

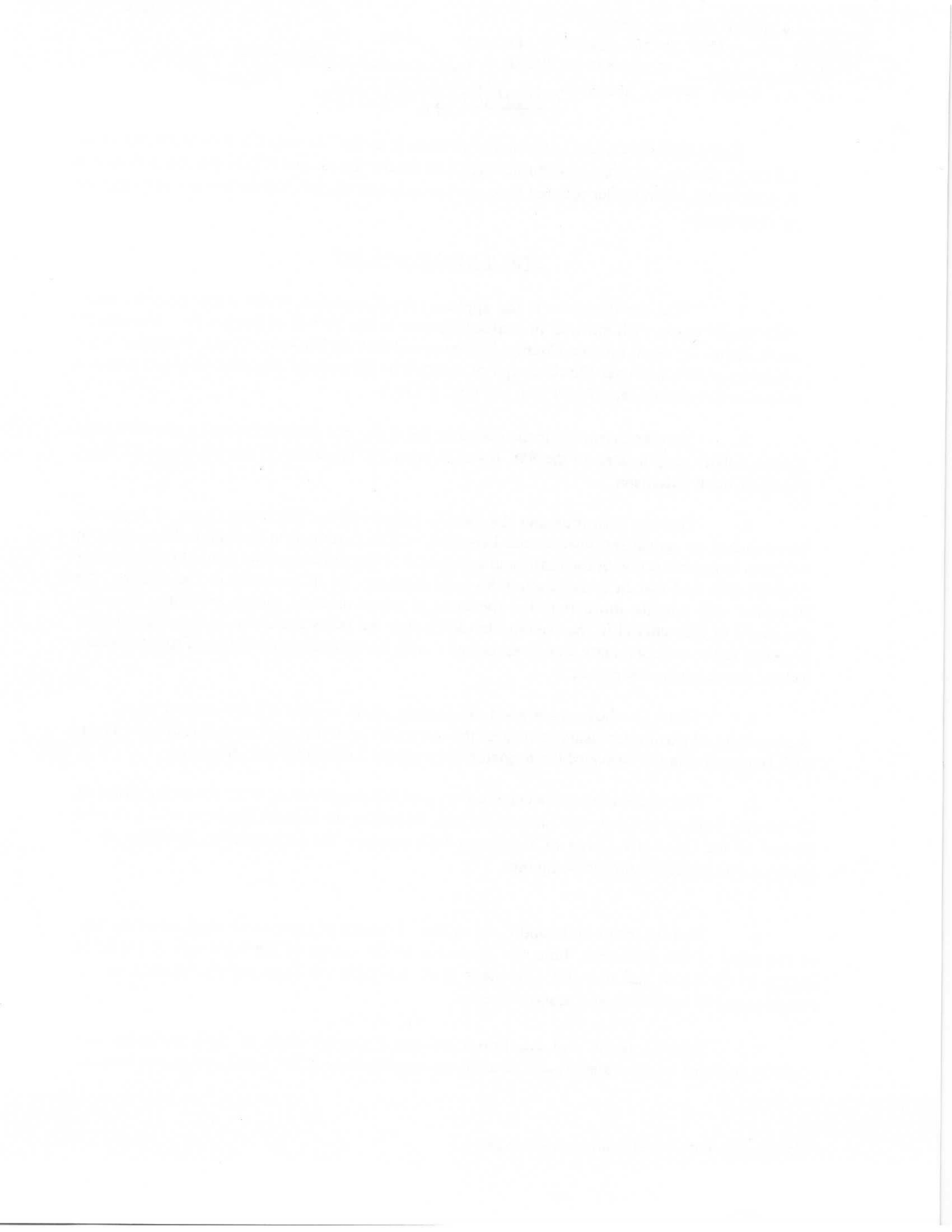
RECORDED: 02/07/2003 10:50 AM CLK: 278 RECORDS PAGE: 757

CLERK AND RECORDER BY: *Jessie Dean* DEPUTY FEE: \$30.00DELIVER TO: POORE, ROTH & ROBINSON, PC 1341 HARRISON AVE.,
COVENANT OF DEDICATION

Bull Lake Estates, LLC (hereinafter referred to as the "Permittee"), now stipulates to the following statements of fact, and further agrees to restrict the use and title of the realty described in Attachment I (hereinafter referred to as the Land) in accordance with the terms and conditions set forth herein.

STIPULATIONS OF FACT

1. That the Permittee is the applicant for Department of the Army permit number 2002-90-609 to place fill material in wetlands located in the SW 1/4 of Section 29, Township 29 North, Range 33 West, Lincoln County, Montana; and that the US Army Corps of Engineers has regulatory jurisdiction over the discharge of dredged or fill material into said wetlands pursuant to Section 404 of the Clean Water Act. (33 USC § 1344).
2. That the Permittee is the owner in fee of the real estate described as the Bull Lake Estates Subdivision, located in the SW 1/4 of Section 29, Township 29 North, Range 33 West, Lincoln County, Montana.
3. That the Permittee and the Omaha District of the US Army Corps of Engineers have reached an agreement whereby the Permittee will be permitted to discharge fill material in wetlands in accordance with the terms and conditions of Department of the Army Permit number 2002-90-609; and that in consideration for said discharge of fill material in the wetland, the Permittee will provide mitigation for the adverse environmental effects resulting from the placement of fill material in the wetland by dedicating the realty described in Attachment I for perpetual use as a conservancy area in accordance with the terms and conditions of this document and the above mentioned permit.
4. That the above-mentioned dedication shall consist of the execution of this document by all parties necessary to restrict the use and title of the Land; and that this document shall be recorded in the Office of the Register of Deeds for Lincoln County, Montana.
5. That upon receipt of a certified copy of this document, as recorded in the Office of the County Register of Deeds for Lincoln County, Montana, the District Engineer of the Omaha District of the US Army Corps of Engineers will consider the case specific condition #4 of permit number 2002-90-609 as being met.
6. That the terms and conditions of this Covenant of Dedication shall, as of the date of execution of this document, bind the Permittee to the extent of his legal and or equitable interest in the Land; and that this Covenant shall run with the Land and be binding on the Permittee and its successors and assigns forever.
7. That the terms and conditions of this Covenant shall be both implicitly and explicitly included in any transfer, conveyance, or encumbrance of the Land or any part thereof,



and that any instrument of transfer, conveyance, or encumbrance affecting all or any part of the Land shall set forth the terms and conditions of this document either by reference to this document or set forth in full text.

DEED AND USE RESTRICTIONS

The Permittee hereby warrants that he is the owner in fee of the realty described in Attachment 1; and that the Land is hereby dedicated in perpetuity for use as a conservancy area.

The Permittee hereby agrees to restrict the use and title of the Land as follows:

1. There shall be no construction or placement of buildings or mobile homes, fences, signs, billboards or other advertising material, or other structures, whether temporary or permanent, on the Land (with the exception of signage and/or benchmarks identifying the boundaries of the areas described in Attachment 1).
2. There shall be no filling, draining, excavating, dredging, mining, drilling or removal of topsoil, loam, peat, sand gravel, rock, minerals or other materials.
3. There shall be no building of roads or paths nor any change in the topography of the Land.
4. There shall be no removal, destruction, or cutting of trees or plants, spraying with biocides, insecticides, pesticides or herbicides (except to control noxious weeds), grazing of animals, farming, tilling of soil, or other agricultural activity with the use of heavy motorized equipment. Trees and shrubs may be cut flush with the ground surface by hand-operated equipment only (e.g. chainsaws, pruners, sickle bar mower) so that the roots and topsoil are not disturbed.
5. There shall be no operation of snowmobiles, motorcycles, all-terrain vehicles or any other type of motorized vehicles on the Land.
6. The Covenant of Dedication may be changed, modified or revoked only upon written approval of the District Engineer of the Omaha District of the US Army Corps of Engineers. To be effective, such approval must be witnessed, authenticated, and recorded pursuant to the law of the State of Montana.
7. This Covenant is made in perpetuity such that the present owner and its heirs and assigns forever shall be bound by the terms and conditions set forth herein.

BY: *J B* PAES
For Bull Lake Estates, LLC, Permittee

Executed before me this 25th day of January, 2003, by Jim Beasley for Bull Lake Estates, LLC, who is personally known to me.

Verma M Siebenforcher
Notary Public, Notary for the State of Montana

My commission expires 12-17-2003



