

6133

Road Maintenance Agreement

Panorama Terrace Subdivision

The following apply to Mahonia Road and Mahonia Lane

Initial Maintenance and Repairs

Lawyer Nursery, Inc. (Developer) will maintain the road, subject to the limitations stated below, until the first three lots are sold. Then the Panorama Terrace Homeowners Association (HOA) will take the responsibility to maintain the road(s). Until five of the lots are sold and/or after the Turnover Date of the Subdivision, any special assessment for major road repairs will be assessed equally on the total number of lots in the subdivision with no discount for the developer, as mentioned in the Covenants. When the fifth lot is sold or at the Turnover Date, the fee schedule referenced in the Covenants will go into effect.

Lawyer Nursery, Inc. will take care of any repairs resulting from improper construction of the road until the Turnover Date, but not to exceed a period of five years from the date of final approval by Sanders County for the Subdivision. Normal wear and tear excepted.

Initial maintenance covers paving, potholes, excessive settling of the roadbed, drainage culverts, road shoulders within the road easement, snowplowing and road signage.

Snowplowing

Lawyer Nursery, Inc. will plow snow on the schedule of their normal nursery facilities snowplowing schedule, until three of the lots are sold, and the homes are occupied, but not for a period exceeding three years. "Schedule" means it is not immediate and might take up to three weekday business days to complete. If there is no ongoing construction and none of the homes are occupied, the roads will not be plowed. After the time period mentioned above, the HOA can either negotiate a fee schedule with Lawyer Nursery, Inc. to continue or with the County or other private snowplow service. Lawyer Nursery, Inc. will not plow private driveways and their employees are not authorized to use Lawyer Nursery's equipment to plow private driveways.

Lawyer Nursery, Inc. has no liability for any snow plowing, timeliness, accidents, or for negligence or otherwise and are held harmless in all respects.

Construction Damage

Lot owners are cautioned to take care in not overloading and damaging the road during ongoing construction on their property. Of particular concern are cement trucks or dump trucks that are overloaded. Any damage to the road by the individual property owners as a result of negligence is the responsibility of the Homeowners Association to resolve and fix, even during the Initial Maintenance period mentioned above.

County Road and Railroad Crossing

All maintenance and repairs from the intersection of Mahonia Road and Panorama Road to Montana Highway 200 are the responsibility of Sanders County, Montana Rail Link or the Montana Department of

Highways. It is not the responsibility of the Developer to maintain this section of road or the railroad crossing.

Agreed and adopted:

Lawyer Nursery, Inc.
Developer

BY: John N. Lawyer Date: 5-06-2008
John N. Lawyer, President

Panorama Terrace Homeowners Association

BY: John N. Lawyer Date: 5-06-2008
John N. Lawyer, Chairman

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STATE OF MONTANA SANDERS COUNTY
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JENNINE ROBBINS CLERK AND RECORDER
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TO: LAWYER NURSERY INC. 6625 MT HWY 200, PLAINS, MT 59859