

Upon recording, please  
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Jennings Law Office  
1704 West Babcock, Suite A  
Bozeman, Montana 59715

**2324991**

Page: 1 of 9 03/25/2009 10:45:16 AM Fee: \$83.00  
Charlotte Mills - Gallatin County, MT MISC



AMENDMENT FOR THE ESSENCE  
CONDOMINIUM DECLARATION (Phase 3)

Reference is hereby made to the Declaration for The Essence Condominium, and accompanying By-Laws, which were all recorded on May 11, 2007, as Document No. 2265816, records of Gallatin County, Montana and as subsequently amended.

As stated in the Declaration, except as modified herein, or by subsequent Amendments, the Declarant is entitled to expand the Condominium upon certain terms and conditions. The Declarant intends to develop the Condominium in phases and that the Owners' Association shall exercise control only over those phases that have been included in the Condominium to that point in time, although additional property shall eventually constitute the Condominium. The Declarant further intends that as each phase is included within the condominium regime, that phase, together with previous phases, will constitute the entire condominium property and the site plan will show all of the buildings located thereon. Therefore, the above Declaration is amended as follows:

1. In keeping with the foregoing, the first subsection of Article II of the Declaration ("REAL ESTATE"), titled "Description," on page 4 thereof is hereby amended to read as follows:

1. Description. The real property which is by this Declaration submitted and subject to the Unit Ownership Act, shall comprise the condominium and is described as follows:

Lots 8, 9, 10, 11 and 13 of Block 2, Traditions Subdivision - Phase 1, Bozeman, Gallatin County, Montana, according to the official plat thereof on record in the office of the Clerk and Recorder of Gallatin County, Montana. [Plat J-455]

The condominium consists of ten (10) units, including garages, located in five (5) buildings and may be expanded to include up to seventeen (17) units when completed. The provisions of this Declaration and the Bylaws shall be construed to be covenants running with the land including every unit and shall be binding upon the Unit Owners, their heirs, successors, personal representatives and assigns for so long as this Condominium Declaration and Bylaws are in effect.

2. The first paragraph of Article IV of the Declaration, titled "Percentage of Interest," on Page 6 thereof, is hereby amended to read as follows:

IV. OWNERSHIP AND VOTING - EXHIBITS - USE

1. Interest in Common Elements: Each Unit Owner shall be entitled to the exclusive ownership, use and possession of his or her Unit and the interest of each Unit Owner in the common elements as shall be set forth in Amendments to this Declaration. Each Unit Owner shall have an undivided interest in the general common elements of The Essence Condominium. Such interest represents his or her ownership interest in the general common elements, and his or her liability for common expenses and taxes. The interest in the general common elements for the Owners of the units shall be as set forth below. The units comprising the condominium, and the corresponding interest in the common elements are as follows:

<u>UNIT</u>	<u>PERCENTAGE OF INTEREST</u>
4361A	1/10th
4361B	1/10th
4365A	1/10th
4365B	1/10th
4369A	1/10th
4369B	1/10th
4375A	1/10th
4375B	1/10th
4389A	1/10th
4389B	1/10th

Exhibits: The Essence Condominium shall consists of the real property described above, and a total of ten (10) separate Condominium Units. For identification and descriptive purposes

the following Exhibits are attached and by reference hereto incorporated into and made a part of this Declaration:

Exhibit A-3: Showing the site plan of Phase 3 of The Essence Condominium and the locations of the building containing the condominium units on the property and the common elements.

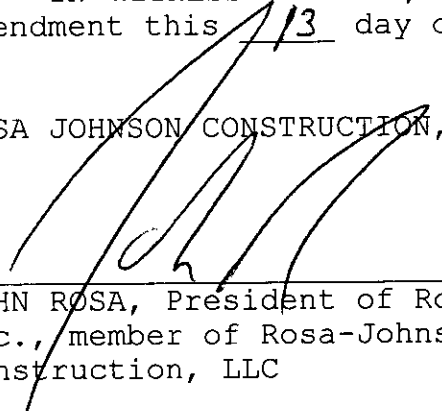
Exhibit B-3: Showing the floor plans for each of the Units of The Essence Condominium included in this phase, the area of each, the dimensions and the designation for each Unit.


3. Except as modified, altered or amended by the provisions of this Amendment, the Declaration shall remain in full force and effect.

4. This Amendment to the Declaration for The Essence Condominium, is made under the authority of, and pursuant to Declaration initially filed by the Declarant, and the Montana Unit Ownership Act, and shall be one of the planned expansions of the condominium.

IN WITNESS WHEREOF, the Declarant hereto has executed this Amendment this 13 day of March, 2009.

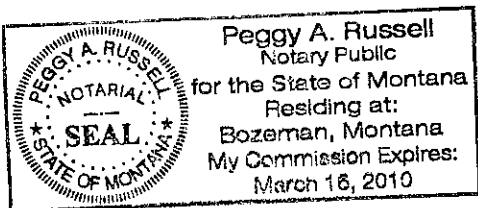
ROSA JOHNSON CONSTRUCTION, LLC


  
\_\_\_\_\_  
JOHN ROSA, President of Rosa-J, Inc., member of Rosa-Johnson Construction, LLC

  
\_\_\_\_\_  
SCOTT JOHNSON, President of CTK Construction, Inc., member of Rosa-Johnson Construction, LLC

STATE OF MONTANA     )  
                                      : ss.  
COUNTY OF GALLATIN )

This instrument was executed before me this 13<sup>th</sup> day of March, 2009, by Scott V. Johnson, president of CTK Construction, Inc., member in ROSA-JOHNSON CONSTRUCTION, LLC and JOHN ROSA, President of Rosa-J, Inc., member of Rosa-Johnson Construction, LLC.



  
\_\_\_\_\_  
Notary Public for the State of Montana  
Printed name: \_\_\_\_\_  
Residing at \_\_\_\_\_, Montana  
My Commission Expires: \_\_\_\_\_, 20\_\_

# EXHIBIT A

## SITE PLAN THE ESSENCE CONDOMINIUM PHASE 3

### BLOCK 2

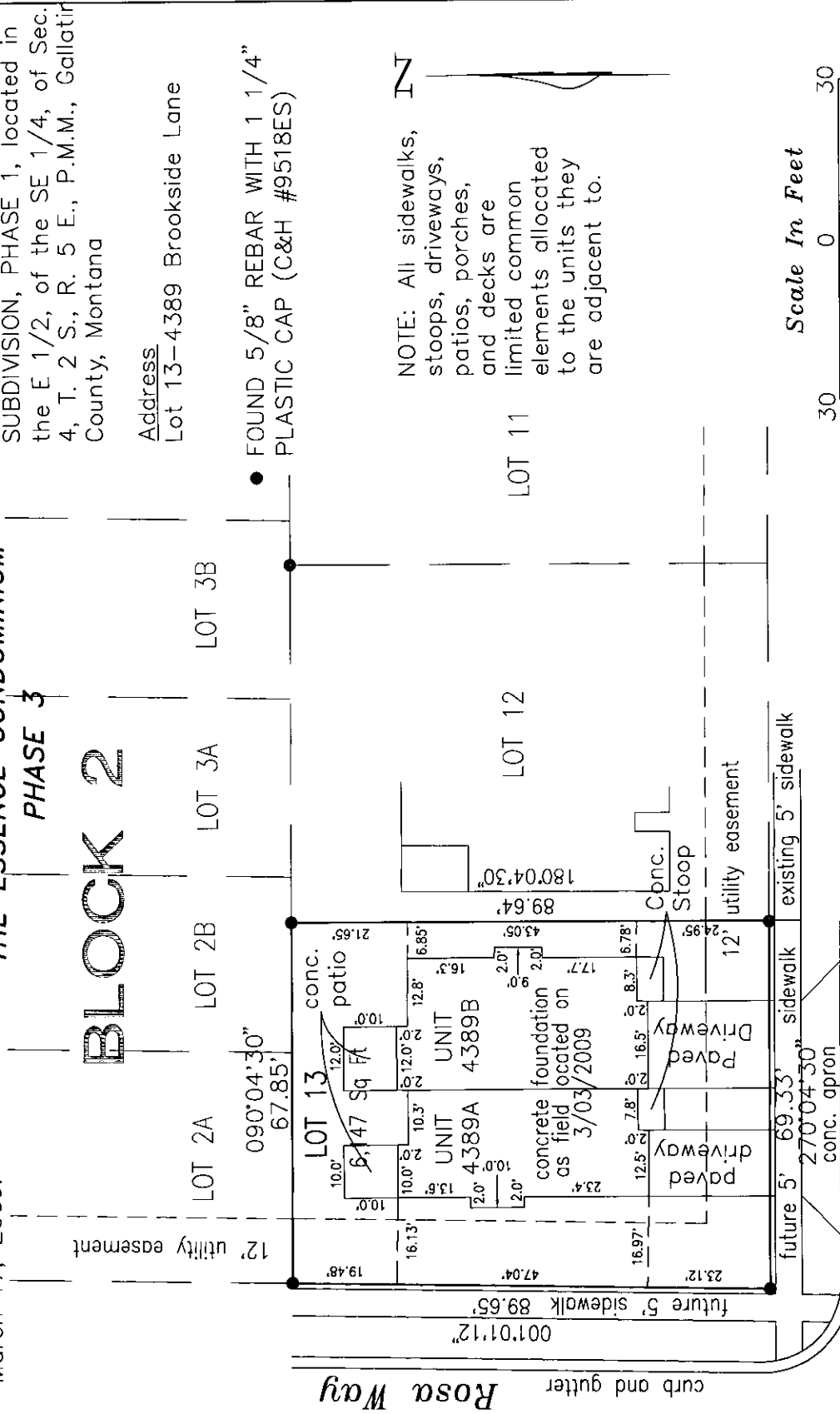
Legal Description  
Lot 13, Block 2, TRADITIONS  
SUBDIVISION, PHASE 1, located in  
the E 1/2, of the SE 1/4, of Sec.  
4, T. 2 S., R. 5 E., P.M.M., Gallatin  
County, Montana

Address  
Lot 13-4389 Brookside Lane

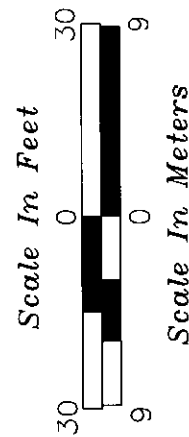
- FOUND 5/8" REBAR WITH 1 1/4" PLASTIC CAP (C&H #9518ES)

NOTE: All sidewalks, stoops, driveways, patios, porches, and decks are limited common elements allocated to the units they are adjacent to.

NOTE:  
Units and improvements are not complete as of March 17, 2009.



SETBACK NOTE:  
15' ALONG FRONT  
20' ALONG REAR  
5' ALONG SIDE



Brookside Lane



Engineering and Surveying Inc.  
1091 Stoneridge Drive • Bozeman, MT 59718  
Phone (406) 567-1115 • Fax (406) 587-9798  
www.chengineers.com • info@chengineers.com

# EXHIBIT B

## FIRST FLOOR PLAN

### THE ESSENCE CONDOMINIUM—PHASE 3

Legal Description

Lot 13 Block 2, TRADITIONS SUBDIVISION, PHASE 1, located in the E 1/2, of the SE 1/4, of Sec. 4, T. 2 S., R. 5 E., P.M.M., Gallatin County, Montana

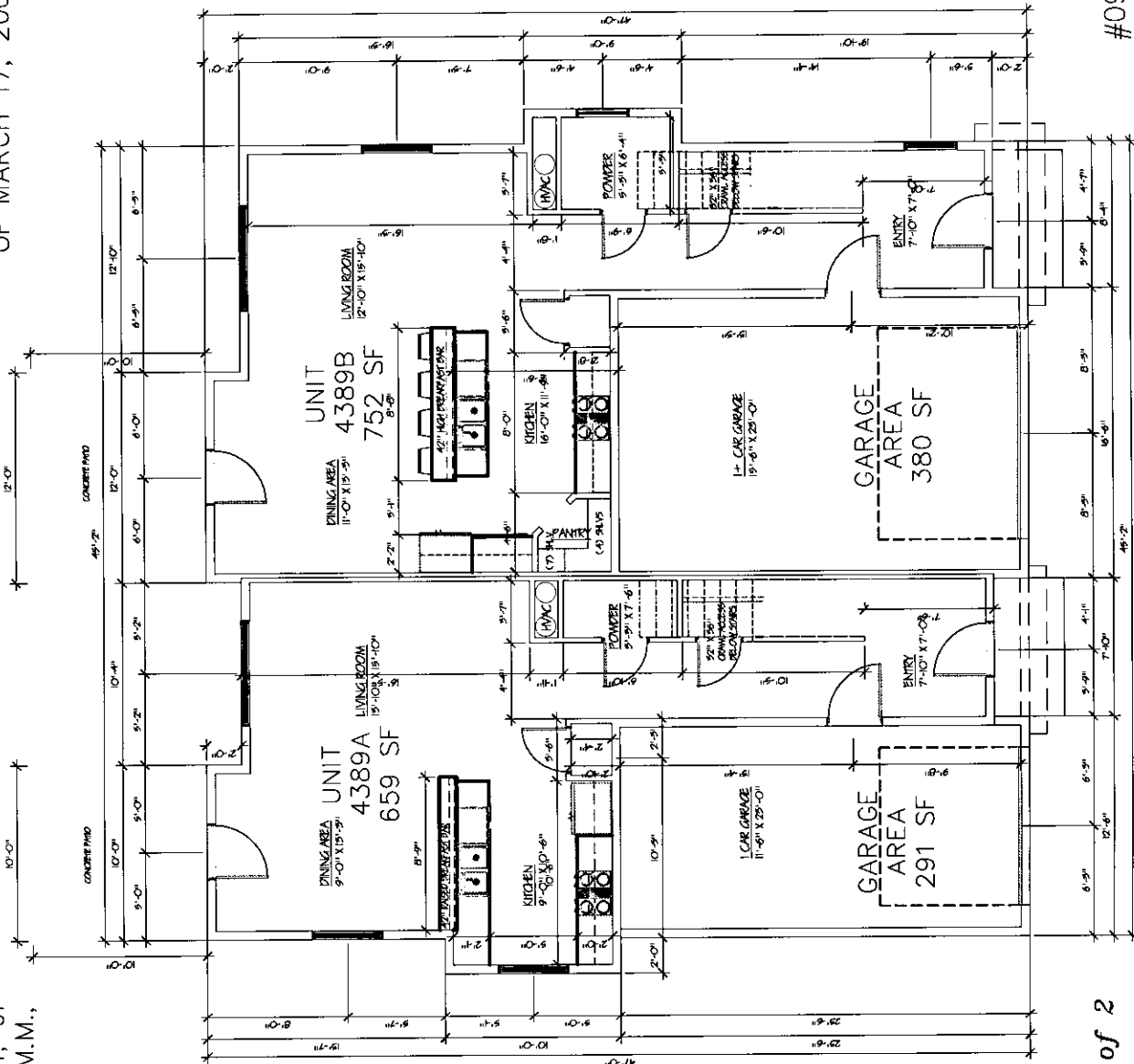
Address

4389 Brookside Lane

Total Unit Area

Unit A = 1881 SF  
Unit B = 2617 SF

NOTE: UNITS AND IMPROVEMENTS ARE NOT COMPLETE AS OF MARCH 17, 2009

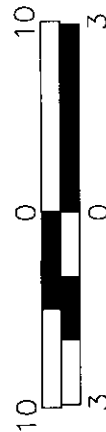


NOTE: All sidewalks, stoops, driveways, patios, porches, and decks are limited common elements allocated to the units they are adjacent to.

Unit boundaries are the outside face of the exterior walls and the center line of common walls.



Scale In Feet



Scale In Meters



Engineering and Surveying Inc.  
1051 Sorenson Drive • Bozeman, MT 59718  
Phone (406) 567-1115 • Fax (406) 587-9768  
www.chengh.com • info@chengh.com

Sheet 1 of 2

#09038

# EXHIBIT B

## SECOND FLOOR PLAN

### THE ESSENCE CONDOMINIUM—PHASE 3

Legal Description

Lot 13 Block 2, TRADITIONS SUBDIVISION, PHASE 1, located in the E 1/2, of the SE 1/4, of Sec. 4, T. 2 S., R. 5 E., P.M.M., Gallatin County, Montana

Address

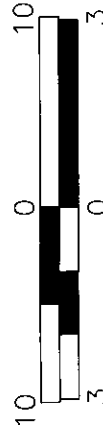
4389 Brookside Lane

NOTE: All sidewalks, stoops, driveways, patios, porches, and decks are limited common elements allocated to the units they are adjacent to.

Unit boundaries are the outside face of exterior walls and the center line of common walls.



Scale In Feet

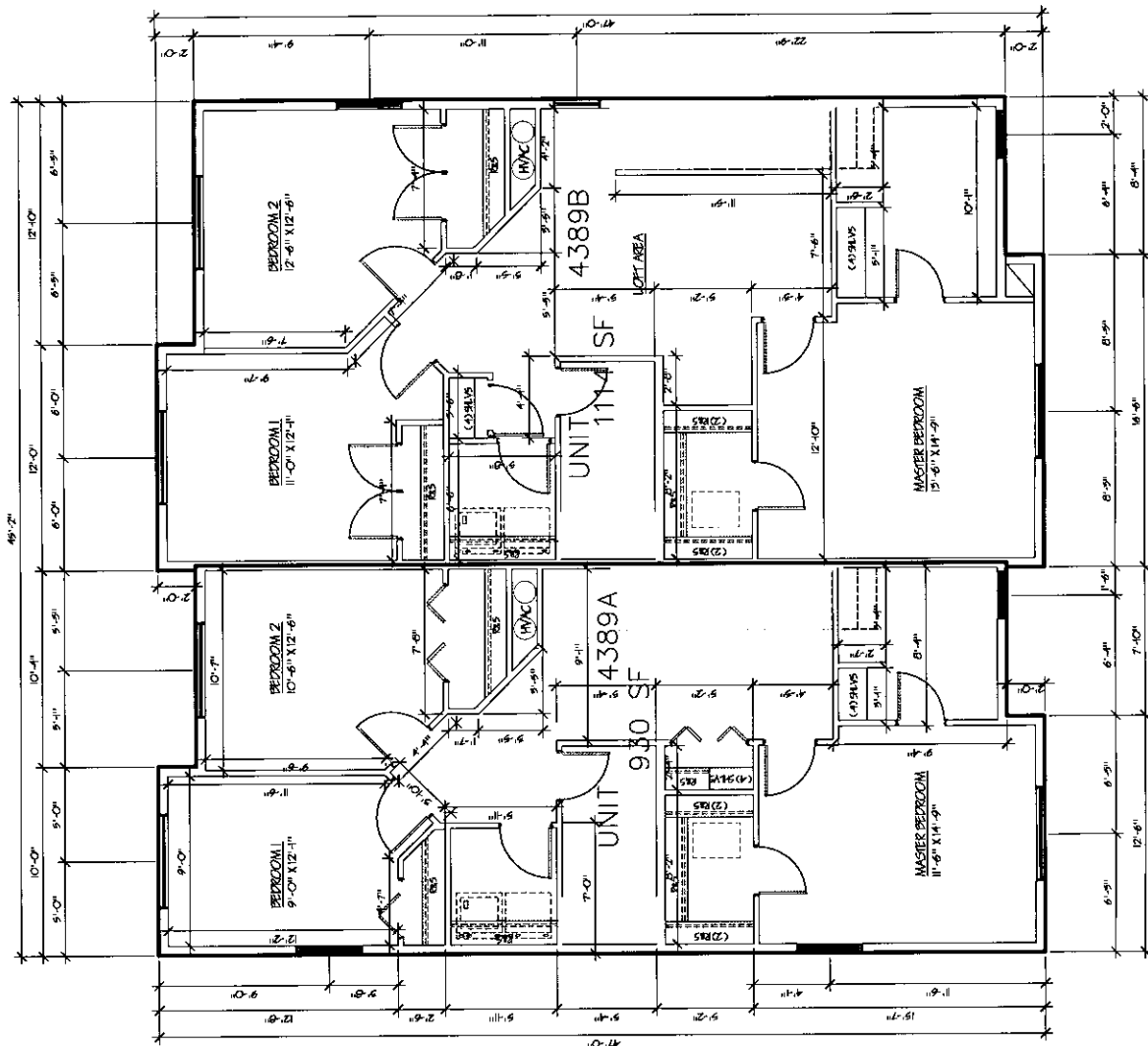


Scale In Meters



Engineering and Surveying Inc.  
1081 Scenic Drive • Bozeman, MT 59716  
Phone (406) 597-1115 • Fax (406) 597-9768  
www.chengineers.com • info@chengineers.com

NOTE: UNITS AND IMPROVEMENTS ARE NOT COMPLETE AS OF MARCH 17, 2009



**CERTIFICATE OF FLOOR PLANS**

The undersigned, being a duly registered professional engineer and land surveyor in the State of Montana, and having reviewed the site plan and floor plans for THE ESSENCE CONDOMINIUM, PHASE 3, attached to this Declaration herewith, certifies the following:

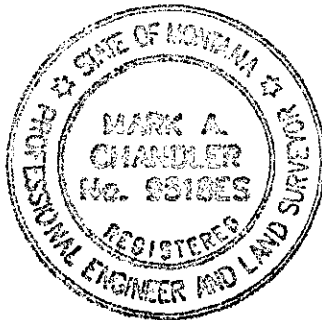
That pursuant to the provisions of 70-23-306(2), MCA, the site plan and floor plans for Units 4389A and 4389B of The Essence Condominium, Phase 3, located on:

Lot 13, Block 2, TRADITIONS SUBDIVISION, PHASE 1, City of Bozeman, according to the plat thereof, on file and of record in the office of the Clerk and Recorder, Gallatin County, Montana. (Plat J-455)

As duly filed with the Declaration and By-Laws thereof, are an accurate copy of the plans filed with and approved by the officials and officers of the City of Bozeman, having jurisdiction to issue building permits. The site plan and floor plans render a hand representation of the actual site and buildings, and fully and accurately depict the layout, location, unit designation, area and dimensions of each unit as proposed, and the common areas to which each unit has access.

Dated: March 17, 2009

Note: Buildings and Improvements are not complete as of this date.



*Mark A. Chandler*

by: Mark A. Chandler  
Registered Professional Engineer and Land Surveyor  
License No. 9518ES

DEPARTMENT OF REVENUE CERTIFICATE

Pursuant to MCA 70-23-304, the undersigned being the duly authorized agent of the Department of Revenue of the State of Montana with the County of Gallatin, herewith executes the following certificate relating to The Essence Condominium Declaration, Gallatin County, Montana, situated on the property described as follows:

Lot 13 of Block 2, Traditions Subdivision, Bozeman, Gallatin County, Montana, according to the official plat thereof on record in the office of the Clerk and Recorder of Gallatin County, Montana.

1. That the name The Essence Condominium is not the same as, similar to or pronounced the same as any word in the name of any other property or subdivision within Gallatin County except for the word "Condominium", and

2. All taxes and assessments due and payable for the land on which The Essence Condominium is situated and the improvements thereon have been paid to date.

Dated this 24 day of March, 2009.

Subaru Kawano / PVS  
County Assessor





**CITY OF BOZEMAN  
DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT**

Alfred M. Stiff Professional Building  
20 East Olive Street  
P.O. Box 1230  
Bozeman, Montana 59771-1230

phone 406-582-2260  
fax 406-582-2263  
planning@bozeman.net  
www.bozeman.net

Date: March 23, 2009

To Whom It May Concern:

Senate Bill 527 amending §76-3-203, M.C.A. was signed into law on April 17, 2007. This bill revised the exemption for the creation of new condominiums from the Subdivision and Platting Act. The amendment had an immediate effective date. The text of the amended section is now as follows:

**Section 1.** Section 76-3-203, M.C.A., is amended to read:

**“76-3-203. Exemption for certain condominiums.** Condominiums constructed on land subdivided in compliance with parts 5 and 6 of this chapter or on lots within incorporated cities and towns are exempt from the provisions of this chapter if:

- (1) the approval of the original subdivision of land expressly contemplated the construction of the condominiums and any applicable park dedication requirements in 76-3-621 are complied with; or
- (2) the condominium proposal is in conformance with applicable local zoning regulations when local zoning regulations are in effect.”

Pursuant to the above statute, the Department of Planning and Community Development has determined that the condominium development on property legally described as Lot 13, Block 2, Traditions Masub Phase I.

- does not require subdivision review and has satisfied the exemption criteria.
- has completed review as a subdivision.

If you have any questions or comments, please contact the City of Bozeman Planning Office at 582-2260. Thank you for your cooperation.

Andrew C. Epple, AICP  
Director of Planning and Community Development