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Morrison-Maierle Inc 2880 Technology Blvd W Bozeman MT 59718



EIGHTH AMENDMENT TO THE DECLARATION

FOR

THE LINKS CONDOMINIUMS

A RESIDENTIAL DEVELOPMENT

CERTIFICATE OF FLOOR PLAN

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

That the floor plans and site plan for 2401A, 2401B, 2401C, 2403A, 2403B and 2403C Birdie Drive of THE LINKS CONDOMINIUMS, are situated according to the official plat thereof on file and of record in the office of the County Clerk and Recorder of Gallatin County, Montana as duly filed with this Eighth Amendment to the Declaration hereof, fully and accurately depict the layout, location, unit designation and dimensions as built of THE LINKS CONDOMINIUMS, and that such floor plans and site plan are accurate copies of the plans filed with and approved by the officials and officers of the City of Bozeman, having jurisdiction to issue land use permits.

DATED this 2/ day of June, 2021. REGISTERED PROFESSIONAL ENGINEER Mumber: MT 10539PE

EIGHTH AMENDMENT TO THE DECLARATION FOR

THE LINKS CONDOMINIUMS

By this Eighth Amendment to the Declaration for THE LINKS CONDOMINIUMS made this <u>21</u> day of <u>June</u>, 2021, THE GOLF COURSE PARTNERS INCORPORATED, a Montana corporation, with address of P.O. Box 1113, Bozeman, Montana 59771, the undersigned Declarant, supplements the prior Declaration for THE LINKS CONDOMINIUMS filed on August 1, 2008 as Document No. 2307174. the Amendment to THE LINKS CONDOMINIUMS filed on July 13, 2009 as Document No. 2336405, the Second Amendment to the Declaration for THE LINKS CONDOMINIUMS filed on September 23, 2009 as Document No. 2342813, the Third Amendment to the Declaration for THE LINKS CONDOMINIUMS filed on March 9, 2017 as Document No. 2574086, the Addendum to the Declaration for THE LINKS CONDOMINIUMS filed on May 21, 2018 as Document No. 2614252, the Fifth Amendment (there is no Fourth Amendment) to the Declaration for THE LINKS CONDOMINIUMS filed on March 28, 2019 as Document No. 2640994, the Sixth Amendment to the Declaration for THE LINKS CONDOMINIUMS filed on February 4, 2020 as Document No. 2672117, the Seventh Amendment to the Declaration for THE LINKS CONDOMINIUMS filed on April 15, 2020 as Document No. 2678523, all in the office of the County Clerk and Recorder of GallatinCounty, Montana. This Eighth Amendment is made pursuant to Articles IV and VII and other appropriate provisions of said Declaration, and approval of 100% of the owners of the declared units, the following amendments are declared and approved as appropriate:

Municipal Facilities Exclusion

Declarant certifies that THE LINKS CONDOMINIUMS is excluded from review by the Department of Environmental Quality pursuant to § 76-4-125 and § 76-3-203, MCA.

76-4-125. Land divisions excluded from review. (1) A subdivision excluded from the provisions of chapter 3 must be submitted for review according to the provisions of this part, except that the following divisions or parcels, unless the exclusions are used to evade the provisions of this part, are not subject to review:

(d) as certified pursuant to 76-4-127:

(iii) divisions or parcels of land that are exempt from the Montana Subdivision and Platting Act review under 76-3-203....

76-3-203. **Exemption for certain condominiums and townhouses.** Condominiums, townhomes, townhouses, or conversions, as those terms are defined in 70-23-102, constructed on land subdivided in compliance with parts 5 and 6 of this chapter or on lots within incorporated cities and towns are exempt

from the provisions of this chapter if:

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(2) the condominium, townhome, or townhouse proposal is in conformance with applicable local zoning regulations when local zoning regulations are in effect.

Attached hereto is the letter from the Montana Department of Environmental Quality Development Office, dated March 5, 2020 certifying that THE LINKS CONDOMINIUMS is excluded from review.

Subdivision Exemption Review

Attached hereto is the Condominium Review Decision from the Bozeman Community Development Office, dated November 25, 2019, stating that THE LINKS CONDOMINIUMS does not require subdivision review and has satisfied the exemption criteria.

The second paragraph of Article II., Real Estate, subparagraph 1. 1. Description, shall be amended as follows:

The condominium Units in Phase 1 consist of four (4) separate Units numbered 2413A and 2413B Birdie Drive, and 2415A and 2415B Birdie Drive. The condominium Units in Phase 2 consist of two (2) separate Units numbered 2411A and 2411B Birdie Drive. The use of all the units in THE LINKS CONDOMINIUMS shall be for residential purposes only and there shall be no commercial use whatsoever. The condominium Units in Phase 3 consist of four (4) separate Units numbered 2405A and 2405B Birdie Drive, and 2407A and 2407B Birdie Drive. The condominium Units in Phase 4 consist of six (6) separate Units numbered 2401A, 2401B, 2401C, 2403A, 2403B, and 2403C Birdie Drive. Phases 1, 2, 3, and 4 are subject to the expansion provisions in Article IV., below. The provisions of this Declaration and Bylaws shall be construed to be covenants running with the land, and shall include every Unit and shall be binding upon the Unit Owners, their heirs, personal representatives and assigns for as long as THE LINKS CONDOMINIUMS' Declaration and Bylaws are in effect.

Article II., Real Estate, subparagraph 4. Buildings, shall be amended as 2. follows:

Buildings: The units comprising THE LINKS CONDOMINIUMS, Phase 1, are contained in two (2) Buildings, the units comprising Phase 2 are contained in one (1) Building, the units comprising Phase 3 are contained in two (2) Buildings, and the units comprising Phase 4 are contained in two (2) Buildings and are subject to the expansion provisions of Article IV. below.

In Article IV., Ownership and Voting - Exhibits - Use, subparagraph 1. 3. Percentage of Interest, shall be amended as follows:

Percentage of Interest: Each Unit Owner shall be entitled to the exclusive ownership, use and possession of his Unit. Additionally, each Unit Owner shall have his percentage of undivided interest in the general common elements of THE LINKS CONDOMINIUMS. Such percentage of interest in the General Common Elements for the respective Owners shall be computed by taking the square footage of each Unit at the date of filing this Declaration and dividing it by the then combined square footage of all the Units having an interest in the General Common Elements of THE LINKS CONDOMINIUMS. Such percentage of interest owned by each of the Units in THE LINKS CONDOMINIUMS shall be according to the percentages set forth below:

UNIT		SQUARE FOOTAGE	PERCENTAGE OF INTEREST IN GENERAL COMMON ELEMENTS
<u>Phase 1</u>	L		
2413A	Birdie Drive	1876	6.488%
2413B	Birdie Drive	1876	6.488%
2415A	Birdie Drive	1876	6.488%
2415B	Birdie Drive	1876	6.488%
<u>Phase 2</u>			
2411A	Birdie Drive	1876	6.488%
2411B	Birdie Drive	1876	6.488%
<u>Phase 3</u>			
2405A	Birdie Drive	1876	6.488%
2405B	Birdie Drive	1876	6.488%
2407A	Birdie Drive	1876	6.488%
2407B	Birdie Drive	1876	6.488%
<u>Phase 4</u>	:		
2401A	Birdie Drive	1707	5.904%
2401B	Birdie Drive	1673	5.786%
24010	Rindia Driva	1707	5 904%

2401C Birdie Drive

1707

5.904%

TOTALS	3	28,915	100.000% *
2403C	Birdie Drive	1700	5.879%
2403B	Birdie Drive	1668	5.769%
2403A	Birdie Drive	1700	5.879%

* subject to the expansion provision below.

4. In Article IV., Ownership and Voting – Exhibits – Use, subparagraph 2. Voting Interest shall be amended as follows:

<u>Voting Interest:</u> For the purposes of this Declaration and the expanded Declaration as set forth below, the voting interest of the Unit Owner or Owners in all matters concerning the Association shall be equal to the other Units in accordance with the Bylaws of the Association. For the present, each of the sixteen (16) Units shall have one vote per Unit, unless the Montana Unit Ownership Act demands differently.

5. In Article IV., Ownership and Voting – Exhibits – Use, subparagraph 4. Floor Plans and Exhibits, shall be amended as follows:

<u>Floor Plans and Exhibits:</u> THE LINKS CONDOMINIUMS, Phase 1, 2, 3, and 4, presently consist of seven (7) Buildings, with sixteen (16) separate, residential dwelling Units. THE LINKS CONDOMINIUMS is planned to be expanded to include a total of eighteen (18) separate, residential dwelling Units on the Property, and possibly up to an additional eighteen (18) separate, residential dwelling Units on the Property, for a total number of Units not to exceed thirty-six (36) separate, residential dwelling Units. For identification and descriptive purposes, the following exhibits are attached and by reference hereto incorporated into and made a part of this Declaration:

Exhibit A: Showing the site plan of THE LINKS CONDOMINIUMS, the location of the Buildings containing THE LINKS CONDOMINIUMS' Units on the Property, and the designation for each Unit.

Exhibit B: Showing the floor plans for the Units of THE LINKS CONDOMINIUMS, the area of each, and the dimensions for each Unit.

6. Except as amended and clarified as set forth above, the Declaration for THE LINKS CONDOMINIUMS shall remain unchanged. In the event of any conflict or inconsistency between the provisions of this Eighth Amendment to the Declaration of THE LINKS CONDOMINIUMS, this Eighth Amendment to the Declaration of THE LINKS CONDOMINIUMS shall control. The provisions of this Eighth Amendment to the Declaration of THE LINKS CONDOMINIUMS shall control. The provisions of this Eighth Amendment to the Declaration of THE LINKS CONDOMINIUMS are severable. In the event any amendment to the Declaration set forth in this Eighth Amendment to the Declaration of THE LINKS

CONDOMINIUMS is found to be invalid or unenforceable by a court, the remaining provisions of this Eighth Amendment to the Declaration of THE LINKS CONDOMINIUMS shall not be affected and shall remain in full force and effect.

IN WITNESS WHEREOF, the undersigned has caused this Eighth Amendment to the Declaration to be made and executed according to and under the provisions of the Unit Ownership Act, Title 70, Section 23, M.C.A., and the Declaration for THE LINKS CONDOMINIUMS.

DECLARANT:

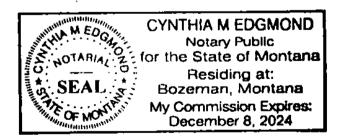
THE GOLF COURSE PARTNERS INCORPORATED By: Printed Name: there Lac Golf Corre Pe its: Sec. Corp.

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

On this <u>21</u> day of <u>June</u>, 2021, before me, a Notary Public for the State of Montana, personally appeared <u>Jack Schunke</u> of THE GOLF COURSE known to me to be the <u>Corporate Secretare</u> of THE GOLF COURSE PARTNERS INCORPORATED, the Declarant, and acknowledged to me that he executed the same on behalf of the corporation.

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

Notary Public for the State of Montana



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June 16, 2021

James Ullman Morrison Maierle PO Box 1113 Bozeman MT 59771

> RE: Eighth Amendment to the Declaration for The Links Condominiums Municipal Facilities Exclusion EQ# 21-2522 City of Bozeman Gallatin County

Dear Mr. Ullman;

This is to certify that the information and fees received by the Department of Environmental Quality relating to this subdivision are in compliance with 76-4-127, MCA. Under 76-4-125(1)(d), MCA, this subdivision is not subject to review, and the Declaration can be filed with the county clerk and recorder.

Plans and specifications must be submitted when extensions of municipal facilities for the supply of water or disposal of sewage are proposed 76-4-131. Construction of water or sewer extensions prior to DEQ, Public Water Supply Section's approval is prohibited, and is subject to penalty as prescribed in Title 75, Chapter 6 and Title 76, Chapter 4.

Eighth Amendment to the Declaration for The Links Condominiums Municipal Facilities Exclusion will consist of 6 Units.

Sincerely,

Kevin Smith Department of Environmental Quality Bureau Chief Engineering Bureau (406) 444 12777 Email Ksmithcomtsov

> Owner file

Greg Gianforte, Governor I Chris Dorrington, Director I P.O. Box 200901 I Helena, MT 59620-0901 I (406) 444-2544 I www.deq.mt.gov



MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY

MUNICIPAL FACILITIES EXCLUSION

Bridger Creek Sub., Ph 1 - Links Condos units Subdivision Name: 2401A, 2401B, 2401C, & 2403A, 2403B, 2403C Number of lots/parcels/units://6
Geocode: 06-0905-31-4-08-01-7000 (this can be found at http://svc.mt.gov/msl/mtcadastral)
Are main extensions necessary to serve the subdivision?Yes XNo If yes, have plans for the mains been submitted for review?YesNo
How will construction of the facilities be financed?
Owner Information:
Owner(s) Name: Golf Course Partners, Inc Qack Schunke Golf Course Partners Corp Sec.
Print name of owner(s) V Signature of all owners of record
Address: P.O. Box 3229, Bozeman, Mt. 59772
Street or PO Box, City, State, Zip Code
Email: jschunke@m-m.net (Golf Course Partners Corp. Phone: 406-922-6789
Consultant Information:
Company and Address: Morrison - Maierle Inc. P.O. Box 1113, Bozeman ,Mt. 59771
Email: jullman@m-m.net 406-922-6825
Eligibility Requirements: All of the following criteria must be met:
The project must be provided with adequate municipal water and sewer, solid waste disposal and the municipality must review storm water plans.
All the mains necessary to serve the subdivision must be municipality owned, operated and maintained. Privately owned mains or lift stations make the project ineligible for this exemption.
The municipality must be a 1 ² or 2 rd class municipality as described in MCA 7-4-111 or covered under a growth policy pursuant to Title 76, chapter 1.
The project must be <u>one of the following (check applicable box)</u> :
A new division subject to review under the Montana Subdivision and Platting Act, or Previously divided parcels recorded with Sanitary Restrictions prior to July 1, 1973 or Oivisions or parcels of land that are exempt from Montana Subdivision and Platting Act review under 76-3-203 or 76-3-207 (1) (a), (b), (d), (e), or (f)

Form continues on next page

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Submittal Requirements: All of the following items must be submitted:



This form, signed by the property owner, and the municipalities' representative.

Copy of Preliminary Plat, COS, Amended Plat or Unit Declaration. The Plat, COS, Am Plat or Unit Declaration must contain the exemption 76-4-125 (1)(d)(i), (ii) or (iii). If using item (iii), the Plat, COS, Am Plat or Unit Declaration must also contain the appropriate Platting Act exemption.

\checkmark	Vicinity	n

/icinity map showing project location.

Applicable zoning ordinances in effect

Copy of growth policy, if applicable

\$120 processing fee



Certification:

I hereby certify that I am licensed to practice engineering in the State of Montana, I am employed directly or retained by the municipality providing service and am authorized to sign on behalf of the municipality. In addition, I hereby certify that:

- 1. The existing water and wastewater systems are in compliance with the provisions of Title 75, chapters 5 and 6, and
- 2. The water and wastewater systems have adequate capacity to meet the needs of the project, and
- 3. The municipality has or will review plans to ensure adequate storm water drainage and adequate solid waste disposal.

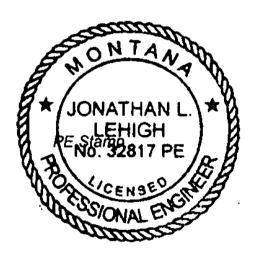
(Signature of Professional Engineer)

Montana P.E. Number 32817

Send to: MTDEQ Subdivisions PO Box 200901 Helena MT 59620-0901

6-2-202

(Date Signed)



BOZEMAN^{MT}

Community Development

CONDOMINIUM REVIEW DECISION

APPLICATION

Date: 6/8/2021

File Number:

21-197

Original Project File Number, 16-374 If applicable:

Condominium

Name: The Links Condminiums

Legal

Description: Lot 57A-1 of Bridger Creek Subdivision, Phase 1.

STATUTE

Senate Bill 527 amending §76-3-203, M.C.A. was signed into law on April 17, 2007. This bill revised the exemption for the creation of new condominiums from the Subdivision and Platting Act. The amendment had an immediate effective date. The text of the amended section is now as follows:

Section 1. Section 76-3-203, M.C.A., is amended to read:

"76-3-203. Exemption for certain condominiums. Condominiums constructed on land subdivided in compliance with parts 5 and 6 of this chapter or on lots within incorporated cities and towns are exempt from the provisions of this chapter if:

- the approval of the original subdivision of land expressly contemplated the construction of the condominiums and any applicable park dedication requirements in 76-3-621 are complied with; or
- (2) the condominium proposal is in conformance with applicable local zoning regulations when local zoning regulations are in effect."

FINDINGS

Pursuant to the above statute, the Department of Community Development has determined that the condominium development noted above:

 \checkmark

Does not require subdivision review and has satisfied the exemption criteria.

Has completed review as a subdivision.

DIRECTOR SIGNATURE

-DocuSigned by:

Martin Matsen

Martin Matsen, AICP, Director, City of Bozeman Department of Community Development

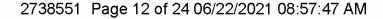
CONTACT US

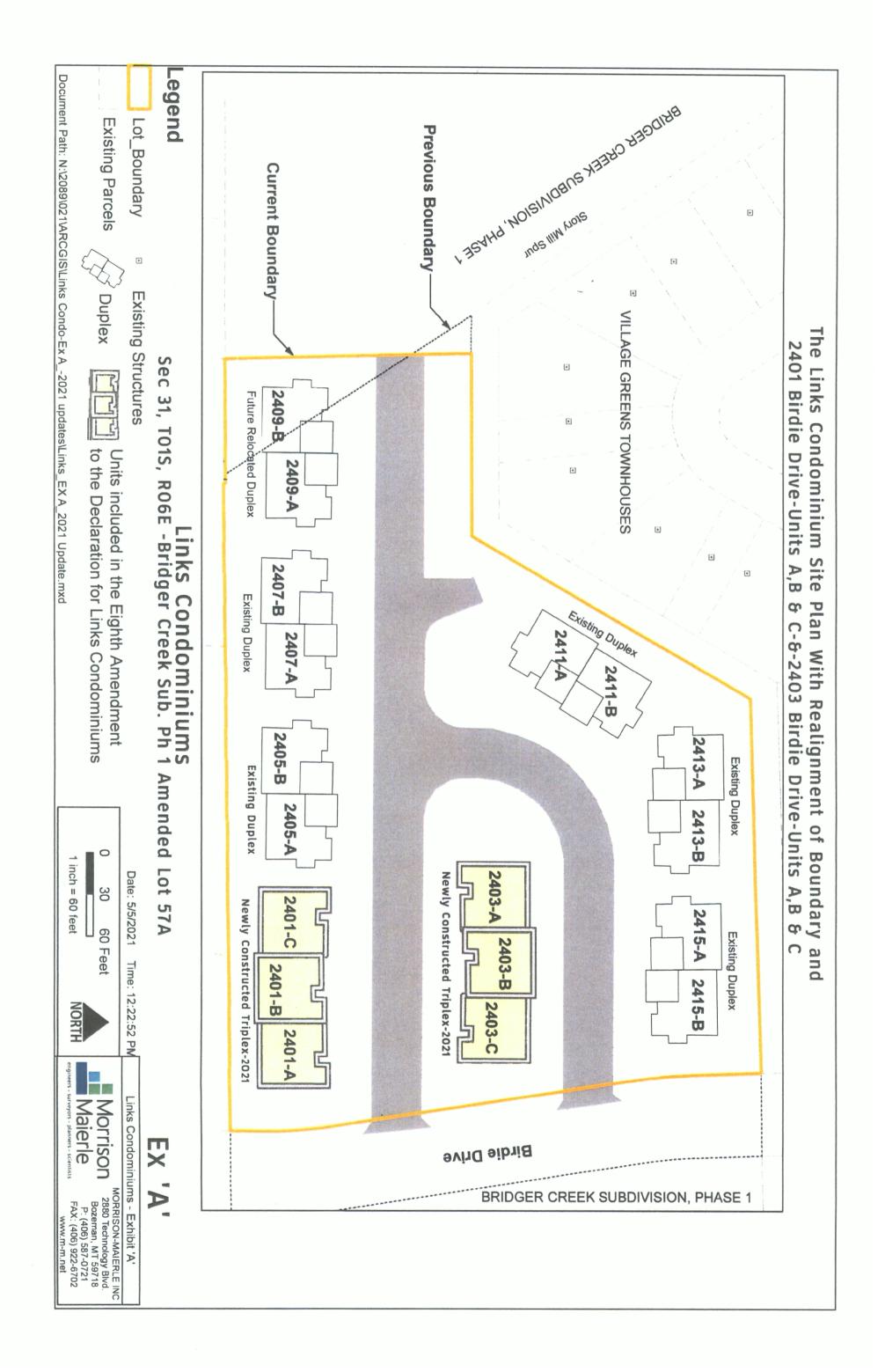
Alfred M. Stiff Professional Bullding 20 East Olive Street 59715 (FED EX and UPS Only) PO Box 1230 phone 406-582-2260 fax 406-582-2263 planning@bozeman.net

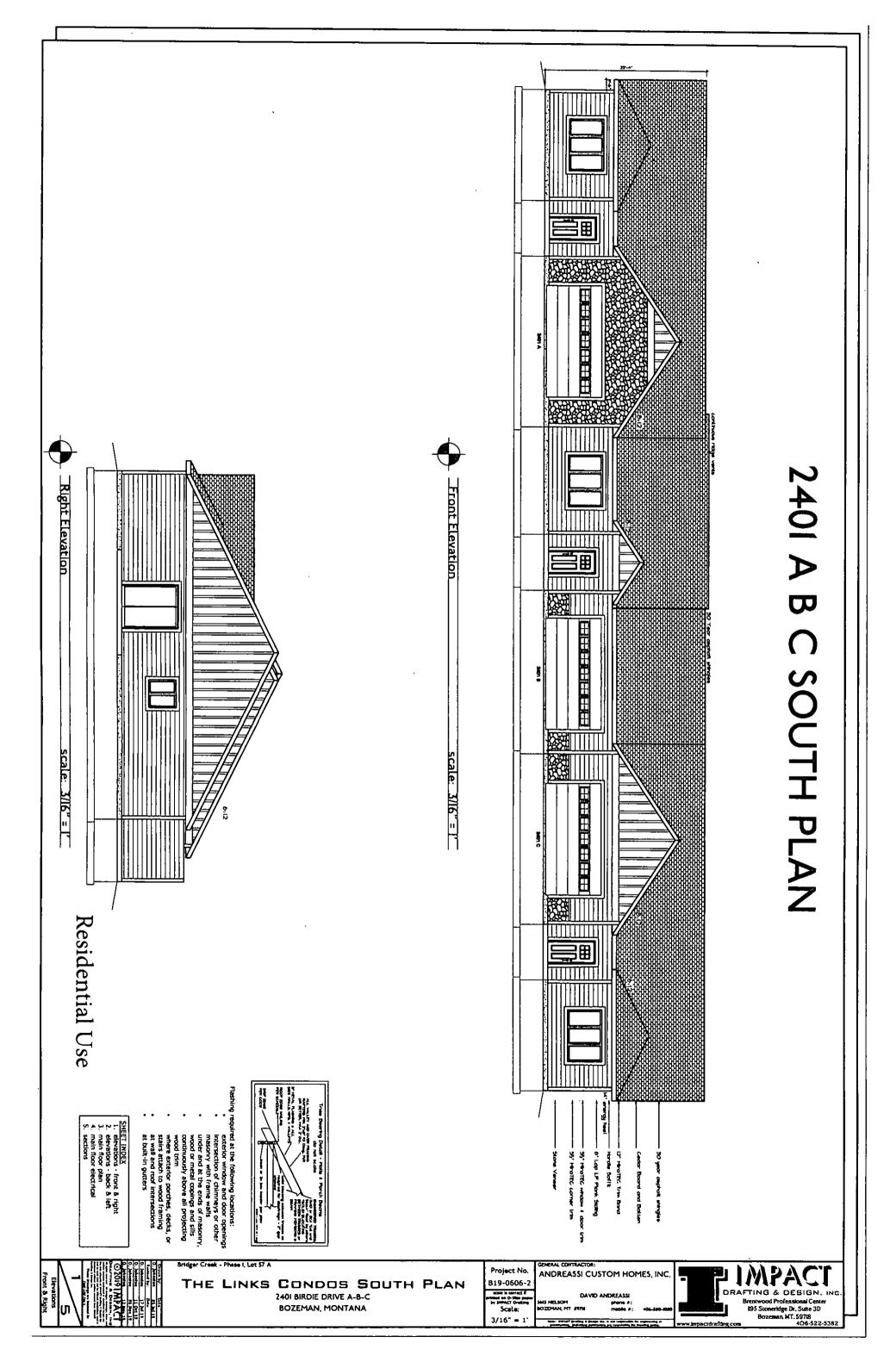
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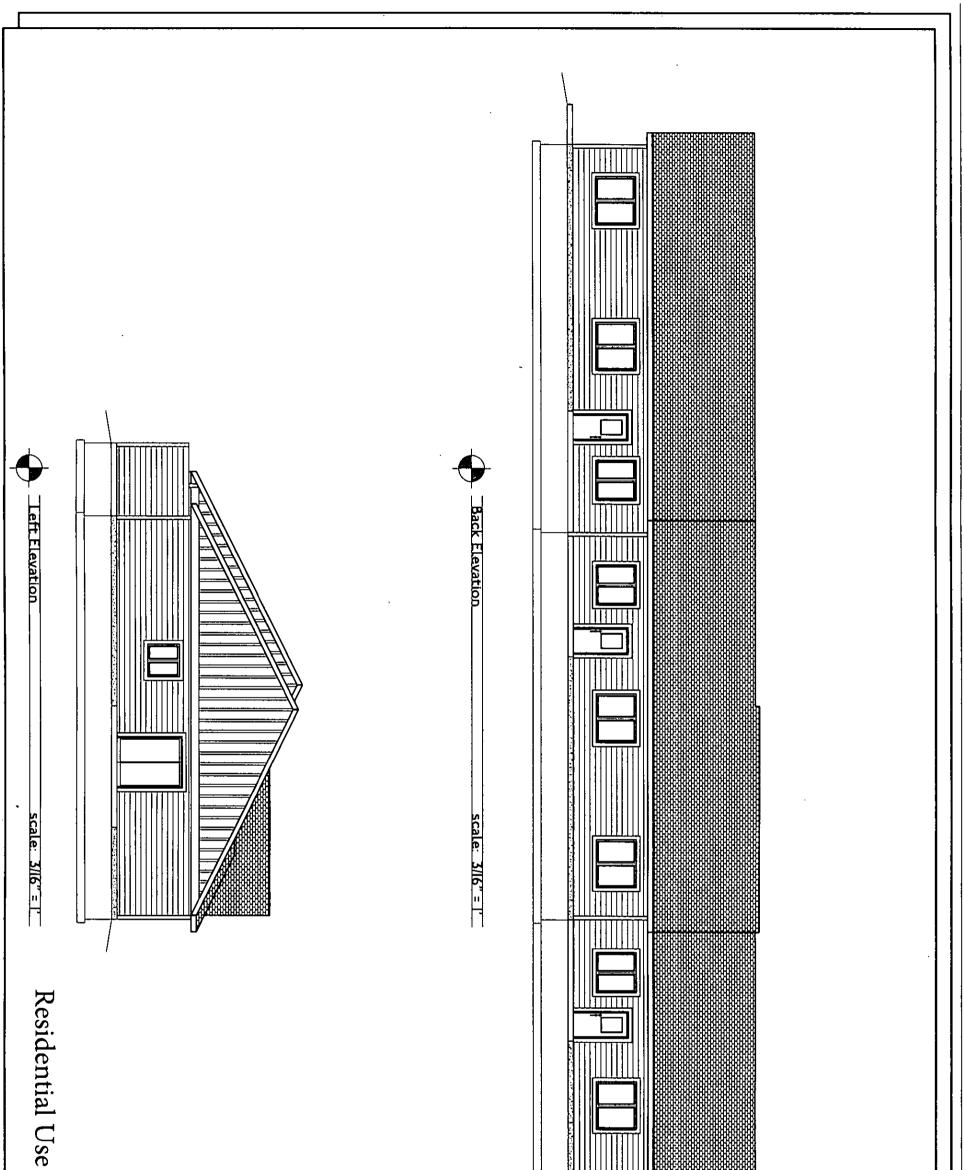
www.bozeman.net

CONDOMINIUM REVIEW DECISION	Page 1 of 1	Revision Date 05-10-16



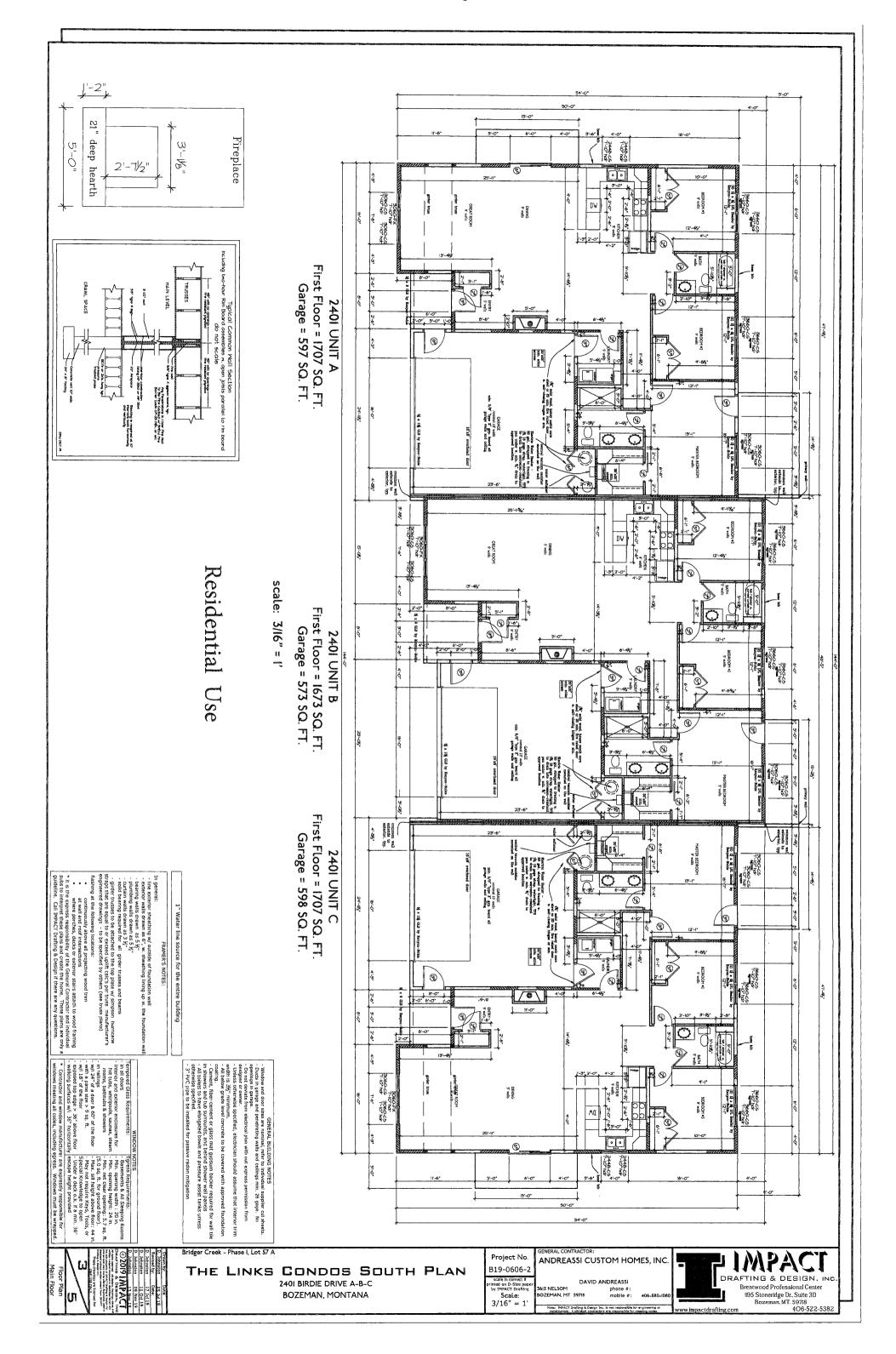


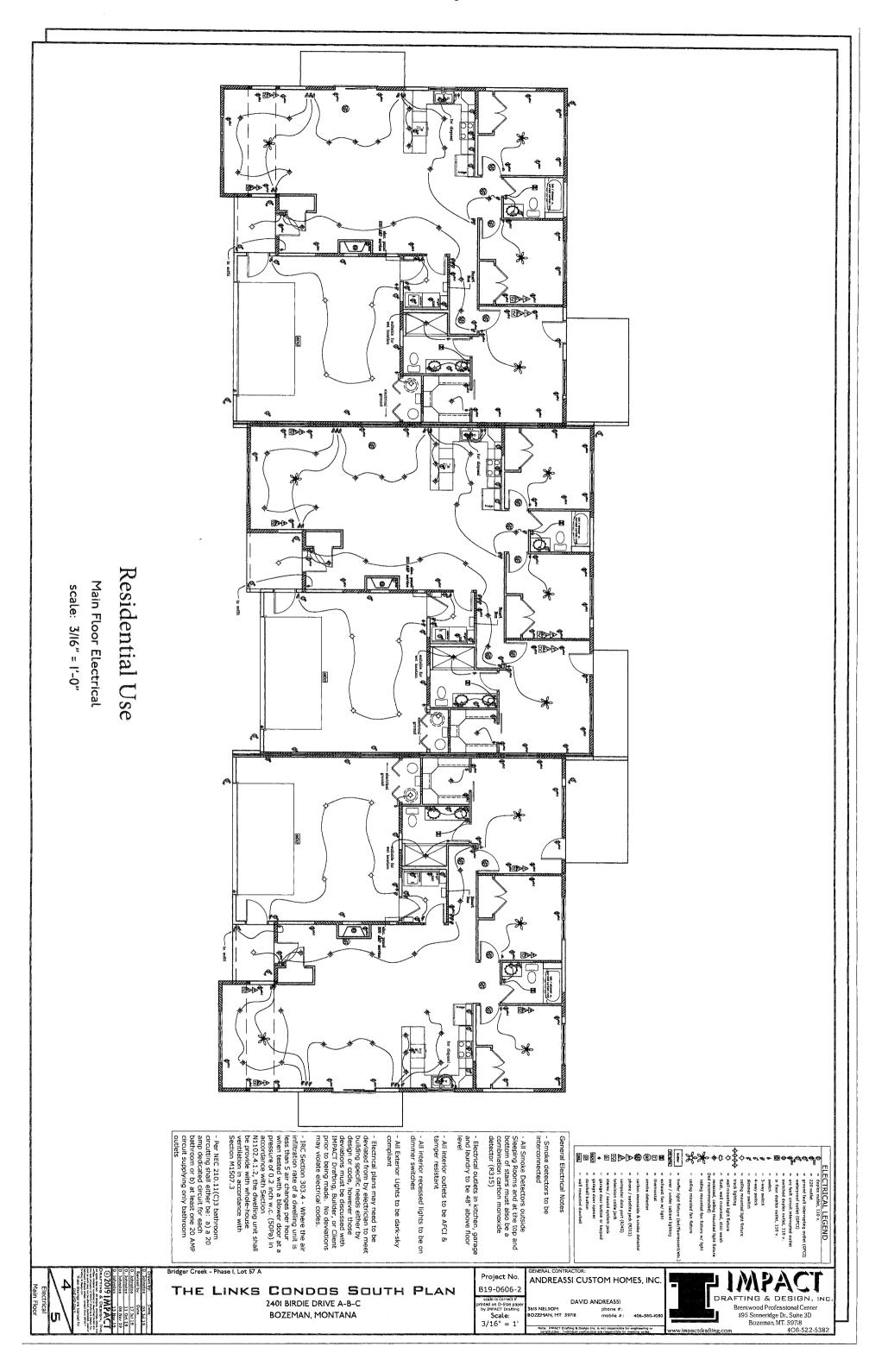


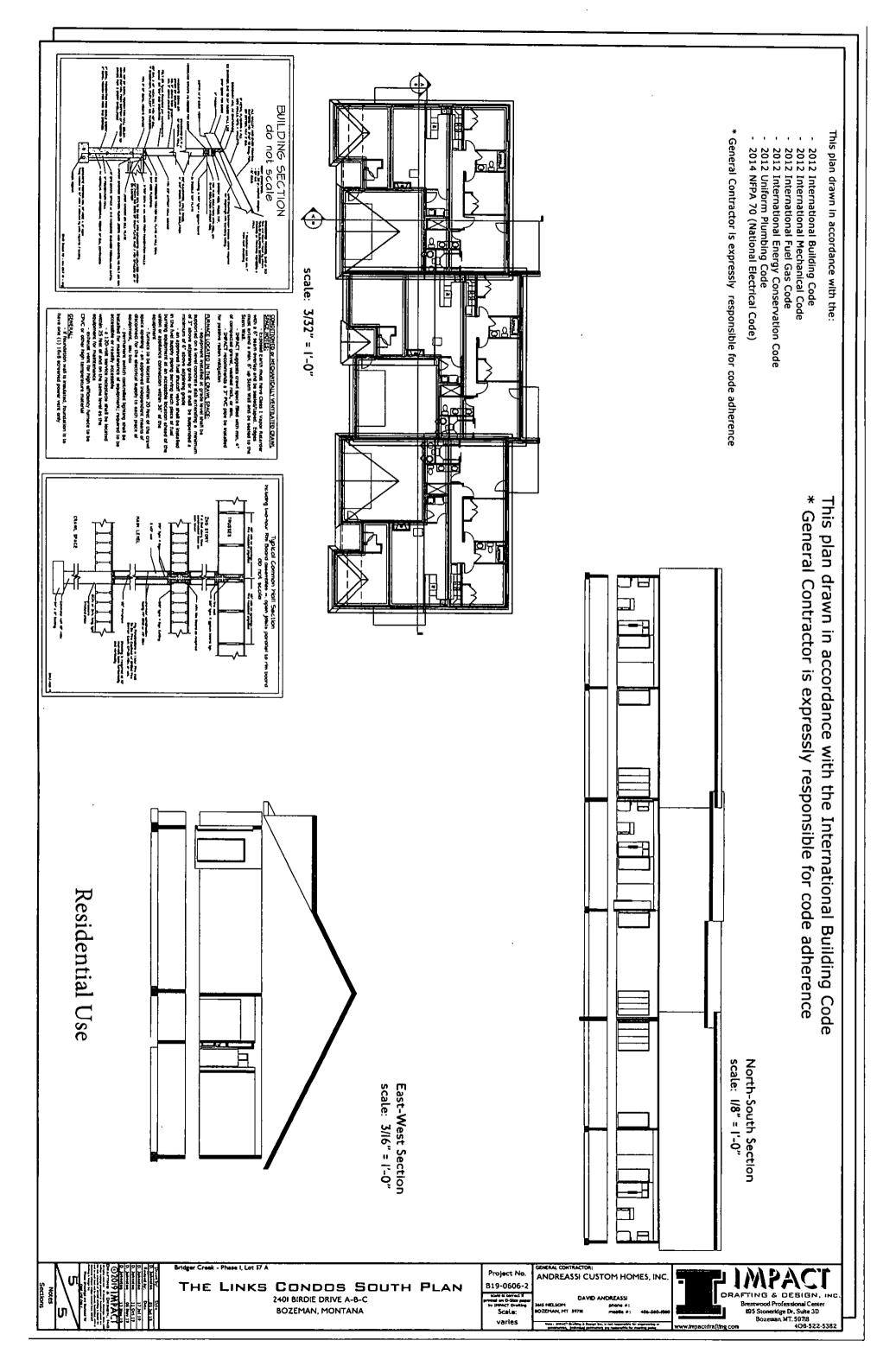


Flashing required at the following locations: exterior window and door openings intersection of chimneys or other masonry with frame walls under and at the ends of masonry, wood or metal copings and sills continuously above all projecting wood trim where exterior porches, decks, or stairs attach to wood framing et wall and roof intersections to which a builtion gutters			
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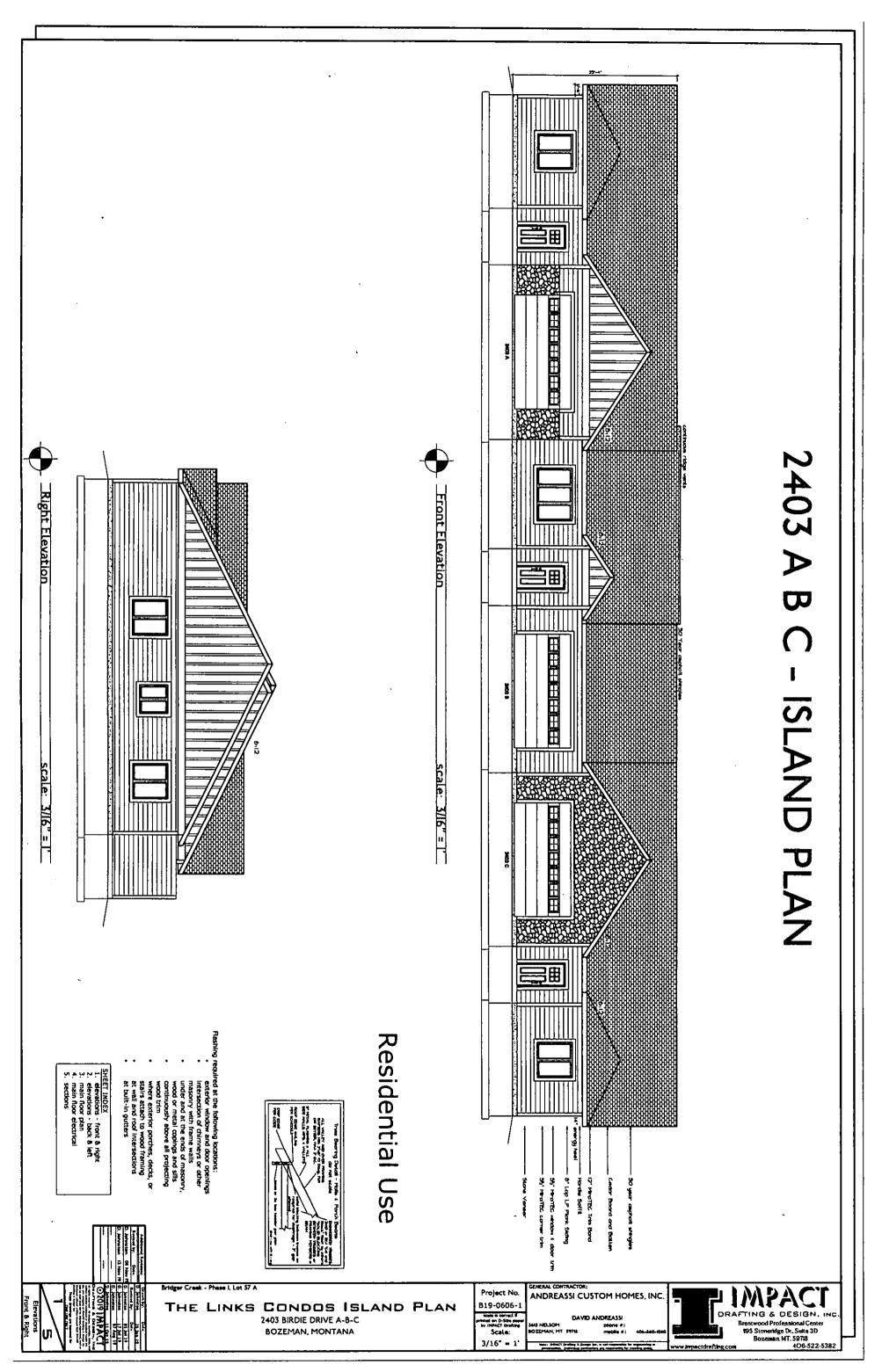
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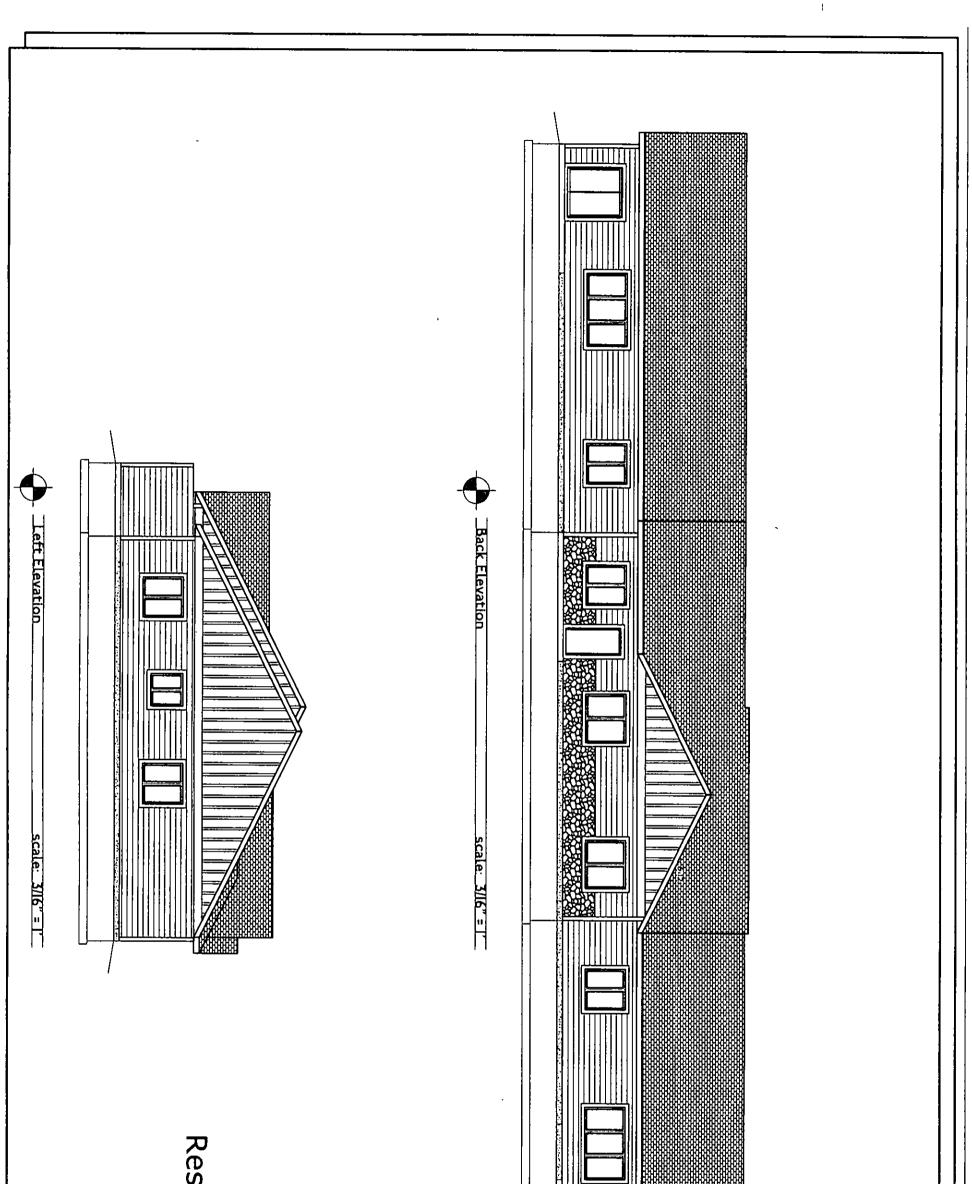




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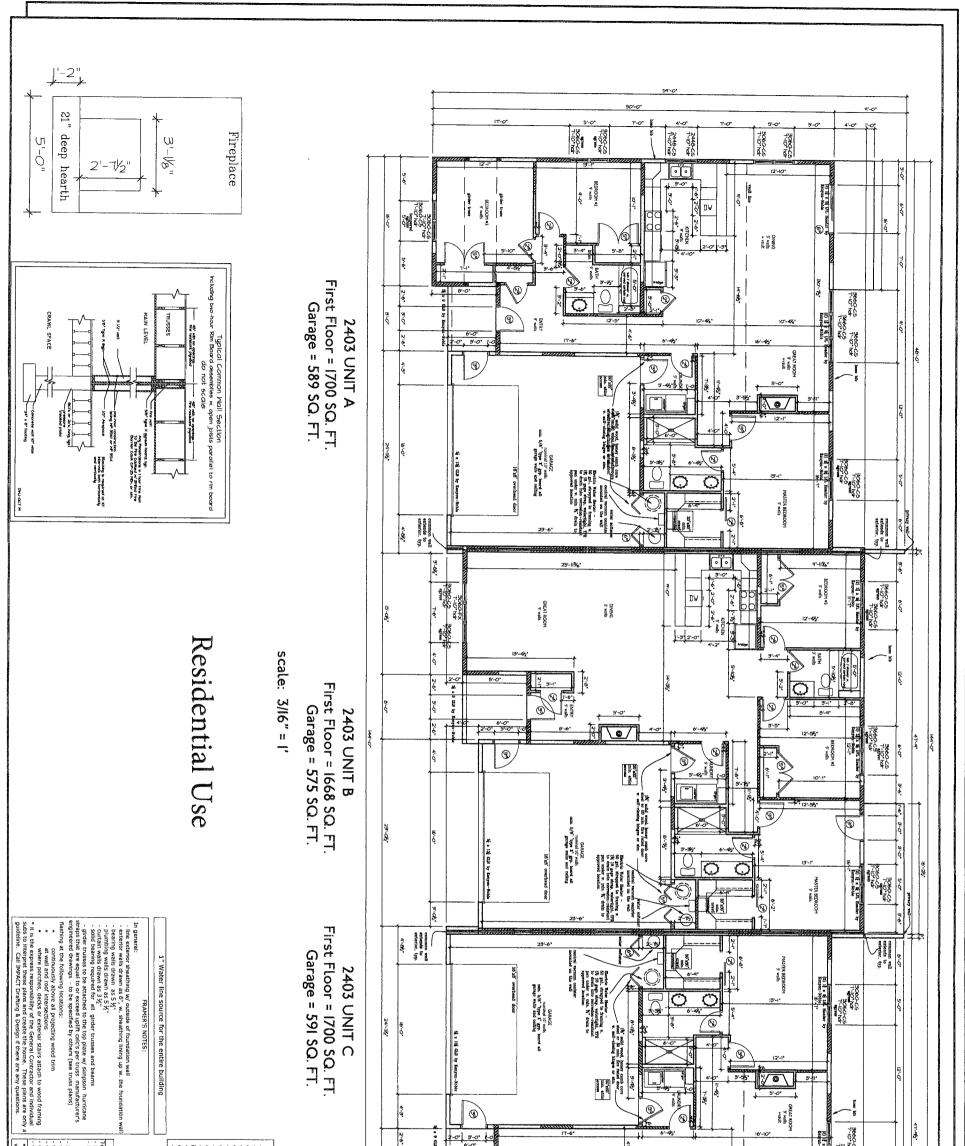
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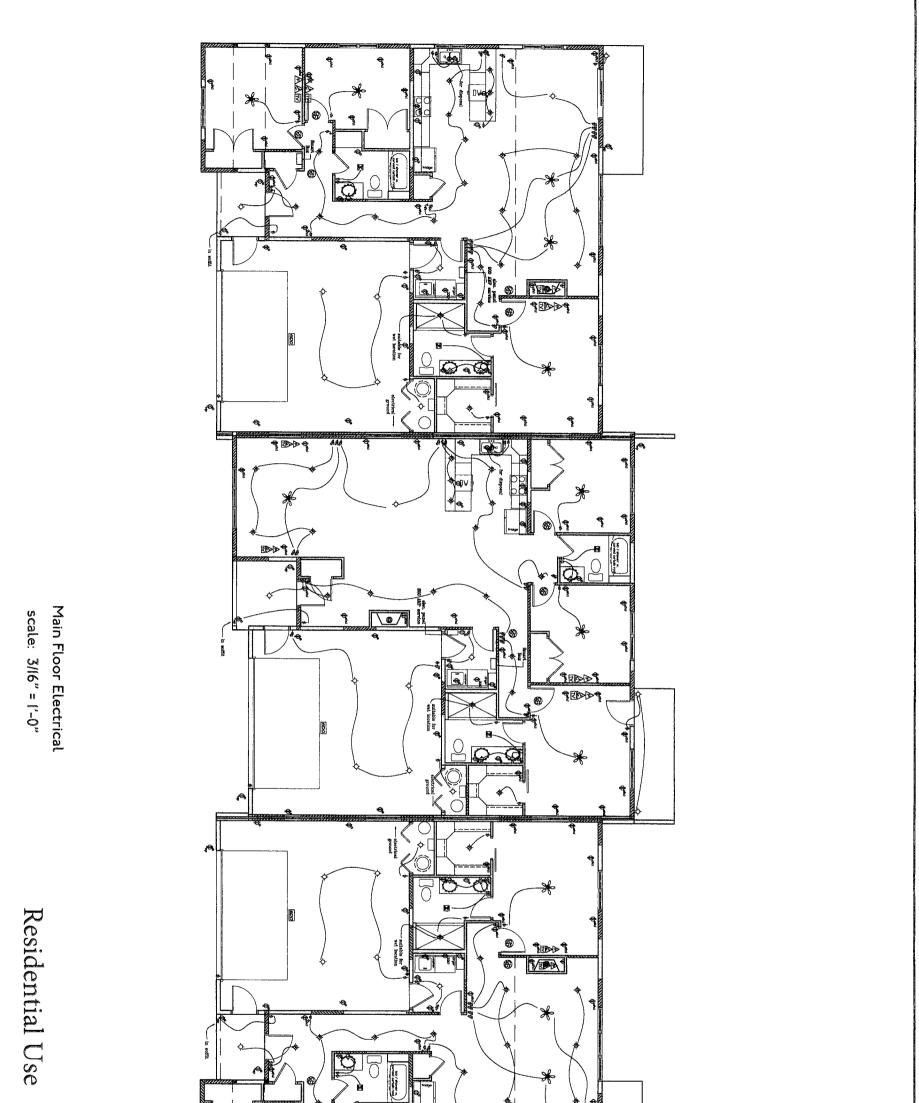
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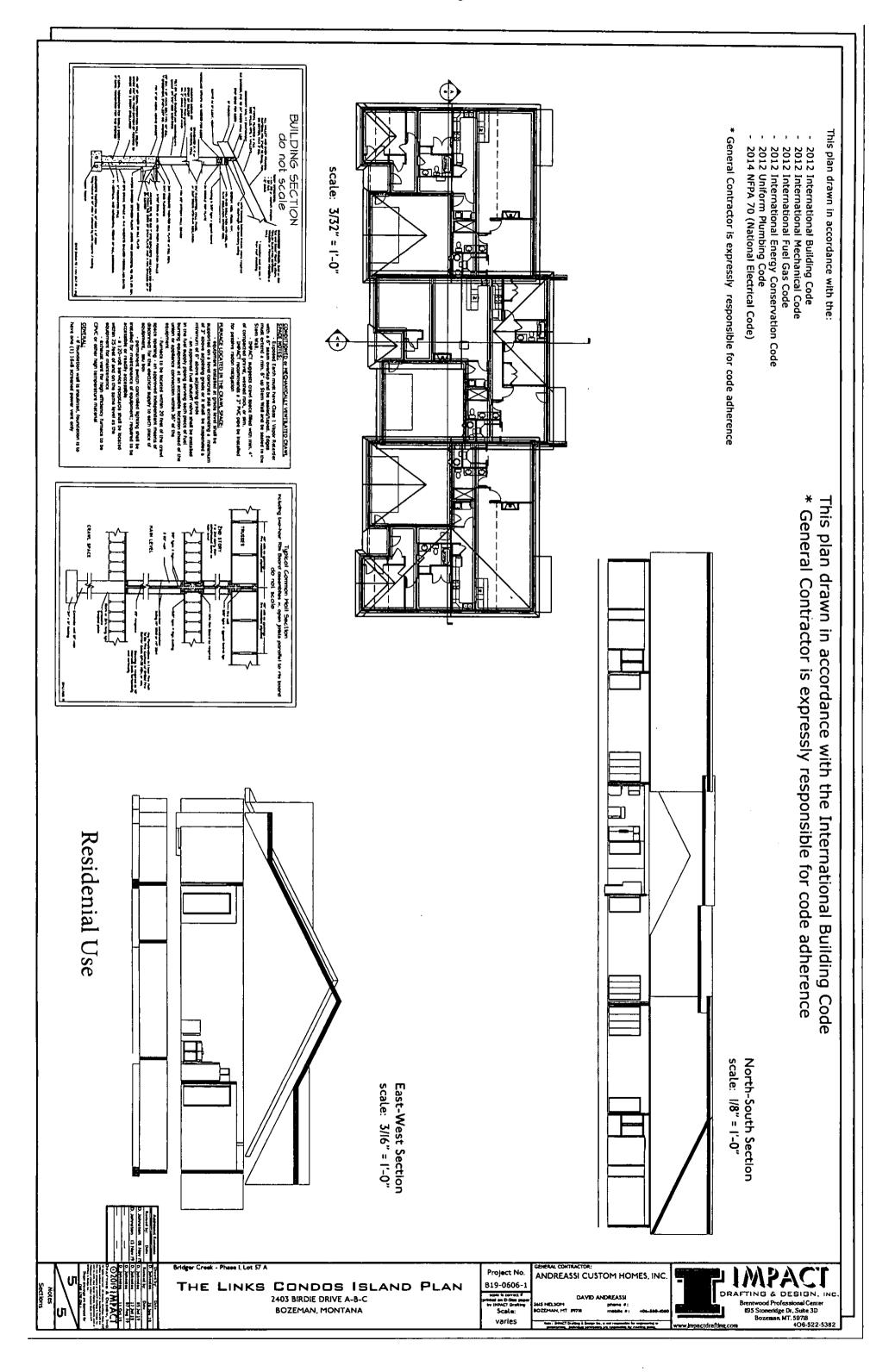
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WINDOW NOTES Tempered Glass Requirements: - In all doors - In all doors - In all doors - In all doors - Interior and exterior enclosures for norms, bathubs & Showers - In railings - With a pane size > Sq. ft. - With a pane size > Sq. ft. - With a pane size - Sd. ft hor - working surfaces with 30° hore floor - working surfaces with 30° hore floor - working surfaces with 30° hore floor - worbact up edge > 36° above floor <th>B-G-C- B-</th> <th></th>	B-G-C- B-	
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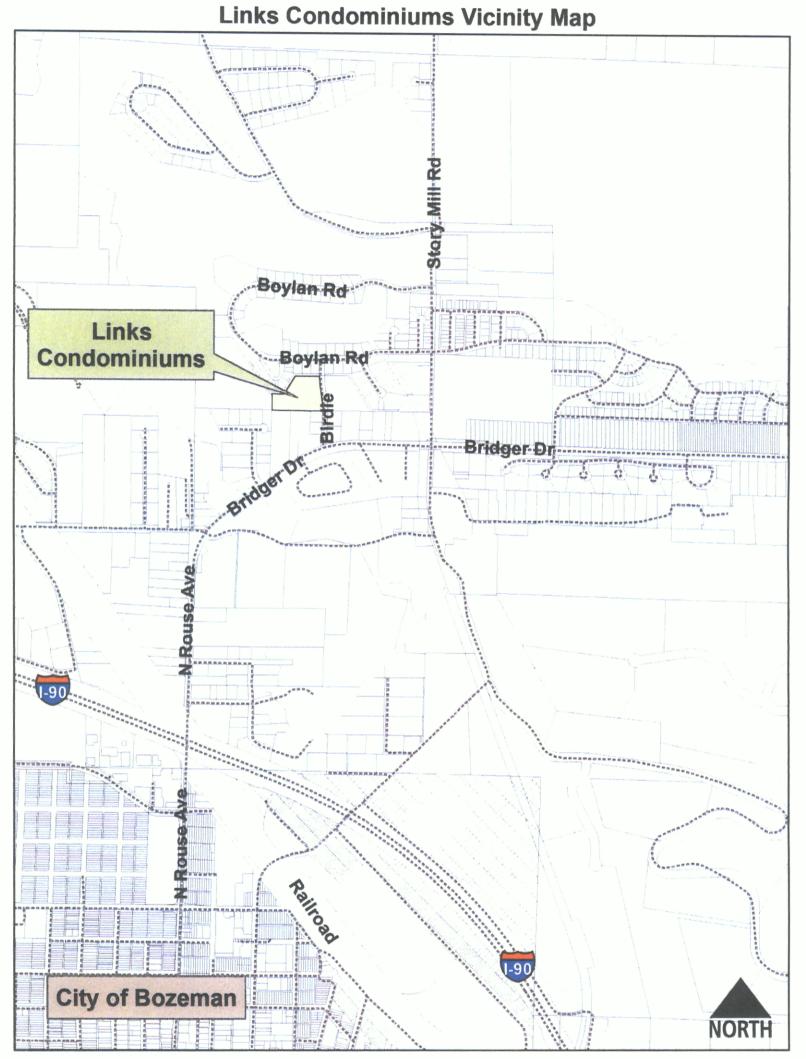
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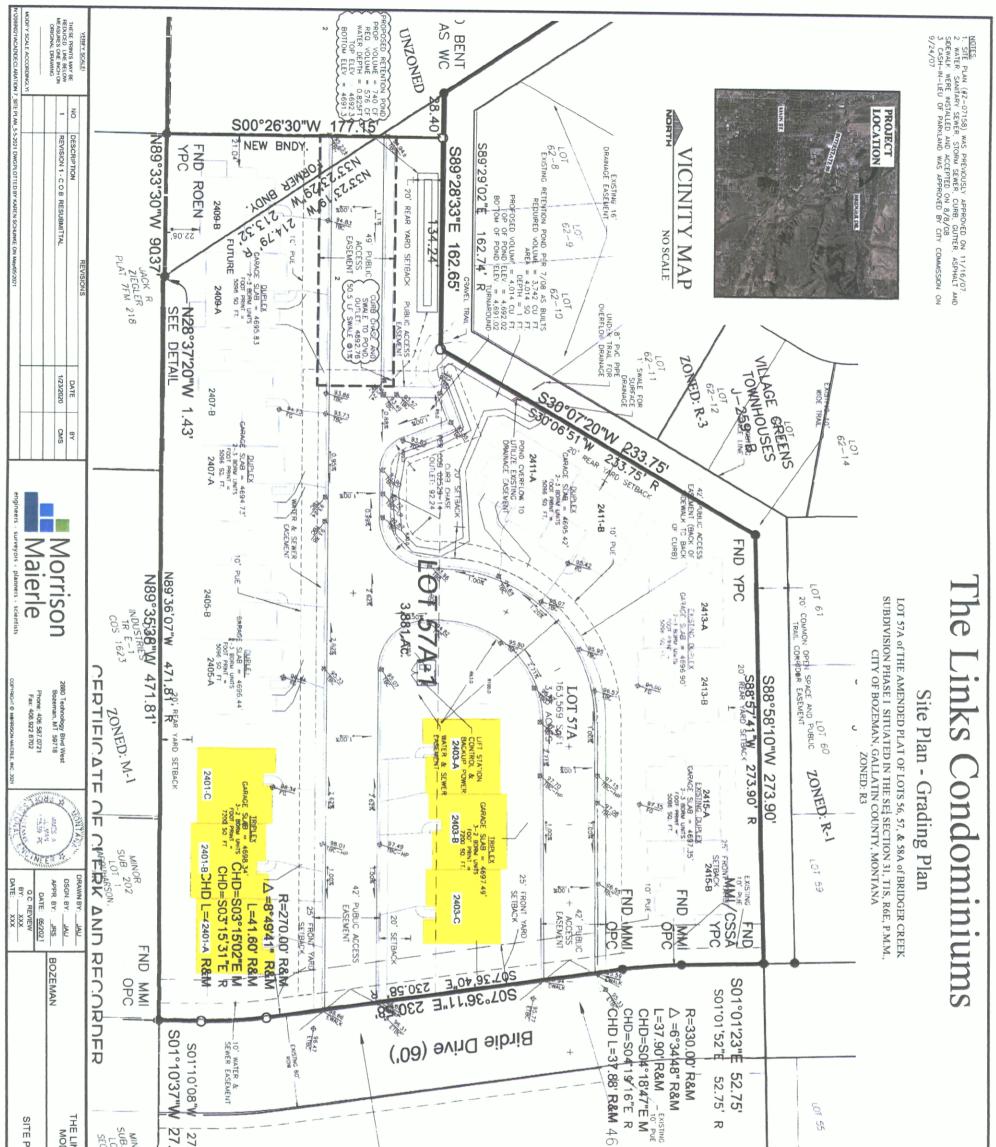


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engineers - surveyors - planners - scientists

P: 406-587-0721



PLAN/GRADING PLAN	LINKS CONDOMINIUMS ODIFIED SITE PLAN	NINOR 18. 202 LOT 2 LOT 2 LOT 1 LOT 2	1.77' R	688 8.26	
IG PLAN C-1	MT	ZONED: M-1 TRACT C SUNNYSIDE PROPERTIES	4.689 (LIVEL DATIONS AT PROPERTY IDTAL UNITS EXISTING 2 X 2 PLEX'S 4 UNITS PROPOSED 4 X 2 PLEX'S 8 UNITS 2 X 2 PLEX'S 8 UNITS 2 X 2 PLEX'S 6 UNITS 2 X 3 PLEX'S 6 UNITS 2 CARACE STALLS PER UNIT = 36 STALLS 2 CARAC	LOT 56 146.084 SqFt 3.35 ACRES TOMED: R-3 TOMED: R-3	LOT 5.4 AT THE PROPOSED SNOW STORAGE AREA PROPOSED SNOW STORAGE AREA