

Abstract No.

DECLARATION OF RESTRICTIONS

LAKE HILLS GOLF CLUB, a Montana corporation, at Billings, Montana,  
GEORGE M. WRIGHT, RUSSELL B.  
HART and PAUL C. COVERT,

Dated April 30, 1958.

Filed May 16, 1958, at 3:52 P.M.

Rec. Book 632, page 146.

To

Document #601531.

THE PUBLIC.

The undersigned, Lake Hills Golf Club, a Montana corporation, with principal office at Billings, Montana, George M. Wright, Russell B. Hart and Paul C. Covert, who are the owners of record of all the lots in LAKE HILLS SUBDIVISION, First Filing through Fifteenth Filing, inclusive, according to the several plats -- and who are also the owner of record of real property in Yellowstone County, Montana, described as:

Tracts "A", "B", "C", "D" and "E", according to Certificate of Survey No. 793 filed -- as Document No. 599989,

hereby establish and declare the following restrictions, conditions and limitations which shall be applicable to and are for the benefit of all of the lots and tracts included in all the above described plats and Certificate of Survey:

GENERAL.

1. None of the lots or tracts in any of the zones hereinafter described shall be used except for a use or purpose herein specifically permitted, and no structure shall hereafter be erected on any lot or tract nor any structure maintained on any lot or tract except the structure herein specifically permitted.

2. Any structure hereafter placed or erected on any lot or tract in any zone shall be of new construction, and no structure shall be moved on to any of said lots or tracts.

3. Any structure hereafter to be erected on any lot or tract shall be commenced within 30 days after equipment and/or material to be used in the construction thereof are moved onto the location, and all construction shall be pursued with reasonable diligence. No building hereafter to be erected on any lot or tract shall be commenced until written authority for the construction of such building has been

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secured from the Architectural Control Committee hereafter provided for.

4. Sidewalks, curbs, gutters and street improvements, and other special improvements such as water, sewer and storm sewers, when and if installed, shall be installed in accordance with grades and requirements established by the town, city or county having jurisdiction at the time. No building shall hereafter be commenced on any lot unless and until a street grade line for the lot on which construction is to commence has been established by the town, city or county having jurisdiction at the time.

5. No tent, trailer or other temporary or movable structure shall be used for living quarters on any lot or tract, nor shall any basement or garage be so used except after completion of the dwelling of which such basement or garage is a part.

6. No fence or wall shall be erected or maintained on any lot, nor any hedge planted or maintained on any lot until written authority therefor has been secured from the Architectural Control Committee which shall have authority to prescribe the location, height, design and materials used.

7. Livestock or poultry shall not be kept or maintained on any lot or tract in any zone, nor shall domestic pets be kept or maintained for breeding or commercial purposes on any such lot or tract.

8. No outside privies or toilets shall be permitted on any lot or tract in any zone, and all buildings shall have modern inside plumbing with sanitary toilet and running water connected with sanitary septic tank or other sanitary sewage disposal system.

9. No trash, debris, organic or inorganic waste shall be permitted to accumulate on any lot or tract or in any alley or street adjacent thereto, but shall be promptly and efficiently disposed of, and no vacant or other lot or tract shall be used as a dump ground or burial pit. Garbage containers which are not buried below ground shall be kept in racks and concealed from view by fences, hedges or other means. Storage tanks for fuel or water, if above ground level, shall likewise be concealed from view.

10. No billboards shall be permitted on any lot or tract in any zone.

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ZONES.

11. All lots and tracts shall be included in Zone "A" unless a specific lot or tract is included herein in a different Zone.

12. ZONE "B" shall comprise the following lots only:  
Lots 7 and 8 in Block 1, and  
Lots 1 - 10, inclusive, in Block 3 of Lake Hills Subdivision,  
First Filing;  
All Lots in Lake Hills Subdivision, Third Filing;  
Lots 15 - 13, inclusive, in Block 25 of Lake Hills Subdivision,  
Sixth Filing.

13. Zone "C" shall include only the following Lots:  
Lots 1 through 6, inclusive, in Block 1, and  
Lots 1 through 8, inclusive, in Block 2, of Lake Hills  
Subdivision, First Filing;  
Lots 1 through 4, inclusive, of Block 25 in Lake Hills  
Subdivision, Sixth Filing.

14. Zone "D" shall include all lots in Lake Hills Subdivision,  
Second Filing.

PERMISSIBLE USES AND STRUCTURES IN ZONE "A".

15. Tracts "A", "B", "C", "D" and "E" may be used only for one  
or more of the following purposes, or for purposes incidental thereto:

- (a) Public or private golf course;
- (b) Public or private country club;
- (c) Public or private park;
- (d) Residential purposes.

16. If used as public or private golf course, country club, or  
park, any structure incidental to such use, including but not limited  
to clubhouse, swimming pool, tennis courts and other recreational  
facilities, storage shops and repair and maintenance facilities and  
shops may be maintained and erected on any of the said tracts.

17. If any portion of any said tract is used for residential  
purposes, structures on such portion shall be subject to the limita-  
tions applicable to the lots included in Zone "A", as hereinafter  
specified in paragraphs 18, 19 and 20 below.

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18. Lots in Zone "A" may be used only for residential purposes, and no business or profession of any kind or character shall be conducted on or from any of said lots. No structure shall be erected or maintained thereon except one dwelling house with no more than one residential unit therein (exclusive of servant quarters) and such other accessory structures (including detached guest and/or servant quarters) as are used in conjunction therewith or as an incident thereto, including one private garage.

19. Each dwelling (exclusive of detached guest and/or servant quarters) shall be constructed so that the area (exclusive of the area of porches, terraces, patios and garages) enclosed within the perimeter of the exterior walls shall be not less than 1250 sq. ft. when measured at the intersection of a plane passing at right angles through a vertical projection of such walls.

20. In the absence of written authorization from the Architectural Control Committee,

(a) No portion of a dwelling except a chimney shall exceed 20 feet in height, measured vertically from a plane coincident with the top surface of the foundation walls;

(b) No structure other than a dwelling shall exceed in height the highest portion of the dwelling in connection with which it is used, but this limitation shall not apply to fences, the height of which shall be governed by the provisions of paragraph 6 above;

(c) No portion of a dwelling or other structure shall be located nearer than 10 feet to any lot boundary line intersecting a street line, nor nearer than 25 feet to any street, but these limitations shall not apply to any lot which has one or more boundaries in common with any of the aforesaid tracts. On any lot having such a common boundary with any of the aforesaid tracts, the location of any dwelling or structure shall be established by the Architectural Control Committee at or before the time it passes upon the application for authority to commence construction on such lot.

#### PERMISSIBLE USES AND STRUCTURES IN ZONE "B".

21. Lots in Zone "B" may be used only for one or more of the following purposes:

(a) Any lot in Zone "B" may be used for any purpose for which a Zone "A" lot may be used; and if so used the limitations applicable to

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Zone "A" lots shall apply;

(b) Any lot in Zone "B" may be used for, and structures may be erected and maintained thereon for use as, apartments, motels, hotels and multiple unit residences;

(c) Any apartment, motel or hotel building erected and maintained on a Zone "B" lot may also include space used for such retail establishments as are commonly operated in conjunction with apartments, hotels and motels.

#### PERMISSIBLE USES AND STRUCTURES IN ZONE "C".

22. Lots in Zone "C" may be used, and structures may be erected and maintained thereon, only for one or more of the following purposes:

- (a) Apartments, hotels and motels;
- (b) Retail stores and retail service shops, including retail gasoline service establishments and retail food and beverage service establishments, but excluding motor vehicle and machinery repair establishments, open-air retail establishments commonly known as "drive-ins" and retail establishments where property held for sale is displayed in the open;

(c) Business and professional offices.

#### PERMISSIBLE USES AND STRUCTURES IN ZONE "D".

23. Lots in Zone "D" may be used, and structures may be erected and maintained thereon, only for one or more of the following purposes:

- (a) Public or private schools;
- (b) Religious worship and religious services;
- (c) Parks and playgrounds.

#### EASEMENTS.

24. Easements for installation and maintenance of electric lines, telephone lines, water (domestic and irrigation), pipelines, sewer (storm and sanitation) lines, and gas lines are hereby established as follows:

- (a) Along each lot line which is the common boundary line between any two or more lots, the easement shall be 10 feet wide, that is 5 feet on either side of the common boundary line, which shall be the

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center line of the easement;

(b) Along that portion of each lot line which coincides with any part of the east boundary line of Sec. 16, Twp. 1 N., Rge. 26 E., or the east boundary line of Sec. 9, same township and range, the easement shall be 10 feet wide, and shall be bounded by the aforesaid section lines and a line parallel thereto and 10 feet west therefrom;

(c) Along that portion of each lot line which coincides with any part of the north boundary line of said Sec. 16, the easement shall be 10 feet wide and shall be bounded by the aforesaid section line and a line parallel thereto and 10 feet south therefrom;

(d) Along that portion of each lot line which coincides with any part of the west boundary line of said Sec. 16, the easement shall be 10 feet wide, and shall be bounded by the aforesaid section line and a line parallel thereto and 10 feet east therefrom;

(e) Along that portion of each lot line in Block 39 which coincides with the boundary line of Billings Bench Water Association Canal, the easement shall be 10 feet wide and shall be bounded by the aforesaid right-of-way boundary and a line parallel thereto and distant 10 feet therefrom.

#### ARCHITECTURAL CONTROL COMMITTEE.

25. The Architectural Control Committee shall consist of 3 members, appointed initially by the undersigned. The Committee shall establish its own procedural rules and regulations for the consideration of all applications, pursuant to paragraph 3, for authority to commence construction of buildings on any lot or tract, and for the consideration of all applications, pursuant to paragraph 20, for relief from any of the provisions of that paragraph. In connection with any application, the Committee may require submission to it of such plans, elevations, designs, and specifications as the Committee deems appropriate to enable it to pass upon the application, all to the end that each building constructed on any lot or tract shall be suitable to terrain and location, and consistent and harmonious in style, design, appearance and quality with other buildings. The Committee may retain such consultants as it deems appropriate. The decision of any two members of the Committee shall be conclusive.

26. Any member of the Committee may be removed at any time by

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written petition signed by all the owners of 50% or more of the lots excluding tracts subject to these restrictions.

27. Any vacancy by reason of death, resignation, or removal of a member, shall be filled by written appointment signed by all the owners of 50% or more of the lots excluding tracts subject to these restrictions.

**ENFORCEABILITY OF AND PERSONS BOUND BY RESTRICTIONS.**

28. The restrictions, conditions and limitations herein contained shall run with the land and shall be binding upon the present owners and all subsequent owners of all of the lots and tracts above described. The grantee of any lot or tract covenants and agrees by the acceptance of a conveyance therefor faithfully to observe and comply with said restrictions, conditions and limitations applicable thereto.

29. Any provision herein may be enforced by any owner of any lot or tract subject to these restrictions, or by the Architectural Control Committee, either by an action for damages arising out of a violation or by an action to restrain a threatened or prospective violation or to restrain a continuing violation, or in any other manner permitted by law, but no such action shall be maintained by any one on account of any violation of paragraphs 19 and 20, inclusive, unless such action is commenced not later than one year after the completion of the structure which violates any such provision.

**AMENDMENT AND REVOCATION.**

30. Any provision herein may be amended or revoked at any time by written instrument duly signed and acknowledged by all the then owners of record of not less than 60% of the lots and tracts then subject to these restrictions.

IN WITNESS WHEREOF, the undersigned have executed this Declaration of Restrictions, this April 30, 1958, the wives of the individuals whose names are undersigned having joined herein for the purpose of subordinating their respective dower interests, if any, to these restrictions.

(Corporate Seal)

LAKE HILLS GOLF CLUB  
By GEORGE H. SCHNEITER, President,  
Attest: GEORGE M. SCHNEITER, Secretary.

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RUSSELL B. HART  
SENIA C. HART, his wife.  
GEORGE M. WRIGHT  
DELL WRIGHT, his wife  
By GEORGE M. WRIGHT, Atty. in fact.  
PAUL C. COVERT  
CECIL COVERT, his wife.

Acknowledged April 30, 1958, by George H. Schneider, known to be the president of the corporation that executed the within instrument and acknowledged that such corporation executed the same, before James H. Kilbourne, Notary Public for the State of Montana. Residing at Billings, Montana. Commission expires 12-8-59. Seal.

Acknowledged April 30, 1958, by Russell B. Hart, Senia C. Hart, his wife; George M. Wright; Paul C. Covert and Cecil Covert, his wife, before James H. Kilbourne, Notary Public for the State of Montana. Residing at Billings, Montana. Commission expires 12-8-59. Seal.

Acknowledged April 30, 1958, by George M. Wright, known to be the person whose name is subscribed to the within instrument as the attorney-in-fact of Dell Wright, and acknowledged that he subscribed the name of Dell Wright thereto as principal and his own name as attorney-in fact, before James H. Kilbourne, Notary Public for the State of Montana. Residing at Billings, Montana. Commission expires 12-8-59. Seal.

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AMENDMENT TO DECLARATION OF RESTRICTIONS

LAKE HILLS GOLF CLUB, a  
Montana corporation, at  
Billings, Montana, GEORGE M.  
WRIGHT, RUSSELL B. HART and  
PAUL C. COVERT,

Dated Aug. 18, 1958.

Filed Sept. 18, 1958, at 11:30 A.M.

Rec. Book 642, page 289.

To

Document #607473.

THE PUBLIC.

The undersigned -- owners of record of all the lots and tracts, subject to that certain Declaration of Restrictions heretofore filed as Document #601531 in the office of the County Clerk of Yellowstone County, Montana, hereby file this Amendment to said Declaration of Restrictions:

1. Paragraph 12 of said Declaration is amended to read as follows:

Zone "B" shall comprise the following lots only:  
Lots 7 and 8 in Block 1, and  
Lots 1 - 10, inclusive, in Block 3, of Lake Hills  
Subdivision, First Filing;  
All Lots in Lake Hills Subdivision, Third Filing;  
Lots 5 - 13, inclusive, in Block 25 of Lake Hills  
Subdivision, Sixth Filing;  
Lots 15 and 16 in Block 17,  
Lots 10 and 11 in Block 16,  
Lots 13 - 16, inclusive, of Block 46, and  
Lots 9 - 12, inclusive, of Block 47, all in Lake Hills  
Subdivision, Fifteenth Filing.

2. Paragraph 13 of said Declaration is amended to read as follows:

Zone "C" shall include only the following lots:  
Lots 1 through 6, inclusive, in Block 1, and  
Lots 1 through 8, inclusive, in Block 2 of Lake Hills  
Subdivision, First Filing;  
Lots 1 through 4, inclusive, of Block 25 in Lake Hills  
Subdivision, Sixth Filing;  
Lots 1 - 8, inclusive, in Block 18 and  
Lots 1 - 4, inclusive, in Block 19 of Lake Hills Sub-  
division, Fifteenth Filing.

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3. Except as herein amended, said Declaration of Restrictions shall remain in full force and effect.

(Corporate Seal)

LAKE HILLS GOLF CLUB,  
By GEORGE H. SCHNEITER, President,  
Attest: GEORGE M. SCHNEITER, Secretary.  
PAUL C. COVERT  
CECIL COVERT, his wife.  
RUSSELL B. HART  
SENIA C. HART, his wife,  
GEORGE M. WRIGHT  
DELL WRIGHT, his wife.  
By GEORGE M. WRIGHT, her attorney-in-fact.

Acknowledged Aug. 18, 1958, by George H. Schneiter, known to be the president of the corporation that executed the within instrument and acknowledged that such corporation executed the same, before James H. Kilbourne, Notary Public for the State of Montana. Residing at Billings, Montana. Commission expires Dec. 8, 1959. Seal.

Acknowledged Aug. 18, 1958, by Russel B. Hart, Senia C. Hart, his wife; George M. Wright; Paul C. Covert and Cecil Covert, his wife, before James H. Kilbourne, Notary Public for the State of Montana. Residing at Billings, Montana. Commission expires Dec. 8, 1959. Seal.

Acknowledged Aug. 18, 1958, by George M. Wright, known to be the person whose name is subscribed to the within instrument as the attorney-in-fact of Dell Wright, and acknowledged that he subscribed the name of Dell Wright, thereto as principal and his own name as attorney-in-fact, before James H. Kilbourne, Notary Public for the State of Montana. Residing at Billings, Montana. Commission expires Dec. 8, 1959. Seal.

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Abstract No.

AMENDMENT TO DECLARATION OF RESTRICTIONS

LAKE HILLS GOLF CLUB, et al

Dated - - - - -

To

Filed July 7, 1959, at 1:26 P.M.

THE PUBLIC

Rec. Book 670, page 43

Document #624235

The undersigned, LAKE HILLS GOLF CLUB, a Montana corporation with principal office at Billings, Montana, and GEORGE M. WRIGHT, RUSSELL B. HART and PAUL C. COVERT, who are the owners of record of all lots and tracts in the subdivision hereinafter referred to, which are subject to that certain declaration of restrictions heretofore filed as Document #601531 in the office of the County Clerk of Yellowstone County, Montana, have heretofore filed in said County Clerk's office an amendment to said restrictions, which amendment is recorded in Book 642, page 289, as Document #607473.

The descriptions contained in said amendment are erroneous, and for the purpose of correcting said errors, the undersigned hereby file this further amendment to said restrictions:

1. Paragraph 12 of the original declaration of restrictions is amended to read as follows:

ZONE B shall comprise the following lots only:-

Lake Hills Subdivision, First Filing

Block 1: Lots 7 and 8,

Block 3: Lots 1 through 10, inclusive.

Lake Hills Subdivision, Third Filing

TITLE SH All lots in this subdivision.



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Lake Hills Subdivision, Sixth Filing  
Block 25: Lots 5 - 13, inclusive.

Lake Hills Subdivision, Fifteenth Filing  
Block 16: Lots 10 - 13, inclusive  
Block 17: Lots 15 and 16  
Block 46: Lots 13 - 16, inclusive  
Block 47: Lots 9 - 12, inclusive

2. Paragraph 13 of the original declaration of restrictions is amended to read as follows:

ZONE C shall include only the following lots:-

Lake Hills Subdivision, First Filing  
Block 1: Lots 1 - 6, inclusive  
Block 2: Lots 1 - 8, inclusive.

Lake Hills Subdivision, Sixth Filing  
Block 25: Lots 1 - 4, inclusive.

Lake Hills Subdivision, Fifteenth Filing  
Block 18: Lots 1 - 4, inclusive.  
Block 19: Lots 1 - 8, inclusive.

3. The amendment recorded in Book 642, page 289, to said restrictions is hereby revoked.

4. The original declaration of restrictions as herein amended is hereby further amended to make said declaration of restrictions applicable to all lots in the following subdivision:

(a) Lake Hills Subdivision, Sixteenth Filing,

(b) Lake Hills Subdivision, Seventeenth Filing,



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- (c) Lake Hills Subdivision, Eighteenth Filing,
- (d) Lake Hills Subdivision, Nineteenth Filing,
- (e) Lake Hills Subdivision, Twentieth Filing,
- (f) Lake Hills Subdivision, Twenty-first Filing,
- (g) Lake Hills Subdivision, Twenty-second Filing,
- (h) Lake Hills Subdivision, Twenty-third Filing,
- (i) Lake Hills Subdivision, Twenty-fourth Filing.

5. All lots in the subdivisions mentioned in paragraph 4 shall be included in Zone A.

6. Except as herein amended, said original declaration of restrictions shall remain in full force and effect.

Attest:

LAKE HILLS GOLF CLUB

GEORGE M. SCHNEITER, Secretary

by GEORGE H. SCHNEITER, President

Corporate Seal

RUSSELL B. HART  
SENIA C. HART, his wife

GEORGE M. WRIGHT  
DELL WRIGHT, his wife  
by George M. Wright,  
her Attorney-in-Fact.

PAUL C. COVERT  
CECIL MAY COVERT, his wife

Acknowledged June 24, 1959, by George H. Schneider, known to be the President of Lake Hills Golf Club, the corporation which executed the foregoing instrument, and acknowledged that such corporation executed the same, before James H. Kilbourne, Notary Public for the

