

Please return to:
Longshot Equity, LLC
PO Box 10025
Bozeman, MT 59719

2723735

Page: 1 of 9 03/08/2021 04:34:25 PM Fee: \$73.00
Eric Semerad -- Gallatin County, MT MISC



**FIRST AMENDMENT TO DECLARATION FOR EASTBOUND COMMERCIAL
CONDOMINIUM**

THIS FIRST AMENDMENT TO DECLARATION FOR EASTBOUND COMMERCIAL CONDOMINIUM is made this 9th day of February, 2021, by LONGSHOT EQUITY, LLC, a Montana limited liability company of PO Box 10025, Bozeman, Montana 59719, as the Declarant and owner of Unit 770 of the Eastbound Commercial Condominium, located on Lot 1A-5A of Minor Subdivision No. 41C, being the Amended Plat of Lot 3A of Minor Subdivision No. 41A and Lot 1A-5 of Minor Subdivision No. 41B, situated in the SW¼ of Section 9, and the NW¼ of Section 16, Township 2 South, Range 6 East, P.M.M., City of Bozeman, Gallatin County, Montana, according to the official plat thereof on file and of record in the office of the County Clerk and Recorder of Gallatin County, Montana, Declaration and Bylaws for which were recorded on March 29, 2019 as Document No. 2641189, Supplement to Declaration recorded May 16, 2019 as Document No. 2644885, all in the office of the Clerk and Recorder of Gallatin County, Montana, and do hereby amend said Declaration as follows:

1. The Site Plan attached hereto as Exhibit A replaces and supersedes the Site Plan attached as Exhibit A to the Declaration.
2. The Floor Plans for Unit 770 of Eastbound Commercial Condominium are attached hereto as Exhibit B.
3. Attached hereto as Exhibit C is the Certificate of Floor Plans for Unit 770 of Eastbound Commercial Condominium.
4. Article IV of the Declaration, OWNERSHIP AND VOTING - EXHIBITS - USE, is amended by the substitution of the percentage of undivided ownership of the specific Units as follows:

<u>UNIT NO.</u>	<u>SQUARE FOOTAGE[†]</u>	<u>PERCENTAGE OF INTEREST IN GENERAL COMMON ELEMENTS*</u>
760	10,500 [†]	44.71%*

770	12,985 [†]	55.29%*
TOTAL	23,485^{†*}	100.00%

*Subject to the Unit Subdivision provisions in Article IV of the Declaration.

† The actual dimensions and boundaries of the Units are set forth above in Article II, Unit Boundaries. The square footage measurements set forth in this Article IV may not be the actual square footage measurements of the Units as said Units are defined in Article II, Unit Boundaries. The square footage measurements set forth in this Article IV are used only for the purposes of determining each Unit Owner's percentage interest in the General Common Elements and liability for Common Expenses. No representation or warranty of any kind whatsoever is made that the square footage measurements set forth above are the actual square footage measurements of any Unit.

5. The principal materials of construction of Unit 770 are concrete for the foundations, footings, and slabs, structural steel for the framing, structural and finish work, sheet rock, composite board, wood products, and plywood for the interior, carpet, wood, wood products, vinyl, or tile for the floors, metal siding for exterior wall surfaces, and metal for the roof of the Buildings.

6. The use of Unit 770 of EASTBOUND COMMERCIAL CONDOMINIUM shall be for commercial use only as limited by the Declaration and Bylaws. Residential use is prohibited.

7. Declarant certifies that EASTBOUND COMMERCIAL CONDOMINIUM is excluded from review by the Department of Environmental Quality pursuant to 76-4-125 and 76-3-203, MCA. The Municipal Facilities Exclusion letter is attached as Exhibit D.

76-4-125. **Land divisions excluded from review** (1) A subdivision excluded from the provisions of chapter 3 must be submitted for review according to the provisions of this part, except that the following divisions or parcels, unless the exclusions are used to evade the provisions of this part, are not subject to review:

(d) as certified pursuant to 76-4-127 (iii) divisions or parcels of land that are exempt from the Montana Subdivision and Platting Act review under 76-3-203.

76-3-203. **Exemption for certain condominiums and townhouses.** Condominiums, townhomes, townhouses, or conversions, as those terms are defined in 70-23-102, constructed on land subdivided in compliance with parts 5 and 6 of this chapter or on lots within incorporated cities and towns are exempt from the provisions of this chapter if:

(2) the condominium, townhome, or townhouse proposal is in conformance with applicable local zoning regulations when local zoning regulations are in effect.

8. Except as amended as set forth above the Declaration and Bylaws for Eastbound Commercial Condominium remain in full force and effect. In the event of any conflict between the terms of said Declaration and Bylaws and the terms of this First Amendment, the terms of this First Amendment shall control. This First Amendment shall run with the land and shall bind the heirs, successors, and assigns of the owners of the above described property.

DATED this 9th day of February, 2021

[signatures on following page]

DECLARANT:

LONGSHOT EQUITY, LLC, a Montana limited liability company, by

[Signature]

Donnie Olsson, Member

[Signature]

Dan Barnes, Member

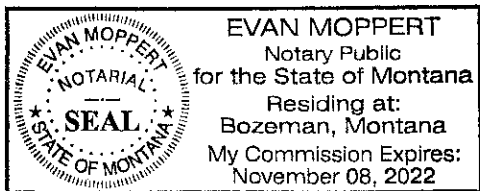
STATE OF MONTANA)

: ss.

County of Gallatin)

On this 9th day of February, 2021, before me, a Notary Public in and for said State, personally appeared DONNIE OLSSON, Member of LONGSHOT EQUITY, LLC, a Montana limited liability company, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that the company executed the same.

[Signature]



Printed Name: _____
Notary Public for the State of Montana
Residing at _____, Montana
My commission expires: _____

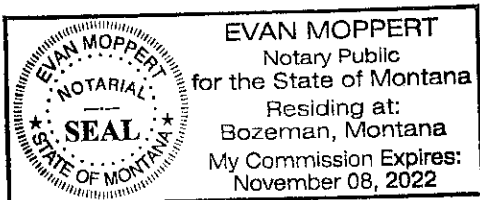
STATE OF MONTANA)

: ss.

County of Gallatin)

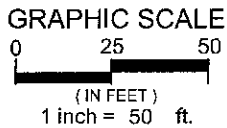
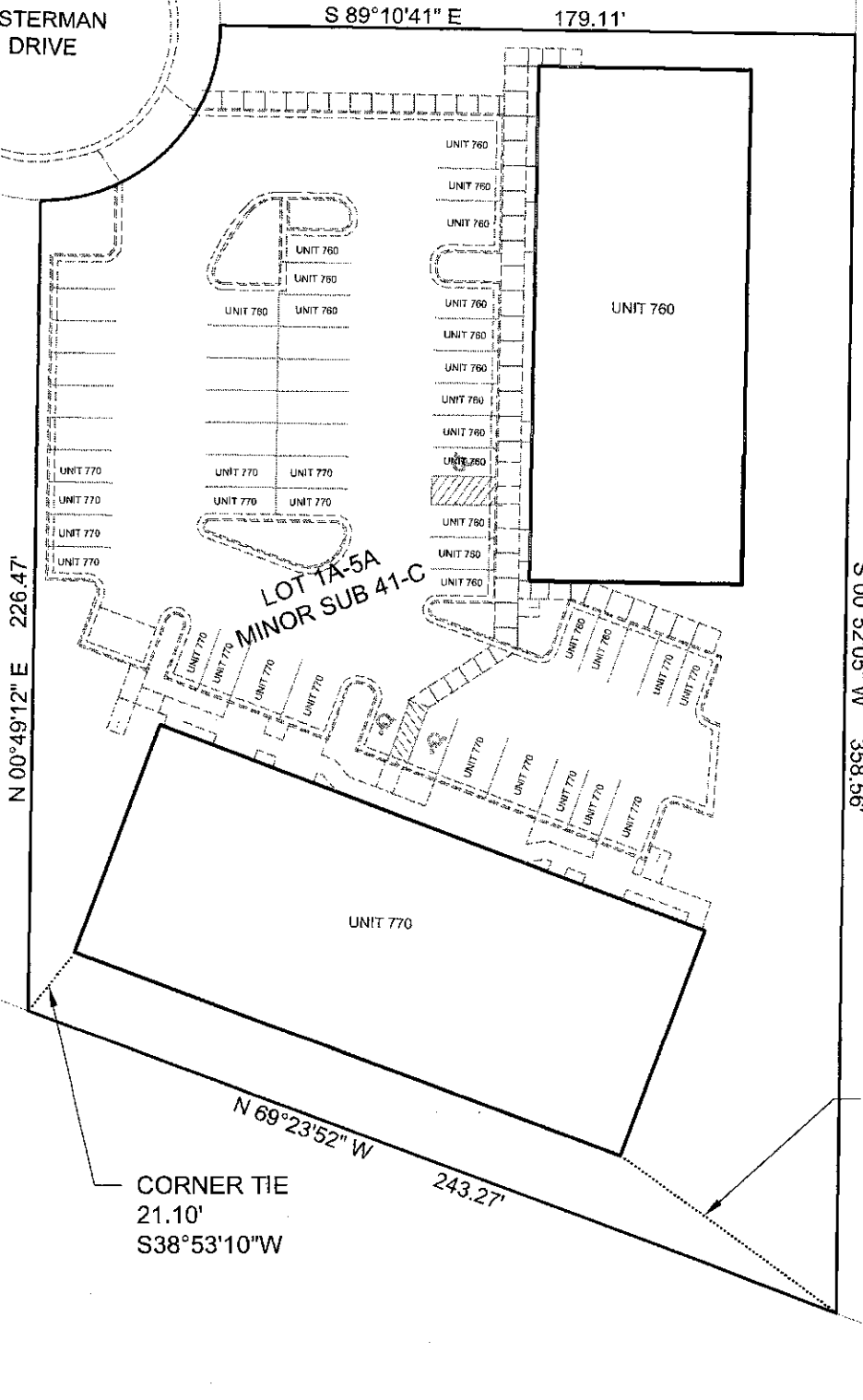
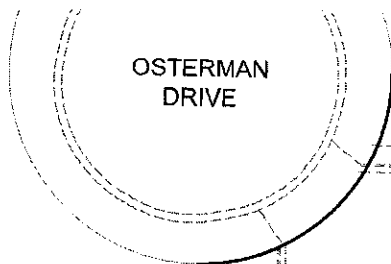
On this 9th day of February, 2021, before me, a Notary Public in and for said State, personally appeared DAN BARNES, Member of LONGSHOT EQUITY, LLC, a Montana limited liability company, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that the company executed the same.

[Signature]



Printed Name: _____
Notary Public for the State of Montana
Residing at _____, Montana
My commission expires: _____

EXHIBIT A EASTBOUND CONDOMINIUM SITE PLAN



**HEADWATERS
ENGINEERING**

190 NORTHSTAR LANE, BOZEMAN, MT 59718
HEADWATERSMT.NET 406-581-5730

DRAWN BY: JRM
DATE: 01/20/21
REVISION DATE:
PROJECT #: 1086.010
LOCATION: BOZEMAN

**EXHIBIT A
EASTBOUND CONDOS
SITE PLAN**

Plot Date: 1/20/2021 6:46 PM
H:\1086\010\ACAD\CONDOCERT\CONDO EXHIBITS-770.dwg

Unit A
 First Floor = 2720 SQ. FT.
 Occupancy Class Is B (27 people)

Unit B
 First Floor = 2108 SQ. FT.
 Occupancy Class Is B (21 people)

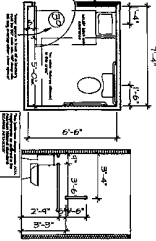
Unit C
 First Floor = 2108 SQ. FT.
 Occupancy Class Is B (21 people)

Unit D
 First Floor = 2108 SQ. FT.
 Occupancy Class Is B (21 people)

Unit E
 First Floor = 2108 SQ. FT.
 Occupancy Class Is B (21 people)

scale: 3/16" = 1'

ADA CODES



scale: 1/4" = 1'

770 OSTERMAN DRIVE

BOZEMAN, MONTANA

DONNIE OLSSON

Project No.
 B19-0717-1
 Scale: 3/16" = 1'

GENERAL CONTRACTOR:
 MOUNTAIN HIGH HOMES, LLC

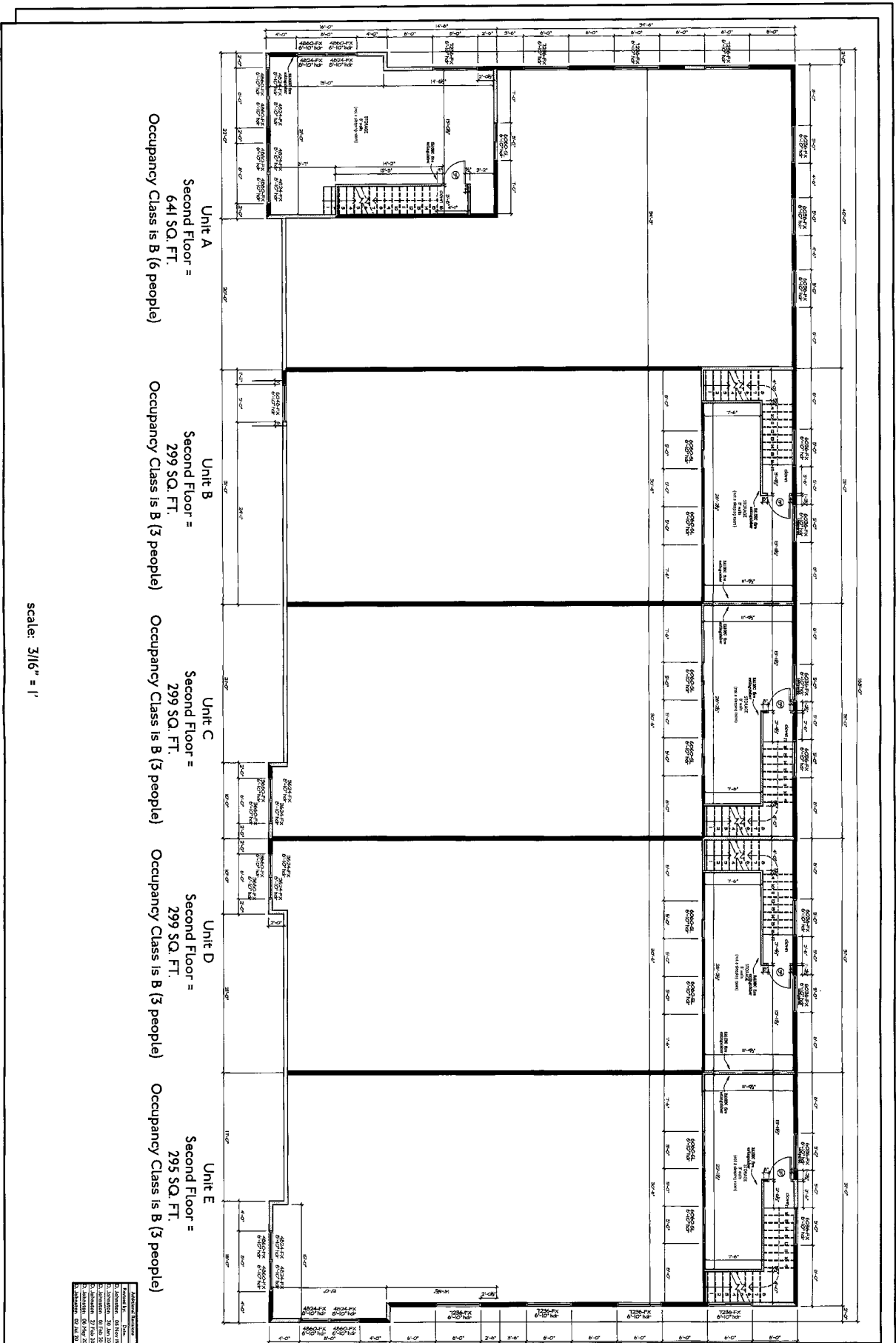
DAN BARNES
 phone #: 406-581-0667
 BOZEMAN, MT

IMPACT
 DRAFTING & DESIGN, INC.
 Breewood Professional Center
 185 Stoneridge Dr., Suite 3D
 Bozeman, MT 59718
 406-522-5382

NO.	REVISION	DATE
1	ISSUED FOR PERMIT	03/08/2021
2	ISSUED FOR PERMIT	03/08/2021
3	ISSUED FOR PERMIT	03/08/2021
4	ISSUED FOR PERMIT	03/08/2021
5	ISSUED FOR PERMIT	03/08/2021
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7	ISSUED FOR PERMIT	03/08/2021
8	ISSUED FOR PERMIT	03/08/2021
9	ISSUED FOR PERMIT	03/08/2021
10	ISSUED FOR PERMIT	03/08/2021

B 30
 Floor Plans
 Main Floor

Exhibit B



Unit A
 Second Floor =
 641 SQ. FT.
 Occupancy Class Is B (6 people)

Unit B
 Second Floor =
 299 SQ. FT.
 Occupancy Class Is B (3 people)

Unit C
 Second Floor =
 299 SQ. FT.
 Occupancy Class Is B (3 people)

Unit D
 Second Floor =
 299 SQ. FT.
 Occupancy Class Is B (3 people)

Unit E
 Second Floor =
 295 SQ. FT.
 Occupancy Class Is B (3 people)

scale: 3/16" = 1'

NO.	REVISION	DATE	BY	CHKD.
1	ISSUED FOR PERMIT	03/08/2021	BOZEMAN	BOZEMAN
2	ISSUED FOR PERMIT	03/08/2021	BOZEMAN	BOZEMAN
3	ISSUED FOR PERMIT	03/08/2021	BOZEMAN	BOZEMAN
4	ISSUED FOR PERMIT	03/08/2021	BOZEMAN	BOZEMAN
5	ISSUED FOR PERMIT	03/08/2021	BOZEMAN	BOZEMAN
6	ISSUED FOR PERMIT	03/08/2021	BOZEMAN	BOZEMAN
7	ISSUED FOR PERMIT	03/08/2021	BOZEMAN	BOZEMAN
8	ISSUED FOR PERMIT	03/08/2021	BOZEMAN	BOZEMAN
9	ISSUED FOR PERMIT	03/08/2021	BOZEMAN	BOZEMAN

770 OSTERMAN DRIVE
 BOZEMAN, MONTANA

DONNIE OLSSON

Project No.
 B19-0717-1
 Scale:
 3/16" = 1'

GENERAL CONTRACTOR:
 MOUNTAIN HIGH HOMES, LLC
 DAN BARNES
 phone #: 406-581-0647
 BOZEMAN, MT

IMPACT
 DRAFTING & DESIGN, INC.
 Bearwood Professional Center
 635 Stansberger Dr., Suite 3D
 Bozeman, MT 59718
 406-522-6382

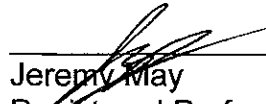
Exhibit B

CERTIFICATE OF FLOOR PLANS

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

That the floor plans for Unit 770 of EASTBOUND COMMERCIAL CONDOMINIUM, situated on Lot 1A-5A of Minor Subdivision No. 41C, being the Amended Plat of Lot 3A of Minor Subdivision No. 41A and Lot 1A-5 of Minor Subdivision No. 41B, situated in the SW $\frac{1}{4}$ of Section 9, and the NW $\frac{1}{4}$ of Section 16, Township 2 South, Range 6 East, P.M.M., City of Bozeman, Gallatin County, Montana, 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 First Amendment to the Declaration thereof, fully and accurately depict the layout, location, unit designation and dimensions of Unit 770 of EASTBOUND COMMERCIAL CONDOMINIUM as of this date, 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, Montana having jurisdiction to issue building permits. Such floor plans for Unit 770 render hand representation of Unit 770 as built.

Dated: 2/12/2021



Jeremy May
Registered Professional Engineer
License No. 17579

Exhibit C



March 5, 2021

Evan Moppert
Schwasinger & Fallaw
517 South 22nd Avenue Suite 2
Bozeman MT 59718

RE: Eastbound Commercial Condominium
Municipal Facilities Exclusion
EQ# 21-1984
City of Bozeman
Gallatin County


Dear Mr. Moppert;

This is to certify that the information and fees received by the Department of Environmental Quality relating to this subdivision are in compliance with 76-4-127, MCA. Under 76-4-125(1)(d), MCA, this subdivision is not subject to review, and the Declaration can be filed with the county clerk and recorder.

Plans and specifications must be submitted when extensions of municipal facilities for the supply of water or disposal of sewage are proposed 76-4-131. Construction of water or sewer extensions prior to DEQ, Public Water Supply Section's approval is prohibited, and is subject to penalty as prescribed in Title 75, Chapter 6 and Title 76, Chapter 4.

Eastbound Commercial Condominium Municipal Facilities Exclusion will consist of 16 Units.

Sincerely,


Kevin Smith
Department of Environmental Quality
Bureau Chief
Engineering Bureau
(406) 444-1277
Email ksmith@mt.gov

cc: City Engineer
County Sanitarian
Owner
file

Exhibit D