

CERTIFICATE OF SURVEY

RELOCATION OF COMMON BOUNDARIES

FOR MARVIN AND LOIS KYES

NW 1/4 NW 1/4 SE 1/4 OF SECTION 2, TWP 30N., R 31W., P.M., MT.

LINCOLN COUNTY, MONTANA NOVEMBER 1998

Sec. 35
T31N
T30N
1/4 (FD Steel Rod)
NW1/4
NE1/4

BOUNDARY LINE AGREEMENT

We, the owners of Parcel A and Parcel B, enter upon this Boundary Line Agreement to accept the common boundary line between adjoining properties, as shown and monumented hereon, as the true and common line between our adjoining properties forevermore.

Marvin H. Kyes Lois M. Kyes 11-19-98
Marvin H. Kyes Lois M. Kyes Date

Arthur R. Schauer Kenni A. Schauer Date

PARCEL 1B
Arthur and Kerri Ann Schauer
Reserved 60' Right-of-Way
((S86°16'30"E 422.78'))
((N89°50'00"E 411.80'))

PARCEL "A"
±1.901 Acres
PLAT NO. 264
((1.9 ACRE APP))

SW1/4



NW1/4 NW1/4 SE1/4

PLAT NO. 264

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LEGEND

- SET 5/8 INCH DIAMETER REBAR WITH A PLASTIC CAP STAMPED HUGHES 7322LS
- FOUND 3/8 INCH DIAMETER REBAR WITH A PLASTIC CAP STAMPED 534 ES
- FOUND 3/8 INCH DIAMETER UNCAPPED REBAR
- COMPUTED POINT - NOT SET
- (()) RECORD PER PLAT NO. 264
- () RECORD PER COS NO. 94
- < > RECORD PER PLAT NO. 391

GRAPHIC SCALE

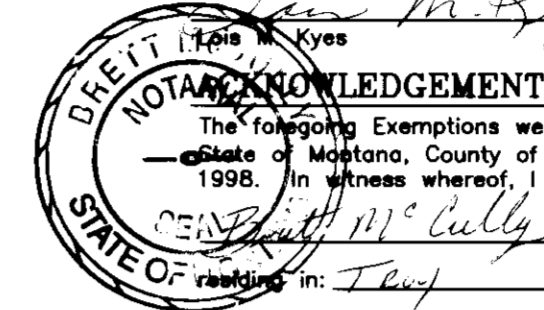


(IN FEET)
1 inch = 60 ft.

PURPOSE OF SURVEY AND EXEMPTION CERTIFICATION

We, Marvin H. Kyes and Lois M. Kyes, owners of record, hereby certify that this survey and division of land is for the purpose of relocating a common boundary line outside a platted subdivision between adjoining parcels, as shown on Certificate of Survey No. 94 and Plat No. 264. Therefore, this division is exempt as a subdivision pursuant to 76-3-207(1)(a) M.C.A. We further certify this survey and division of land is exempt from review by the Department of Environmental Quality, pursuant to Sub-Chapter 6: 17.16.16.605 Exclusions (2)(b). Divisions made where shrubs and vegetation encroach upon the neighboring parcel.

Marvin H. Kyes Lois M. Kyes 11-19-98
Marvin H. Kyes Lois M. Kyes Date



NOTARIAL KNOWLEDGEMENT

The foregoing Exemptions were subscribed and acknowledged before me, a Notary Public for the State of Montana, County of Lincoln, by the above named person(s), on this 19th day of Nov 1998. In witness whereof, I have hereunto set my hand and affixed my notarial seal.

CELESTINE M. CULLY, Notary Public for the State of Montana,
My Commission expires: 3-22-2000

HISTORY OF SURVEY

1949 - Plat No. 264 by H.A. Bollinger
1956 - Plat No. 391 by R.F. Burdick
1974 - Certificate of Survey No. 94, by J.W. Ninneman, 534ES.

METHOD OF SURVEY

A four second Nikon total station and HP data collector was used with closed traverse procedures to tie the previously set controlling corners of subject Parcels as shown hereon.

BASIS OF BEARING

The basis of bearing for this survey is S38°43'40"E, as shown on Certificate of Survey No. 94, along the southwesterly line.

COUNTY TREASURER CERTIFICATION

I hereby certify, pursuant to Section 76-3-611(1)(b), MCA, that all real property taxes and special assessments assessed and levied on the parcel shown hereon are paid.

Herli Miller by Jany R. Mohrke-Deputy Nov 19, 1998
Lincoln County Treasurer, Lincoln County, Montana Date

ACCESS CERTIFICATION

I hereby certify that physical and legal access to Parcel A and Parcel B, shown hereon, is provided from a 30.00 foot county road, and that the driving surface is a minimum of 16 feet wide.

Alvah F. Hughes 7322LS 11-19-98
Alvah F. Hughes, PLS, 7322-LS Date

LAND SURVEYOR'S CERTIFICATION:

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 under my supervision and in accordance with the Montana Code Annotated, Sections 76-3-101 thru 76-3-625, and the Lincoln County regulations adopted pursuant thereto.

Alvah F. Hughes 7322LS 11-19-98
Alvah F. Hughes, Montana Reg. No. 7322LS Date



LEGAL DESCRIPTION PARCEL A

A tract of land, lying easterly of Libby, Montana, in Lincoln County, and in the NW1/4 NW1/4 SE1/4 of Section 2, Township 30 North, Range 31 West, P.M., MT., more particularly described as follows: Commencing at the North one quarter corner (1/4) of Section 2, T30N R31W, a steel rod; thence on a record bearing S00°16'40"E, 2513.61 feet, as shown on Certificate of Survey No. 94, J.W. Ninneman, 534ES; thence on the said record, bearing East, 60.00 feet to a 3/8 inch rebar marked 534ES, as shown on said Certificate of Survey No. 94; thence along the southeasterly right-of-way limit of a 30.00 foot county road bearing N47°47'33"E, 9.54 feet to a 5/8 inch rebar, marked Hughes 7322LS and the TRUE POINT OF BEGINNING; thence along said road right-of-way bearing N47°47'33"E, 47.82 feet to a 3/8 inch rebar, marked 534ES; thence continuing along said road right-of-way, N47°47'33"E, 91.00 feet to a 5/8 inch rebar marked Hughes 7322LS; thence S86°16'30"E, 422.78 feet to a 5/8 inch rebar marked Hughes 7322LS; thence along the northwesterly right-of-way limit of a 100.00 foot private road bearing S40°21'50"W, 289.97 feet to a 5/8 inch rebar marked Hughes 7322LS; thence N15°12'05"W, 18.80 feet to a 5/8 inch rebar marked Hughes 7322LS; thence S84°42'43"W, 120.00 feet to a 5/8 inch rebar marked Hughes 7322LS; thence N79°04'42"W, 30.50 feet to a 5/8 inch rebar marked Hughes 7322LS; thence N55°00'27"W, 21.93 feet to a 3/8 inch rebar marked 534ES; thence N56°03'26"W, 108.13 feet to a 5/8 inch rebar marked Hughes 7322LS; thence N47°12'16"W, 102.05 feet to a 5/8 inch rebar marked Hughes 7322LS and the True Point of Beginning, containing ±1.901 acres.

LEGAL DESCRIPTION PARCEL B

A tract of land, lying easterly of Libby, Montana, in Lincoln County, Montana, and in the NW1/4 NW1/4 SE1/4 of Section 2, Township 30 North, Range 31 West, P.M., MT., more particularly described as follows: Commencing at the North one quarter corner (1/4) of Section 2, T30N R31W, a steel rod; thence on a record bearing S00°16'40"E, 2513.61 feet, as shown on Certificate of Survey No. 94, J.W. Ninneman, 534ES; thence on the said record bearing East, 60.00 feet to a 3/8 inch rebar marked 534ES, as shown on said Certificate of Survey No. 94 and the TRUE POINT OF BEGINNING; thence along the southeasterly right-of-way limit of a 30.00 foot county road bearing N47°47'33"E, 9.54 feet to a 5/8 inch rebar, marked Hughes 7322LS; thence S47°12'16"E, 102.05 feet to a 5/8 inch rebar, marked Hughes 7322LS; thence S56°03'26"E, 108.13 feet to a 3/8 inch rebar marked 534ES; thence S55°00'27"E, 21.93 feet to a 5/8 inch rebar marked Hughes 7322LS; thence S79°04'42"E, 30.50 feet to a 5/8 inch rebar marked Hughes 7322LS; thence N84°42'43"E, 120.00 feet to a 5/8 inch rebar marked Hughes 7322LS; thence S15°12'05"E, 18.80 feet to a 5/8 inch rebar marked Hughes 7322LS; thence along the northwesterly right-of-way limit of a 100.00 private road bearing S40°21'50"W, 78.33 feet to a 3/8 inch rebar marked 534ES; thence continuing along said road right-of-way limit bearing S40°21'50"W, 100.19 feet to a unmarked 3/8 rebar; thence N38°43'40"W, 365.02 feet to a 3/8 inch rebar marked 534ES and the TRUE POINT OF BEGINNING, containing ±0.544 acres.

SURVEYOR'S NOTE

Upon the review of the Kyes' Deed and associated Plat No. 264, COS No. 94 and adjoining Plots, COS's and Deeds, I find ambiguities and gross mislosures in the 1949 Deed and Plat No. 264 of approximately 15 feet. I find no evidence of the 1949 Plat on the ground and no definitive corner ties were given. I have accepted the Ninneman COS No. 94 as best available evidence of the southwesterly line and resurvey of Plat No. 264. Therefore, to establish the northerly line of Plat No. 264, I project the northwesterly line of COS No. 94, along the county road right-of-way the record distance found on Plat No. 264; similarly I accept the Ninneman corner on the haul road right-of-way as the southeasterly corner of Plat No. 264 and project the easterly line of Plat No. 264 the record distance. No attempt has been made to establish the mid-section lines of Section 2.

EXAMINING OFFICIAL CERTIFICATION

Approved this 19th day of Nov 1998, A.D.
Carl J. Buckholz
Examining Official

COMMISSIONER'S CERTIFICATION

L.C. Alford 11/19/98
Approved Chairman, Lincoln County Commissioners Date

CLERK AND RECORDER'S CERTIFICATION

State of Montana, County of Lincoln, filed this 19th day of November 1998, A.D. at 4:45 o'clock p.m.
Carol A. Pummeling by Joanne L. Smith
County Clerk Recorder Deputy

CERTIFICATE OF SURVEY NO. 2726

Doc# 136474