

LINCOLN COUNTY, MONTANA  
**CERTIFICATE OF SURVEY**

A PARCEL OF LAND IN THE SE 1/4 OF  
SECTION 24, TWP. 31 N, R 32 W, PM, M.  
NEAR LIBBY, MONTANA. OCT. 1983

PURPOSE OF SURVEY: BOUNDARY ADJUSTMENT  
BETWEEN C.O.S. NO. 348 AND C.O.S. NO. 529

**DESCRIPTION PARCEL "A"**

A PARCEL OF LAND NEAR LIBBY IN LINCOLN COUNTY, MONTANA BEING A PART OF HOMESTEAD ENTRY SURVEY NO. 444 LYING WHOLLY WITHIN THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 31 NORTH, RANGE 32 WEST, P.M., M., AND BEING A PORTION OF THAT PARCEL SHOWN ON C.O.S. 529, LINCOLN COUNTY RECORDS, AND BETTER DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHERNMOST CORNER OF THAT PARCEL OF LAND SHOWN ON C.O.S. NO. 348 LINCOLN COUNTY RECORDS, SAID POINT BEING THE APPROXIMATE CENTERLINE OF CEDAR CREEK AND FROM WHICH A 3/8 INCH IRON PIN BEARS N 65° 48' W, 29.42 FEET AND S 65° 48' E, 29.41 FEET, BOTH CAPPED JHN 4661-S; THENCE ALONG THE SOUTHEASTERLY BOUNDARY OF THE AFOREMENTIONED TRACT SHOWN ON C.O.S. NO. 348 AND ERRONEOUSLY SHOWN AND DESCRIBED AS FOLLOWING, GENERALLY, SAID MID-CHANNEL OF CEDAR CREEK "ON SAID C.O.S. NO. 348 AND WARRANTY DEED FROM GWENDOLYN DAVENPORT TO VIRGIL TOTTEN IN DEED BOOK M 42 PAGE 103 LINCOLN COUNTY RECORDS, N 60° 32' 03" E, 252.99 FEET TO AN ANGLE POINT ON THE SAID SOUTHEASTERLY BOUNDARY, BEING THE APPROXIMATE CENTERLINE OF CEDAR CREEK; THENCE LEAVING THE SAID BOUNDARY AND ON THE EXTENDED LINE OF THE NORTHEASTERLY PORTION OF THE SOUTHEASTERLY BOUNDARY OF SAID PARCEL ON C.O.S. NO. 348, AND GENERALLY FOLLOWING THE MID-CHANNEL OF CEDAR CREEK UPSTREAM S 29° 21' 58" W, 32.00 FEET; THENCE S 55° 57' 07" W, 163.42 FEET, THENCE S 85° 48' 57" W, 69.35 FEET TO THE POINT OF BEGINNING. THIS PARCEL CONTAINS 0.1129 ACRES MORE OR LESS.

**DESCRIPTION PARCEL "B" REMAINDER**

AN IRREGULAR TRACT OF LAND NEAR LIBBY IN LINCOLN COUNTY, MONTANA, BEING A PART OF HOMESTEAD ENTRY SURVEY NO. 444, LYING WHOLLY WITHIN THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 31 NORTH, RANGE 32 WEST, P.M., M., CONTAINING 2.4481 ACRES MORE OR LESS AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF CERTIFICATE OF SURVEY NO. 348 OF LINCOLN COUNTY, MONTANA RECORDS, ON THE SOUTHERLY LINE OF TRACT 1-C OF SAID RECORDS, BEING A PART OF H.E.S. NO. 444 IN THE SOUTHEAST QUARTER SECTION OF SECTION 24, TOWNSHIP 31 NORTH, RANGE 32 WEST, P.M., M.; THENCE, ALONG THE ADJUSTED BOUNDARY BETWEEN THOSE PARCELS SHOWN ON C.O.S. NOS. 348 AND 529 AND PARTIALLY ALONG THE EASTERLY LINE OF C.O.S. NO. 348, FOLLOWING GENERALLY, THE MID-CHANNEL OF CEDAR CREEK, THE FOLLOWING 3 COURSES: N 85° 48' 57" E, 69.35 FEET; THENCE N 59° 57' 07" E, 163.42 FEET; THENCE N 29° 21' 58" E 353.78 FEET TO A POINT ON THE SOUTHWESTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 2 AT A DISTANCE OF 50.00 FEET MEASURED AT RIGHT ANGLES FROM THE CENTER LINE THERE OF; THENCE, LEAVING SAID MID-CHANNEL OF CEDAR CREEK, ALONG SAID SOUTHWESTERLY RIGHT OF WAY LINE, RECORD S 55° 15' 00" E, 285.58 FEET; THENCE, LEAVING SAID SOUTHWESTERLY RIGHT OF WAY LINE, RECORD S 38° 38' 11" W, 287.44 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID TRACT 1-C; THENCE, ALONG SAID SOUTHERLY LINE, RECORD N 59° 28' 00" W, 107.73 FEET; THENCE, RECORD S 47° 02' 00" W, 223.20 FEET; THENCE, RECORD N 65° 48' 00" W, 184.24 FEET TO THE POINT OF BEGINNING.

**PURPOSE OF SURVEY / EXEMPTION CERTIFICATE**

WE HEREBY CERTIFY THAT THE PURPOSE OF THIS DIVISION OF LAND IS TO RELOCATE COMMON BOUNDARY LINES BETWEEN ADJOINING PROPERTIES, TO CORRECT THE LOCATION OF THE LINE AS SHOWN ON CERTIFICATE OF SURVEY NOS. 348 AND 529 LINCOLN COUNTY RECORDS, AND NO ADDITIONAL PARCELS ARE HEREBY CREATED; THEREFORE, THIS DIVISION OF LAND IS EXEMPT FROM REVIEW AS A SUBDIVISION PURSUANT TO SECTION 76-3-207(a), M.C.A. WE ALSO HEREBY CERTIFY THAT THE PURPOSE OF THIS DIVISION OF LAND IS TO ACQUIRE ADDITIONAL LAND OMITTED FROM THAT TRACT SHOWN ON C.O.S. NO. 348, DAVENPORT TO TOTTEN, TO BECOME PART OF A PARCEL THAT HAS NO SANITARY RESTRICTIONS IMPOSED ON IT AND THAT NO STRUCTURES REQUIRING WATER OR SEWAGE WILL BE ERRECTED ON THE ADDITIONAL ACQUIRED PARCEL; THEREFORE, THIS DIVISION OF OF LAND IS EXEMPT FROM REVIEW BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES PURSUANT TO ARM 16-2 16-16-605(2)(a).

Virgil Totten 12-2-83  
VIRGIL TOTTEN DATE

CALDWELL MANUFACTURING INC.  
BY: James Caldwell DATE 12-2-83  
PRESIDENT

STATE OF MONTANA  
COUNTY OF LINCOLN

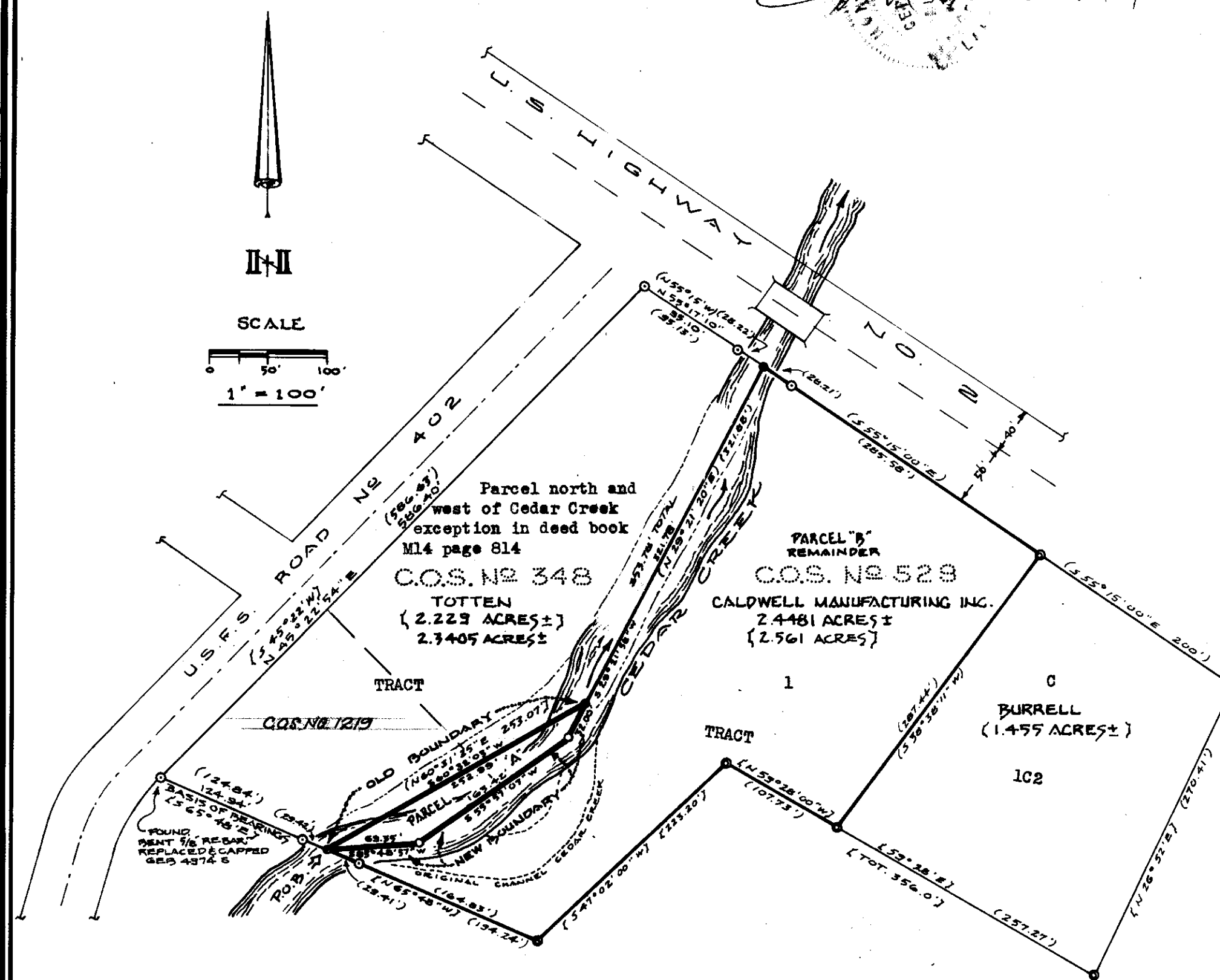
ON THIS 2<sup>ND</sup> DAY OF DECEMBER 1983 A.D. BEFORE ME, A NOTARY PUBLIC IN AND FOR THE SAID STATE PERSONALLY APPEARED Virgil Totten AND James Caldwell KNOWN TO ME TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED THAT THEY EXECUTED THE SAME James Caldwell NOTARY PUBLIC June 14, 1985 RESIDING AT Libby, Montana COMMISSION EXPIRES

APPROVED: Jim R. Macey 2/27/84  
CHAIRMAN LINCOLN COUNTY COMMISSIONERS DATE

CERTIFICATE OF CLERK, RECORDER

STATE OF MONTANA, COUNTY OF LINCOLN, FILED ON THIS 1<sup>ST</sup> DAY OF May 1984 A.D., AT 12:00 O'CLOCK P.M. James Caldwell BY Deputy  
COUNTY CLERK & RECORDER DEPUTY

CERTIFICATE OF SURVEY NO. 1233



**LEGEND**

- — FOUND 3/8" x STEEL RE-BAR CAPPED JHN 4661-S
- — COMPUTED POINT C.O.S. 348
- ( ) — C.O.S. NO. 348
- ( ) ● — C.O.S. NO. 529 - RECORD
- — COMPUTED POINT THIS SURVEY
- OUTLINE CEDAR CREEK C.O.S. 348 AND 529
- ORIGINAL OUTLINE CEDAR CREEK

NOTE: According to deed book M14 page 813, Lincoln County Records, F. W. Pierce conveyed tract 102 to Louis and Harry Burrell in November, 1965 "excepting therefrom all that part of the above described tract which lies north of U.S. Highway No. 2 and lying between said highway and Kootenai River and that portion lying north and west of Cedar Creek." Certificate of Survey Nos. 348 and 529 do not define the creek in its true location and actually includes lands northwesterly of Cedar Creek in the conveyance to the buyer of that tract shown on Certificate of Survey Number 529, contrary to the intent of that instrument above mentioned deed book M14 page 813. This certificate was prepared to correctly define the channel of Cedar Creek as it now is and was in June, 1977, and to correctly show the bearings and distances along the approximate mid-channel of said creek.

for:  
VIRGIL TOTTEN  
by:  
BUNTON'S TECHNICAL SERVICES  
LIBBY, MONTANA 406-293-7473

CERTIFICATE OF EXAMINING LAND SURVEYOR  
APPROVED: THIS 29<sup>TH</sup> DAY OF FEBRUARY 1984 A.D.  
Jack H. Rimmerman 4661-S  
EXAMINING LAND SURVEYOR REGISTRATION NO.