

YELLOWSTONE LAND CO.,
a corporation

DECLARATION OF RESTRICTIONS
(Country Club Heights Subd)

Dated Jan 31, 1957

-To-

Filed Feby 15, 1957
at 11:34 A.M.

Recorded in Book
587 Misc., page 532

T H E P U B L I C

WHEREAS, the Yellowstone Land Co., a corporation, filed for record in the office of the County Clerk and Recorder of Yellowstone County, Montana, a plat of certain lands in Yellowstone County, known as COUNTRY CLUB HEIGHTS SUBDIVISION, and desires to place restrictions on all of the said lots contained in the subdivision for the use and benefit of the present owner and for future grantees.

NOW THEREFORE, the above named corporation does hereby declare as follows:

PERSONS BOUND BY THESE RESTRICTIONS:

All persons, corporations, partnerships, associations and organizations who now own or who shall hereafter acquire any interest in any of those lots described in said subdivision shall be taken and held to agree and covenant with the owners of the lots shown on said plat, and with their heirs and assigns, to conform to and observe the following covenants, restrictions and stipulations as to the use thereof, and the construction of residences and improvements thereon.

RESTRICTIONS:

1. Each lot in the above described subdivision shall be known and described as a residential lot. None of said lots may be used or improved for other than private residential purposes and no structure shall be erected, altered, placed, or permitted to remain on any such residential lot other than one detached single family dwelling with a private garage.

2. No structure erected on the lots shall exceed one and one-half stories in height with the exception of Lots 26, 27 and 28, of Block 1, and Lots 1 through 24, both inclusive, of Block 7, which shall not exceed two stories in height. Garages, separate or attached to the main structure, shall be limited to house not more than two automobiles.

3. No building or other structure shall be located on any lot less than 30 feet from the front lot line with the exception of Lots 1, 2, 3, 4, 26, 27 and 28, in Block 1, and Lots 1 through 24, inclusive, in Block 7, which shall have a minimum set back of ten feet. No building or other structure shall be located less than ten feet from the lot side line or less than twenty feet from the lot rear line.

4. The minimum living area of all residences erected on the lots, exclusive of open porches, breezeways, garages and basements not used for living area shall contain not less than 1,250 square feet.
5. No old building or buildings of any kind shall be moved upon said premises and all buildings or residences erected on said lots shall be of new construction.
6. None of the above described property or any buildings erected thereon shall at any time be used for the purposes of any trade or for any commercial, professional or manufacturing business of any description and no noxious or offensive activities shall be carried on, nor shall anything be done thereon which may become an annoyance or a nuisance to the neighborhood. No hospital, church, duplex or apartment house shall be erected on said lots.
7. No trailer, basement, tent, shack, garage or barn on the lots shall at any time be used as a residence, temporarily or permanently.
8. No dogs or other 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.
9. No signs, billboards, posters or advertising devices of any kind or character shall be erected or displayed upon any of the lots except subdivision promotion signs and signs displayed to identify the occupants of a dwelling.
10. No fence, or wall, of any kind shall be erected or placed on the front of any lot except those that may enclose patios and similar living areas.
11. Off-street parking shall be provided on each lot for all automobiles kept upon the premises.
12. These restrictions shall not prohibit the construction of outbuildings for servants, gardeners, or other hired help so long as said buildings are used for that purpose and not for rental purposes.
13. No structure on any lot may be used for dwelling purposes until after its area, as defined by the foundations shall have been completely enclosed according to plan, until it has been substantially completed and until sanitary facilities and utilities shall have been permanently installed.
14. No excavations, except such as are necessary for the construction of improvements, shall be permitted on any lot until such time as the actual construction of the house is to begin, except that the owner may test the supply of water under said land and may drill and excavate for the purpose as well as testing for sub-soil conditions.
15. All alleys in said subdivision marked on the plat as "utility right-of-ways" shall be utilized for the installation repair and maintenance of public utilities only and shall not be used by motor vehicles of any kind except for the maintenance of said utilities.

16. Lots 1 through 5, inclusive, in Block 1, Lots 1, 3 and Lots 4 through 15 inclusive, and Lot 21, all in Block 4, and Lot 36 in Block 7 shall be subject to a ten foot easement on the extreme southerly side for the purposes of a protective screen of trees and shrubs. The owners of these lots shall make the original plantings and shall provide the upkeep and maintenance of the protective screen.

17. The residences to be constructed on said lots shall front on the streets names as follows:

RIMROCK ROAD

Lots 1 through 4, inclusive, in Block 1

GREEN TERRACE DRIVE

Lots 7 through 12, inclusive, in Block 1

Lots 2 through 6, inclusive, in Block 2

Lots 13 through 16, inclusive, in Block 4

Lots 2 through 12, inclusive, in Block 5

Lots 22 through 25, inclusive, and Lots 27 through 29, inclusive in Block 7

FAIRWAY DRIVE

Lots 9 through 12, inclusive in Block 2

Lots 18 through 20, inclusive, in Block 4

Lots 14, through 24, inclusive, in Block 5

Lots 2 through 14, inclusive, in Block 6

Lots 31 through 35, inclusive, in Block 7

COUNTRY CLUB CIRCLE

Lots 13 through 28, inclusive, in Block 1

Lots 2 through 13, inclusive, in Block 3

Lots 1 through 5, inclusive, in Block 7

FAIRVIEW PLACE

Lots 17 through 30, inclusive, in Block 6

Lots 6 through 21, inclusive, in Block 7

EITHER GREEN TERRACE DRIVE OR
COUNTRY CLUB CIRCLE

Lot 6, Block 1

Lots 1 and 7, Block 2

Lot 2 in Block 4

Lot 1 in Block 5

EITHER FAIRWAY DRIVE OR COUNTRY CLUB CIRCLE

Lots 8 and 13 in Block 2

Lots 1 and 14, in Block 3

Lot 25 in Block 5

Lot 1 in Block 6

EITHER FAIRVIEW PLACE OR COUNTRY CLUB CIRCLE

Lot 31 in Block 6

EITHER GREEN TERRACE DRIVE OR FAIRWAY DRIVE

Lot 17, in Block 4

Lot 13 in Block 5

Lot 15 in Block 6

Lot 30 in Block 7

COUNTRY CLUB HEIGHTS SUBDIVISION

587 Misc., page 532

Continued

EITHER FAIRVIEW PLACE OR GREEN TERRACE DRIVE

Lot 16, in Block 6

EITHER GREEN TERRACE DRIVE OR FACING EAST

Lot 26 in Block 7

18. These restrictions may be changed in whole or in part at any time, by an instrument in writing signed by the owners of a majority of the lots in said subdivision, recorded in the office of the Clerk and Recorder of Yellowstone County, Montana.

RIGHT TO ENFORCE

The covenants and restrictions herein set forth shall run with the land and bind the present owners, their heirs, devisees, trustees and assigns, and any and all parties claiming by or through or under them shall be taken to hold, agree and covenant with the owners of said lots, their heirs and devisees, trustees and assigns, and with each of the owners of said lots, to 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 shall be personally binding upon any person, corporation, or persons except in respect to breaches committed during his, its or their seizin thereof.

The owner or owners of any of the above land shall have the right to sue for and obtain an injunction, prohibitive or mandatory to prevent the breach of, or to enforce the observance of the restrictions above set forth, in addition to bringing an ordinary legal action for damages; and the failure of the present owners, or the owner or owners of any other lot or lots in this subdivision to enforce the restrictions herein set forth at the time of any violation thereof shall in no event be deemed to be a waiver of the right to do so thereafter.

DATED this 31st day of January, A.D. 1957

YELLOWSTONE LAND CO. A Corporation

KNOWLEDGED

YELLOWSTONE LAND CO.,
a corporation

AMENDMENT OF DECLARATION OF
RESTRICTIONS
(Country Club Heights Subdivision)

-To-

Dated November 29, 1958

T H E P U B L I C

Filed December 31, 1958
at 11:52 A.M.

Recorded in Book 649 Misc., page 550

WHEREAS, on the 15th day of February, 1957, at 11:30 o'clock A.M., of said day, the Yellowstone Land Co., a corporation, filed for record in the Office of the County Clerk and Recorder of Yellowstone County, Montana, a plat of certain lands, in Yellowstone County, known as Country Club Heights Subdivision, being Document No. 578034, which said plat is hereby referred to and by reference made a part hereof; and

WHEREAS, on February 15, 1957, at 11:34 o'clock A.M., the said Yellowstone Land Co. filed for record in the Office of the Clerk and Recorder of Yellowstone County, Montana, a Declaration of Restrictions for Development of Country Club Heights Subdivision, which declaration was thereupon recorded in Book 587 of Miscellaneous at page 532, and which said Declaration of Restrictions is hereby referred to and by reference made a part hereof; and

WHEREAS, the undersigned are the owners of a majority of the lots in the said Country Club Heights Subdivision and desire to amend the aforesaid Declaration of Restrictions insofar as Paragraphs 2, 3 and 4 are concerned.

NOW, THEREFORE, the undersigned do hereby declare that Paragraph 4 of the above described Declaration of Restrictions is abrogated, revoked and deleted from said Declaration of Restrictions and declared to be null and void and of no force and effect whatsoever, and there is hereby substituted in place of and in lieu of the said Paragraph 4 the following paragraph:

- "4. The minimum living area of all residences erected on the lots, exclusive of open porches, breezeways, garages, basements, and exclusive of the second story area of residences containing two stories and the one-half story area of residences containing one and one-half stories, whether such open porches, breezeways, garages, basements or the second story area or one-half story area are used for living area or not, shall contain not less than 1250 square feet. Included in the term 'basement' shall be the lower floor area of 'hillside' residences which contain two floors. 'Hillside' residences containing two floors as used herein are those in which all or a part of the lower floor lies below the finished grade level and in which the lower floor contains windows and doors to the outside on one or more sides."

The undersigned do hereby further declare that paragraphs 2 and 3 of the above described Declaration of Restrictions are hereby amended so that the same shall not be applicable to the owner or owners of Lot 26 in Block 7.

The aforesaid Declaration of Restrictions is hereby otherwise renewed and continued subject only to this and other modifications and amendments previously made.

DATED this 29th day of November, A.D., 1958

YELLOWSTONE LAND CO. A Corporation

SIGNED

ALBERT BERNDT JR. et ux

DECLARATION OF RESTRICTIONS
Second Amendment (Country Club
Heights Subdivision)

-To-

Dated May 8, 1962

Filed May 16, 1962
at 10:50 A.M.

T H E P U B L I C

Recorded in Book
737 Misc., page 254

WHEREAS, on the 15th day of February, 1957, at 11:30 A.M. the Yellowstone Land Co., a corporation, filed for record in the office of the County Clerk and Recorder of Yellowstone County, Montana, a plat of certain lands in Yellowstone County, known as Country Club Heights Subdivision, being Document No. 578034, which said plat is hereby referred to and by reference made a part hereof; and

WHEREAS, on February 15, 1957, at 11:34 A.M., the said Yellowstone Land Co., a corporation, filed for record in the office of the Clerk and Recorder of Yellowstone County, Montana, a Declaration of Restrictions for Development of Country Club Heights Subdivision which declaration was thereupon recorded in Book 587 of Misc., at page 532, and which said Declaration of Restrictions is hereby referred to and by reference made a part hereof; and

WHEREAS, said Declaration of Restrictions was amended in part by an instrument in writing, executed by the owners of a majority of the lots in said subdivision, filed for record on December 31, 1958 at 11:52 A.M. and duly recorded in Book 649 at page 550 of Misc., records of Yellowstone County, Montana, amendment in such manner having been expressly authorized and provided for by paragraph No. 18 thereof.

WHEREAS, the undersigned are the owners of a majority of the lots in the said Country Club Heights Subdivision and desire to further amend the aforesaid Declaration of Restrictions.

NOW, THEREFORE, the undersigned do hereby declare that it shall be lawful for Lot 32 of Block 7 of said subdivision, having an area of 29,547 square feet; and Lot 26 of Block 7 of said subdivision, having an area of 25,296 square feet, and both being large sized lots, to each be divided into two separate building sites with no such site, however, to have or contain less than 10,000 square feet of area, and that said

Rest. 737-254 cont'd (2)

Declaration of Restrictions, as amended by the amendment thereto above referred to, is hereby further amended with respect to each and every provision thereof that may conflict with the division of said lands into two separate building sites, and particularly paragraph numbered 1 of the said Declaration of Restrictions.

Except for such amendment and modification, however, said Restrictions, as heretofore amended, are hereby expressly renewed and continued and shall remain in full force and effect.

ACKNOWLEDGED.

COUNTRY CLUB HEIGHTS SUBDIVISION
AMENDED DECLARATION OF RESTRICTIONS

Filed January 7, 1963
Recorded Book 757 Misc.,
Page 12

WHEREAS, on February 15, 1957, the Yellowstone Land Co., filed for record in the office of the Clerk and Recorder of Yellowstone County, Montana, a Declaration of Restrictions for Development of Country Club Heights Subdivision which said declaration was recorded in Book 587 Misc., page 532, and which said declaration of restrictions is hereby referred to and by reference made a part hereof; and

WHEREAS, the undersigned are the owners of a majority of the lots in the said Country Club Heights Subdivision and desire to amend the aforesaid declaration of restrictions as indicated hereafter;

NOW, THEREFORE, the undersigned do hereby declare that paragraph 3 of the above described declaration of Restrictions is hereby amended so that the provision therein contained to the effect that no building or other structure shall be located less than 10 feet from the lot side line shall not be applicable to Lot 28, in Block 1 of said Subdivision insofar as the west side line of said lot is concerned.

SIGNED

ACKNOWLEDGED