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DECLARATION OF COVENANTS
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BOOK 388 762

WILLIAM WAYNE JOYNER, SUSAN P. JOYNER, AND MICHAEL F. HEGG, AS TENANTS IN COMMON IN EQUAL SHARES, OF P. O. BOX 1153, BOZEMAN, MT 59771-1153, HEREIN THE GRANTOR, IS THE TITLED OWNER OF THAT CERTAIN PROPERTY LOCATED IN MADISON COUNTY, MONTANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

See attached EXHIBIT "A"

WILLIAM WAYNE JOYNER, SUSAN P. JOYNER, AND MICHAEL F. HEGG, AS THE GRANTORS, HEREBY SUBJECT SAID PROPERTY TO THE CONDITIONS, COVENANTS AND RESTRICTIONS SET FORTH HEREIN. THESE RESTRICTIONS, CONDITIONS, COVENANTS AND LIMITATIONS SHALL RUN WITH THE LAND AND SHALL BE BINDING UPON THE PRESENT OWNERS AND ALL SUBSEQUENT GRANTEEES OF ANY PORTION OF ANY AREA INCLUDED WITHIN THE AFORESAID LEGAL DESCRIPTION.

THE IMMEDIATE GRANTOR AND ALL FUTURE GRANTEEES, THEIR HEIRS AND ASSIGNS FOREVER, OF ANY PORTION OF SAID PROPERTY, COVENANT AND AGREE BY THE ACCEPTANCE OF A CONVEYANCE TO FAITHFULLY OBSERVE AND COMPLY WITH SAID RESTRICTIONS, CONDITIONS, COVENANTS AND LIMITATIONS:

1. ANY AND ALL ANIMALS KEPT ON THE PROPERTY, MUST BE FENCED OR CONTAINED WITHIN THE BOUNDARIES OF SAID PROPERTY. PETS SHALL NOT BE ALLOWED TO RUN AT LARGE, AND SHALL BE IN CONTROL AT ALL TIMES. NO PROPERTY OWNER SHALL BE PERMITTED TO OPERATE A COMMERCIAL HOG FARM, A COMMERCIAL FEEDLOT, OR A COMMERCIAL CHICKEN FARM ON THE PROPERTY. ANY ANIMALS KEPT ON THIS PROPERTY SHALL BE FOR DOMESTIC OR HOUSEHOLD USE ONLY, INCLUDING PETS, AND ARE SUBJECT TO PARAGRAPH 5 HEREIN. COMMERCIAL DOG KENNELS OR BOARDING WILL NOT BE ALLOWED.

2. ANY PROPERTY OWNER MUST ASSUME THE BURDEN OF SUPPLYING AND DEVELOPING WATER AND SEWAGE FACILITIES FOR HIS OWN DOMESTIC USE. WELLS AND WATER SYSTEMS SHALL BE DRILLED, INSTALLED AND MAINTAINED AT ALL TIMES IN ACCORDANCE WITH ALL APPLICABLE RULES AND REGULATIONS OF ANY PUBLIC AGENCY HAVING AUTHORITY OVER SAME.

3. ALL FUTURE GRANTEEES CONSENT AND AGREE THAT ANY ROADS GIVING ACCESS TO THE PROPERTY ARE NOT MAINTAINED BY GRANTOR. ALL FUTURE GRANTEEES COVENANT AND AGREE THAT UNTIL SUCH GRANTEEES HAVE DEVELOPED THE ACCESS TO THEIR INDIVIDUAL PROPERTY TO COUNTY STANDARDS THAT SAID GRANTEEES WILL NOT PETITION OR REQUEST ANY ASSISTANCE OR DEVELOPMENT BY THE COUNTY FOR ROAD IMPROVEMENTS.

4. ALL FUTURE GRANTEEES COVENANT AND AGREE THAT THE GRANTOR IS RESERVING A SIXTY-FOOT (60') EASEMENT FOR GENERAL INGRESS AND EGRESS ACROSS THE PROPERTY SOLD HEREIN ON ANY EXISTING OR PROPOSED ROAD. A GENERAL PUBLIC UTILITY EASEMENT HAS ALSO BEEN RESERVED BY GRANTORS HEREIN. UTILITIES (SUCH AS, BUT NOT LIMITED TO, TELEPHONE OR GAS LINES) SHALL BE INSTALLED ALONG THE SIXTY FOOT WIDE ROAD EASEMENT. ALL FUTURE GRANTEEES COVENANT AND AGREE THAT GRANTOR IS GRANTING SAID GRANTEE AN EASEMENT

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FOR INGRESS AND EGRESS TO THE PROPERTY SOLD HEREIN OVER AND ACROSS ALL ROADS WHICH GRANTOR HAS THE RIGHT TO TRAVEL TO SAID PROPERTY. THE SIXTY-FOOT (60') EASEMENT WILL BE RESERVED ON ALL EXISTING ROADS, AND ON ANY ADDITIONAL EASEMENTS RECORDED, OR PROPOSED, OR RESERVED ON SAID PROPERTY'S CERTIFICATE OF SURVEY, OR SALES MAP, UNLESS STATED OTHERWISE.

5. ALL FUTURE GRANTEEES COVENANT AND AGREE NOT TO BUILD, MAINTAIN, OPERATE OR CONSTRUCT, OR IN ANY WAY CAUSE TO BE PLACED ANY PERMANENT, OR TEMPORARY, STRUCTURE WITHIN FIFTY FEET (50') OF THE BOUNDARY LINES OF THE SUBJECT PROPERTY, (CUSTOMARY BOUNDARY FENCING IS EXCEPTED). ALL FUTURE GRANTEEES FURTHER COVENANT AND AGREE NOT TO CAUSE ANY CONDITION THAT WILL CAUSE THE ACCUMULATION OR EXISTENCE OF GARBAGE, JUNK OR CONDITION CAUSING A NOXIOUS ODOR ON SUBJECT PROPERTY, INCLUDING, BUT NOT LIMITED TO, INOPERATIVE MOTOR VEHICLES AND SCRAP MATERIALS OF EVERY SORT. ROCKY MOUNTAIN TIMBERLANDS, INC., SHALL DETERMINE, AT ITS DISCRETION, WHAT IS JUDGED TO BE GARBAGE, JUNK, A NOXIOUS ODOR, OR INOPERATIVE VEHICLES. ANY INOPERATIVE MOTOR VEHICLES SHALL BE STORED IN A FINISHED BUILDING UPON ARRIVAL AT SAID PROPERTY.

6. ALL FUTURE GRANTEEES COVENANT AND AGREE THAT NO GATES, FENCES OR OTHER OBSTRUCTIONS SHALL BE PLACED UPON ANY ACCESS ROAD. THIS RESTRICTION SHALL NOT PREVENT A FUTURE GRANTEE FROM PLACING A GATE ON AN ACCESS ROAD, ON GRANTEE'S PROPERTY, IF THE ROAD TERMINATES ON THAT GRANTEE'S PROPERTY. METAL CATTLE GUARDS WILL BE ALLOWED IF INSTALLED TO COUNTY ROAD REGULATIONS.

7. ALL FUTURE GRANTEEES COVENANT AND AGREE THAT ANY CONSTRUCTION OF HOMES, OUTBUILDINGS OR ANY OTHER BUILDINGS MUST BE COMPLETED ON THE EXTERIOR WITHIN EIGHTEEN (18) MONTHS OF THE COMMENCEMENT OF CONSTRUCTION. MINIMUM SQUARE FOOTAGE SHALL BE 600 SQ. FT.

8. ALL FUTURE GRANTEEES COVENANT AND AGREE THAT MOBILE HOMES MAY NOT BE PLACED ON THE SUBJECT PROPERTY UNLESS THEY ARE FACTORY MODULAR HOMES OR DOUBLE-WIDE MOBILE HOMES (NO MORE THAN FIVE YEARS OLD AT THE DATE OF INSTALLATION ON THIS PROPERTY AND NO LESS THAN 280 SQ. FT.) AND THE HOME IS TO BE COMPLETELY SKIRTED WITHIN THIRTY (30) DAYS OF ARRIVAL AT SUBJECT PROPERTY. EXTERIOR AND SKIRTING MATERIAL SHALL BE OF NON-REFLECTIVE AND NON-METALLIC MATERIALS. IN THE CASE OF EXTERIOR WALLS, SAID NON-REFLECTIVE AND NON-METALLIC MATERIALS MUST HAVE BEEN FACTORY INSTALLED. NO MOBILE HOME MAY BE INSTALLED ON SUBJECT PROPERTY AND THEN COVERED WITH WOOD SIDING. THIS COVENANT IS NOT INTENDED TO PROHIBIT A PROPERTY OWNER FROM STORING A FACTORY CONSTRUCTED RECREATIONAL VEHICLE ON THE SUBJECT PROPERTY FOLLOWING COMPLETION OF GRANTEE'S RESIDENCE. A PROPERTY OWNER MAY USE A RECREATIONAL VEHICLE FOR TEMPORARY USE ON THIS PROPERTY SUCH AS DURING HUNTING SEASON, DURING VACATIONS, OR DURING CONSTRUCTION. IN THE CASE OF CONSTRUCTION, TWO (2) YEARS SHALL BE MAXIMUM USE, BUT NEVER AS A PERMANENT RESIDENCE. DURING SUCH CONSTRUCTION SAID CONSTRUCTION MUST BE OBVIOUS TO GRANTOR OR 90 DAYS PER YEAR IS MAXIMUM TIME SAID RECREATION VEHICLE MAY BE KEPT ON SUBJECT PROPERTY PRIOR TO PERMANENT RESIDENCE BEING COMPLETED. CONSTRUCTION MUST BE ON-GOING. 90 DAYS SHALL BE THE MAXIMUM USE IN THE CASE OF HUNTING SEASON AND/OR VACATIONS. NO REMODEL BUSES WILL BE ALLOWED ON SUBJECT PROPERTY UNLESS APPROVED, IN WRITING, BY ROCKY MOUNTAIN TIMBERLANDS, INC.

9. ALL FUTURE GRANTEEES COVENANT AND AGREE THAT NO SIGNS OR ADVERTISEMENTS SHALL BE PLACED ON THE PROPERTY EXCEPT FOR A SIGN DESIGNATING THE OWNERS' NAME, LOT NUMBER AND/OR ADDRESS. THIS RESTRICTION SHALL NOT PRECLUDE ANY FUTURE

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10. GROWING GRANTOR NECESSAR TREES OR FENCES C

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GRANTEE FROM PLACING A "FOR SALE" SIGN ON THE PROPERTY. THIS RESTRICTION IS INTENDED TO PROHIBIT NO TRESPASSING SIGNS, AMONG OTHERS. (ORANGE GLOW PAINT SERVES AS A NO TRESPASSING SIGN UNDER MONTANA LAW AND IS RECOMMENDED IN PLACE OF NO TRESPASSING SIGNS.) BUSINESSES SHALL BE ALLOWED ONLY TO THE EXTENT THAT THEY CAN BE OPERATED OUT OF AN ESTABLISHED RESIDENCE OR GARAGE, AND ARE SECONDARY TO THE RESIDENCE ITSELF (SUCH AS A GUIDE, TAXIDERMIST, MAIL-ORDER SALES, ETC.) IN SUCH CASE, A SIGN OF LESS THAN TEN SQ. FT. SHALL BE ALLOWED FOR IDENTIFICATION PURPOSES. NO BED AND BREAKFAST INNS TO BE ALLOWED.

10. ALL FUTURE GRANTEES COVENANT AND AGREE NOT TO COMMERCIALY HARVEST GROWING TREES ON THE SUBJECT PROPERTY WITHOUT WRITTEN PERMISSION SIGNED BY GRANTOR HEREIN. WRITTEN PERMISSION FOR COMMERCIAL LOGGING SHALL NOT BE NECESSARY WHEN PURCHASER'S CONTRACT FOR DEED IS PAID IN FULL. GROWING OR DEAD TREES ON THE PROPERTY MAY BE USED FOR IMPROVEMENT OF SUBJECT PROPERTY, SUCH AS FENCES OR BUILDINGS, AT ANY TIME WITHOUT WRITTEN PERMISSION BY GRANTOR.

11. A MAXIMUM DENSITY OF TWO RESIDENCES PER 20-ACRE PARCEL WILL BE ALLOWED. A SEPTIC PERMIT MUST BE OBTAINED BY PROPER AUTHORITIES (CURRENTLY MADISON COUNTY) PRIOR TO HOME SITE CONSTRUCTION, OR, IN THE CASE OF A RECREATIONAL VEHICLE BEING USED DURING CONSTRUCTION.

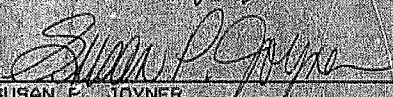
12. ANY PROVISIONS HEREIN MAY BE AMENDED OR REVOKED, AND ADDITIONAL PROVISIONS ADDED, AT ANY TIME BY WRITTEN INSTRUMENT DULY SIGNED AND ACKNOWLEDGED BY THE OWNERS OF RECORD OF NOT LESS THAN 60% OF THE PARCELS COVERED UNDER THESE COVENANTS AS DESCRIBED IN THE LEGAL DESCRIPTION ON PAGE 1 HEREIN.

IT IS THE INTENT OF THIS DECLARATION THAT THIS LAND IS TO BE USED FOR AGRICULTURAL PURPOSES (SUBJECT TO CERTAIN LIMITED EXCEPTIONS) WITH RESIDENTIAL AND OTHER USES BEING INCIDENTAL THERETO.

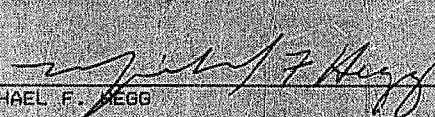
DATED THIS 17TH DAY OF APRIL 1995.



WILLIAM WAYNE JOYNER




SUSAN P. JOYNER



MICHAEL F. MEGG

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388 - 766

EXHIBIT 'A'

SECTION 25, TOWNSHIP 3 SOUTH, RANGE 7 WEST, F.M.R.:

- E 1/2 SE 1/4 SE 1/4
- E 1/2 SE 1/4 SW 1/4
- E 1/2 SE 1/4 NE 1/4
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- E 1/2 NW 1/4 SE 1/4

Filed for record on the 24th day of
APRIL A.D. 1995 at 4:05
 P.M. and recorded in volume 388
 of RECORDS on Page 762 - 766
 By PEGGY KAATZ *Peggy Kaatz*
 County Recorder
 Fee \$ 30.00 Return to MADISON COUNTY TITLE CO.
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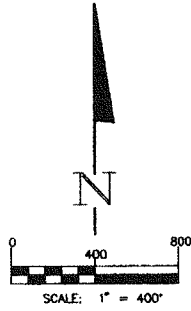
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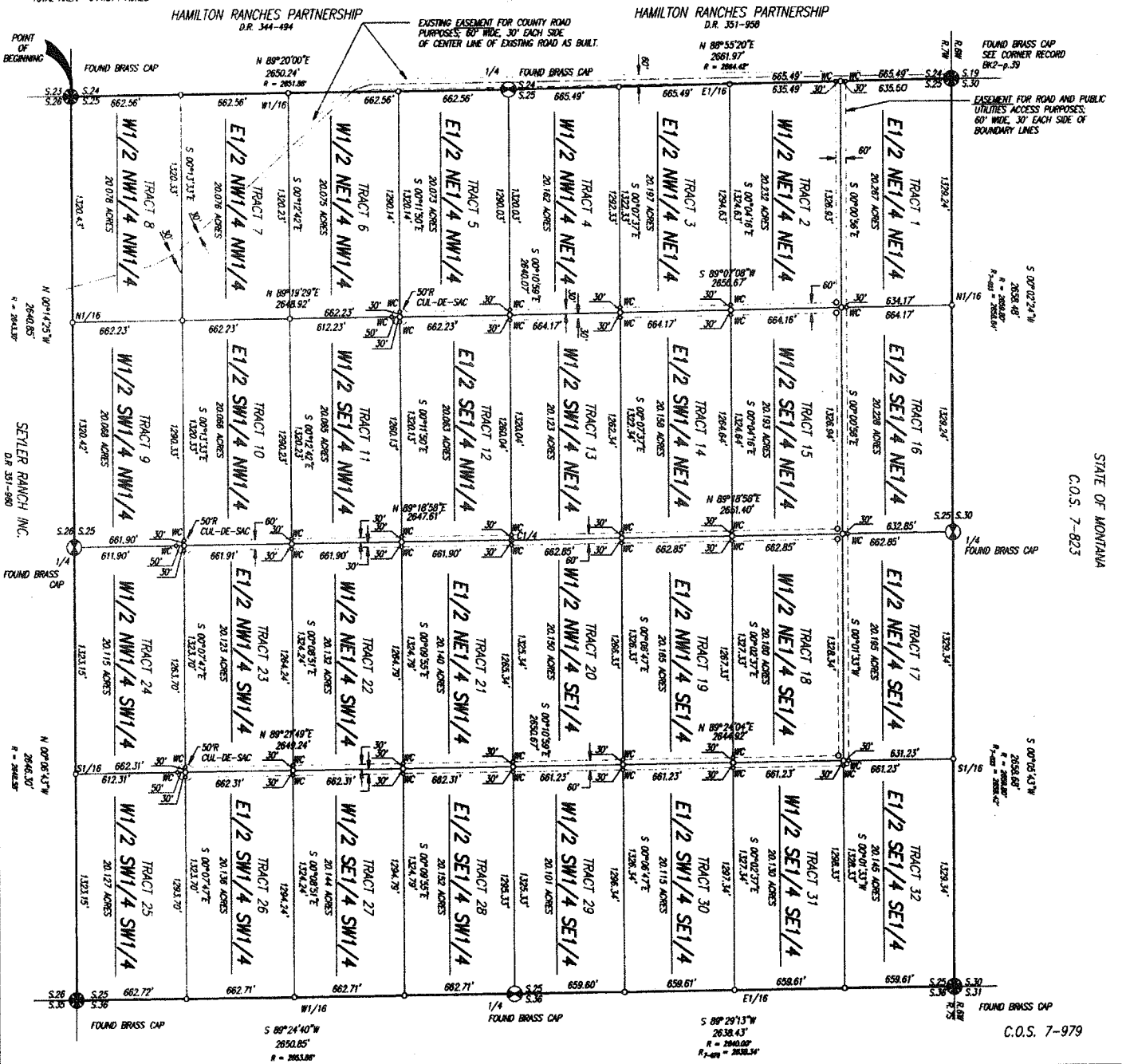
- SET 24" x 5/8" REBAR WITH A 1" AL. CAP MARKED WESTERN 8374S WITH A 1-BAR POST SET ALONG SIDE. CORNERS SET ALONG CENTER LINE OF EASEMENT ARE BURIED APPROX. 0.3' BELOW GROUND WITHOUT 1-BAR POST ALONG SIDE.
- C.O.S. CERTIFICATE OF SURVEY
- W.C. WITNESS CORNER
- R = RECORD DATA AS PER ORIGINAL G.L.O. PLAT
- D.R. DEED RECORD BOOK AND PAGE
- R 7-879 = RECORD DATA AS PER C.O.S. 7-979
- R 7-823 = RECORD DATA AS PER C.O.S. 7-823
- BASES OF BEARINGS: NORTHERLY BOUNDARY OF NW1/4 AS PER ORIGINAL G.L.O. SURVEY AS MEASURED BETWEEN FOUND MONUMENTS
- TOTAL AREA: 644.374 ACRES



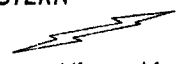
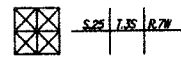
CERTIFICATE OF SURVEY NO. 1151

THIRTY-TWO TRACTS OF LAND; BEING PORTIONS OF THE NE1/4, SE1/4, SW1/4 AND NW1/4 OF SECTION 25, TOWNSHIP 3 SOUTH, RANGE 7 WEST, P.M.M., MADISON COUNTY, MONTANA.

FOR R.M.T., ET. AL. TO SURVEY EXISTING TRACTS OF RECORD; BEING 1/32 ALIQUOT PARTS OF SECTION 25.



STATE OF MONTANA
D.R. 134-7

 Micro-Line			CERTIFICATE OF SURVEY
	FRED L. HALL, L.S. BOX 333 LIVINGSTON, MONTANA 59047 (406) 222-0835	94-143 CALCS BY: F.L.H. DRAWN BY: C.B. CHECKED BY: F.L.H. & C.B.	BK 37 05-06-95

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S.23
S.26

S.24
S.25

662.56'

W1/2 NW1/4 NW1/4

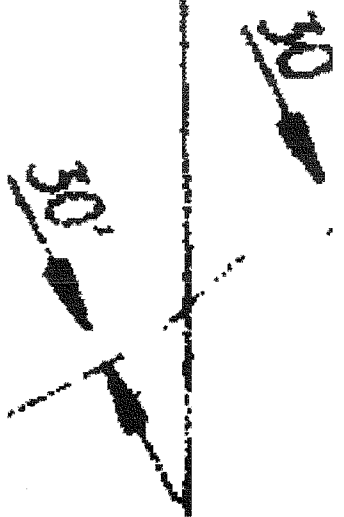
20.078 ACRES

1320.43'

S 00°13'33"E

1320.33'

TRACT 8



N1/16

662.23'

N 07°14'25"W