

199705610120

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ROAD MAINTENANCE AGREEMENT  
FOR  
BRUNNER TRACTS SUBDIVISION

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THIS AGREEMENT is made this 9 day of JANUARY, 1997 by Chris Byrd, owner of that land located in Flathead County, Montana, known as Brunner Tracts as recorded at the Clerk and Recorder Office, Flathead County, Montana.

The purpose of this agreement is to provide for the future maintenance of roads serving this land, for the benefit of all who acquire property within this land.

NOW THEREFORE, the owners hereby agree that all property described above is held and shall be conveyed held, conveyed, hypothecated or encumbered, leased, rented, used, occupied, and improved subject to the following road maintenance agreement. This agreement shall run with the land and shall be binding upon all parties, their heirs and/or assigns having or acquiring any right, title, or interest in the described land or any part thereof.

All owners of property within the described lands shall as a condition of the purchase of said property automatically become members of the Brunner Tracts Road Maintenance Association. Said land will hereafter be sold subject to membership in this Association. The purpose of the Brunner Tracts Road Maintenance Association shall be to periodically review the condition of the road serving said land, and to direct maintenance work to be done as necessary to maintain this road in good, all weather condition to those standards required by the conditions of approval being; a usable all weather road traversable by a standard two wheel drive vehicle. The Association shall meet at least once annually, in the spring, to access required maintenance. Additional meetings may be called as deemed necessary by owners. Members shall be given at least 15 days written notice of each meeting. Decisions by a majority of members shall be binding on all members of the Association. Each lot owner is allotted one vote per lot owned.

The Road Maintenance Association is hereby authorized to assess each member from time to time sums of money necessary to carry out required road maintenance work. In the event of nonpayment by a member for the amounts assessed by the Association, the Association shall have the power to cause such assessments to become a lien upon the members real property which is subject to this agreement; and all property owners, by acceptance of this agreement and membership in the Road Maintenance Association, agree thereto.


The cost of road maintenance shall be allocated among members of the Association as follows: The cost of maintaining any part of Sweetbee Lane or Wade Drive shall be borne equally by all property owners.

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This agreement shall be in effect for a period of ten years from the date of the making thereof, after which time it shall be automatically extended for successive periods of ten years each. Amendments to add to or to strengthen this agreement, but not to weaken it, may be made at any time by recording an instrument in writing signed by the majority of landowners within the described land.

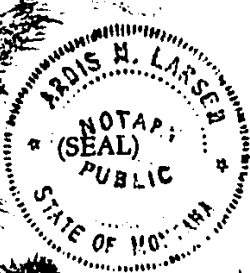
Brunner Tracts Road Maintenance Association shall be a permanent organization. It may be dissolved and this agreement terminated only at such time as a public agency assumes responsibility for maintenance and repair of all roads serving the described land, and then only by recording an instrument in writing signed by the majority owners of the within described land.


IN WITNESS WHEREOF the parties do hereunto set their hands to this document, this 9 day of January 1997.

  
Chris Byrd

STATE OF Montana  
County of Flathead :SS

On this 9 day of January, 1997 before me, the undersigned, a Notary Public in and for the state aforesaid, personally appeared Chris Byrd, known to me to be the person(s) whose name is subscribed to the foregoing instrument, and acknowledged to me that (s)he executed the same.





  
Notary Public for the State of Montana  
Residing in Lakeview  
My Commission expires 3/9/99

STATE OF MONTANA. }  
County of Flathead } SS

Recorded at the request of LARSEN SUBU'S  
this 25 day of Feb, 1997 at 10:12 o'clock AM and recorded in  
the records of Flathead County, State of Montana.  
Fee \$ 12- Pd.

RECEPTION NO. 199705610120

RETURN TO Chris Byrd  
P.O. Box 2071

  
(Flathead County Clerk and Recorder)  
  
(Deputy)