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STATE OF MONTANA LAKE COUNTY

RECORDED: 10/25/2021 3:22 KOI: COVENANTS

KATIE HARDING CLERK AND RECORDER

FEE: \$32.00 BY: Katie Harding

TO:

DECLARATION OF CONDITIONS, COVENANTS, AND RESTRICTIONS FOR ANTIQUE FARMS SUBDIVISION

WHEREAS, DECLARANT is the owner of certain real property located in Section 27, T23 N, R21 W.P.M.M., Lake County, Montana, which is more particularly described as ANTIQUE FARMS SUBDIVISION.

NOW, THEREFORE, the Declarant does hereby declare that the subdivision above described shall be sold and conveyed subject to the following easements, restrictions, covenants, and conditions, all of which are for the purpose of enhancing and protecting the value, desirability, and attractiveness of the real property. These easements, covenants, restrictions, and conditions shall run with the real property, and shall be binding on all parties having or acquiring any right, title, or interest in the described properties, and shall insure to the benefit of each owner thereof. The word "Tract" as used herein shall refer to each tract of the subdivision.

1. DWELLING SETBACKS - No dwelling, house, or any part thereof shall be erected on any lot within thirty (30) feet of the front line of each lot and no building shall be located on any lot nearer than fifteen (15) feet to any sideline or rear line.
2. BUILDING SITE - No dwelling or house shall be higher than 30 feet. No dwelling, house or any part thereof shall be erected on any lot within 100 feet from agricultural lands neighboring subdivision.
3. DWELLING - All dwellings, houses, modular and new double or triple wide mobiles must have a permanent foundation. Peaked roofs, conventional roofing materials and siding, or be of frame, or log construction.
4. FUTURE SUBDIVISION - Any future subdivision must conform to the prevailing land use plans and policies in effect at the time subdivision is proposed.
5. BUILDING NOTIFICATION PERMITS - A building notification permit must be obtained from the Lake County Planning Department before the construction of any building.
6. REASONABLE LAND USE GUIDELINES - Fire resistant building construction shall be utilized and combined with vegetation reduction and clearance to create defensible space surrounding any structures.
7. RURAL ROAD IMPROVEMENT - present and/or future owners of lots shall waive their right to protest a rural road improvement district.

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8. UTILITIES, SANITATION AND WATER - The electrical power, telephone, water and sewer shall be the individual lot owners' expense. Electrical power and telephone lines will be underground where ever applicable.
9. PROPERTY APPEARANCE - No lot shall be used or maintained as a dumping or storage area for rubbish or garbage, recycling, or target ranges.
10. ABANDONED VEHICLES - No discarded, ruined, wrecked, or dismantled motor vehicles including component parts that are not lawfully and validly licensed and capable of being driven are allowed on the lot unless stored in a building.
11. UTILITY AND ACCESS EASEMENTS - No gates or obstructions will be allowed on the access road and utility easement unless agreed upon by all lot owners.
12. FARM ANIMALS Four H and FFA or other recognized animal husbandry activity is encouraged. No Commercial feedlot or breeding will be allowed.
13. ANNOYING ANIMALS - No animal shall be allowed to become an annoyance or nuisance to the neighborhood. Furthermore, Montana State Law protects livestock from pets. Pets found attacking or harassing livestock can be shot and killed.
14. PETS - No more than two (2) adult dogs will be allowed per lot. All pets will be confined to their owners lots, unless on a leash with the owner.
15. FENCES – Subdivision perimeter fencing shall be constructed to the minimum Montana Standards. Any interior fences built shall be well constructed and maintained.
16. ROOF MATERIAL - All building roof material shall be Class A or B and non-reflective.
17. GOVERNMENT AND AGENCY LAWS - All lot owners must comply with the Laws and Regulations of the State of Montana and Lake County as to fire protections, building construction, sanitation, and public health and safety.
18. RURAL ADDRESSING - Rural addressing shall be prominently displayed on a signpost at each lot driveway, which will be visible from County or State Road.
19. RIGHT TO FARM - All purchasers of the lots acknowledge that neighboring properties may be utilized for farming activities and that from time to time these activities include pesticide and herbicide application and practices that generate noise, odors, slow traffic, and dust. The owners of the lots hereby acknowledge the right to farm on neighboring properties.
20. WEED CONTROL - All lot owners to comply with Lake County Weed Control Program.
21. OUTDOOR LIGHTING - All outdoor lighting must be side-shielded, downward pointed.
22. WILDLIFE –

- a. Wildlife/Human interaction: Do not feed the wildlife or offer supplements such as salt block or bait. Such actions unnecessarily accustom wild animals to humans and such interactions can be dangerous for both. Pets should be confined to the house or in a fenced yard unless leashed and with the owner. No animal should be allowed to roam as they can chase and kill be game, small birds, and small mammals. Under current state law it is illegal for dogs to chase hoofed game animals and the owner may be held liable in the event that they do (MCA 87-3-124).
- b. Bird feeders: Hummingbird feeders shall be suspended out of reach of bears and suet shall be fed only in winter months.
- c. Barbecue grills: Such items should be stored indoors. Food spills and smells on the grill, lid, etc. can attract bears and other wildlife.
- d. Vegetation damage by wildlife: Deer in particular tend to feed on lawns, gardens, flowers, ornamental shrubs, and trees in this area. Homeowners should be aware of this potential damage and be prepared to take the responsibility to plant non-palatable vegetation or protect their vegetation with appropriate fencing, netting, and/or repellents in order to avoid problems. Homeowners should consider landscaping with native vegetation that is less likely to suffer extensive feeding damage by deer.
- e. Garbage: Garbage should be stored where bears can neither smell nor gain access, either in a bear-proof container, or inside a building.
- f. Fruit Trees and Vegetable Gardens: Electric fencing is the most effective way to keep bears out of orchards or gardens. Gardens should be located away from buildings, forests, and shrubs. All ripe fruit or vegetables should be harvested, leaving neither fruit nor vegetable out for the winter.
- g. Compost piles: Composting can reduce the load of waste in landfills. Should a lot owner choose to compost, the use of electric fencing to discourage bear activity is encouraged. Meat, grease, and bones should not be composted. The lot owner may also consider an enclosed composter.
- h. Pets: All livestock and pet food shall be stored in bear-proof containers and spilled feed should be avoided. Pets should be kept inside at night and uneaten pet food brought indoors.
- i. Bees: If honeybees are kept, electric fencing is again encouraged.

THIS DECLARATION may be amended by an instrument signed by the owners of eighty (80) percent of the lots affected thereby and with the Lake County Commissioners approval.

Lake County Governing Body has no right of enforcement of these covenants and restrictions and is not liable for any breach of these covenants and restrictions.

The Declarant or any lot owner shall have the right to enforce by any proceeding at law or in equity all restrictions, covenants, conditions, reservations and charges now or hereafter imposed by the provisions of the Declaration. The methods of enforcement may include proceeding to enjoin the violation, to recover damages, or both. Failure by the Declarant or by any lot owner to enforce any provision shall in no event be deemed a waiver of the right to do so thereafter. The Declarant shall have no duty to take

any affirmative action to enforce any restrictive covenant, nor shall it be subject to any liability for its failure to act. If any person entitled to do so shall bring formal legal action to enforce any provisions of this Declaration, the prevailing party to this action shall be entitled to recover from the other party reasonable attorney's fees and the cost of the action.

Invalidation of any one or more of these covenants and restrictions by a Court of Law shall not affect the remaining provisions, which shall remain in force and effect.

IN WITNESS WHEREFORE, THE DECLARANT has executed the foregoing document above written.

Renee Appelt 4-13-21 Gina Appelt 4-13-21

STATE OF MT
: ss
County of Lake

On this 13th Day of April Year 21, before me, Notary Public for the State of MT, personally appeared

Ernest R Renee Appelt

Known to be to be the persons whose names are subscribed to the within and foregoing instrument and acknowledge to me that have executed the same.

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

Kristine Carstens

Signature of Notary Public
Kristine Carstens
Printed Name of Notary Public
Notary Public State of MT
Residing at Polson
My Commission Expires May 22/23

