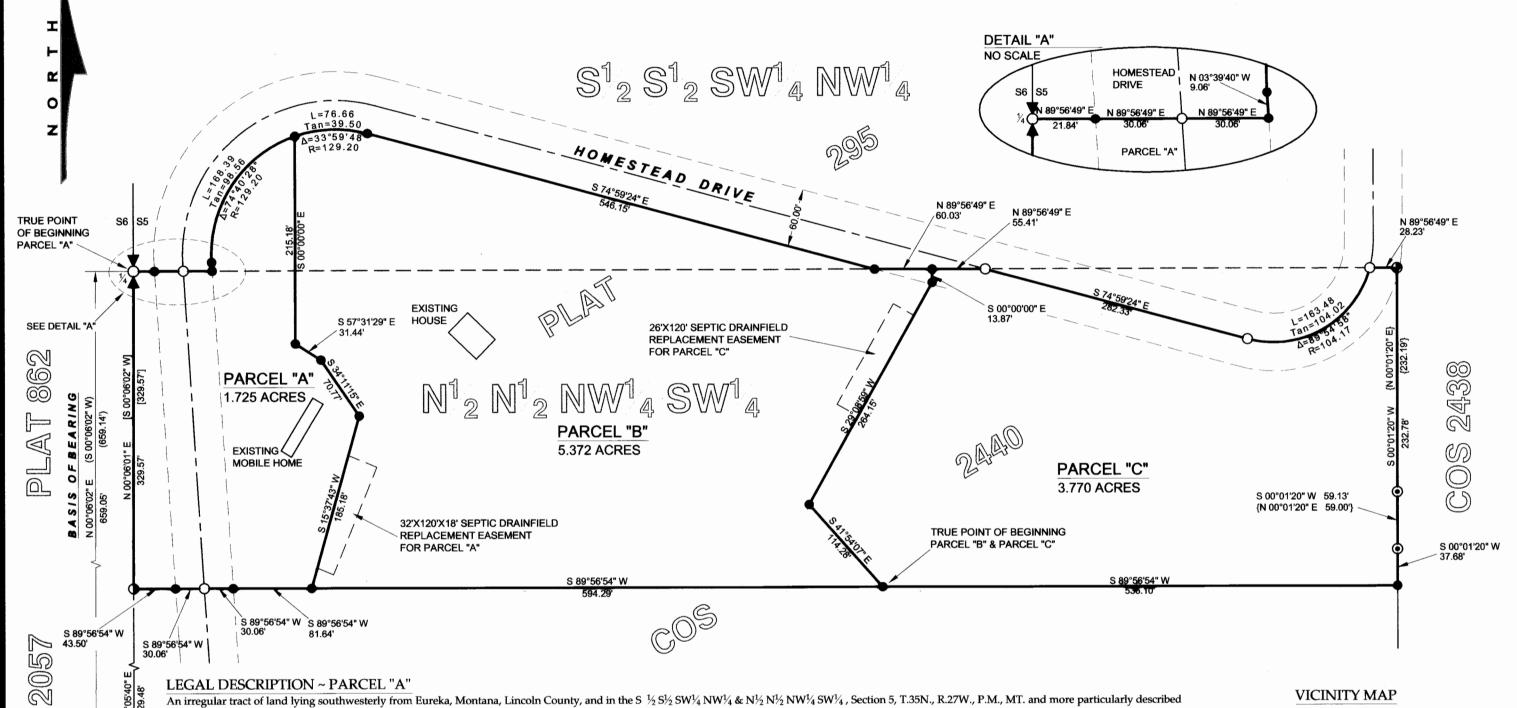
# CERTIFICATE OF SURVEY

"ROSENTHAL FAMILY TRANSFER'  $S_{2}^{1}S_{2}^{1}SW_{4}^{1}NW_{4}^{1}$  &  $N_{2}^{1}N_{2}^{1}NW_{4}^{1}SW_{4}^{1}$ , SECTION 5, T.35N., R.27W., P.M., MT. LINCOLN COUNTY, MONTANA

FOR: ALAN & SUSANNE ROSENTHAL DATE: OCTOBER, 2007



LEGAL DESCRIPTION ~ PARCEL "A"

An irregular tract of land lying southwesterly from Eureka, Montana, Lincoln County, and in the S ½ S½ SW¼ NW¼ & N½ N½ NW¼ SW¼, Section 5, T.35N., R.27W., P.M., MT. and more particularly described

Commencing at a 3 1/4 inch aluminum cap monument, being the West Quarter Corner, Section 5, and the TRUE POINT OF BEGINNING:

Thence N89°56'49"E, 21.84 feet to a set 5/8 inch diameter rebar with cap marked "Hughes 7322LS"; Thence N89°56'49"E, 30.06 feet to an unmarked computed point; Thence N89°56'49"E, 30.06 feet to a set 5/8 inch diameter rebar with cap marked "Hughes 7322LS"; Thence N03°39'40"W, 9.06 feet to a set 5/8 inch diameter rebar with cap marked "Hughes 7322LS", and the point of curvature of a curve to the right, a radius of 129.20 feet and a central angle of 74°40'28"; Thence northeasterly along an arc length of 168.39 feet to a set 5/8 inch diameter rebar with cap marked "Hughes 7322LS"; Thence S00°00'00"E, 215.18 feet to a set 5/8 inch diameter rebar with cap marked "Hughes 7322LS"; Thence S57°31'29"E, 31.44 feet to a set 5/8 inch diameter rebar with cap marked "Hughes 7322LS"; Thence S34°11'15"E, 70.77 feet to a set 5/8 inch diameter rebar with cap marked "Hughes 7322LS"; Thence S15°37'43"W, 185.18 feet to a set 5/8 inch diameter rebar with cap marked "Hughes 7322LS"; Thence S89°56'54"W, 81.64 feet to a set 5/8 inch diameter rebar with cap marked "Hughes 7322LS"; Thence S89°56'54"W, 30.06 feet to an unmarked computed point; Thence S89°56'54"W, 30.06 feet to a set 5/8 inch diameter rebar with cap marked "Hughes 7322LS"; Thence S89°56'54"W, 43.50 feet to a 5/8 inch diameter rebar with cap marked "2989ES"; Thence N00°06'01"E, 329.57 feet to a 3 1/4 inch aluminum cap monument, being the West Quarter Corner, Section 5, and the TRUE POINT OF BEGINNING, containing 1.725 acres. Subject to and together with a drainfield easement on Parcel "B", as shown hereon, and all appurtenant easements of record.

# LEGAL DESCRIPTION ~ PARCEL "B"

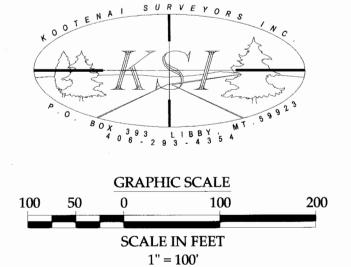
An irregular tract of land lying southwesterly from Eureka, Montana, Lincoln County, and in the S ½ S½ SW¼ NW¼ & N½ N½ NW¼ SW¼, Section 5, T.35N., R.27W., P.M., MT. and more particularly described as follows: m cap monument, being the West Quarter Corner, Section 5; Thence S00°06'01"W, 329.57 feet to a 5/8 inch diameter rebar with cap marked "2989ES"; Thence N89°56'54"E, 43.50 feet to a set 5/8 inch diameter rebar with cap marked "Hughes 7322LS"; Thence N89°56'54"E, 30.06 feet to an unmarked computed point; Thence N89°56'54"E, 30.06 feet to a set 5/8 inch diameter rebar with cap marked "Hughes 7322LS"; Thence N89°56′54″E, 81.64 feet to a set 5/8 inch diameter rebar with cap marked "Hughes 7322LS"; Thence N89°56′54″E, 594.29 feet to a set 5/8 inch diameter rebar with cap marked "Hughes 7322LS" to the TRUE POINT OF BEGINNING: Thence S89°56'54"W, 594.29 feet to a set 5/8 inch diameter rebar with cap marked "Hughes 7322LS"; Thence N15°37'43"E, 185.18 feet to a set 5/8 inch diameter rebar with cap marked "Hughes 7322LS"; Thence N34°11'15"W, 70.77 feet to a set 5/8 inch diameter rebar with cap marked "Hughes 7322LS"; Thence N57°31'29"W, 31.44 feet to a set 5/8 inch diameter rebar with cap marked "Hughes 7322LS"; Thence N00°00'00"W, 215.18 feet to a set 5/8 inch diameter rebar with cap marked "Hughes 7322LS" to the point of curvature of a non tangent curve to the right, of which the radius point lies \$18°59'12"E, a radial distance of 129.20 feet; Thence easterly along the arc, through a central angle of 33°59'48", a distance of 76.66 feet to a set 5/8 inch diameter rebar with cap marked "Hughes 7322LS"; Thence S74°59'24"E, 546.15 feet to a set 5/8 inch diameter rebar with cap marked "Hughes 7322LS"; Thence N89°56′49"E, 60.03 feet to a set 5/8 inch diameter rebar with cap marked "Hughes 7322LS"; Thence S00°00′00"E, 13.87 feet to a set 5/8 inch diameter rebar with cap marked "Hughes 7322LS"; Thence S00°00′00"E, 13.87 feet to a set 5/8 inch diameter rebar with cap marked "Hughes 7322LS"; Thence S00°00′00"E, 13.87 feet to a set 5/8 inch diameter rebar with cap marked "Hughes 7322LS"; Thence S00°00′00"E, 13.87 feet to a set 5/8 inch diameter rebar with cap marked "Hughes 7322LS"; Thence S00°00′00"E, 13.87 feet to a set 5/8 inch diameter rebar with cap marked "Hughes 7322LS"; Thence S00°00′00"E, 13.87 feet to a set 5/8 inch diameter rebar with cap marked "Hughes 7322LS"; Thence S00°00′00"E, 13.87 feet to a set 5/8 inch diameter rebar with cap marked "Hughes 7322LS"; Thence S00°00′00"E, 13.87 feet to a set 5/8 inch diameter rebar with cap marked "Hughes 7322LS"; Thence S00°00′00"E, 13.87 feet to a set 5/8 inch diameter rebar with cap marked "Hughes 7322LS"; Thence S00°00′00"E, 13.87 feet to a set 5/8 inch diameter rebar with cap marked "Hughes 7322LS"; Thence S00°00′00"E, 13.87 feet to a set 5/8 inch diameter rebar with cap marked "Hughes 7322LS"; Thence S00°00′00"E, 13.87 feet to a set 5/8 inch diameter rebar with cap marked "Hughes 7322LS"; Thence S00°00′00"E, 13.87 feet to a set 5/8 inch diameter rebar with cap marked "Hughes 7322LS"; Thence S00°00′00°E, 13.87 feet to a set 5/8 inch diameter rebar with cap marked "Hughes 7322LS"; Thence S00°00′00°E, 13.87 feet to a set 5/8 inch diameter rebar with cap marked "Hughes 7322LS"; Thence S00°00°E, 13.87 feet to a set 5/8 inch diameter rebar with cap marked "Hughes 7322LS"; Thence S00°00°E, 13.87 feet to a set 5/8 inch diameter rebar with cap marked "Hughes 7322LS"; Thence S00°00°E, 13.87 feet to a set 5/8 inch diameter rebar with cap marked "Hughes 7322LS"; Thence S00°00°E, 13.87 feet to a set 5/8 inch diameter rebar with cap marked "Hughes 7322LS"; Thence S00°E, 13.87 feet to a set 5/8 inch diameter rebar with cap marked "Hughes 7322LS"; Thence S00°E, 13.87 feet to a set 5/8 inch diameter rebar with cap marked "Hughes 7322LS"; Thence S41°54'07"E, 114.28 feet to a set 5/8 inch diameter rebar with cap marked "Hughes 7322LS", and the TRUE POINT OF BEGINNING, containing 5.372 acres. Subject to a 32'x120'x18' septic drainfield replacement easement for Parcel "A", as shown hereon, and a 26'x120' septic drainfield replacement easement for Parcel "C", also as shown hereon, and together with all appurtenant

# LEGAL DESCRIPTION ~ PARCEL "C"

An irregular tract of land lying southwesterly from Eureka, Montana, Lincoln County, and in the S ½ S½ SW¼ NW¼ & N½ N½ NW¼ SW¼, Section 5, T.35N., R.27W., P.M., MT. and more particularly described as follows:

Commencing at a 3 1/4 inch aluminum cap monument, being the West Quarter Corner, Section 5; Thence S00°06'01"W, 329.57 feet to a 5/8 inch diameter rebar with cap marked "2989ES"; Thence N89°56'54"E, 43.50 feet to a set 5/8 inch diameter rebar with cap marked "Hughes 7322LS"; Thence N89°56'54"E, 30.06 feet to an unmarked computed point; Thence N89°56'54"E, 30.06 feet to a set 5/8 inch diameter rebar with cap marked "Hughes 7322LS"; Thence N89°56'54"E, 81.64 feet to a set 5/8 inch diameter rebar with cap marked "Hughes 7322LS"; Thence N89°56'54"E, 594.29 feet to a set 5/8 inch diameter rebar with cap marked "Hughes 7322LS" to the TRUE POINT OF BEGINNING:

Thence N41°54'07"W, 114.28 feet to a set 5/8 inch diameter rebar with cap marked "Hughes 7322LS"; Thence N29°08'59"E, 264.15 feet to a set 5/8 inch diameter rebar with cap marked "Hughes 7322LS"; Thence N00°00'00"W, 13.87 feet to a set 5/8 inch diameter rebar with cap marked "Hughes 7322LS"; Thence N89°56'49"E, 55.41 feet to an unmarked computed point; Thence S74°59'24"E, 282.33 feet to an unmarked computed point, and the point of curvature of a curve to the left having a radius of 104.17 feet and a central angle of 89°54'58"; Thence northeasterly along an arc length of 163.48 feet to an unmarked computed point; Thence N89°56'49"E, 28.23 feet to a 5/8 inch diameter uncapped rebar; Thence S00°01'20"W, 232.78 feet to a 5/8 inch diameter rebar with cap marked 7328S"; Thence S00°01'20"W along said line, 59.13 feet to a 5/8 inch diameter rebar with cap marked "7328S"; Thence S00°01'20"W, 37.68 feet to a set 5/8 inch diameter rebar with cap marked "Hughes 7322LS"; Thence S89°56'54"W, 536.10 feet to a set 5/8 inch diameter rebar with cap marked "Hughes 7322LS", and the TRUE POINT OF BEGINNING, containing 3.770 acres. Subject to and together with a drainfield easement on Parcel "B", as shown hereon, and all appurtenant easements of record.



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

We, Alan Rosenthal & Susanne Rosenthal, owners of record, hereby certify that the purpose of this survey and division of land is to transfer Parcel "A", being 1.725 acres, to our son Rosenthal, and Parcel "C", being 3.770 acres, to our son Rosenthal; that this is the first and single gift or sale in this county to these members of our immediate family. I further certify that said parcels will not be transferred back to the grantors within 24 months of filing without written consent of the governing body. Therefore this division of land is exempt from review as a subdivision pursuant to Section 76-3-207(1)(b), M.C.A.

#### **ACKNOWLEDGMENT**

The foregoing Exemption was subscribed and acknowledged before me

a Notary Public for the State of Montana

#### HISTORY OF SURVEY

1954 - PLAT No. 295,  $W^{1/2}$ , Section 5 by Miller, 402S

1980 - C.O.S. No. 862, Occasional Sale by Marquardt, 2989ES 1993 - C.O.S. No. 2057, Boundary Line Adjustment by Marquardt, 7328S

1995 - C.O.S. No. 2438, Boundary Line Adjustment by Marquardt, 7328S

1996 - C.O.S. No. 2440, Retracement by Marquardt, 7328S

#### METHOD OF SURVEY

A total station and survey controller were used with closed traverse procedures to tie the previously set controlling corners by Mike Tester, June 2006.

#### **BASIS OF BEARING**

VICINITY MAP

SECTION 5

LEGEND

W1/4 CORNER - 3 1/4 INCH ALUMINUM CAP

5/8 INCH DIAMETER UNCAPPED REBAR

RECORD PER CERTIFICATE OF SURVEY NO. 862

( ) RECORD PER CERTIFICATE OF SURVEY NO. 2057

RECORD PER CERTIFICATE OF SURVEY NO. 2438

UNMARKED COMPUTED POINT

SET 5/8 INCH DIAMETER REBAR WITH PLASTIC CAP

5/8 INCH DIAMETER REBAR WITH CAP MARKED "7328S"

5/8 INCH DIAMETER REBAR WITH CAP MARKED "2989ES"

MONUMENT

MARKED "HUGHES 7322LS"

The basis of bearing for this survey is S00°06'02"W, as shown hereon, between a 3 1/4 inch aluminum cap monument, being the West Quarter Corner, Section 5 and a 5/8 inch diameter rebar with cap marked "7328S", shown on C.O.S. No. 2057, Lincoln County records.

# **EXAMINING LAND SURVEYOR'S CERTIFICATION**

# 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.

and 7. Hughes Pes 7322LS Nov. 20, 200

# COUNTY TREASURER'S CERTIFICATION

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

Maney Trotter Sytton by 2 on Kinden Clerk

# CLERK AND RECORDER'S CERTIFICATION

CERTIFICATE OF SURVEY NO. 20778

Landouvin Stational f.F. 9268 Doc 207796 Sanitary Restriction Removed J.F. # 9269 Doc 207797