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Citizens
CT-82793

**DECLARATION AND COVENANTS
BITTERROOT ESTATES SUBDIVISION
PHASES I AND II**

HERITAGE HOMES AND PROPERTIES LLC OF MARION, MONTANA, REFERRED TO HEREIN AS THE DEVELOPERS, HEREBY IMPOSE UPON THOSE TRACTS OF LAND OWNED BY THE LLC AND MORE PARTICULARLY DESCRIBED AS BITTERROOT ESTATES SUBDIVISION IN FLATHEAD COUNTY, MONTANA AND ANY RESUBDIVISIONS OR AMENDMENTS THEREOF, THE FOLLOWING COVENANTS, CONDITIONS AND RESTRICTIONS, WHICH SHALL BE TO THE BENEFIT FOR ALL FUTURE OWNERS OF THE SAID TRACT OR A PORTION THEREOF. THEREFORE THE DEVELOPERS, DO HEREBY PLACE THE FOLLOWING COVENANTS AND DECLARATIONS UPON THAT PROPERTY:

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A: BUILT HOMES

MUST CONFORM WITH THE RULES AND REGULATIONS OF THE UNIFORM BUILDING CODE, STATE OF MONTANA, FLATHEAD COUNTY AND ANY LOCAL ENTITY THAT MAY BE EMPOWERED TO ADMINISTER SAME. HOMES SHALL NOT BE SMALLER THAN 850 SQUARE FEET ON MAIN FLOOR OF A MULTI-STORY RESIDENCE OR 950 SQUARE FEET IN A SINGLE STORY HOME. ALL STICK BUILT, HOMES MUST BE ON A PERMANENT FOUNDATION BUILT TO FHA APPROVED STANDARDS. NO PREVIOUSLY USED HOMES SHALL BE ALLOWED IN BITTERROOT ESTATES.

B: MODULAR (PREMANUFACTURED) AND MANUFACTURED (MOBILE) HOMES

NO SINGLE WIDE MANUFACTURED HOMES WILL BE PERMITTED. DOUBLE WIDE MANUFACTURED HOMES SHALL NOT BE SMALLER THAN 950 SQUARE FEET ON MAIN FLOOR. ALL HOMES SHALL HAVE PERIMETER FOUNDATIONS BUILT TO FHA APPROVED STANDARDS AND SHALL HAVE TONGUES AND AXLES REMOVED. ALL MANUFACTURED AND MODULAR HOMES MUST BE DELIVERED NEW FROM THE DEALER. NO PREVIOUSLY USED HOMES SHALL BE ALLOWED.

C: GARAGES, SHOPS AND OUTBUILDINGS

ALL GARAGES, SHOPS AND OUTBUILDINGS SHALL BE BUILT WITH SIMILAR SIDING AND ROOFING MATERIALS AS THE HOME AND SHALL BE STAINED OR PAINTED WITH THE SAME COLOR SCHEME AS THE HOME. NO METAL BUILDINGS WILL BE ALLOWED IN THE BITTERROOT ESTATES SUBDIVISION. NO PREVIOUSLY USED BUILDINGS SHALL BE MOVED ON TO ANY LOT.

D: BUILDING MATERIALS

ALL HOMES, GARAGES, SHOPS, AND OUTBUILDINGS MUST BE BUILT WITH NEW MATERIALS, WITH THE EXCEPTION OF USED BRICK OR STONE.

E: MAINTENANCE

ALL HOMES SHALL BE MAINTAINED, PAINTED/STAINED, AND REPAIRED IN ORDER TO MAKE THEM HABITABLE AND ACCEPTABLE TO OTHER RESIDENTS.

F: FIREPLACES/WOOD STOVES/CHIMNEYS/ROOFING

MUST BE BUILT/MANUFACTURED TO STATE CODE AND HAVE APPROVED SPARK ARRESTORS ATTACHED. ONLY CLASS A & B FIRE RESISTANT ROOFING MATERIALS ARE ALLOWED. WOOD SHAKE SHINGLES, TREATED OR OTHERWISE ARE PROHIBITED.

G: USE OF PREMISES

ALL HOMES SHALL BE USED PRIMARILY FOR SINGLE-FAMILY PURPOSES WITH NO MORE THAN ONE RESIDENCE CONSTRUCTED ON EACH LOT. ALL HOUSE NUMBERS

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WILL BE VISIBLE FROM THE ROAD, EITHER AT THE DRIVEWAY ENTRANCE OR ON THE HOUSE.

H: SETBACKS ON ALL BUILDINGS

ALL STRUCTURES SHALL MAINTAIN A 10 FOOT SET BACK FROM ALL PROPERTY LINES OR COMPLY WITH FLATHEAD COUNTY REGULATIONS, WHICHEVER IS GREATER, EXCEPT FOR THE PROPERTY LINE ALONG BITTERROOT ESTATES DR. WHICH SHALL BE A MINIMUM OF 25 FOOT SETBACK. (EXISTING BUILDINGS ON LOTS 1 AND 2 ARE EXEMPT FROM THE PREECEDING COVENANANTS).

I: WATER AND SEPTIC

ALL WATER AND SEPTIC FACILITIES SHALL BE APPROVED BY THE FLATHEAD COUNTY HEALTH DEPARTMENT AND MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY, AND MUST BE LOCATED IN THE EXACT LOCATION AS SHOWN ON THE DEPARTMENT OF ENVIRONMENTAL QUALITY SITE PLAN OF BITTERROOT ESTATES PHASES 1 AND 2.

J: UTILITIES

ALL-UTILITIES WILL BE UNDERGROUND. HOMEOWNERS ARE RESPONSIBLE FOR INSTALLATION OF ROAD APPROACHES AND UNDERGROUND UTILITIES TO THEIR INDIVIDUAL LOTS.

K: LOT CARE AND MAINTENANCE

PROPERTIES AND RIGHT OF WAYS SHALL BE KEPT FREE OF DEBRIS AND GARBAGE. NO BUILDING SITE SHALL BE USED FOR OR MAINTAINED AS A DUMPING SITE OF RUBBISH, TRASH, GARBAGE OR WASTE OF ANY KIND. ALL GARBAGE SHALL BE KEPT IN SANITARY ANIMAL PROOF CONTAINERS. GARBAGE MUST BE REMOVED AT LEAST WEEKLY TO THE LOCAL COUNTY DUMP CONTAINERS. TIRES, APPLIANCES, CAR PARTS, OLD FURNITURE, STORED BUILDING MATERIALS, ETC., MUST BE FENCED FROM VIEW OR HAULED OFF TO THE COUNTY LANDFILL. ANYTHING THAT PRODUCES AND UNPLEASANT ODOR TO OTHER RESIDENTS SHALL BE REMOVED OR CLEANED UP. PLANTED LAWNS SHALL BE MOWED TO UNDER 6" IN HEIGHT. TREES FALLING UNTO RIGHT OF WAYS OR ADJOINING PROPERTY SHALL BE REMOVED BY OWNER.

L: RECREATIONAL AND NON-OPERATING VEHICLES

RV'S, CAMPERS, SNOWMOBILES, ATV'S, BOATS, OTHER SPORTS VEHICLES AND NON-OPERATING VEHICLES SHALL BE STORED OUT OF VIEW OF THE ROAD OR BE STORED BEHIND AN ENCLOSING FENCE. SAID FENCE SHALL BE CONSTRUCTED TO HIDE THE EQUIPMENT AND VEHICLES FROM VIEW.

M: NOXIOUS WEEDS

ALL LOT OWNERS ARE RESPONSIBLE FOR THE ERADICATION AND CONTROL OF NOXIOUS WEEDS ON THEIR PROPERTY AND ADJACENT RIGHT OF WAYS (AS DEFINED BY FLATHEAD COUNTY).

N: MINING/GRAVEL PITS

NO MINING OR GRAVEL PITS ARE ALLOWED ON ANY PROPERTY IN THE SUBDIVISION.

O: YARD LIGHTS AND FUEL TANKS

OUTSIDE YARD LIGHTS ARE PERMITTED UPON ANY OF THE PROPERTIES IF THE TYPE AND LOCATION THEREOF DOES NOT CAUSE A NUISANCE TO ANY ADJACENT LOTS. CONTAINERS OF FLAMMABLE MATERIAL SUCH AS PROPANE OR FUEL OIL

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TANKS ARE PERMITTED ONLY IF THEY COMPLY WITH THE ORDINANCES, RULES AND REGULATIONS OF FLATHEAD COUNTY AND THE STATE OF MONTANA.

P: BUSINESSES AND PROFESSIONS

IN HOME BUSINESSES ARE PERMITTED IF THEY DO NOT REQUIRE STORAGE OF MAJOR EQUIPMENT OR EXTENSIVE PUBLIC VISITATION. EXTENSIVE PUBLIC VISITATION IS CONSIDERED TO BE IN EXCESS OF 5 VEHICLES PER DAY.

Q: SIGNS

NO SIGNS OF ANY KIND SHALL BE DISPLAYED TO THE PUBLIC VIEW ON ANY LOT EXCEPT ONE SIGN OF NOT MORE THAN FOUR SQUARE FEET ADVERTISING THE PROPERTY FOR SALE OR RENT OR AN IN HOME BUSINESS FOR IDENTIFICATION PURPOSES. A SIGN NOT TO EXCEED FOUR SQUARE FEET MAY BE USED BY A BUILDER TO ADVERTISE THE PROPERTY DURING CONSTRUCTION OR SALE. THIS PROVISION DOES NOT APPLY TO STREET OR SUBDIVISION SIGNS ERECTED BY THE DEVELOPER OR A GOVERNMENT AGENCY.

R: HEALTH & SAFETY

ALL HOMES AND PROPERTY MUST BE MAINTAINED TO MEET THE FLATHEAD COUNTY HEALTH AND SAFETY STANDARDS AND MONTANA STATE LAW. EACH PROPERTY OWNER SHALL DEVELOP THEIR OWN FIRE SAFETY PROGRAM FOR WILDFIRES.

S: PETS AND ANIMALS

ALL PETS AND ANIMALS SHALL BE KEPT WITHIN THE OWNERS PROPERTY LINES AND RESTRAINED SO THEY WILL NOT EXIT THOSE PROPERTY LINES. ANIMALS MUST BE KEPT CLEAN, HEALTHY, AND HAVE REQUIRED VACCINATIONS. THE PROPERTY OWNER, WHERE THE ANIMAL IS KEPT OR OWNED, IS RESPONSIBLE FOR DAMAGES CAUSED BY ANY ANIMAL IN THEIR CARE FOR HARM OR DAMAGE DONE TO OTHER RESIDENTS OR PROPERTY. NO LIVESTOCK (HORSES, COWS, ETC.) ARE PERMITTED TO BE HOUSED ON ANY LOTS.

T: USE EASEMENTS AND CROSS EASEMENTS

THE OWNERS RECOGNIZE THAT THE ROAD BUILT WITHIN THIS SUBDIVISION IS FOR THE BENEFIT OF ALL LOTS HEREIN AND EACH LOT IS DEEMED TO HAVE CROSS EASEMENTS APPURTENANT TO EACH SAID LOT AND OVER THE OTHER LOTS FOR THE USE THEREOF.

U: MISCELLANEOUS

THERE SHALL BE NO WASHING OR REPAIRING OR OVERNIGHT PARKING OF VEHICLES ON BITTERROOT ESTATES DRIVE AT ANYTIME, NO SHALL THERE BE BURNING OF LEAVES OR TRASH ON THE ROAD.

V: ACTIVITIES NOT ALLOWED

PROPERTY OWNERS SHALL NOT CONDUCT OR ALLOW ANY ACTIVITIES WITHIN THE SUBDIVISION THAT ARE ILLEGAL, DANGEROUS TO PROPERTY OWNERS OR THAT CONSTITUTES A NUISANCE. LOUD AND NOISY ATV'S, VEHICLES, OR OTHER DISRUPTIVE ACTIVITIES ARE NOT ALLOWED ON BITTERROOT ESTATES DRIVE.

W: EXISTING BUILDINGS

EXISTING BUILDINGS ON LOTS 1 AND 2 ARE EXEMPT FROM THE PRECEDING COVENANTS. HOWEVER, ANY NEW OR REPLACEMENT HOMES OR BUILDINGS ON LOTS 1 AND 2 MUST MEET THE CRITERIA OF ALL THE EXISTING COVENANTS.

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ROAD ASSOCIATION: ESTABLISHMENT, POWERS, AND DUTIES

ROAD ASSOCIATION

FOR THE PURPOSES OF MAINTAINING THE COMMUNITY ROAD, ROAD EASEMENT, WATER CISTERN FIRE SYSTEMS, AND COMMON AREAS WHICH ARE UNDER THE CONTROL OF THE ROAD ASSOCIATION AND SHARED BY THE OWNERS, AND FOR THE PURPOSE OF PROVIDING FOR AND COLLECTION OF ANY PAYMENT OF NECESSARY COMMON EXPENSES, THE ROAD ASSOCIATION IS HEREBY FORMED UNDER THE NAME OF BITTERROOT ESTATES ROAD ASSOCIATION (AS REQUIRED BY FLATHEAD COUNTY).

MEMBERSHIP

AN OWNER OF A LOT IN SAID SUBDIVISION SHALL AUTOMATICALLY UPON BECOMING THE OWNER OF SUCH LOT BE A MEMBER OF THE ROAD ASSOCIATION, AND SHALL REMAIN A MEMBER OF SUCH ASSOCIATION UNTIL SUCH TIME AS HIS OWNERSHIP CEASES FOR ANY REASON, AT WHICH TIME HIS MEMBERSHIP IN THE ASSOCIATION SHALL AUTOMATICALLY CEASE. THE MEMBERSHIP SHALL BE LIMITED TO OWNERS AS DEFINED IN THIS DECLARATION.

VOTING

ON ALL MATTERS TO BE DECIDED BY THE ROAD ASSOCIATION, EACH LOT SHALL HAVE ONE VOTE. AN ANNUAL MEETING WILL BE HELD IN JANUARY OF EACH YEAR, BEGINNING IN JANUARY, 2004, TO DETERMINE THE ANNUAL ROAD/CISTERN MAINTENANCE ASSESSMENT FEE. A MAJORITY OF THE OWNERS OR A MAJORITY OF VOTES REPRESENTED BY OWNERS AND BY PROXY OWNERS PRESENT AT THIS MEETING SHALL BE SUFFICIENT TO ACT ON MATTERS BROUGHT BEFORE THE ROAD ASSOCIATION. AS USED HEREIN, THE OWNERS OF THE PROPERTY SHALL BE THE PERSON HOLDING POSSESSION AND TITLE (INCLUDING HEREIN A PURCHASER UNDER DIRECT CONTRACT FOR DEED) BUT SHALL NOT INCLUDE A MORTGAGE HOLDER OR A CONTRACT SELLER.

FUNCTION:

THE ROAD ASSOCIATION SHALL HAVE THE FOLLOWING FUNCTIONS:

1. TO LEVY AN ANNUAL ASSESSMENT AT THE JANUARY MEETING FOR THE MAINTENANCE AND REPAIR OF BITTERROOT ESTATES DRIVE, FIRE SUPPRESSION WATER CISTERNS, ROAD EASEMENTS AND RIGHT OF WAYS HELD IN COMMON BY THE OWNERS IN BITTERROOT ESTATES SUBDIVISION.
2. TO HOLD SPECIAL MEETINGS AS NEEDED WHEN MAINTENANCE AND/OR SPECIFIC REPAIRS ARE REQUIRED WITHOUT MAKING A SPECIAL ASSESSMENT TO COMPLETE SAID MAINTENANCE OR REPAIR.

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3. THE ROAD ASSOCIATION HAS THE AUTHORITY TO LEVY ASSESSMENTS PER THE PROCEDURES OUTLINED UNDER VOTING PROCEDURES FOR THE REGULAR MEETING IN JANUARY OR SPECIAL MEETINGS CONDUCTED DURING THE YEAR AS NEEDED.
4. THE ASSOCIATION SHALL HAVE THE POWER TO COLLECT ASSESSMENTS AND CAUSE TO BE FILED A NOTICE OF ASSESSMENT AT THE OFFICE OF THE CLERK AND RECORDER. SUCH NOTICE OF ASSESSMENT SHALL CONSTITUTE A LIEN ON THE PROPERTY.
5. TO ENTER INTO CONTRACTS TO HIRE PERSONNEL FOR THE MAINTENANCE AND REPAIR OF THE PROPERTIES UNDER ITS CONTROL .

FAILURE TO COMPLY

EACH OWNER SHALL STRICTLY COMPLY WITH THE PROVISIONS OF THIS DECLARATION. FAILURE TO COMPLY WITH ANY OF THE SAME SHALL BE GROUNDS FOR AN ACTION TO RECOVER SUMS DUE, FOR DAMAGES OR INJUNCTIVE RELIEF OR BOTH, AND FOR REIMBURSEMENT OF ALL COSTS, INCLUDING ATTORNEY'S FEES INCURRED IN CONNECTION THEREWITH.

PAYMENT OF ASSESSMENTS WHEN DUE

ALL ASSESSMENTS SHALL BE DUE 30 DAYS FROM THE DATE OF MAILING OF SUCH ASSESSMENT FOLLOWING THE MEETING AT WHICH TIME ASSESSMENTS ARE LEVIED BY THE ROAD ASSOCIATION AND MAY BE PAYABLE IN INSTALLMENTS MONTHLY OR QUARTERLY, AT THE OPTION OF THE ROAD ASSOCIATION, WHICH MAY CHARGE INTEREST ON DEFERRED PAYMENTS. NO OWNER MAY EXEMPT HIMSELF FROM THE LIABILITY FOR THIS ASSESSMENT TOWARD THE COMMON EXPENSES. ALL ASSESSMENTS WHICH ARE NOT PAID WITHIN THIRTY DAYS FROM THE DATE THEY ARE DUE AND PAYABLE BECOME DELINQUENT AND ARE SUBJECT TO INTEREST AND PENALTY CHARGES. THE ASSOCIATION SHALL HAVE THE RESPONSIBILITY OF TAKING PROMPT ACTION TO COLLECT ANY UNPAID ASSESSMENT WHICH BECOMES DELINQUENT. IN THE EVENT OF DELINQUENCY OF THE PAYMENT OF THE ASSESSMENT, THE LOT OWNER SHALL BE OBLIGATED TO PAY INTEREST AT A RATE TO BE DETERMINED BY THE ROAD ASSOCIATION TOGETHER WITH SUCH LATE CHARGES ON THE AMOUNT OF THE ASSESSMENT FROM THE DUE DATE THEREOF. SUIT TO RECOVER A MONEY JUDGMENT FOR UNPAID COMMON EXPENSES AND LIMITED EXPENSES MAY BE OBTAINED WITHOUT FORECLOSING OR WAVING THE LIEN SECURING THE SAME.

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AFTER AN ASSESSMENT IS UNPAID FOR 30 DAYS, THE ROAD ASSOCIATION MAY CAUSE TO BE FILED A LIEN IN THE AMOUNT THEN DUE PLUS ACCRUING INTEREST. A COPY OF THE LIEN SHALL BE SENT TO THE OWNER AT HIS LAST KNOWN ADDRESS AND TO ANY MORTGAGE HOLDER WHO HAS AN INTEREST IN SAID PROPERTY.

IN A VOLUNTARY CONVEYANCE OF A LOT, THE GRANTEE OF THE UNIT SHALL BE JOINTLY AND SEVERELY LIABLE WITH THE GRANTOR FOR ALL UNPAID ASSESSMENTS BY THE ASSOCIATION AGAINST THE LATTER FOR HIS SHARE OF THE COMMON EXPENSES UP TO THE TIME OF THE GRANT OR CONVEYANCE, WITHOUT PREJUDICE OF THE GRANTEE'S RIGHT TO RECOVER FROM THE GRANTOR THE AMOUNTS PAID BY THE GRANTEE THEREFORE. HOWEVER, ANY SUCH GRANTEE SHALL BE ENTITLED TO A STATEMENT FROM THE ROAD ASSOCIATION SETTING FORTH THE AMOUNT OF SUCH UNPAID ASSESSMENTS AGAINST THE GRANTOR DUE THE ASSOCIATION, AND SUCH GRANTEE SHALL NOT BE LIABLE FOR, NOR SHALL THE LOT CONVEYED BE SUBJECT TO A LIEN OR ANY UNPAID ASSESSMENTS MADE BY THE ASSOCIATION AGAINST THE GRANTOR IN EXCESS OF THE AMOUNT THEREIN SET FORTH.

ENFORCEMENT

GENERAL STATEMENT: THESE COVENANTS MAY BE ENFORCED BY AN ACTION TO ENJOIN, ABATE OR TO COLLECT IN ANY COURT OF LAW. IT IS UNDERSTOOD THAT ANY VIOLATION OF THE COVENANTS IS TO BE DEEMED A NUISANCE AND SUBJECT TO ABATEMENT SUBJECT TO EQUITABLE ARGUMENTS. ANY PERSON TAKING SUBJECT TO THESE COVENANTS HEREBY RECOGNIZES THE SAME AND BY ACCEPTING AND RECORDING A DEED HEREOF ACCEPTS TO BE GOVERNED BY THE SAME.

LIENS AND FORECLOSURE

ALL SUMS ASSESSED BUT UNPAID FOR THE SHARE EXPENSES CHARGEABLE TO ANY LOT SHALL CONSTITUTE A LIEN ON SUCH LOT SUPERIOR TO ALL OTHER LIENS AND ENCUMBRANCES, EXCEPT ONLY FOR TAX AND SPECIAL-ASSESSMENT LIENS ON THE LOT IN FAVOR OF ANY ASSESSING AUTHORITY, AND ALL SUMS UNPAID ON A FIRST MORTGAGE OR A FIRST TRUST INDENTURE OF RECORD, INCLUDING ALL UNPAID SUMS AS MAY BE PROVIDED BY SUCH ENCUMBRANCE. TO EVIDENCE SUCH LIEN, THE ASSOCIATION SHALL PREPARE A WRITTEN NOTICE OF LIEN ASSESSMENT SETTING FORTH THE AMOUNT OF SUCH UNPAID INDEBTEDNESS, THE AMOUNT OF ACCRUED INTEREST AND LATE CHARGES THEREON, THE NAME OF THE OWNER OF THE LOT AND A DESCRIPTION OF THE LOT. SUCH NOTICE SHALL BE SIGNED AND VERIFIED BY ONE OF THE OFFICERS OF THE ASSOCIATION OR BY THE MANAGER AND SHALL BE RECORDED IN THE OFFICE OF THE CLERK AND RECORDER OF FLATHEAD COUNTY, MONTANA. SUCH LIEN SHALL ATTACH ON THE DATE OF RECORDING OF SUCH NOTICE. SUCH LIEN MAY BE ENFORCED BY THE FORECLOSURE OF THE DEFAULTING OWNER'S LOT BY THE ASSOCIATION AS PROVIDED FOR BY THE FORECLOSURE PROCEEDINGS ON REAL PROPERTY UPON THE RECORDING OF A NOTICE OF CLAIM THEREOF.

IN ANY SUCH FORECLOSURE THE OWNER SHALL BE REQUIRED TO PAY A REASONABLE RENTAL FOR THE LOT AND THE PLAINTIFF IN SUCH FORECLOSURE ACTION SHALL BE ENTITLED TO THE APPOINTMENT OF A RECEIVER TO COLLECT THE SAME. SUIT TO RECOVER A MONEY JUDGMENT FOR UNPAID COMMON EXPENSES SHALL BE MAINTAINABLE WITHOUT FORECLOSURE OR WAIVING THE LIEN SECURING THE SAME. IN ANY SUCH PROCEEDING THE OWNER MAY BE REQUIRED TO PAY THE COSTS, EXPENSES, AND ATTORNEY'S FEES INCURRED IN FILING THE LIEN, AND IN THE EVENT OF FORECLOSURE PROCEEDINGS, ADDITIONAL COSTS, EXPENSES AND ATTORNEY'S FEES INCURRED,

BIDDING AT FORECLOSURE

THE ASSOCIATION ON BEHALF OF THE OTHER OWNERS SHALL HAVE THE POWER, BUT NEED NOT, TO BID ON THE LOT AT A FORECLOSURE OR OTHER LEGAL SALE AND TO ACQUIRE AND HOLD, LEASE, MORTGAGE AND VOTE THE VOTES APPURTENANT THERETO, CONVEY OR OTHERWISE DEAL WITH THE SAME. ANY LIEN HOLDER HOLDING A LIEN ON A LOT MAY PAY, BUT SHALL NOT BE REQUIRED TO PAY, ANY UNPAID GENERAL COMMON EXPENSES PAYABLE WITH RESPECT TO SUCH LOT AND UPON SUCH PAYMENT SUCH LIEN HOLDER SHALL HAVE A LIEN ON SAID LOT FOR THE AMOUNTS PAID OF THE SAME RANK AS THE LIEN OF HIS ENCUMBRANCE WITHOUT THE NECESSITY OF HAVING TO FILE A NOTICE OR CLAIM OF SUCH LIEN.

UNPAID ASSESSMENTS/ MORTGAGES

WHEN A LIEN HOLDER OF OTHER PURCHASERS OF A LOT OBTAINS TITLE TO THE LOT AS A RESULT OF FORECLOSURE OF THE FIRST MORTGAGE OR TRUST INDENTURE, SUCH ACQUIRER OF TITLE, HIS SUCCESSORS AND ASSIGNS, SHALL NOT BE LIABLE FOR THE SHARE OF COMMON EXPENSES OR ASSESSMENT BY THE ASSOCIATION CHARGEABLE TO SUCH LOT WHICH BECAME DUE PRIOR TO THE ACQUISITION OF TITLE TO SUCH LOT BY SUCH ACQUIRER. SUCH UNPAID SHARE OF COMMON EXPENSES OR ASSESSMENTS SHALL BE DEEMED TO BE COMMON EXPENSE COLLECTIBLE FROM ALL OF THE LOT OWNERS INCLUDING SUCH ACQUIRER, HIS SUCCESSORS AND ASSIGNS.

BENEFITS

THESE COVENANTS ARE TO BENEFIT ALL OWNERS OF LOTS WHICH ARE EITHER IN EXISTENCE NOW OR AS LATER DECIDED AND MAY BE ENFORCED BY ANY ONE OF THEM OR BY THE ASSOCIATION AS ABOVE CREATED. THE ASSOCIATION SO ACTING MAY ACT IN ITS OWN NAME BUT IN DOING SO IS ACTING FOR THE OWNERS OF ALL THE PROPERTY EXCEPT FOR THE OWNER WHICH IS SEEKING RELIEF.

IN ANY ACTION MAINTAINED UNDER THESE COVENANTS, THE COURT SHALL HAVE THE AUTHORITY AND SHALL AWARD REASONABLE ATTORNEYS FEES TO THE AVAILING PARTY.

Wilma J. Leatzow
 Wilma J. Leatzow
 Managing Member of Heritage Homes and Properties, LLC
 Box 999
 Marion, Montana 59925

STATE OF MONTANA)
) ss.
 County of Flathead)

On this 3rd day of December, 2004, before me, the undersigned, a Notary Public for the State aforesaid, personally appeared WILMA J LEATZOW, known to me to be the persons whose names are subscribed to the foregoing 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 in this certificate first above written.



[Signature]
 Notary Public for the State of Montana
 Residing at Kila, Montana
 My commission Expires Sept 17, 2005

Return To:
 CTE
 704 S. Main
 Kalispell, MT 59901

STATE OF MONTANA COUNTY OF FLATHEAD) ss
 RECORDED IN THE RECORDS OF FLATHEAD COUNTY, STATE OF MONTANA
 AT THE REQUEST OF CTE ON
Dec 6, 2004 @ 9:50 o'clock \$ 48.00 PAID
Paula Robinson CLERK AND RECORDER BY
[Signature] DEPUTY
 RETURN
 DOCUMENT # 200434109500

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