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Charlotte Mills - Gallatin County, MT MISC



Please return to:
Schwasinger & Fallaw, P.C.
517 South 22nd, Suite 2
Bozeman, MT 59718

**AMENDED DECLARATION OF PROTECTIVE COVENANTS
AND RESTRICTIONS FOR THE DIAMOND ESTATES
SUBDIVISION NO. 2 PHASES II & III**

COMES NOW, DOUGLAS L. SMITH and NHB, LLC, and hereby agree to amend the Covenants and Restrictions for The Diamond Estates Subdivision No. 2 Phases II & III filed with the Clerk and Recorder of Gallatin County, Montana, on December 19, 2007 as Document No. 2287336, as follows:

1. ARTICLE II, Paragraph D, Section 6. shall be deleted and replaced with the following:

Section 6. Single Family Lots. All lots not designated as Single Family Detached Restricted Size Lots, Fourplex Restricted Size Lots, Duplex Lots, Standard Fourplex Lots or Condominium Lots shall be considered Single Family Lots and shall have the following restrictions: No more than 1 single family dwelling unit with an attached two-car garage shall be allowed per Lot. Each single-story residence shall contain a minimum of 1,450 square feet of interior enclosed space. Each two-story residence shall contain a minimum of 1,600 square feet of interior enclosed space with a minimum of 1,200 square feet being located on the ground floor. Porches, decks, basements, and garages shall not be included in any square footage calculation. No building or any attachments thereto shall exceed 32 feet above the natural ground surface. Maximum square footage shall be dictated by the then current zoning regulations and ordinances of the City of Bozeman.

2. This amendment shall not alter or amend any other covenant of the Diamond Estates Subdivision No. 2 Phases II & III.
3. The undersigned represent at least seventy-five percent (75%) of the owners as required to amend the Declaration of Protective Covenants and Restrictions for the Diamond Estates Subdivision No. 2 Phases II & III.

Dated this 25th day of August, 2009.

Douglas L. Smith
Douglas L. Smith

NHB, LLC, by

Benjamin E. Nistler
Benjamin E. Nistler, Manager

STATE OF MONTANA)
 : ss.
County of Gallatin)

On this 25th day of August, 2009, before me, a Notary Public in and for said State, personally appeared DOUGLAS L. SMITH, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.



Tami Geissler
Printed Name: Tami Geissler
Notary Public for the State of Montana
Residing at Bozeman, Montana
My commission expires: May 26, 2011

STATE OF MONTANA)
 : ss.
County of Gallatin)

On this 12 day of August, 2009, before me, a Notary Public in and for said State, personally appeared BENJAMIN E. NISTLER, Manager of NHB, LLC, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that the company executed the same.



Tami Geissler
Printed Name: Tami Geissler
Notary Public for the State of Montana
Residing at Bozeman, Montana
My commission expires: May 26, 2011