

337406

**EVERGREEN SUBDIVISION NO. 2  
SECOND AMENDMENT TO AMENDED DECLARATION OF  
RESTRICTIONS, COVENANTS AND CONDITIONS**

10-15076  
The undersigned, being owners of more than 60% of the lots in Evergreen Subdivision No. 2, Plat No. 1781, Second Filing, Carbon County, Montana (Evergreen Subdivision No. 2), and the owners of Road Tract B, Evergreen Subdivision No. 2, Plat No. 1081, Second Filing, under Document No. 294776 (Road Tract B), of Tract 1, Amended, of Certificate of Survey No. 1781 RB3, Carbon County, Montana (Tract 1, Certificate of Survey No. 1781 RB3), do hereby amend the Amended Declaration of Restrictions, Covenants and Conditions for said subdivision, recorded on September 19, 2002, as Document No. 303948, as amended by Evergreen Subdivision No. 2 Amendment to Amended Declaration of Restrictions, Covenants and Conditions, dated January 30, 2003, recorded February 5, 2003, under Document No. 305776, in the office of the Clerk and Recorder of Carbon County, Montana (collectively, the "Declaration of Restrictions)," as follows:

1. The owners of Tract 1, Certificate of Survey No. 1781 RB3, Road Tract B, and of more than 60% of the lots in Evergreen Subdivision No. 2 hereby declare that all of such property is hereby bound to the restrictions, covenants and conditions set forth in the Declaration of Restrictions and the Articles and By-laws of Evergreen Subdivision Homeowners Association, Inc., as amended, and that each lot shall be held and enjoyed subject to and with the benefit and advantages of the restrictions, limitations, covenants and agreements thereof as amended.

2. "Evergreen Subdivision," "Subdivision," and "Evergreen Subdivision No. 2," or any of these terms, as used in these Declarations of Restrictions, Covenants and Conditions, shall include all lots in Tract 1, Certificate of Survey No. 1781 RB3, and Road Tract B, as well as Lots 1 through 21, inclusive, of Evergreen Subdivision No. 2.

3. Paragraph VII is hereby replaced in its entirety with the following:

**VII. EASEMENTS AND RIGHT-OF-WAY:**

Each lot shall be subject to all easements and right-of-way of record, or as shown on a recorded plat of the Evergreen Subdivision No. 2, including a perpetual easement for right-of-way purposes, with right of ingress, egress and utility installation, maintenance and repair, over and across Road Tract B, and those which the owner may grant for the installation and maintenance of water, sewage, power, telephone and other utility lines. No shrubbery, trees, plantings or buildings shall be placed or built upon any such right-of-way or easement.

Tract 1, Certificate of Survey #1781RB3 (Tract 1) and any subsequent division thereof, shall be subject to and benefit from all

1

State of Montana )  
County of Carbon )

This instrument file #337406 was filed in my  
office this 22nd day of May 20, 09.  
at 3:22 o'clock P.M.

Linda M. Laddala

County Clerk - Recorder

by Maria Higgins, Deputy  
File # 13900 M

easements and rights-of-way of record, or as shown on the recorded plat of the Evergreen Subdivision #2. Said rights shall not extend to, nor benefit, any property not subject to the Evergreen Subdivision No. 2 Declaration of Restrictions, Covenants and Conditions, as may be amended from time to time.

4. Paragraph VIII is hereby replaced in its entirety with the following:

VIII. SUBDIVISION OF INDIVIDUAL LOTS:

Tract 1, Certificate of Survey No. 1781 RB3 (Tract 1) may be further subdivided into no more than two lots; however, in no event shall Tract 1 consist of more than a total of two lots in their entirety, provided that any lot on the southern portion of Tract 1 shall include the entire portion of Tract 1 south of Spring Creek; and further provided that there shall be only one driveway, roadway or easement for access to any portion of Tract 1 from Evergreen Drive. Except as specifically provided for in Tract 1 herein, no lots may be further subdivided; each lot must remain as it is on the subdivision plat as filed in the public records of Carbon County, Montana. This does not preclude the merger of any lot into another lot. Tract 1, and any division of lots pertaining thereto, are subject to the Evergreen Major Subdivision #2 Declaration of Restrictions, Covenants and Conditions, Silesia, Montana, and any amendments thereto.

5. Paragraph X is hereby replaced in its entirety with the following:

X. CONSTRUCTION AND MAINTENANCE COSTS:

The owners of the lots in the Evergreen Subdivision shall be responsible, through the Evergreen Subdivision Homeowners Association, Inc., for all construction, maintenance, repairs, servicing, and all costs of whatsoever nature for the following matters:

1. All roads located within Evergreen Subdivision and Road Tract B, including the access road from Highway 212 to the Evergreen Subdivision. The maintenance and construction of all road signs, and the plowing of snow from the roads within the Subdivision; and
2. The central water system which supplies domestic water only for the owners of lots in the Subdivision; and

3. The pond and dry hydrant system provides water for fire protection within the Subdivision; and
4. The control of noxious weeds; and
5. Solid waste pick-up and disposal.

All assessments necessary to meet the requirements of this Article X shall be determined under the By-laws of the Evergreen Subdivision Homeowners Association, Inc.

6. Paragraph XI is hereby replaced in its entirety with the following:

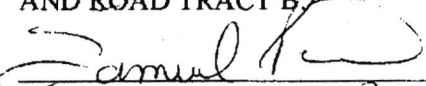
**XI. CENTRAL WATER SYSTEM:**

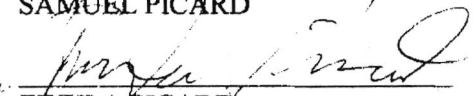
The central water system provided for the Subdivision shall be the responsibility of the Evergreen Subdivision Homeowners Association, Inc. and shall be for the purpose of providing water for domestic use only. Such system shall not be used to provide any irrigation for laws and gardens or watering of livestock or any non-domestic uses. Lot owners must drill a separate well for any water for non-domestic uses. The Central Water System includes the well, pump, chlorination system, the water mains, and all other components which serve all lots using the system; it does not include water lines serving a single lot or building. Lot owners are responsible for installing, repairing and maintaining water lines on their own lots.

Owners of Tract 1, Certificate of Survey 1781RB3, are entitled to use the Central Water System provided that such owner or owners are responsible for acquiring an easement and paying for the construction of establishing a water line to any lot located thereon, and for all State of Montana Department of Environmental Quality requirements.

DATED this 18<sup>th</sup> day of MAY, 2009.

OWNERS OF CERTIFICATE OF SURVEY 1781 RB3  
AND ROAD TRACT B7

  
SAMUEL PICARD

  
TWYLA PICARD

STATE OF MONTANA     )  
                                      : ss.  
County of Yellowstone     )

This instrument was acknowledged before me on the 19<sup>th</sup> day of May,  
2009, before me by SAMUEL PICARD.

(NOTARIAL SEAL)

Bernadine L. Nardella  
Bernadine L. Nardella (Printed Name)  
Notary Public for the State of Montana  
Residing at Billings, Montana  
My commission expires: 10/18/2011

STATE OF MONTANA     )  
                                      : ss.  
County of Yellowstone     )

This instrument was acknowledged before me on the 19<sup>th</sup> day of May,  
2009, before me by TWYLA PICARD.

(NOTARIAL SEAL)

Bernadine L. Nardella  
Bernadine L. Nardella (Printed Name)  
Notary Public for the State of Montana  
Residing at Billings, Montana  
My commission expires: 10/18/2011

Janelle Crowley

JANELLE L. CROWLEY, Owner of Lot 1

STATE OF MONTANA )

: ss.

County of Yellowstone )

This instrument was acknowledged before me on the 3<sup>rd</sup> day of May, 2009, before me by JANELLE L. CROWLEY.

SIGNATURE: Stephanni D Reynolds

Name: Stephanni D Reynolds

NOTARY PUBLIC for the State of Montana

Residing at Billings, Montana Yellowstone County

My Commission Expires

October 15, 2010

Stephanni D Reynolds

Stephanni D Reynolds (Printed Name)

Notary Public for the State of Montana

Residing at Billings, Montana

My commission expires: 10/15/2010

Monte Doenz  
MONTE DOENZ, Owner of Lot 6

Laura Doenz  
LAURA DOENZ, Owner of Lot 6

STATE OF MONTANA )  
: ss.  
County of Yellowstone )

This instrument was acknowledged before me on the 3<sup>rd</sup> day of May, 2009, before me by MONTE DOENZ.

SIGNATURE: Stephanni D Reynolds Stephanni D Reynolds (Printed Name)  
Name: Stephanni D Reynolds  
NOTARY PUBLIC for the State of Montana  
Residing at Billings, Montana  
My Commission Expires October 15, 2010 My commission expires: 10/15/2010

STATE OF MONTANA )  
: ss.  
County of Yellowstone )

This instrument was acknowledged before me on the 3<sup>rd</sup> day of May, 2009, before me by LAURA DOENZ.

SIGNATURE: Stephanni D Reynolds Stephanni D Reynolds (Printed Name)  
Name: Stephanni D Reynolds  
NOTARY PUBLIC for the State of Montana  
Residing at Billings, Montana  
My Commission Expires October 15, 2010 My commission expires: 10/15/2010

Robert E. Thomas  
ROBERT E. THOMAS, as Trustee of the  
Thomas Family Trust, Owner of Lot 7

Constance M. Thomas  
CONSTANCE M. THOMAS, as Trustee of the  
Thomas Family Trust, Owner of Lot 7

STATE OF MONTANA     )  
                                      : ss.  
County of Yellowstone     )

This instrument was acknowledged before me on the 9<sup>th</sup> day of May, 2009, before me by ROBERT E. THOMAS, as Trustee of the Thomas Family Trust.

(NOTARIAL SEAL)

Kathy L. Gowen  
KATHY L. GOWEN (Printed Name)  
Notary Public for the State of Montana  
Residing in Billings, Montana  
My commission expires:     /20

STATE OF MONTANA     )  
                                      : ss.  
County of Yellowstone     )

**KATHY L. GOWEN**  
Notary Public for the State of Montana  
Residing in Laurel, Montana  
My Commission Expires Oct. 30, 2010

This instrument was acknowledged before me on the 9<sup>th</sup> day of May, 2009, before me by CONSTANCE M. THOMAS, as Trustee of the Thomas Family Trust.

(NOTARIAL SEAL)

Kathy L. Gowen  
KATHY L. GOWEN (Printed Name)  
Notary Public for the State of Montana  
Residing in Billings, Montana  
My commission expires:     /20

**KATHY L. GOWEN**  
Notary Public for the State of Montana  
Residing in Laurel, Montana  
My Commission Expires Oct. 30, 2010

*Douglas J. Kudrna*  
DOUGLAS J. KUDRNA, Owner of Lot 8

*Jane Kudrna*  
JANE KUDRNA, Owner of Lot 8

STATE OF MONTANA )

: ss.

County of Yellowstone )

This instrument was acknowledged before me on the 3<sup>rd</sup> day of May, 2009, before me by DOUGLAS J. KUDRNA.

SIGNATURE: *Stephanni D Reynolds*

Name: Stephanni D Reynolds

*Stephanni D Reynolds* (Printed Name)

NOTARY PUBLIC for the State of Montana

Residing at Billings, Montana Yellowstone County

My Commission Expires OCTOBER 15, 2010

Notary Public for the State of Montana

Residing at Billings, Montana

My commission expires: 10/15/2010

STATE OF MONTANA )

: ss.

County of Yellowstone )

This instrument was acknowledged before me on the 3<sup>rd</sup> day of May, 2009, before me by JANE KUDRNA.

SIGNATURE: *Stephanni D Reynolds*

Name: Stephanni D Reynolds

NOTARY PUBLIC for the State of Montana

Residing at Billings, Montana Yellowstone County

My Commission Expires OCTOBER 15, 2010

*Stephanni D Reynolds* (Printed Name)

Notary Public for the State of Montana

Residing at Billings, Montana

My commission expires: 10/15/2010



Joseph H. Kampf  
JOSEPH KAMPF, Owner of Lot 9

Marilyn M. Kampf  
MARILYN M. KAMPF, Owner of Lot 9

STATE OF MONTANA )  
: ss.  
County of Yellowstone )

This instrument was acknowledged before me on the 3<sup>rd</sup> day of May,  
2009, before me by JOSEPH KAMPF.

SIGNATURE: Stephanni D Reynolds  
Name: Stephanni D Reynolds  
NOTARY PUBLIC for the State of Montana  
Residing at Billings, Montana, Yellowstone County  
My Commission Expires October 15, 2010

Stephanni D Reynolds  
Stephanni D Reynolds (Printed Name)  
Notary Public for the State of Montana  
Residing at Billings, Montana  
My commission expires: 10/15/2010

STATE OF MONTANA )  
: ss.  
County of Yellowstone )

This instrument was acknowledged before me on the 3<sup>rd</sup> day of May,  
2009, before me by MARILYN M. KAMPF.

SIGNATURE: Stephanni D Reynolds  
Name: Stephanni D Reynolds  
NOTARY PUBLIC for the State of Montana  
Residing at Billings, Montana, Yellowstone County  
My Commission Expires October 15, 2010

Stephanni D Reynolds  
Stephanni D Reynolds (Printed Name)  
Notary Public for the State of Montana  
Residing at Billings, Montana  
My commission expires: 10/15/2010

Dennis L. Kramer  
DENNIS L. KRAMER, Owner of Lot 10

Joyce M. Kramer  
JOYCE M. KRAMER, Owner of Lot 10

STATE OF MONTANA )  
: SS.  
County of Yellowstone )


This instrument was acknowledged before me on the 3<sup>rd</sup> day of May,  
2009, before me by DENNIS L. KRAMER.

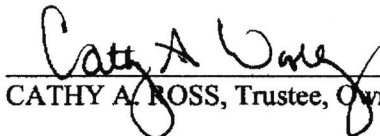
SIGNATURE: Stephanni D Reynolds Stephanni D Reynolds  
Name: Stephanni D Reynolds (Printed Name)  
NOTARY PUBLIC for the State of Montana  
Residing at Billings, Montana  
My Commission Expires October 15, 2010  
Notary Public for the State of Montana  
Residing at Billings, Montana  
My commission expires: 10/15/2010

STATE OF MONTANA )  
: SS.  
County of Yellowstone )

This instrument was acknowledged before me on the 3<sup>rd</sup> day of May,  
2009, before me by JOYCE M. KRAMER.


SIGNATURE: Stephanni D Reynolds Stephanni D Reynolds  
Name: Stephanni D Reynolds (Printed Name)  
NOTARY PUBLIC for the State of Montana  
Residing at Billings, Montana  
My Commission Expires October 15, 2010  
Notary Public for the State of Montana  
Residing at Billings, Montana  
My commission expires: 10/15/2010


  
ROSS E. WOOLLEY, Trustee, Owner of Lot 12

  
CATHY A. WOOLLEY, Trustee, Owner of Lot 12

STATE OF MONTANA     )  
  : ss.  
County of Yellowstone     )

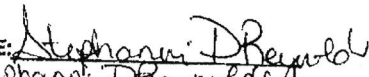
This instrument was acknowledged before me on the 3<sup>rd</sup> day of May,  
2009, before me by ROSS E. WOOLLEY.


SIGNATURE:   
Name: Stephanni D Reynolds  
NOTARY PUBLIC for the State of Montana  
Residing at Billings, Montana, Yellowstone County  
(NOTARIAL SEAL)  
My Commission Expires October 15, 2010

  
Stephanni D Reynolds (Printed Name)  
Notary Public for the State of Montana  
Residing at Billings, Montana  
My commission expires: 10/15/2010

STATE OF MONTANA     )  
  : ss.  
County of Yellowstone     )

This instrument was acknowledged before me on the 3<sup>rd</sup> day of May,  
2009, before me by CATHY A. WOOLLEY.

SIGNATURE:   
Name: Stephanni D Reynolds  
NOTARY PUBLIC for the State of Montana  
Residing at Billings, Montana, Yellowstone County  
(NOTARIAL SEAL)  
My Commission Expires October 15, 2010

  
Stephanni D Reynolds (Printed Name)  
Notary Public for the State of Montana  
Residing at Billings, Montana  
My commission expires: 10/15/2010

Darrell J. Cook

DARRELL J. COOK, Owner of Lot 13

Sandra A Cook

SANDRA A. COOK, Owner of Lot 13

STATE OF MONTANA )

: ss.

County of Yellowstone )

This instrument was acknowledged before me on the 3<sup>rd</sup> day of May, 2009, before me by DARRELL J. COOK.

SIGNATURE: Stephanni Reynolds  
Name: Stephanni Reynolds  
NOTARY PUBLIC for the State of Montana  
Residing at Billings, Montana  
My Commission Expires October 15, 2010

Stephanni Reynolds  
Stephanni Reynolds (Printed Name)  
Notary Public for the State of Montana  
Residing at Billings, Montana  
My commission expires: 10/15/2010

STATE OF MONTANA )

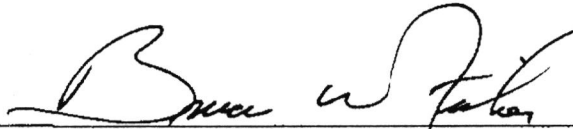
: ss.

County of Yellowstone )

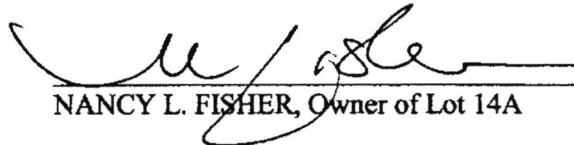
This instrument was acknowledged before me on the 3<sup>rd</sup> day of May, 2009, before me by SANDRA A. COOK.

SIGNATURE: Stephanni Reynolds  
Name: Stephanni Reynolds  
NOTARY PUBLIC for the State of Montana  
Residing at Billings, Montana  
My Commission Expires October 15, 2010

Stephanni Reynolds  
Stephanni Reynolds (Printed Name)  
Notary Public for the State of Montana  
Residing at Billings, Montana  
My commission expires: 10/15/2010



BRUCE W. FISHER, Owner of Lot 14A



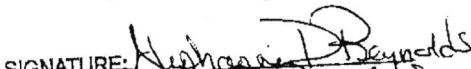
NANCY L. FISHER, Owner of Lot 14A

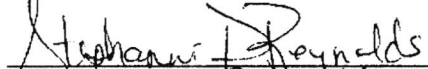
STATE OF MONTANA )

: ss.

County of Yellowstone )

This instrument was acknowledged before me on the 3<sup>rd</sup> day of May, 2009, before me by BRUCE W. FISHER.

SIGNATURE:   
Name: Stephanni D. Reynolds  
NOTARY PUBLIC for the State of Montana  
Residing at Billings, Montana, Yellowstone County  
My Commission Expires 10/15/2010  
(NOTARIAL SEAL)

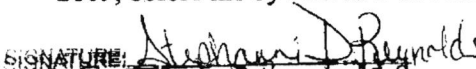
  
Stephanni D. Reynolds (Printed Name)  
Notary Public for the State of Montana  
Residing at Billings, Montana  
My commission expires: 10/15/2010


STATE OF MONTANA )

: ss.

County of Yellowstone )

This instrument was acknowledged before me on the 3<sup>rd</sup> day of May, 2009, before me by NANCY L. FISHER.

SIGNATURE:   
Name: Stephanni D. Reynolds  
NOTARY PUBLIC for the State of Montana  
Residing at Billings, Montana, Yellowstone County  
My Commission Expires 10/15/2010  
(NOTARIAL SEAL)

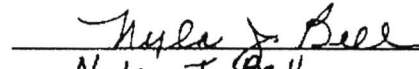
  
Stephanni D. Reynolds (Printed Name)  
Notary Public for the State of Montana  
Residing at Billings, Montana  
My commission expires: 10/15/2010

  
SCOTT ROGINSKE, Owner of Lot 15

  
NANCY L. MONFORTON, Owner of Lot 15

STATE OF MONTANA     )  
                                      : ss.  
County of Yellowstone    )

This instrument was acknowledged before me on the 20<sup>th</sup> day of May,  
2009, before me by SCOTT ROGINSKE and NANCY L. MONFORTON.

  
Nyla J. Bell (Printed Name)  
Notary Public for the State of Montana  
Residing at Billings, Montana  
My commission expires: 8/17/2012

(NOTARIAL SEAL)

Clifton M. Berglee

CLIFTON M. BERGLEE, Owner of Lot 16

Karla Layne Berglee  
KARLA LAYNE BERGLEE, Owner of Lot 16

STATE OF MONTANA     )  
                                      : ss.  
County of Yellowstone     )

This instrument was acknowledged before me on the 20<sup>th</sup> day of May,  
2009, before me by CLIFTON M. BERGLEE.

Evelyn Jo Hatch  
Evelyn Jo Hatch (Printed Name)  
Notary Public for the State of Montana  
Residing at Billings, Montana  
My commission expires: 3/07/2013

(NOTARIAL SEAL)

STATE OF MONTANA     )  
                                      : ss.  
County of Yellowstone     )

This instrument was acknowledged before me on the 20<sup>th</sup> day of May,  
2009, before me by KARLA LAYNE BERGLEE.

Evelyn Jo Hatch  
Evelyn Jo Hatch (Printed Name)  
Notary Public for the State of Montana  
Residing at Billings, Montana  
My commission expires: 03/07/2013

(NOTARIAL SEAL)





**LONNIE G. QUAST, Owner of Lot 18**

Marueen R. Quast  
MARUEEN R. QUAST, Owner of Lot 18

STATE OF MONTANA )

: SS.

County of Yellowstone )

This instrument was acknowledged before me on the 3<sup>rd</sup> day of May, 2009, before me by LONNIE G. QUAST.

SIGNATURE: Stephanie D Reynolds  
Name: Stephanie D Reynolds  
NOTARY PUBLIC for the State of Montana  
Residing at Billings, Montana Yellowstone County  
My Commission Expires 12/15/2010

Stephanni Reynolds  
Stephanni Reynolds (Printed Name)  
 Notary Public for the State of Montana  
 Residing at Billings, Montana  
 My commission expires: 10/15/2010

STATE OF MONTANA )

: SS.

County of Yellowstone )

This instrument was acknowledged before me on the 3<sup>rd</sup> day of May, 2009, before me by MAUREEN R. QUAST.

2009, before me by MAUREEN R. QUAST.

SIGNATURE: Stephanni Reynolds (Printed Name) Stephanni Reynolds  
Name: Stephanni Reynolds  
NOTARY PUBLIC for the State of Montana  
Residing at Billings, Montana Yellowstone County  
My Commission Expires October 15, 2010

Stephanni Reynolds  
Notary Public for the State of Montana  
Residing at Billings, Montana  
My commission expires: 10/15/2010

Notary Public for the State of Montana  
Residing at Billings, Montana  
My commission expires: 10/15/2010

Michael J. Ritter, Sr.  
MICHAEL J. RITTER, SR., Owner of Lot 19

Kimberly S. Ritter  
KIMBERLY S. RITTER, Owner of Lot 19

STATE OF MONTANA )  
: ss.  
County of Yellowstone )

This instrument was acknowledged before me on the 3<sup>rd</sup> day of May, 2009, before me by MICHAEL J. RITTER, SR.

SIGNATURE: Stephanni D. Reynolds  
Name: Stephanni D. Reynolds  
NOTARY PUBLIC for the State of Montana  
Residing at Billings, Montana, Yellowstone County  
My Commission Expires 10/15/2010

Stephanni D. Reynolds  
Stephanni D. Reynolds (Printed Name)  
Notary Public for the State of Montana  
Residing at Billings, Montana  
My commission expires: 10/15/2010

STATE OF MONTANA )  
: ss.  
County of Yellowstone )

This instrument was acknowledged before me on the 3<sup>rd</sup> day of May, 2009, before me by KIMBERLY S. RITTER.

SIGNATURE: Stephanni D. Reynolds  
Name: Stephanni D. Reynolds  
NOTARY PUBLIC for the State of Montana  
Residing at Billings, Montana, Yellowstone County  
My Commission Expires 10/15/2010

Stephanni D. Reynolds  
Stephanni D. Reynolds (Printed Name)  
Notary Public for the State of Montana  
Residing at Billings, Montana  
My commission expires: 10/15/2010