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Charlotte Mills - Gallatin County, MT MISC

**FIRST SUPPLEMENT TO THE  
DECLARATION FOR CROFT FARMS CONDOMINIUMS  
GALLATIN COUNTY, MONTANA**

This First Supplement to the Declaration for Croft Farms Condominiums, Gallatin County, Montana (this "Supplemental Declaration") is made this 6 day of February, 2018, by FHG Construction, Incorporated, a Montana Corporation ("Declarant").

**RECITALS**

A. The Declaration for Croft Farms Condominiums, Gallatin County, Montana was recorded in the office of the Clerk and Recorder, Gallatin County, Montana on November 3, 2017, Document No. 2597601 (the "Declaration"). Capitalized terms used but not defined in this Supplemental Declaration shall have the meanings given to them in the Declaration.

B. Per Article, X, Section 10.1 of the Declaration, Declarant may unilaterally amend the Declaration during the Declarant Control Period.

C. Per Article VIII, Sections 8.1 and 8.2 of the Declaration Declarant may amend Exhibit D of the Declaration to certify construction of the Units as they are completed.

**NOW THEREFORE**, the Declaration is supplemented as follows:

**SUPPLEMENT**

1. **Access Easement.** Declarant is the owner of the following real property:

Lots 1, 2, and 3 of Gallatin River Farm North Major Subdivision Phase 2 – Final Plat, Gallatin County, Montana, according to the official plat thereof on file and of record in the office of the County Clerk and Recorder, Gallatin County, Montana [Plat Reference J-504].

The Site Plan attached to the Declaration as Exhibit C, illustrates an access road subsequently named, Croft Farms Road ("Road") that provides access to the proposed buildings shown on Lots 1, 2 and 3 on the Site Plan as well as the constructed building on Lot 4 from Riverway Road. The Road is currently constructed to provide access to Lot 4, and will be extended as shown on Exhibit C of the Declaration as units are completed on Lots 1, 2, and 3. Declarant hereby grants an access easement across Lots 1, 2, and 3 for ingress and egress to the Unit Owners over the Road as constructed, subject to Declarant's right to relocate the Road. This access easement will automatically terminate as Lots 1, 2, and 3 are annexed into the Declaration and the Road will become a common element easement per Section 6.1 of the Declaration.

2. **Article III – Definitions** is hereby supplemented to add the following language to Section 3.8.2.2, such that the section now reads:

3.8.2.2 any other improvement, facility, item described in the definition of General Common Elements to the extent serving less than all Units or Buildings or use as approved by the Declarant or the Board pursuant to Section 8.4.4.

3. **Article VIII – Ownership and Floor Plans** is hereby supplemented to add the following language to Section 8.4.4, such that the section now reads:

8.4.4 Except as otherwise set forth in this Declaration or as approved by the Board or Declarant, nothing shall be altered or constructed in or removed from the Common Elements. However, each Unit Owner may have use of the area directly behind their Unit, as illustrated on **Exhibit C-1**, attached hereto and incorporated herein, with the prior written approval of the Declarant during the Declarant Control Period and thereafter the Board; as well as, the Design Review Committee for the Community Association (as applicable). The use contemplated herein is for use by the Unit Owner as a back yard for such uses, including but not limited to: construction of an on-ground patio or terrace, placement of a hot tub, garden and/or play area. Declarant reserves the right to install privacy fencing in this area as necessary, subject to approval by the Community Association.

4. **Floor Plans.** Pursuant to Section 70-23-306 Montana Code Annotated (2017) there shall be recorded within 30 days from the date of completion a verified statement of a registered architect, registered professional engineer, or registered land surveyor certifying that the floor plans previously filed fully and accurately depict the layout of the units and floors of the building and the date construction of the building was completed. Therefore, Declarant hereby records the attached verified statement attached hereto and incorporated herein as **Exhibit D-1**.

Except as modified or supplemented by this Supplemental Declaration, all provisions of the Declaration remain in full force and effect.

\* \* \* \* \*

IN WITNESS WHEREOF, Declarant has executed this Supplemental Declaration on the 6 day of February, 2018.

DECLARANT

FHG Construction, Inc.,  
a Montana corporation

By: [Signature]  
Name: Jeremy Shea  
Title: Vice President

STATE OF Montana )  
COUNTY OF Gallatin ) :SS

This instrument was acknowledged before me on February 6th, 2018, by Jeremy Shea, as Vice President of FHG Construction, Inc., a Montana corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the date first above written.



[Signature] (Signature)  
Notary Public for the State of \_\_\_\_\_  
(Printed Name)  
Residing at: \_\_\_\_\_, \_\_\_\_\_  
(City) (State)  
My commission expires: \_\_\_\_\_, 20\_\_\_\_  
(Month/Day/Year)

**EXHIBIT C-1**  
Site Plan of Limited Common Area

**EXHIBIT D-1  
Verified Statement**

The undersigned, being a duly registered professional architect, professional engineer or professional land surveyor in the State of Montana, herewith certifies the following:

That the Units, 1A, 1B, 1C, 1D and 1E on Lot 4 of the Croft Farms Condominiums were verified on December 21, 2017 as complete and the layout, location, Unit designations and dimensions of the Units, and the common areas to which each Unit has access, fully and accurately match the surveyed site plan and floor plans previously filed for the Units on Lot 4 of the Croft Farms Condominiums, attached to Exhibit D of the Declaration for Croft Farms Condominiums, recorded in the office of the Clerk and Recorder, Gallatin County, Montana on November 3, 2017, Document No. 2597601.

Dated: FEB. 2, 2018

Mark A. Chandler



Check applicable box:  Registered Architect  
 Registered Professional Engineer  
 Registered Professional Land Surveyor

Number: 9518 ES