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Peak Property Management
716 S. 20th, Ste. 102
Bozeman, MT 59718

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Charlotte Mills - Gallatin County, MT MISC



**RULE AND REGULATION
FOR THE VALLEY WEST HOMEOWNERS' ASSOCIATION**

**FINES FOR BEGINNING CONSTRUCTION BEFORE
SUBMITTING PLANS OR OBTAINING APPROVAL**

A RULE AND REGULATION OF THE VALLEY WEST HOMEOWNERS' ASSOCIATION (hereinafter referred to as "the Association") ESTABLISHING FINES FOR CERTAIN VIOLATIONS OF THE FOURTH AMENDED AND RESTATED DECLARATION OF PROTECTIVE COVENANTS AND RESTRICTIONS FOR VALLEY WEST ("Declaration"), OR ANY SUBSEQUENT AMENDMENTS TO THE DECLARATION.

THIS RULE AND REGULATION is made and adopted this 12th day of November, 2014, by the Board of Directors of the Association pursuant to its powers described below.

WHEREAS, the Fourth Amended and Restated Declaration of Protective Covenants and Restrictions for Valley West ("Declaration") was signed on the 24th day of April, 2014, and filed with the Gallatin County Clerk and Recorder on April 28, 2014;

WHEREAS, the Declaration, Art. II, section 11, authorizes the Board of Directors to adopt rules and regulations that do not conflict with the Declaration;

WHEREAS, the Declaration, Art. XI, section 2, expressly authorizes the Board of Directors to adopt a rule and regulation setting fines for any violation of the Declaration;

NOW, THEREFORE, THE BOARD ADOPTS THE FOLLOWING RULE AND REGULATION:

If any Owner of any Lot, or the Owner's representative, begins construction on a vacant lot, or any portion thereof, before submitting all of the required plans and obtaining approval on all of the required plans, as required by Article VII, Section 1 and Section 7 of the Declaration, the Owner shall be deemed to have committed a major violation of the Declaration.

For this major violation of the Declaration, fines may be imposed as follows:

1. First Offense: A minimum of \$3,000.00 and no maximum
2. Second and Each Additional Offense: A minimum of \$5,000.00 and no maximum

The Association shall notify the Owner in writing of any fine imposed for this major offense, and the time for paying the same. Any portion of the fine that is not paid on time shall accrue interest at the rate of 10% per annum. The Association is entitled to collect any and all costs, which includes attorney fees, paralegal fees, and any other costs, that are related to or associated with the investigation into the violation, the determination that a violation occurred, and the imposition and collection of fines, interest, and all costs.

Such fines, interest, and costs shall become a lien upon the lot, as set forth in the Declaration, Art. III, section 7. Such fines, interest, and costs are also the personal obligation of the Owner of the lot **and** of any successive Owner of the lot, regardless of how the successive Owner obtains title to the lot. Successive owners are charged with the duty to contact the President or Secretary of the Association in order to learn if any prior Owner owes any fines, interest, and costs for any violation of the Declaration, and successive Owners are responsible for paying any such unpaid amounts.

For purposes of this rule and regulation, any violation by an Owner of the same covenant, condition, or restriction in the Declaration or any subsequent amendment to the Declaration shall be considered the same offense, regardless of the amount of time that has expired, thereby subjecting the offending Owner to graduated fine amounts. A violation of

a different covenant, condition, or restriction shall be considered a separate offense.

BE IT FURTHER STATED that if any part of this Rule and Regulation conflicts in any way with the Declaration or with any amendment to the Declaration, or with any law, the Declaration or amendment to the Declaration or the law shall control, but the remaining portion of this Rule or Regulation that does not conflict shall remain in force and effect.

BE IT FURTHER STATED that thirty days written notice of this rule and regulation has been provided to all members as required by the Declaration, Art. II, section 11.

PASSED AND ADOPTED by the Board of Directors of the Association on this 12th day of November, 2014. This Rule and Regulation shall be kept by the Secretary of the Association and/or the Property Manager for the Association, and it shall be effective beginning on the 24th day of April, 2015.

THAT I am an agent of the Valley West Homeowners' Association and that the foregoing is a true and correct copy of the Rule and Regulation regarding Fines for Beginning Construction Before Submitting Plans or Obtaining Approval, which was approved and adopted on the 12th day of November, 2014, by the acting Valley West Homeowners' Association's Board of Directors.

Valley West Homeowners' Association
By: Peak Property Management
Manager
By: Monica O'Brien
Monica O'Brien, General Manager

STATE OF MONTANA)
)
County of Gallatin) :ss.

This instrument was signed and acknowledged before me on this 18th day of March, 2015, by Monica O'Brien as General Manager of Peak Property Management for the Valley West Homeowners' Association.

Dina Emmert
NOTARY PUBLIC for the State of Montana
Printed Name DINA Emmert
Residing at Bozeman, MT
My Commission expires 10-22-16

