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Jennings Law Office
1704 West Babcock, Suite A
Bozeman, Montana 59715



AMENDMENT FOR THE ESSENCE
CONDOMINIUM DECLARATION (Phase 2)

Reference is hereby made to the Declaration for The Essence Condominium, and accompanying By-Laws, which were all recorded on May 11, 2007, as Document No. 2265816, records of Gallatin County, Montana and as subsequently amended.

As stated in the Declaration, except as modified herein, or by subsequent Amendments, the Declarant is entitled to expand the Condominium upon certain terms and conditions. The Declarant intends to develop the Condominium in phases and that the Owners' Association shall exercise control only over those phases that have been included in the Condominium to that point in time, although additional property shall eventually constitute the Condominium. The Declarant further intends that as each phase is included within the condominium regime, that phase, together with previous phases, will constitute the entire condominium property and the site plan will show all of the buildings located thereon. Therefore, the above Declaration is amended as follows:

1. In keeping with the foregoing, the first subsection of Article II of the Declaration ("REAL ESTATE"), titled "Description," on page 4 thereof is hereby amended to read as follows:

1. Description. The real property which is by this Declaration submitted and subject to the Unit Ownership Act, shall comprise the condominium and is described as follows:

Lots 8, 9, 10, and 11 of Block 2, Traditions Subdivision - Phase 1, Bozeman, Gallatin County, Montana, according to the official plat thereof on record in the office of the Clerk and Recorder of Gallatin County, Montana. [Plat J-455]

The condominium consists of eight (8) units, including garages, located in four (4) buildings and may

be expanded to include up to seventeen (17) units when completed. The provisions of this Declaration and the Bylaws shall be construed to be covenants running with the land including every unit and shall be binding upon the Unit Owners, their heirs, successors, personal representatives and assigns for so long as this Condominium Declaration and Bylaws are in effect.

2. The first paragraph of Article IV of the Declaration, titled "Percentage of Interest," on Page 6 thereof, is hereby amended to read as follows:

IV. OWNERSHIP AND VOTING - EXHIBITS - USE

1. Interest in Common Elements: Each Unit Owner shall be entitled to the exclusive ownership, use and possession of his or her Unit and the interest of each Unit Owner in the common elements as shall be set forth in Amendments to this Declaration. Each Unit Owner shall have an undivided interest in the general common elements of The Essence Condominium. Such interest represents his or her ownership interest in the general common elements, and his or her liability for common expenses and taxes. The interest in the general common elements for the Owners of the units shall be as set forth below. The units comprising the condominium, and the corresponding interest in the common elements are as follows:

<u>UNIT</u>	<u>PERCENTAGE OF INTEREST</u>
4361A	1/8th
4361B	1/8th
4365A	1/8th
4365B	1/8th
4369A	1/8th
4369B	1/8th
4375A	1/8th
4375B	1/8th

Exhibits: The Essence Condominium shall consists of the real property described above, and a total of eight (8) separate Condominium 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-2: Showing the site plan of Phase 2 of The

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Essence Condominium and the locations of the building containing the condominium units on the property and the common elements.

Exhibit B-2: Showing the floor plans for each of the Units of The Essence Condominium included in this phase, the area of each, the dimensions and the designation for each Unit.

3. Except as modified, altered or amended by the provisions of this Amendment, the Declaration shall remain in full force and effect.

4. This Amendment to the Declaration for The Essence Condominium, is made under the authority of, and pursuant to Declaration initially filed by the Declarant, and the Montana Unit Ownership Act, and shall be one of the planned expansions of the condominium.

IN WITNESS WHEREOF, the Declarant hereto has executed this Amendment this 21st day of April, 2008.

ROSA JOHNSON CONSTRUCTION, LLC

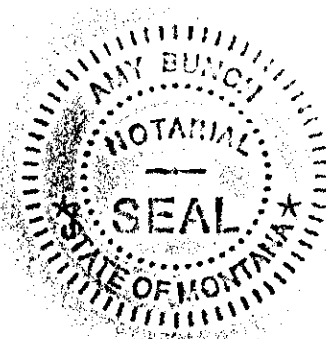
[Signature]
JOHN ROSA, President of Rosa-J, Inc., member of Rosa-Johnson Construction, LLC

[Signature]
SCOTT JOHNSON, President of CTK Construction, Inc., member of Rosa-Johnson Construction, LLC

STATE OF MONTANA)
 : ss.
COUNTY OF GALLATIN)

This instrument was executed before me this 21st day of April, 2008, by Scott V. Johnson, president of CTK Construction, Inc., member in ROSA-JOHNSON CONSTRUCTION, LLC.

[Signature]
Notary Public for the State of Montana
Printed name: Amy Bunch
Residing at Bozeman, Montana
My Commission Expires: 11/10, 2010



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STATE OF MONTANA)
 : ss.
COUNTY OF GALLATIN)

This instrument was executed before me this 21st day of April, 2008, by JOHN ROSA, President of Rosa-J, Inc., member of Rosa-Johnson Construction, LLC.



Amy Bunch
Notary Public for the State of Montana
Printed name: Amy Bunch
Residing at Bozeman, Montana
My Commission Expires: 11/10, 2010

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DEPARTMENT OF REVENUE CERTIFICATE

Pursuant to MCA 70-23-304, the undersigned being the duly authorized agent of the Department of Revenue of the State of Montana with the County of Gallatin, herewith executes the following certificate relating to The Essence Condominium Declaration, Gallatin County, Montana, situated on the property described as follows:

Lots 8, 9, 10 and 11 of Block 2, Traditions Subdivision, Bozeman, Gallatin County, Montana, according to the official plat thereof on record in the office of the Clerk and Recorder of Gallatin County, Montana.

1. That the name The Essence Condominium is not the same as, similar to or pronounced the same as any word in the name of any other property or subdivision within Gallatin County except for the word "Condominium", and

2. All taxes and assessments due and payable for the land on which The Essence Condominium is situated and the improvements thereon have been paid to date.

Dated this 24th day of April, 2008.

Pamela M. Kueffler
County Assessor

EXHIBIT A

SITE PLAN ESSENCE CONDOMINIUM PHASE 2 BLOCK 2

LOT 2A

LOT 3A

LOT 4A

LOT 5A

LOT 6A

LOT 7A

LOT 8A

LOT 9A

LOT 10A

Legal Description
Lot 11, Block 2, TRADITIONS SUBDIVISION,
PHASE 1, located in the E 1/2, of the SE
1/4, of Sec. 4, T. 2 S., R. 5 E., P.M.M.,
Gallatin County, Montana

Address
Lot 11-4375 Brookside Lane

LOT 11
6,000 Sq Ft
38.96

UNIT
4375-A 4375-B

LOT 12
5.55'

LOT 13
5.48'

LOT 14
5.11'

LOT 15
5.18'

LOT 16
5.11'

LOT 17
5.11'

LOT 18
5.11'

COVERED
PATIO(TYP.)

COVERED
PATIO(TYP.)

COVERED
PATIO(TYP.)

COVERED
PATIO(TYP.)

5' CONCRETE WALK

DRIVEWAY
PAVED

DRIVEWAY
PAVED

DRIVEWAY
PAVED

DRIVEWAY
PAVED

5' CONCRETE WALK

SETBACK NOTE:
15' ALONG FRONT
20' ALONG REAR
5' ALONG SIDE

LOT 9

LOT 10

LOT 11

LOT 12

LOT 13

N

Brookside Lane

- FOUND 5/8" REBAR WITH 1 1/4" PLASTIC CAP (C&H #9518ES)



Engineering and Surveying Inc.
1081 Stoneridge Drive • Bozeman, MT 59718
Phone (406) 587-1115 • Fax (406) 587-9768
www.chengineers.com • info@chengineers.com

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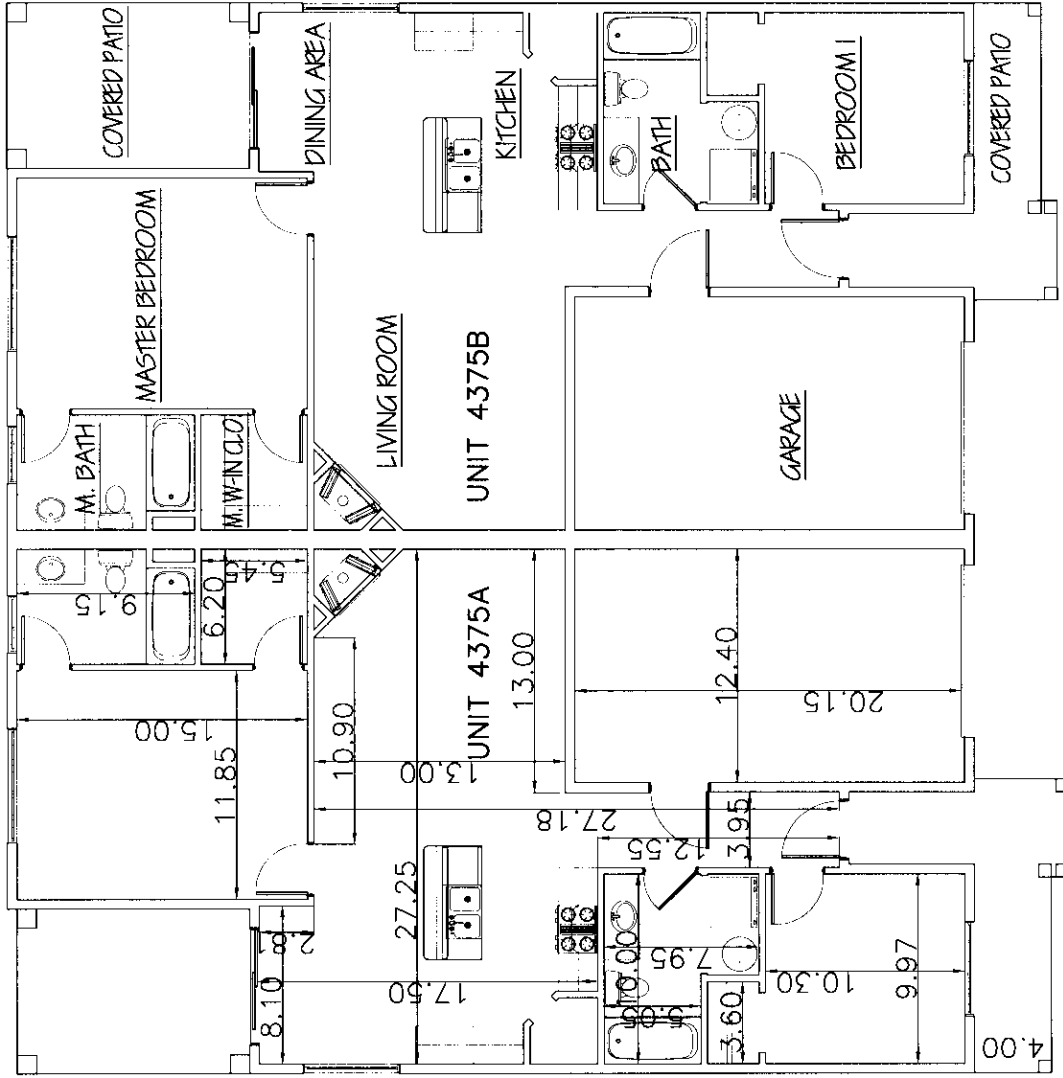
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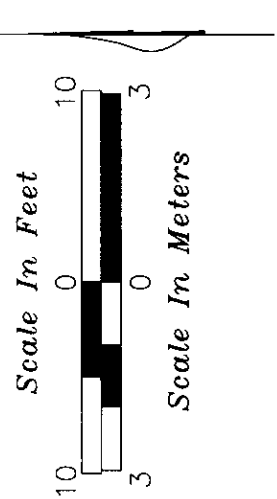
Sheet 1 of 1

EXHIBIT B

FLOOR PLAN ESSENCE CONDOMINIUM PHASE 2



UNIT 4375B DIMENSIONS ARE MIRRORED FROM UNIT 4375A



Legal Description
Lot 11 Block 2, TRADITIONS SUBDIVISION, PHASE 1, located in the E 1/2, of the SE 1/4, of Sec. 4, T. 2 S., R. 5 E., P.M.M., Gallatin County, Montana

Address
4375 Brookside Lane

Unit Area
Unit A = 1282 SF
Unit B = 1282 SF

NOTE: All Sidewalks, stoops, driveways, patios, porches, and decks are limited common elements allocated to the units they are adjacent to.

Engineering and Surveying Inc.
1081 Sawridge Drive • Bozeman, MT 59716
Phone (406) 387-1118 • Fax (406) 387-9786
www.cr-engineers.com • info@cr-engineers.com

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CERTIFICATE OF FLOOR PLANS

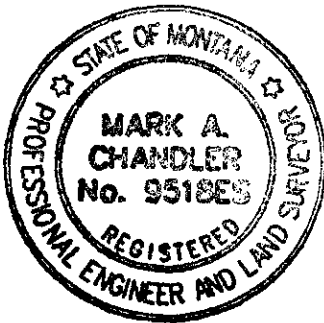
The undersigned, being a duly registered professional engineer and land surveyor in the State of Montana, and having reviewed the site plan and floor plans for ESSENCE CONDOMINIUM, PHASE 2, attached to this Declaration herewith, certifies the following:

That pursuant to the provisions of 70-23-306(2), MCA, the site plan and floor plans for Units 4375A and 4375B of the Essence Condominium, Phase 2, located on:

Lot 11, Block 2, TRADITIONS SUBDIVISION, PHASE 1, City of Bozeman, according to the plat thereof, on file and of record in the office of the Clerk and Recorder, Gallatin County, Montana.

As duly filed with the Declaration and By-Laws thereof, are an accurate copy of the plans filed with and approved by the officials and officers of the City of Bozeman, having jurisdiction to issue building permits. The site plan and floor plans render a hand representation of the actual site and buildings, and fully and accurately depict the layout, location, unit designation, area and dimensions of each unit as built, and the common areas to which each unit has access.

Dated: April 23, 2008



by: Mark A. Chandler
Registered Professional Engineer and Land Surveyor
License No. 9518ES





**CITY OF BOZEMAN
DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT**

Alfred M. Stiff Professional Building
20 East Olive Street
P.O. Box 1230
Bozeman, Montana 59771-1230

phone 406-582-2260
fax 406-582-2263
planning@bozeman.net
www.bozeman.net

Date: M

To Whom It May Concern:

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:

- (1) 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.”

Pursuant to the above statute, the Department of Planning and Community Development has determined that the condominium development on property legally described as Lot 11, Block 2, Traditions Masub Phase I.

- does not require subdivision review and has satisfied the exemption criteria.
- has completed review as a subdivision.

If you have any questions or comments, please contact the City of Bozeman Planning Office at 582-2260. Thank you for your cooperation.

Andrew C. Epple, AICP
Director of Planning and Community Development

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