

## WESTERN RANCH ESTATES UNIT 2

## DECLARATION OF RESTRICTIONS

Western Ranch Estates, a property described by a Subdivision Plat recorded in Carbon County, Montana desire to impose upon the ranches owned by them the restrictions and covenants hereinafter set forth for the benefit of themselves and any other subsequent owners of all or a portion of said Western Ranch Estates.

NOW THEREFORE, said Western Ranch Estates hereby declares to and agrees with each and every person (his, hers, theirs, or its heirs, executors, administrators, personal representatives, successors and assignees, and all persons or concerns claiming by, through or under any owner) who shall become owner of any of the said Ranches that said Ranches, in addition to the ordinances of the County of Carbon, Montana shall be and are hereby bound to the covenants and restrictions set forth in this Declaration of Restrictions and that the Western Ranch Estates and each Ranch shall be held and enjoyed to and with the benefit and advantages of the following restrictions, limitations, conditions, covenants, and agreements, as follows:

## ARCHITECTURAL COMMITTEE:

- (a) Purpose: To assure, through architectural control of building design, placement, and construction, that Western Ranch Estates shall become and remain an attractive residential community.
- (b) Membership: The architectural Committee shall be composed of three (3) persons. The original committee shall consist of Fred Hartnett, Ronald Wolfe and Thomas Bangart. They shall serve until such time as five main residences have been erected on Western Ranch Estates after which time the owners of those five main residences shall elect two persons to the Architectural Committee. One of these members shall be elected for a two year term and the other member shall be elected for a three year term. After these terms are served, a member shall be elected for a three year term in such a manner that no more than one member is elected in any one year. Fred Hartnett shall remain the third member of the Architectural Committee so long as he desires, provided that he continues to own a Ranch. Whenever he resigns or becomes ineligible for membership, a new member shall be elected to serve a term (not exceeding three years) ending in a year in which no other member's term ends. Thereafter, one member per year shall be elected for a three year term. In the election of any member of the Architectural Committee, only those Ranch Owners who have constructed main residences on their Ranches shall be entitled to vote. Each such Ranch shall have two votes. A simple majority of eligible votes shall be required to elect a new member. Failure to obtain such simple majority shall be construed as a vote for the member whose term is expiring and he shall automatically be reelected for another three year term. Elections shall be held during the last sixty days of the expiring term of the member to be replaced or reelected.
- (c) Authority: No structure, including walls and fences, shall be erected, converted, placed, added to or altered on any Ranch until the exterior construction plans and specifications, exterior materials to be used, exterior color, and location have been approved by the Architectural Committee. The Committee shall not approve the project unless the materials, color, location, plans and specifications of the exterior result in a structure that harmonizes with the existing structures in the area and/or blends with the surroundings and the structure is located in such a manner as to suit the topography of the Ranch as well as being located in an aesthetically pleasing place. Disapproval of a structure may be based on purely aesthetic values as seen by the Architectural Committee.
- (d) Procedure: All applications for approval shall be in writing and either hand delivered to a member of the Architectural Committee or mailed to the Architectural Committee, Western Ranch Estates, Roberts, Mt. 59070. The Architectural Committee shall act upon such application within thirty days after delivery to them of the application. The Architectural Committee may express approval passively by not giving written notice of approval within the thirty day period. The Architectural Committee shall only disapprove an application by a vote against the application by at least two of the members. Such disapproval shall always be in writing stating the reason for disapproval. All applications, written approvals, and disapprovals shall either be hand delivered and a written receipt obtained from the recipient or be mailed in such a way that a receipt of delivery is obtained from the proper recipient.

Amendment to Declaration of Restrictions 12-7-95 Rec. # 287798  
 Amendment to Declaration of Restrictions 11-14-98 Rec. # 287799  
 Amendment to Declaration of Restrictions 12-7-98 Rec. # 287800

**PERMANENT BUILDINGS AND USE OF A RANCH:**

There shall be no commercial use of a Ranch or a Ranch Building except as herein provided. Except for the limited commercial use herein provided, each Ranch shall be used as a residential property. To assure this use, no more than one main single family residence, one guest house suitable for a single family's occupancy, and appropriate ancillary buildings shall be erected or permitted to remain on each Ranch. Only newly constructed buildings that have not been occupied before shall be permitted. A residence or an ancillary building may be used as an office for the Ranch owner provided that there are no more than two employees used in the operation of the office and provided the nature of the business does not result in more than eight (8) automobiles per day driving to that Ranch office for business purposes. The one main single family residence permitted herein is the main residence referred to throughout these Declarations of Restrictions.

**DWELLING SIZE**

The ground floor area of the main residence, exclusive of open porches, garages and carports shall be not less than 600 sq. feet. All other buildings are not limited to size but they must have the approval of the Architectural Committee before they are erected or placed on a Ranch.

**BUILDING LOCATION**

No building shall be located on the Ranch without having first been approved for that location by the Architectural Committee. The Committee shall consider such things as nearness to property line, visual relationship with other Ranch owners buildings, and aesthetic values. The object is to retain privacy between Ranches by either distance or by visual screening.

**TEMPORARY STRUCTURES AND TEMPORARY HOUSING:**

No structure of a temporary or a mobile nature, trailer, tent, mobile home or motorhome shall be placed on a Ranch for longer than three consecutive nights and days except that the Architectural Committee may grant a permit for any of the above on a Ranch for longer periods during the construction phase of a permanent structure or for vacation camping. An application for such a permit shall be handled in the same manner as other applications under the (d) Procedure clause of the Architectural Committee as previously set forth herein. In no event shall such a permit be granted for a period in excess of one year. Once construction has begun on any permanent building, that building shall be completed within twelve (12) months from the day construction began. The Architectural Committee may extend this period up to an additional twelve months in unusual circumstances so long as construction is actively pursued. Such time extension shall be in writing. Construction shall be deemed as begun on the date that any building material is placed upon a Ranch or upon the date any foundation work is begun, whichever is earlier.

**NUISANCES:**

Nothing shall be done or permitted on any Ranch or anywhere on the Western Ranch Estates which is or may become an annoyance or nuisance to the other Ranch owners. Specifically labelled as nuisances are the following:

1. Snowmobiles, trail bikes, motorcycles, all terrain vehicles, and any other noisy vehicles of any kind;
2. Operation of chain saws and other noisy equipment other than between the hours of 9:00 A.M. and 5:00 P.M.
3. Erection and use of any light that is attached to and higher than the building to which it is attached;
4. Erection and use of any light attached to a pole or structure other than a building that exceeds six foot in height above the surrounding terrain;
5. Propane or other bottled gas tanks that are not shielded from view by either an approved fence or by planting of trees or shrubbery;
6. All burning of trash and waste except for the burning of leaves, wood, and coal under the direct supervision and control of a responsible person;
7. Any discharge or firing of firearms;
8. Any use of explosives of any kind including firecrackers;
9. Any chimney that does not have a spark arrester permanently attached over it through which all smoke must pass;
10. Barking dogs, howling dogs, and yowling cats;
11. And all other noisy, smelly, unsightly things, activities, animals and fowl;
12. Television antennas more than ten feet higher than the roof line of the main residence.

**REFUSE AND RUBBISH (TRASH) AND JUNK:**

Refuse, rubbish (trash), and waste shall be kept and disposed of in a sanitary manner. All household refuse and rubbish (trash) shall be kept in closed containers inside a residence, a basement, a garage, or an ancillary building. No refuse and rubbish (trash) or non-household refuse and rubbish (trash) other than leaves and dead limbs shall be permitted to remain exposed upon any Ranch. Also no automobiles,

trucks, tractors or other vehicles, whether self-propelled or not, shall be permitted to remain on a Ranch in a non-operable condition. All refuse and rubbish (trash) of every kind (except leaves and dead limbs to be burned) and junk shall be removed by the Ranch owner.

EASEMENTS, RIGHTS-OF-WAY, IRRIGATION DITCHES, ECT.

These are as shown on the subdivision Plat. They include, but are not limited to an easement for all Ranch owner, their children and their guests to walk and play along the watercourses, and a right of water right owners to construct, maintain, and use irrigation ditches in a workmanlike and reasonable manner.

FENCES:

The design of all fences and the method of construction is subject to approval of the Architectural Committee. No fence shall be built that restricts the right of all to walk and play along the watercourses, other walkways and roadway easements, as shown on the Subdivision Plat.

SIGN:

Any sign displayed on the Western Ranch Estates shall not exceed four square feet in area and there shall not be more than one sign displayed on an individual ranch.

SUBDIVISION OF INDIVIDUAL RANCHES:

No ranch may be subdivided or partially leased. Each Ranch must remain as it is in the Subdivision Plat of the Western Ranch Estates as filed in the public records of Carbon County, Montana.

SALES OF SAND, GRAVEL, TOP SOIL AND OTHER SURFACE MATERIAL:

Ranch owners are prohibited from selling or removing any material from the surface of a Ranch or selling or removing any material from the subsurface of a Ranch that would result in a change of the appearance and/or level of the surface of a Ranch other than as a normal incident to construction, without the prior approval of the Architectural Committee.

VEHICLE PARKING:

All vehicles, whether self-propelled or not, shall be parked in such a manner that they are not a nuisance, aesthetically or otherwise, to the other Ranch owners.

Trucks larger than three-quarter ton rating shall not be kept on a Ranch. No vehicle displaying signs larger than two square feet in total area on its exterior shall be kept on a Ranch unless that vehicle is kept inside an enclosed garage.

ANIMALS:

No animals or fowl of any kind, whether domestic or customarily wild shall be kept on a Ranch except that no more than two dogs and no more than two cats may be kept. Dogs or cats less than four months of age which are the offspring of owners dogs or cats may be kept in addition to the limit of two above. Any dog or cat kept on a Ranch shall be kept in a yard or pen and not allowed to run loose except when the dog or cat is accompanied by someone capable of keeping the dog or cat under control. Also, except a saddle horse may also be kept for short periods during summer months when grazing is available on owners Ranch. No horse shall be kept confined and fed in any enclosure such as a corral where accumulation of manure may cause odor and unsightly appearance. This paragraph shall in no way refer to the wild animals and wild fowl running free on the Western Ranch Estates. Supplemental feeding of such wild animals and wild fowl shall not constitute keeping an animal or fowl.

ALTERATION OF THE DECLARATION OF RESTRICTIONS:

The DECLARATION OF RESTRICTIONS may be altered in whole or in part by a simple majority vote of the representatives of Ranches and main residence, after 30 day written notice of intention to amend is given to each Ranch owner, as follows: Each Individual Ranch shall have two votes to be exercised by the owner or owners of record of each Ranch. In addition, each main residence on each Ranch shall have two votes to be exercised by the owner or owners of that Ranch. The simple majority shall mean at least 51% of all eligible votes whether or not all such eligible votes are cast.

ENFORCEMENT:

These covenants and restrictions are to run with the land and are to be binding upon all parties and all persons claiming under them. Enforcement shall be by proceedings at law or in equity against any person or persons violating or attempting to violate them, either to restrain violation or to recover damages. The failure to enforce any right, reservation, restriction, covenant or condition contained herein, however long continued, shall not be deemed a waiver of the right to do so thereafter as to the same breach or as to a breach occurring prior to or subsequent thereto and shall not bar to affect its enforcement. The invalidation by any court of any covenant or restriction herein contained shall not in any way affect any of the other covenants or restrictions but they shall remain in full force and effect.

State of Montana }  
County of Carbon } ss. I hereby certify that the within instrument was in a in this office for record on the 27th day of July A.D. 1928  
at 11:20 A.M. and was duly recorded in Book 58 of Miscellaneous on page 545.  
FRANK DAINCHER, COUNTY CLERK  
Recorder

*Fred H. Hartnett*

2nd 6/28

287798

ADMENDMENT OF DECLARATION OF RESTRICTIONS

Whereas Declaration of Restrictions for Western Ranch Estates was recorded July 24, 1973, in Book 58 Misc., Page 543.

Whereas notice of intention to amend the Declaration of Restrictions has been given to all the owners of Western Ranch Estates.

Whereas by vote of 51%, or more, the owners have approved amendment of the Declaration of Restrictions.

NOW THEREFORE, the Board of Directors of the Western Ranch Estates hereby amends the Western Ranch Estates Declaration of Restrictions as follows:

Nuisance #1 shall be changed to:

"Allow recreational vehicles with restrictions of 15 miles per hour only to be driven on your own property or designated roadways and during daylight hours."

Nuisance #2 shall be changed to:

"Operation of chain saws and other noisy equipment other than between the hours of 8:00 A.M. and 8:00 P.M."

The declaration of Restrictions, recorded July 24, 1973, in Book 58 misc., Page 543, with this exception and the Amendment recorded March 21, 1996, Document #276458, are affirmed.

DATED: 9-29-1998, 1998

WESTERN RANCH ESTATES

ATTEST:

Shirley Esser, Secretary

James Streeter, Board Member

Larry Erickson, Board Member

STATE OF MONTANA )
)ss.
County of Carbon )

Duane Anderson, Board Member

On 9-29-98, 1998, before the undersigned notary public personally appeared James Streeter, and known to me to be the Board Members of Western Ranch Estates and acknowledged to me that Western Ranch Estates executed the same.



Notary Public for the state of Montana
Residing at SHEPHERD, Montana
My Commission expires: 12/8/2001

This instrument file # 287798 was filed in my office this 7th day of Dec 1998 at 8:18 o'clock A.M.
Roger D. Newman
County Clerk & Recorder
Fee \$ 6.00

287799

ADMENDMENT OF DECLARATION OF RESTRICTIONS

Whereas Declaration of Restrictions for Western Ranch Estates was recorded July 24, 1973, in Book 58 Misc., Page 543.

Whereas notice of intention to amend the Declaration of Restrictions has been given to all the owners of Western Ranch Estates.

Whereas by vote of 51%, or more, the owners have approved amendment of the Declaration of Restrictions.

NOW THEREFORE, the Board of Directors of the Western Ranch Estates hereby amends the Western Ranch Estates Declaration of Restrictions as follows:

Nuisance #1 shall be changed to:

"Allow recreational vehicles with restrictions of 15 miles per hour only to be driven on your own property or designated roadways and during daylight hours."

Nuisance #2 shall be changed to:

"Operation of chain saws and other noisy equipment other than between the hours of 8:00 A.M. and 8:00 P.M."

The declaration of Restrictions, recorded July 24, 1973, in Book 58 misc., Page 543, with this exception and the Amendment recorded March 21, 1996, Document #276458, are affirmed.

DATED: 10/9, 1998

WESTERN RANCH ESTATES

ATTEST:

Shirley Esser, Secretary

James Streeter, Board Member

STATE OF MONTANA )
County of Carbon ) ss.

Larry Erickson, Board Member
Duane Anderson, Board Member

On 10/9/98, 1998, before the undersigned notary public personally appeared and Duane Anderson, known to me to be the Board Members of Western Ranch Estates and acknowledged to me that Western Ranch Estates executed the same.

Hail Pilgrin
Notary Public for the state of Montana
Residing at Yellowstone, Montana
My Commission expires: 12/14/2001



(SEAL)

This instrument file # 287799 was read in my office this 7th day of Dec 1998 at 8:22 o'clock A.M.
Roger D. Newman
County Clerk & Recorder
By: Roger D. Newman
Fee \$ 6.00

287800

ADMENDMENT OF DECLARATION OF RESTRICTIONS

Whereas Declaration of Restrictions for Western Ranch Estates was recorded July 24, 1973, in Book 58 Misc., Page 543.

Whereas notice of intention to amend the Declaration of Restrictions has been given to all the owners of Western Ranch Estates.

Whereas by vote of 51%, or more, the owners have approved amendment of the Declaration of Restrictions.

NOW THEREFORE, the Board of Directors of the Western Ranch Estates hereby amends the Western Ranch Estates Declaration of Restrictions as follows:

Nuisance #1 shall be changed to:

"Allow recreational vehicles with restrictions of 15 miles per hour only to be driven on your own property or designated roadways and during daylight hours."

Nuisance #2 shall be changed to:

"Operation of chain saws and other noisy equipment other than between the hours of 8:00 A.M. and 8:00 P.M."

The declaration of Restrictions, recorded July 24, 1973, in Book 58 misc., Page 543, with this exception and the Amendment recorded March 21, 1996, Document #276458, are affirmed.

DATED: 10-12-98, 1998

WESTERN RANCH ESTATES

ATTEST:

Shirley Esser, Secretary

James Streeter, Board Member
Larry Erickson, Board Member

STATE OF MONTANA )
)ss.
County of Carbon )

Duane Anderson, Board Member

On October 12, 1998, 1998, before the undersigned notary public personally appeared Larry Erickson and known to me to be the Board Members of Western Ranch Estates and acknowledged to me that Western Ranch Estates executed the same.



Darci Sauvageau
Notary Public for the state of Montana
Residing at Billings, Montana
My Commission expires: October 20, 2001

State of Montana )
County of Carbon ) ss.
This instrument file # 287800
office this 7th day of Dec 19 98
at 8:23 o'clock A.M.
Roger D. Newman
County Clerk & Recorder
By [Signature]
Fee \$ 6.00

359635

WESTERN RANCH ESTATES, UNIT II  
Amendment of Declaration of Restrictions

Whereas the Declaration of Restrictions ("Restrictions") for Western Ranch Estates, Unit II were recorded July 24, 1973, in Book 58, Pages 543-545.

Whereas notice of intention to amend the Restrictions was given on or about August 21, 2014 to all owners of Western Ranch Estates, Unit II; therefore the required 30 days written notice of intend to amend has been fulfilled as dictated in the ALTERATION OF THE DECLARATION OF RESTRICTIONS section in Book 58, Page 545.

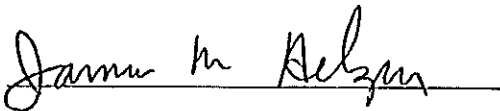
Whereas, per the Restrictions, Book 58 Page 545 ALTERATION OF THE DECLARATION OF RESTRICTIONS, by a vote of at least fifty-one percent (51%) of all eligible votes required to pass, this amendment of the Restrictions was approved on September 29, 2014 with 88 votes of the 158 eligible votes cast "In Favor" or 56% of all eligible votes.

NOW THEREFORE, the Board of Directors of the Western Ranch Estates, Unit II hereby records this amendment in the office of the Clerk and Recorder of Carbon County, Montana and therefore officially amends the Western Ranch Estates, Unit II Restrictions. ARCHITECTURAL COMMITTEE (d) Procedure - Book 58, Page 543 is replaced to state the following:

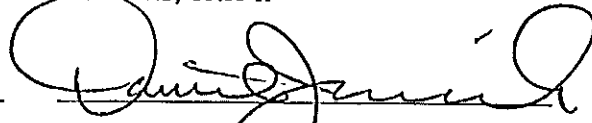
"(d) Procedure: The Lot Owner shall request an application form from a member of the Architectural Committee (AC). All application forms shall be in writing and either hand or electronically delivered to a member of the Architectural Committee or mailed signature required to the Architectural Committee, Western Ranch Estates Unit II, P.O. Box 133, Roberts, Mt. 59070. The Architectural Committee shall act upon such application within thirty days after delivery to them of the application. The Architectural Committee may express approval passively by not giving written notice of approval within the thirty day period. The Architectural Committee shall only disapprove an application by a vote against the application by at least two of the members. Such disapproval shall always be in writing stating the reason for disapproval. All applications, written approvals, and disapprovals shall either be hand or electronically delivered and a written receipt obtained from the recipient or be mailed in such a way that a receipt of delivery is obtained from the proper recipient. In the event a project has not begun within one year of the approval date, the approval shall expire and resubmission of the application shall be required."

Dated: October 30, 2014

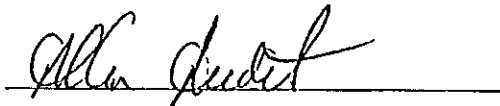
WESTERN RANCH ESTATES, UNIT II



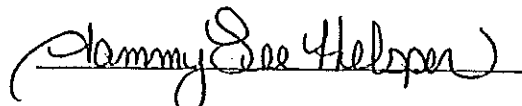
James M. Helsper, Board of Directors, President



Daniel Jurovich, Board of Directors



Allan Audet, Board of Directors



Tammy Lee Helsper, Secretary/Treasurer

STATE OF MONTANA )

County of Yellowstone : ss

On this 30th day of October, 2014, before me, the undersigned, a notary public for the State of Montana, personally appeared **JAMES M. HELSPER**, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he is an authorized representative of **WESTERN RANCH ESTATES, UNIT II** and executed the same.

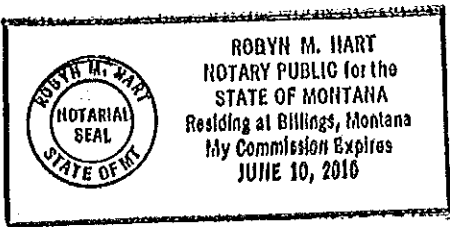
**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed my notary seal the day and year first above written.

Robyn M. Hart  
Notary Public for the State of Montana

Printed Name: Robyn M. Hart

Residing at: Billings, MT

My commission expires: 6-10-16



STATE OF MONTANA )

County of Yellowstone : ss

On this 30th day of October, 2014, before me, the undersigned, a notary public for the State of Montana, personally appeared **DANIEL JUROVICH**, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she is an authorized representative of **WESTERN RANCH ESTATES, UNIT II** and executed the same.

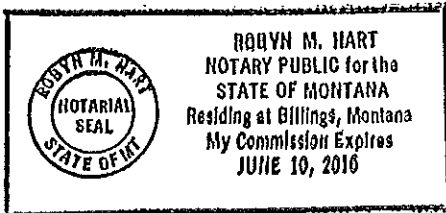
**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed my notary seal the day and year first above written.

Robyn M. Hart  
Notary Public for the State of Montana

Printed Name: Robyn M. Hart

Residing at: Billings, MT

My commission expires: 6-10-16



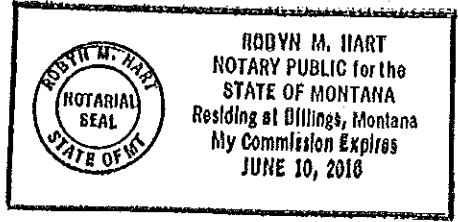


State of Montana } This instrument file # 359635 was filed  
County of Carbon } ss In my office on 31 day of Oct 2014  
at 2:23 O'clock P.m.  
Marla Henigman  
County Clerk-Recorder  
by Marla Henigman  
Fee \$ 31.00 pl.

STATE OF MONTANA )  
County of Yellowstone : ss

On this 30th day of October, 2014, before me, the undersigned, a notary public for the State of Montana, personally appeared ALLAN AUDET, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he is an authorized representative of WESTERN RANCH ESTATES, UNIT II and executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notary seal the day and year first above written.

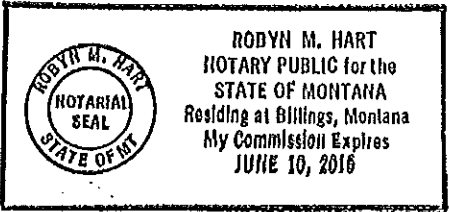


Robyn M. Hart  
Notary Public for the State of Montana  
Printed Name: Robyn M. HART  
Residing at: BILLINGS, MT  
My commission expires: 6-10-16

STATE OF MONTANA )  
County of Yellowstone : ss

On this 30th day of October, 2014, before me, the undersigned, a notary public for the State of Montana, personally appeared TAMMY LEE HELSPER, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she is an authorized representative of WESTERN RANCH ESTATES, UNIT II and executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notary seal the day and year first above written.



Robyn M. Hart  
Notary Public for the State of Montana  
Printed Name: Robyn M. Hart  
Residing at: BILLINGS, MT  
My commission expires: 6-10-16