

PLATTED

State of Mont. County of Gallatin. ss Filed for record NOVEMBER 29 1979
at 4:35 P.M., and recorded in Book 53 of MISCELLANEOUS page 2302
Lucille C. Baidget Recorder. By *Carol M. Taylor* deputy

DECLARATION OF MODIFICATION OF THE DECLARATION
OF RESERVATIONS AND RESTRICTIVE COVENANTS FOR
HYALITE FOOTHILLS SUBDIVISION

WHEREAS, certain reservations and restrictive covenants were executed on the 15th day of November, 1974, by H. B. Landoe, Helen M. Landoe, husband and wife, and F. Delbrook Lichtenberg, hereinafter referred to as developers, said declaration of reservations and restrictive covenants for said subdivision was filed on the 3rd day of February, 1975, at 3:30 o'clock p.m. and recorded in Book 27, Miscellaneous, page 723 on said date.

WHEREAS, said covenants provide that:

"After sixty percent (60%) of the estates in the platted land have been sold by the developer, then all privileges, rights, powers, duties and authorities of the developers contained in these reservations and restrictive covenants shall thereupon vest in the association and thereafter such privileges, rights, powers, duties and authorities shall be exercisable by the association, and thereafter, whenever herein the term 'developers' is used shall be taken to mean the association."

WHEREAS, sixty percent (60%) of the estates have been sold by developer and, therefore, all of developer's powers under said restrictive covenants have passed to the association; and

WHEREAS, said association was duly incorporated as the Hyalite Foothills Subdivisions No. 1 and 2 Homeowners Association on the 2nd day of October, 1979; and

WHEREAS the bylaws adopted by the association board on the 20th day of November, 1979, provide that the board shall have the power to enforce and extend the restrictive covenants; and

WHEREAS, the restrictive covenants have an expiration date of "November 31 [sic], 1979"; and

UNPAID

BOND

WHEREAS, the board, acting on behalf of its members and under the powers of the bylaws and of the restrictive covenants, desires to extend said restrictive covenants to extend from the present time until November 30, 1989.

NOW, THEREFORE, under ¶V of the Declaration of Reservations and Restrictive Covenants of Hyalite Foothills Subdivision the following modifications and exceptions are herein declared:

That the restrictive covenants hereinbefore referred to as established, declared and prescribed to run with the land and to be binding upon all parties and all persons owning estates or tracts in Hyalite Foothills Subdivision, or claiming under them, are hereby extended until November 30, 1989.

DATED this 28 day of November, 1979.

MEMBERS OF THE BOARD OF HYALITE FOOTHILLS SUBDIVISION NO. 1 AND 2 HOMEOWNERS ASSOCIATION:

Carl Dayleorn Roger J. Svenson
Judith Stokes Bill Keller
Bonnie J. White

STATE OF MONTANA)
: ss.
County of Gallatin)

On this 28 day of November, 1979, before me, a Notary Public in and for said State, personally appeared the above, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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



M. Lee Stokes
Notary Public for the State of Montana
Residing at: Bozeman, Montana
My Commission Expires: 1-12-82



**Hyalite Foothills Homeowners Association
Box 1994
Bozeman MT 59771-1994**

Hyalite Foothills Amendment to Covenant Subdivision Numbers 1 and 2

On May 3, 2000, residents of HFHA approved (by ballot vote, 62 to 13) the following amendment to the Covenant (Film 27 Page 723-27; Film 53 Page 2303; Film 107 Page 4791-91).

No existing lot may be further divided into two or more lots wherein any of the resulting lots is smaller than two acres in size. This provision shall be effective after (a) approval by an affirmative vote of the Homeowners and (b) recording at the office of the Clerk and Recorder of Gallatin County, Montana. This provision shall not be binding upon persons who are owners of lots within the subdivision at the date this Amendment is approved and recorded.

Dated this 6 day of June, 2000

Members of the Board of Hyalite Foothills Subdivision Numbers 1 and 2 Homeowners Association

Lucretia Berardinelli
Lucretia Berardinelli

Audrey Kick
Audrey Kick

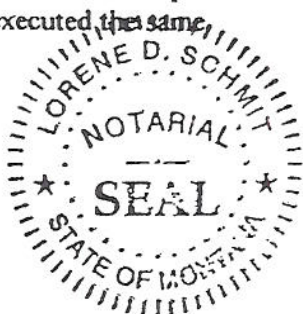
Stephen O'Neil
Stephen O'Neil

Emily Shellabarger
Emily Shellabarger

David H. Stewart
David H. Stewart

State of Montana)
 : ss.
County of Gallatin)

On this 6th day of June, 2000, before me, a Notary Public in and for the State, personally appeared Lucretia Berardinelli, Audrey Kick, Stephen O'Neil, Emily Shellabarger, and David H. Stewart, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.



Lorene D. Schmit
Notary Public for the State of Montana, residing at
Bozeman Montana.
My commission expires May 26, 2002