

WHEN RECORDED/RETURN TO:
JOSEPH W. SABOL II
225 E. Mendenhall
Bozeman, MT 59715

**DECLARATION OF SPECIAL COVENANTS,
CONDITIONS AND RESTRICTIONS
OF AND FOR
RIVER ROCK TOWNHOME, LOTS 1-22**

This Declaration of Special Covenants, Conditions and Restrictions of and for River Rock Townhome Lots 1-22 is regulating and controlling the use and limiting the development upon the common open space appurtenant to the real property more particularly described as Lots 1-22 of Block 35, Amended Plat of Tract 1 of Block 35 and Tract B of Block 37, River Rock Subdivision, Phase 4, located in the SW1/4 of Section 3, Township 1 South, Range 4 East (the "Property") according to the official plat thereof on file and of record in the office of the Gallatin County Clerk and Recorder, a copy of a portion of that plat setting forth the common open space which is the subject of the Declaration is attached hereto and marked as Exhibit "A" for identification and by this reference fully and completely incorporated herein (the "Common Open Space").



2222411
Page: 1 of 6
03/23/2006 12:14P

WHEREAS, this Declaration is intended to comply with the Gallatin County Zoning Regulations which require that a minimum of thirty percent (30%) of any site to be developed for townhouses shall be provided as common open space, where lot sizes will be reduced below the single-family lot area requirement of 5,000 square feet; and

WHEREAS, it is the intent of this Special Declaration to create, dedicate and reserve common open space for the exclusive passive recreational use of all townhome owners who are members in the River Rock Townhome Owners Association.

NOW, THEREFORE, the undersigned being the owners of all of the Common Open Space appurtenant to Lots 1-22 do hereby make, publish, and declare the following covenants, conditions and restrictions to run with and bind to the Common Open Space and Property which is the subject of this document.

1. That the recitals as set forth above are hereby incorporated herein by reference.

2. In order to preserve, protect and maintain the open space character, quality and passive recreational use of the Property which is the subject of this Special Declaration, there shall be no structures, signs, fences, or activities allowed within the Common Open Space inconsistent with the use of this property as common open space and park like area.



2222411
Page: 2 of 8
03/23/2006 12:14P

3. Use of the Common Open Space shall be limited to the passive recreational use of the members of the River Rock Townhome Owners Association, their immediate families, guests and invitees.

4. The areas delineated on Exhibit "A" as common open space shall be preserved as such in perpetuity and shall run with and bind the lots in perpetuity.

5. The River Rock Townhome Owners Association will administer rules and regulations for the Common Open Space and shall be responsible for landscaping, upkeep and maintenance thereof.

6. The Board of Directors of River Rock Townhome Owners Association shall establish assessments for the insurance and maintenance of all Common Open Space as shown on Exhibit "A". The assessments levied by the Board for the maintenance, upkeep and repair of the Common Open Space, if not paid within thirty (30) days of presentment shall become a lien on each non-paying River Rock Townhome owner.

7. The River Rock Townhome Owners Association shall be responsible for weed control in the Common Open Space. Such control shall be as set forth and specified under the Montana Noxious Weed Control Act; Section 7-22-2101, et. seq., MCA and the rules and regulations of the Gallatin County Weed Control District Subdivision Noxious Weed Planning Requirements as the same exist from time to time.



2222411
Page: 3 of 6
03/23/2006 12:14P

Shelley Vance-Gallatin Co MT MISC 42.00

8. This Declaration is binding upon the undersigned and their successors and assigns and all future owners of Lots 1-22, River Rock Townhomes and may be enforced by any one of those parties or Gallatin County or the River Rock Homeowners Association. This Declaration of Special Covenants, Conditions and Restrictions of and for River Rock Townhome Common Open Space Lots 1-22 cannot be revoked without the written consent of Gallatin County.

9. That the real property described above is subject to each and every one and all the terms, covenants and conditions contained and set forth in the Declaration of Covenants for River Rock Subdivision and any amendments thereto including the Bylaws of the Owners' Association for River Rock Subdivision on file and of record in the office of the Gallatin County Clerk and Recorder as of the date written below. Further in this regard the real property which is the subject of this document shall specifically be governed by Article VIII, Section B of that Covenant document on file and of record as Document Number 2114204, records of the Gallatin County Clerk and Recorder in so far as the architectural and design standards for the construction of multi family residences upon the real property which is the subject of this document are concerned.

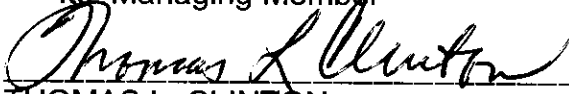
IN WITNESS WHEREOF, the undersigned Declarant constituting all of the vested owners of Lots 1-22 of the River Rock Townhomes have executed this document as of this 27th day of January, 2006.



Shelley Vance-Gallatin Co MT MISC

42.00

2222411
Page: 4 of 6
03/23/2006 12:14P

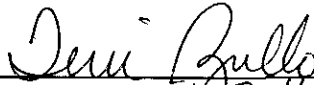
VALLEY MEADOWS, L.L.C.
a Montana Limited Liability Company
By: POTTER CLINTON
DEVELOPMENT, INC.
A Wyoming Corporation
Its: Managing Member

THOMAS L. CLINTON
Vice President

STATE OF MONTANA)

County of Gallatin) :SS

On this 27th day of January, 2006, before me, a Notary Public for the State of Montana, personally appeared **THOMAS L. CLINTON**, known to me to be the Vice President of **POTTER CLINTON DEVELOPMENT, INC.**, a Wyoming Corporation, the Managing Member of Valley Meadows, L.L.C., a Montana Limited Liability Company and acknowledged to me he executed the same on behalf of the corporation pursuant to the power and authority vested in him.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal as of the day and year first above written.


Terri Zillo

Notary Public for the State of Montana
Residing at ~~Bozeman, Montana~~ Bozeman, Montana
My Commission Expires July 31, 2007

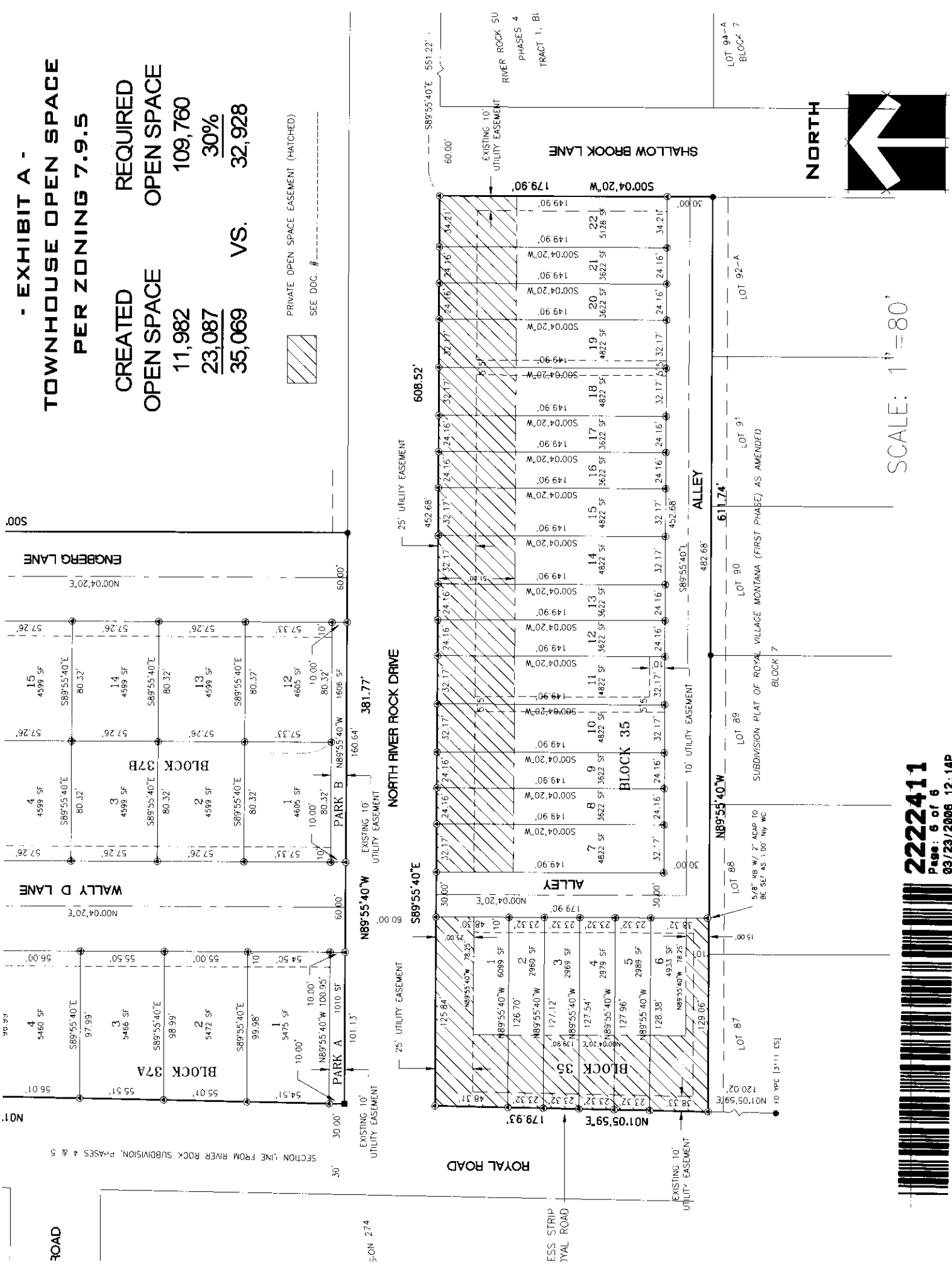
(SEAL)

**- EXHIBIT A -
TOWNHOUSE OPEN SPACE
PER ZONING 7.9.5**

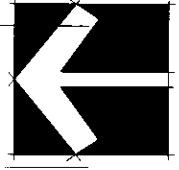
**CREATED
OPEN SPACE 11,982**
**REQUIRED
OPEN SPACE 109,760**
**30%
35,069 VS. 32,928**

PRIVATE OPEN SPACE EASEMENT (HATCHED)

SEE DOC. #



NORTH



SCALE: 1" = 80'

2222411
Page: 6 of 6
03/23/2006 12:14P

