

DECLARATION OF CONDITIONS,  
COVENANTS AND RESTRICTIONS

This Declaration made this 6<sup>th</sup> day of October, 1983,  
by the undersigned, hereinafter called the Declarants,  
WITNESSETH:

WHEREAS, Declarants are the owners of the real property hereinafter described and are desirous of subjecting such real property to the restrictions, covenants, reservations and conditions hereinafter set forth, each and all of which is and are for the benefit of said property and for each owner thereof; and,

WHEREAS, it is the intention of the Declarants that the restrictions, covenants, reservations and conditions shall run with the land to each and every parcel and shall apply to and bind all successive owners of each and every parcel;

NOW, THEREFORE, IT IS HEREBY DECLARED AS FOLLOWS:

I. Property Subject to this Declaration: The land area within the confines of ROCK ISLAND Subdivision and all subsequent additions thereto shall be subject to these restrictions, covenants, reservations and conditions. This land area which is hereinafter referred to as the ROCK ISLAND Subdivision, and all subsequent additions thereto, is more particularly described as follows:

An irregular tract of land near Libby, in Lincoln County, Montana, lying wholly within Section 24, Township 31 North, Range 32 West, P.M.M., being a part of Amended H.E.S. No. 440, containing 5.883 acres, more or less, and more particularly described as follows:

Beginning at the original stone monument marking Corner No. 4 M.C. of Amended H.E.S. No. 440; thence,  
N 28° 55' 50" E 22.98 feet to a 5/8 inch capped steel pin stamped MDL 4232S (hereinafter referred to as "a 5/8 inch pin") on the curved Southwesterly right-of-way line of River Road, where the radius bears S 37°37'45" W; thence, along the arc of a curve to the right, having a radius of 230 feet, turning through an angle of 35°08'32" a length of 141.07 feet to a 5/8 inch pin; thence,

N 17° 13' 43" W 463.43 feet to a 5/8 inch pin; thence, along the arc of a curve to the left, having a radius of 10,164.46 feet, turning through an angle of 2°01'11", a length of 358.31 feet to a 5/8 inch pin; thence, along another curve to the left, having a radius of 2677.83 feet, turning through an angle of 4°13'49", a length of 197.71 feet to a 5/8 inch pin; thence,

N 23° 28' 43" W 28.80 feet to a 5/8 inch capped steel pin stamped JHN 4661S; thence, leaving said right-of-way, S 42° 05' 01" W 392.17 feet to a point on a meander of the Kootenai River, from which a 5/8 inch capped steel pin stamped JHN 4661S set as a witness monument bears N 42° 05' 01" E 45.63 feet; thence, along said meander S 28° 28' 30" E 564.47 feet to a point; thence, along another meander S 49° 13' 56" E 521.18 feet to the point of beginning.

The above described tract of land is to be known and designated as ROCK ISLAND.

No other property, other than that described above, shall be subject to this declaration unless and until specifically made subject thereto.

II. Declaration. The real property described above is subject to the hereinafter set of restrictions, covenants, reservations and conditions to insure the best use, appropriate

development, and improvement of each building site; and, further, to protect the owners of building sites against such improper use of surrounding building sites as will depreciate the value of their property; to preserve the natural beauty of said property, and, in general, to provide for the quality of improvements in said area and surrounding properties and thereby enhance the value of improvements made by the purchasers of building sites.

1. No lot shall be further subdivided, and only one (1) single family dwelling shall be permitted on each lot.
2. No single family dwelling unit shall be permitted with floor space of less than One Thousand (1,000) square feet, exclusive of basement and attached garage area.
3. No basement, tent, shack, garage, barn, mobile home or other outbuilding shall be erected at any time to be used as a residence.
4. No single family dwelling unit shall be allowed to remain with the exterior in an unfinished and unpainted condition after one (1) year from the date on which construction of such dwelling unit commenced.
5. Except for fowl, no livestock shall be permitted on any lot and no animal husbandry activities shall be permitted, except that dogs, cats, and other house pets shall be allowed.
6. All individual or community water and/or sewage systems shall be designed, installed, and maintained at all times in compliance with rules, regulations and standards established by the Montana Department of Health and Environmental Sciences and the Lincoln County Board of Health.
7. No junk (including non-operable motor vehicles or parts thereof), trash, debris or other forms of solid waste, shall be allowed to accumulate on any lot or parcel but shall be promptly and officially disposed of. All rubbish, trash, garbage and other putricable forms of waste shall be kept in sanitary containers equipped with tight fitting lids. All equipment for the storage or disposal of such materials shall be kept in a clean and sanitary condition.
8. Each residential unit shall be built to conform to the general esthetics of the area. Minimal amounts of trees and other natural vegetation may be removed for residential development and all structures and improvements are to be kept and maintained in a good and sightly condition.

These restrictions, covenants, reservations and conditions are to run with the land and shall be binding upon all parties owning property within the ROCK ISLAND Subdivision and additions thereto, and shall be in effect for a period of ten (10) years from the date hereof, after which time said covenants shall be extended automatically for successive periods of ten (10) years unless a written instrument, signed by eighty percent (80%) of the current owners of lots, has been recorded to amend this Declaration in part or in whole.

Enforcement shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any of the aforementioned restrictions, either to restrain violation or to recover damages.

Invalidation of any one of these restrictions, covenants, reservations or conditions, by judgment or by court order, shall in no way affect any of the other provisions hereof which shall remain in full force and effect.

IN WITNESS WHEREOF, the Declarants have executed this instrument the day and year first above written.

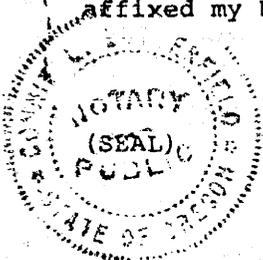
Ralph J. Kauzlarich  
Ralph J. Kauzlarich

Judy M. Kauzlarich  
Judy M. Kauzlarich

STATE OF OREGON, )  
County of Josephine )  
:ss

On this 6th day of October, 1983, before me, a Notary Public for the State of Oregon, personally appeared RALPH J. KAUZLARICH and JUDY M. KAUZLARICH, known to me to be the persons described herein and who executed the foregoing instrument and acknowledged to me that they executed the same.

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



Connie L. Butterfield

Notary Public in and for the State of Oregon, residing at Grants Pass. My Commission expires: 2-11-86

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