

DECLARATION OF RESTRICTIONS AND
CONDITIONS FOR PRYOR CREEK ESTATES

BOOK 1232 PAGE 2025

ELMER LINK, owner of that certain property denominated Pryor Creek Estates subdivision described as follows:

Section 36, Township 2 N., R. 27 E.

Section 1, Township 1 N., R. 27 E.

Section 31, Township 2 N., R. 28 E.

which said subdivision was approved by the Yellowstone County Commissioners on the 13th day of May, 1980, hereby establish and declare the following building and use conditions and restrictions applicable to individual lots of the subdivision.

The covenants, restrictions and conditions herein contained shall run with the land and shall be binding on all parties and persons and all persons claiming under them. The Grantees of any lot, by acceptance of a conveyance, covenant and agree faithfully to observe and abide by all of said conditions, covenants and restrictions.

ARTICLE I: SINGLE FAMILY DWELLINGS :

Other than specific lots denominated condominium lots and lots dedicated by the developer for a mobile home park, each residential lot shall be used for no other purpose than a single family dwelling not to exceed one and one-half stories in height, and a private attached or semi-attached (breezeway) garage. None of said lots may used or improved for other than private residential purposes. Each single family residence shall be not less than 1000 sq. feet, split level construction to be a minimum of 1200 sq. feet finished area. First floor not to exceed 4 feet above grade level. The term residential purpose as used herein shall be construed as to exclude hospitals, guest houses, servant quarters, duplex houses, apartment houses and any other multiple dwelling houses, and to further exclude professional and commercial uses, and any such use of this property is expressly prohibited, with the exception of specific lots denominated condominium lots, mobile home trailer park lots, or commercial areas reserved by the developer in said subdivision.

None of the single family residential lots or any building or improvements erected thereon shall at any time be used for the purposes of any trade, profession, manufacturing, or business of any description, no noxious or offensive activity shall be carried on, nor shall anything be done thereon which may become an annoyance or nuisance to the neighborhood.

Any lots that are not built upon immediately must be maintained in an attractive manner with no weeds or junk allowed.

None of the tracts or lots as shown upon the plat of said subdivision and which are dedicated to single family residential lots shall be further subdivided into tracts smaller than one-half the original size of the lot, and all of the restrictions hereof shall apply to any further subdivided lot or tract.

No building or other structure on single family residential lots shall be located less than 30 feet from the front lot line or less than 10 feet from any side lot line or less than 20 feet from the rear lot line. Irregular lots in Block 6 to have setbacks as approved by the Architectural Review Board.

On single family residential lots, no trailer, basement, tent, shack, garage, or other outbuilding erected on said lot shall at any time be used as a residence, temporarily or permanently, nor shall any structure, of whatsoever nature, of a temporary character be used as a residence.

Off-street covered parking shall be provided on each lot for all automobiles kept on the premises. No street or other open area shall be used for the purpose of dismantling or repair of vehicles, and only motor driven vehicles capable of being moved under their own power may be parked upon said streets for reasonable periods of time. Unregistered or inoperable vehicles must be parked in an enclosed garage.

No trailer, boat, camper, vehicle or other equipment generally associated with recreation or leisure time activities shall be situated or parked on any lots for more than seven (7) consecutive days in any calendar year unless enclosed by a garage meeting with the requirements of these restrictions.

Sidewalks, curbs, gutters and street improvements, and other special improvements such as water, sewer, and storm sewers, when and if installed, shall be installed in accordance with requirements established by whichever authority has jurisdiction at the time.

No permanent clothesline posts will be permitted on any said tract unless completely obstructed from view, and meeting approval of the Architectural Review Board. Clothesline posts of the removable type will be permitted.

All plans for new construction shall be submitted to the Architectural Review Board for examination and approval before construction is started. The committee may make suggested changes or alterations in the plans before approval in order to promote harmonious development with surrounding development of lands. Minor variances from these restrictions may be granted by approval of the Architectural Review Board provided that the owner of the lot seeking the variance from restrictions submit a request in writing and obtain approval in writing.

No dogs or pets shall be raised, kept or cared for on a commercial basis and no swine, poultry, goats, horses or other livestock including chickens, shall be permitted upon said premises. Any person who shall keep, feed, harbor or allow to stay about the premises occupied or controlled by him within the Pryor Creek Estates a dog, and suffer such a dog to be at large or insecurely confined is guilty of maintaining a public nuisance. Any member or employee of the Pryor Creek Golf Club is hereby authorized to take, chase, or drive any dog from any Club grounds using any reasonable means therefor. All pets must be carefully confined.

All residences, buildings and structures erected on single family residential lots shall be of new construction and no buildings will be moved onto said premises. Construction on single family lots to commence within 18 months from date of purchase. (If two lots are purchased, no time limit for beginning construction on the second lot.) Any structure hereafter to be erected on any single family residential lot shall be completed within 180 days after equipment and/or materials to be used in the construction thereof has been moved onto the location, and all construction shall be pursued with reasonable diligence. No excavations, except as are necessary for the construction and improvements shall be permitted on any lot until such time

as the actual construction of the house is to begin except as test for subsoil conditions, provided that said test sites are replaced in their original condition. The Architectural Review Board is to approve all buildings as to size, design and color.

The following outbuildings and structures shall be allowed on single family residential lots for each such dwelling: a storage shed not to exceed 400 sq. feet and a double attached garage, any of which must be constructed to be in harmony with other improvements on said premises and with the same type of color or siding used on the main residential structure, and shall be kept in a good state of repair and shall not be allowed to become run down and a nuisance to the neighborhood.

No junk (including nonoperable motor vehicles or parts thereof), trash, debris, organic or inorganic waste shall be permitted to accumulate on any lot or tract or on any street adjacent thereto, but shall be promptly and effectively disposed of. No vacant lot or other tract of land shall be used as a dumping ground or burial pit. Garbage containers which are not buried below ground shall be kept in racks and concealed from view by fences, hedges or other means. No storage tanks may be above ground.

No signs, billboards, posters or advertising devices of any kind or character shall be erected or displayed upon any of the single family dwelling lots, excepting subdivision promotion signs, signs displayed to identify the occupants of the dwelling, real estate signs and contractor's construction signs. Contractor's signs shall be displayed only during construction.

T.V. antennas outside dwelling or garage shall be no higher than 6 feet above the peak of the roof and must be placed on a pole attached to the roof or eave of the house or garage. No radio aerials or antennas for reception or transmission shall be erected, placed or permitted to remain in said subdivision except indoors.

No fence or hedge shall exceed 6 feet in height at any point within 30 feet from any presently platted or future street. Fences are to meet the approval of the Architectural Review Board.

Any owner accepting conveyance of a single family dwelling lot mentioned herein, hereby expressly waives any right of protest against any rural special improvement district needed for any purpose mentioned in this paragraph.

Subsequent owners who acquire the above described lots after the date these deed restrictions take effect will, within one year from that date, landscape, which includes complete seeding or sodding of lawn, and maintain and keep clear of weeds and all other noxious plants.

ARTICLE II: CONDOMINIUM LOTS:

All lots designated as condominium lots in Fryor Creek Estates shall conform to the restrictions in connection with single family dwelling lots, except that condominium buildings shall be only one-story construction with setbacks to conform with lot form as approved by the Architectural Review Board. Condominiums may be constructed on both Block 5 and Block 6 of the above subdivision.

ARTICLE III: COMMERCIAL PROPERTY:

Any portion or Pryor Creek Estates dedicated as commercial property and structures erected thereon shall be used for the purposes specified and allowed for as commercial property under the laws of the State of Montana, County of Yellowstone.

The building-to-land ratio shall not exceed the Yellowstone County Zoning Ordinance and shall be sufficient to allow offstreet parking for the vehicles of all employees, customers or invitees.

All parties must comply with applicable building and zoning ordinances and/or regulations.

In all commercial establishments all materials, parts, equipment and other items shall be kept inside storage buildings, or, if stored outside, shall be kept in a neat and orderly fashion and screened from public view with suitable fences; this restriction shall not apply to new or used equipment held for sale or leased to the public.

Removal of all garbage and waste shall be at each owner's individual expense. Removal shall be accomplished at least once each week or more often if required to keep the premises free and clear of refuse. The owners of commercial establishments erected hereon, their successors, heirs, personal representatives and assigns, hereby waive the right of protest to the formation and cost of any rural special improvement district established for the purpose of improving and providing roads, sewer, water, curbs and gutters, lighting, etc., and further agree that when such improvements are made it shall be incumbent upon the parties described herein to make use of such improvements without delay.

All owners shall be individually responsible for landscaping a minimum of 7% of the total area of their commercial tracts, such landscaping shall first be performed on the area between the front property line and any structures located on the tract.

The individual owners shall be responsible for maintenance of their tract or tracts, including keeping areas mowed of all grass and weeds to a maximum height of six inches at all times, proper maintenance of any structures and keeping tracts free of refuse.

ARTICLE IV: RIGHT TO ENFORCE:

Any provision herein may be enforced by the Architectural Review Board of said association, or by the owner of any lot or tract in the subdivision either by an action for damages arising out of a violation or by an action to restrain a threatened or prospective violation. In any action of any kind for the enforcement of these restrictions, the losing party shall be obligated to pay the prevailing party a reasonable attorney's fee, to be fixed by the Court as additional damages.

All plans and specifications for the construction and/or alteration of structures in Pryor Creek Estates of any kind whatsoever shall be submitted to the Architectural Review Board for review and approval at least 30 days prior to commencement of construction. If formal approval or rejection of the proposed construction is not received by the applicant within a 30 day period, the plans and specifications shall be deemed as approved. The plans and specifications shall include all pertinent details relative to buildings, fences, enclosures, loading docks, parking facilities, storage areas, signs, landscaping and any other structures of a permanent nature.

DOC:1232 PAGE:2029

The above restrictions may be altered, amended or rescinded at any time upon the written consent thereto by a majority of the owners of record.

ARCHITECTURAL REVIEW BOARD:

The Architectural Review Board shall consist of three members, appointed initially by the undersigned. The Board shall establish its own procedural rules and regulations for the consideration of all applications, pursuant to the above restrictions, for the authority to commence construction of buildings on any lot or tract and for the consideration of all applications, pursuant to above, for relief from any of the provisions. In connection with any application, the Board may require submission to it of such plans, elevations, designs and specifications as the Board deems necessary to enable it to pass upon the application, all to the end that each building constructed on any lot or tract shall be suitable to terrain, location and consistent and harmonious in style, design, appearance and quality with other buildings. The Board may retain such consultants as it deems appropriate. The decision of any two members of the Board shall be conclusive.

Any member of the Board may be removed at any time. Any vacancy by reason of death, resignation or removal of any member shall be filled by written appointment by the other two members existing.

DATED this 11 day of July, 1981

BOOK 1232 PAGE 2030

Elmer F. Link
ELMER F. LINK

STATE OF MONTANA)
 : ss
COUNTY OF YELLOWSTONE)

On this 11 day of July, 1981, before me, the undersigned, a Notary Public for the State of Montana, personally appeared ELMER F. LINK, known to me to be the person whose name is subscribed to the foregoing Declaration of Restrictions and Conditions for Pryor Creek Estates and acknowledged to me that he executed the same.

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

(SEAL)

Nancy J. Smith
Notary Public for the State of Montana
Residing at Billings, Montana
My commission expires: Sept 11, 1981

1215449

Elmer F Link

BOOK 1232 PAGE 2031

Restrictive

Declarative

Piper Creek Est. 1st

STATE OF MONTANA }
County of Yellowstone } ss.

I hereby certify that the within instrument was filed in my office for record on this

day of DEC 7 1938

at 2:26 o'clock P.M. and is

duly recorded in Book 1232

on Page 2025

Witness my hand and official seal
MERRILL H. KLUMDT
County Clerk & Recorder

By J Sullivan Deputy

* 1/2 Elmer F Link
2201 Fairway Dr