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Sanderson Stewart
1300 North Transtech Way
Billings, MT 59102

MODIFICATION OF SUBDIVISION IMPROVEMENTS AGREEMENT WHISPER RIDGE SUBDIVISION

This Modification of Subdivision Improvements Agreement (this "Modification") is made this ___ day of _____, 20___, by and between the following:

BUSCHER CONSTRUCTION AND DEVELOPMENT, INC and **CRESTVIEW HOLDINGS, INC.** whose address for the purpose of this agreement is 3671 Spalding Avenue; Billings, MT 59106, hereinafter referred to as "Subdivider"

THE WILLOWS AT WHISPER RIDGE whose address for the purpose of this agreement is _____,

IAN AND ASHLEY NIELSON whose address for the purpose of this agreement is 5016 Audubon Way; Billings, MT 59106, and **STEPHEN AND CAITLIN FRIEDMAN** whose address for the purpose of this agreement is 5003 Audubon Way; Billings, MT 59106; hereinafter collectively referred to as "Existing Private Homeowners".

The **CITY OF BILLINGS**, Billings, Montana, hereinafter referred to as "City."

WITNESSETH:

WHEREAS, the plat of Whisper Ridge Subdivision (the "Subdivision"), located in the City of Billings, Yellowstone County, Montana, is subject to the terms of that certain Subdivision Improvements Agreement by and between the Subdivider and City recorded April 15, 2005, under Document No. 3638254, in the office of the Yellowstone County Clerk and Recorder (the "Agreement"); and

WHEREAS, pursuant to Section XI, E of the Agreement, any amendments or modifications of this agreement or any provisions herein shall be made in writing and executed in the same manner as this original document and shall after execution become a part of this agreement.

THEREFORE, THE PARTIES TO THIS AGREEMENT, for and in consideration of the mutual promises herein contained and for other good and valuable consideration, do hereby agree as follows:

1. Amendment. The heading of Section II, Section V, and the heading and subsections A and C of Section XI, of the Agreement shall be deleted and replaced with the following:

II. PROPERTY CONDITIONS AND INFORMATION FOR LOT PURCHASERS

V. STORM DRAINAGE

All storm drainage improvements shall comply with the provisions of Section 23-407, BMCC, and the provisions of the City of Billings Stormwater Management Manual, February 2011. Because the City of Billings storm drain system is not available in the area of the subdivision, stormwater will be handled on site through surface flow on the streets, inlets, and piping and will be routed to a stormwater detention pond located on Lot 7, Block 2 of the Subdivision. City and Subdivider agree the pond will be owned and maintained by the Whisper Ridge Subdivision Phase II Homeowners Association (HOA). The Whisper Ridge Subdivision Phase II HOA will only include the lots located within Phase II. Phase I lots, including Lots 1 and 2, Block 1 and Lots 1 and 2, Block 3, are not included in the HOA. A discharge to Rimrock Road in accordance with the City of Billings Stormwater Management Manual shall be allowed. All stormwater facilities will be designed in accordance with the City of Billings Stormwater Management Manual and will be reviewed and approved by the City Engineering Department.

XI. LEGAL PROVISIONS APPLYING TO SUBDIVIDER

A. Subdivider agrees to guarantee all public improvements for a period of two years from the date of final acceptance by the City of Billings.

C. The covenants, agreements, and all statements in this Agreement run with the land and apply to and shall be binding on the heirs, personal representatives, successors, assigns, and transferees of the respective parties.

2. Ratification. But for the amendment expressly made in this Modification, Subdivider, Existing Private Homeowners, and City hereby ratify and confirm the provisions of the underlying Agreement.

IN WITNESS WHEREOF, the parties hereto have set their hands and official seals on the date first above written.

“SUBDIVIDER”

CRESTVIEW HOLDINGS INC.

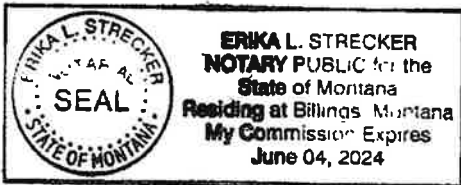
By: Linda Buscher

Its: President

STATE OF MONTANA)
: ss
County of Yellowstone)

On this 14th day of March, 2024, before me, a Notary Public in and for the State of Montana, personally appeared Linda Buscher known to me to be the person who signed the foregoing instrument as the President of **CRESTVIEW HOLDINGS INC.** 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.



Erika L. Strecker
Notary Public in and for the State of Montana
Printed name: Erika L. Strecker
Residing at: Billings
My commission expires: 06/04/2024

IN WITNESS WHEREOF, the parties hereto have set their hands and official seals on the date first above written.

“EXISTING PRIVATE HOMEOWNER” **THE WILLOWS AT WHISPER RIDGE**
Lot 1, Block 1, Whisper Ridge Subdivision

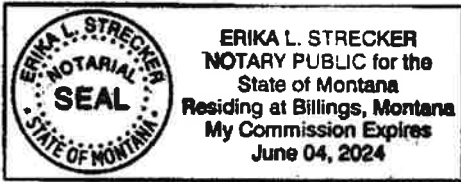
By: *Dave Hawkins*

Its: *PRESIDENT*

STATE OF MONTANA)
 : ss
County of Yellowstone)

On this *4th* day of *March*, 2024, before me, a Notary Public in and for the State of Montana, personally appeared *Dave Hawkins*, known to me to be the person who signed the foregoing instrument as the *president* of **THE WILLOWS AT WHISPER RIDGE** 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.



Erika L. Streckler
Notary Public in and for the State of Montana
Printed name: *Erika L. Streckler*
Residing at: *Billings*
My commission expires: *06/04/2024*

IN WITNESS WHEREOF, the parties hereto have set their hands and official seals on the date first above written.

“EXISTING PRIVATE HOMEOWNER”

IAN AND ASHLEY NIELSEN
Lot 2, Block 1, Whisper
Ridge Subdivision

[Signature]
Ian Nielsen

[Signature]
Ashley Nielsen

STATE OF MONTANA)
 : ss
County of Yellowstone)

On this 15th day of March, 2024, before me, a Notary Public in and for the State of Montana, personally appeared Ian Nielsen and Ashley Nielsen and _____, known to me to be the person who signed the foregoing instrument 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.

Erika L. Strecken
Notary Public in and for the State of Montana
Printed name: Erika L. Strecken
Residing at: Billings
My commission expires: 06/04/2024

