

STATE OF MONTANA
DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES
CERTIFICATE OF SUBDIVISION PLAT APPROVAL
(Section 69-5001 through 69-5010, R.C.M. 1947)

No. County Clerk and Recorder
Beaverhead County
Dillon, Montana

No. 1-77-LI-87
E.S. 8 78/143

THIS IS TO CERTIFY THAT the plans and supplemental information relating to the subdivision known as Hildreth Subdivision consisting of nine (9) lots have been reviewed by personnel of the Subdivision Bureau, and,

THAT the documents and data required by Section 69-5001 through 69-5010, R.C.M. 1947 and the rules of the Department of Health and Environmental Sciences made and promulgated pursuant thereto have been submitted and found to be in compliance therewith, and,

THAT approval of the plat of said subdivision is made with the understanding that the following conditions shall be met:

THAT the lot sizes as indicated on the plat to be filed with the county clerk and recorder will not be further altered without approval, and,

THAT the lots shall be used for single-family dwellings except Lots 19 and 20 may be used for duplex or fourplexes, and,

THAT the individual water system will consist of a drilled well to a minimum depth of 25 feet constructed in accordance with the criteria established in ARM 16-2.14(10)-614340 and the most current standards of the Department of Health and Environmental Sciences, and,

THAT the individual sewage treatment system will consist of a septic tank and subsurface drainfield of such size and description as will comply with Beaverhead County Septic System Regulations and ARM 16-2.14(10)-614340, and,

THAT each subsurface drainfield shall have an absorption area of sufficient size to provide 125 square feet per bedroom, and,

THAT the bottom of the drainfield shall be at least four feet above the water table, and,

THAT no sewage treatment system shall be constructed within 100 feet of the maximum highest level of a 100 year flood of any stream, lake, watercourse, or irrigation ditch, nor within 100 feet of any domestic water supply source, and,

THAT water supply and sewage treatment systems will be located as shown on the approved plans, and,

THAT plans for the proposed water and individual sewage treatment systems will be reviewed and approved by the Beaverhead County Health Department before construction is started, and,

THAT the developer shall provide each purchaser of property with a copy of the plat, approved location of water supply and sewage treatment system and a copy of this document, and,

THAT instruments of transfer for this property shall contain reference to these conditions, and,

THAT signatures issue any conditions set forth in the approved plans and specifications and ARM 16-2.14(10)-614340 when erecting a structure and appurtenant facilities in said subdivision without Department approval, is grounds for injunction by the Department of Health and Environmental Sciences.

THAT this certificate supersedes Certificate No. 1-77-LI-87, E.S. 8 77/363, dated the 25th day of April, 1977, and all previous copies should be marked superseded or removed from files.

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YOU ARE REQUESTED to record this certificate by attaching it to the plat of said subdivision filed in your office as required by law.

DATED this 16th day of February, 1978.

A.C. KNIGHT, M.D., F.C.C.P.
DIRECTOR

By: Edward W. Caine
Edward W. Caine, Chief
Subdivision Bureau
Environmental Sciences Division

Cause: None;

Ray Hildreth

CONSENT TO DEDICATION BY ENCUMBRANCERS.

Ray Hildreth, the undersigned encumbrancer (s), do hereby join in and consent to the annexed plat and released (my) (our) respective liens, claims and encumbrances as to any portion of said lands shown on such plat as being dedicated to the use of the public forever.

Dated this 17th day of July, 19 78.

Public Roads indicated on plat are dedicated to the use of the public forever and parks and playgrounds are dedicated to ownership by the Homeowners Association.

Ray Hildreth

Subscribed and sworn to this 24th day of July, 1978.

Alvin G. McCandless

NOTARY PUBLIC for the State of Montana
Residing at Dillon, Montana
My Commission Expires May 31, 1980



IMPROVEMENT AGREEMENT

Ray Hildreth, the subdivider, hereby agrees to construct the following public improvements in Hildreth Subdivision No. 2 in conformance with the time schedule set forth below. To ensure the installation of these improvements the subdivider agrees to enter into the following security arrangement with BEAVERHEAD COUNTY:

The improvements will be installed in accordance with the approved Environmental Assessment of Hildreth Subdivision No. 2, pages 3-5.

7-17-78

(Date)

Ray Hildreth
(Signature of Subdivider)

ACCEPTANCE

The above improvement agreement is hereby approved by the Board of County Commissioner in and for Beaverhead County.

July 25, 1978
(Date)

BOARD OF COUNTY COMMISSIONERS
BY Robert D. Miller
Chairman

PROTECTIVE COVENANTS
HILDRETH SUBDIVISION NO. 2

1. This tract shall be used only for family residential homes.
2. No buildings shall exceed 40 feet in height or 3 stories in height.

There shall be a front yard having a depth of not less than 25 feet; there shall be a side yard on each side of the building, each yard having a width of not less than 5 feet; and there shall be a rear yard having a depth of not less than 15 feet.

Sidewalks hereafter constructed or replaced within such subdivision shall be constructed flush with the property line and the total width of the sidewalk shall be at least 4 feet.

3. No outside toilets or privies shall be permitted on any tract in this subdivision. All toilet facilities must be a part of the residence or garage and shall be of modern flush type and connected with a proper septic tank system.

4. Sewage shall be disposed of only by and through a septic system of adequate dimensions and capacity and of a type approved by the Board of Health of the State of Montana. No sewage, waste water, trash, garbage or debris shall be permitted to drain into any body of water in or adjacent to the subdivision.

5. No commercial business or trade shall be carried on upon this tract nor shall anything be done thereon which shall become an annoyance or nuisance in the neighborhood.

6. The said premises shall at all times be kept clean, sightly and in a wholesome condition, and no trash, litter, or junk shall be permitted to remain exposed upon the premises. No chickens, pigs, goats, cattle, horses or any animal of an offensive nature may be kept on any tract of property either temporarily or permanently. Dogs must be kept confined within individual lots and on leash when outside the confines of the homeowner's lot.

7. These covenants and restrictions are to run with the land and be perpetual.

8. All zoning laws, rules and regulations of any government agency having jurisdiction over this land are considered to be a part hereof and enforceable hereunder.

9. All rights, privileges, interests and obligations in favor of or resting upon the owners by reason of this instrument shall inure to the benefit of their successors and assigns.

10. Buyers recognize and take said property subject to all easements of sight and of record and particularly recognize there are reserved easements for power, telephone, water and other utilities.

11. A property owners' association will be formed before any property is sold whereby the association will have common ownership of the water system and the park.

Membership is mandatory for each property buyer and any subsequent buyer.

The reservation of the common property is perpetual.

The association is responsible for liability insurance, local taxes, and the maintenance of recreational and other facilities.

Property owners must pay their prorata share of the cost and the assessment charged by the association can become a lien on the property.

The association may adjust assessments to meet changing needs.

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ADDENDUM TO HILDRETH SUBDIVISION #2 PROTECTIVE COVENANTS

EXCERPTS FROM ANNUAL HOMEOWNERS MEETINGS

March 18th, 1982: Motion was made by Ray Hildreth and seconded by Todd Stoddard that: The Board of Directors have the authority to approve or disapprove of any external construction on occupied lots or vacant lots. The Board of Directors will act as a building permit agency, i.e.: additions, buildings, fences. Home owners wishing to make additions to their property must first have a written approval by the Board of Directors.

May 3rd, 1983: Motion was made by Bryce Hildreth and seconded by Myron Mortier requesting a late charge of \$3.00 per month be added to the water and park bill to those residents whose water and park bill is 60 days passed due and the \$3.00 be added to the current bill each month until the bill is paid. This motion was passed.

Motion was made by Bryce Hildreth and seconded by Myron Mortier and passed that:

1. Dog owners are to keep their pets confined in their own yards.
2. If dogs become offensive, the following procedure will be followed:
 - A) Offensive dogs are to be reported to the Board of Directors by two (2) separate home owners.
 - B) First offense - warning by Board of Directors
 - C) Second offense - \$25.00 fine added to the monthly water and park bill.

Dated this 3rd day of August, 1989.

Ray Hildreth
Ray Hildreth
President

Before me JOHN POUNDSTONE personally appeared RAY HILDRETH, personally known to me, and before me subscribed and swore to the foregoing this 3rd day of August, 1989.

John Poundstone
Clerk of District Court
Montana Fifth Judicial District
Beaverhead County
2 South Pacific, CL #5
Dillon, MT 59725-2713

[Signature]