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Sanderson Stewart
1300 North Transtech Way
Billings, MT 59102

**MODIFICATION OF SUBDIVISION IMPROVEMENTS AGREEMENT
PLAT OF AMENDED LOT 9A, BLOCK 1
MONTANA SAPPHIRE SUBDIVISION**

This Modification of Subdivision Improvements Agreement (this “Modification”) made this _____ day of July, 2013, by the undersigned, **RIMROCK II, LLC**, (the “Subdivider”) and the City of Billings, a municipal corporation (“City”).

RECITALS

WHEREAS, the property described in Section 1, below, is subject to the terms of that certain Subdivision Improvements Agreement by and between Subdivider and City recorded September 16, 2011, under Document No. 3599460, in the office of the Yellowstone County Clerk and Recorder (the “Agreement”); and

WHEREAS, pursuant to Section X.H. of the Agreement, the Agreement may be modified in a writing executed in the same manner as the Agreement.

AGREEMENT

The parties hereby agree as follows:

1. Description of Property. The Agreement and this Modification relate to Amended Lot 9A, Block 1, Montana Sapphire Subdivision.
2. Amendment. Section III.E.3. of the Agreement shall be deleted and replaced with the following:

A right-in/right-out approach into Lot 9A-3 centered on the mid-point of the eastern boundary of Lot 9A as approved by the Montana Department of Transportation and the City of Billings. Design details for the right-in/right-out approach and Shiloh Drain crossing shall be reviewed and approved separately by the City Engineer’s Office. The Shiloh Drain can only be piped

for this access and the culvert shall be corrugated metal pipe or reinforced concrete pipe.

- 3. Ratification. But for the amendment expressly made in this Modification, Subdivider and City hereby ratify and confirm the provisions of the Agreement.

“SUBDIVIDER”

RIMROCK II, LLC

By: _____

Its: _____

STATE OF MONTANA)
 : ss
County of Yellowstone)

On this ____ day of _____, 2013, before me, a Notary Public for the State of Montana, personally appeared _____, known to me to be the person who executed the foregoing instrument as the _____ of **RIMROCK II, LLC**, and who acknowledged to me that said company executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year hereinabove written.

Notary Public for the State of Montana
Printed name: _____
Residing in Billings, Montana
My commission expires: _____

