

BUFFALO JUMP RANCH

DECLARATION OF COVENANTS, RESTRICTIONS AND STIPULATIONS

This declaration, made on the date hereinafter set forth by John C. Zuck and Ortha LAVON Zuck, his wife, Leslie H. Zuck and Darlene J. Zuck, his wife, Michael S. Nardi and Gay Y. Nardi, his wife, and Ervin J. Hanks and Delsey R. Hanks, his wife, all of Billings, Montana, hereinafter collectively referred to as "Declarants".

WHEREAS, on FEBRUARY 25, 1974, the Declarants caused to be filed of record in the office of the County Clerk and Recorder of Stillwater County, Montana, a plat of certain lands located in the County of Stillwater, State of Montana, known as BUFFALO JUMP RANCH, as filed of record under Document No. 209850, Certificate of Survey No. 209850, which said plat is hereby referred to and by this reference made a part hereto,

WHEREAS, the same Declarant desires to place Protective Covenants on all of the tracts in the said BUFFALO JUMP RANCH for the use and benefit of themselves and for their heirs, devisees, future grantees, and assigns.

NOW, THEREFORE, this Declaration of Covenants is hereby made to apply to all of the tracts in the said subdivision to assure through intelligent control that the BUFFALO JUMP RANCH shall become and remain an attractive residential community, and to uphold and enhance property values. Also, all persons and corporations who now own or shall hereafter acquire any interest in any of the tracts in BUFFALO JUMP RANCH shall be taken and held to agree and covenant with the owners of the tracts 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.

ARTICLE 1 - DEFINITIONS

Section 1. "Owner" shall mean and refer to the record owner, whether one or more persons or entities, of any tract which is a part of the said plat including buyers under a contract for deed but excluding those having such interest merely as security for the performance of an obligation.

Section 2. "Tract" shall mean and refer to any tract of land as separately numbered and described on the plat as aforesaid.

Section 3. "Declarant" shall mean and refer to the individuals named above and their successors and assigns.

Section 4. "Plat" shall mean and refer to the Certificate of Survey of Buffalo Jump Ranch recorded and on record in the office of the County Clerk and Recorder of Stillwater County, Montana.

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ARTICLE II - MINIMUM BUILDING AND USE RESTRICTIONS

Section 1. Building Restrictions

A. No excavations shall be made on any of the tracts until such time as construction shall commence. The work of construction on the dwelling, once started, shall be completed within one (1) year, exterior only.

B. Any dwelling and any garage, carport or accessory structure erected on any tract shall be so located so that at ground level no portion thereof is less than thirty (30) feet from any boundary line of the tract.

C. No dwelling or other structure intended for use or occupancy by individuals shall be constructed without an adequate septic tank or sewage disposal system, and no outhouse or privy shall be permitted or maintained on any tract. Any septic tank or sewage or waste disposal system and any private water supply system, including wells, shall be located, installed and maintained at all times in compliance with the standards established by the Montana State Board of Health and by any other governmental agency with jurisdiction. In no case shall a drain field for a sewer system be installed closer than one hundred (100) feet to any live spring, stream or river.

D. No structure shall be erected, altered, placed or permitted to remain on any tract other than a dwelling required for a single family and their guests. In addition to the main single family dwelling, not more than one guest house may be constructed on a tract provided it is not equipped with a kitchen or cooking facilities and is not utilized as a permanent residence. Not more than one stable, and/or garage will be permitted in addition to the main dwelling.

E. All buildings on said tracts shall be of rustic exterior design and shall be harmonious to the setting. No paint on exterior, except for the trim. Stains, oils and varnishes are not to be excluded. No imitation brick siding, tarpaper siding, tar and paper composition siding, or sheet or galvanized metal may be used on the exterior of any dwelling constructed upon any of the said tracts. Only new materials may be used for exterior construction of buildings. All secondary structures to the main dwelling will match in external design and be made of the same basic external material.

F. No basement or structure may be used for dwelling purposes until after its area as defined by the foundation has been completely enclosed according to plan and it has been substantially completed with sanitary facilities. No tent, shack or other outbuilding erected shall be used as a residence, temporarily or permanently.

G. The ground floor area of any residence, exclusive of open porches, garages and carports, shall not be less than six hundred (600) square feet.

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ARTICLE III - Section 1 (continued)

H. All buildings erected shall conform with the Uniform Building Code and all applicable State and County Codes. Spark arresters are required on all chimneys and flues, mesh opening to be not more than one half inch ($\frac{1}{2}$) in diameter.

I. New double-wide mobile homes and modular buildings, constructed off site may be placed upon any tract, provided that such structure will not be less than twenty-four (24) feet in width and set upon a solid masonry foundation, and complying with all other building requirements contained herein.

J. Fencing may be constructed within the boundaries of individual tracts at the expense of the owner if wishing to keep out livestock. Any fencing erected will be of wood pole type. Tract owners adjacent to the Stillwater River and West Fork of the Stillwater River shall not erect any fence closer than twenty (20) feet from the high-water line of these said rivers. This is to allow a strip of land bordering the rivers to be retained as a fishing and hiking area for tract owners and their guests.

Section 2. Use Restrictions

A. The Declarant reserves the right-of-way for future utility needs on the boundary of each said tract.

B. Certain tracts in this plat area lend themselves to be further subdivided. Declarant reserves the right to be the sole judge as to which of these certain tracts can be further subdivided and will so indicate on the deed of these certain tracts. All other tracts shall not be subdivided and, if and when sold, shall be sold or leased all in one piece, as indicated by said plat.

C. All tracts shown on plat, or any subdivision thereof, shall be used only for the purpose of residential homesites or cabin sites, and shall not be used for any commercial purpose.

D. No signs, billboards or posters of any character will be permitted except subdivisional promotional signs and name signs.

E. No noxious or offensive activities shall be carried on, inconsistent with residential use, nor shall anything be done on any tract which may become an unreasonable annoyance or nuisance to the neighborhood. Waste or garbage may not be burned outside in an incinerator.

F. No trash, debris, organic or inorganic wastes shall be permitted to accumulate on any tract or in any road adjacent thereto but shall be promptly and efficiently disposed of, and no vacant tract shall be used as a dump ground or burial pit. Propane tanks, refuse containers, straw and hay shall be kept out of sight by shrubbery or shielding fence.

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ARTICLE II Section 2 (continued)

G. Notwithstanding the provisions of paragraph "F", Article II, Section 1, herein, commercially manufactured recreational vehicles may be used as temporary living quarters, provided that such use does not constitute any nuisance to owners of other tracts, and provided further that such recreational vehicles are self-contained and equipped with sanitary facilities approved by or acceptable to the appropriate health regulatory authorities.

H. No inoperative vehicle shall be permitted to be stored, or remain upon any tract unless enclosed within a building.

ARTICLE III - General Provisions

Section 1. Right To Enforce - The covenants, restrictions and stipulations herein set forth shall run with the land and bind the present owners, their heirs, devisees, assigns, and all other parties claiming by, through or under them shall be taken to hold, agree and covenant with each of the owners of said tracts, to conform to and observe said restrictions and stipulations as to the use of the said tracts and construction of improvements thereon, but no restriction or stipulation herein set forth shall be personally binding on any person, or persons, except in respect to breaches of said restrictions or stipulations. Any individual owner of any tract shall have the right to sue for and obtain an injunction, prohibitive or mandatory, to prevent the breach of, or to enforce the observation of, the covenants, restrictions or stipulations contained herein, however long continued, shall not be deemed a waiver of the right of enforcement.

Section 2. Costs of Enforcement - In the event a civil action is filed by any owner for the enforcement of any covenant herein the prevailing party shall have the right to recover all necessary costs and reasonable attorney fees from the adverse party.

Section 3. Severability - The invalidation by any judgment or court order of any covenant, restriction or stipulation hereing contained shall not in any way affect any of the other covenants, restrictions or stipulations, but they shall remain in full force and effect.

Section 4. Amendment - Any provisions herein may be amended or revoked and additional provisions added at any time by a written instrument recorded in the office of the Clerk and Recorder of Stillwater County, Montana, duly signed and acknowledged by the Owners of record of not less than two-thirds (2/3) of the tracts subject to this declaration.

Section 5. Term - Notwithstanding the foregoing, the provisions of this declaration shall automatically expire on the effective date of any Zoning Ordinance enacted by the Political Subdivision having jurisdiction covering all of the lands described in the plat.

