

PROTECTIVE COVENANTS (Revised 2021)

KARP MINOR SUBDIVISION  
(TRACT 1 OF THE MOLDENHAUER MINOR SUBDIVISION)

BROADWATER COUNTY, MONTANA

WHEREAS the undersigned Broadwater County Commissioners, Mike Delger, Darrel Folkvard, and Debi Randolph, revoke the Protective Covenants dated 4-6-1998 (Restrictive Covenants in Book 44 of Micro., page 33) that required Broadwater County Commissioners review and approval, and

WHEREAS the undersigned declarants, Mark K. Parker (Tract 1-A), Dallas Casqueira and Taylor Casqueira (Tract 1-B), and Donald Messling and Carol Zirkle (Tract 1-C and D) are filing a revision of covenants to certain lands situated in Broadwater County, Montana, known as Karp Minor Subdivision, Tract 1-A, B, C, and D of Moldenhauer Minor Subdivision, with the Broadwater County, Montana Clerk and Recorder for recordation, and

WHEREAS the undersigned declarants are the owners of all the lots of said tract are revoking all restrictions from the protective covenants dated 4-6-1998 (Restrictive Covenants in Book 44 of Micro., page 33) and replacing them with the following restrictions upon said lots for the use and benefit of themselves as present owners and for the future owners of the lots, and for the benefit of the general public interest and welfare.

NOW THEREFORE these covenants to be changed are made to apply to that certain tract of land situated in Tract 1 of the Moldenhauer Minor Subdivision: NE ¼ of Section 23, T 5 N, R 1 E PMM, Broadwater County, Montana, containing 80 acres, more or less. The legal descriptions for plots are:

- Tract 1-A: S23, T05 N, R01 E, C.O.S. 1-583, MOLDENHAUER MINOR SUBD. AMD. TRACT 1-A
- Tract 1-B: S23, T05 N, R01 E, C.O.S. 1-925, MOLDENHAUER MINOR SUBD. AMD. TRACT 1-B
- Tract 1-C and D: S23, T05 N, R01 E, C.O.S. 1-583, MOLDENHAUER MINOR SUBD. AMD. TRACTS 1-C & 1-D

All persons, corporations or other entities who now or hereafter acquire any interest in and to any of the above described property, shall be taken and held to agree and covenant with the owners of the lots in said tract, and with their heirs, successors, and assigns, to conform to and observe the following restrictive covenants as to the use thereof.

The following restrictive covenants are alterable only with the approval of the majority of owners (based on number of lots).

**1. Karp Road:** The owners of Karp Road include all owners of Karp Minor Subdivision/Moldenhauer Tracts 1-A, B, C, and D (owners of the east half of the road) and Moldenhauer Tract-2 (owners of the west half of the road and not covered under these covenants). Maintenance/Repair responsibility is based on road usage. Improvement is the responsibility of owners. Signed Road Agreements for large projects to include, but are not limited to: which owners are to be involved (based on Maintenance or Improvement responsibility), the work to be done, who does the work, price for work, portion and timeframes for payment by each participating owner, when the work is to begin and how long it will last, any special considerations needed to keep the road accessible and protect individual properties, and what happens if obligations are not fulfilled (i.e, court costs and attorney fees, construction liens per Title 71, Chapter 3, Part 5, MCA, or other statues authorizing such liens, waivers, and arbitration per the Montana Uniform Arbitration Act (Sec. 27-5-111, et seq MCA and the rules of American Arbitration Association).

**2. Noxious Weed Management:** Owners to follow existing state and Broadwater County Weed District laws or regulations regarding abating noxious weeds on their lots and along their portion of Karp Road.

**3. Animals:** Owners must contain animals they are responsible for with adequate fencing, pens, or other housing. Grazing is allowed based on conditions. Overgrazing is not allowed. Owners will follow Open Range laws regarding fencing animals out of their property.

Only current owners of Karp Minor Subdivision lots are allowed to enforce these covenants. Enforcement of these Covenants shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any covenant, either to restrain any violation or to recover damages, or both. Invalidation of any one of these covenants by judgement or court order shall in no way effect any other provisions which shall remain in full force and effect.

Date this 31 day of Aug, 2021.

Mark K. Parker

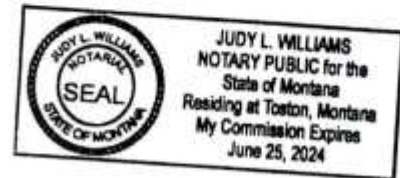
Mark K. Parker

Subscribed and sworn to before me on the 31 day of Aug, 2021.

Judy L. Williams

Notary Public for the State of Montana

Commission expires: 06-25-2024

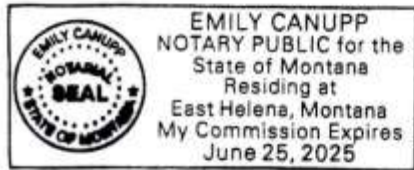


Date this 30 day of Aug, 2021.

[Signature]  
Dallas Casqueira

Subscribed and sworn to before me on the 30 day of August, 2021.

[Signature]  
Notary Public for the State of Montana



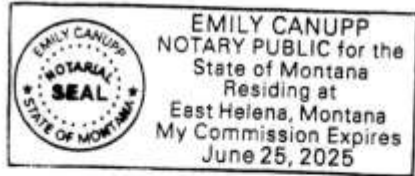
Commission expires: June 25, 2025

Date this 30 day of Aug, 2021.

[Signature]  
Taylor Casqueira

Subscribed and sworn to before me on the 30 day of August, 2021.

[Signature]  
Notary Public for the State of Montana



Commission expires: June 25, 2025

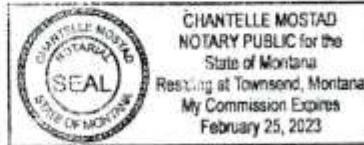
Date this 7 day of Sept, 2021.

*Donald J. Mesring*  
Donald J. Mesring

Subscribed and sworn to before me on the 7<sup>th</sup> day of Sept, 2021.

*Chantelle Mostad*  
Notary Public for the State of Montana

Commission expires: 25 Feb 2023



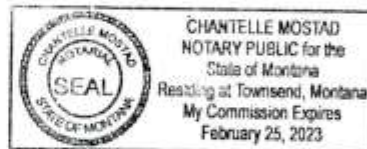
Date this 7 day of Sept, 2021.

*Carol A. Zirkle*  
Carol A. Zirkle

Subscribed and sworn to before me on the 7<sup>th</sup> day of Sept, 2021.

*Chantelle Mostad*  
Notary Public for the State of Montana

Commission expires: 25 Feb 2023



Date this \_\_\_\_ day of \_\_\_\_\_, 2021.

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Mike Delger (Chairman)

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Darrel Folkvard (Commissioner)

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Debi Randolph (Commissioner)