

15th

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COLLEGE STREET CONDOMINIUM

PREPARED BY: Wayne Jennings
Attorney at Law
125 W Mendenhall
Bozeman, Montana"

STC # 940185

ASSESSOR'S 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 College Street Condominium Declaration, Gallatin County, Montana, situated on the property described as follows:

Lots 1-4 of Block 1 of Springdell Addition to Bozeman, Gallatin County, Montana, according to Amended Subdivision plat J-155, on file and of record with the County Clerk and Recorder, Gallatin County, Montana.

1. That the name College Street 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 College Street Condominium is situated and the improvements thereon have been paid to date.

Dated this 2 day of ^{March}~~February~~, 1994.

Arlette C. Derbata
County Assessor

BY-LAWS OF THE ASSOCIATION OF UNIT OWNERS
OF THE
COLLEGE STREET CONDOMINIUM

GALLATIN COUNTY, STATE OF MONTANA

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1. PURPOSE AND APPLICATION:

These Articles are and shall be the By-Laws of the Association of Unit Owners of the College Street Condominium. These By-Laws shall, upon being recorded with the County Clerk and Recorder, County of Gallatin, State of Montana, become a part of the Declaration for the College Street Condominium, and shall govern and control the administration of the College Street Condominium. All Unit Owners, their guests and any renters or sub-lessees, present and future shall have the rights and responsibilities described in these By-Laws and shall be subject to the provisions thereof.

The acquisition of an ownership interest in a unit in the College Street Condominium signifies that the Owner accepts, ratifies and agrees to comply with these By-Laws.

2. MEMBERSHIP:

Persons owning a Unit in the College Street Condominium or owning a unit in any real estate tenancy relationship recognized by the State of Montana, shall be members of the Association of Unit Owners ("Association"), which shall be the same as the Association or Owners Association or Condominium Association established in the initial Condominium Declaration for the Condominium. Membership begins concurrently with the acquisition of an ownership interest in a unit and terminates at the time such ownership interest is terminated, but such termination shall not relieve any Owner of liability for obligations incurred while a member of the Association. Membership in the Association does not in any way negate or impair any Owner's legal remedies, right to bring legal action, or defenses to any and all actions involving the Association, other Owners, or the Management which may arise from or be incidents of ownership.

3. OBLIGATIONS:

Each Owner shall be obligated to comply with the By-Laws, initial Condominium Declaration, and the laws of the City of Bozeman, County of Gallatin, State of Montana. Such obligation shall include, but not be limited to, the paying of assessments to the Association. Failure of any Owner to abide by these By-Laws and all rules made pursuant thereto, the Declaration, and the laws of the City of Bozeman, County of Gallatin, and the

State of Montana, shall be grounds for appropriate legal action by the Association of Unit Owners or by an aggrieved Owner against such non-complying Owner.

4. MEETINGS AND VOTING:

a. Regular Meetings: There shall be a regular meeting of the Association annually on the 15 of FEB each year, commencing on 1995, or on such other date properly announced by the Association. Any first lienholder shall have the right to have a representative attend any regular meeting and shall be given notice thereof. The first meeting of the Association shall take place not more than 1 year following the date of recording these By-Laws, if not sooner held.

b. Special Meetings: Pursuant to these By-Laws, the Association may at any time hold special meetings, notice of which must be sent to any first lienholders, who shall have the right to have a representative attend. Such special meetings may be called on the initiative of the Chairman of the Association, or a signed request of the Manager, or a petition signed by 25% of the Unit Owners. Notice of any special meetings must specify the reason for such meeting and the matters to be raised. Only matters set forth in the petition or request may be brought before such meeting, unless 75% of the aggregate interest present agrees otherwise. A special meeting shall be held within 120 days of the day that four of the units are sold by the Declarant, in order to elect a new Board of Directors, if not held sooner.

c. Notice: Notice of all meetings, regular or special, shall be mailed by the Association's Secretary to every Unit Owner and first lienholders of record at their address of record, at least ten (10) days prior to the time for holding such meeting. Such notices shall specify the date, time and place of the meeting and shall make provision to allow the voting of each Owner's interest by proxy at the discretion of the Owner. The mailing of a notice in the manner provided in this paragraph or the personal delivery of such notice by the Secretary of the Association shall be considered as notice served.

d. Quorum: No meeting, regular or special, shall be convened to conduct business, unless a quorum is present in person or by proxy. A quorum shall consist of at least fifty percent (50%) of the total aggregate interest of the Condominium. At any time, during any meeting that a quorum is not present, such meeting shall be adjourned forthwith.

5. VOTING INTEREST:

Each Unit Owner at any Association meeting shall have a voting interest equal to his or her percentage of interest in the general common elements as set forth in the Declaration, a copy of which is being filed concurrently with the filing of these By-Laws with the Clerk and Recorder of Gallatin County, State of Montana.

Such percentage factor shall be the voting interest of each Unit Owner on all matters affecting the general business of the College Street Condominium, on all matters affecting the common elements, assessments for the common elements, and on all matters upon which the Association agreed to have voting by the voting interests. Voting upon matters affecting limited common elements and assessments for limited expenses shall be only by Owners having a unit or interest in units located in the building affected.

Whenever a quorum is present at a meeting of the Association or the Board of Directors, those present may do any and all acts they are empowered to do unless specific provision of these By-Laws, the Declaration, or the laws of the State of Montana direct otherwise.

6. BOARD OF DIRECTORS:

The governance of the College Street Condominium shall be by a Board of Directors elected from among the Unit Owners. Such Board shall have all powers and responsibilities attendant to the general administration and control necessary to carry into effect the powers and duties specified by these By-Laws.

7. OFFICERS OF THE BOARD OF DIRECTORS:

The Association shall elect from its membership a Board of Directors which shall include a Chairman, Secretary and Treasurer, with the latter two offices combined at the discretion of the Association. The manner of election of the Board shall be as follows:

At the first and all subsequent meetings of the Association, nominations for positions on the Board will be accepted from any of the Unit Owners present. Voting will be non-cumulative with each Association member having a vote equal to his or her percentage of interest in the general common elements. Board members shall serve for one year and shall be elected by majority vote of those present at any annual or special meeting. The first Board consisting of persons shall be appointed by the Declarant in the Declaration, which Board shall serve until the first annual meeting of the Association at which time a new Board shall be elected.

1. Chairman: The Chairman shall preside at all meetings of the Association and meetings of the Board and shall have such other powers and duties as are provided in the Declaration, these By-Laws or by law, and as are ordinarily exercised by the presiding officer of an association, including the appointment of committees from among the Owners, and as may be delegated to him or her by the Board or the Association from time to time.

ii. Secretary: The Secretary shall record the proceedings of the meetings of the Board and meetings of the Association, shall keep such records and all other records, documents and other papers of the Board and of the Association and shall have such other powers and duties as may be delegated to him or her by the Board or the Association from time to time.

iii. Treasurer: The Treasurer shall be responsible for the funds of the Association and shall be responsible for keeping and having kept full and accurate financial records and books of account showing all receipts and disbursements of the Association and any other financial data required by the Board or the Association. He or she shall be responsible for the deposit of all funds in the name of the Board of the Association in such depositories as may be designated by the Board from time to time and shall have such other powers and duties as may be delegated to him or her by the Board or the Association from time to time. The Board may delegate such of the Treasurer's powers and duties to the Manager as it deems to be advisable.

8. POWERS AND DUTIES OF THE BOARD OF DIRECTORS:

The Board of Directors shall have the following powers and duties:

- a. To call annual meetings of the Association and give due notice thereof.
- b. To conduct elections of the Board.
- c. To enforce the provisions of the Declaration and By-Laws of the College Street Condominium by appropriate action.
- d. To promulgate rules and regulations for the use of the common elements and for the occupancy of the units so as to not interfere with the peace and quiet of all the residents. Such rules must be approved by seventy percent (70%) of the Unit Owners at any regular or special meeting of the Association, unless a higher percentage is required by the Montana Unit Ownership Act.
- e. To provide for the management of the College Street Condominium by hiring or contracting with suitable and capable management personnel for the day-to-day operation, maintenance, upkeep and repair of the general common and limited common elements.
- f. To levy assessments as allowed by the Declaration, these By-Laws, and the State of Montana, and to provide for the collection, expenditure and accounting of the

assessments.

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g. To collect the assessments for the College Street Condominium Owners Association.

h. To pay for the expenses of the maintenance, repair and upkeep of the general common elements and the limited common elements, and to approve payment vouchers, either at regular or special meetings.

i. To delegate authority to the Manager for the conduct of condominium business, to carry out the duties and powers of the Board; provided, however, that such authority shall be precisely defined with ultimate authority at all times residing in the Board of Directors.

j. To provide a means of hearing grievances and foreclosure proceedings of Unit Owners and to observe all due process requirements imposed upon owners associations for condominiums.

k. To meet at regularly scheduled times and hold such meetings open to all Unit Owners or their agents.

l. To prepare an annual budget for the condominium in order to determine the amount of the assessments payable by the Unit Owners to meet the general common and limited common expenses. To allocate and assess such charges among the Unit Owners according to their respective interests in the general common and limited common elements and to submit such budget to the Unit Owners on or before the date of the annual meeting.

m. To levy and collect special assessments whenever, in the opinion of the Board, it is necessary to do so in order to meet increased operating or maintenance expenses, costs, or additional capital expenses, or because of emergencies.

n. To take appropriate legal action to collect any delinquent assessments, payments or amounts due from Unit Owners or from any person or persons owing money to the condominium, and to levy a penalty and to charge interest on unpaid amounts due and owing.

o. To defend in the name of the Association any and all lawsuits wherein the College Street Condominium is a party defendant.

p. To enter into contracts with third parties to carry out the duties set forth, for and in behalf of the Board of the Association.

q. To establish a bank account for the College Street Condominium and to keep therein all funds of the Association. Withdrawal of monies from such accounts shall only be by checks signed by such persons as are authorized by the Board of Directors.

r. In general, to act for and carry on the administration and affairs of the Association as authorized and prescribed by the Declaration and to do all those things which are necessary and reasonable in order to carry out the governance and operation of the Condominium.

s. To make repairs, alterations and improvements to the general common and limited common elements consistent with managing the condominiums in a first class manner and in the best interests of the Unit Owners.

t. To arrange, keep, maintain and renew the insurance for the Association as set forth in the Declaration.

u. To carry out the duties and responsibilities of the Board in all other matters as may be authorized, needed or required by the Declaration.

v. To allow first lienholders to inspect Association and Board records upon proper notice and during reasonable business hours.

9. DUE PROCESS:

In the event there shall be default, except for the payment of assessments, by a Unit Owner or violation of any of the provisions of the Declaration or By-Laws, or non-compliance, notice of the same shall be sent to the Owner in writing by the Board of Directors setting forth the nature of the violation or non-compliance and providing for a time certain when the Unit Owner shall be confronted by the Board to respond. At such hearing the Unit Owner shall be confronted by the person or persons bringing the charges if they are individuals other than the Board members; the Owner shall have an opportunity to cross-examine such individuals and present his or her own witnesses, exhibits or testimony in his or her own behalf. At such hearing, if the Owner desires, he or she may request an impartial hearing examiner to be present to conduct the proceedings. Following such hearing the Board shall enter its findings of fact following the recommendations of any examiner and setting forth its decision and any actions it deems appropriate if it finds in fact that a violation or default has occurred.

10. VACANCIES AND REMOVAL:

Should a vacancy occur on the Board of Directors, the Board, subject to the exception described below, shall appoint a member