

Tom Hewell  
3936 Ave B  
Billings MT 59102

DCL

3639339

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Jeff Martin Clerk & Recorder, Yellowstone MT



**THIRD AMENDMENT TO DECLARATION OF UNIT OWNERSHIP**

Document being rerecorded to add signature and notary acknowledgment  
**FOR OPTIMIST PARK TOWNHOMES** of owner of Unit 2.

THIS THIRD AMENDMENT TO DECLARATION OF UNIT OWNERSHIP FOR OPTIMIST PARK TOWNHOMES is made and entered into this 12<sup>th</sup> day of September 2012, by the undersigned owners of the property (hereinafter "Property") which is the subject of that certain DECLARATION OF UNIT OWNERSHIP FOR OPTIMIST PARK TOWNHOMES dated January 19, 1984, recorded on April 20, 1984, in the records of Yellowstone County, Montana, at Document No. 1304843; AMENDMENT TO DECLARATION OF UNIT OWNERSHIP FOR OPTIMIST PARK TOWNHOMES dated July 10, 1984, recorded in the records of Yellowstone County, Montana, on July 10, 1984, under Document No. 1315215, and SECOND AMENDMENT TO DECLARATION OF UNIT OWNERSHIP FOR OPTIMIST PARK TOWNHOMES dated May 13, 1985, recorded July 2, 1985, in the records of Yellowstone County, Montana, under Document No. 1356617.

The Declaration, Amendment, and Second Amendment are each hereby amended as follows:

- FIRST: In each and every Paragraph contained in the Declaration, Amendment, and Second Amendment, the singular term "condominium" is replaced by the term "townhome", and the singular term "condominiums" is replaced by the term "townhomes";
- SECOND: In each and every Paragraph contained in the Declaration, Amendment and Second Amendment, the term "condominium Unit" is replaced by the term "Townhome Unit", and the term "condominium Units" is replaced by the term "Townhome Units";
- THIRD: In each and every Paragraph contained in the Declaration, Amendment and Second Amendment, the term "condominium Property" is replaced by the term "Townhome Property", and the term "condominium Project" is replaced by the term "Townhome Projects";
- FOURTH: Paragraph 3 is amended to read as follows:

The Property subject to this Declaration and to the Montana Unit Ownership Act shall be known as Optimist Park Townhomes. Optimist Park Townhomes shall initially consist of one building containing two units with one basic floor plan which has been built on the property. Schanz has reserved the right to construct a total of four duplex townhome buildings in four additional phases which may be annexed to the project in accordance with the section in this Declaration regarding phased development. The principal construction materials in the building are concrete for the foundations, masonite siding, wood for the framing, structural and finish work, painted sheetrock for walls, and asphalt shingle roofs. Each Unit has its own exit to the yard surrounding the building, and is therefore capable of individual utilization and may be sold to one or more Unit Owners, each Unit Owner obtaining a particular and exclusive property right

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thereto, and also an undivided interest in the Common Elements hereinafter described. Each Unit is equipped with and includes gas forced air heating, hot water heater, electric range, together with any other fixtures or appliances which are located within or attached to the interior walls of the unit. Each Unit and the appurtenant undivided interest in the Common Elements shall together comprise one townhome unit, shall be inseparable and may be conveyed, leased, divided or encumbered only as a townhome unit. Each unit shall be bounded as to both horizontal and vertical boundaries as shown on the floor plans attached hereto subject to such encroachments as are contained in the building whether the same exist now or are created by construction, settlement or movement of the building or by permissible repairs, reconstruction or alterations. The respective units shall be bounded by the exterior finished surface of the perimeter walls, the center line of any party wall between the units, the finished surface of the roof and the air above, and the underside of the basement or concrete floor and the land underneath the unit. Notwithstanding said designation of ownership, for purposes of maintenance, repair, or replacement, the roofs above each unit shall collectively be considered a common roof, and the load bearing walls considered a common wall, and each shall be maintained, repaired or replaced as if deemed Common Elements. The respective units shall not be deemed to include any pipes, wires, conduits or other utility lines running through each unit which are utilized for or serve more than one unit, the same being deemed common elements as hereinafter provided. For identification and descriptive purposes the following exhibits are attached and by reference hereto and incorporated into and made a part of the Declaration.

**EXHIBIT "A"**

Basic Unit floor plans used throughout the Optimist Park Townhomes showing with particularity the area of each, the number of levels or floors for each Unit, and vertical elevations.

**EXHIBIT "B"**

A site map of the real property showing the building and other improvements which are to be situated thereon, the Unit designations, and the location and number and types of Units contained in each.

**EXHIBIT "C"**

A site map of all buildings and units which Schanz may at their sole option construct upon the real property which is described in paragraph 10.

**FIFTH:**

Paragraph 11 is amended to designate Nedine Cleveland 4226 Vaughn Lane  
Billings, Montana, 59101, as the person designated to receive service of  
process.

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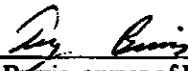
With the sole exception of the modifications set forth above, the Declaration of Unit Ownership for Optimist Park Townhomes, the Amendment thereto and Second Amendment thereto are hereby confirmed, restated and ratified.


We, the undersigned, owners of Units 1, 2, 3, 4, 5, and 6 of Optimist Park Townhouse/Townhomes accept that certain DECLARATION OF UNIT OWNERSHIP FOR OPTIMIST PARK TOWNHOMES dated January 19, 1984, recorded on April 20, 1984, in the records of Yellowstone County, Montana, at Document No. 1304843; AMENDMENT TO DECLARATION OF UNIT OWNERSHIP FOR OPTIMIST PARK TOWNHOMES dated July 10, 1984, recorded in the records of Yellowstone County, Montana, on July 10, 1984, under Document No. 1315215, and SECOND AMENDMENT TO DECLARATION OF UNIT OWNERSHIP FOR OPTIMIST PARK TOWNHOMES dated May 13, 1985, recorded July 2, 1985, in the records of Yellowstone County, Montana, under Document No. 1356617.

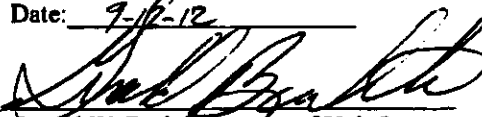
  
Jeff A. Cleveland, owner of Unit 1  
4226 Vaughn Lane  
Date: 9-12-12

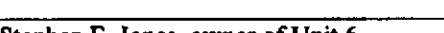
  
Nadinne Cleveland, owner of Unit 1  
4226 Vaughn Lane  
Date: 9-12-12


  
Jesse Arstein, owner of Unit 2  
4228 Vaughn Lane  
Date: \_\_\_\_\_

  
Troy Burris, owner of Unit 3  
4248 Vaughn Lane  
Date: 9-12-12

  
Maurice Propp, owner of Unit 4  
4250 Vaughn Lane  
Date: \_\_\_\_\_

  
Gerald W. Barbula, owner of Unit 5  
4262 Vaughn Lane  
Date: 9-14-12

  
Stephen E. Jones, owner of Unit 6  
4264 Vaughn Lane  
Date: \_\_\_\_\_

  
Helen L. Jones, owner of Unit 6  
4264 Vaughn Lane  
Date: \_\_\_\_\_

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State of Montana )  
:ss  
County of Yellowstone )

This was acknowledged before me this 12 day of Sept, 2012, by

Jeff A. Cleveland ✓

Jesse Arstein \_\_\_\_\_

Maurice Propp \_\_\_\_\_

Stephen E. Jones \_\_\_\_\_

Nadinne Cleveland ✓

Troy Burris ✓

Gerald W. Barbula \_\_\_\_\_

Helen L. Jones \_\_\_\_\_

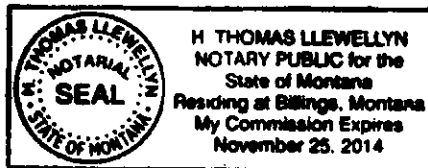
Signature: H. Thomas Llewellyn

Print Name: \_\_\_\_\_

NOTARY PUBLIC for State of \_\_\_\_\_

Residing at \_\_\_\_\_

My Commission Expires: \_\_\_\_\_



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Jeff A. Cleveland, owner of Unit 1  
4226 Vaughn Lane  
Date: \_\_\_\_\_

Nadine Cleveland, owner of Unit 1  
4226 Vaughn Lane  
Date: \_\_\_\_\_

Jesse Arstein, owner of Unit 2  
4228 Vaughn Lane  
Date: \_\_\_\_\_

Troy Burris, owner of Unit 3  
4248 Vaughn Lane  
Date: \_\_\_\_\_

Maurice Propp, owner of Unit 4  
4250 Vaughn Lane  
Date: \_\_\_\_\_

Gerald W. Barbula, owner of Unit 5  
4262 Vaughn Lane  
Date: \_\_\_\_\_

Stephen E. Jones, owner of Unit 6  
4264 Vaughn Lane  
Date: \_\_\_\_\_

Helen L. Jones, owner of Unit 6  
4264 Vaughn Lane  
Date: \_\_\_\_\_

State of Montana )  
                                  : ss  
County of Yellowstone )

This was acknowledged before me this 14<sup>th</sup> day of SEPTEMBER, 2012, by

Jeff A. Cleveland \_\_\_\_\_

Nadine Cleveland \_\_\_\_\_

Jesse Arstein \_\_\_\_\_

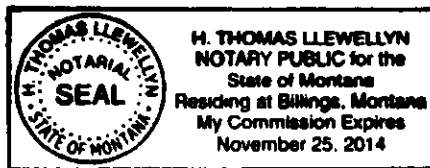
Troy Burris \_\_\_\_\_

Maurice Propp \_\_\_\_\_

Gerald W. Barbula ☒

Stephen E. Jones \_\_\_\_\_

Helen L. Jones \_\_\_\_\_



Signature: [Signature]  
Print Name: \_\_\_\_\_  
NOTARY PUBLIC for State of \_\_\_\_\_  
Residing at \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

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Jeff Martin Clerk & Recorder, Yellowstone MT





I, the undersigned, owner Unit 6 of Optimist Park Townhomes, accept the Third Amendment to that certain Declaration of Unit Ownership for 49'er Condominium, dated January 19, 1984 which was recorded on April 20, 1984 in the records of Yellowstone County, Montana at Document No. 1304843.

  
Stephen E. Jones

Date: 9-17-12.

Helen L. Jones  
Helen L. Jones

Date: 9-17-2012

State of Texas )  
County of Alameda ) ss.

This was acknowledge before me this 17<sup>th</sup> day of September, 2012 the signatures of Stephan E. Jones and Helen L. Jones.



Signature: Rita J Molina  
 Print name: Rita J Molina  
 NOTARY PUBLIC for State of Texas  
 Residing at: Nueces County  
 My Commission expires: 10/17/2012

With the sole exception of the modifications set forth above, the Declaration of Unit Ownership for Optimist Park Townhomes, the Amendment thereto and Second Amendment thereto are hereby confirmed, restated and ratified.

We, the undersigned, owners of Units 1, 2, 3, 4, 5, and 6 of Optimist Park Townhouse/Townhomes accept that certain DECLARATION OF UNIT OWNERSHIP FOR OPTIMIST PARK TOWNHOMES dated January 19, 1984, recorded on April 20, 1984, in the records of Yellowstone County, Montana, at Document No. 1304843; AMENDMENT TO DECLARATION OF UNIT OWNERSHIP FOR OPTIMIST PARK TOWNHOMES dated July 10, 1984, recorded in the records of Yellowstone County, Montana, on July 10, 1984, under Document No. 1315215, and SECOND AMENDMENT TO DECLARATION OF UNIT OWNERSHIP FOR OPTIMIST PARK TOWNHOMES dated May 13, 1985, recorded July 2, 1985, in the records of Yellowstone County, Montana, under Document No. 1356617.

\_\_\_\_\_  
Jeff A. Cleveland, owner of Unit 1

4226 Vaughn Lane

Date: \_\_\_\_\_



\_\_\_\_\_  
Jesse Arstein, owner of Unit 2

4228 Vaughn Lane

Date: 3-5-13

\_\_\_\_\_  
Nadinne Cleveland, owner of Unit 1

4226 Vaughn Lane

Date: \_\_\_\_\_

\_\_\_\_\_  
Troy Burris, owner of Unit 3

4248 Vaughn Lane

Date: \_\_\_\_\_

\_\_\_\_\_  
Maurice Propp, owner of Unit 4

4250 Vaughn Lane

Date: \_\_\_\_\_

\_\_\_\_\_  
Gerald W. Barbula, owner of Unit 5

4262 Vaughn Lane

Date: \_\_\_\_\_

\_\_\_\_\_  
Stephen E. Jones, owner of Unit 6

4264 Vaughn Lane

Date: \_\_\_\_\_

\_\_\_\_\_  
Helen L. Jones, owner of Unit 6

4264 Vaughn Lane

Date: \_\_\_\_\_

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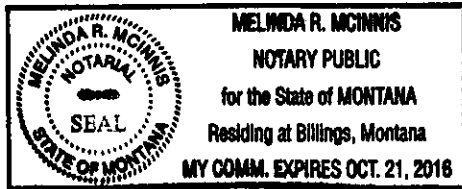
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State of: MONTANA  
County of: YELLOWSTONE

This instrument was acknowledged before me on March 5, 2013 by Jesse Arstein,  
said owner of Unit 2.



*Melinda R McInnis*  
Printed Name: \_\_\_\_\_  
Notary Public for the State of Montana  
Residing at Billings, Montana  
My Commission Expires

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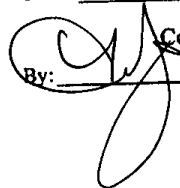
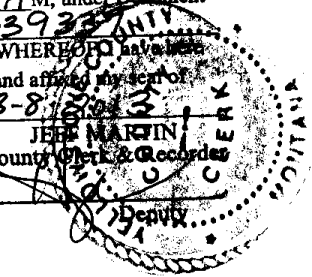
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CERTIFICATE  
STATE OF MONTANA } SS  
County of Yellowstone }

I hereby certify that this sheet, and all  
sheets identified by impression of my  
Official Seal, are each and all true and correct  
copies of originals filed in my office on

9-24-2012  
at 8:29 o'clock AM, under Document  
Number 363933  
IN TESTIMONY WHEREOF I have hereunto  
set my hand and affixed my seal for  
Office 3-8-2013

JEFF MARTIN  
County Clerk & Recorder  
By:  

DCL

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