

# CERTIFICATE OF SURVEY

## A PART OF H.E.S. 441 in SECTION 24 T.31N., R.32W., P.M.MT.

### LINCOLN COUNTY, MONTANA

APRIL 1997

#### Description Parcel B

A tract of land near Libby in Lincoln County, Montana, Being part of Homestead Entry Survey No. 441 in Section 24, T.31N., R.32W., P.M.MT., more particularly described as follows:

Beginning at the Original Stone Monument Corner No. 4 of said H.E.S. 441; thence along the Northeastly line of said H.E.S. No. 441, S50°56'47"E 184.56 feet to a 5/8 inch diam. rebar marked: MDL 4232S; thence, leaving the Northeastly line of said H.E.S. No. 441, S25°33'49"W 523.81 feet to a 5/8 inch diam. rebar with a 1 1/4 inch diam. aluminum cap marked: SAB 9750LS, marking the Northeastly corner of Parcel "A"; thence leaving the North-easterly corner of Parcel "A" N50°56'47"W 216.09 feet to a 5/8 inch diam. rebar with a 1 1/4 inch diam. aluminum cap marked: SAB 9750LS, marking the Northwestly corner of Parcel "2"; thence leaving the Northwestly corner of aforementioned Parcel "A", N28°58'22"E 517.37 feet along the Northwestly line of of H.E.S. No. 441 to the Point of Beginning.

The aforescribed Parcel "B" contains 2.343 acres, more or less and includes a 20 foot wide easement along the Southeastly line of Parcel "A" containing 0.071 acres, more or less leaving a Net Area for Parcel "B" of 2.271 acres, more or less.

The subject Parcel "B" includes an easement of 40 foot width along the South-easterly line of Parcel "A" containing 0.885 acres, more or less, all as delineated hereon, and as shown on the attached Certificate of Survey which is herewith incorporated in and made a part of this legal description.

#### Description Parcel A

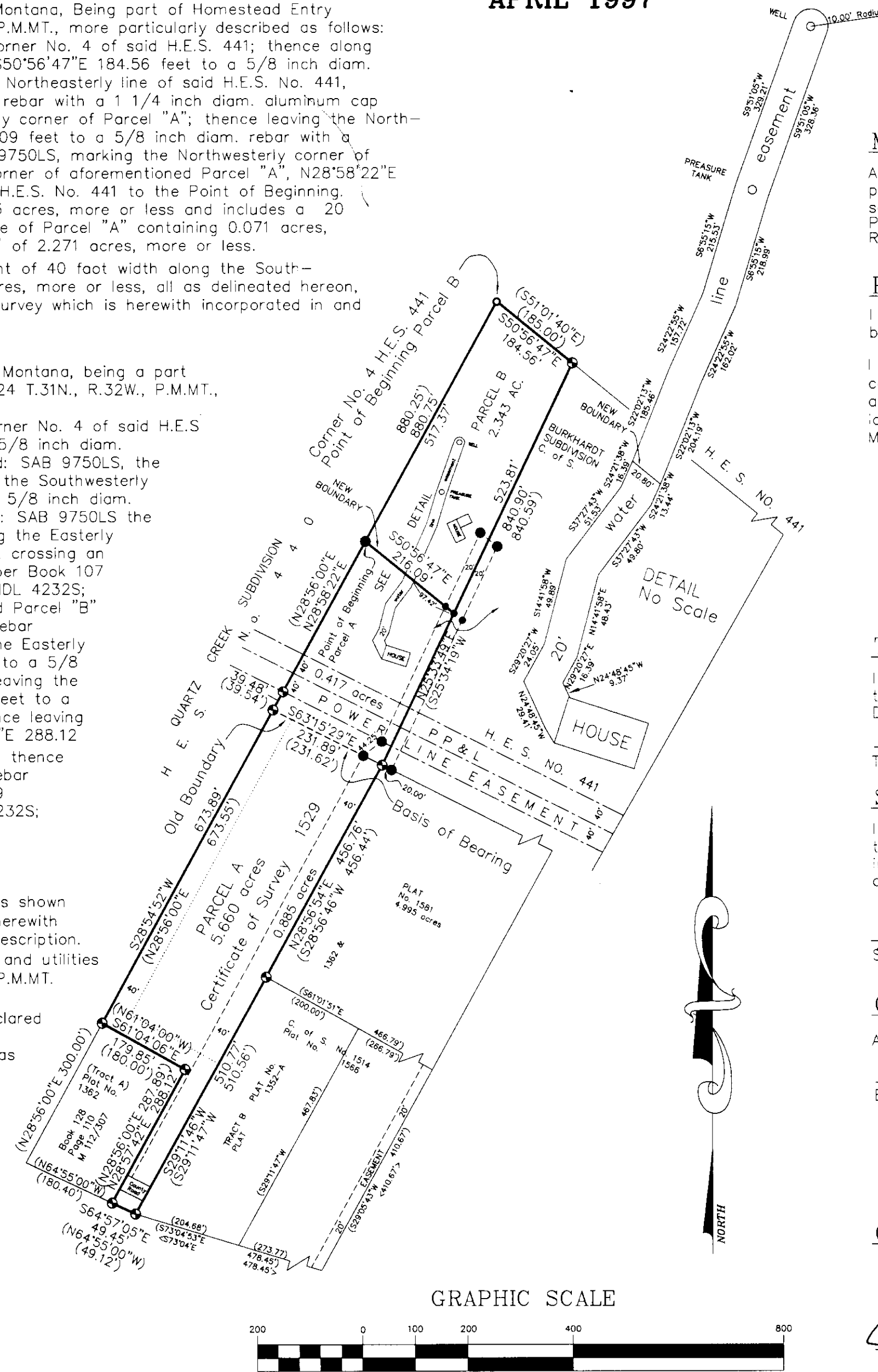
A tract of land near Libby in Lincoln County, Montana, being a part of Homestead Entry Survey No. 441 in Section 24 T.31N., R.32W., P.M.MT., more particularly described as follows:

Beginning at the Original Stone Monument Corner No. 4 of said H.E.S. No. 441; thence S28°58'22"W 517.37 feet to a 5/8 inch diam. rebar with a 1 1/4 inch diam. alum cap marked: SAB 9750LS, the Point of Beginning for Parcel "A", thence along the Southwestly line of Parcel "B" S50°56'47"E 216.09 feet to a 5/8 inch diam.

rebar with a 1 1/4 diam. aluminum cap marked: SAB 9750LS the Southeastly corner of Parcel "B"; thence along the Easterly line of said Parcel "A", S25°33'49"W 317.09 feet crossing an 80.00 foot wide P.P. & L Power Line Easement per Book 107 Page 479, to a 5/8 inch diam. rebar marked MDL 4232S; thence continuing along the Easterly line of said Parcel "B" S28°56'54"W 456.76 feet to a 5/8 inch diam. rebar marked: MDL 4232S; thence continuing along the Easterly line of said Parcel "B", S29°11'46"W 510.77 feet to a 5/8 inch diam. rebar marked: MDL 4232S; thence leaving the Easterly line of Parcel "B", N64°57'05"W 49.45 feet to a 5/8 inch diam. rebar marked: MDL 4232S; thence leaving the Southerly line of said Parcel "B", N28°57'42"E 288.12 to a 5/8 inch diam. rebar marked: MDL 4232S; thence N61°04'06"W 179.85 feet to a 5/8 inch diam. rebar marked: MDL 4232S; thence N28°54'52"E 673.89 feet to a 5/8 inch diam. rebar marked: MDL 4232S; thence continuing on the Westerly line of said Parcel "B", N28°54'52"E 39.45 feet to a 5/8 inch diam. rebar marked: MDL 4232S; thence N28°58'22"E 323.90 feet to the Point of Beginning, containing 5.660 Acres of Land, all as shown on the attached Certificate of Survey which is herewith incorporated in and made a part of this legal description. SUBJECT TO a right-of-way for ingress, egress and utilities in favor of Parcel "B", Section 24 T.31N, R.32W P.M.MT. Lincoln County, Montana, as described hereon. SUBJECT TO Kootenai River Road, a 60 foot declared county road. SUBJECT TO a 20 foot water line easement as described hereon.

#### LEGEND

- Set a 5/8" diameter rebar with 1 1/4" aluminum cap, marked "SAB 9750LS"
- Found 5/8" diameter rebar with yellow plastic cap marked, "MDL 4232S" per Certificate of Survey No. 1529
- Found Original Stone Monument
- New Right of Way Limits
- Property Boundary
- Old Boundary of Parcel A and B
- Old Right of Way Limits
- ( ) C.O.S. No. 1529 record



#### METHOD OF SURVEY

A one second, total station and data collector was used with closed traverse procedures to the original controlling corners. The location of the monuments set this survey meet the positional tolerance standard referenced in Item 5, Position Standards, Standards of Practice Manual, Montana Association of Registered Land Surveyors.

#### PURPOSE OF SURVEY

I (we) hereby certify that the purpose of this survey is to create Parcel "B" as a boundary adjustment.

I (we) hereby certify that the purpose of this division of land is to relocate a common boundary line between adjoining properties outside a platted subdivision and that no additional parcels are hereby created. Therefore, this division of land is exempt from review as a subdivision pursuant to section 76-3-207-(1)(a), MCA.

Dated 12 May, 1997

Howard L. Burkhardt  
Howard L. Burkhardt

Dated 12 May, 1997

Lenore Burkhardt  
Lenore Burkhardt

Anna M. McLeod  
NOTARY PUBLIC for the State of Montana  
Residing at Libby, MT  
My Commission Expires 11-22-97

#### TREASURER'S CERTIFICATION:

I hereby certify that all real property taxes assessed and levied on the land to be divided as described above are paid.  
Dated this 23rd day of May, 1997.

Sari A. Miller by Janya R. Schake-Deputy  
Treasurer, Lincoln County, Montana

#### SURVEYOR'S CERTIFICATE:

I hereby certify that I am a Registered Land Surveyor in the State of Montana, that the survey shown on this Certificate of Survey has been prepared in accordance with Montana Code Annotated (Sections 76-3-101 through 76-3-614) and the Lincoln County regulations adopted pursuant thereto.

Steven A. Boyer  
Steven A. Boyer, Montana Reg. No. 9750LS

12 May 1997  
Date

#### CERTIFICATE OF EXAMINING OFFICIAL:

Approved this 23rd day of May, 1997, A.D.

Bruce J. Burkhardt  
Examining Official

Approved L.A. Hagedorn 05/23/97  
Chairman, Lincoln County Commissioners

#### CERTIFICATE OF CLERK AND RECORDER:

State of Montana, County of Lincoln, filed this 23rd day

of May, 1997, A.D. at 9:05 o'clock A.M.

Carol A. Cummings by Fannie Allen  
County Clerk Recorder Deputy

CERTIFICATE OF SURVEY NO. 2549

*Sanitary Restrictions Removed P.F. # 5889*