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Bluemoon Refinery LLC
105 Cyclone Dr.
Kalispell MT 59901

★★ 0508046 se w/plat

DECLARATION OF ROAD MAINTENANCE AGREEMENT

This Declaration made this 6 day of June, 2023, Bluemoon Refinery LLC, hereinafter referred to as the Declarant.

WITNESSETH:

Whereas Declarants are the owners of that real property described as the Plat of **Bluemoon Estates**, plat of which are on file at the office of the Clerk and Recorder of Flathead County and by this reference made a part hereof:

NOW THEREFORE, the Declarants, being the owners of all of the real property so described in the above, hereby declares that the real property described above, is and shall be held, transferred, sold and conveyed subject to the restrictions, conditions, and reservations hereinafter set forth as regards the common driveway and declare the following:

1). The roadway provides access from West Springcreek Road to Lots 1 - 5 through the road and utility easement shown on the plat of Bluemoon Estates, Flathead County Records.

2). Owners shall mean every person or entity who is a record owner of a fee or undivided fee interest in any lot which is the subject of this agreement excepting however, any person or entity who has sold or is selling any such parcel under a recorded contract shall not be considered as an owner. Every person or entity purchasing any such parcel under a recorded contract shall be an owner. This is not intended to include persons or entities who hold an interest as security for an obligation.

3). Maintenance of the roadway at all times shall be the responsibility of the owners of the lots who use the roadway for access. The roadway shall be maintained in good and passable condition under all weather conditions.

4). Each of the parties agree that if they cause or allow said roadway to be used in any manner which results in unusual wear or damage to the roadway, they shall bear the costs and expenses of restoring said surface as their sole and separate cost and expense.



5). This agreement shall be intended to run with the land and be a restriction upon the property and shall be binding upon the Declarant, their heirs, personal representatives or successors.

6). It is intended hereto that this instrument shall be recorded and that any subsequent transferee of the property or any part thereof by acceptance of delivery of Deed and or Conveyance of said property shall be deemed to have consented to and become bound to these terms.

7). This agreement may be amended to add additional lots by recordation with the Clerk and Recorder of the County of Flathead of an instrument signed by all the owners of all lots.

8). The owners of the Lots shall be equally liable for the costs of maintenance and repair of said roadway.

9). The owners of the Lots shall be responsible for their equitable portion of the cost of dust abatement for West Springcreek Road.

10). Major improvements would require complete agreement of all lot owners.

11). Improvements may include new pavement and patching of asphalt.

12). Maintenance shall be performed, including weed management and snow plowing.

13). This agreement allows the declarant, his successor or delegated person to collect an annual fee to be held in a separate account for this subdivision. This account will be used to pay for the regular maintenance associated with the road. A lien may be attached to any lot for nonpayment of the annual assessment. The maintenance fee may be raised or lowered by a majority vote of the members. For these purposes, each lot shall have one vote.



Dated this 6 day of June, 2023.

[Signature]
Bluemoon Refinery, LLC. President

STATE OF Montana)
:SS
County of Flathead)

On this 6th day of June, 2023, before me the undersigned, a Notary Public for the State of Montana, personally appeared, Jamie Nelson, President of Bluemoon Refinery, LLC, known to me to be the person(s) whose name(s) are subscribed to the foregoing instrument, and acknowledged to me that he/she/they executed the same.

In witness whereof, I have set my hand and affixed my Notarial seal the day and year first above written.

Leann M. Bare
Notary Public for the State of _____
Residing at _____
My commission Expires _____

