

#### LEGAL DESCRIPTION PARCEL "A"

An irregular tract of land, lying southwesterly fram Fortine, Montana, Lincoln County within the NW4 SE4, Section 31, T.35N., R.26W., P.M.,MT., containing  $\pm 0.809$  acres and more particularly described as

Commencing at the C-S 1/8th carner said Section 31, a 2 ½ inch diameter aluminum pipe with a 3 ¼ inch aluminum cap marked US Forest Service, Hughes 7322LS and the True Point of Beginning: Thence along the east—west 1/8th subdivision line, S89\*55'50"E, 208.03 feet to a set 1/8 inch diameter rebar with plastic cap marked Hughes 7322LS, lying on the sauthwesterly right—of—way limits af a 60 foot wide access road; Thence cantinuing along said subdivision line, S89'55'50"E, 45.15 feet to an unmorked point, lying on the centerline af said access road; Thence along said road centerline through the following unmarked courses: N56'20'43"W, 18.22 feet; Thence N36'57'37"W, 69.58 feet; Thence N20'51'18"W, 50.25 feet; Thence N43\*55'03"W, 70.30 feet; Thence N63\*38'22"W, 144.31 feet to the north-south mid-section line; Thence along said mid-section line S00°03'26"W, 33.46 feet to a % inch diameter rebar with plastic cap marked Hughes 7322LS and lying on the sauthwesterly right-of-way limits of said access road; Thence along said mid-section line, \$00'03'26"W. 193.59 feet to the C-S Kath corner, said 2% inch diameter aluminum pipe with a 3 1/4 inch oluminum cop marked US Farest Service, Hughes 7322LS, and True Point of Beginning.

#### Subject to and together with all appurtenant easements of record.

#### LEGAL DESCRIPTION PARCEL "B"

An irregular tract of land, lying southwesterly from Fortine, Montana, Lincoln County within the SW/4 SE/4, Section 31, T.35N., R.26W., P.M.,MT., containing ±0.960 acres and more particularly described as

Commencing at the W-E 1/4th corner, a 1/8 inch diameter rebar with plastic cap marked Hughes 7322LS, and lying on the Section line between Section 6, T.34N., R.26W., and Section 31, T.35N., R.26W., P.M.,MT.; Thence along a north-south Xeth subdivision line, NOO'01'14"W, 64.50 feet to a % inch diameter rebar with plastic cap marked Hughes 7322LS, lying on the southerly right—of—way limits of Meadow Creek Rood, No. 855, 100.00 feet wide; Thence along said subdivision line,

N00°01'14"W, 55.09 feet to an unmarked point on curve, the radial bearing being N23°27'55"W, lying on the road centerline and the True Point of Beginning: Thence along said road centerline, being a 497.00 foot radius curve to the right, through a delta angle of 1712'41", an arc length of 149.30 feet to an unmarked point on curve and the centerline intersection point of an access road; Thence along said access road centerline through the following unmarked courses: N06'15'14"W, 50.00 feet; Thence N18'22'51"W, 225.39 feet; Thence N02'51'42"E, 107.94 feet; Thence N40'56'16"W, 111.12 feet to an

unmarked point lying on said north—south 1/5th subdivision line; Thence along said subdivision line \$00°01'14"E, 45.80 feet to a set % inch diameter rebar with plastic cap marked Hughes 7322LS, lying on the southwesterly right-of-way limits of said road; Thence along said subdivision line, S00°01′14″E, 393.64 feet to a set % inch diameter rebar with plastic cap marked Hughes 7322LS. Ivina on the northerly right-of-way limits of said Meadow Creek Road; Thence along said subdivision line, S00°01′14″E, 54.04 feet to an unmarked point on curve, lying on the centerline of said road and the True Point of Beginning. Subject to and together with all appurtenant easements of record.

#### LEGAL DESCRIPTION PARCEL "C"

An irregulor tract of land, lying southwesterly from Fortine, Montana, Lincoln County within the W2 SW4 SEX, Section 31, T.35N., R.26W., P.M., MT., containing ±3.005 acres and more particularly described

Commencing at the C-W-SE 164th corner of said Section 31, a 36 inch rebar with a plastic ap marked Hughes 7322LS, the True Point of Beginning: Thence along a north-south Keth subdivision line, S00°01'14"E, 659.36 feet to a 1/2 inch diameter rebor

with a plastic cap marked Hughes 7322LS, lying on the northeasterly right-of-woy limits of a 60 foot wide access road; Thence along said subdivision line, S00°01'14"E, 45.80 feet to an unmarked point, lying on the centerline of said access road; Thence olong said road centerline through the following unmarked coures: N40'56'16"W, 227.77 feet; Thence N06'23'17"W, 197.31 feet; Thence N24'21'38"W, 271.00 feet; Thence N51°27'20"W, 70.86 feet; Thence N56°20'43"W, 83.87 feet to an unmarked point, lying on an east-west subdivision line; Thence along said subdivision line S89'55'50"E, 54.23 feet to a ¾ inch diameter rebar with a plastic cap marked Hughes 7322LS, lying on the eosterly right—of—way limits of soid access road; Thence along said subdivision line

S89°55′50″E, 353.73 feet to the C-W-SE 1/4th corner, a % inch rebar with a plastic cop marked Hughes 7322LS, and the True Point of Beginning. Subject to and together with all appurtenant easements of

# LEGAL DESCRIPTION PARCEL "D"

An irregular tract of land, lying southwesterly from Fortine, Montana, Lincoln County, with in the W/2 SEV4 SEV4, Section 31, T.35N., R.26W., P.M., MT., containing ±8.311 acres and more particularly described as follows: Commencing at the Exist carner between Section 6, T.34N., R.26W., and Section 31, T.35N., R.26W., P.M., MT., a % inch rebar with a plastic cap marked Hughes 7322LS and the True Point of

Thence along a north—south 1/6th subdivision line, N00°02'25"W, 1319.42 feet to a 1/8 inch rebar with a plastic cap marked Hughes 7322LS, lying on an east-west X6th subdivision line, and the SEXeth corner; Thence along said subdivision line, S89°55'50"E. 286.83 feet to a 3/4 inch rebar morked Hughes 7322LS, lying on the westerly right—of—way limits of a 60 foot wide access road; Thence continuing along said subdivision line, S89'55'50"E, 41.08 feet to an unmorked point, lying on the centerline of said road; Thence along said road centerline through the following unmarked caurses: S43'09'21"W, 60.95 feet; Thence S30'51'41"W, 66.58 feet; Thence S07'24'37"W, 64.88 feet; Thence S08'28'59"E, 58.95 feet; Thence S14'03'22"E, 143.99 feet; Thence S09'10'53"W, 94.23 feet; Thence S14'54'08"W, 224.60 feet; Thence S02'49'16"E, 120.49 feet; Thence S17'49'36"E, 528.75 feet; Thence S48'38'51"E, 34.11 feet to an unmarked paint, lying on the southerly section line of said Section 31: Thence along said section line, N89°49'39"W, 45.56 feet to a 🔏 inch diometer rebor with a plastic cap marked Hughes 7322LS, lying on the westerly right-of-way limits of said road; Thence along said section line, N89°49'39"W, 361.48 feet to said EXeth corner of said Sections 6 and 31, o % inch rebar with a plastic cap marked Hughes 7322LS and the True Point of Beginning. Subject to and together with all appurtenant easements of record.

# LEGAL DESCRIPTION PARCEL "E"

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An irregular tract of land, lying southwesterly from Fortine, Montana, Lincoln County, within the SW/4 NE/4 SE/4, Section 31, T.35N., R.26W., P.M., MT., containing ±4.533 acres and more particularly described os follows:

Commencing at the C-E-SE 164th corner, Section 31, T.35N., R.26W., P.M., MT., a 36 inch rebar with plastic cap marked Hughes 7322LS, and the True Point of Beginning: Thence along an east—west Keth subdivision line, N89'55'50"W, 291.83 feet to a 1/8 inch rebar marked Hughes 7322LS, lying on the easterly right-of-way limits of a 60 foat wide rood; Thence along said subdivision line, N89°55′50″W, 41.08 feet to an unmarked point, lying on the centerline of soid road; Thence along said road centerline through the following unmarked courses: N43'09'21"E, 54.82 feet; Thence N22'34'15"E, 53.34 feet; N01'54'40"E, 61.23 feet; N11\*13'53"W, 61.73 feet; Thence N11\*54'38"E, 91.05 feet; Thence N00\*20'31"W, 53.74 feet; Thence N16\*59'46"W, 68.99 feet; N21\*48'05"W, 162.93 feet; Thence N17\*41'30"W, 76.89 feet; Thence N05\*54'05"W, 16.67 feet, lying on an east-west Keth subdivision line; Thence along soid subdivision line, S89'55'55"E, 30.16 feet to a 1/8 inch diameter rebar with plastic cap marked Hughes 7322LS, lying on the easterly right-of-way limits of said raod; Thence continuing along said subdivision line, S89'55'55"E, 341.18 feet to a % inch rebar with plastic cop marked Hughes 7322LS, and the NE-SE 164th corner; Thence along o north—south Xeth subdivision line, S00'04'28"E, 660.88 feet to a 1/26 inch rebor with a plastic cap morked Hughes 7322LS and said C—E—SE  $k_4$  corner, said Section 31 ond the True Point of Beginning. Subject to and together with oll appurtenant easements of record.

# CERTIFICATE OF SURVEY

"BOUNDARY LINE ADJUSTMENT" SE1/4, SECTION 31, T.35N., R.26W., P.M., MT.

## LEGAL DESCRIPTION PARCEL "F"

An irregular tract of land, lying southwesterly from Fortine, Montana, Lincoln County, within NW/A NEX SEX. Section 31, T.35N., R.26W., P.M.,MT., containing ±5.868 acres and more particularly described as fallows:

Commencing at the NE-SE 1/4th corner, Section 31, T.35N., R.26W., P.M.,MT., a 1/8 inch rebar with cap marked Hughes 7322LS and the True Point of Beginning: Thence along an east-west Keth subdivision line, N89°55'55"W, 341.18 feet to a 1/8 inch rebar marked Hughes 7322LS, lying an the easterly right-of-way limits of an existing road, 60 foot wide; Thenc continuing along said subdivision line, N89°55'55"W, 30.16 feet to an unmarked paint, lying an the centerline of said road; Thence along said road centerline through the following unmarked courses: N05°54'05"W, 111.23 feet; Thence N08°19'50"W, 136.95 feet; Thence N05'02'02"W, 66.55 feet; Thence N13'31'37"E, 78.71 feet; N07'41'12"E, 61.32 feet; Thence NOO\*16'22"W, 145.06 feet; Thence N16\*40'56"E, 68.97 feet to an unmarked point, lying on an east-west ⅓<sub>8</sub>th subdivision line; Thence along said subdivision line, S89°56′01″E, 31.31 feet to a ¾ inch diameter rebar with plastic cap marked Hughes 7322LS, lying on the easterly right—of—way limits of said rood; Thence continuing along said subdivision line, S89'56'01"E, 330.57 feet to a 1/8 inch diameter rebor with plastic cap marked Hughes 7322LS, and the C-E-E  $\frac{1}{2}$ 4th corner; Thence along a north-south  $\frac{1}{2}$ 6th subdivision line, S00°04'28"E, 660.88 feet to a  $\frac{1}{2}$ 6 inch rebar with cap marked Hughes 7322LS and the NE-SE 164 corner and True Point of Beginning. Subject to and together with all appurtenant easements of

# LEGAL DESCRIPTION PARCEL "G"

An irregular tract of land, lying southwesterly from Fortine, Montano, Lincoln County, within SW/4 NE/4 SE/4, Section 31, T.35N., R.26W., P.M.,MT., containing ±5.489 acres and more particularly

Commencing at the SE 1/6th corner, Section 31, T.35N., R.26W., P.M., MT., a 1/8 inch rebar with plastic cap marked Hughes 7322LS and the True Point of Beginning: Thence along an east-west Keth subdivision line, S89'55'50"E, 286.83 feet to a 1/8 inch rebar marked

Hughes 7322LS, lying on the westerly right—of—way limits of an existing road, 60 foot wide; Thence along said subdivision line, S89'55'50"E, 41.08 feet to an unmorked point, lying on the centerline of said road; Thence continuing along said road centerline through the following unmarked courses: N43'09'21"E, 54.82 feet; Thence N22'34'15"E, 53.34 feet; Thence N01'54'40"E, 61.23 feet; Thence N11'13'53"W, 61.73 feet, Thence N11\*54'38"E. 91.05 feet: Thence N00'20'31"W, 53.74 feet; Thence N16'59'46"W, 68.99 feet; Thence N21'48'05"W. 162.93 feet: Thence N17'41'30"W, 76.89 feet; Thence N05'54'05"W, 16.67 feet to an unmarked point, lying on an east-west Xeth subdivision line; Thence along an east-west Xeth subdivision line, N89°55′55″W, 30.16 feet to a % inch diameter rebar with plastic cap marked Hughes 7322LS, lying on the westerly right-of-way limits of said road; Thence continuing along said subdivision line. N89°55'55"W, 258.91 feet to a % inch diameter rebar with plastic cap marked Hughes 7322LS and the C-N-SE 164th corner; Thence along a north-south 1/6th subdivision line, S00°02'25"E, 660.87 feet to a 1/8 inch diameter rebar with plastic cop marked Hughes 7322LS, being said SE  $\frac{1}{16}$  and the True Point of Beginning. Subject to and together with all appurtenant easements of record.

#### LEGAL DESCRIPTION PARCEL "H"

An irregular tract of land, lying southwesterly from Fortine, Montana, Lincoln County within the SW/4 SE/4, Section 31, T.35N., R.26W., P.M., MT., containing  $\pm 0.264$  acres and more particularly described as

Commencing at the W-E 164th corner, Section 31, a % inch rebar with plastic cap marked Hughes 7322LS, and the True Point of Beginning: Thence along the east—west Section line between Section 31 and Section 6, N89'49'39"W, 96.26 feet to a % inch rebar with plostic cap marked Hughes 7322LS; Thence continuing along said section line, N89'49'39"W, 73.84 feet to an unmarked point, lying on the centerline of Meadow Creek Rood No. 855; Thence along said road centerline N47\*24'08"E, 42.89 feet to an unmarked point and the point of curvature, the radial bearing being N42°35'52"W; Thence along said road centerline, being o 497.00 foot radius curve to the right, through a delta angle of 19°07'57", an arc length of 165.96 foot arc length to an unmarked point, lying on a north—south leth subdivision line; Thence along said subdivision line, S00'01'14"E, 55.09 feet to o % inch diometer rebar with plastic cap marked Hughes 7322LS, lying on the southerly right-of-way limits of said road; Thence continuing along said subdivision line, S00'01'14"E, 64.50 feet to a % inch diameter rebar with plastic cap marked Hughes 7322LS and the W-E 1/64 corner and the True Point of Beginning. Subject to and together with all appurtenant eosements

### LEGAL DESCRIPTION TRACT 1 AGGREGATE

An irregular tract of lond, lying southwesterly from Fortine, Montana, Lincoln County within the S½ NW/4 SE¼, Section 31, T.35N., R.26W., P.M.,MT., containing ±24.732 acres and more particularly described as follows:

The  $S_2$  NW/4 SE/4, said Section 31 cantaining  $\pm 20.052$  acres; EXCLUDING Parcel "A" containing  $\pm 0.809$  ocres; INCLUDING Parcel "G" containing  $\pm 5.489$  acres, totaling  $\pm 24.732$  acres. Subject to and together with all appurtenant easements of record.

# LEGAL DESCRIPTION TRACT 2 AGGREGATE

An irregular tract of land, lying southwesterly fram Fortine, Montana, Lincoln County within the W/2 SW/4, SE/4, Section 31, T.35N., R.26W., P.M., MT., containing ±18.506 acres and more particularly described as follows:

The W/2 SW/4 SE/4, said Section 31, containing ±20.006 acres; EXCLUDING Parcel "C" containing ±3.005 acres and Parcel "H" containing ±0.264 acres; INCLUDING Parcel "A" containing ±0.809 acres and Parcel "B" containing ±0.960 acres; totaling ±18.506 ocres. Subject to and together with all appurtenant easements of record.

### LEGAL DESCRIPTION TRACT 3 AGGREGATE

An irregular tract of land, lying southwesterly from Fortine, Montana, Lincoln County within the E½ SW¼ SE¼, Section 31, T.35N., R.26W., P.M., MT., containing  $\pm 30.644$  acres and more particularly described as follows:

The E½ SW¼ SE¼, said Section 31 containing ±20.024 acres; EXCLUDING Parcel "B", containing ±0.960 acres; INCLUDING Parcel "C", containing ±3.005 acres; Parcel "D", containing ±8.311 acres and Parcel "H",  $\pm 0.264$  acres; totaling  $\pm 30.644$  acres. Subject to and together with all appurtenant easements of

# LEGAL DESCRIPTION TRACT 4 AGGREGATE

An irregular tract of land, lying southwesterly from Fortine, Montana, Lincoln County within the W/2 SE¼, Section 31, T.35N., R.26W., P.M., MT., containing ±32.151 acres and more particularly

The W/2 SEV4, said Section 31, containing ±20.037 acres; EXCLUDING Porcel "D" containing ±8.311 acres; INCLUDING the NE¼ SE¼, said Section 31, containing ±10.024 acres; Parcel "E" containing  $\pm 4.533$  acres and Parcel "F" containing  $\pm 5.868$  acres, totaling  $\pm 32.151$  acres. Subject to and together with all appurtenant easements of record.

LINCOLN COUNTY, MONTANA

FOR: TUNGSTEN HOLDINGS, INC. DATE: MARCH 2005

#### PURPOSE OF SURVEY & OWNER'S EXEMPTION CERTIFICATION

I, <u>Jay Dinning</u>, <u>Treasurer of Tungsten Holdings Inc.</u>, record owner, hereby certify that purpose of this survey and divisions of land is the relocation of common boundaries outside o platted subdivision. Therefore this survey is exempt from subdivision review pursuant to MCA 76-3-207(1)(a): "divisians made outside of a platted subdivision for the purpose of relocating common boundary lines between adjoining properties."

Furthermore, I certify that Parcels A through H and Troct 2 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."

ning, Treasurer Tungsten Holdings Inc.

# ACKNOWLEDGMENT

Public for the State of Montana, County of Lincoln, by the above named personal countries and affixed my notorial seal. The foregoing certifications were subscribed and acknowledged before me, o No

Monde , Notary Public for the State of Montana Libbu. Montana My Commission expires: 11 12 200 \$

#### HISTORY OF SURVEY

1967 - Plat No. 694, Meadaw Creek Road No. 855 Right-of-Way, US Forest Service

1976 - COS No. 237, NFSL boundary, Sec. 31, Tangen, 3366ES

1996 - COS No. 2436, Subdivides SW1/4, Sec. 31, Goocher, 7318S

1998 - COS No. 134113, Section Subdivision Sec. 32, Staples, 9958LS

2003 - COS No. 3203, Boundary Line Adjustment, Sec. 31, Hughes, 7322LS

## METHOD OF SURVEY

A total station and data collector was used with closed traverse procedures to tie the previously set controlling corners by Kenneth Kern, July 9, 2003

### BASIS OF BEARING

The basis of bearing for this survey is N89°49'39"E, as shown on COS No. 237 between the South 1/4 carner and the Southeast Section corner, Section 31, bath being BLM brass capped monuments on 2 1/2 inch diameter iron pipes.

# LINCOLN COUNTY TREASURER'S CERTIFICATION

I hereby certify, pursuant to Section 76-3-207(3), M.C.A., that all real property taxes and special assessments assessed and levied on the parcer shown hereon are paid. Daw as Keller april 5, 2005 Lincoln County Treasurer

# LAND SURVEYOR'S CERTIFICATION

I hereby certify that I am a Registered Land Surveyor in the State af Montona, that the survey shown an this Certificate of Survey has been prepared under my supervision and in accordance with the Montana Cade Annotated, Sections 76-3-101 through 76-3-625, ond the Lincoln County regulations adopted pursuant thereto.

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Appraved this 25 <sup>th</sup> day of	Money	DONALD 12095CAER	
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Examining Land Surveyor		Senson S.	4

# CLERK AND RECORDER'S CERTIFICATION

CERTIFICATE OF SURVEY NO.