat and as hereinafter described, situated in a portion of the East one-half (E1/2) of the Southeast one-quarter (SE1/4) of Section 35, T. 6 S., R. 20 E., P.M.M., Carbon County, Montana, being more particularly bounded and described as follows, to wit: Beginning at a point on the south line of Section 35 which is west a distance of 400.70 feet from the South-East corner of said Section 35; thence N 20°40'00" E a distance of 200.00 feet; thence N 22°15'00" E a distance of 100.00 feet; thence N 27°30'00" E a distance of 100.00 feet; thence N 37°00'00" W a distance of 25.30 feet; thence N 07°30'00" E a distance of 111.25 feet; thence N 3°15'00" E a distance of 136.00 feet; thence N 02°30'00" W a distance of 215.00 feet; thence S 75°00'00" W a distance of 185.50 feet; thence S 02°00'00" E a distance of 158.01 feet; thence S 29°11'18" W a distance of 102.75 feet; thence E 1°35'00" W a distance of 231.50 feet; thence N 01°35'00" W a distance of 133.03 feet; thence S 1°20'00" W a distance of 100.50 feet; thence S 08°00'00" W a distance of 367.16 feet; thence N 81°30'00" W a distance of 30.00 feet; thence S 73°40'15" W a distance of 178.21 feet; thence South a distance of 270.00 feet to a point on the south line of said Section 35; thence East on and along said south line of said Section 35 a distance of 152.00 feet to the point of beginning, said tract containing 7.077 acres more or less, said certain tracts heretofore described and as shown on the annexed plat are to be hereafter known and designated as COLLINS ACREAGE TRACTS, THIRD FILING and the land included in the street is retained by ALICE E. COLLINS with each lot owner granted right of use for roadway purposes for ingress and egress. Dated this _____ day of _____, 1971 A.D.

STATE OF MONTANA }
COUNTY OF CARBON } ss.

On this 2nd day of August, 1971, in the year of 1971, before me, Samuel E. Hill, a Notary Public in and for the State of Montana, personally appeared ALICE E. COLLINS, known to me to be the person who signed the foregoing Certificate of Dedication and who acknowledged to me that she signed same.

In witness whereof, I have set my hand and affixed my official seal the day and year first above written.

Notary Public in and for the State of Montana
Residing at Helena, Montana
My Commission Expires 15 Nov 1972

MORTGAGE CLERK

STATE OF MONTANA }
COUNTY OF CARBON } ss.

THE UNITED STATES NATIONAL BANK, of Red Lodge, Montana, as holders of a mortgage dated _____, 1971, covering property described in the annexed plat of COLLINS ACREAGE TRACTS THIRD FILING and described in said mortgage as a tract of land located in the East one-half (E1/2) of the Southeast one-quarter (SE1/4) of Section 35, T. 6 S., R. 20 E., P.M.M., Carbon County, Montana, do hereby consent to the platting as set forth in the Certificate of Dedication.

JOE BAILEY, President
J. J. GILLEN, Cashier

STATE OF MONTANA }
COUNTY OF CARBON } ss.

On this _____ day of _____, 1971, before me, _____, a Notary Public in and for the State of Montana, personally appeared JOE BAILEY and J. J. GILLEN, known to me to be the President and Cashier respectively, of the UNITED STATES NATIONAL BANK, the Corporation that executed the within instrument and acknowledged to me that said Corporation executed the same.

In witness whereof, I have set my hand and affixed my official seal the day and year first above written.

Notary Public in and for the State of Montana
Residing at _____
My Commission Expires _____

CERTIFICATE OF SURVEY

STATE OF MONTANA }
COUNTY OF YELLOWSTONE } ss.

THIS IS TO CERTIFY THAT JAMES L. HAHN, a Registered Land Surveyor, Registration No. 2755-C, State of Montana, being first duly sworn, deposes and says that during the month of June, 1971, a survey was made under his supervision of the certain tract of land to be known as COLLINS ACREAGE TRACTS THIRD FILING, Carbon County, Montana, at the request of the owner and in conformity with the provisions of Chapter 2, Title 11-001 to 11-011, inclusive of the Revised Codes of the State of Montana 1971, said description of boundaries and dimensions being in accordance with the Certificate of Dedication as shown on the annexed plat and that the plat conforms with the work done on the ground.

JAMES L. HAHN, Registered Land Surveyor
Registration No. 2755-C

STATE OF MONTANA }
COUNTY OF YELLOWSTONE } ss.

Subscribed and sworn to before me, a Notary Public in and for the State of Montana, this 1st day of July, 1971.

Notary Public in and for the State of Montana
Residing at Helena, Montana
My Commission Expires May 20, 1973

CERTIFICATE OF RECOMMENDATION

STATE OF MONTANA }
COUNTY OF CARBON } ss.

WE HEREBY CERTIFY THAT WE HAVE EXAMINED THE ANNEXED PLAT OF COLLINS ACREAGE TRACTS THIRD FILING and find that said plat conforms with the requirements of the laws of the State of Montana. IT IS THEREFORE APPROVED BY THE BOARD OF COUNTY COMMISSIONERS FOR FILING WITH THE COUNTY CLERK AND RECORDER.

Commissioner
Secretary

CERTIFICATE OF APPROVAL

STATE OF MONTANA }
COUNTY OF CARBON } ss.

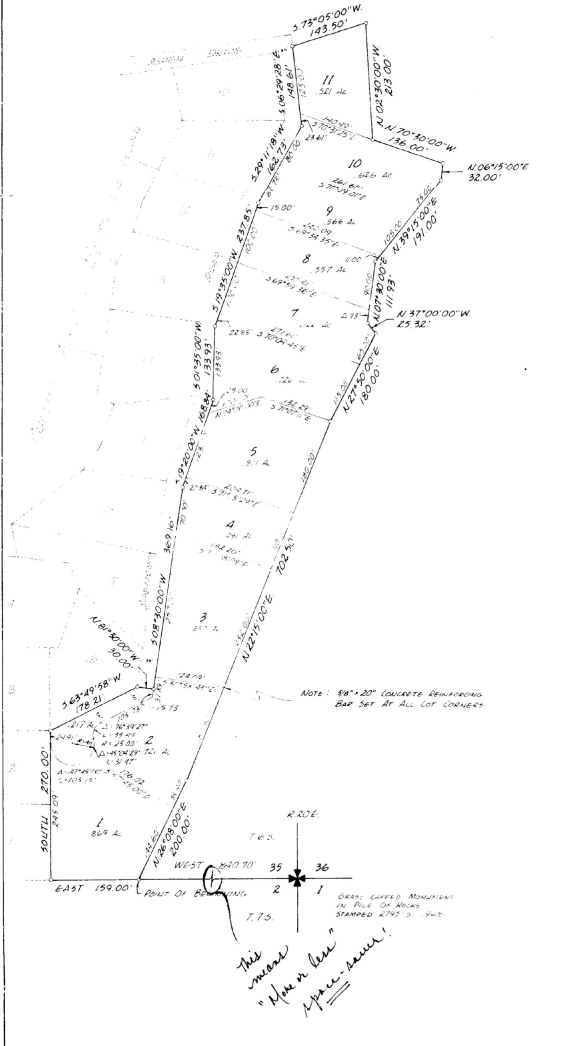
WE HEREBY CERTIFY THAT WE HAVE EXAMINED THE ANNEXED PLAT OF COLLINS ACREAGE TRACTS THIRD FILING and find that said plat conforms with the requirements of the laws of the State of Montana. IT IS THEREFORE APPROVED BY THE BOARD OF COUNTY COMMISSIONERS FOR FILING WITH THE COUNTY CLERK AND RECORDER.

Commissioner
Clerk and Recorder

STATE OF MONTANA }
COUNTY OF CARBON } ss.

I HEREBY CERTIFY THAT THE ANNEXED PLAT OF COLLINS ACREAGE TRACTS THIRD FILING was filed for record in my office on this _____ day of _____, A.D., 1971, at _____ o'clock, A.M.

Clerk and Recorder, Carbon County, Montana



This means
"in or less"
"more or less"