

718656

STATE OF WYOMING)
) ss.
COUNTY OF CAMPBELL)

TO THE PUBLIC

AMENDMENT TO
DECLARATION
OF COVENANTS, CONDITIONS AND RESTRICTIONS
NETTLE CREEK LAND COMPANY PROPERTY

BE IT KNOWN BY ALL MEN:

That the undersigned are the owners of land which is within Campbell County, Wyoming and is more particularly described hereto in attached Exhibit "A".

WHEREAS, the owners desire to place certain protective covenants on the land for the betterment of the health, safety and welfare of the owners, residents and occupants of the land, and

WHEREAS, the owners desire to amend the Declaration of Covenants, Conditions and Restrictions, Nettle Creek Land Company Property of Public Record Book 1380 of Photos, page 135 in the office of the Campbell County Clerk.

NOW THEREFORE, the undersigned do hereby make the following declarations as to the limitations, restrictions, and uses to which the land may be put, hereby specifying that the declarations shall constitute covenants to run with all the land as provided by law that this declaration of restrictions is designed to keep and maintain the desirable, uniform, and suitable use and development of the land.

AMENDED WITH THE FOLLOWING ITEMS -

19. TRACT "A". Tract "A" defined as the Well Site in Nettle Creek Estates Subdivision shall be limited to the exclusive use for water well development, including but not limited to: development of existing well, necessary and prudent measures to insure development and proving well capacities, support structures for well completion, construction and maintenance of well and support structures. Tract "A" shall not be used for residential purposes.

NCL.140 57.97 (1)

20. RESTRICTIVE BUILDING AREA. The location of the primary homesite for Lot 2 of Nettle Creek Estates Subdivision shall be located north of a line generally described as follows:

A line starting at a point more particularly described as "STA 112+05 END EASEMENT" (per easement agreement between USWEST and Nettle Creek Land Company a recorded public document titled "EASEMENT", Book 1413 of Photos, Page 593), the line shall continue in a southerly direction bearing S12°10'W a distance of 250.22' to a point located on the most eastern side of a 20' private utility easement granted to Michael J. & Shirley A. Powers more particularly described in Instrument of Record Book 1380 of Photos, page 151, the line shall continue in a northwesterly direction "Bearing N71°05'W" thru a point located approximately 50' south of a survey lath located on the property and referenced with the letters "PCA" the line continues until it intersects the most western boundary of Lot 2 Nettle Creek Estates Subdivision.

The line described above is referenced on the subdivision plat on file with the Campbell County Clerk's Office.

A secondary homesite approximately 3 acres in size located in the most southwestern corner of Lot 2 of Nettle Creek Estates Subdivision may be secured in the future by the owner of Lot 2 of Nettle Creek Estates Subdivision providing the homesite meets all local, county, and state regulations. No portion of the homesite may be constructed at an elevation not to exceed 4876.00 feet above sea level.

21. ROADWAY MAINTENANCE AND STATUS. The public roadway known as Nettle Creek Court is maintained with a separate Roadway Maintenance Agreement. Other roadways with recorded easements either by separate agreement or are referenced on the Nettle Creek Estates Subdivision plat of record are known as private roadways and any maintenance or construction of such roadways are to be private agreements and are not covered within the Roadway Maintenance Agreement nor the covenants without proper amendments to the any of agreements.

Any additional roadways constructed in Nettle Creek Estates shall be private roadways and an agreement between users of such roadways shall be a separate agreement for maintenance of such roads.

22. IMPROVEMENT DISTRICT. The roadways in this agreement shall be maintained by the use of the road maintenance agreement. However, in the advent an IMPROVEMENT DISTRICT is formed then the owners of the Powers Tract South 21 acres, Powers Tract North 20 acres, and Nettle Creek Estates Lots 1 & 2 shall cooperate in the formation of such district and shall not take any action to resist the formation and operation of such a district. The parties further acknowledge that this Agreement may be used as a petition to create a local improvement district, as specified in section 15-6-203 W.S., 1977, and therefore constitutes a waiver of the LANDOWNER'S right to file protests and remonstrances as provided by section 15-6-202(d) and section 15-6-203, W.S., 1977.

23. SEVERABILITY. If a court of competent jurisdiction invalidates any one of more of these declarations, its judgement or order shall not affect any other provisions of these declarations and shall remain in full force and affect.

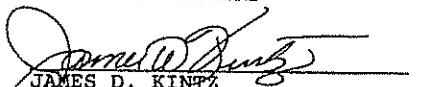
To the extent these declarations are inconsistent and formerly recorded covenants, the terms in these declarations shall control.

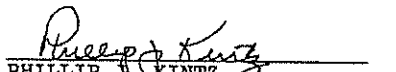
This AMENDED agreement shall run with the land described in this agreement and shall be binding on the parties's, their heirs, assigns, guests, invitees, tenants, and successors in interest.


Dated as of date the acknowledged signatures of the parties appear below.


MICHAEL J. POWERS


SHIRLEY A. BOWERS


JAMES D. KINTZ
Nettle Creek Land Co. Partner


PHILLIP J. KINTZ
Nettle Creek Land Co. Partner


GARY L. CARTER
Nettle Creek Land Co. Partner


VERNON R. SCHILD
Nettle Creek Land Co. Partner

*James D. Kintz Attorney in fact for
Robert J. Netteland*

JAMES D. KINTZ Attorney in fact for
ROBERT J. NETTELAND
Nettle Creek Land Co. Partner

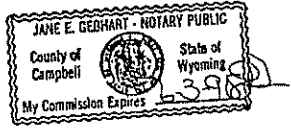
STATE OF WYOMING)
 : ss
COUNTY OF CAMPBELL)

The foregoing instrument was acknowledged before me by
Michael J. Powers and Shirley A. Powers, husband and wife,
this 1 day of April, 1997.

Witness my hand and official seal.

Jane E. Gedhart
Notary Public

My commission expires: June 3, 1998



STATE OF WYOMING)
 : ss
COUNTY OF CAMPBELL)

The foregoing instrument was acknowledged before me by
James D. Kintz, partner of Nettle Creek Land Company, a
partner in ~~CASH - NOTARY PUBLIC~~ day of April, 1997.



Witness my hand and official seal.

James D. Kintz
Notary Public

My commission expires: 10/27/98

STATE OF WYOMING)
 : ss
COUNTY OF CAMPBELL)

The foregoing instrument was acknowledged before me by Phillip J. Kintz, partner of Nettle Creek Land Company, a partnership, this 8 day of April, 1997.



Sharon A. Cash
Notary Public

My commission expires: 10/22/98

STATE OF WYOMING)
 : ss
COUNTY OF CAMPBELL)

The foregoing instrument was acknowledged before me by Vernon R. Schild, partner of Nettle Creek Land Company, a partnership, this 8 day of April, 1997.

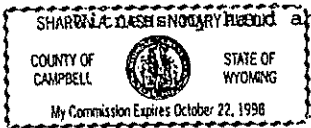


Sharon A. Cash
Notary Public

My commission expires: 10/22/98

STATE OF WYOMING)
 : ss
COUNTY OF CAMPBELL)

The foregoing instrument was acknowledged before me by Gary L. Carter, partner of Nettle Creek Land Company, a partnership, this 8 day of April, 1997.



Sharon A. Cash
Notary Public

My commission expires: 10/22/98

STATE OF WYOMING)
 : ss
COUNTY OF CAMPBELL)

The foregoing instrument was acknowledged before me by James D. Kintz for Robert J. Netteland, partner of Nettle Creek Land Company, a partnership, this 8 day of April, 1997.

SHAWONTANESS NOTARIAL and official seal.
COUNTY OF CAMPBELL STATE OF WYOMING
My Commission Expires October 22, 1998

[Signature]
Notary Public

My commission expires: 10/22/98

EXHIBIT "A"

A parcel of land in the County of Campbell, State of Wyoming, to-wit:

Township 50 north, R.73W. of the 6th p.m., Campbell County, Wyoming, Section 28: NE 1/4 SW 1/4, W 1/2 W 1/2 NW 1/4 SE 1/4, SE 1/4 SW 1/4, Subject to all easements, reservations, restrictions, and encumbrances of record excepting therefrom a tract of land located in the S 1/2 of Section 28, T50N, R73W, of the sixth principal meridian, Campbell County, Wyoming, being more particularly described as follows:

Beginning at a point which is the center of section 28, a #5 rebar with aluminum cap; thence along the E-W center-line of section 28, N89°37'30" E, 20.00 ft.; Thence S 0°36'40"W, 240.00 feet; Thence S 89°35'03"W, 366 ft.; thence N 46° 33'10"W, 346.32 ft. to the E-W Center line of said section 28 thence along said line, N89°35'03"E, 600.00 ft. to the point of beginning; and containing 2.71 acres more or less, together with all improvements thereon. Subject to all covenants, reservations, restrictions and right of way of record.

STATE OF WYOMING }
 Campbell County } ss.

Filed for record this 17th day of April A.D., 19 97 at 2:34 o'clock p. M. and recorded in Book 1424
 of Photos on page 557-563 Fees \$ 18.00 **718656**
 By Jessie Saunders Deputy Elaine Hackett
 County Clerk and Ex-Officio Register of Deeds

RECORDED
 ABSTRACTED ✓
 INDEXED ✓
 CHECKED ✓

