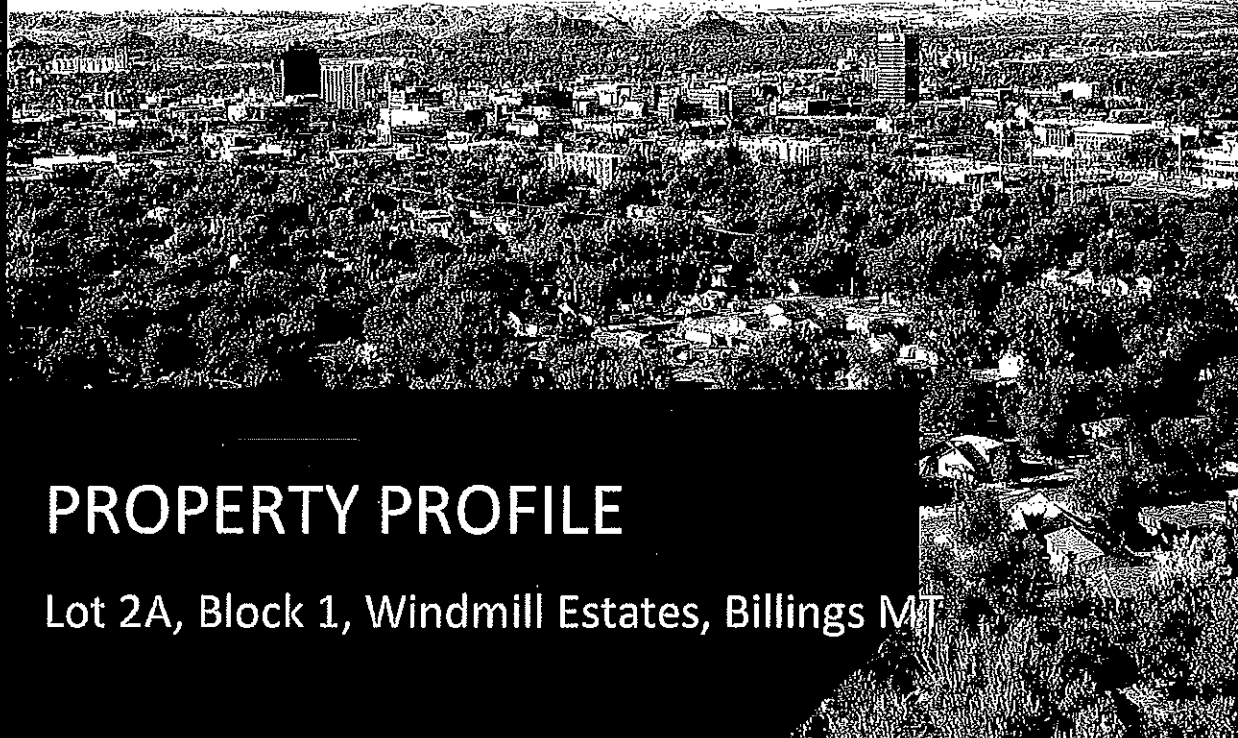


**FIRST  
MONTANA  
TITLE**



## PROPERTY PROFILE

Lot 2A, Block 1, Windmill Estates, Billings MT

Amber Uhren

Realty Billings

PHONE #406-670-1942

EMAIL: [amber@realtybillings.com](mailto:amber@realtybillings.com)

PROPERTY PROFILE PREPARED FOR YOU BY:

TRINA MAURER

TRINA@FIRSTMONTANATITLE.COM

406.869.9676



This information is furnished without charge, liability, or obligation by First Montana Title Company of Billings in conformance with the rules established by Montana Insurance Commissioner.

DATE: February 15, 2023

PROPERTY PROFILE

RECORD OWNER: Zachary Bryan and Jessica Bryan

ADDRESS: Lot 2A, Block 1, Windmill Estates Amended

TRUST INDENTURES/MORTGAGES/CONTRACTS: See Attached

TAX INFORMATION: C14405, See Attached.

RESTRICTIONS: See Attached

LEGAL DESCRIPTION:

Lot 2A, of Windmill Estates Subdivision Amended, Amending Lot 2, in Yellowstone County, Montana, according to the official plat on file in the office of the Clerk and Recorder of said County, under Document No. 3230533.



HD

3955440

01/11/2021 04:28 PM Page: 1 of 1 Fee: 7.00

Jeff Martin Clerk &amp; Recorder, Yellowstone MT

[Barcode]

## RETURN TO:

Zachary Bryan and Jessica Bryan  
5310 Staton Drive  
Billings, MT 59106  
B2019611

First Montana Title Co.

## DECLARATION OF HOMESTEAD

KNOW ALL MEN BY THESE PRESENTS: That I/We, Zachary Bryan and Jessica Bryan, of Billings, Montana, do hereby declare:

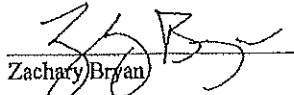
1. That I/We, Zachary Bryan and Jessica Bryan,  
at the time of making this Declaration, reside on the premises.  
I/We claim said premises as a homestead as provided in Title 70, Chapter  
32, M.C.A. 1995

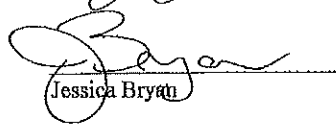
2. The premises claimed as a homestead are the real property with all  
improvements and appurtenances thereto described as follows:

Lot 2A, of Windmill Estates Subdivision Amended, Amending Lot 2, in Yellowstone County, Montana, according to the  
official plat on file in the office of the Clerk and Recorder of said County, under Document No. 3230533.

City of Billings, County of Yellowstone, State of Montana.

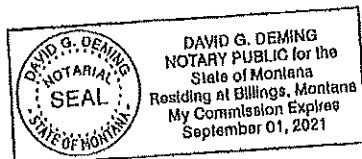
IN WITNESS WHEREOF, I/We have hereunto set our hands this 6th day of January, 2021.

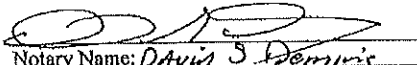
  
Zachary Bryan

  
Jessica Bryan

STATE OF MONTANA  
County of Yellowstone

This instrument was acknowledged before me on this 6th day of January, 2021, by Zachary Bryan and  
Jessica Bryan



  
Notary Name: David G. Deming  
Notary Public for the State of Montana  
Residing at Billings, MT  
My Commission Expires: 9/1/2021





# Yellowstone County, Montana

[Commissioners](#) [Departments](#) [Contacts](#) [Site Map](#) [Home](#)

**Disclaimer:** Not all fields are currently maintained. The accuracy of the data is not guaranteed. Please notify the Appraisal/Assessment Office of any inaccuracies.

[Back to Search Form](#)

[Full Orion Detail](#)

## Owner Information

**\*Please Note:** Owner information is supplied by the Montana Department of Revenue. To request updates to addresses or other ownership information, please contact the DOR office at 896-4000. Records for the current year will not be updated after tax bills have been sent out, so changes requested after you receive your bill will appear only on next year's records.

Tax Code: C14403

### Primary Party

Primary Owner Name: BRYAN, ZACHARY & JESSICA [Ownership History](#)

2023 Mailing Address: BRYAN, ZACHARY & JESSICA  
5310 STATON DR  
BILLINGS, MT 59106-3713

### Property Address:

Township: 01 S Range: 25 E Section: 21  
Subdivision: WINDMILL ESTATES Block: 1 Lot: 2A  
Full Legal: WINDMILL ESTATES, S21, T01 S, R25 E, BLOCK 1, Lot 2A, AMD LT 2  
2.505 AC (04)  
GeoCode: 03-0926-21-3-85-10-0000

[Show on Map](#) (May not work for some newer properties.)

## Property Assessment Information

Levy District: 8 ELDERGROVE (598.63 Mills)

### 2022 Assessed Value Summary

Assessed Land Value = \$ 139,765.00  
Assessed Building(s) Value = \$ 285,035.00  
Total Assessed Value = \$ 424,800.00

### Assessed Value Detail Tax Year: 2022

| Class Code   | Amount          |
|--|-----------------|
| 2101 - Tract Land (1.35% Tax Rate)                 | = \$ 139,765.00 |
| 3301 - Improvements on Rural Land (1.35% Tax Rate) | = \$ 285,035.00 |
| Total  | = \$ 424,800.00 |

The values shown for the given tax year are for taxation purposes only. They are supplied by the Department of Revenue. For questions about these values, please contact the Montana Department of Revenue, Appraisal/Assessment Office at 406-896-4000.

## Rural SID Payoff Information

NONE

## Property Tax Billing History

| Year        | 1st Half | 2nd Half | Total  |
|-------------|----------|----------|--------|
| <u>2004</u> | 185.12 P | 185.11 P | 370.23 |
| <u>2005</u> | 201.92 P | 201.91 P | 403.83 |
| <u>2006</u> | 202.80 P | 202.79 P | 405.59 |
| <u>2007</u> | 208.85 P | 208.85 P | 417.70 |

|             |            |            |          |
|-------------|------------|------------|----------|
| <u>2008</u> | 211.31 P   | 211.31 P   | 422.62   |
| <u>2009</u> | 218.50 P   | 218.49 P   | 436.99   |
| <u>2010</u> | 233.17 P   | 233.17 P   | 466.34   |
| <u>2011</u> | 238.20 P   | 238.19 P   | 476.39   |
| <u>2012</u> | 246.62 P   | 246.61 P   | 493.23   |
| <u>2013</u> | 276.89 P   | 276.88 P   | 553.77   |
| <u>2014</u> | 267.63 P   | 267.63 P   | 535.26   |
| <u>2015</u> | 317.71 P   | 317.70 P   | 635.41   |
| <u>2016</u> | 317.77 P   | 317.77 P   | 635.54   |
| <u>2017</u> | 399.17 P   | 399.15 P   | 798.32   |
| <u>2018</u> | 502.48 P   | 502.47 P   | 1,004.95 |
| <u>2019</u> | 546.77 P   | 546.76 P   | 1,093.53 |
| <u>2020</u> | 559.89 P   | 559.88 P   | 1,119.77 |
| <u>2021</u> | 2,030.66 P | 2,030.64 P | 4,061.30 |
| <u>2022</u> | 2,030.28 P | 2,030.27   | 4,060.55 |

(P) indicates paid taxes.

Click on year for detail. [Pay Taxes Online](#)

**Disclaimer:** Data provided on the Yellowstone County Web Site is not guaranteed to be current or accurate.  
*Users must assume responsibility to determine the usability of this data for their purposes.*

#### Jurisdictional Information

Commissioner Dist: 1 - [John Ostlund \(R\)](#)

Senate: 27 - [Dennis Lenz \(R\)](#)

House: 54 - [Terry Moore \(R\)](#)

Ward: Outside City Limits

Precinct: 54.1

Zoning: RR3-Rural-Residential 3 acres to  
9.9 acres

[Click Here to view Billings](#)

[Regulations](#)

[Click Here to view Laurel](#)

[Regulations](#)

[Click Here to view Broadview](#)

[Regulations](#)

[Click Here to view Yellowstone](#)

[County Regulations](#)

School Attendance Areas

High: WEST

Middle: ELDER GROVE

Elem: ELDER GROVE

[School District Trustee Links](#)

Any comments or questions regarding the web site may be directed to the [Web Developer](#).



**3954825 WD**

01/07/2021 09:53 AM Page 1 of 2 Fees: \$14.00

eRecorded For Yellowstone County, MT

Jeff Martin, Clerk & Recorder

After Recording Return To:  
Zachary Bryan and Jessica Bryan  
5310 Staton Drive  
Billings, MT 59106

First Montana Title Co.  
B2019611

### **WARRANTY DEED**

FOR VALUABLE CONSIDERATION, the receipt of which is hereby acknowledged, the undersigned

Matthew Gahagan and Rebecca G. Gahagan, Grantor,

does hereby grant, convey, transfer, sell, and warrant unto

**Zachary Bryan and Jessica Bryan**, husband and wife as joint tenants with right of survivorship whose current mailing address is 5310 Staton Drive, Billings, MT 59106, Grantee,

and to his/her successors and assigns forever, that certain real property situated in Yellowstone County, State of Montana, which is more particularly described as follows:

**Lot 2A, of Windmill Estates Subdivision Amended, Amending Lot 2, in Yellowstone County, Montana, according to the official plat on file in the office of the Clerk and Recorder of said County, under Document No. 3230533.**

TOGETHER WITH all buildings, improvements, tenements, hereditaments, and appurtenances currently existing thereon, SUBJECT, however, to the following:

- (a) All reservations and exceptions in patents or deeds from the United States or the State of Montana;
- (b) All applicable building, zoning, use, health, sanitation, environmental, and other similar laws, restrictions, ordinances, rules, and regulations, including but not limited to all covenants, restrictions, reservations, and exceptions of record;
- (c) All general and special taxes and assessments for the year 2020 and subsequent years;
- (d) All existing easements and rights-of-way;
- (e) All apparent interests and rights;
- (f) All discrepancies, conflicts in boundary lines, shortage in area and encroachments;
- (g) All water rights, claims or title to water;
- (h) All prior conveyances, leases, or transfers of any interest in minerals, including oil, gas, and other hydrocarbons;

EXCEPT for the issues referenced in Paragraphs (a) through (h) above, this Deed is given with the usual covenants more particularly stated in Sections 30-11-109 and 110 of the Montana Code.

WITNESS my hand this 6 day of January, <sup>2021</sup>~~2020~~

By: [Signature]  
Matthew Gahagan

By: [Signature]  
Rebecca G. Gahagan

STATE OF MONTANA )

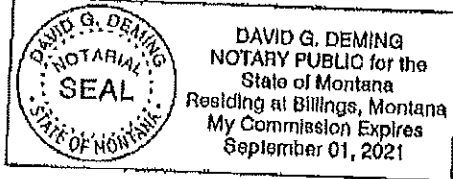
:ss

County of Yellowstone )

<sup>2021</sup>~~2020~~ The foregoing Deed was acknowledged before me this 6 of January,  
2020 by Matthew Gahagan and Rebecca G. Gahagan.

[Signature]  
Notary Signature

(Notarial Seal)



David G Deming  
Printed Name

NOTARY PUBLIC for the State of Montana

Residing at: Billings, MT

My Commission Expires: 9/1/2021

DEPARTMENT OF ENVIRONMENTAL QUALITY  
WATER QUALITY DIVISION



MARC RACICOT, GOVERNOR

COGSWELL BUILDING  
1400 BROADWAY

STATE OF MONTANA

(406) 444-2479

January 23, 1996

PO BOX 200901

FAX (406) 444-1374

HELENA, MONTANA 59620-0901

JIM L. FLETCHER  
1124 N 23RD ST  
BILLINGS MT 59101

RE: WINDMILL ESTATES SUBDIVISION  
LOTS 1, 2, & 3  
YELLOWSTONE COUNTY  
E.Q. #96-2010

Dear Mr. Fletcher:

The plans and supplemental information relating to the water supply, sewage, solid waste disposal facilities, and storm drainage (if any) for the above-referenced division of land have been reviewed as required by Section 76-4-101 through 76-4-131, MCA and have been found to be in compliance with those acts.

Two copies of the Certificate of Subdivision Plat Approval are enclosed. The original is to be filed with the Plat at the office of the county clerk and recorder. The duplicate is for your personal records.

Your copy is to inform you of the conditions of the approval (Please note that you have specific responsibilities according to the plat approval statement, primarily with regard to informing any new owner as to inherent limitations which have been imposed). Since this property is in YELLOWSTONE County, the YELLOWSTONE County Health Department must be contacted before any water supply or sewage systems are installed or modified.

Please be further informed as per 76-4-122 (2) (a) MCA, a county clerk may not accept a subdivision plat or Certificate of Survey for filing until the Department of Environmental Quality has received approval from the local health official.

If you have any questions, please contact this office.

Sincerely,

Jim Helstad, P.E., Supervisor  
Drinking Water/Subdivision Section  
Water Quality Division

JH/me

cc: County Sanitarian  
County Planning Board  
PLAT.I

"AN EQUAL OPPORTUNITY EMPLOYER"

1-31  
1812624

STATE OF MONTANA  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
CERTIFICATE OF SUBDIVISION PLAT APPROVAL  
(SECTION 76-4-101 THROUGH 76-4-131, MCA 1993)

TO: COUNTY CLERK AND RECORDER  
YELLOWSTONE COUNTY  
BILLINGS, MONTANA

NO. E.Q. 96-2010  
Y.C.#1887

THIS IS TO CERTIFY THAT the plans and supplemental information relating to the subdivision known as LOTS 1, 2 and 3 of WINDMILL ESTATES SUBDIVISION, situated in the SE1/4 SW1/4 of SECTION 21, T.1S., R.25E., P.M.M., YELLOWSTONE COUNTY, MONTANA,

consisting of 3 parcels have been reviewed by personnel of the Water Quality Division, and,

THAT the documents and data required by Section 76-4-101 through 76-4-131, M.C.A. 1993 and the rules of the Department of Environmental Quality made and promulgated pursuant thereto have been submitted and found to be in compliance therewith, and,

THAT approval of the Plat of subdivision is made with the understanding that the following conditions shall be met:

THAT Lot sizes as indicated on the Plat to be filed with the county clerk and recorder will not be further altered without approval, and,

THAT LOTS 1, 2 and 3 shall each be used for ONE single-family dwelling, and,

THAT each individual water system will consist of a WELL drilled to a minimum depth of 25 feet constructed in accordance with the criteria established in Title 16, Chapter 16, Sub-Chapters 1, 3, and 6, ARM and the most current standards of the Department of Environmental Quality, and,

THAT data provided indicates an acceptable water source at a depth of 30 feet, and,

THAT each individual sewage treatment system will consist of a septic tank and subsurface drainfield of such size and description as will comply with Yellowstone City-County Septic System Regulations and Title 16, Chapter 16, Sub-Chapters 1, 3, and 6 ARM, and,

THAT each subsurface drainfield shall have an absorption area of sufficient size to provide 65 linear feet of trench per bedroom for LOTS 1 and 2 and 95 linear feet of trench per bedroom for LOT 3, and,

E.O. #96-2010

PAGE 2 of 2

WINDMILL ESTATES SUB. LOTS 1-3

LEONARD STATON

YELLOWSTONE CO.

THAT the bottom of the drainfield shall be at least four feet above the water table, and,

THAT no sewage treatment system shall be constructed within 100 feet of the maximum highwater level of a 100 year flood of any stream, lake, watercourse, or irrigation ditch, nor within 100 feet of any domestic water supply source, and,

THAT water supply and sewage treatment systems will be located as shown on the approved plans, and,

THAT plans for the proposed water and individual sewage treatment systems will be reviewed and approved by the Yellowstone City-County Health Department before construction is started, and,

THAT all sanitary facilities must be located as shown on the attached lot layout, and,

THAT the developer shall provide the purchaser of property with a copy of the Plat, approved location of water supply and sewage treatment system as shown on the attached lot layout and a copy of this document, and,

THAT instruments of transfer for this property shall contain reference to these conditions, and,

THAT departure from any criteria set forth in the approved plans and specifications and Title 16, Chapter 16, Sub-Chapter 1, 3, and 6 ARM when erecting a structure and appurtenant facilities in said subdivision without Department approval, is grounds for injunction by the Department of Environmental Quality.

YOU ARE REQUESTED to record this certificate by attaching it to the Plat of said subdivision filed in your office as required by law.

DATED this 17th day of January, 1996.

MARK SIMONICH  
DIRECTOR

REVIEWED AND APPROVED:

T. Kylander

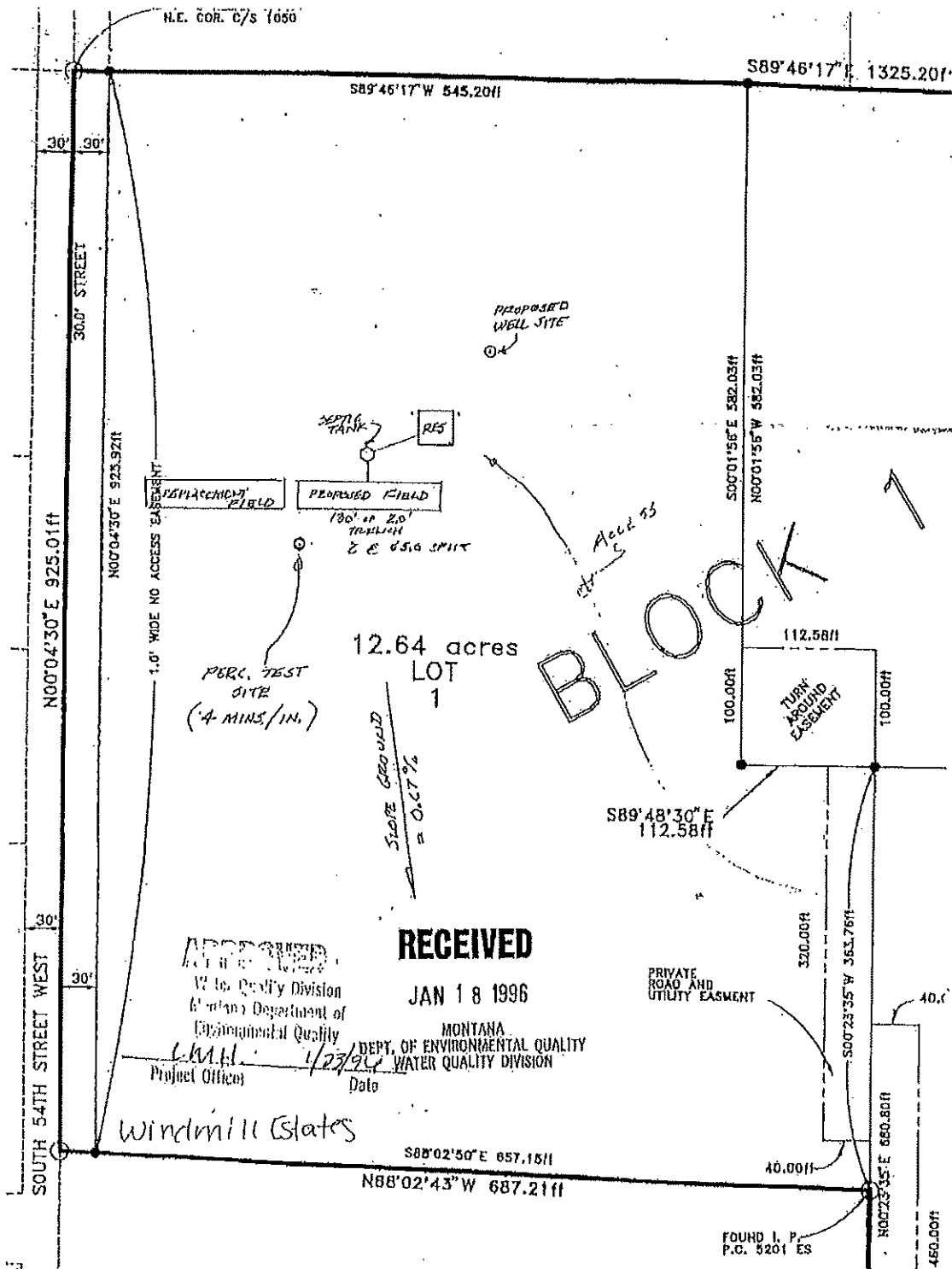
TED KYLANDER, R.S.

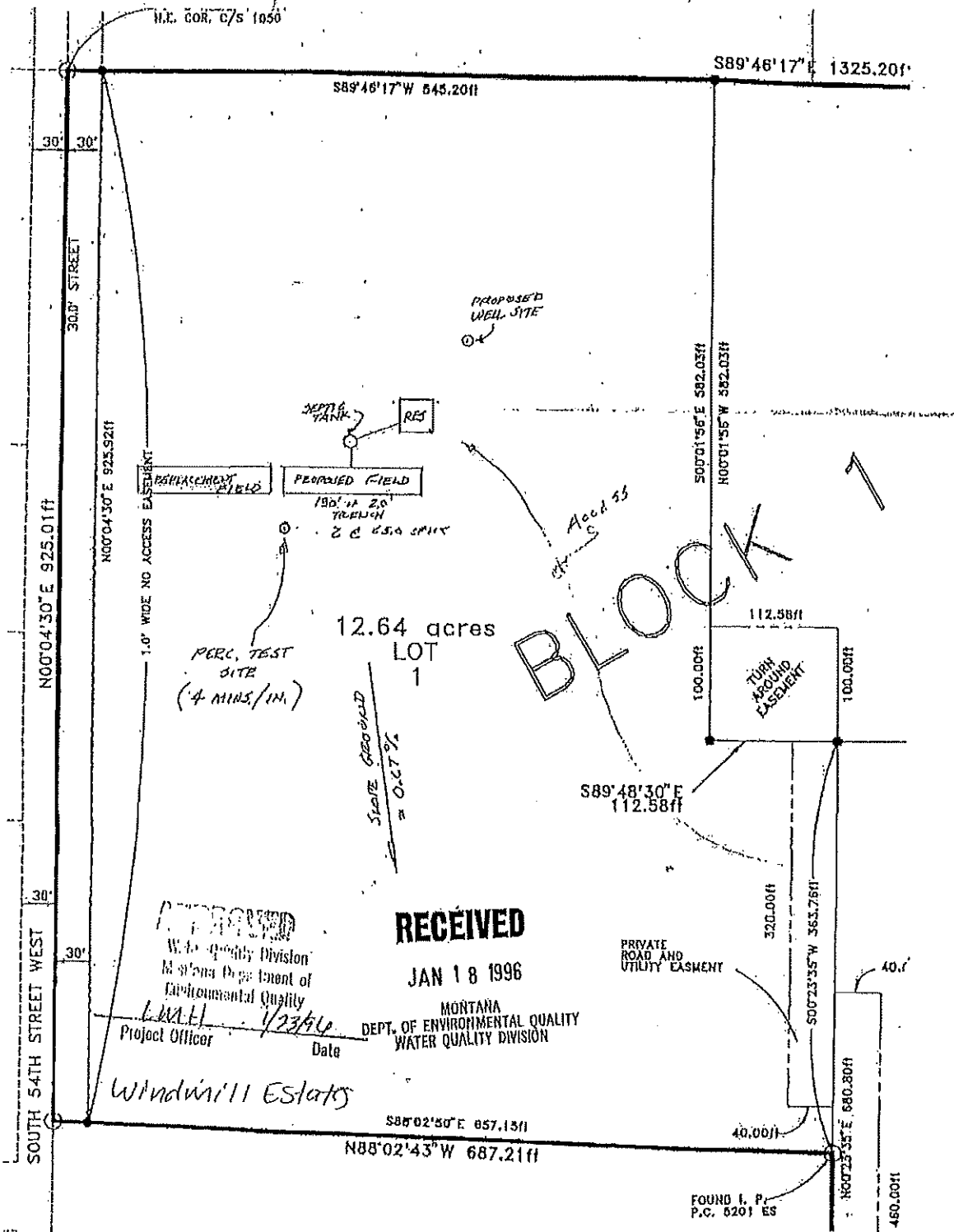
ENVIRONMENTAL HEALTH PROGRAM  
YCCHD

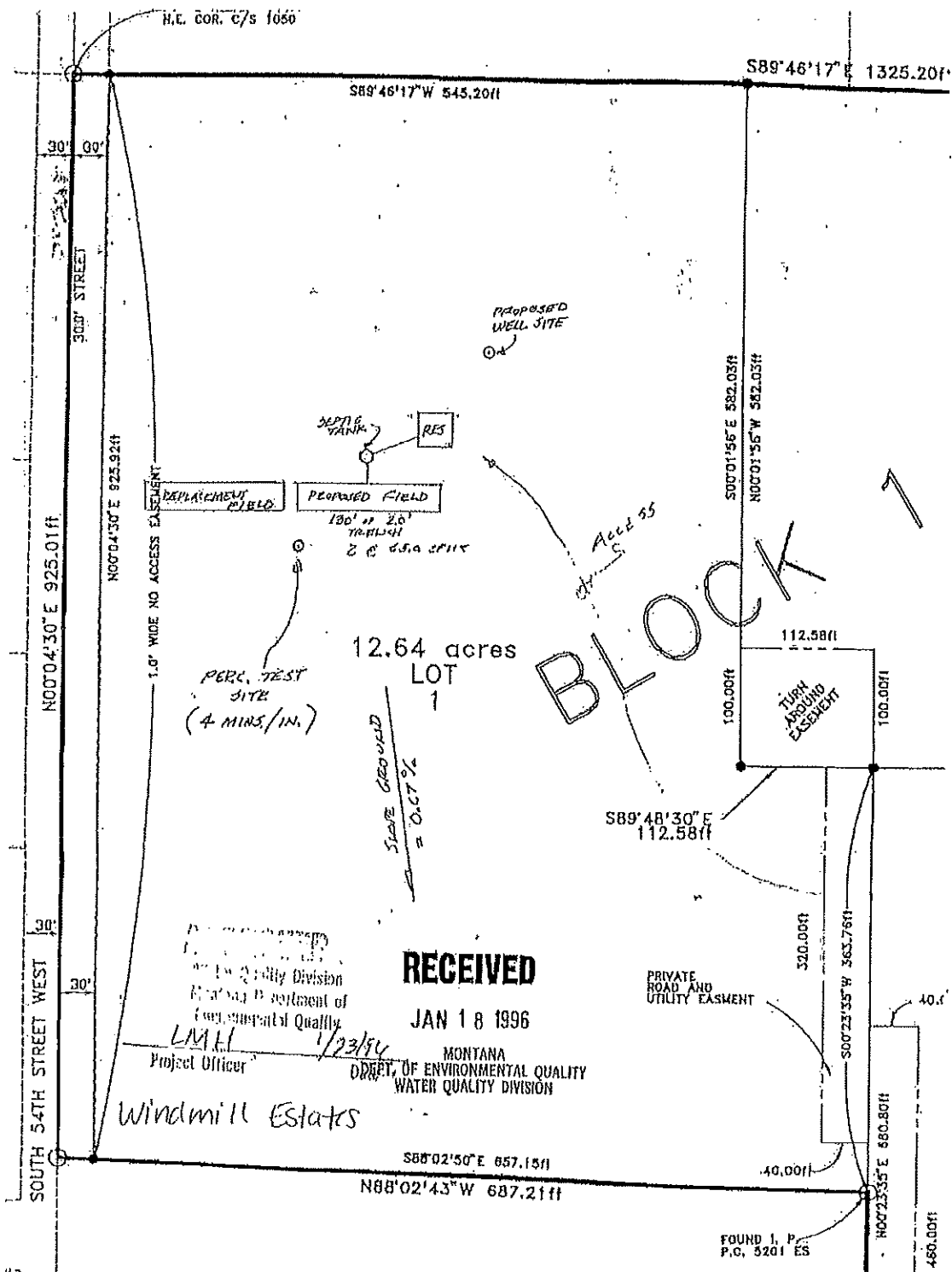
Jim Melstad  
for JIM MELSTAD, P.E., SUPERVISOR  
DRINKING WATER/SUBDIVISION SECT.  
WATER QUALITY DIVISION  
DEPARTMENT OF ENVIRONMENTAL  
QUALITY

OWNERS NAME:

LEONARD STATON









1816625

*State Board Health*

*to*

*Restrictions  
approximate  
windmill estate*

STATE OF MONTANA, } ss.  
County of Yellowstone, }  
This instrument was filed in my office  
this 14 day of FEB 1996  
at Billings Mont W M  
TONY NAVE  
County Clerk & Recorder  
By Barbara F. Nave

*Nave*

SUBDIVISION IMPROVEMENTS AGREEMENT

THIS AGREEMENT, made and entered into this 13<sup>th</sup> day of February 1994, by Jolene K. and Leonard B. Staton, hereinafter referred to as subdivider, and the County of Yellowstone, hereinafter referred to as "County".

WITNESSETH

THAT WHEREAS, a preliminary plat of an area to be known as WINDMILL ESTATES SUBDIVISION was submitted to the Yellowstone County Planning Department on June 1, 1995, and that further recommended its approval to the Board of County Commissioners subject to certain recommendations and,

WHEREAS, at a regular meeting held on June 29, 1995, the County Commissioners approved, subject to certain conditions of the Planning Department and the County Commissioners, a preliminary plat of an area to be know as WINDMILL ESTATES SUBDIVISION, and,

WHEREAS, a Subdivision Improvements Agreement is required between the County and the Subdivider prior to the approval of the final plat by the Yellowstone County Planning Board and,

NOW THEREFORE, the parties to this Agreement for and consideration of the mutual promises contained herein and for other good and valuable considerations, do hereby agree as follows:

Due to the peculiarities of the site, specifically that:

1. Neibauer Road is presently an asphalt surfaced road, and no additional improvements are proposed at this time. West 54th Street is presently a gravel surfaced road, and no additional improvements are proposed at this time.
2. Appropriate right-of-way for Neibauer Road and West 54th Street is being provided by dedication on this plat.
3. A no access easement is provided on the plat for the entire length of the west boundary of Lot 1, Block 1, of Windmill Subdivision which does not allow access from 54th Street West. Access will be allowed only when 54th Street has been constructed to the County Road Standards in effect at the time of construction. Since 54th Street will not be constructed at this time, the street improvements will be included in the Waiver of Right to Protest. Responsibility for improvement costs for 54th Street shall be determined at the time construction is deemed necessary by a fair and equitable method as determined and approved by the governing body and the adjacent property owners.

4. A no access easement is provided on the plat for the entire length of the south boundary of Lot 3, Block 1, of Windmill Subdivision excluding the west 40.0 feet which will be used as access to Lots 1-3, Block 1, Windmill Subdivision via private road easement and approach off of Nelbauer Road.

The subdivider agrees to acquire a permit for construction of this approach and will notify the County Surveyor of the date and hour construction is anticipated to begin on the required improvements, and also to keep the County Surveyor informed of the progress of construction. If construction is terminated for reasons other than overnight, holidays, and weekends, the subdivider agrees to notify the County Surveyor of stoppage. Further, subdivider agrees to notify the County Surveyor not less than four (4) hours before construction is scheduled to resume.


5. Traffic control devices will be provided by the subdivider at the private road approach onto Nelbauer Road. This shall consist of executing the proper stop sign and street name sign as per Yellowstone County Signing Standards.
6. There are no existing easements on the property to be subdivided which includes the dedicated right-of-way area.
7. Access to Lot 1 and Lot 2 shall be provided by a perpetual ingress and egress easement (see plat) off of Nelbauer Road and a private road to be provided with an all weather surface, a minimum of 20 foot wide, adequate to support fire apparatus, with an approved turnaround at the end. This road shall be maintained by the lot owners.
8. Storm water surface drainage shall be retained on-site by means of barrow pit ditches, holding ponds or basins installed as required and approved by the County Surveyor and in accordance with the Yellowstone County Subdivision Regulations.
9. Interface with existing improvements: The subdivider agrees to provide for any necessary adjustments or alterations to existing improvements, without cost to the county.
10. The subdivider is providing a Waiver of the right to protest the creation of Rural Special Improvements or Special Improvement Districts for the construction and maintenance of improvements as needed in the future.
11. The park dedication and cash in lieu requirements do not apply to this subdivision since it creates three 10 acre lots, Section 76-3-606, M.C.A.
12. Survey monuments will be installed in compliance with the Yellowstone County Subdivision Regulations.

- EWING/ROBERTSON/OLSEN

21. Any amendments or modifications of this Agreement or any provisions herein shall be made in writing and executed in the same manner as this original document and shall after execution become a part of this Agreement.

"SUBDIVIDER"

*Jolene K. Staton*  
Jolene K. Staton

DER"   
Leonard E. Statton

STATE OF MONTANA )  
County of Yellowstone )

On this 23rd day of August, 1995, before me, a Notary Public for the State of Montana, personally appeared Jolene K. and Leonard E. Staton, known to me to be the persons who signed the foregoing instrument and who acknowledged to me that they executed the same. Witness my hand and seal the day and year hereinabove written.

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

Leonard E. Staton  
Notary Public for the State of Montana  
Residing at Billings, Montana  
My Commission Expires: 30 April 1998

Mike Mathew  
Chairman

Bill Kennedy  
Commissioner

James A. Ziegler, Sr.  
Commissioner

Tony Naele  
Attest, County Clerk & Recorder

STATE OF MONTANA )  
County of Yellowstone )

On this 13th day of February, 1996, before a Notary Public for the State of Montana, personally appeared Mike Mathew, James A. Ziegler, Sr., Bill Kennedy and Tony Naele, known to me to be the persons who executed the same.

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

Annex B. Spuler  
Notary Public for the State of Montana  
Residing at Billings  
My Commission Expires: 1-28-98

WAIVER

FOR A VALUABLE CONSIDERATION, the undersigned owners of the hereinafter described real property, do hereby waive the right to protest the formation of one or more Rural Special Improvement or Special Improvement Districts for the construction or maintenance of streets, drainages, irrigation ditches, appurtenances, curb, gutter, sidewalks, driveways, survey monuments, street name signs, street lights and street light energy, stop signs, traffic control devices, water mains, sanitary sewer mains, park maintenance and storm drain lines within or without the area to provide drainage for run-off water from the real property hereinafter described, and other incidental improvements which the County of Yellowstone may require.

This waiver and agreement shall run with the land and shall be binding upon the undersigned, its successors, assigns, and the same shall be recorded in the office of the County Clerk and Recorder of Yellowstone County, Montana.

The real property hereinabove mentioned is more particularly described as follows, to-wit:

WINDMILL ESTATES SUBDIVISION

Signed and dated this 13 day of NOVEMBER, 1995.

"SUBDIVIDER"

Jolene K. Staton  
Jolene K. Staton

Leonard B. Staton  
Leonard B. Staton

STATE OF MONTANA )

County of Yellowstone )

On this 13th day of November, 1995, before me a Notary Public in and for the State of Montana personally appeared Jolene K. Staton and Leonard B. Staton, known to me to be the persons who signed the foregoing instrument and who acknowledged to me that they executed the same. Witness my hand and seal the day and year hereinabove written.

Robert R. Stebbins  
Notary Public for the State of Montana

Residing at Billings MT

My Commission Expires: 30 April 1998

1816626

Donald E. Hutton

to

Yellowstone County

SZ A

Windmill Estate.

STATE OF MONTANA, } ss.  
County of Yellowstone,  
This instrument was filed in my office  
this 14 day of FEB 1996  
at 8:34 o'clock AM  
TONY NAVE  
County Clerk & Recorder  
By Richard R. Renshaw Deputy  
5.00





3230534

Page: 1 of 5  
05/15/2003 01:29P**SUBDIVISION IMPROVEMENTS AGREEMENT**

THIS AGREEMENT, made and entered into this 5<sup>th</sup> day of April, 2003, by David M. Cushing and Ellen M. Cushing, husband and wife, hereinafter referred to as Subdivider, and the County of Yellowstone, a political subdivision of the State of Montana, hereinafter referred to as "the County."

**WITNESSETH**

THAT WHEREAS, a preliminary plat of an area to be known as WINDMILL ESTATES SUBDIVISION AMENDED, AMENDING LOT 2 BLOCK 1, was submitted to the Yellowstone County Planning Department on December 1, 1999, which recommended its approval to the Board of County Commissioners subject to certain recommendations, and

WHEREAS, at a meeting held on the 18th day of January, 2000, the Board of County Commissioners approved, subject to certain conditions of the Planning Department, a preliminary plat of an area to be known as WINDMILL ESTATES SUBDIVISION AMENDED, AMENDING LOT 2 BLOCK 1, and

WHEREAS, a Subdivision Improvements Agreement is required between the County and the Subdivider prior to the approval of the final plat by the Board of County Commissioners;

NOW THEREFORE, the parties to this Agreement for and in consideration of the mutual promises contained herein and for other good and valuable considerations, do hereby agree as follows:

Due to the peculiarities of the site, specifically that:

1. WINDMILL ESTATES SUBDIVISION AMENDED, AMENDING LOT 2 BLOCK 1, will be divided into four lots to accommodate single family residences.

2. Improvements: Subdivision improvements include the following:

A. Street Construction:

This subdivision is provided with private road easements, said roads to be maintained by the property owners within the Subdivision.

B. Utilities:

i. Sewage disposal will be provided by individual septic tank systems approved by the M.D.H.E.S. Individual wells will be approved by M.D.H.E.S.

ii. Telephone and electrical power facilities presently exist. Easements for said utilities will be provided and granted on the face of the plat as they are requested by said utilities.

C. Restoration of Construction Sites

The Subdivider agrees to provide restoration of construction sites disturbed during construction of the improvements outlined herein, as follows:

- a. Broadcast Seed
- b. Seed Type and Rate
  - Smooth Bromegrass 8 lbs per Acre
  - Crested Wheatgrass 4 lbs per Acre
  - Winter Wheat 10 lbs per Acre
- c. Fertilizer

- 100 lbs of 0-45-0 Phosphate per Acre.
- d. Roller pack a minimum of three times after broadcasting seed to pack seed 1/4 inch into soil.
  - e. Seed November to March or as authorized by Yellowstone County Weed District.

**D. Noxious weeds**

All noxious weeds on the latest Yellowstone County Noxious Weed List, must be controlled on all properties in the subdivision. A Noxious Weed Plan must be filed and updated annually for approval by the Yellowstone County Weed Board. It must contain the noxious weeds being addressed and the plan for control of those weeds. All cost of noxious weed control is the responsibility of the property owners (of record). The right-of-way noxious weed control is the responsibility of the Subdivider. Once WINDMILL ESTATES SUBDIVISION AMENDED, AMENDING LOT 2 BLOCK 1 Maintenance District is formed, it then becomes the responsibility of the District.

**E. Survey Monuments**

Survey Monuments shall be installed as required to comply with Yellowstone County ordinances and State of Montana law.

**F. Sidewalks/Walkways:**

Sidewalks will not be installed at this time, but are included in the Waiver referenced in item 2(K) below.

**G. Street Lights:**

Installation of street lights shall not be required at this time, but it is included in the Waiver referenced in item 2(K) below.

**H. Storm Drainage:**

No additional storm drainage facilities shall be constructed at this time. Subdivider's participation in construction of storm draining improvements, either within or outside of the area is guaranteed by the Waiver of Right to Protest filed concurrently with this plat and referenced in item 2(K) below.

**I. Traffic Control:**

No new or additional traffic related improvements are required at this time, but future improvements are included in the Waiver referenced in item 2(K) below.

**J. Improvements Financing:**

Due to the nature of this agreement, a monetary security agreement shall not be required. This would only be required if improvements are built by Private Contract.

**K. Waiver:**

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Yellowstone County SIA 5.00

There is attached hereto a Waiver waiving the right to protest the creation of the Special Improvement District or Districts which by this reference is expressly incorporated herein and made as much a party hereof as though fully and completely set forth herein at this point. The waiver will be filed with the plat, shall run with the land and shall constitute the guarantee by the subdivider and property owner and owners of the developments described herein. Said waiver is effective upon filing and is not conditioned on the completion of the conditions set forth in this Agreement. The subdivider and owner specifically agree that they are waiving valuable rights and do so voluntarily.

**L. Property Owners:**

The owners of the properties involved in this proposed subdivision by signature subscribed herein below agree, consent, and shall be bound by the provisions of this Agreement.

**M. Successors in Interest:**

The covenants, agreements and statements in this Agreement apply to and shall be binding on the heirs, personal representatives, successors and assigns of the respective Parties.

**N. Attorney Fees and Costs:**

That in the event it becomes necessary for either Party to this Agreement to retain an attorney to enforce any of the terms or conditions of this Agreement or to give any notice required herein, then the prevailing Party or the Party giving notice shall be entitled to reasonable attorney fees and costs.

**O. Modifications and Amendments:**

That any amendments or modifications of this Agreement or any provision herein shall be made in writing and executed in the same manner as this original document and shall, after execution, become a part of the Agreement.

**P. Laws and Administrative Regulations**

The Subdivider agrees to comply with all requirements of the Yellowstone County Resolutions and all of the laws and administrative procedures of the State of Montana.

**Q. Water Shares:**

Shares for irrigation water are to be held under the ownership of Lot 2B of this plat. No water shares will be transferred to Lots 2A, 2C, or 2D.

**R. Previous SIA and Waiver:**

Subdivider hereby acknowledges and will conform to the Subdivision Improvements Agreement and Waiver of Protest previously submitted and recorded with Windmill Subdivision.



David M. Cushing  
David M. Cushing

Ellen M. Cushing  
Ellen M. Cushing

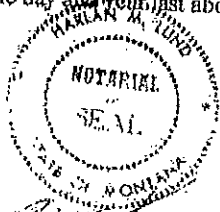
STATE OF MONTANA )

: ss.

County of Yellowstone )

On this 3 day of FEBRUARY, 2003, before me HARLAN M. LUND, a Notary Public for the State of Montana, personally appeared David M. Cushing and Ellen M. Cushing, known to me to be the persons who signed the foregoing instrument and who acknowledged to me that they executed the same.

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



Harlan M. Lund  
Notary Public for the State of Montana  
Residing at Billings MT  
My Commission Expires Aug 18, 2004

Bill Kennedy  
Chairman

Abner  
Commissioner

[Signature]  
Commissioner

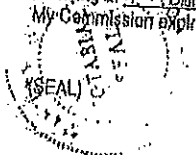
[Signature]  
Attest  
County Clerk and Recorder

STATE OF MONTANA )

County of Yellowstone )

On the 8<sup>th</sup> day of April, 2003, before me, a Notary Public in and for the State of Montana, personally appeared Bill Kennedy, James E. Reno, and Tony Nave, known to me to be the Board of County Commissioners and the Clerk and Recorder of Yellowstone County, Montana who signed the foregoing instrument and who acknowledged to me that they executed the same. WITNESS my hand and seal the day and year hereinabove written.

Marilyn Ross  
Marilyn Ross  
Notary Public for the State of Montana  
Residing at Billings  
My Commission expires January 17, 2005



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Yellowstone County

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WAIVER OF RIGHTS TO PROTEST

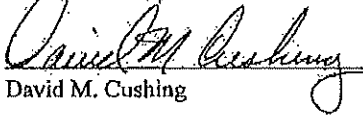
FOR VALUABLE CONSIDERATION, the undersigned, being the subdivider and all owners of the hereinafter described property do hereby waive their right to protest the creation of one or more concurrent or sequential Special Improvement Districts for the following purpose or purposes:

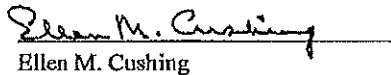
Street light construction, street light energy and maintenance, construction and maintenance of streets, curb and gutters, sidewalks, driveways, street name signs, traffic control devices, water services, sanitary sewers, storm drains either within or without the area to provide drainage for run-off water from the property hereinafter described, public park construction and maintenance, and other improvements which are incidental to the above.

This waiver and Agreement is independent from all other agreements and is supported by sufficient independent consideration to which the undersigned are parties and shall run with the land and shall be binding upon the undersigned, their successors and assigns, and the same shall be recorded in the office of the Clerk and Recorder of Yellowstone County, Montana.

The real property hereinabove mentioned is more particularly described as follows:

WINDMILL ESTATES SUBDIVISION AMENDED, AMENDING LOT 2 BLOCK 1

  
David M. Cushing

  
Ellen M. Cushing

STATE OF MONTANA )

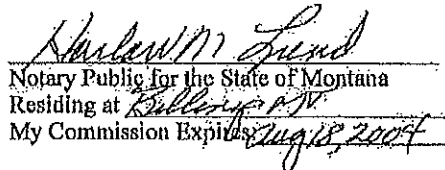
: ss.

County of Yellowstone )

On this 2 day of FEBRUARY, 2003, before me, HARLAN M. LUND, a Notary Public for the State of Montana, personally appeared David M. Cushing and Ellen M. Cushing, known to me to be the persons who signed the foregoing instrument and who acknowledged to me that they executed the same.

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



  
Notary Public for the State of Montana  
Residing at Billings, MT  
My Commission Expires August 18, 2004



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Harlan Lund  
847 Birch Blvd  
59105

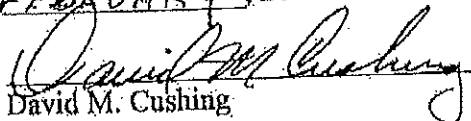
## GRANT ACCESS OF EASEMENT

THIS INDENTURE, made and entered into this 3 day of FEBRUARY, 2003, by and between David M. Cushing and Ellen M. Cushing, hereinafter referred to as "Grantors" and the owners and possessors of Lots 2A, 2B, 2C, and 2D, Windmill Estates Subdivision Amended, Amending Lot 2, located in the southeast quarter of the southwest quarter (SE1/4 SW1/4) of Section 21, T.1S., R.25E., P.M.M., Yellowstone County, Montana, and their heirs, successors, and assigns, hereinafter referred to as "Grantees."

The Grantors do hereby give, grant, and convey unto the Grantees, the right, privilege, and authority to construct, reconstruct, maintain, operate, repair, improve and travel upon and use, a road and its necessary fixtures and appurtenances through, over, and across a corridor forty (40) feet in width, as shown on the plat of the above cited Subdivision.

This Grant of right and authority shall run with the said property and be binding on the Grantors, their successors, all subsequent owners and any parties having right, title, or interest in the said property.

IN WITNESS WHEREOF, the Grantors have hereunto set their hands this 3 day of FEBRUARY, 2003.

  
David M. Cushing

  
Ellen M. Cushing

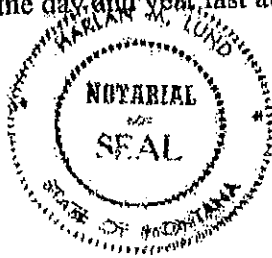
STATE OF MONTANA )


: ss.

County of Yellowstone )

On this 3 day of FEBRUARY, 2003, before me HARLAN M. LUND, a Notary Public for the State of Montana, personally appeared David M. Cushing and Ellen M. Cushing, known to me to be the persons who signed the foregoing instrument and who acknowledged to me that they executed the same.

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



  
Notary Public for the State of Montana  
Residing at Billings, Montana  
My Commission Expires Aug 18, 2004



Yellowstone County

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STATE OF MONTANA  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
CERTIFICATE OF SUBDIVISION PLAT APPROVAL  
SECTION 76-4-101 THROUGH 76-4-131, MCA 1995)

TO: County Clerk and Recorder  
Yellowstone County  
Billings, Montana

EQ NO. 02-1113  
Y.C.#2205

THIS IS TO CERTIFY THAT the plans and supplemental information relating to the subdivision known as **LOTS 2A, 2B, 2C and 2D of LOT 2 AMENDED, WINDMILL ESTATES SUBDIVISION**, situated in the SE1/4 SW1/4 of SECTION 21, T.1S., R.25E., P.M.M., YELLOWSTONE COUNTY, MONTANA, consisting of 4 parcels have been reviewed by personnel of the Permitting and Compliance Division, and,

THAT the documents and data required by ARM Chapter 17 Section 36 have been submitted and found to be in compliance therewith, and,

THAT approval of the PLAT of subdivision is made with the understanding that the following conditions shall be met:

THAT Parcel sizes as indicated on the Plat to be filed with the county clerk and recorder will not be further altered without approval, and,

THAT LOT 2B shall be used for ONE EXISTING SINGLE-FAMILY DWELLING and LOTS 2A, 2C and 2D shall each be used for ONE SINGLE-FAMILY DWELLING, and,

THAT each individual water system for LOTS 2A, 2C and 2D will consist of WELLS drilled to a minimum depth of 25 feet constructed in accordance with the criteria established in Title 17, Chapter 36, Sub-Chapters 1, 3, and 6, ARM and the most current standards of the Department of Environmental Quality, and,

THAT when the existing water supply system for LOT 2B is in need of extensive repairs or replacement it shall be replaced by a WELL drilled to a minimum depth of 25 feet constructed in accordance with the criteria established in Title 17, Chapter 36, Sub-Chapters 1, 3, and 6, ARM and the most current standards of the Department of Environmental Quality, and,

THAT data provided indicates an acceptable water source at a depth of 27 feet, and,

THAT each individual sewage treatment system for LOTS 2A, 2C and 2D will consist of a septic tank and subsurface drainfield of such size and description as will comply with Title 17, Chapter 36, Sub-Chapters 1, 3, and 6 ARM, and,



Yellowstone County

HEALTH

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WINDMILL ESTATES SUBDIVISION  
LOT 2 AMENDED  
DAVE CUSHING  
YELLOWSTONE CO.

EQ# 02-1113

THAT when the present sewage treatment system for LOT 2B is in need of extensive repairs or replacement it shall be replaced by a septic tank and subsurface drainfield of such size and description as will comply with Title 17, Chapter 36, Sub-Chapters 1, 3 and 6 ARM, and,

THAT the subsurface drainfield for LOT 2A shall have an absorption area of sufficient size to provide 160 square feet of trench per bedroom and 200 square feet of trench per bedroom for LOT 2C and 120 square feet per bedroom for LOT 2D, and,

THAT the bottom of the drainfield shall be at least four feet above the water table, and,

THAT no sewage treatment system shall be constructed within 100 feet of the maximum highwater level of a 100 year flood of any stream, lake, watercourse, or irrigation ditch, nor within 100 feet of any domestic water supply source, and,

THAT water supply and sewage treatment systems will be located as shown on the approved plans, and,

THAT all sanitary facilities must be located as shown on the attached lot layout, and,

THAT the developer shall provide the purchaser of property with a copy of the Plat, approved location of water supply and sewage treatment system as shown on the attached lot layout and a copy of this document, and,

THAT plans and specifications for any proposed sewage treatment system will be reviewed and approved by the Yellowstone City-County Health Department and will comply with Yellowstone City-County Board of Health Rule #3 and Title 17, Chapter 36, Sub-Chapters 3 and 9, ARM, prior to construction, and,

THAT instruments of transfer for this property shall contain reference to these conditions, and,

THAT departure from any criteria set forth in the approved plans and specifications and Title 17, Chapter 36, Sub-Chapter 1, 3, and 6 ARM when erecting a structure and appurtenant facilities in said subdivision without Department approval, is grounds for injunction by the Department of Environmental Quality.



Yellowstone County

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PAGE 3 of 3  
WINDMILL ESTATES SUBDIVISION  
LOT 2 AMENDED  
DAVE CUSHING  
YELLOWSTONE CO.

EQ# 02-1113

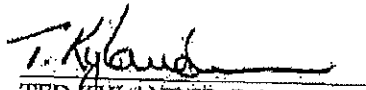
Pursuant to Section 76-4-122 (2) (a), MCA, a person must obtain the approval of both the state under Title 76, Chapter 4, MCA, and local board of health under section 50-2-116 (1) (i), before filing a subdivision plat with county clerk and recorder.


YOU ARE REQUESTED to record this certificate by attaching it to the Plat of said subdivision filed in your office as required by law.

DATED this 24th day of July 2001.

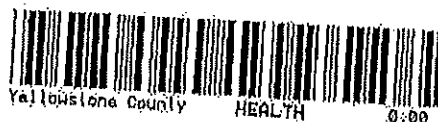
JAN P. SENSIBAUGH  
DIRECTOR

REVIEWED AND APPROVED:

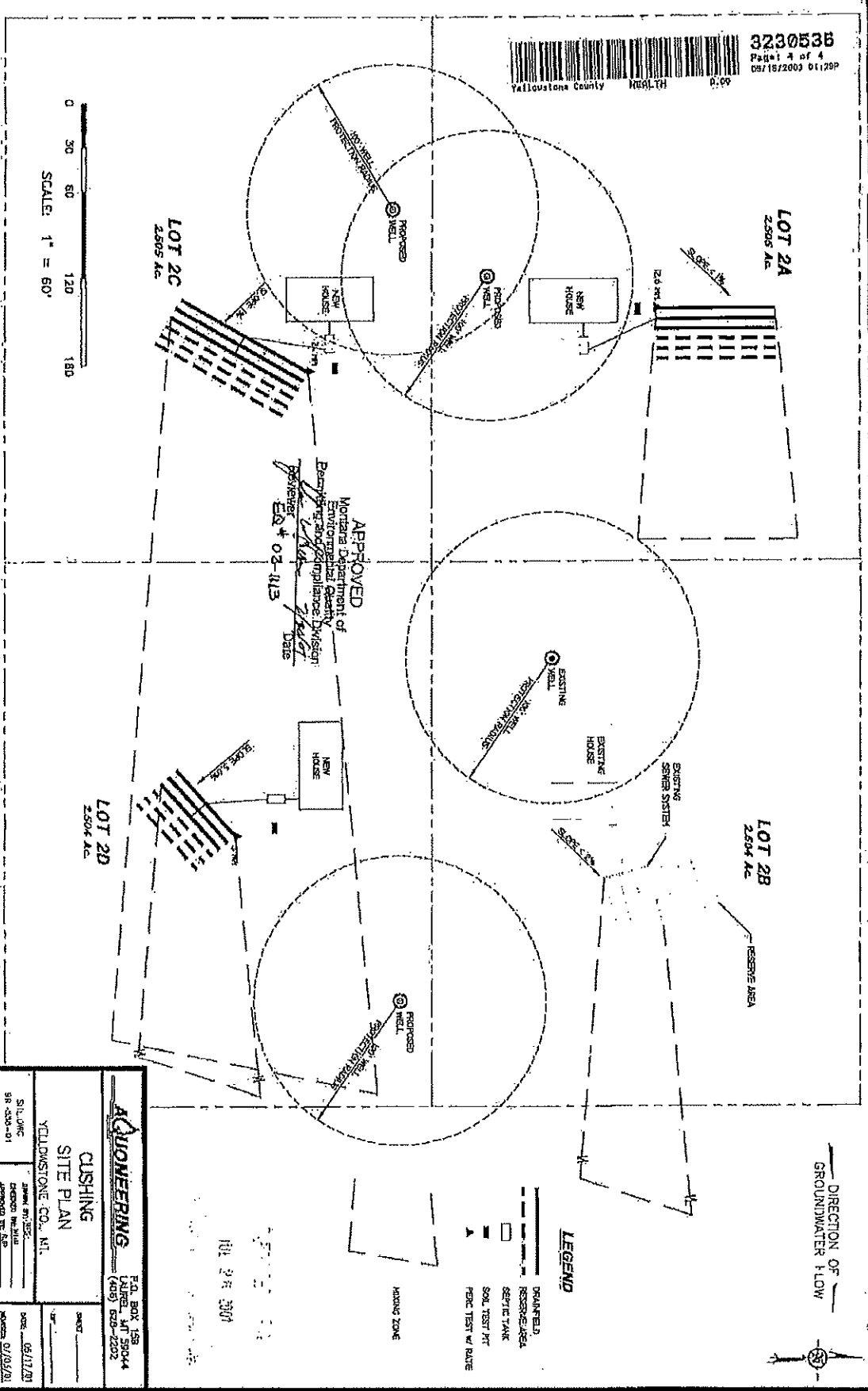
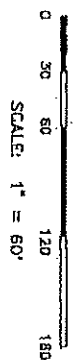
  
TED GYLANDER, R.S.  
ENVIRONMENTAL HEALTH PROGRAM  
YCCHD

  
THERESA BLAZICEVICH, SUPERVISOR  
SUBDIVISION SECTION  
PERMITTING & COMPLIANCE DIVISION  
DEPARTMENT OF ENVIRONMENTAL  
QUALITY

OWNERS NAME:  
DAVE CUSHING



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Page: 3 of 4  
05/16/2008 01:29p



|                                 |  |  |          |
|---------------------------------|--|--|----------|
| <b>CLISHING</b>                 |  | P.O. BOX 158<br>LABEL MT 59044<br>(406) 837-1202 |          |
| <b>SITE PLAN</b>                |  |  |          |
| SHEET                           |  | DATE   | 09/17/03 |
| DESIGNED BY: <i>[Signature]</i> |  | APPROVED BY: <i>[Signature]</i>                  |          |
| SR: 000-01                      |  | APPROVED TO: <i>[Signature]</i>                  |          |
|                                 |  | DATE   | 09/02/03 |

Prepared for: David M. Cushing and Ellen M. Cushing  
by: Harlan M. Lund, R.L.S. 1827S  
Scale: 1"=50' . Billings, Montana December 2002

