

LEGAL DESCRIPTION TRACT 2

An irregular tract of land lying southwesterly of Eureka, Montana, Lincoln County, being the S1/2NE1/4SW1/4, Section 8, T. 35N., R. 27W., P.M.M.T., including Parcel "B" of this survey, containing ±20.02 acres and 30.02 acres respectively for a total of ±50.04 acres. Subject to and together with all appurtenant easements of record.

CERTIFICATE OF SURVEY

"RELOCATION OF COMMON BOUNDARY LINES" "AGRICULTURAL PARCEL"

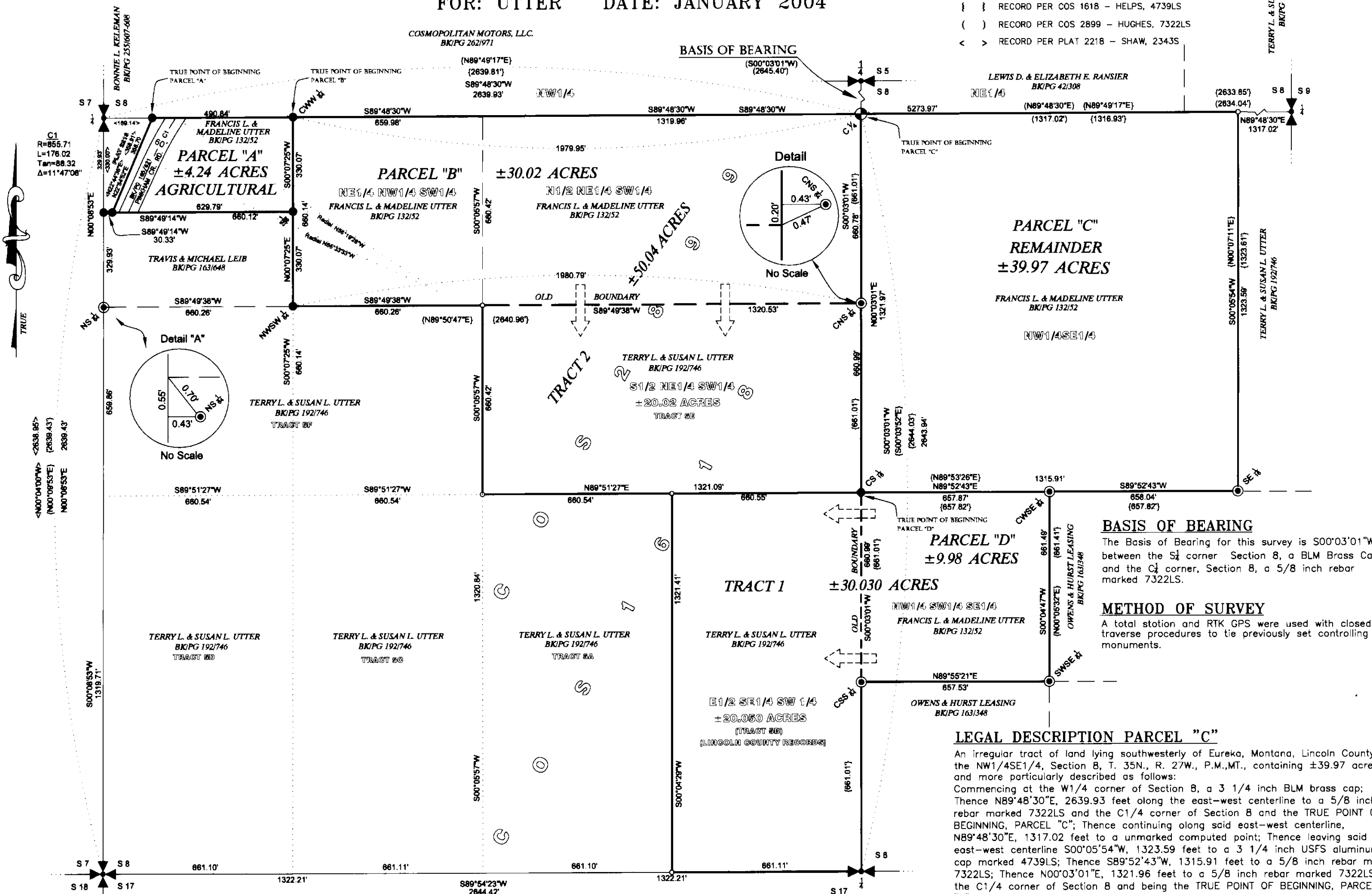
SW 1/4, SE 1/4, SECTION 8, T.35N., R.27W., P.M.MT.

LINCOLN COUNTY, MONTANA

FOR: UTTER DATE: JANUARY 2004

LEGEND

- ✕ FOUND 3 1/4 INCH DIAMETER BLM BRASS CAP
- ⊕ FOUND 5/8 INCH DIAMETER REBAR MARKED HUGHES 7322LS
- ⊙ FOUND 3 1/4 INCH DIAMETER USFS ALUMINUM CAP MARKED 4739LS
- SET 5/8 INCH DIAMETER REBAR MARKED HUGHES 7322LS
- UNMARKED COMPUTED LOCATION
- { } RECORD PER COS 1618 - HELPS, 4739LS
- () RECORD PER COS 2899 - HUGHES, 7322LS
- < > RECORD PER PLAT 2218 - SHAW, 2343S



LEGAL DESCRIPTION PARCEL "A"

An irregular tract of land lying southwesterly of Eureka, Montana, Lincoln County, in the N1/2NW1/4NW1/4SW1/4, Section 8, T. 35N., R. 27W., P.M.M.T., containing ±4.24 acres and more particularly described as follows: Commencing at the W1/4 corner of Section 8, a 3 1/4 inch BLM brass cap; thence N89°48'30"E, 169.14 feet along the east-west centerline to a 5/8 inch rebar marked 7322LS and the TRUE POINT OF BEGINNING, PARCEL "A"; Thence continuing along said centerline, N89°48'30"E, 490.84 feet to a 5/8 inch rebar marked 7322LS; Thence leaving said centerline S00°07'25"W, 330.07 feet to a 5/8 inch rebar marked 7322LS; Thence S89°49'14"W, 629.79 feet to a 5/8 inch rebar marked 7322LS; Thence N22°54'52"E, 358.70 feet to a 5/8 inch rebar marked 7322LS and the TRUE POINT OF BEGINNING, PARCEL "A", containing ±4.24 acres. Subject to and together with all appurtenant easements of record.

LEGAL DESCRIPTION PARCEL "B"

An irregular tract of land lying southwesterly of Eureka, Montana, Lincoln County, in the N1/2NE1/4SW1/4 and the NE1/4NW1/4SW1/4, Section 8, T. 35N., R. 27W., P.M.M.T., containing ±30.02 acres and more particularly described as follows: Commencing at the W1/4 corner of Section 8, a 3 1/4 inch BLM brass cap; thence N89°48'30"E, 659.98 feet along the east-west centerline to a 5/8 inch rebar marked 7322LS and the TRUE POINT OF BEGINNING, PARCEL "B"; Thence continuing along said centerline, N89°48'30"E, 1979.95 feet to a 5/8 inch rebar marked 7322LS and the C1/4 corner of Section 8; Thence leaving said centerline S00°03'01"W, 660.78 feet along the north-south centerline to a 3 1/4 inch USFS aluminum cap marked 4739LS; Thence leaving said north-south centerline S89°49'38"W, 1980.79 feet to a 5/8 inch rebar marked 7322LS; Thence N00°07'25"E, 660.14 feet to a 5/8 inch rebar marked 7322LS along the east-west centerline and the TRUE POINT OF BEGINNING, PARCEL "B", containing ±30.02 acres. Subject to and together with all appurtenant easements of record.

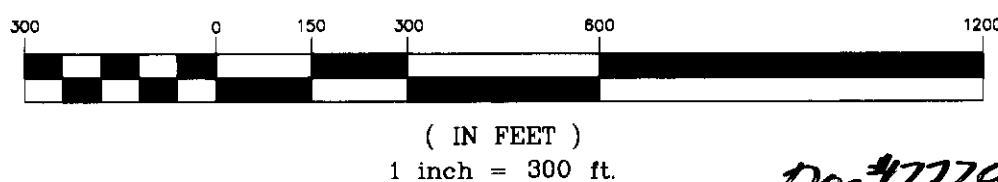
LEGAL DESCRIPTION PARCEL "C"

An irregular tract of land lying southwesterly of Eureka, Montana, Lincoln County, in the NW1/4SW1/4, Section 8, T. 35N., R. 27W., P.M.M.T., containing ±39.97 acres and more particularly described as follows: Commencing at the C1/4 corner of Section 8, a 3 1/4 inch BLM brass cap; thence N89°48'30"E, 2639.93 feet along the east-west centerline to a 5/8 inch rebar marked 7322LS and the C1/4 corner of Section 8 and the TRUE POINT OF BEGINNING, PARCEL "C"; Thence continuing along said east-west centerline, N89°48'30"E, 1317.02 feet to a 5/8 inch rebar marked 7322LS; Thence leaving said east-west centerline S00°05'54"W, 1323.59 feet to a 3 1/4 inch USFS aluminum cap marked 4739LS; Thence S89°52'43"W, 1315.91 feet to a 5/8 inch rebar marked 7322LS; Thence N00°03'01"E, 1321.96 feet to a 5/8 inch rebar marked 7322LS and the C1/4 corner of Section 8 and being the TRUE POINT OF BEGINNING, PARCEL "C", containing ±39.97 acres. Subject to and together with all appurtenant easements of record.

LEGAL DESCRIPTION PARCEL "D"

An irregular tract of land lying southwesterly of Eureka, Montana, Lincoln County, in the NW1/4SW1/4, Section 8, T. 35N., R. 27W., P.M.M.T., containing ±9.98 acres and more particularly described as follows: Commencing at the C1/4 corner of Section 8, a 5/8 inch rebar marked 7322LS; Thence S00°03'01"W, 1321.96 feet along the north-south centerline to a 5/8 inch rebar marked 7322LS and the TRUE POINT OF BEGINNING, PARCEL "D"; Thence continuing along said north-south centerline, S00°03'01"W, 660.98 feet to a 3 1/4 inch USFS aluminum cap marked 4739LS; Thence leaving said north-south centerline N89°55'21"E, 657.53 feet to a 3 1/4 inch USFS aluminum cap marked 4739LS; Thence N00°04'47"E, 661.49 feet to a 3 1/4 inch USFS aluminum cap marked 4739LS; Thence S89°52'43"W, 657.87 feet to a 5/8 inch rebar marked 7322LS along the north-south centerline and the TRUE POINT OF BEGINNING, PARCEL "D", containing ±9.98 acres. Subject to and together with all appurtenant easements of record.

GRAPHIC SCALE



SURVEY AND EXEMPTION CERTIFICATION

We, Francis L. Utter & Madeline Utter and Terry L. & Susan L. Utter, record owners, hereby certify that the purpose of this survey and division of land for Parcel "A" is for agricultural use, therefore is exempt from review as a subdivision pursuant to 76-3-207(1)(c), M.C.A., "divisions made outside of a platted subdivision by gift, sale or agreement to buy and sell in which the parties to the transaction enter into a covenant running with the land and revocable only by the mutual consent of the governing body and the property owner that the divided land will be used exclusively for agricultural purposes."

furthermore, Parcel "B" being exempt from review by the Department of Environmental Quality pursuant to ARM 17.36.605 Exclusions 2(b): a parcel that has no existing facilities for water supply, wastewater disposal, or solid waste disposal other than those that were previously approved by the reviewing authority under Title 76, chapter 4, part 1, MCA or that were exempt from review if (i) no new facilities will be constructed on the parcel and (ii) the division of will not cause approved facilities to violate any conditions of approval, and will not cause exempt facilities to violate any conditions of exemption. Furthermore, Parcel "A" is exempt from review by the Department of Environmental Quality pursuant to ARM 17.36.605 Exclusions 2(a): a parcel that has no existing facilities for water supply, wastewater disposal, and solid waste disposal, if no new facilities will be constructed on the parcel. We further certify that the purpose of survey and division of land for Parcels "B" and "D" is for the relocating of common boundary lines between adjoining properties, therefore is exempt from review as a subdivision pursuant to 76-3-207(1)a, M.C.A. We further certify that Parcels "A" and "D" are exempt from review by the Department of Environmental Quality pursuant to ARM 17.36.605 Exclusions 2(a): a parcel that has no existing facilities for water supply, wastewater disposal, and solid waste disposal, if no new facilities will be constructed on the parcel.

Francis L. Utter Date 1/14/04
Madeline Utter Date 1/14/04
Terry L. Utter Date 1/14/04
Susan L. Utter Date 1/14/04

DECLARATION AND ACKNOWLEDGMENT

This Declaration, made this 14 day of June 2004, by Francis L. Utter, hereinafter referred to as the "Declarant", That whereas, Declarant is the owner of certain property described as tract(s) A, certificate of survey number on file and of record in the office of the Clerk and Recorder of Lincoln County, Montana.

Now, therefore, Declarant hereby declares that the parcel(s) described above shall be held, sold, and conveyed in any matter subject to the following covenant, which shall run with the real property and be binding on all parties having any right, title or interest in the described property (properties) or any part thereof, their heirs, executors, successors, administrators, and assignees, and shall bind each owner thereof. This covenant may be revoked by mutual consent of the owners of the parcel(s) in question and the governing body of Lincoln County. The governing body is deemed to be a party to and may enforce his covenant. TO WIT:

The parcel(s) described above shall be used exclusively for agricultural purposes and no building, house, dwelling, or structure requiring water or sewage facilities may be erected or utilized thereon.

In witness whereof, the undersigned, being the Declarant(s), herein, has hereunto set her hand this 14 day of June, 2004.

In witness whereof, I have hereunto set my hand and affixed my notarial seal.

Notary Public for the State of Montana

residing in: Eureka, MT My Commission expires: 08/14/2008

HISTORY OF SURVEYS

- 1973 - Plat No. 2218, Shaw, 2343S
- 1987 - COS No. 1618, Dependent Resurvey and Subdivision, Helps, 4739LS
- 2000 - COS No. 2899, Section Subdivision Hughes, 7322LS

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 Montana Code Annotated, Sections 76-3-101 through 76-3-625 and the Lincoln County regulations adopted

David F. Hughes 7322LS 06-28-04 Date
David F. Hughes, Montana Reg. No. 7322LS

LINCOLN COUNTY TREASURER'S CERTIFICATION

I hereby certify, pursuant to Section 76-3-207(3), MCA, that all real property taxes and special assessments assessed and levied on the lots shown hereon are paid

David F. Hughes 7322LS 06-28-04 Date
Lincoln County Treasurer, Lincoln County, Montana

EXAMINING LAND SURVEYOR'S CERTIFICATION

Approved this 12th day of July 2004
Examining Land Surveyor

CLERK AND RECORDER'S CERTIFICATION

State of Montana, County of Lincoln, filed this 19th day of July 2004, at 10:00 o'clock P.M.
County Clerk and Recorder Deputy

CERTIFICATE OF SURVEY NO. 3305 AE

AG Exemption P.F. 7674