

MOOSE RUN MINOR SUBDIVISION ROAD USER'S DECLARATION

THIS DECLARATION, made by the owner of certain parcels of land located in Section 9, Township 27 North, Range 33 West, P.M.M., namely: Terry Rafferty, Trustee of the Terry Rafferty Living Trust, owner of Lots 1 and 2 of Moose Run Minor Subdivision, Certificate of Survey No. 2640 MS, filed FEB 13, 2006, Sanders County records.

WITNESSETH: That the above-named covenants and agrees as follows:

- A. This agreement is made for the portion of the existing roadway, and bridge servicing the above-described properties, which traverses said properties as shown on COS 2640 MS.
- B. The owners of the above-described lots using said roadway shall share the costs and expenses necessary to maintain the roadway in its current condition.
- C. The sharing of costs and expenses shall be in proportion to the lot owner's use of the road.
- D. Improvements to the road shall be by mutual agreement, with costs and allocation determined prior to the work being done.
- E. This agreement may be amended by the lot owners, who shall record the amendment in the official records of Sanders County.
- F. This agreement shall run with the land and shall be binding upon the undersigned, their heirs, personal representative, successors and assigns, unless and until such time as said road and/or right-of-way shall be dedicated to and accepted for use as a public road by a qualified public road entity.

STATE OF NEW MEXICO)
County of Bernalillo)

Terry Rafferty, Trustee of the Terry Rafferty Living Trust
This instrument was acknowledged before me this 7 day of February 2006 by Terry Rafferty



OFFICIAL SEAL
MARGARET PACHECO-BATTLE
NOTARY PUBLIC
STATE OF NEW MEXICO

My Commission Expires: 1/3/2007

Margaret Pacheco-Battle
Notary Public for the State of New Mexico
Printed Name: Margaret Pacheco-Battle
Residing at: Albuquerque, NM
My Commission Expires: 1/3/2007

#3628-Moose Run
CAS 2640 MS

26452 BOOK 1 MISC EARN: 5628 Pages: 1
STATE OF MONTANA SHERIFFS COUNTY
RECORDED: 02/13/2006 9:12 NOI: SHER DOCS
PAY INDEMNITY CLERK AND RECORDER
FEE: \$5.00 BY: FOR AUDIT
TO: REALTY NORTHWEST P.O. BOX 1805, TROOPERS FALLS, MT 598