

**Kelly Subdivision**  
**Maxville, Montana**

**2025 amendment to Covenants, Conditions and Restrictions**

**WHEREAS**, the undersigned, Joe N. D'Amico and Jamie L. D'Amico are owners of certain property in Granite County, Montana, which is particularly described:

*Lot 2, Kelly Subdivision, Plat 115-M, located in Sections 15 & 22, Township 8 North, Range 13 West, Principal Meridian, Montana, Maxville, Granite County, Montana.*

**WHEREAS**, Section 4 of the original Kelly Subdivision Covenants, Conditions and Restrictions, calls out a Riparian Buffer No Build Zone, restricting an area set back 180 feet from Boulder Creek. Said Section 4, Riparian Buffer No Build Zone, specified restrictions in said 180 foot setback.

**WHEREAS**, Joe N. D'Amico and Jamie L. D'Amico, commissioned a detailed flood study in 2024-2025, and said flood study indicates the detailed location of the floodplain of Boulder Creek. Further, said flood study has been reviewed by Granite County, and Montana Department of Natural Resources. Said flood study indicates the limits of the floodplain to be much closer to Boulder Creek than the 180 feet restricted by the Kelly Subdivision plat and Covenants.

**WHEREAS**, Joe N. D'Amico and Jamie L. D'Amico, as owners of Lot 2 described above, desire to amend the Kelly Subdivision covenants, conditions and restrictions upon said real property for the use and benefit of Joe N. D'Amico and Jamie L. D'Amico, as present owners, for future owners and for the County of Granite.

**NOW, THEREFORE**, the undersigned owners of Lots 1, 2 and 3, of Kelly Subdivision, and Granite County, hereby declare that for Lot 2 only, the 180 foot setback and Riparian Buffer No Build Zone along the northerly side of Boulder Creek, shall be relocated as monumented on the ground, and as shown and described on Certificate of Survey No. 1141, an Amended Plat of Lot 2, Minor Subdivision Plat No. 115-M, Kelly Subdivision. Except for amending the location of the Riparian Buffer No Build Zone line north of Boulder Creek on Lot 2, all other aspects, covenants, conditions and restrictions of Section 4 of the original Kelly Subdivision Covenants shall remain in place. The original covenants, except as amended here, and this amendment shall run with the real property and shall be binding on all the parties having or acquiring any right, title or interest in the described real property or any part thereof and shall inure to the benefit of and be binding upon each successor in interest of the owners thereof.

**LOT 1 OWNERS:**

Date \_\_\_\_\_

Date \_\_\_\_\_

STATE OF MONTANA                    )  
  : ss.  
County of Granite                    )

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2025,  
by Michael and Jennifer Annibale

SS: \_\_\_\_\_

Notary Seal

**LOT 2 OWNERS:**

Date \_\_\_\_\_

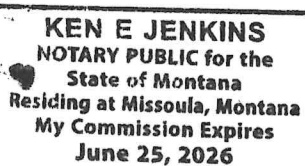
Date \_\_\_\_\_

[illegible]

This instrument was acknowledged before me on the 11 day of JULY, 2025,  
by Joe N. and Jamie L. D'Amico

SS: Ken E. Hub

Notary Seal



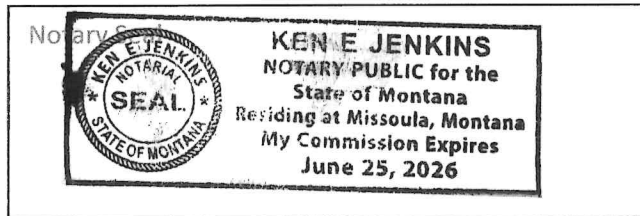
**LOT 3 OWNERS:**

Kenneth Wilki      7-11-25      Bonnie Wilkins      7-11-25  
Kenneth Wilki                      Date                      Bonnie Wilkins                      Date

STATE OF MONTANA      )  
   : ss.  
County of Granite      )

This instrument was acknowledged before me on the 11 day of JULY, 2025,  
by Kenneth and Bonnie Wilkins

SS: Kenn E Jenkins



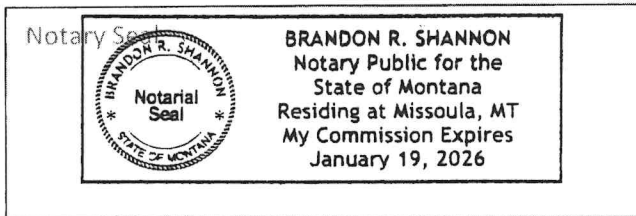
**LOT 1 OWNERS:**

[Signature] 8/3/2025 [Signature] 8/3/25  
Michael Annibale Date Jennifer Annibale Date

STATE OF MONTANA )  
County of Missoula : SS.  
Granite )

This instrument was acknowledged before me on the 3<sup>rd</sup> day of August, 2025,  
by Michael and Jennifer Annibale

SS: [Signature]



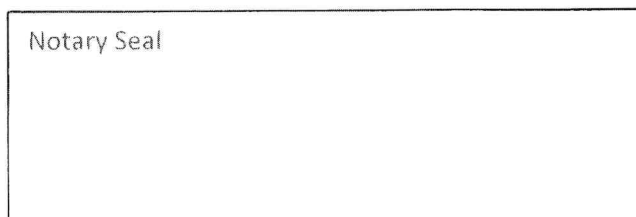
**LOT 2 OWNERS:**

[Signature] 7/11/25 [Signature] 7/11/25  
Joe N. D'Amico Date Jamie L. D'Amico Date

STATE OF MONTANA )  
County of Granite : SS.  
 )

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2025,  
by Joe N. and Jamie L. D'Amico

SS: \_\_\_\_\_



## Granite County Commissioner's Certification of Approval

Board of County Commissioners  
Granite County, Montana

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
Scott C. Adler, Chair of County Commission

\_\_\_\_\_  
Paul G. Kulaski, Commissioner

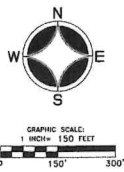
\_\_\_\_\_  
Blanche McLure, Commissioner

ATTEST:

\_\_\_\_\_  
Sarah Graham, Granite County Clerk and Recorder

REVIEW FOR LEGAL CONTENT

\_\_\_\_\_  
Blaine Bradshaw, Granite County Attorney



CERTIFICATE OF SURVEY  
**AN AMENDED PLAT OF LOT 2, MINOR SUBDIVISION  
PLAT No. 115-M, KELLY SUBDIVISION**  
LOCATED IN THE SOUTH ONE-HALF (S1/2) OF SECTION 15,  
AND THE NORTHWEST ONE-QUARTER (NW1/4) OF SECTION 22  
T.8N., R.13W., P.M.M., GRANITE COUNTY, MONTANA

DATE OF SURVEY  
OCTOBER 2024 - JUNE 2025

BASIS OF BEARING  
KELLY SUBDIVISION  
115-M

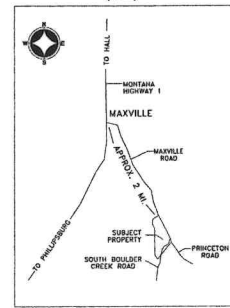
OWNERS  
JOE D'AMICO

VERTICAL DATUM  
NAVD 88

PURPOSE OF SURVEY

The purpose of this survey is to amend the northerly riparian buffer  
no-build zone on the North side of Boulder Creek for Lot 2 only.

VICINITY MAP  
(NTS)



LINE TABLE

LINE	BEARING	DISTANCE
L1	S17°36'10"W	94.45' (6)
L2	S13°24'24"W	19.32' (6)
L3	S59°48'28"W	35.71' (6)
L4	S77°02'03"W	348.33' (6)
L5	S68°04'09"W	144.05' (6)
L6	S48°30'44"W	75.86' (6)
L7	S39°33'33"W	84.46' (6)
L8	S54°02'28"W	88.45' (6)
L9	S68°34'41"W	85.15' (6)
L10	S19°33'32"W	155.53' (6)
L11	S59°23'22"E	105.53' (6)
L12	S00°28'33"E	85.18' (6)
L13	S04°27'53"E	176.98' (6)
L14	S00°58'31"W	17.75' (6)

LINE TABLE

LINE	BEARING	DISTANCE
L15	S88°23'28"E	14.81' (6)
L16	S84°58'29"W	11.00' (6)
L17	S47°50'13"W	17.70' (6)
L18	S00°13'25"W	10.51' (6)
L19	N29°37'40"W	10.37' (6)
L20	N08°18'10"E	16.54' (6)
L21	N77°42'42"E	21.11' (6)
L22	N02°14'42"E	18.50' (6)
L23	N41°54'53"E	15.48' (6)
L24	N29°57'30"W	19.72' (6)
L25	N02°30'30"W	15.74' (6)
L26	N13°14'08"E	14.45' (6)
L27	N08°04'00"E	16.81' (6)
L28	N08°23'29"W	17.61' (6)

LEGEND

- = SET 3/8" REBAR WITH 1-1/4" RED PLASTIC CAP (MONTANA HW CO 9330 LS)
- = 1-1/2" ALUM. CAP (MONTANA HW CO 9330 LS) "SEE NOTE"
- = 1-1/4" RED PLASTIC CAP (MONTANA HW CO 9330 LS) "SEE NOTE"
- = 3-1/4" A.C. (UTS) "SEE NOTE"
- = 1-1/4" T.A.C. (DAVIS 33215) "SEE NOTE"
- = 3-1/4" E.C. (BLM) "SEE NOTE"
- = MONUMENT AS NOTED
- (R) = RECORD ON ADDITIVE RECORD PER MINOR SUBDIVISION PLAT 115-M
- N.T.S. = NOT TO SCALE
- C.O.S. = CERTIFICATE OF SURVEY
- REF. = REFERENCE MONUMENT
- A.C. = ALUMINUM CAP
- B.C. = BRASS CAP
- N.E.S. = NON-DESTRUCTIVE ENTRANCE SURVEY
- P.O.L. = POINT ON LINE
- ① = M.E.S. CORNER
- = RIPARIAN BUFFER/NO-BUILD ZONE PER (R) AND PER THIS SURVEY
- = RIPARIAN BUFFER/NO-BUILD ZONE PER (R) RELOCATED THIS SURVEY
- = EXISTING OVERHEAD ELECTRIC LINE (OR AS NOTED)
- = CENTER OF CREEK
- = CENTER OF ROAD
- = POWER POLE
- = ZONE A PER FISH COMMUNITY-PANEL
- = NUMBER 30141 0215 A DEFECTIVE
- DATE: JULY 5, 1982
- \*NOTE\* - EXISTING MONUMENTS PER (R) NOT VERIFIED BY THIS SURVEY

OWNERS' CERTIFICATION

We, the undersigned do hereby certify that the purpose of this survey is to amend the riparian buffer  
no-build zone for Lot 2, of the Kelly Subdivision;

Joe N. D'Amico

State of MONTANA JSS  
County of GRANITE

This instrument was acknowledged before me on JULY 10, 2025, by Joe N. D'Amico.

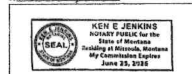
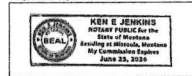
Jamie L. D'Amico

State of MONTANA JSS  
County of GRANITE

This instrument was acknowledged before me on JULY 10, 2025, by Jamie L. D'Amico.

SURVEYOR'S CERTIFICATION

I certify that the attached COS represents  
a survey performed under my supervision,  
and completed on the date shown hereon.  
Ken E. Jenkins, P.L.S. Date 7-10-2025  
Montana Registration No. 9330 LS



CERTIFICATION OF COUNTY TREASURER

I hereby certify, pursuant to Section 76-3-611(1)(b), MCA, that no real property  
taxes assessed and levied on the land included within the proposed subdivision  
and shown on this certificate of survey are delinquent.  
Dated this 11 day of July, 2025.

County Treasurer, Granite County, Montana

EXAMINING LAND SURVEYOR

Reviewed pursuant to 76-3-611(2)(a), MCA

Approved Ken E. Jenkins, Date 7/13/25  
Granite County Examining Land Surveyor

GRANITE COUNTY SANITARIAN

Approved Ken E. Jenkins, Date 7-14-25  
County Sanitarian

CERTIFICATE OF FILING BY CLERK AND RECORDER

STATE OF MONTANA JSS  
County of GRANITE  
Filed for record this 23 day of JULY, 2025  
at 12:00 o'clock.

County Clerk and Recorder,  
Granite County, Montana

1/4	SEC.	T.	R.
<input checked="" type="checkbox"/>	15	8N	13W
<input checked="" type="checkbox"/>	22	22N	13W

CERTIFICATE OF SURVEY No. 1141

AMENDED PLAT OF 115-M  
KELLY SUBDIVISION, LOT 2  
GRANITE COUNTY, MONTANA  
SHEET 1 OF 1