

Tyler P. Mullooney / Andrew J. Willett  
 McLEAN, YOUNKIN & WILLETT, PLLC  
 2066 Stadium Drive, Suite 101  
 Bozeman, Montana 59715  
 406.582.0027 / [tmullooney@bozeman.legal](mailto:tmullooney@bozeman.legal)  
 Attorney for Plaintiff

**MONTANA SIXTH JUDICIAL DISTRICT COURT, PARK COUNTY**

\*\*\*\*\*

GLASTONBURY LANDOWNERS )  
 ASSOCIATION, INC. )  
 A Montana Corporation, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 CHAD STONE and LINDSAY STONE, )  
 )  
 Defendant(s). )  
 \_\_\_\_\_ )

Case No. DV 2018 - 148

**SUMMONS**

THE STATE OF MONTANA SENDS GREETINGS TO CHAD STONE:

You are hereby summoned to answer the Complaint in this action which is filed in the above-named Court, a copy of which is herewith served upon you. In the event that you deny any or all of the material facts stated in the Complaint, you must file your written answer together with a \$70.00 answer fee for each Defendant, with the above-named Court, and serve a copy of the answer thereof upon the Plaintiff, or the Plaintiff's attorney at the address as shown on the Complaint.

The answer must contain a denial of any or all of the material facts stated in the Complaint that the Defendant believes to be untrue, and also a statement, in plain or direct manner, of any other facts constituting a defense. Any matter not denied shall be deemed admitted. If you fail to answer or assert a counterclaim within twenty-one (21) days after service of the Complaint and Summons, exclusive of the day of service, the Plaintiff may request entry of default judgment against you, for the relief demanded in the complaint.

Witness my hand and the seal of said Court, this 3 day of Oct, 2018.



DANIELA PENDILL, Deputy

Clerk of District Court

Tyler P. Mallowney / Andrew J. Willett  
 MCLEAN, YOUNKIN & WILLET, PLLC  
 2066 Stadium Drive, Suite 101  
 Bozeman, Montana 59715  
 406.582.0027 / [tmallowney@bozeman.legal](mailto:tmallowney@bozeman.legal)  
 Attorney for Plaintiff

**MONTANA SIXTH JUDICIAL DISTRICT COURT, PARK COUNTY**

\*\*\*\*\*

GLASTONBURY LANDOWNERS )  
 ASSOCIATION, INC. )  
 A Montana Corporation, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 CHAD STONE and LINDSAY STONE, )  
 )  
 Defendant(s). )  
 \_\_\_\_\_ )

Case No. DV 2018 - 148

**SUMMONS**

THE STATE OF MONTANA SENDS GREETINGS TO LINDSAY STONE:

You are hereby summoned to answer the Complaint in this action which is filed in the above-named Court, a copy of which is herewith served upon you. In the event that you deny any or all of the material facts stated in the Complaint, you must file your written answer together with a \$70.00 answer fee for each Defendant, with the above-named Court, and serve a copy of the answer thereof upon the Plaintiff, or the Plaintiff's attorney at the address as shown on the Complaint.

The answer must contain a denial of any or all of the material facts stated in the Complaint that the Defendant believes to be untrue, and also a statement, in plain or direct manner, of any other facts constituting a defense. Any matter not denied shall be deemed admitted. If you fail to answer or assert a counterclaim within twenty-one (21) days after service of the Complaint and Summons, exclusive of the day of service, the Plaintiff may request entry of default judgment against you, for the relief demanded in the complaint.

Witness my hand and the seal of said Court, this 3 day of Oct., 2018.



PAMELA PENDILL, Deputy  
 Clerk of District Court

Tyler P. Mullooney / Andrew J. Willett  
McLEAN, YOUNKIN & WILLETT, PLLC  
2066 Stadium Drive, Suite 101  
Bozeman, Montana 59715  
406.582.0027 / [tmullooney@bozeman.legal](mailto:tmullooney@bozeman.legal)  
Attorney for Plaintiff

**MONTANA SIXTH JUDICIAL DISTRICT COURT, PARK COUNTY**

\*\*\*\*\*

GLASTONBURY LANDOWNERS )  
ASSOCIATION, INC. )  
A Montana Corporation, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
CHAD STONE and LINDSAY STONE, )  
 )  
Defendant(s). )  
\_\_\_\_\_ )

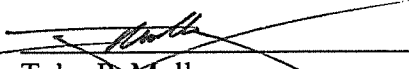
Case No. DV 2018-148

**PRAECIPE**

TO: PARK COUNTY SHERIFF

Please serve the attached Complaint and Summons, upon the Defendant, Lindsay Stone,  
at her home, which is located at 12 Mercury Lane, Emigrant, MT 59027.

DATED this 3 day of October, 2018.

  
\_\_\_\_\_  
Tyler P. Mullooney  
Attorney for Plaintiff

Tyler P. Mallowney / Andrew J. Willett  
MCLEAN, YOUNKIN & WILLETT, PLLC  
2066 Stadium Drive, Suite 101  
Bozeman, Montana 59715  
406.582.0027 / [tmallowney@bozeman.legal](mailto:tmallowney@bozeman.legal)  
Attorney for Plaintiff

**MONTANA SIXTH JUDICIAL DISTRICT COURT, PARK COUNTY**

\*\*\*\*\*

GLASTONBURY LANDOWNERS )  
ASSOCIATION, INC. )  
A Montana Corporation, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
CHAD STONE and LINDSAY STONE, )  
 )  
Defendant(s). )  
\_\_\_\_\_ )

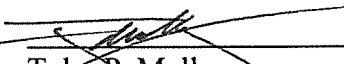
Case No. DV 2018-148

**PRAECIPE**

TO: PARK COUNTY SHERIFF

Please serve the attached Complaint and Summons, upon the Defendant, Chad Stone, at his home, which is located at 12 Mercury Lane, Emigrant, MT 59027.

DATED this 3 day of October, 2018.

  
Tyler P. Mallowney  
Attorney for Plaintiff

Tyler P. Mullooney / Andrew J. Willett  
 McLEAN, YOUNKIN & WILLETT, PLLC  
 2066 Stadium Drive, Suite 101  
 Bozeman, Montana 59715  
 406.582.0027 / [tmullooney@bozeman.legal](mailto:tmullooney@bozeman.legal)  
 Attorney for Plaintiff

PARK COUNTY CLERK  
 OF DISTRICT COURT  
 JUDGE TITLE  
 2018 OCT 3 AM 8 08  
 FILED  
 BY PAMELA PENDILL  
 DEPUTY

**MONTANA SIXTH JUDICIAL DISTRICT COURT, PARK COUNTY**

\*\*\*\*\*

GLASTONBURY LANDOWNERS )  
 ASSOCIATION, INC. )  
 A Montana Corporation, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 CHAD STONE and LINDSAY STONE )  
 )  
 Defendant(s). )  
 \_\_\_\_\_ )

Case No. DV 2018-148

**PLAINTIFF'S FIRST  
 AMENDED COMPLAINT**

**FOR ITS CAUSE OF ACTION, PLAINTIFF**, by and through its attorney, amends and restates its complaint its complaint filed with this Court on August 28, 2018, and states as follows:

**PARTIES**

1. The Plaintiff is a corporation validly formed, and in good standing, and under the laws of the State of Montana, with its principal place of business located in Park County, Montana, and having an address at P.O. Box 312, Emigrant, Montana, 59027.

2. Defendant(s) is an owner of real property located in Park County, Montana, within the Glastonbury Subdivision, more particularly described as follows ("Property"):

**A tract of land located in Section 29, Township 5 South, Range 8 East, M.P.M., Park County, Montana, Tract 29-A of SD 248, being a part of Lot 29 of Certificate of Survey 615A, on file and of record in the office of the Park County Clerk and Recorder (hereinafter referred to as "Lot 29-A"); and**

**A tract of land located in Section 29, Township 5 South, Range 8 East, M.P.M., Park County, Montana, Tract 29-D of SD 248, being a part of Lot 29 of Certificate of**

**Survey 615A, on file and of record in the office of the Park County Clerk and Recorder** (hereinafter referred to as “Lot 29-D”);

### **JURISDICTION AND VENUE**

3. This action arises from an agreement entitled RESTATED DECLARATION OF COVENANTS FOR THE COMMUNITY OF GLASTONBURY, dated September 26, 1997, and recorded on September 30, 1997, as document number 262163 in the Park County Clerk and Recorder’s Office (“Covenants”) (relevant portions attached hereto as Exhibit A), which provides proper venue and jurisdiction shall be with this Court – Montana Sixth Judicial District Court, Park County.

### **FACTUAL ALLEGATIONS**

4. The Property (owned by Defendants) is subject to the Covenants.

5. The Covenants require the owner of the Property to pay annual assessments and, as may be levied from time to time, special assessments.

6. Defendants have failed to timely pay the assessments, and as of April 1, 2018, has an outstanding balance of \$2,035.28 owing for Lot 29-A, and \$ \$1,049.51 owing for Lot 29-D, for a total outstanding balance in the amount of \$3,084.79.

7. Plaintiff, through its counsel, given (30) days’ notice in writing to Defendant of the outstanding balance and requested payment thereof.

8. After receiving such notices, Defendant has failed to pay the debt.

9. Paragraph 5.05 and 5.08 of the Covenants require the Defendant(s) to abate or correct excessive noise coming from the Property after receiving reasonable notice of such violation, and to not allow substantial sound to be a nuisance to others.

10. Plaintiff has given the Defendants(s) reasonable notice of the violations of Paragraphs 5.05 and 5.08 of the Covenants pursuant to Paragraph 10.2 and Defendant(s) has failed to abate, correct, or otherwise respond to the Plaintiff’s notice of noncompliance.

### **CAUSES OF ACTION**

#### **COUNT 1: BREACH OF CONTRACT**

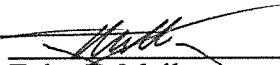
11. Plaintiff realleges all allegations contained in the paragraphs above.

12. The Covenants constitute a valid and enforceable agreement.
13. Defendant has breached its obligations to Plaintiff under the agreement by failing to timely pay assessments, dues, and other amounts owed under the Covenants.
14. Defendant has breached its obligations to under the agreement by failing to correct or abate noise violations after receipt of notice thereof and reasonable opportunity to comply.
15. Plaintiff is entitled to recover from Defendant the amount of the unpaid balance of the debt, interest, court costs, and attorney's fees.

**WHEREFORE**, the Plaintiff prays for judgment in its favor and against the Defendant(s) as follows:

1. For the amount of the outstanding balance owed to Plaintiff by Defendant in the amount of \$3,084.79.
2. For prejudgment interest and post judgment interest at the rate of 18% per annum as stipulated in the Covenants;
3. For the court filing fee in the amount of \$120.00;
4. For a total of \$3,204.79 plus the cost of service of process upon the Defendant(s), which will be determined upon service of the Defendant(s), and other costs and fees as accrued; and;
5. For relief in the form of injuntion, abatement, and specific performance requiring the Defendant(s) correct or abate Defendants' violations of the nuisance and noise provisions of the Covenants.
6. For attorney's fees incurred in connection with this action pursuant to the Covenants; and
7. For such other and further relief in favor of the Plaintiff and against the Defendant(s) as the Court may deem just and proper.

**RESPECTFULLY SUBMITTED** this 3 day of October, 2018.

  
\_\_\_\_\_  
Tyler P. Mallowney  
Attorney for Plaintiff