

BAY POINT ON THE LAKE, INC. WHITEFISH MONTANA

Instructions for the Design Review Request (DRR) May 3, 2008

Purpose: The Design Review Request (DRR) Form* is used to submit, review and record the approval or disapproval of proposed changes to Common Elements at Bay Point in accordance with the DRR Procedure* dated Oct 5, 2007.

Information: The following is provided for general information only. It is not all-inclusive and does not supersede applicable laws, or other requirements. An Owner remodeling a unit is also required to obtain a Whitefish City building Permit if one is required for the proposed work.

Bay Point on the Lake Inc., Whitefish Montana is a Condominium operating under laws and statues provided for and defined by the Montana Unit Ownership Act-Condominiums, Chapter 23 (http://data.opi.mt.gov/bills/mca_toc/70_23_5.htm).

Key sections are as follows:

70-23-502. Certain work on unit by owner prohibited. A unit owner shall make no repair or alteration or perform any other work on his unit which would jeopardize the soundness or safety of the property, reduce the value thereof, or impair any easement or hereditament unless the consent of all the other unit owners affected is first obtained.

70-23-503. Common elements – use by unit owner. Each unit owner may use the common elements in accordance with the purposes for which they are intended but may not hinder or encroach upon the lawful rights of the other unit owners

70-23-506. Compliance with bylaws, rules, and covenants required – action. Each unit owner shall comply with the bylaws and with the administrative rules adopted pursuant thereto and with the covenants, conditions, and restrictions in the declaration or in the deed to his unit. Failure to comply therewith shall be grounds for an action maintainable by the association of unit owners or by an aggrieved unit owner.

The Homeowners Association (HOA) acting by authority of the Bylaws*, Covenants, Conditions, and Restrictions (CC & R's)* and Declarations* is responsible for the uniformity of the Association Common Elements as defined and adherence to the State of Montana statues. It is the responsibility of the Owner when planning any work, including but not limited to modifications, revisions, remodeling, etc to the Common Elements (including Limited Common Elements) to submit the completed and signed DRR Form* to the General Manager for approval by the Board and/ or duly appointed Design Review Committee (DRC). As a curtesy Owners will inform their neighbor(s) of any planned changes to be done to the outside of their unit(s).

Any work performed on-site by other than the Owner shall be a performed by qualified Contactor as defined in the Association RULES & REGULATIONS, Contractor Terms & Conditions*. The Contractor shall confirm and agree by signature to these Terms prior to the start of any on-site work, including proof of Liability Insurance and Workers Compensation coverage for all employees.

* Documents are available in the Bay Point HOA Office.

Bay Point on the Lake
PO Box 35
Whitefish, MT 59937
406 862-2331

Request # _____
(filled in by Gen Mgr)
Unit # _____
Date _____

DESCRIPTION OF WORK: Note photos, dimensioned drawing or sketches, etc. to be used for the approval shall be attached and become part of the DRR form.

This image shows a blank sheet of white paper with horizontal ruling lines. The lines are evenly spaced and extend across the width of the page. There are no margins, text, or other markings on the paper.

In signing below, I have read and understand the DRR Form Instructions on page A and have included a complete description of the planned work.

Owner signature _____

Date _____

Owner telephone # _____

Email Address _____

Mailing Address _____

Final vote of DR Committee or HOA Board with conditional votes noted:

DESIGN REVIEW REQUEST (DRR) Form**Ver. 3/28/08**

Approved () Denied () Approved with Conditions ()

Result (Majority/Total Number of Members): /

Record of Vote (Name, Circle Yes or No, Conditions)

| | | |
|-------|--------|-------|
| _____ | Y or N | _____ |
| _____ | Y or N | _____ |
| _____ | Y or N | _____ |
| _____ | Y or N | _____ |
| _____ | Y or N | _____ |
| _____ | Y or N | _____ |
| _____ | Y or N | _____ |
| _____ | Y or N | _____ |

The Board members signing below confirm the DRR Procedure has been correctly followed, that the vote is accurately recorded and that no actions remain to be completed prior to the start of work. Included are all pages that are part of the approval.

Board Member_____
Date_____
Board Member_____
Date

If others make the above signatures acting on the authority of a Board Member based on a telephone call or other communication, this shall be noted (e.g. John Doe signing for James Smith per authorization via _____ (form of communication) on _____ (date) at _____ (time).

I have inspected the completed work approved by this DRR and confirm it:

____ Complies completely with the DRR
____ Complies with approved deviations, description attached
____ Photographs attached
____ Comments

General Manager_____
Date