

After Recording, Return To:  
Ogburn Law Firm, PLLC  
P.O. Box 7020  
Bozeman, MT 59771

**2548465**

Page: 1 of 3 06/20/2016 09:58:04 AM Fee: \$21.00  
Charlotte Mills - Gallatin County, MT MISC

**AFFIDAVIT OF OMISSION CONCERNING THE  
DECLARATION OF PROTECTIVE COVENANTS, CONDITIONS, AND  
RESTRICTIONS FOR THE LAKES AT VALLEY WEST**

STATE OF MONTANA     )  
  : ss.  
County of Gallatin     )

Margot B. Ogburn, as Attorney for the Declarant The Lakes at Valley West, Bozeman, LLC, hereby states the following:

1. That as part of the preliminary plat comments made by the City of Bozeman Planning Department, the City of Bozeman required certain covenants to be included in the Declaration of Protective Covenants, Conditions, and Restrictions for the Lakes at Valley West.

2. That the Article 12 covenants required and approved by the City of Bozeman Planning Department as a condition of recommending approval of the Final Plat for The Lakes at Valley West- Phase 1 & Phase 2, are attached as Exhibit A.

3. That the Final Plat for The Lakes at Valley West- Phase 1 & 2 was approved and recorded on October 14, 2015 in the Gallatin County Clerk and Recorder's Office as Document No. 2527596.

4. That on October 14, 2015, the Declaration of Protective Covenants, Conditions, and Restrictions for the Lakes at Valley West was recorded in the office of the Gallatin County Clerk and Recorder as Document No. 2527605.

5. That Article 12 in the Declaration of Protective Covenants, Conditions, and Restrictions for the Lakes at Valley West inadvertently misnumbered and omitted some of the Article 12 covenants required and approved by the City of Bozeman Planning Department.

6. That the attached Exhibit A is the entire Article 12 that should be contained the Declaration of Protective Covenants, Conditions, and Restrictions for the Lakes at Valley West.

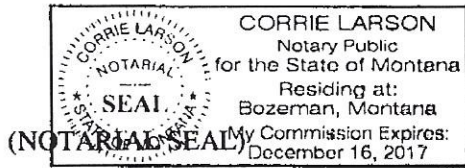
(Document No. 2527605 referenced above).

7. That the attached Exhibit A is to be treated as if it was originally recorded with the Declaration of Protective Covenants, Conditions, and Restrictions for the Lakes at Valley West.

DATED THIS 20<sup>th</sup> day of June, 2016.

Margot B. Ogburn  
Margot B. Ogburn

This instrument was executed before me this 20<sup>th</sup> day of June, 2016, by Margot B. Ogburn, attorney for the Lakes Homeowner's Association.



Corrie Larson  
Corrie Larson (print name)  
Notary Public for the State of Montana  
Residing at Bozeman, Montana  
My Commission expires: 12/16/2017

**EXHIBIT A**

**ARTICLE XII TO THE  
DECLARATION OF PROTECTIVE COVENANTS, CONDITIONS, AND  
RESTRICTIONS FOR THE LAKES AT VALLEY WEST**

**Additional Covenants Required by the City**

12.1 Every Owner shall cause to be constructed city standard sidewalks (including a concrete sidewalk section through all private drive approaches) on all public and private street frontages prior to the occupancy of any structure on individual Lots. Upon the third anniversary of the final plat recordation of a Lot Owner's phase of The Lakes Subdivision, any Lot Owner within that phase who has not constructed the required sidewalk shall, without further notice, construct within 30 days the sidewalk for his or her Lot(s), regardless of whether other improvements have been made upon the Lot.

12.2 The Open Space within The Lakes Subdivision, as designated on a final plat or approved PUD site plan, shall be preserved in perpetuity and are subject to the perpetual common area easement described in 11.6, above.

12.3 After the installation of the Storm Water Facility and the Parks Facility by the Declarant, the Association, if the Valley West Association does not or is no longer obligated to, shall be responsible for and have the obligation to maintain the Storm Water Facility and Park Facilities as shown on the City of Bozeman approved infrastructure and park plans, including the R Lots as shown on the Final Plat for Phases 1 and 2 of The Lakes at Valley West. The cost of such maintenance shall be a part of the annual budget for the Association to be assessed to the Owners.

12.4 The Board of Directors shall include in the assessments an amount necessary to pay for the taxes, insurance, maintenance, upkeep, and repair of all Parks, Open Space, sidewalks in Parks and Open Spaces, Woonerfs and alleys, that are required to be maintained by the Association.

12.5 If the Association fails to maintain the Parks and Open Spaces in reasonable order and condition in accordance with the City of Bozeman's approved plan, the City may enforce the covenant pursuant Bozeman Ordinance Section 38.38.030(8).

12.6 Drainage plans shall be required for each Lot as part of a Lot Owner's application for a building permit from the City of Bozeman.

12.7 The approved design standards provided in Chapter 6 of the Lakes Design Manual are an integral part of the Lakes PUD and shall not be changed without consent of the City.

12.8 All landowners are required to maintain mutual fences as stipulated in Section 70-16-205, Montana Codes Annotated.

12.9 No portion of the Property subject to this Declaration shall be removed from the authority of the Declaration without the written consent of the City of Bozeman.

12.10 In compliance with Article 16.1, none of the required covenants stated in Article 12 can be revised or terminated without the consent of the City of Bozeman.