

American Land Title Company
1800 West Koch / P.O. Box 396
Bozeman, Montana 59715 / 59771-0396
Order No. R-32724

Upon recording, please
return to:

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

✓ 2344011

Page: 1 of 8 10/09/2009 10:30:08 AM
Charlotte Mills - Gallatin County, MT

Fee: \$76.00
MISC



AMENDMENT FOR THE ESSENCE
CONDOMINIUM DECLARATION (Phase 4)

Reference is hereby made to the Declaration for The Essence Condominium, and accompanying By-Laws, which were all recorded on August 16, 2007, as Document No. 2275851, 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, 12 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 twelve (12) units, including garages, located in six (6) 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	1/12th
4361B	1/12th
4365A	1/12th
4365B	1/12th
4369A	1/12th
4369B	1/12th
4375A	1/12th
4375B	1/12th
4379A	1/12th
4379B	1/12th
4389A	1/12th
4389B	1/12th

Exhibits: The Essence Condominium shall consists of the real

property described above, and a total of twelve (12) 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-4: Showing the site plan of Phase 4 of The Essence Condominium and the locations of the building containing the condominium units on the property and the common elements.

Exhibit B-4: 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 2 day of June, 2009.

ROSA JOHNSON CONSTRUCTION, LLC

[Signature]
JOHN ROSA, President of Rosa-J, Inc., member of Rosa-Johnson Construction, LLC

[Signature]
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 2nd day of June, 2009, by JOHN ROSA, President of Rosa-J, Inc., member of Rosa-Johnson Construction, LLC, and by Scott V. Johnson, president of CTK Construction, Inc., member in ROSA-JOHNSON CONSTRUCTION, LLC.



[Signature]
Notary Public for the State of Montana
Printed name: Amy Bunch
Residing at Bozeman Montana
My Commission Expires: 11/10, 2010

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 12 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 01 day of June, 2009.

Dave McWann PUS
County Assessor

CERTIFICATE OF FLOOR PLANS

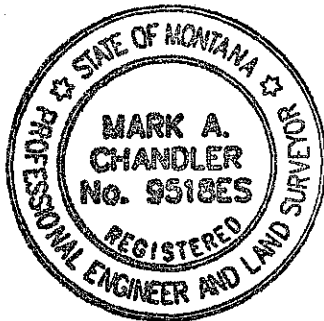
The undersigned, being a duly registered professional engineer and land surveyor in the State of Montana, and having reviewed the site plan and floor plans for ESSENCE CONDOMINIUM, PHASE 4, attached to this Declaration herewith, certifies the following:

That pursuant to the provisions of 70-23-306(2), MCA, the site plan and floor plans for Units 4379A and 4379B of the Essence Condominium, Phase 4, located on:

Lot 12, 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.

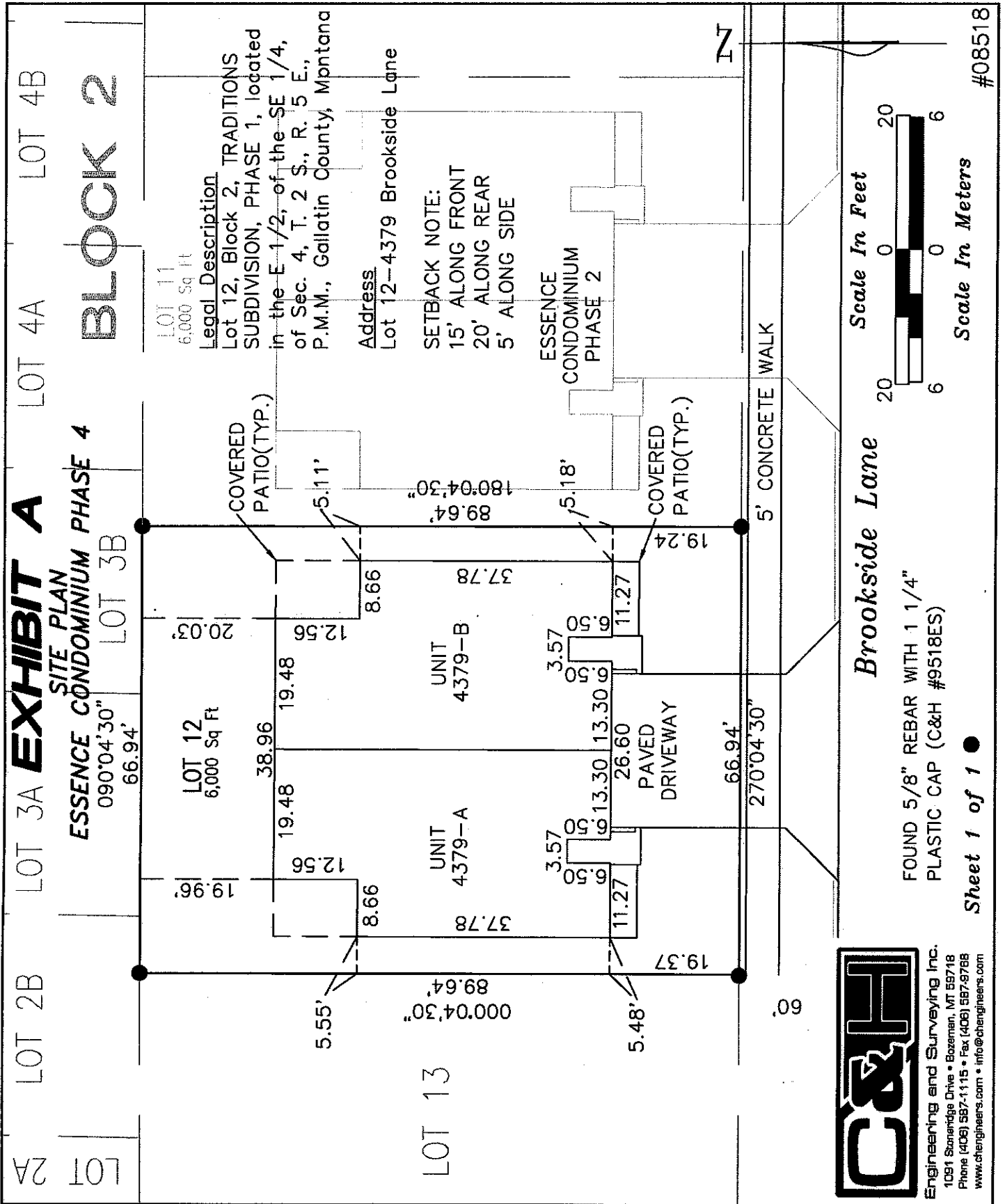
As duly filed with the Declaration and By-Laws thereof, are an accurate copy of the plans filed with and approved by the officials and officers of the City of Bozeman, having jurisdiction to issue building permits. The site plan and floor plans render a hand representation of the actual site and buildings,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

Dated: June 9, 2009



Mark A. Chandler

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



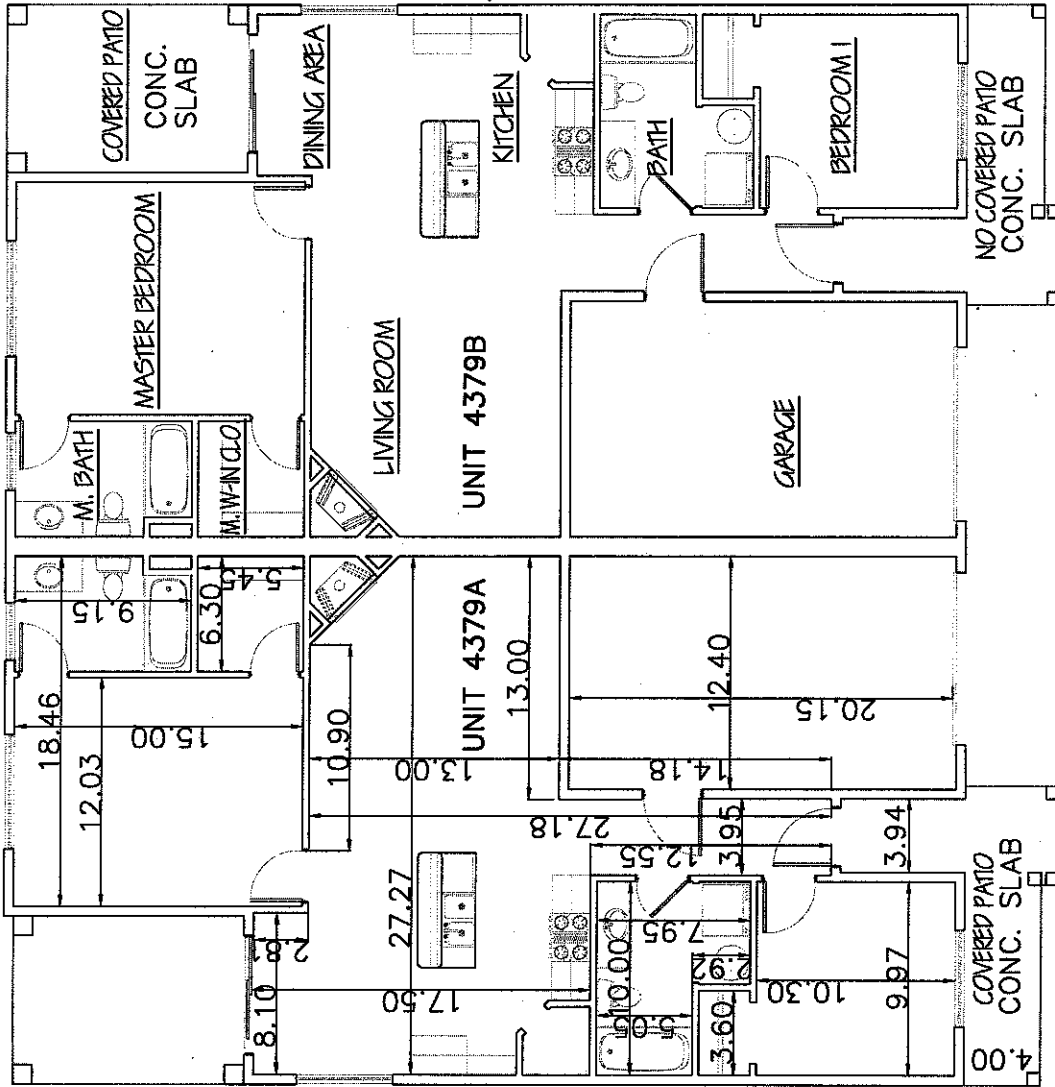
Engineering and Surveying Inc.
1051 Stoneridge Drive • Bozeman, MT 59718
Phone (406) 587-1115 • Fax (406) 587-9788
www.chengineers.com • info@chengineers.com

Sheet 1 of 1

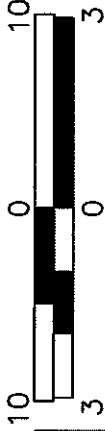
#08518

EXHIBIT B

FLOOR PLAN ESSENCE CONDOMINIUM PHASE 4



Scale In Feet



Scale In Meters

Legal Description
 Lot 12 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
 4379 Brookside Lane

Unit Area

Unit A= 1282 SF
 Unit B= 1282 SF

Both Units are Single Level.

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

UNIT 4379B DIMENSIONS ARE MIRRORED FROM UNIT 4379A



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#08518



**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: June 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:

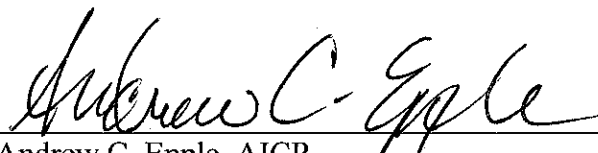
“76-3-203. Exemption for certain condominiums. Condominiums constructed on land subdivided in compliance with parts 5 and 6 of this chapter or on lots within incorporated cities and towns are exempt from the provisions of this chapter if:

- (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 12, 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