

Return to:
Susan B. Swimley
1807 West Dickerson, #B
Bozeman, MT 59715



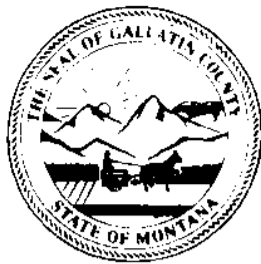
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Page: 1 of 10 03/19/2015 03:37:59 PM Fee: \$80.00
Charlotte Mills - Gallatin County, MT MISC



STC Accommodation
62015, pd.

**FIFTH SUPPLEMENTAL DECLARATION
FOR THE
NICOLE CONDOMINIUMS**



GALLATIN COUNTY

CERTIFICATE OF EXEMPTION FROM SUBDIVISION REVIEW

I, Manager of Subdivision and Zoning for Gallatin County, Montana, do hereby certify that the Fifth Supplemental Declaration for Nicole Condominiums made March 3, 2015, by Michael Skogen, Vice President of CHASE-SKOGEN CONSTRUCTION, INC., pursuant to Title 70, Chapter 23, Montana Code Annotated, is exempt from review under the Montana Subdivision and Platting Act pursuant to Section 76-3-203(1), MCA.

The Condominiums are to be located on the following described real property:

A portion of Lot 58 of the Final Plat of Galactic Park Subdivision, Gallatin County, Montana, according to the official plat thereof on file in the Gallatin County Clerk and Recorder's Office, Gallatin County, Montana (Plat J-414).

The Declaration is exempt because the condominiums are to be constructed on land that was subdivided in compliance with Parts 5 and 6 of the Subdivision and Platting Act. The preliminary plat approval for the Galactic Park Subdivision expressly contemplated the construction of up to 120 condominiums within Lot 58, and all applicable parkland dedication requirements required by Section 76-3-621, MCA has been complied with as stated in the final plat approval for the Galactic Park Subdivision. Furthermore, the units subject to this Declaration are exempt because the subject condominiums are in conformance with the requirements of the Four Corners Zoning Regulations.

Any future amendment to the Preliminary Declaration for the Nicole Condominiums or to any final Declaration that adds units to the Condominium Declaration for the Nicole Condominiums within Lot 58 of the Galactic Park Subdivision requires, for each amendment, an additional declaration of condominium exemption from the Gallatin County Planning Department.

This Certificate of Exemption in no way obviates the declarants' responsibility to file a final declaration as required under the Montana Unit Ownership Act.

DATED this 17th Day of March, 2015

A handwritten signature in black ink, appearing to read "W. Randall Johnson", is written over a horizontal line.

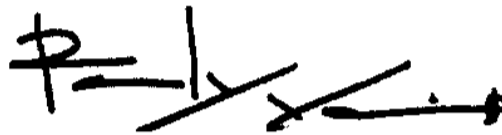
W. Randall Johnson, AICP;
Manager, Subdivision and Zoning

CERTIFICATE OF FLOOR PLAN

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

That the floor plans and site plan for 1 and 3 Voyager Lane and 5 and 7 Voyager Lane, of NICOLE 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 Fifth Supplemental Declaration hereof, fully and accurately depict the layout, location, unit designation and dimensions as built of NICOLE CONDOMINIUMS, and that such floor plan and site plan are accurate copies of the plans filed with and approved by the officials and officers of Gallatin County, having jurisdiction to issue land use permits.

DATED: 02/27/2105



REGISTERED PROFESSIONAL ARCHITECT
Number: 2393

FIFTH SUPPLEMENTAL DECLARATION
FOR THE
NICOLE CONDOMINIUMS

By this Fifth Supplemental Declaration made this 3 day of March, 2015, CHASE-SKOGEN CONSTRUCTION, INC., the undersigned, amends the prior Declaration for the NICOLE CONDOMINIUMS filed with the Clerk and Recorder of Gallatin County, on April 1, 2014 as Document No. 2477445, the First Amendment to the Declaration for the NICOLE CONDOMINIUMS, filed with the Clerk and Recorder of Gallatin County, on July 11, 2014 as Document No. 2485689, the First Supplemental Declaration for the NICOLE CONDOMINIUMS filed with the Clerk and Recorder of Gallatin County, on July 11, 2014 as Document No. 2485690, the Second Supplemental Declaration for the NICOLE CONDOMINIUMS filed with the Clerk and Recorder of Gallatin County, on July 23, 2014 as Document No. 2486753, the Third Supplemental Declaration for the NICOLE CONDOMINIUMS filed with the Clerk and Recorder of Gallatin County, on September 30, 2014 as Document No. 2493347, and the Fourth Supplemental Declaration for the NICOLE CONDOMINIUMS filed with the Clerk and Recorder of Gallatin County, on October 14, 2014 as Document No. 2494469. This Fifth Supplemental Declaration is made pursuant to Articles VI and VII and other appropriate provisions of said Declaration.

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

The condominium unit in NICOLE CONDOMINIUMS consists of eleven (11) buildings listed as 5 and 7 Halo Drive, 9 and 11 Halo Drive, 13 and 15 Halo Drive, 17 and 19 Halo Drive, 21 and 23 Halo Drive, 25 and 27 Halo Drive, 26 and 28 Halo Drive, 29 and 31 Halo Drive, 33 and 35 Halo Drive, 1 and 3 Voyager Lane, and 5 and 7 Voyager Lane. Under the expansion provision in Article IV, it is contemplated that the condominium unit in NICOLE CONDOMINIUMS shall eventually consist of a total of thirty (30) separate buildings, consisting of a total of sixty (60) units, two (2) units per building. 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, successors, personal representatives and assigns for as long as this Declaration and Bylaws are in effect.

2. The last sentence in Article II., Real Estate, subparagraph Condominium Units shall be amended as follows:

The Units comprising the condominium are contained in eleven (11) buildings.

3. In Article IV. Ownership and Voting – Exhibits – Use, subparagraph Percentage of Interest, the percentage of interest in general common elements shall be amended as follows:

UNIT	SQUARE FOOTAGE	PERCENTAGE OF INTEREST IN GENERAL COMMON ELEMENTS
5 Halo Drive	1,470	4.5455%
7 Halo Drive	1,470	4.5455%
9 Halo Drive	1,470	4.5455%
11 Halo Drive	1,470	4.5455%
13 Halo Drive	1,470	4.5455%
15 Halo Drive	1,470	4.5455%
17 Halo Drive	1,470	4.5455%
19 Halo Drive	1,470	4.5455%
21 Halo Drive	1,470	4.5455%
23 Halo Drive	1,470	4.5455%
25 Halo Drive	1,470	4.5455%
27 Halo Drive	1,470	4.5455%
26 Halo Drive	1,470	4.5455%
28 Halo Drive	1,470	4.5455%
29 Halo Drive	1,470	4.5455%
31 Halo Drive	1,470	4.5455%
33 Halo Drive	1,470	4.5455%
35 Halo Drive	1,470	4.5455%
1 Voyager Lane	1,470	4.5455%
3 Voyager Lane	1,470	4.5455%
5 Voyager Lane	1,470	4.5455%
7 Voyager Lane	<u>1,470</u>	<u>4.5455%</u>
TOTALS	32,340	100%

*subject to the expansion provision below.

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

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 of the Unit Owners shall be equal to the other units in accordance with the Bylaws of the Association of the Unit Owners. For the present, each of the original twenty-two (22) units shall have one vote per unit, for a total of twenty-two (22) votes.

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

NICOLE CONDOMINIUMS will consist of eleven (11) buildings and the real property described in **Exhibit A** which contains twenty-two (22) units as shown on the floor plans.

6. Except as amended as set forth above, the Declaration for the NICOLE CONDOMINIUMS shall be in full force and effect.

IN WITNESS WHEREOF, the undersigned has caused this Fifth Supplemental 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 NICOLE CONDOMINIUMS.

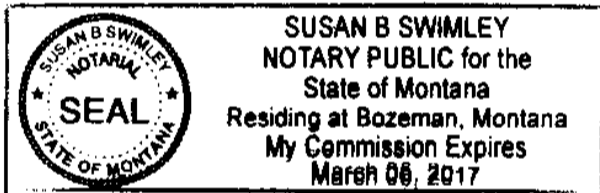
CHASE-SKOGEN CONSTRUCTION, INC.

By: *Michael Skogen*
Michael Skogen, Vice President

STATE OF MONTANA)
) ss.
County of Gallatin)

On this 3 day of March, 2015, before me, a Notary Public in and for the State of Montana, personally appeared Michael Skogen, known to me to be the Vice President of CHASE-SKOGEN CONSTRUCTION, INC., the Declarant, and acknowledged to me that he executed the same on behalf of the corporation.

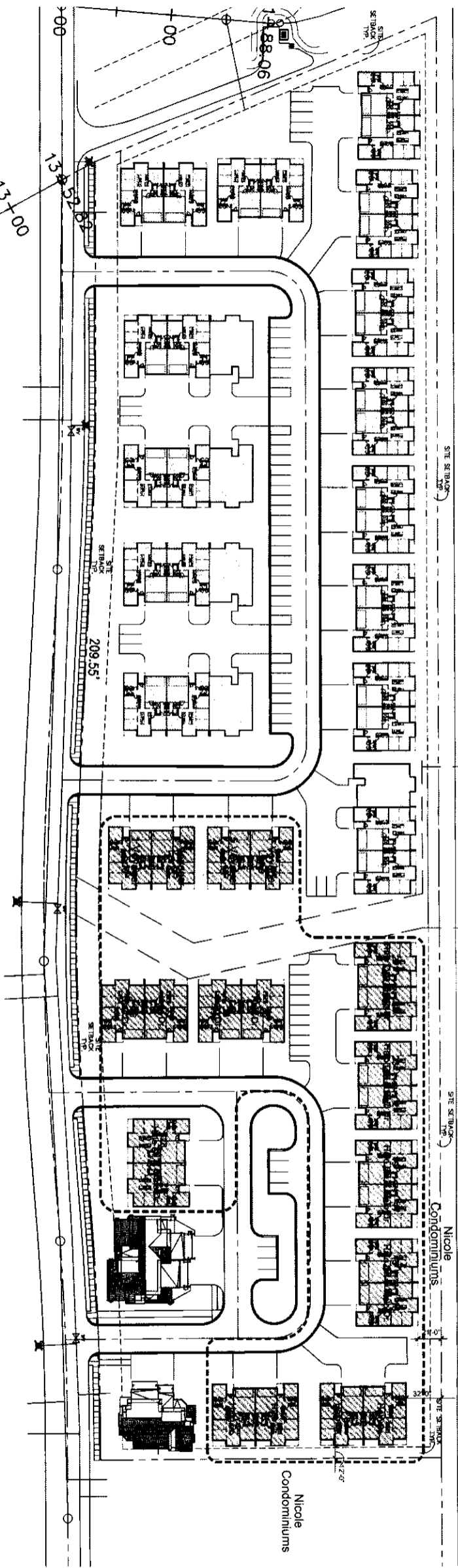
IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first above written.




Susan B Swimley
Notary Public for the State of Montana
Printed Name: Susan Swimley

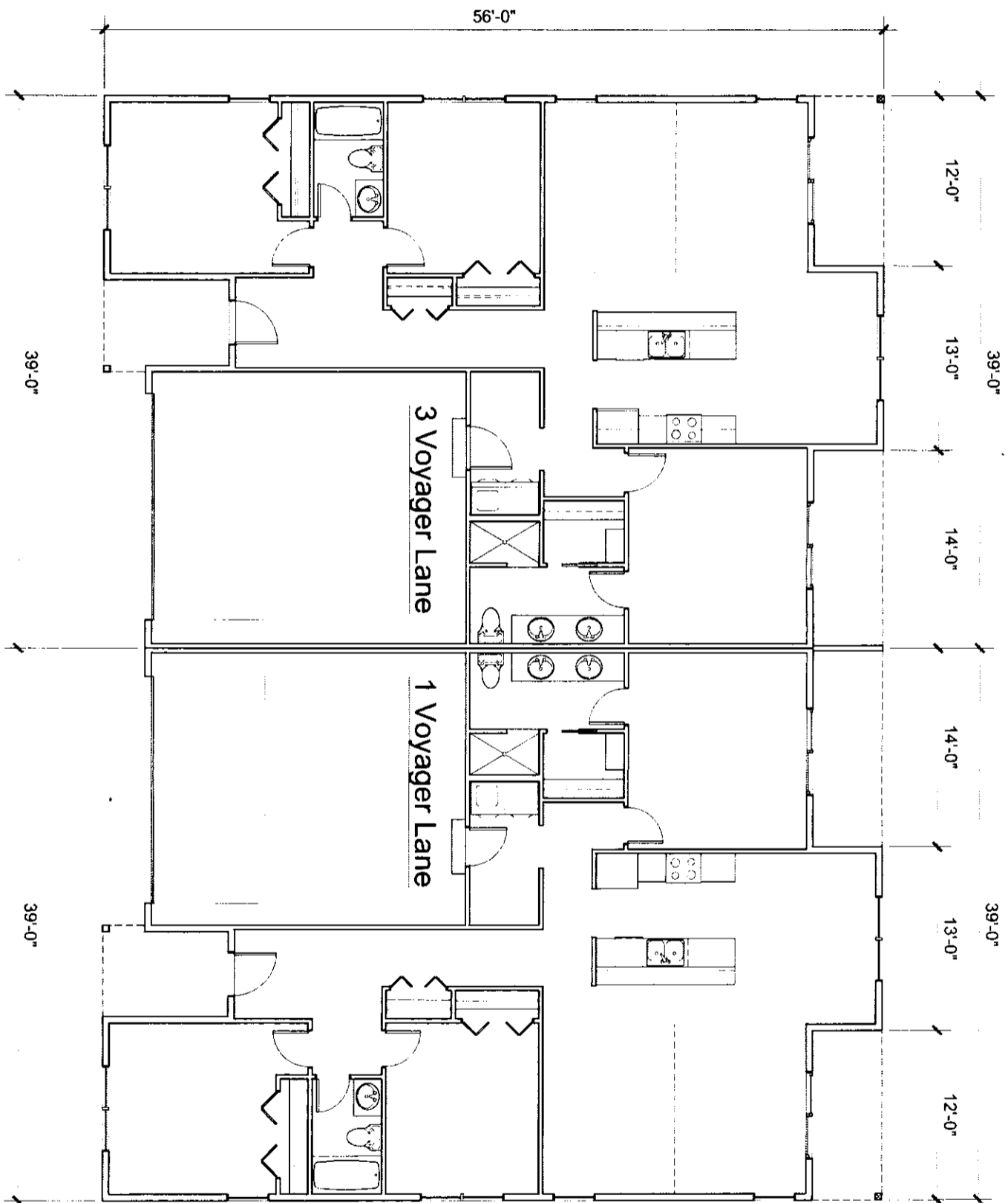
EXHIBIT A

A portion of Lot 58 of the Final Plat of Galactic Park Subdivision, Gallatin County, Montana, according to the official plat thereof on file and of record in the office of the Gallatin County Clerk and Recorder, Gallatin County, Montana (Plat Reference: J-414).



Nicole Condominiums and Proposed Site Layout
 scale: not to scale


drawing			Nicole Condominiums four corners montana	drawing
Issued for: Review	Issue date:			

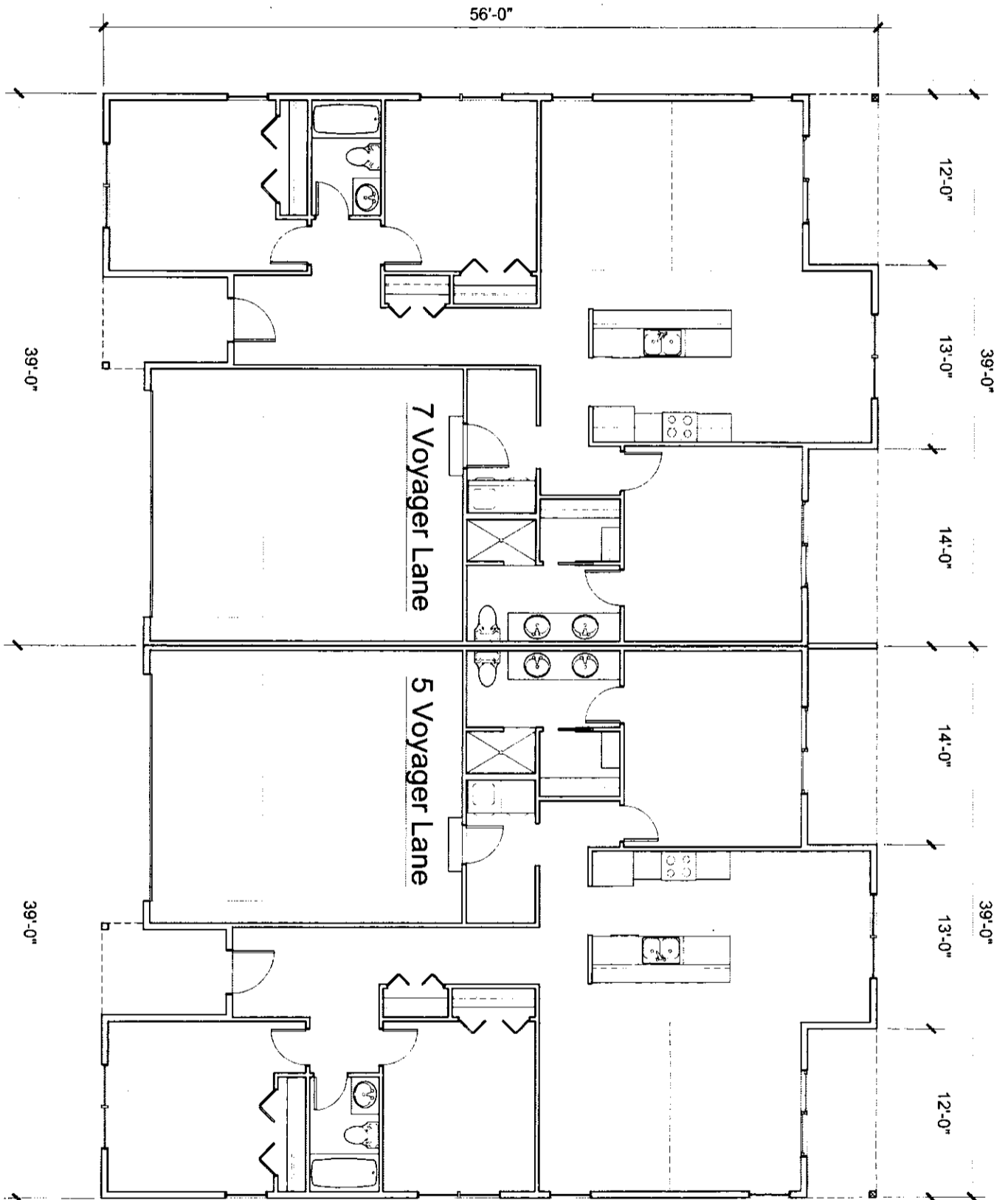


Nicole Condominiums Floor Plan
 scale: not to scale

sq. ft. summary:

1 Voyager Lane.....	1,470
Garage.....	443
3 Voyager Lane.....	1,470
Garage.....	443


drawing	Nicole Condominiums four corners montana	ISSUED 03/16  VISSIER architects	Issued for: Review	drawing
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Nicole Condominiums Floor Plan
 scale: not to scale

sq. ft. summary:

5 Voyager Lane.....	1,470
Garage.....	443
7 Voyager Lane.....	1,470
Garage.....	443

drawing	 <p>issued for: Review</p>	<p>Nicole Condominiums</p> <hr/> <p>four corners montana</p>	drawing
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