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Shelley Vance-Gallatin Co MT MISC 33.00

**SUPPLEMENTAL AND WITHDRAWAL DECLARATION
TO THE
COMMUNITY DECLARATION
FOR
BAXTER MEADOWS MASTER COMMUNITY**

American Land Title Company
1800 West Koch / P.O. Box 396
Bozeman, Montana 59715 / 59771-0396
Order No. 1-83109

THIS SUPPLEMENTAL AND WITHDRAWAL DECLARATION is made and entered by Baxter Meadows West, L.L.C. ("Declarant").

RECITALS

- A. Declarant has executed that certain Community Declaration for the Baxter Meadows Master Community ("Community Declaration" or "Declaration"), which Declaration has been recorded in the records in the Office of the Clerk and Recorder.
- B. The Declaration provides withdrawal, enlargement, expansion and other reserved rights of the Declarant.
- C. The undersigned Declarant desires to withdraw a portion of the lands and real estate made subject to the Community Declaration, all pursuant to terms and provisions of the Community Declaration.
- D. The undersigned Declarant has complied with all conditions set forth in the Community Declaration to implement withdrawal of a portion of the lands and real estate made subject to the Community Declaration.

The undersigned hereby declares as follows:

- 1. Withdrawal of Property. Pursuant to the Community Declaration, the property described in **Exhibit A** attached hereto and incorporated herein by this reference, being a portion of the lands and real estate subject to the Community Declaration, is withdrawn from the Community Declaration, the Master Planned Community and the "Real Estate." The property described in Exhibit A is confirmed as withdrawn from the Community Declaration, the Master Planned Community and the Real Estate. The property described in **Exhibit A** shall hereafter be held, sold, conveyed, encumbered, leased, rented, occupied and improved free and clear of the terms and provisions of the Community Declaration (except for possible re-annexation, with the consent of the owner of the property described in **Exhibit A**).
- 2. Definitions. Unless otherwise defined herein, initially capitalized terms defined in the Declaration shall have the same meaning herein.



IN WITNESS WHEREOF, the undersigned Declarant has hereunto set its hand and seal as of the day and year first above written.

Baxter Meadows West, LLC,
A Montana limited liability company

By: Thomas L. Clinton
Thomas L. Clinton

By: Gerald R. Williams
Gerald R. Williams

Baxter Meadows Development, L.P.
A Montana limited partnership

By: Gerald R. Williams
Gerald R. Williams

STATE OF MONTANA)
COUNTY OF Gallatin) ss.

The foregoing acknowledged before me on this 29th day of March, 2006, by Thomas L. Clinton and Gerald R. Williams, as managing members of Baxter Meadows West and Baxter Meadows Development.
Witness my hand and official seal.

My commission expires: July 31, 2007

Terri Zullo, Terri Zullo
Notary Public

NOTARY PUBLIC for the State of Montana
Residing at Bozeman, Montana
My Commission Expires July 31, 2007



EXHIBIT A

LEGAL DESCRIPTION OF PROPERTY WITHDRAWN HEREBY

Tract A and Tract B of the Amended Plat of Baxter Meadows Subdivision P.U.D. Phase 1, Tract 1A (J-353A), also including a portion of Tract 2A of Certificate of Survey No. 2202A, located in the SW 1/4 of Section 34, Township 1 South, Range 5 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, J353-C.