

Shining Mountains Owners Association
Rules and Regulations

A. Definition of Member

1. Any property owner is considered a “member.”
2. A “member in good standing,” is a property owner whose dues are current.
3. Recreational Membership: Upon written application to and written approval by the Board of Directors, a recreational membership may be offered to persons who are not owners of property within the Shining Mountains, but who reside within homes in Shining Mountains as renters for terms greater than 6 months (continuous), upon receipt of an annual fee of \$75, payable at such time as the Recreational Membership is approved and on the 10th of the same month each year thereafter. Recreational Membership is revocable immediately by the Board if the renter or the renter’s spouse, children, and guests do not comply with the Protective Covenants, the Bylaws, or the Rules and Regulations for the Association. In addition, the Recreational Membership shall not include voting rights or the right to take part in the administration of the Association.

B. HOA Dues

1. HOA invoices will be mailed May 1st (or on the next business day if May 1st is a Sunday or federal banking holiday).
2. Annual dues, if not paid by July 1st or prior to the start of the annual meeting, will be considered delinquent and therefore, the owner is not considered to be in good standing and is ineligible to vote.
3. If dues are not paid by January 1st of the next year, interest will be charged at the rate of 9% per annum on the delinquent dues, which will be calculated and added to subsequent invoices.
4. When dues are delinquent, all expenses incurred by the Association, including legal fees, costs to file and release the lien, and all other expenses to enforce and collect the outstanding dues, will be billed to the property owner/lot. Further, the Board will file a lien against any lot (2) two years in arrears of payment of dues on/or after August 15th of the second year with the County Clerk and Recorder for Madison County, Montana, for the amount of the delinquent dues and expenses. The Board may also initiate legal proceedings to collect the amounts owed.
5. Once dues and expenses are paid in full, the lien will be released from the lot within 30 days.

6. Application of dues received: All monies received for payment of dues shall be distributed as follows:
 - a. Monies received from an owner(s) and/or designee shall be applied to the designated lot by the payee choice.
 - b. If said monies received are not designated, said monies shall be credited to the primary lot of development/residence first.
 - c. Payments received will be applied to the Primary lot first until paid in full unless otherwise designated. Any additional payments will be applied to remaining lots in numerical order beginning with the lowest numbered lot consecutively by unit until all lots have been paid in full.

C. Access to Recreational Opportunities

1. Members in good standing, spouses, and children residing in their parents' home have recreational privileges and are allowed access to the lakes, pond, and other common areas.
2. Guests may use the lakes, pond, and other common areas only when accompanied by a member in good standing. Both member and guest use these facilities at their own risk.

D. Respect for Fellow Member's Property

1. Shining Mountains is a rural residential and recreational subdivision.
2. No animals may be kept, grazed, or pastured on another's land without the express written permission of the landowner.
3. Domestic animals must be kept under the property owner's control.
4. Trespassing on another's property without written permission is prohibited.

E. Building Construction and Appearance

1. Permit for Construction.
 - a. As provided in Paragraph No. 2 of the Shining Mountains Covenants, and the By Laws, architectural approval is vested in the SMOA Board of Directors.
 - b. Application for construction must be obtained from the SMOA website or the Secretary. The new Construction Permit Application must be submitted to, and approved by the Board of Directors prior to commencing any work on a structure. As provided in Paragraph No. 8 of the Shining Mountains Covenants, construction shall be completed within one year of commencement. Failure to complete the exterior structure without the written approval of the Board of

Directors for an extension of the completion date shall result in the following fines:

- i. There will be a special fine of \$200.00 per month beginning 3 months after the expired designated completion date.
- ii. After 6 months of the designated completion date the fine will be increased \$300.00 per month.
- iii. Failure of completion after 1 year from the completion date noted on the original SMOA Construction Permit Application will result in an additional fine of \$2,500.00. Nonpayment of fines will result in a lien being initiated 18 months after designated completion date for all fines plus all expenses incurred by the Association, including legal fees, costs to file and release the lien against the property with the County Clerk and Recorder for Madison County, Montana. The Board may initiate legal proceedings to collect the amounts owed.
 - Commencement of construction is defined as the breaking of ground for a building structure.
- c. The Board may initiate legal proceedings to collect the amounts owed.
- d. All exterior lighting on poles or structures must be faced downward or be motion activated.
- e. If an owner(s) receives a notice of violation of Failure to Submit a Construction Permit Application, the owner(s) of said lot shall immediately cease all construction and submit an SMOA Construction Permit Application within 30 days from the date of the written notice. Owner(s) cannot resume construction again until permit has been approved.

2. Limited Assessment for Road Impact:

- a. Each unimproved lot shall be assessed a one-time Limited Assessment of \$2,500.00 for road impact prior to the issuance of a permit for the commencement of construction of a structure.
- b. If the Limited Assessment is not paid in full prior to commencement of construction, said Limited Assessment will be considered delinquent and the Association shall obtain a Cease-and-Desist Order from the County Clerk and Recorder of Madison County, Montana.
- c. Should a Cease-and-Desist Order be issued all expenses incurred by the Association, including legal fees, costs to file and release the Cease-and-Desist Order, and all other expenses to enforce and collect the Limited Assessment, will be billed to the owner/lot.

- d. Once the Limited Assessment and expenses are paid in full, the Cease-and-Desist Order will be removed from the lot.
- e. The Limited Assessment for road impact will be placed in a Road Assessment Fund maintained by the Board of Directors for the sole purpose of maintaining, repairing, and improving the roads the Association is required to maintain, repair, and improve, as such roads are impacted by the initial construction of a structure on a lot. The roadway improvement shall begin from the primary driveway of said lot towards the nearest designated “primary” road of the Association. In the event the Limited Assessment fee is associated to a parcel to which the primary driveway leads onto a county and/or state roadway, such fees will be designated for use in the maintenance and/or improvements within the common areas of the Association.

F. Roads: The Board of Directors has the right, but not the obligation, to close certain roads or portions of certain roads when the conditions of the roads are unfit for travel.

G. Debris: Lot owners shall keep such lots free of construction debris, waste lumber, litter, scrap metals, refuse, bulk materials, waste, new or used building materials, or trash of any other kind. Upon completion of a construction project, the owners shall be responsible for reasonable reclamation of said lot. Bulk materials used for agricultural purposes, or the maintenance of livestock are exempt from this rule and regulation.

H. Shipping Containers: No portable, stand-alone shipping containers (also known as conex boxes/conex containers) are permitted on lots unless approved through the construction permit application.

- 1. Such containers used as structures will be permanently secured to the ground and will be covered by a shed or gable style roof.
- 2. The exterior will be painted or encased with siding similar to other existing structures on the lot.

I. Hunting and Fishing

- 1. Discharging firearms on an owner’s lot is permissible provided it is in compliance with State of Montana and Federal laws. However, the Board urges caution when discharging any firearms.
- 2. No hunting or shooting is permitted at the Haypress Lake or Cold Spring Pond recreation areas or on SMOA deeded property or Common Areas.
- 3. All State of Montana Fishing and Hunting Regulations and criminal laws apply including licenses and seasons.

4. If a member of SMOA or his/her guest or agent observes a violation, he/she is encouraged to contact the Madison County Sheriff or Montana FWP to report the violation.

J. Recreation and Common Areas

1. Swimming and all floatation devices are not permitted.
2. Fishing from dam outlets or walkways is not permitted.
3. Vehicles are not permitted on the dams or beyond the barrier chains at the Haypress Lakes or Cold Springs Pond recreational sites.
4. No ground fires are permitted.
5. Members and guests are required to pack out their own trash.
6. Camping within Common Areas is not permitted.

K. Safety, Security, and Regulation Enforcement

1. Vehicle speed is limited to 35 miles per hour on Shining Mountains Loop Road and 25 miles per hour on all SMOA roads.
2. Haypress Lake Gate Access:
 - a. The gate's primary purpose is to control access to the Haypress Lake Common Areas. It is not a security gate for property owners beyond the gate.
 - b. The gate is under keyed-lock control and must be kept locked at all times with the exception of the period between December 1 – May 1.
 - c. One key is offered to each owner upon purchase of property at no cost. Keys are serialized and will be registered to the owner. Lost or additional keys will be provided for a fee of \$50. Upon the sale of the property any purchased keys may be returned to the SMOA for a refund.

**** Revision and up-dating of the Rules and Regulations governing the Shining Mountains Owners Association was completed and passed by the Board of Directors on 20 January 2026 under the authority of Article V; Section 11H of the Shining Mountains Owners Association "By-Laws".