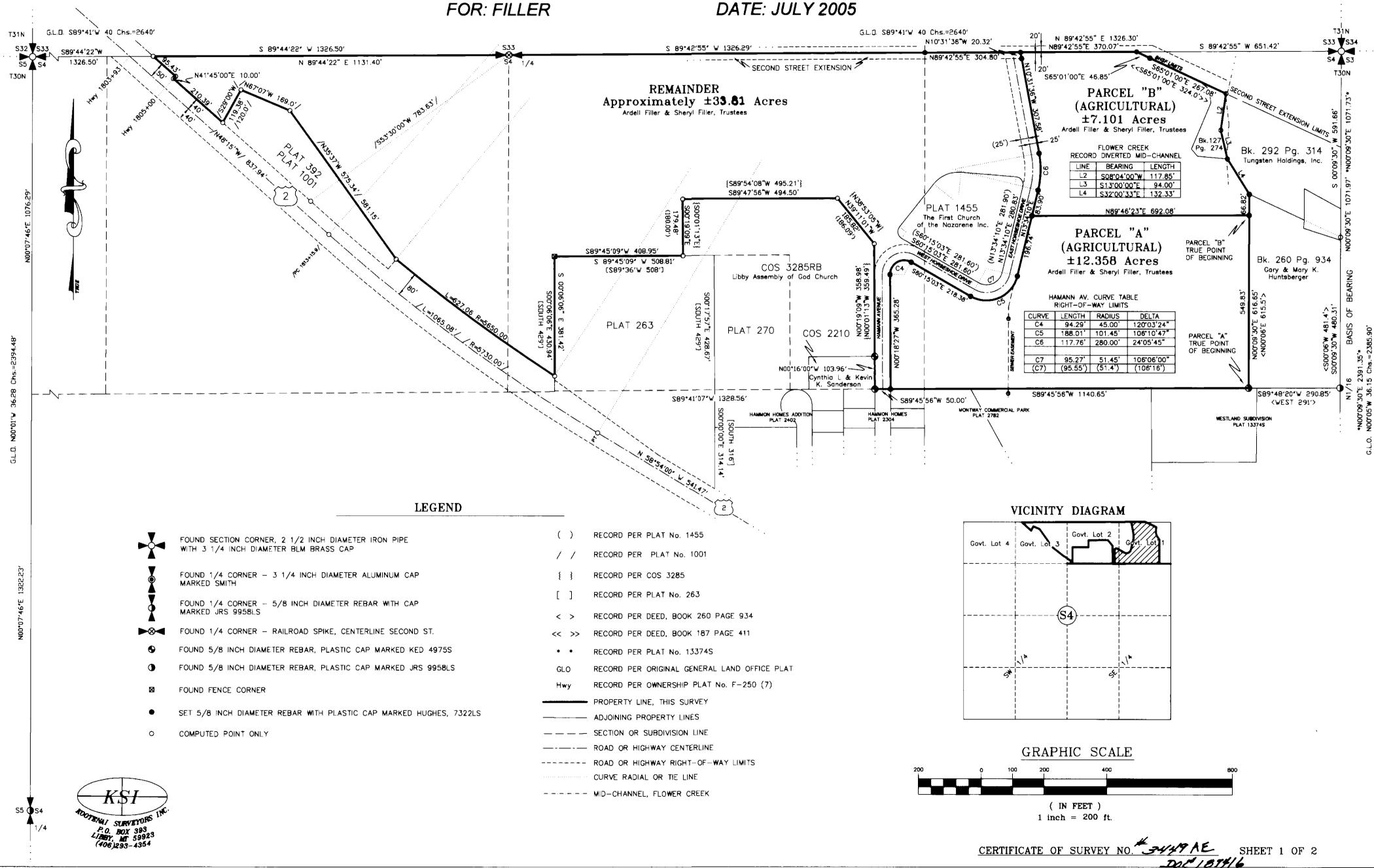
CERTIFICATE OF SURVEY

"AGRICULTURAL PARCEL"

GOVT. LOTS: 1, 2, & 3, N 1/2 SECTION 4, T.30N., R.31W., P.M., MT.

LINCOLN COUNTY, MONTANA

DATE: JULY 2005



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"AGRICULTURAL PARCEL"

GOVT. LOTS: 1, 2, & 3, N 1/2 SECTION 4, T.30N., R.31W., P.M.,MT.

LINCOLN COUNTY, MONTANA

FOR: FILLER

DATE: JULY 2005

DESCRIPTION OF PARCEL "A"

An irregular tract of land, northwesterly from Libby, Montana, Lincoln County, and lying in Government Lats 1 and 2, N 1/2, Section 4, T.30N., R.31W., P.M.,MT., and more particularly described as follows:

Commencing at the corner, Sections 3 and 4, T.30N., R.31W and Sections 33 and 34, T.31N., R.31W, a 2½ inch diameter iron pipe with a 3½ inch diameter BLM brass cap; Thence along the section line between Sections 3 and 4, T.30N, S00°09'30"W, 1071.97 feet to a ½ inch diameter rebor with plastic cap marked JRS, 9958LS; Thence along the southerly boundary of Government Lot 1, S89'48'20"W, 290.85 feet, a ½ inch diameter rebor with plastic cap marked JRS, 9958LS and the True Point of Beginning:

Thence along said southerly boundary, S89°45'56"W, 1140.65 feet intersecting the easterly right-of-way limits, said limits 25 feet on each side of Homonn Avenue centerline, a % inch diometer rebar with plastic cap marked Hughes, 7322LS; Thence continuing along said limits, N00°18′27″W, 365.28 feet, a 🛠 inch diameter rebar with plastic cap marked Hughes, 7322LS and point of beginning for a 45 foot radius curve to the right through a delta angle of 120°03'24", an arc length of 94.29 feet to point of tangency intersecting the sautherly right-of-way limits, said limits 25 feet on each side of West Horseshoe Drive, a % inch diameter rebar with plastic cap marked Hughes, 7322LS; Thence along said limits, S60°15'03"E, 218.38 feet, a % inch diameter rebar with plastic cap marked Hughes, 7322LS and point of beginning for a 101.45 foot radius curve to the left through o delta angle of 106°10'47", an arc length of 188.01 feet to point of tongency, a % inch diameter rebar with plastic cop marked Hughes, 7322LS; Thence transition to easterly limits of East Horseshoe Drive, N13'34'10"E, 196.74 feet, a % inch diameter rebar with plastic cap marked 7322LS; Thence N89°46'23"E, 692.08 feet intersecting the westerly boundary of porcel described in Warranty Deed, Book 260, Page 934 a % inch diameter rebar with plastic cap marked Hughes, 7322LS; Thence S00°09'30"W, 549.83 feet, a % inch diameter rebar with plastic cap morked JRS, 9958LS and the True Point of Beginning, containing ± 12.358 acres. Subject to ond tagether with all appurtenant easements of record and a 30 foot wide sewer easement as shown on Plat Na. 151 & 152, and recorded in Lincaln Caunty records, Book 6. Page 77.

DESCRIPTION OF PARCEL "B"

An irregular tract of land, northwesterly from Libby, Montana, Lincoln County, and lying in Government Lots 1 and 2, N 1/2, Section 4, T.30N., R.31W., P.M.,MT., and more particularly described as follows:
Commencing at the corner of Sections 3 and 4, T.30N., R.31W and Sections 33 and 34, T.31N., R.31W, a 2½ inch diameter iron pipe with a 3½ inch BLM bross cap; Thence along the Section line between Sections 3 and 4, S00'09'30"W, 1071.97, a ½ inch diametermeter rebar with plastic cap marked JRS, 9958LS; Thence along the southerly boundary of Government Lot 1, S89'48'20"W, 290.85 feet, a ½ inch diametermeter rebar with plastic cap marked JRS, 9958LS; Thence along the westerly boundary of parcel described in Warranty Deed, Book 260, Page 934, N00'09'30"E, 549.83 feet, a ½ inch diameter rebar with plastic cap marked Hughes, 7322LS being the True Point of Beginning:

Thence S89°46'23"W, 692.08 feet intersecting the easterly right-of-way limits, said limits 25 feet on each side af East Horseshoe Drive centerline; Thence along said limits, N13'34'10"E, 83.90 feet and point of beginning for a 280.00 foot radius curve to the left through a delta angle of 24°05'45", an orc length of 117.76 feet to a paint of tangency a % inch diameter rebar with plastic cap marked Hughes, 7322LS; Thence along soid limits, N10'31'36"W, 307.58 feet intersecting the southerly right-of-way limits, said limits 20 feet on each side of of Second Street Extension centerline, a % inch diameter rebar with plastic cap marked Hughes 7322LS; Thence N10°31'36"W, 20.32 feet intersecting the line between Section 4, T.30N and Section 33, T.31N and said street centerline; Thence along said line N89'42'55"E, 370.07 feet, a computed point; Thence S65*01'00"E, 46.85 feet intersecting the southerly limits of Burlinaton Northern-Santa Fe Railroad and Second Street Extension, a % inch diameter rebar with plastic cap marked Hughes, 7322LS; Thence continuing along said limits, S65°01'00"E, 267.08 feet intersecting the mid-channel of Flower Creek; Thence along said channel, S08'04'00"W, 117.85 feet to a computed point; Thence along said Channel, S13*00'00"E, 94.00 feet to a computed point; Thence along said Channel, S32*00'33"E, 132.33 feet to, a % inch diameter rebar with plastic cap marked Hughes, 7322LS; Thence along said westerly parcel boundary record Warranty Deed, Book 260, Page 934 S00°09'30"W, 66.82 feet, a % inch diameter rebar with plastic cop marked Hughes, 7322LS and the True Point of Beginning, containing ± 7.101 acres. Subject to and together with all appurtenant easements of recard and a 30 foot wide sewer easement as shown on Plat Na. 151 and 152 and recorded in Lincoln County records, Boak 6, Page 77.

METHOD OF SURVEY

A total station with data collector with closed traverse procedures was used to tie previously set controlling monuments by Kenneth Kern, June 2005.

BASIS OF BEARING

The basis of bearing for this survey is N00°09'30"E, as shown on Plat No. 13374S, between N1/16 corner, Sections 3 and 4, a % inch diameter rebarmarked 9958LS and the Northeast corner of Section 4, a BLM brass cap.

HISTORY OF SURVEY

- 1893, Original GLO Plat, Daniel P. Mumbrue
- 1954, Irregular Plat No. 263, Ira C. Miller, 402S
- 1958, Subdivision Plat No. 2304, "Homann Homes", Ira C. Miller, 402S
- 1963, Subdivision Plat No. 2402, "Hamann Homes Adition", Jack W. Ninneman,
- 1964, Irregular Plat No. 1001, Jack W. Ninneman,
- 1968, Irregular Plat No. 1455, Lawrence J. McCarthy, 1741S
- 1971, Ownership Plat No. F-250 (7), Montana State Highway Commission
- 1976, Certificate of Survey No. 270, Melvin D. Lauteren, 4232S
- 1976, Subdivision Plat No. 2782, "Montway Commercial Park, Melvin D. Lauteren, 4232S
- 1994, Certificate of Survey No. 2210, Kenneth E. Davis, 4975S
- 1998, Subdivision Plot No. 13374S, "Westland Subdivision", James R. Staples, 9958LS
- 2004, Certificate of Survey No. 3285, Kenneth E. Davis, 4975S

AGRICULTURAL EXEMPTION COVENANTS

This Decloration, made this _____ day of ____

I, (we) certify that the purpose of this survey is to create a porcel of land to be used exclusively for agricultural purposes, and that a covenant has been entered into by the parties to the transaction, running with the land and revocable only by mutual consent of the governing body and the property owner, that the land will be used exclusively for agricultural purposes, and that this survey is, therefore, exempt from review as a subdivision pursuant to section 76-3-207-(1)(c), MCA.

DECLARATION OF AGRICULTURAL COVENANT

NAME OF PROF	PERTY OWNER(S)	
ereinofter referred to as the	"Declarant (s)"	
his Declaration, made this	day of	,2005
NAME OF BUYE ereinofter referred to as the		1.4000 Str. W. F. T.
	(0)	
hat whereas, Declarant is the	owner of certain property	described as tract(s)
hat whereas, Declarant is the		
	, certificate	e of survey number
	, certificate	e of survey number
on file and o	, certificate	e of survey number

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 ond 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 (Name of City ar County). The governing body is deemed to be a party to and may enforce this 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

SIGNATURE OF PROPERTY OWNER (SY)

PENSCO Trust Company

FBO Tames Begsley

Acct. No.:

c/o PENSCO, Inc. 450 Sansome Street, 14th Floor

San Francisco, CA 94111-3306
(415) 274-5600 Fax (415) 956-3016

Tax ID: 02-0526633

NATURE OF BUYER (S)

County of Lincoln

NOTARIA

(SEAL

On this 17 day of August, 2005, before me, a Notary Public in and for said State, personally appeared ARDELL AND CHERYL FILLER, TRUSTEES OF THE FILLER FAMILY TRUST, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same as trustees of the trust.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year first above written.

Notary Public for State of Montana
Residing at Libby, Montana
My commission expires Tune 21, 7666

SURVEY AND EXEMPTION CERTIFICATION

We, <u>Ardell Filler and Sheryl Filler</u>, Trustees of the Filler Family Trust, owners of record, hereby certify that the purpose of this survey is to create parcels of land that are to be used exclusively for agricultural purposes, and that a covenant has been entered into by the parties to the transaction, running with the land and revocable only by mutual consent of the governing body and the propoery owner, that the land will be used exclusively for agricultural purposes, and that this survey is, therefore exempt from review as a subdivision pursuant to 76–3–207(1)C, M.C.A., furthermore, Parcel "A" is exempt from review by the Department of Environmental Qualty 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.

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Ardell Fill	er		· · · · · · · · · · · · · · · · · · ·	Date
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Shervi Fill		- 1. 12.12	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	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 through 76-3-625, and the Lincoln County Regulations adopted pursuant thereto.

EXAMINING LAND SURVEYOR'S CERTIFICATION

Approved this day of 4130 S

Examining Land Surveyor

Examining Land Surveyor

LINCOLN COUNTY TREASURER'S CERTIFICATION

I hereby certify, pursuont to Section 76-3-207(3), M.C.A., that all real property taxes and special assessments assessed and levied on the porcel shown hereon are paid.

Lincoln County Treasurer, Libby Montana Date

CLERK AND RECORDER'S CERTIFICATION

State of Montana, County of Lincoln, filed this 25 day
of 2005, A.D. at 10:30 o'clock A

Lincoln County Clerk Recorder Deputy

CERTIFICATE OF SURVEY NO. 3449 A

SHEET 2 OF