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American Land Title Company  
1809 West Arch / P.O. Box 396  
Bozeman, Montana 59715 / 59771-0396  
Order No. 1-92272

✓ **2355381**

Page: 1 of 19 03/04/2010 04:21:15 PM Fee: \$153.00  
Charlotte Mills - Gallatin County, MT MISC



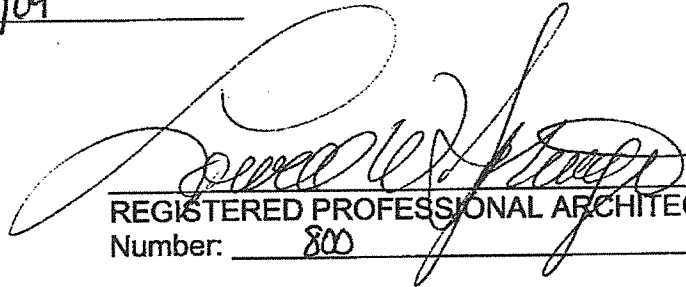
**SIXTH SUPPLEMENTAL DECLARATION**  
**FOR THE**  
**BSC CONDOMINIUMS**

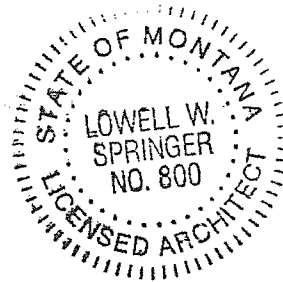
**CERTIFICATE OF FLOOR PLAN**

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

That the floor plans for BSC Condominiums, Building A, Units A1 through A12, Building B, Units B1 through B8, Building C, Units C1 through C12, and Building L, Units L1 through L12, 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 the Sixth Supplemental Declaration thereof, fully and accurately depict the layout, location, unit designation and dimensions as built of the BSC CONDOMINIUMS and that such floor plans 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.

DATED: 11/20/09

  
REGISTERED PROFESSIONAL ARCHITECT  
Number: 800



**SIXTH SUPPLEMENTAL DECLARATION  
FOR THE BSC CONDOMINIUMS**

COMES NOW, the Declarant, BAXTER SPRINGS, LLC, and supplements the Declaration for the BSC Condominiums, recorded as Document No. 2258769, on March 7, 2007, the First Supplemental Declaration for the BSC Condominiums, recorded as Document No. 2265670, on May 10, 2007, the Second Supplemental Declaration for the BSC Condominiums, recorded as Document No. 2269636, on June 15, 2007, the Third Supplemental Declaration for the BSC Condominiums, recorded as Document No. 2271015, on June 28, 2007, the Fourth Supplemental Declaration for the BSC Condominiums, recorded as Document No. 2273871, on July 30, 2007 and the Fifth Supplemental Declaration for the BSC Condominiums, recorded as Document No. 2299713, on May 12, 2008. This sixth supplement is to remove a building from the condominium regime and to grant access easements and parking easements for the use of the structure formerly Building D. The owners of 100% of the units in the condominium regime voted in favor of the removal of Building D from the condominium regime. The owners of more than 51% of the units voted in favor of allowing the occupants of the former Building D structure an easement for use of the parking lot, an easement for access to the public street through the parking lot, easements for use of utilities, including but not limited to water, sewer, gas, electricity and cable and an easement for use of the common areas of BSC Condominiums.

NOW, THEREFORE, the Declaration for the BSC Condominiums, recorded as Document No. 2258769, on March 7, 2007, the First Supplemental Declaration for the BSC Condominiums, recorded as Document No. 2265670, on May 10, 2007, the Second Supplemental Declaration for the BSC Condominiums, recorded as Document No. 2269636, on June 15, 2007, the Third Supplemental Declaration for the BSC Condominiums, recorded as Document No. 2271015, on June 28, 2007, the Fourth Supplemental Declaration for the BSC Condominiums, recorded as Document No. 2273871, on July 30, 2007 and the Fifth Supplemental Declaration for the BSC Condominiums, recorded as Document No. 2299713, on May 12, 2008, declares the Declaration for BSC Condominiums hereby supplemented and amended in the following respect:

1. Article II, Real Estate, Paragraph entitled Description, the first sentence in the second paragraph is amended as follows:

The condominium unit in BSC CONDOMINIUMS consists of four (4) buildings, three (3) buildings with twelve (12) separate units listed as Building A, Units 1-12, Building C, Units 1-12, Building L, Units 1-12, and one (1) building with eight (8) separate units listed as Building B, Units 1-8.

2. Article IV, Ownership and Voting - Exhibits - Use, Paragraph entitled

Percentage of Interest, the percentage of interest owned by each of the Units shall be amended as follows:

UNIT	SQUARE FOOTAGE	PERCENTAGE OF INTEREST IN GENERAL COMMON ELEMENTS
A1	970	2.273%
A2	970	2.273%
A3	970	2.273%
A4	970	2.273%
A5	970	2.273%
A6	970	2.273%
A7	970	2.273%
A8	970	2.273%
A9	970	2.273%
A10	970	2.273%
A11	970	2.273%
A12	970	2.273%
B1	970	2.273%
B2	970	2.273%
B3	970	2.273%
B4	970	2.273%
B5	970	2.273%
B6	970	2.273%
B7	970	2.273%
B8	970	2.273%
C1	970	2.273%
C2	970	2.273%
C3	970	2.273%
C4	970	2.273%
C5	970	2.273%
C6	970	2.273%
C7	970	2.273%
C8	970	2.273%
C9	970	2.273%
C10	970	2.273%
C11	970	2.273%
C12	970	2.273%
L1	970	2.273%
L2	970	2.273%
L3	970	2.273%

L4	970	2.273%
L5	970	2.273%
L6	970	2.273%
L7	970	2.273%
L8	970	2.273%
L9	970	2.273%
L10	970	2.273%
L11	970	2.273%
L12	<u>970</u>	<u>2.273%</u>
<b>Totals</b>	<b>42,680</b>	<b>100.000%*</b>

\* subject to the expansion provision below.

3. In Article IV, the Paragraph entitled Voting Interest, the last sentence in that paragraph shall be amended as follows:

For the present, each of the original forty-four (44) units shall have one vote per unit, for a total of forty-four (44) votes.

4. In Article IV, the Paragraph entitled Floor Plans and Exhibits, the entire paragraph shall be amended as follows:

BSC CONDOMINIUMS will consist of four (4) buildings and the real property described in **Exhibit A** which contains forty-four (44) units as shown on the floor plans.

For identification and descriptive purposes the following Exhibits are attached and by reference hereto incorporated into and made a part of this Declaration:

**Exhibit B:** Showing the site plan of BSC CONDOMINIUMS and the location of the buildings containing BSC CONDOMINIUMS' Units on the Property.

Pursuant to Articles VII. Amendment, and Article X. Removal or Partition - Subdivision of the Declaration for BSC Condominiums, the removal of Building D from the condominium regime is in compliance with the Montana Unit Ownership Act, and has the 100% approval of all of the Owners. The Affidavit of the Declarant attesting to the 100% approval of all of the Owners in the condominium regime is attached hereto as **Exhibit C**.

ADDITIONALLY, pursuant to Article V, together with the approval of 51% of the Unit Owners the BSC Condominiums hereby grants easements for use by the occupants of the structure formerly designated as Building D, to the successors in

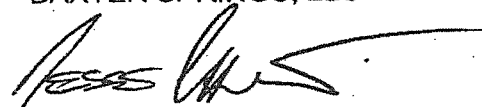
interest in ownership of the structure formerly designated as Building D, with said easements for the use of the parking lot, parking spaces, access to the public right of way over and across those areas of the parking lot and parking spaces between the public right of way, easements for use of utilities, including but not limited to water, sewer, gas, electricity and cable and the structure formerly identified as Building D together with use of the common elements of BSC Condominiums. Said easements are restricted and required to be compliant with the BSC Condominiums Declaration, together with any amendment as the same describes uses of said areas subject to this easement grant.

Except as herein amended and/or corrected, the Declaration for the BSC CONDOMINIUMS shall remain in full force and effect and is incorporated herein by this reference.

IN WITNESS WHEREOF, the Declarant of the BSC CONDOMINIUMS has caused this to be made and executed on the 26 day of January 2010.

BAXTER SPRINGS, LLC

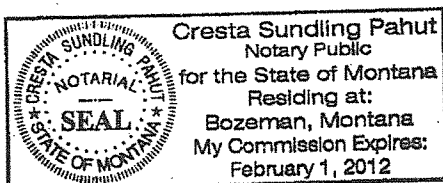
By:  
Its:

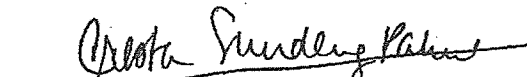
  
MEMBER/Manager

STATE OF MONTANA     )  
                                      : ss.  
County of Gallatin     )

On this 26 day of January, 2010, before me, a Notary Public in and for the State of Montana, personally appeared Jesse Chase, the <sup>Member</sup> Manager of BAXTER SPRINGS, LLC, known to me to be the Declarant, and acknowledged to me that he executed the same on behalf of the LLC.

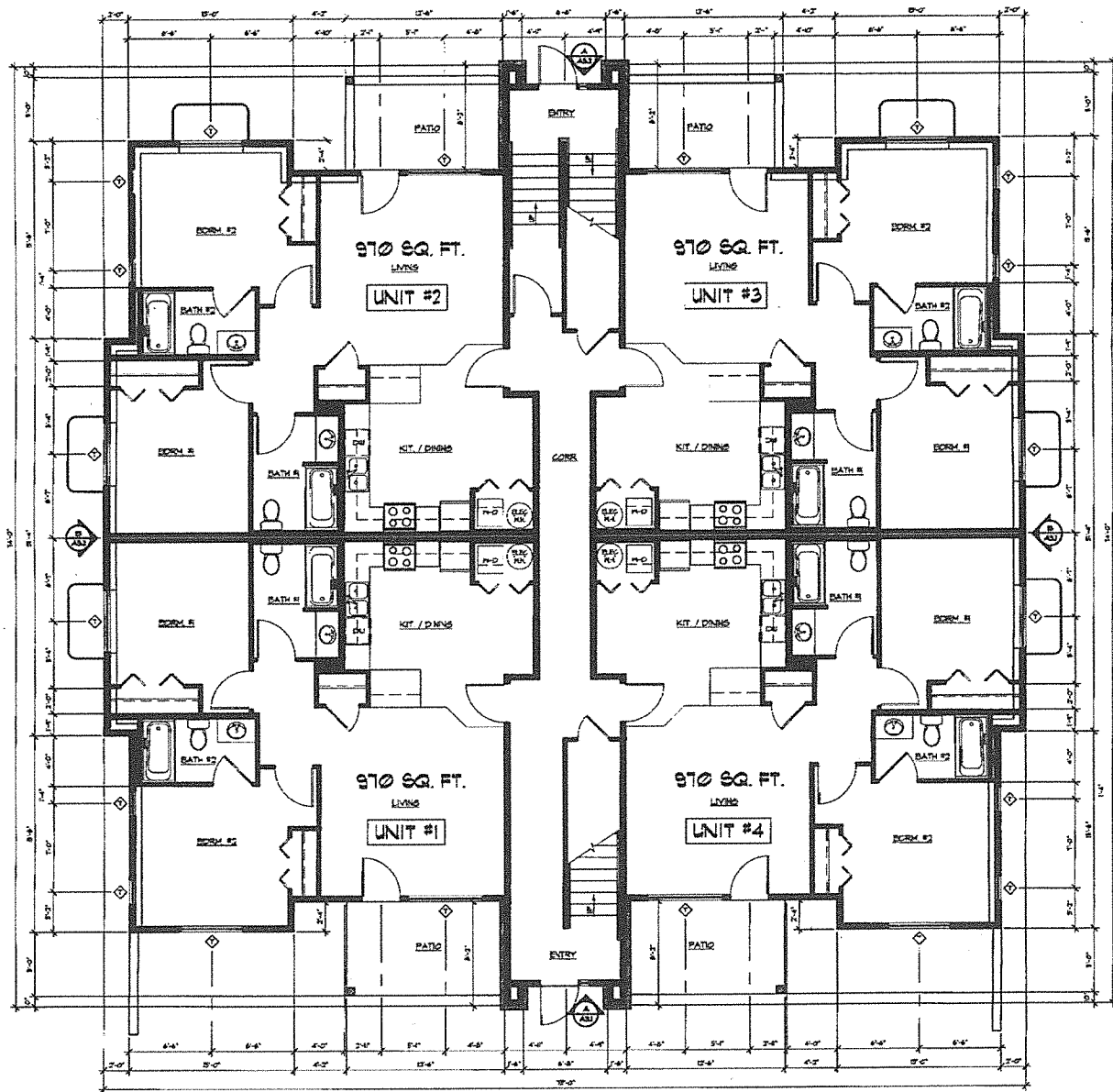
IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first above written.



  
Notary Public for the State of Montana  
Printed Name: \_\_\_\_\_  
Residing at \_\_\_\_\_  
My Commission expires: \_\_\_\_\_

**EXHIBIT A**

Lot A of the Final Plat of Minor Subdivision No. 362, being a portion of Tract 2 of Certificate of Survey No. 1256, located in the Northeast One-Quarter of Section 2, Township 2 South, Range 5 East, Principle Meridian Montana, City of Bozeman, Gallatin County, Montana.



**LOWER LEVEL FLOOR PLAN - BLDG 'A'**  
 A2.1A  
 R.T.S.

# BSC CONDOMINIUMS

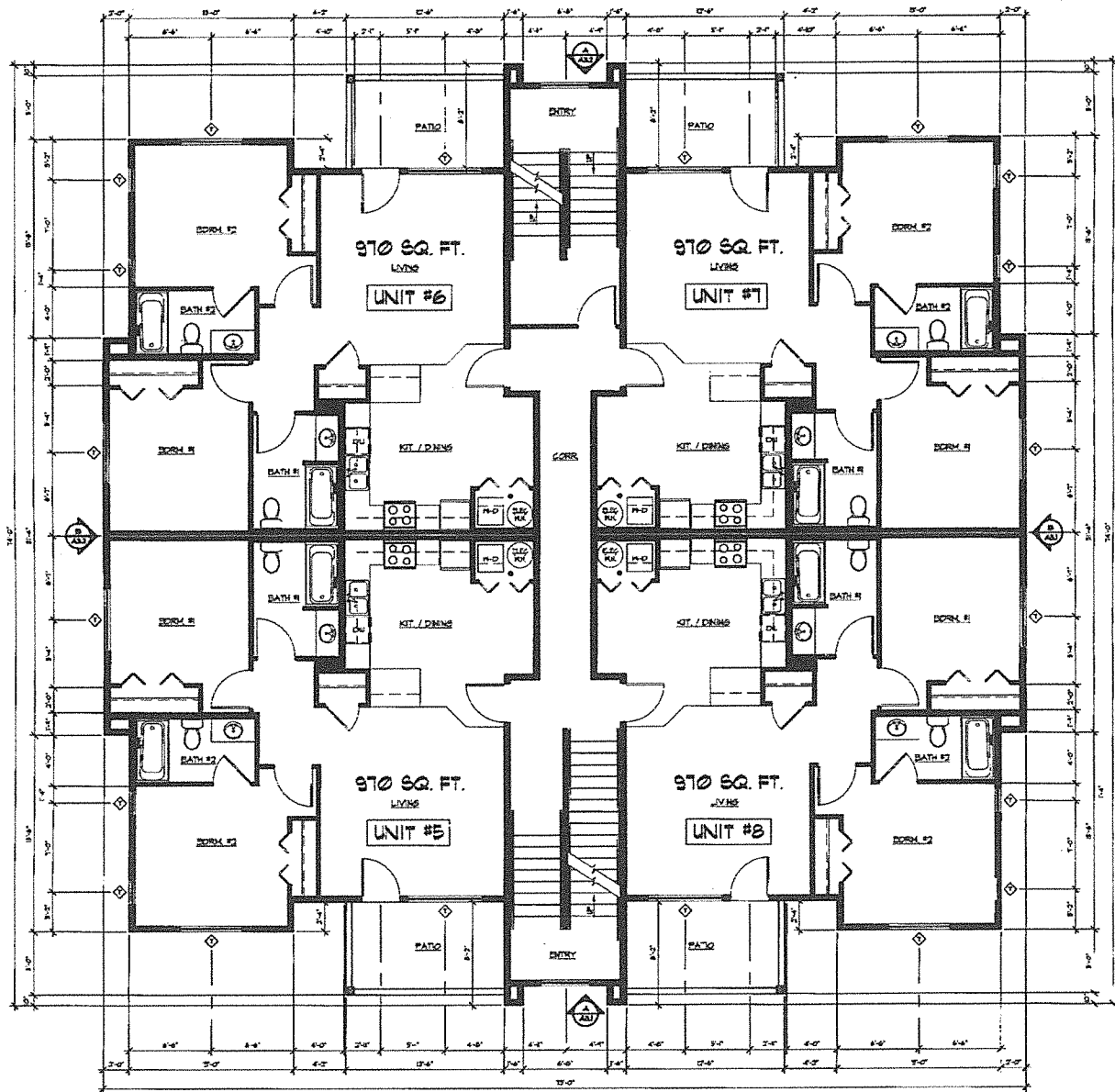
2-22-10

2220 - 2242 BAXTER LANE

BOZEMAN, MONTANA

**A2.1A**





**MAIN LEVEL FLOOR PLAN - BLDG 'A'**  
A2.2A  
NTA

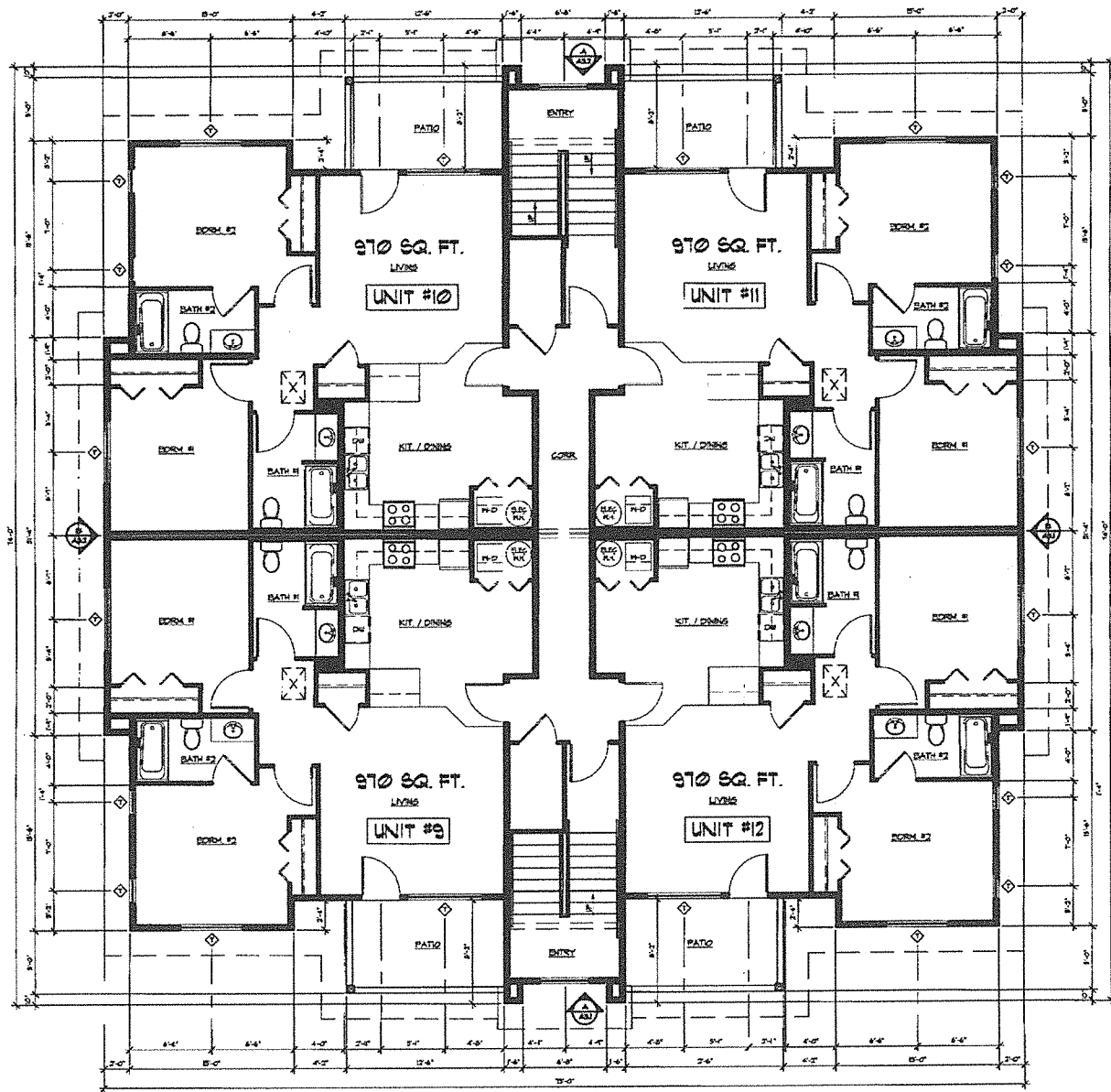
## BSC CONDOMINIUMS

2220 - 2242 BAXTER LANE

BOZEMAN, MONTANA

2-22-10

**A2.2A**



UPPER LEVEL FLOOR PLAN - BLDG 'A'

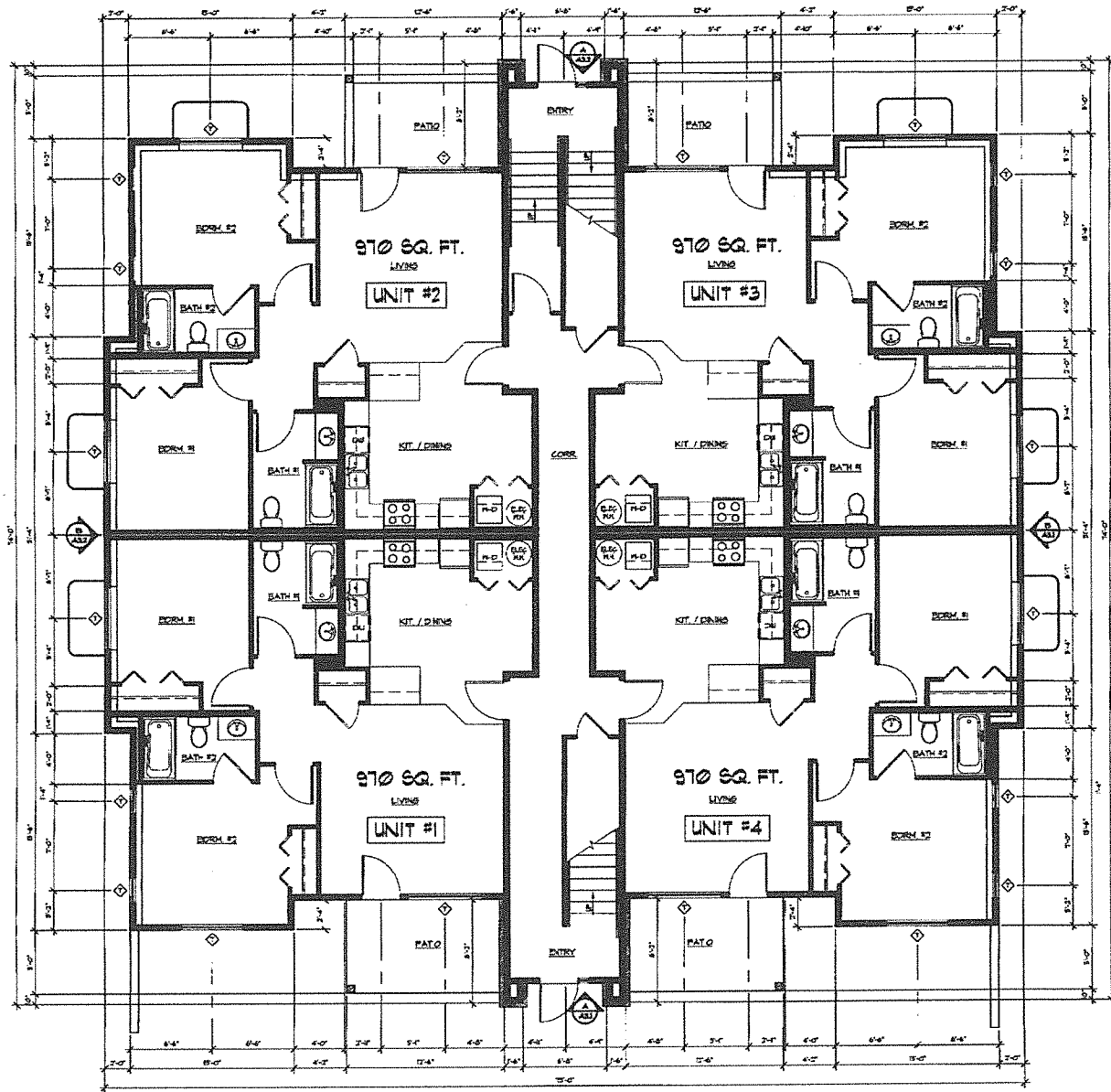
## BSC CONDOMINIUMS

2220 - 2242 BAXTER LANE

BOZEMAN, MONTANA

2-22-10

A2.3A



**LOWER LEVEL FLOOR PLAN - BLDG 'B'**  
KTS.

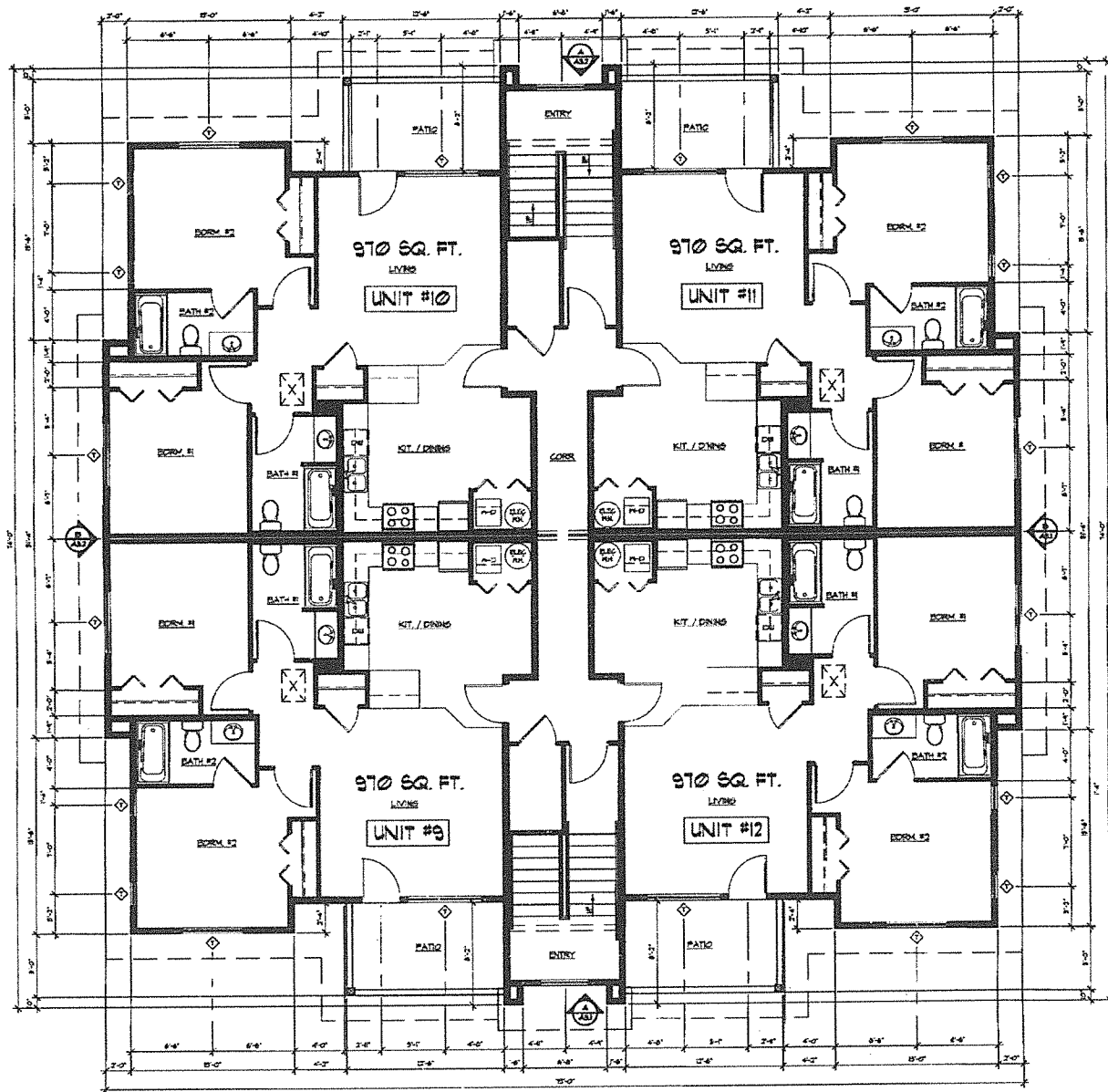
## BSC CONDOMINIUMS

2220 - 2242 BAXTER LANE

BOZEMAN, MONTANA

2-22-10

**A2.1B**



**A**  
**A2.2** MAIN LEVEL FLOOR PLAN - BLDG 'B'  
NTA

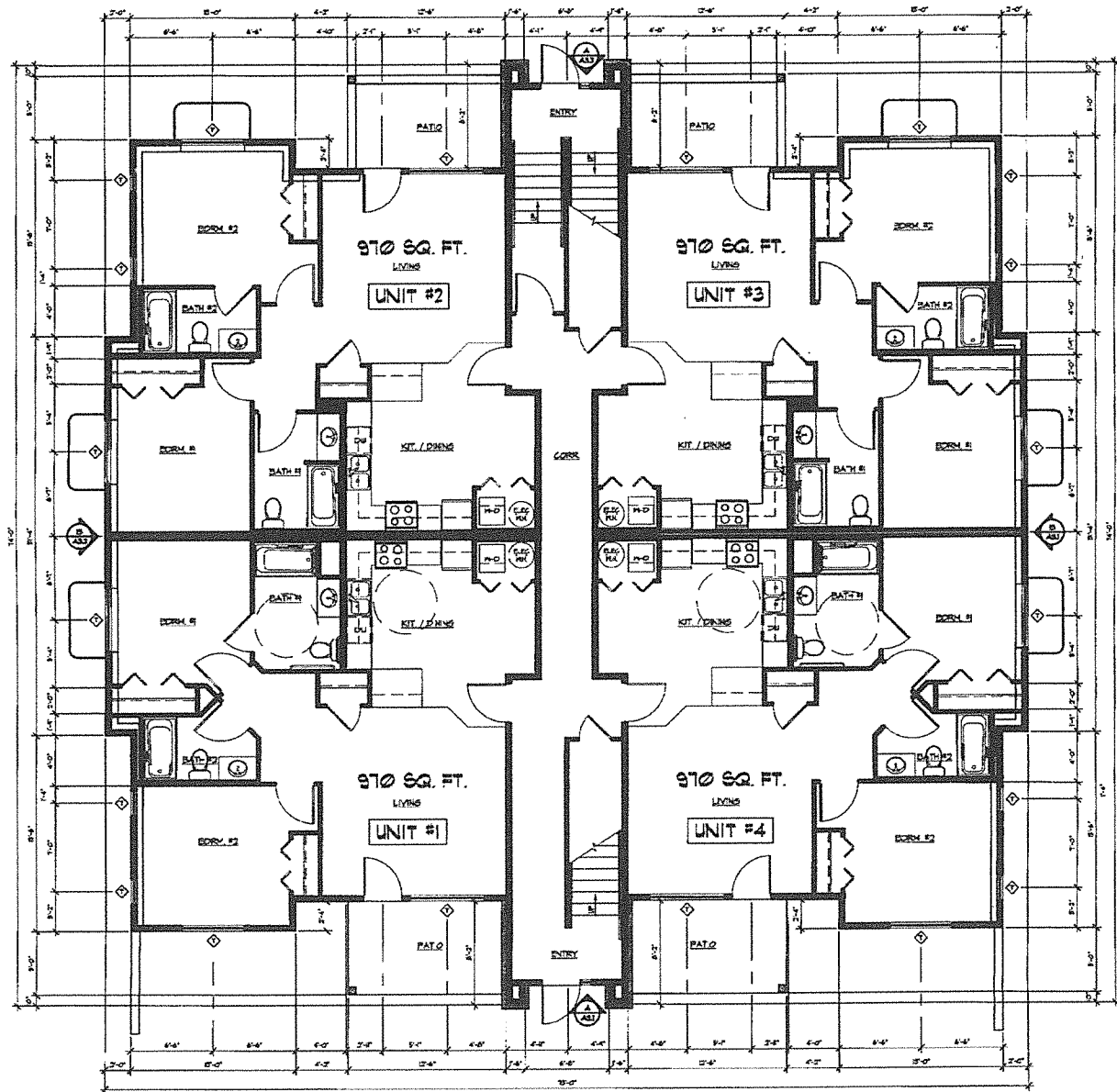
## BSC CONDOMINIUMS

2220 - 2242 BAXTER LANE

BOZEMAN, MONTANA

2-22-10

**A2.2B**



LOWER LEVEL FLOOR PLAN - BLDG 'C' 4'L'  
1/8" = 1'-0"

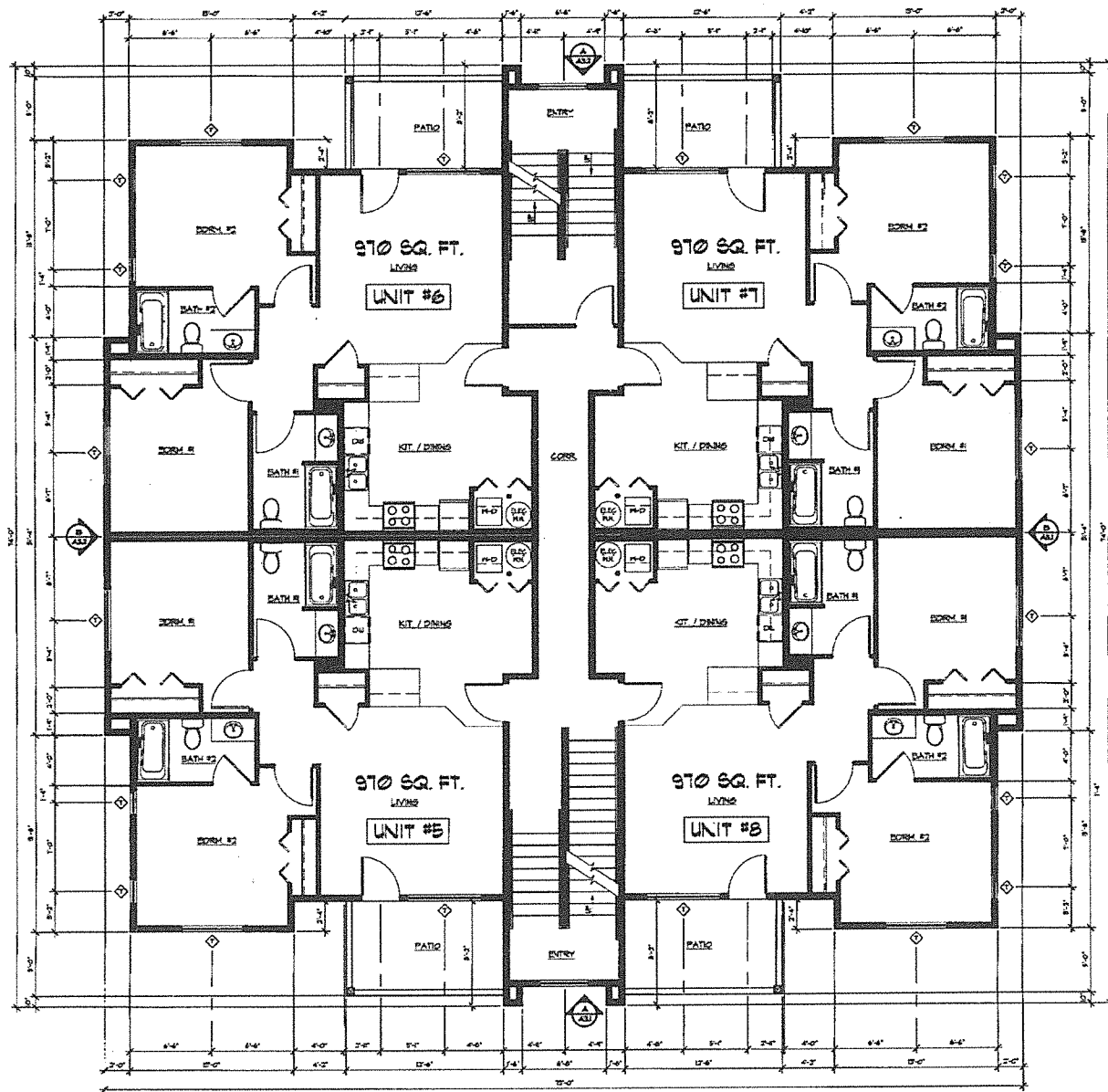
## BSC CONDOMINIUMS

2-22-10

2220 - 2242 BAXTER LANE

BOZEMAN, MONTANA

A2.1CL



**A**  
**A2.2** MAIN LEVEL FLOOR PLAN - BLDG 'C' & 'L'  
NTS

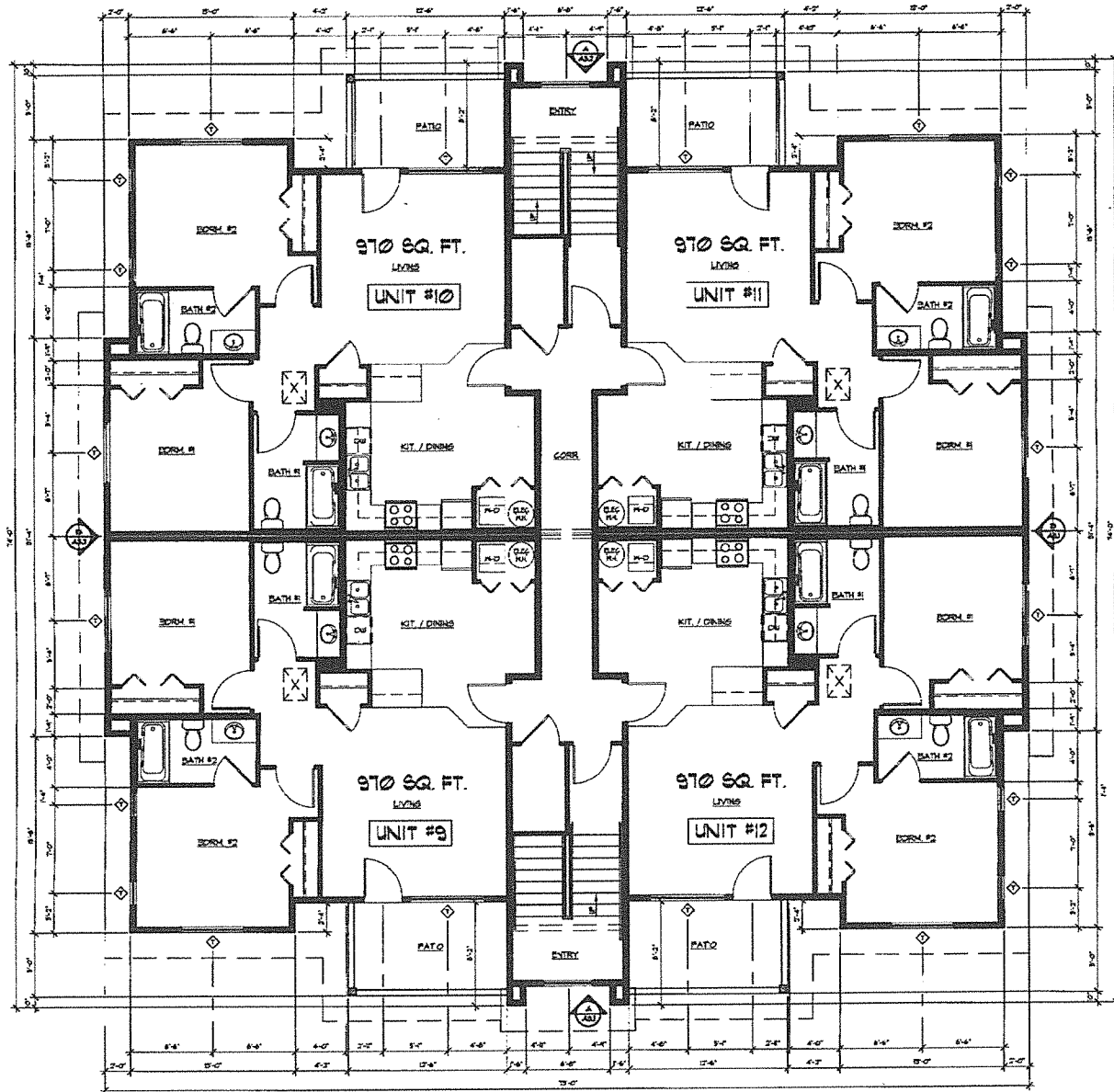
## BSC CONDOMINIUMS

2220 - 2242 BAXTER LANE

BOZEMAN, MONTANA

2-22-10

**A2.2CL**



**UPPER LEVEL FLOOR PLAN - BLDG 'C' & 'L'**  
 A2.3  
 KTS.

## BSC CONDOMINIUMS

2-22-10

2220 - 2242 BAXTER LANE

BOZEMAN, MONTANA

**A2.3CL**

# A.1.1

2-22-10

2220 - 2242 BAXTER LANE

BOZEMAN, MONTANA



**SPRINGER GROUP, P.C.**  
ARCHITECTS LAND USE PLANNERS

201 SOUTH WALLACE AVENUE, SUITE A-1  
BOZEMAN, MONTANA 59715  
PH: 406-585-2400  
FX: 406-585-7446

r. L. Whit Q



**EXHIBIT C**

**AFFIDAVIT OF DECLARANT**

STATE OF MONTANA     )  
                                      ) ss.  
County of Gallatin     )

Jesse Chase, Manager of BAXTER SPRINGS, LLC, the Declarant for the condominium regime known as BSC Condominiums, being first duly sworn upon oath, states as follows:


1. That the Declarant wishes to remove Building D from the condominium regime of BSC Condominiums.

2. That pursuant to Articles VII. Amendment and Article X. Removal or Partition-Subdivision of the Declaration for BSC Condominiums, the removal of Building D from the condominium regime has been voted on by mail by the Unit Owners of the BSC Condominiums with 100% approval. Copies of the Consents are in the files held by the Declarant.

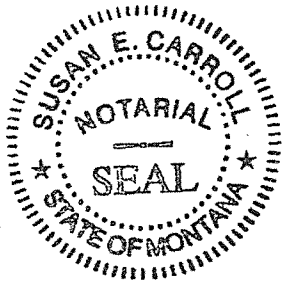
Further your affiant saith not.

BAXTER SPRINGS, LLC

By:  
Its:

  
\_\_\_\_\_  
PRESIDENT

SUBSCRIBED TO AND SWORN before me this 11<sup>th</sup> day of November, 2009, by  
Jesse Chase, Manager of BAXTER SPRINGS, LLC.



Susan E. Carroll

Notary Public for the State of Montana

Printed Name: Susan E. Carroll

Residing at Bozeman, MT

My Commission expires: 2-6-2012

**CONSENT TO RELEASE OF LIENHOLDER**

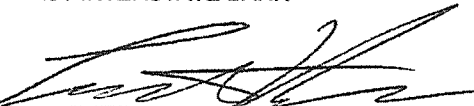
FIRST INTERSTATE BANK, with a primary address of 202 West Main Street, Bozeman, Montana 59715, consent and agree that the loan recorded on May 30, 2008, as Document No. 2301457, modified on June 23, 2009, as Document No. 2334437, records of Gallatin County, Montana, on Building D of BSC Condominiums, be transferred to the undivided interest of Chase-Skogen Properties, LLC, Allan Skogen, Jesse Chase, Nicholas Farms, LLP and the Michael E. Warner Profit Sharing Trust, after removal from the condominium regime of BSC Condominiums, pursuant to §70-23-801 of the Montana Code Annotated.

DATED this 27<sup>th</sup> day of January, 2010

FIRST INTERSTATE BANK

By:

Its:

  
ASSISTANT VICE PRESIDENT

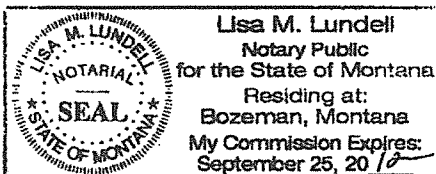
STATE OF MONTANA )


County of Gallatin )

) ss.

On this 27 day of January 2010, before me, a Notary Public in and for the State of Montana, personally appeared Emmett Hasler, the Assistant Vice President of FIRST INTERSTATE BANK, and acknowledged to me that he/she executed the same on behalf of the bank.

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



  
Notary Public for the State of Montana  
Printed Name: \_\_\_\_\_  
Residing at \_\_\_\_\_  
My Commission expires: \_\_\_\_\_