

Please Return To:  
Swissdetail, Inc.  
3004 N 27<sup>th</sup> Ave  
Bozeman, MT 59718

SUPPLEMENTAL DECLARATION FOR SWISS PLAZA CONDOMINIUM

This Supplemental Declaration for Swiss Plaza Condominium is made this 24<sup>th</sup> day of January, 2024 by SWISSDETAIL, INC., of 3004 North 27th Avenue, Bozeman, Montana 59718, as Declarant for Swiss Plaza Condominium, the Declaration and Bylaws for which were recorded on July 18, 2023 as Document No. 2805372 in the office of the Clerk and Recorder of Gallatin County, Montana (the "Declaration and Bylaws") located on the following described real property:

Lot 3 in Block 4 of the Plat of Cattail Creek Subdivision, Phase 1, 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, Gallatin County, Montana (Plat Reference: J-340).

This Supplemental Declaration is made to pursuant to Section 70-23-302, Montana Code Annotated and pursuant to Article IV and other appropriate provisions of said Declaration and Bylaws. The purpose of this Supplemental Declaration is to add Phases II, III, IV, V and VI of Swiss Plaza Condominium which consists of an additional ten (10) unbuilt Units, which shall be for commercial and/or residential purposes only. The Declaration and Bylaws for Swiss Plaza Condominium are hereby amended and supplemented as follows:

1. The Declarant does hereby add and declare Phases II, III, IV, V and VI of Swiss Plaza Condominium, which phases shall consist of ten (10) Units located within five (5) Buildings, subject to Declarant's rights of modification as set forth herein. The Units hereby added and declared are as follows: Unit 2998A and Unit 2998B in Phase II; Unit 3000A and Unit 3000B in Phase III; Unit 3002A and Unit 3002B in Phase IV; Unit 3006A and Unit 3006B in Phase V; and Unit 3008A and Unit 3008B in Phase VI.

2. Attached hereto as Exhibit A is a revised Site Plan showing the location of the built Units in Phase I and the proposed location of the Buildings and Unit 2998A, Unit 2998B, Unit 3000A, Unit 3000B, Unit 3002A, Unit 3002B, Unit 3006A, Unit 3006B, Unit 3008A, and Unit 3008B of Swiss Plaza Condominium that are proposed to be built by Declarant, its assigns, or the owner of said Units. As to Unit 2998A, Unit 2998B, Unit 3000A, Unit 3000B, Unit 3002A, Unit 3002B, Unit 3006A, Unit 3006B, Unit 3008A, and Unit 3008B of Swiss Plaza Condominium, said Site Plan only shows the proposed location and configuration of such Buildings and Units and the Declarant expressly reserves to itself and its successors and assigns and to the owners of such unbuilt Units the right to change the exact location, configuration, designation and size of

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Units in it's/their sole discretion provided that the total number of Units within Swiss Plaza Condominium shall not exceed fifteen (15).

3. Attached hereto as Exhibit B are the proposed floor plans for Unit 2998A, Unit 2998B, Unit 3000A, Unit 3000B, Unit 3002A, Unit 3002B, Unit 3006A, Unit 3006B, Unit 3008A, and Unit 3008B. Declarant expressly reserves to itself and its successors and assigns and to the owners of such unbuilt Units the right to change the layout, design, configuration, size and all other attributes of the unbuilt Units as shown on said floor plans. The principal materials of construction for the Units within said Phases II, III, IV, V and VI will be the same as listed in Article IV, Construction Materials of the Declaration and Bylaws unless otherwise indicated in an amendment to this Supplemental Declaration recorded after the Units are built.

4. Within thirty (30) days from the date of completion of the Units within each new Phase of Swiss Plaza Condominium, the Declarant shall file an amendment to this Supplemental Declaration in the office of the County Clerk and Recorder, Gallatin County, Montana, to which shall be attached a verified statement of a registered architect, registered professional engineer, or registered professional land surveyor certifying that the floor plans previously filed or being filed simultaneously with the amendment fully and accurately depict the layout of such Units as built and the date construction of such Units was completed. The Declarant and its assigns and the Unit Owners reserve the right to modify all aspects of the characteristics, size, layout and designation of the Building and unbuilt Units that will constitute Phases II, III, IV, V and VI, including but not limited to revisions to the Site Plan and Floor Plans submitted herewith as well as the schedule of the percentage of undivided ownership of all Units in all Phases of Swiss Plaza Condominium; all such changes shall be set forth in an amendment to this Supplemental Declaration.

5. **Municipal Facilities Exclusion.** The Municipal Facilities Exclusion applicable for Swiss Plaza Condominium for 15 units is attached hereto as Exhibit C. Declarant certifies that Swiss Plaza Condominium is excluded from review by the Department of Environmental Quality pursuant to 76-4-125 and 76-3-203, MCA.

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.

6. The Percentage of Interest under Article IV of the Declaration, is amended by the substitution of a schedule of the percentage of undivided ownership of the Units as follows:

<u>UNIT</u>	<u>SQUARE FOOTAGE*</u>	<u>PERCENTAGE OF INTEREST IN GENERAL COMMON ELEMENTS*</u>
Unit 2994A	2,491*	5.55%*
Unit 2994B	2,491*	5.55%*
Unit 2996A	2,491*	5.55%*
Unit 2996B	2,491*	5.55%*
Unit 3004	7,250*	16.10%*
Unit 2998A	2,491*	5.55%*
Unit 2998B	2,491*	5.55%*
Unit 3000A	2,491*	5.55%*
Unit 3000B	2,491*	5.55%*
Unit 3002A	2,491*	5.55%*
Unit 3002B	2,491*	5.55%*
Unit 3006A	3,885*	8.65%*
Unit 3006B	3,885*	8.65%*
Unit 3008A	2,491*	5.55%*
Unit 3008B	2,491*	5.55%*
<b>TOTAL</b>	<b>44,912*</b>	<b>100.00%*</b>

\* The size, configuration, designation, percentage interest in common elements, and number of all unbuilt Units are subject to change at the discretion of the Declarant or its successors and assigns or the owners of such unbuilt Units. For all phases, the actual dimensions and boundaries of the Units are set forth above in Article IV, Units of the Declaration and Bylaws. The square footage measurements set forth in this Paragraph 5 may not be the actual square footage measurements of the Units as said Units are defined in Article IV, Units. 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.

7. Until Unit 2998A, Unit 2998B, Unit 3000A, Unit 3000B, Unit 3002A, Unit 3002B, Unit 3006A, Unit 3006B, Unit 3008A, and Unit 3008B within Phases II, III, IV, V and VI are actually constructed and corresponding amendments to this Declaration containing the respective certificates of floor plans are recorded, said unbuilt Units shall not be assessed for any portion of the Common Expenses, and only the built Units for which a certificate of floor plan has been filed shall be assessed.


8. The Condominium Review Decision of the City of Bozeman allowing a total of fifteen (15) Units within Swiss Plaza Condominium is attached hereto as Exhibit D.

9. Except as amended as set forth herein, the Declaration and Bylaws for Swiss Plaza Condominium shall be in full force and effect.

IN WITNESS WHEREOF, the undersigned has caused this Supplemental Declaration to be made and executed according to and under the provisions of the Unit Ownership Act, Title 70, Section 23, M.C.A., and the Declaration and Bylaws for Swiss Plaza Condominium.

**DECLARANT:**

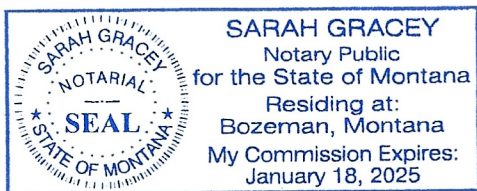
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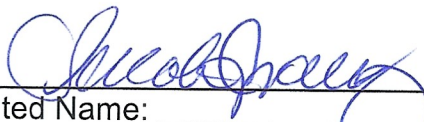
  
\_\_\_\_\_  
Gregor H. Spoelder, Director

  
\_\_\_\_\_  
Pamela Shontz, Director

STATE OF MONTANA     )  
                                      : ss.  
County of Gallatin     )

On this 24 day of January, 2024, before me, a Notary Public in and for said State, personally appeared GREGOR H. SPOELDER and PAMELA SHONTZ, Directors of SWISSDETAIL, INC., a Montana corporation, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that the corporation executed the same.



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