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Charlotte Mills - Gallatin County, MT MISC



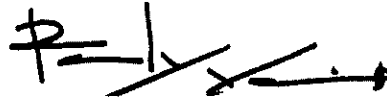
**FIRST SUPPLEMENTAL DECLARATION
FOR THE
NICOLE CONDOMINIUMS**

CERTIFICATE OF FLOOR PLAN

The undersigned, being a duly registered professional architect in the State of Montana, herewith certifies the following:

That the floor plans and site plan for 13 and 15 Halo Drive and 17 and 19 Halo Drive, of NICOLE CONDOMINIUMS, are situated according to the official plat thereof on file and of record in the office of the County Clerk and Recorder of Gallatin County, Montana, as duly filed with this First Supplemental Declaration hereof, fully and accurately depict the layout, location, unit designation and dimensions as built of NICOLE CONDOMINIUMS, and that such floor plan and site plan are accurate copies of the plans filed with and approved by the officials and officers of Gallatin County, having jurisdiction to issue land use permits.

DATED: June 3, 2014



REGISTERED PROFESSIONAL ARCHITECT
Number: 2393

FIRST SUPPLEMENTAL DECLARATION**FOR THE****NICOLE CONDOMINIUMS**

By this First Supplemental Declaration made this 4th day of June, 2014, CHASE-SKOGEN CONSTRUCTION, INC., the undersigned, amends the prior Declaration for the NICOLE CONDOMINIUMS filed with the Clerk and Recorder of Gallatin County, on April 1, 2014 as Document No. 2477445. This First Supplemental Declaration is made pursuant to Articles VI and VII and other appropriate provisions of said Declaration.

1. The second paragraph of Article II., Real Estate, subparagraph Description shall be amended as follows:

The condominium unit in NICOLE CONDOMINIUMS consists of four (4) buildings listed as 5 and 7 Halo Drive, 9 and 11 Halo Drive, 13 and 15 Halo Drive and 17 and 19 Halo Drive. Under the expansion provision in Article IV, it is contemplated that the condominium unit in NICOLE CONDOMINIUMS shall eventually consist of a total of thirty (30) separate buildings, consisting of a total of sixty (60) units, two (2) units per building. The provisions of this Declaration and Bylaws shall be construed to be covenants running with the land, and shall include every unit and shall be binding upon the Unit Owners, their heirs, successors, personal representatives and assigns for as long as this Declaration and Bylaws are in effect.

2. A final sentence shall be added to the third paragraph of Article II., Real Estate, subparagraph Description as follows:

Declarant shall provide a method for the owners of the expanded units to be assessed for their prorated share of the maintenance, improvement and replacement of such common systems on an allocated interest basis, per unit, or per building basis.

3. The last sentence in Article II., Real Estate, subparagraph Condominium Units shall be amended as follows:

The Units comprising the condominium are contained in four (4) buildings.

4. In Article IV., Ownership and Voting – Exhibits – Use, subparagraph Percentage of Interest, the percentage of interest in general common elements shall be amended as follows:

UNIT	SQUARE FOOTAGE	PERCENTAGE OF INTEREST IN GENERAL COMMON ELEMENTS
5 Halo Drive	1,470	12.5%
7 Halo Drive	1,470	12.5%
9 Halo Drive	1,470	12.5%
11 Halo Drive	1,470	12.5%

13 Halo Drive	1,470	12.5%
15 Halo Drive	1,470	12.5%
17 Halo Drive	1,470	12.5%
19 Halo Drive	<u>1,470</u>	<u>12.5%</u>
TOTALS	11,760	100%*

* subject to the expansion provision below.

5. In Article IV., Ownership and Voting – Exhibits – Use, subparagraph Voting Interest shall be amended as follows:

For the purposes of this Declaration and the expanded Declaration as set forth below, the voting interest of the Unit Owner or Owners in all matters concerning the Association of the Unit Owners shall be equal to the other units in accordance with the Bylaws of the Association of the Unit Owners. For the present, each of the original eight (8) units shall have one vote per unit, for a total of eight (8) votes.

6. A new subparagraph immediately following Voting Interest shall be added as follows:

Expansion Provision.

The Declarant intends from time to time to construct additional Units on the property, for a final total not to exceed thirty (30) buildings with a total of sixty (60) units. At such time as Declarant wishes to add such additional units, Declarant shall record in the office of the Clerk and Recorder of Gallatin County, Montana, a supplemental declaration containing:

- A. A site plan showing the building or buildings to be constructed on the common elements as the same is set forth herein showing the site plan and common elements of the condominium; and
- B. A designation of the building or buildings to be constructed with the addresses to be shown on the site plan to be so recorded; and
- C. Floor plans showing the units to be contained within the additional building or buildings to be constructed and added to this condominium regime, together with the addresses given to the specific units; and
- D. A description of the buildings and the materials of which they are constructed; and
- E. A schedule of the percentage of undivided ownership of the specific units to be added to the condominium regime in the general common elements, computed for each condominium unit which, when added to the number of units as a whole, will give the additional condominium units, as well as the previously existing condominium units, their respective percentage of interest in the expanded or new condominium regime.

F. To be and remain in compliance with the provisions of §70-23-306, M.C.A., at the time of the filing of such amendment or amendments, floor plans and an architect's or engineer's certificate shall additionally be prepared and recorded, being additions to **Exhibit B** herein, certifying and showing that the said floor plans fully and accurately depict the layout of the units in the buildings and that construction of each such additional new building has been completed.

G. A description of any and all limited common elements to the new units if there shall be any changes to the description contained in the existing Declaration or any of the amendments thereto.

At the time the Declarant, or its successors or assigns, elect to file such amendment to this Declaration, all then existing condominium owners hereby covenant and agree that they have consented to the filing of such amendment papers, and further agree to reduce their percentage of ownership in the general common elements without additional signature, and waive any right or interest in signing said papers, and further appoint Declarant to execute the same on their behalf. The condominium owners hereby agree they will, upon request, execute amendment papers stating the same.

The within agreement shall be a covenant running with the land, and shall be binding upon the owners of the then existing units, who upon acquiring title to such units, by this covenant agree and consent to the filing of such amendment and joining in the same, and by this covenant agrees to and consents to the appointment of the Declarant as their attorney-in-fact so that the Declarant may in its discretion simply file the Declaration on its own initiative, having been herein given the power and authority to make such amendment for and on behalf of all subsequent condominium owners in NICOLE CONDOMINIUMS.

After the recording of such supplemental and amended Declarations, all owners of condominium units in the property shall have a nonexclusive right and license subject to the provisions herein, to use and enjoy all of the general common elements of the condominium regime by such amendment. In addition, the owners of the respective units shall further have the nonexclusive right and license to use and enjoy the limited common elements which are appurtenant and part of their respective units which may be added to the condominium regime which are limited to the use of less than all of the Unit Owners.

Except as otherwise specifically provided in this Declaration or such supplemental declarations, all of the provisions, terms and definitions herein contained shall, upon recording of the same, be deemed expanded to include the additional units.

7. In Article IV., Ownership and Voting – Exhibits – Use, subparagraph Floor Plans and Exhibits, the first paragraph shall be amended as follows:

NICOLE CONDOMINIUMS will consist of four (4) buildings and the real property described in **Exhibit A** which contains eight (8) units as shown on the floor plans.

8. Except as amended as set forth above, the Declaration for the NICOLE CONDOMINIUMS shall be in full force and effect.

IN WITNESS WHEREOF, the undersigned has caused this First Supplemental Declaration to be made and executed according to and under the provisions of the Unit Ownership Act, Title 70, Section 23, M.C.A., and the Declaration for the NICOLE CONDOMINIUMS.

CHASE-SKOGEN CONSTRUCTION, INC.

By: *Jesse Chase*
Jesse Chase, President

STATE OF MONTANA)
) ss.
County of Gallatin)

On this 4th day of June, 2014, before me, a Notary Public in and for the State of Montana, personally appeared Jesse Chase, known to me to be the President of CHASE-SKOGEN CONSTRUCTION, INC., the Declarant, and acknowledged to me that he executed the same on behalf of the corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first above written.

Susan E. Carroll
Notary Public for the State of Montana
Printed Name: Susan E. Carroll

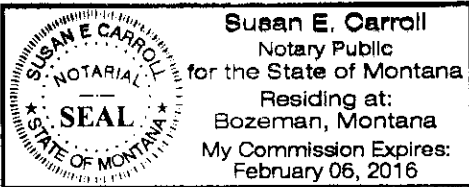
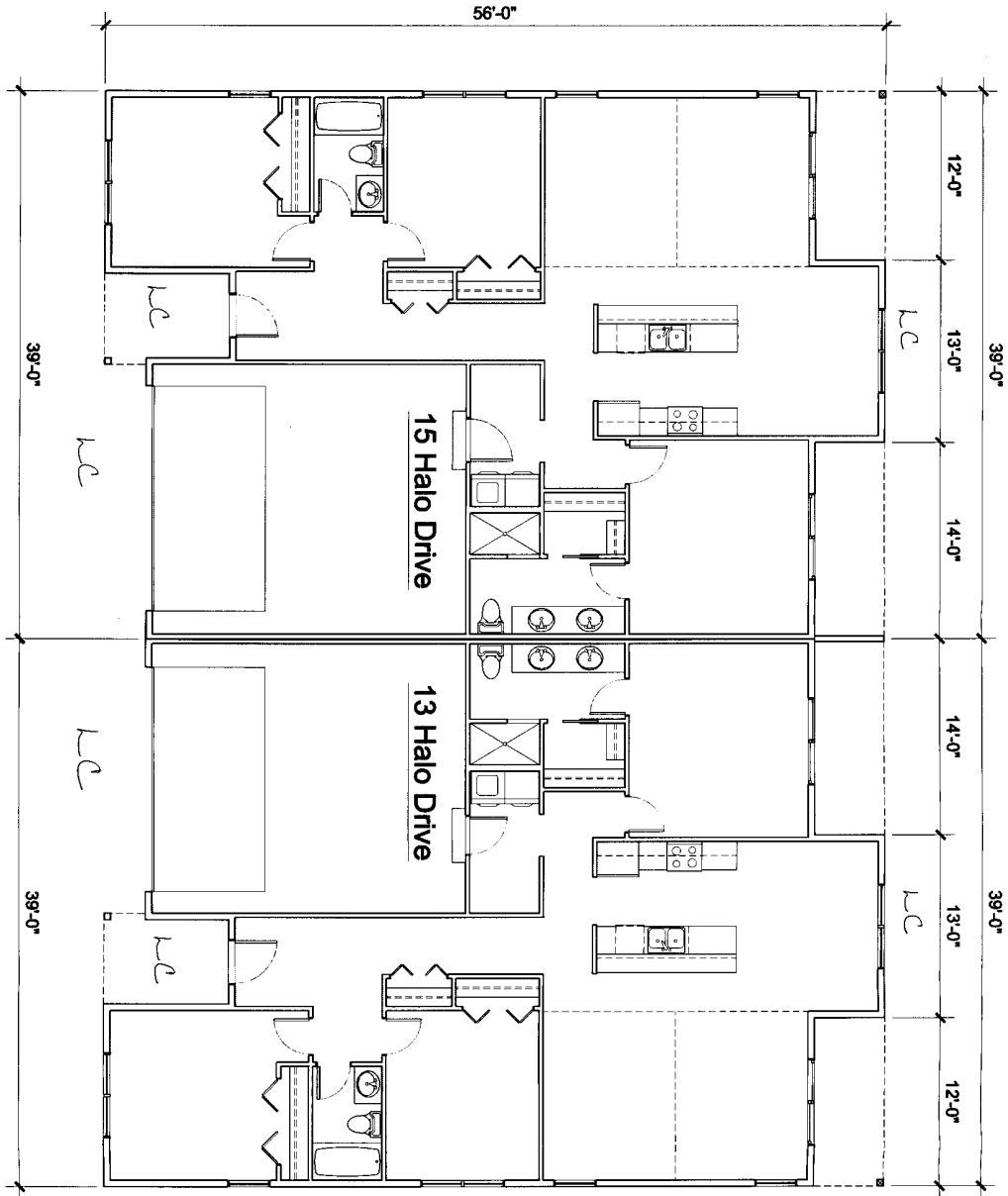


EXHIBIT A

A portion of Lot 58 of the Final Plat of Galactic Park Subdivision, Gallatin County, Montana, according to the official plat thereof on file and of record in the office of the Gallatin County Clerk and Recorder, Gallatin County, Montana (Plat Reference: J-414).




Nicole Condominiums Floor Plan

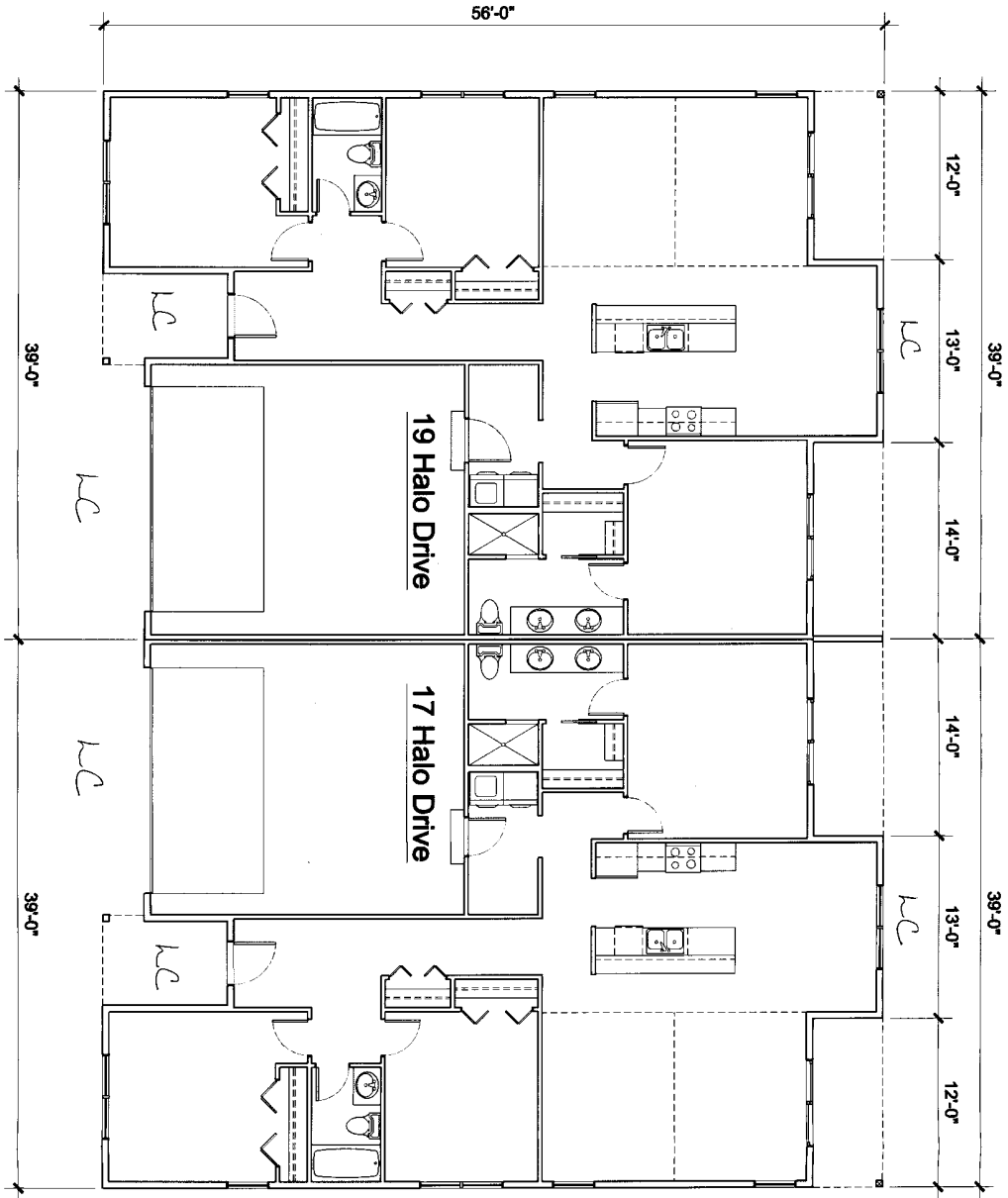
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sq. ft. summary:

13 Halo Dr.....	1,470
Garage.....	443
15 Halo Dr.....	1,470
Garage.....	443

Exhibit B

 <p>Missel Group OF MONTANA</p>	<p>Nicole Condominiums</p> <hr/> <p>four corners montana</p>	<p>drawing</p>
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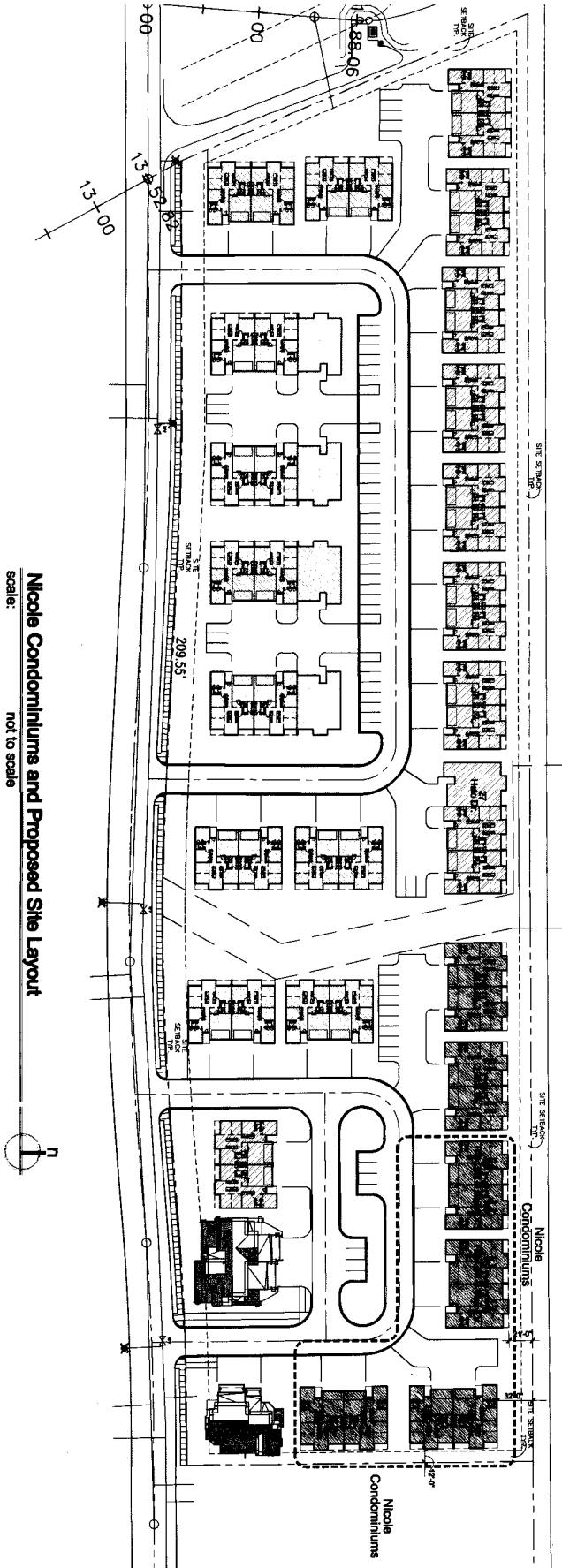
Nicole Condominiums Floor Plan

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sq. ft. summary:


17 Halo Dr.....	1,470
Garage.....	443
19 Halo Dr.....	1,470
Garage.....	443

 <small>Mintel OF MONTANA</small>	<h2 style="margin: 0;">Nicole Condominiums</h2> <p style="margin: 0;">four corners montana</p>	<small>drawing</small>
<small>license plate:</small>  <small>registered user:</small> 		
<small>drawing</small>		



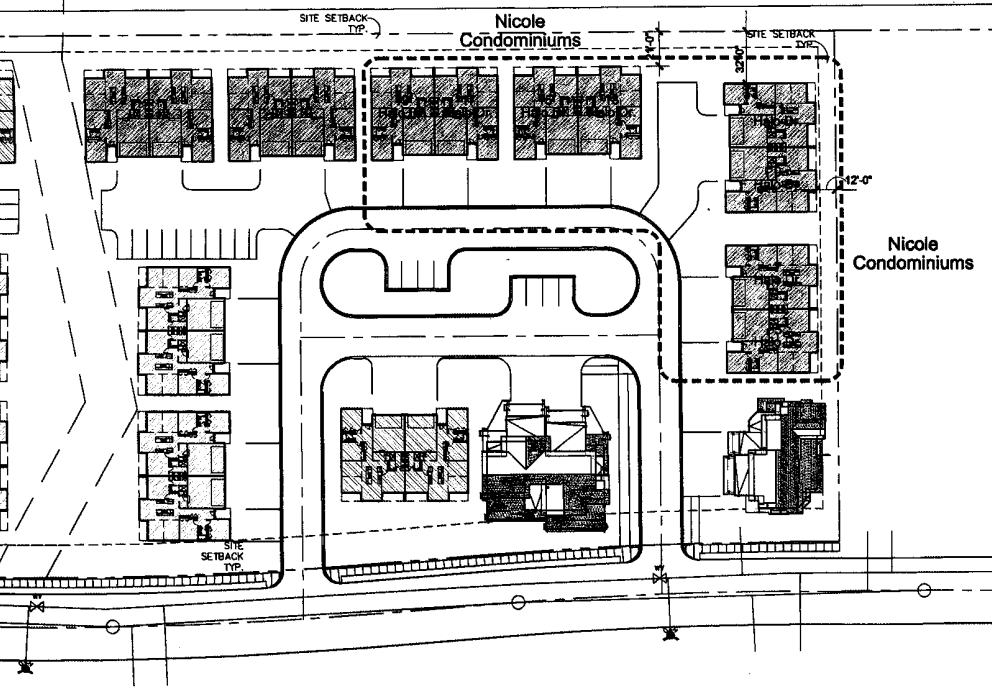
Nicole Condominiums and Proposed Site Layout
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 Mitsel Group Licensed Real Estate Broker	<h2 style="margin: 0;">Nicole Condominiums</h2> <p style="margin: 0;">four corners montana</p>	drawing
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Page 2 - E.U. 8 - Site Plan

drawing



Site Layout



Nicole Condominiums

montana

four corners



issue date:

issued for Review

drawing



GALLATIN COUNTY

CERTIFICATE OF EXEMPTION FROM SUBDIVISION REVIEW

I, Manager of Subdivision and Zoning for Gallatin County, Montana, do hereby certify that the First Supplemental Declaration for Nicole Condominiums made June 4, 2014, by Jesse Chase, President of CHASE-SKOGEN CONSTRUCTION, INC., pursuant to Title 70, Chapter 23, Montana Code Annotated, is exempt from review under the Montana Subdivision and Platting Act pursuant to Section 76-3-203(1), MCA.

The Condominiums are to be located on the following described real property:

A portion of Lot 58 of the Final Plat of Galactic Park Subdivision, Gallatin County, Montana, according to the official plat thereof on file in the Gallatin County Clerk and Recorder's Office, Gallatin County, Montana (Plat J-414).

The Declaration is exempt because the condominiums are to be constructed on land that was subdivided in compliance with Parts 5 and 6 of the Subdivision and Platting Act. The preliminary plat approval for the Galactic Park Subdivision expressly contemplated the construction of up to 120 condominiums within Lot 58, and all applicable parkland dedication requirements required by Section 76-3-621, MCA (2007) has been complied with as stated in the final plat approval for the Galactic Park Subdivision. Furthermore, the units subject to this Declaration are exempt because the subject condominiums are in conformance with the requirements of the Four Corners Zoning Regulations.

Any future amendment to the Preliminary Declaration for the Nicole Condominiums or to any final Declaration that adds units to the Condominium Declaration for the Nicole Condominiums within Lot 58 of the Galactic Park Subdivision requires, for each amendment, an additional declaration of condominium exemption from the Gallatin County Planning Department.

This Certificate of Exemption in no way obviates the declarants' responsibility to file a final declaration as required under the Montana Unit Ownership Act.

DATED this 11th Day of June, 2014

A handwritten signature in black ink, appearing to read "W. R. Johnson", is written over a horizontal line.

W. Randall Johnson, AICP;
Manager, Subdivision and Zoning