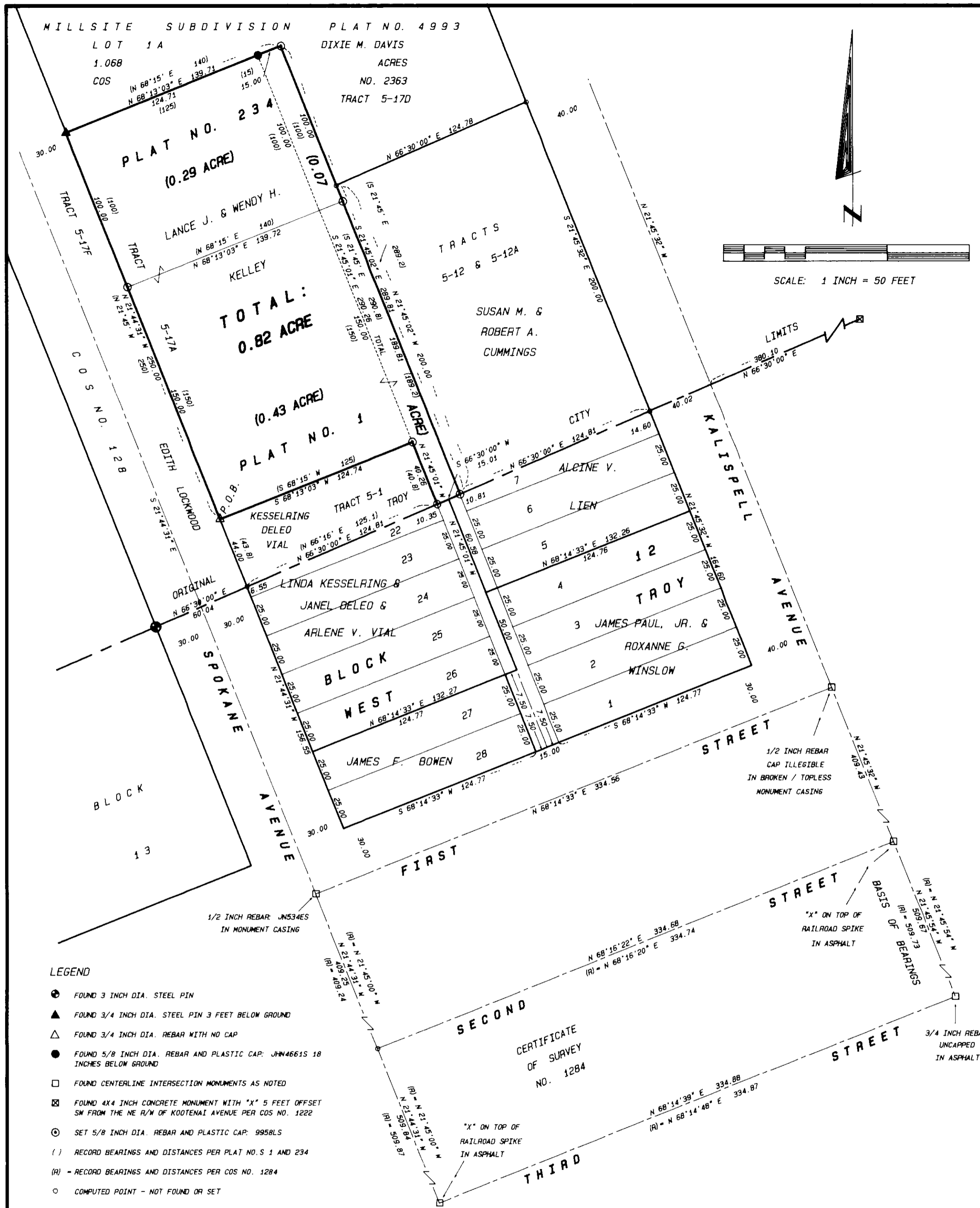


CERTIFICATE OF SURVEY

IN THE
NW1/4 OF SECTION 12
OF TOWNSHIP 31 NORTH, RANGE 34 WEST, P. M. M.
LINCOLN COUNTY, MONTANA

FOR
LANCE J. AND WENDY H. KELLEY



PROPERTY DESCRIPTION - LANCE J. AND WENDY H. KELLEY

An irregular tract of land situated in the Northwest Quarter (NW1/4) of Section Twelve (12), Township Thirty-one (31) North, Range Thirty-four (34) West of the Principal Meridian of Montana, within Lincoln County, Montana; more particularly described as follows:

Beginning at a 3/4 inch diameter rebar marking on the ground the Southwest corner of Plat No. 1 of Lincoln County, Montana records on the southwesterly line of Block 12 of the Townsite of West Troy extended northwesterly N 21'44'31" W 44.00 feet from the Northwest corner thereof at the Original City Limits of Troy, Montana; thence, from said point of beginning, continuing along said southwesterly line extended, N 21'44'31" W 250.00 feet to a 3/4 inch rebar marking on the ground the Northwest corner of said Plat No. 234 of Lincoln County, Montana records; thence, along the northwesterly line of said Plat No. 234, N 68'13'03" E 139.71 feet to a 5/8 inch rebar and plastic cap stamped: 9958LS marking on the ground the Northeast corner of said Plat No. 234; thence, along the easterly line of said Plat No. 234 being also on the extended easterly right of way of the alley through the middle of said Block 12, S 21'45'02" E 289.81 feet to a 5/8 inch rebar and plastic cap stamped: 9958LS marking on the ground the Southeast corner of said Plat No. 234 at the Northwest corner of the E 1/2 of said Block 12 on the Original City Limits of said Troy; thence, along said Original City Limits crossing said alley, S 66'30'00" W 15.01 feet to a 5/8 inch rebar and plastic cap stamped: 9958LS marking on the ground the Northeast corner of the W 1/2 of said Block 12; thence, along the southwesterly line of said Plat No. 234, also the southwesterly right of way of said alley extended northwesterly, N 21'45'01" W 40.26 feet to a 5/8 inch rebar and plastic cap stamped: 9958LS marking on the ground the Southeast corner of said Plat No. 1; thence, along the southeasterly line of said Plat No. 1, S 68'13'03" W 124.74 feet to the TRUE POINT OF BEGINNING, encompassing an area of 0.82 acre, more or less.

INCLUDING an Easement along Spokane Avenue extended northwesterly from the Original City Limits of the Townsite of West Troy, Montana as delineated on Certificate of Survey No. 128 of Lincoln County, Montana records.

PURPOSE OF SURVEY

The purpose of this survey is to retrace boundaries of existing parcels and ownerships outside of and adjacent to the Original Townsite of West Troy, a platted subdivision, pursuant to Section 76-3-404, M.C.A. This survey is not intended to create new parcels or aggregate existing parcels of record.

BASIS OF BEARINGS

Bearings are based upon the bearings of the City of Troy, Montana Street and Avenue centerlines per Certificate of Survey No. 1284, rotating to the record bearing of the centerline of Kalispell Avenue between Second and Third Streets (N 21'45'54" W), all as shown hereon.

SURVEY REPORT

Research of Lincoln County, Montana records in the Clerk and Recorder's Office and the Assessor's Office has revealed an apparent discrepancy of duplicate transfer of title of the 15 foot wide Block 12 of West Troy alley extended northwesterly immediately adjacent to the northeasterly side of Plat No. 1 and included in Plat No. 234 of said records.

There are two Warranty Deeds that initially conveyed the subject property from Maurice and Florence Nelson. The first of these two deeds is recorded in Book 104, Page 377 on January 8, 1954 conveying the subject property to Troy Morrow, along with the rest of that parcel shown and described on Plat No. 234. Plat 234 is also typed on the top of this recorded instrument. It also should be noted that this deed was signed and notarized on December 19, 1953. This deed is the first in the chain of title preceding the subsequent ownership of Lance J. and Wendy H. Kelley, Mr. and Mrs. Kelley are the current owners of the property surveyed and described hereon via a Warranty Deed filed in Microfilm Book 75, Page 604, signed and notarized on June 3, 1974 and filed on August 31, 1975. The second of these two initial deeds is filed in Book 109, Page 597 on November 29, 1955 conveying the subject property to Griswold and Sons. This deed was signed and notarized on November 2, 1955. This deed is the first in the chain of title preceding the ownership of Kenneth E. and Dixie M. Davis. Dixie M. Davis is the current owner of Lot 1A of the Millsite Subdivision per Plat No. 4993 and Certificate of Survey No. 2363. This subject Lot 1A also includes the area of the extended alley within its record 1.068 acre perimeter. This Lot 1A would have an area of 0.968 acre excluding the subject 15 foot wide extended alley.

There is a separation of approximately one year and eleven months between the notarized signatures of Maurice and Florence Nelson on the two deeds (from December 19, 1953 to November 2, 1955). There is a separation of approximately one year and eleven months between the filing dates of the two deeds (January 8, 1954 to November 29, 1955). The records in the Assessor's Office clearly show that the taxes have always been assessed to and paid by the owners in the first chain of title, now held by Mr. and Mrs. Kelley. The senior Warranty Deed not only includes the subject extended alley within the description, but it refers to Plat No. 234 which illustrates it is included with that parcel of land. Therefore, I have concluded that the subject extended 15 foot wide alley should be included in the retracement survey of the property of Lance J. and Wendy H. Kelley as shown hereon.

The alleyway in Block 12 of West Troy in Troy, Montana running from First Street in a Northwesterly direction to the Northern Original City Limits of the City of Troy, Montana was abandoned by the City of Troy, Montana by Resolution No. 405 on May 2, 1990 and subsequently filed with the Lincoln County, Montana Clerk and Recorder's Office on December 22, 1994 as Permanent File No. 5245. There are no easements of record to the City of Troy for water or sewer utilities within this abandoned alleyway. Ownership reverted to the centerline of the abandoned alleyway for adjoining property owners. One owner, James F. Bowen, deeded his portion of the abandoned alleyway to the neighboring owners, James P., Jr. and Roxanne G. Winslow. The ownership of the subject abandoned alleyway is delineated hereon based upon Lincoln County, Montana records as of November, 1999. There is evidence that construction and installation of water and sewer lines were recently completed within this abandoned alleyway and alleyway extended northwesterly through the Kelley property.

James R. Staples
 James R. Staples
 11-14-99
 Date

CERTIFICATE OF SURVEY NO. 2886
 Doc # 44169

COUNTY COMMISSIONERS
 The County Commission for Lincoln County, Montana does hereby approve this Certificate of Survey.
 Dated this 3 day of Dec 1999
 N/A
 Chairman, Lincoln County Commissioners
 N/A
 Clerk & Recorder

CERTIFICATE OF RECORDER
 Filed for record this 3rd day of December 1999, at 11:45 o'clock A.M.
Tracie Cummings
 Lincoln County Recorder
 By *Tracie Cummings*
 Deputy

DATE: 11/01/99	NW1/4
JOB NO. N99-20	SECTION 12
OWN. BY: LAD	TOWNSHIP 31 NORTH
REVISION	RANGE 34 WEST
SHEET 1 OF 1	PRINCIPAL MERIDIAN MT
	LINCOLN COUNTY

SURVEYOR'S CERTIFICATE
 I, James R. Staples, do hereby certify that this Certificate of Survey has been prepared in conformance to the Montana Subdivision and Platting Act (Sections 76-3-101 through 76-3-514, M.C.A.) and the regulations adopted pursuant thereto, and that the map shown hereon is a true representation of a survey made by me.
James R. Staples 11-14-99
 James R. Staples, 9958LS Date

J. R. S. SURVEYING, INC.
 P.O. BOX 1050
 317 MINERAL AVE.
 LIBBY, MONTANA 59923
 (406) 293-5059

