

# CERTIFICATE OF SURVEY

## SMALL TRACTS ACT MT-192, 258 & 259

### & BOUNDARY LINE RELOCATION

#### TRACT "C", H.E.S. 744

#### SEC. 12 & 13, T. 31 N., R. 32 W., P.M. MT.

#### SURVEYOR'S NOTE:

- This plat was compiled from the following surveys of record:
- 1) 1999 survey by A. Hughes, C.O.S. #2867,
  - 2) 1973 survey by J. Ninneman, C.O.S. #2136 & 2137
  - 3) 1967 survey by U.S. Forest Service, Irregular Plot #1271
  - 3) 1919 survey by the G.L.O., H. Townsend, H.E.S. #744

No field work was done in the preparation of this plat. The bearings and distances which are not attributed to a previous survey are products of my computations. As there are conflicts in the record surveys some areas were forced to fit.

#### PURPOSE OF PLAT

The purpose of this plat is to relocate common boundaries between adjoining properties, and no additional parcels are hereby created. The subject property is a strip of unpatted, reserved public domain land, administered by the U.S. Forest Service, Department of Agriculture, known as Tract "C", H.E.S. #744, in Sections 12 & 13, Township 31 North, Range 32 West, Lincoln County, Principal Meridian, Montana. With this plat Tract "C" is to be split up into parcels "C-1, C-2 & C-3". It is intended for these parcels to be transferred from the U.S. Forest Service, Department of Agriculture, to Tungsten Holdings, L. J. Whitson/J. L. Kimberlin & A. Kimberlin, the adjoining landowners. This survey is exempt from review as a subdivision pursuant to Section 76-3-201(1)(a) "...by operation of law..." and Section 76-3-201(1)(g), "...is in a location over which the state does not have jurisdiction..." MCA 2003, pursuant to the operation of the Small Tracts Act P.L. 97-465, 96 STAT, 2535, January 12, 1983 and exempt from review pursuant to State of Montana Attorney General's opinion dated 10 November 1987, volume No. 42 opinion No. 36. This survey is also exempt from review by the Montana Department of Health and Environmental Sciences pursuant to Section 76-4-125(2)(a), MCA 2003: "...A subdivision excluded from the provisions of chapter 3... are not subject to review: (a) the exclusions cited in 76-3-201..."

#### LEGAL DESCRIPTION OF NON-FEDERAL LANDS

Tract A & B, H.E.S. #744, in Sections 12 & 13, Township 31 North, Range 32 West, Principal Meridian, Montana.

#### LEGAL DESCRIPTION OF NATIONAL FOREST SYSTEM LANDS

Tract "C", H.E.S. #744, in Sections 12 & 13, Township 31 North, Range 32 West, Principal Meridian, Montana.

#### MONUMENTATION NOTES:

As no field work was done for this plat, no direct observations of the existing monuments were made. See the 1919 G.L.O. plat & notes, C.O.S. #2867, 2136, 2137 and Lincoln County Corner Recordation files for more corner information.

#### SURVEY HISTORY:

- 1999, Retracement of Northern portion of H.E.S. #744, and original survey of the North 45 acres of H.E.S. #744 by A. Hughes, C.O.S. #2867,  
1973, Retracement and division of Southern portion of H.E.S. #744 by J. Ninneman, C.O.S. #2136 & 2137  
1967, Right Of Way survey of Lower Quartz Creek Road, by U.S. Forest Service, recorded as P.F. #1271  
1919, Original G.L.O. survey of H.E.S. #744 by H. Townsend

#### LEGEND

- Monument of record, see monumentation notes.
- Boundary of parcels to be sold.
- Boundary H.E.S. #744 and existing parcels.
- ▨ Tract C-1
- ▨ Tract C-2
- ▨ Tract C-3
- ▨ Reserved right-of-way portion Tract C-3
- ( ) Hughes, C.O.S. #2867
- [ ] Ninneman, C.O.S. #2136 & 2137
- { } U.S.F.S., Plot #1271
- G.L.O., H.E.S. #744
- Lower Quartz road right-of-way, centerline, sideline & radial-line.

H.E.S. #744, TRACT "C", is that tract of land as shown on the original survey plat, lying between Tract "A" & B".

Area to be transferred from U.S.F.S. to Lena J. Whitson & Joyce Lynn Kimberlin Tract C-2, 1.161 Acres S.T.A. MT-258

Area to be transferred from U.S.F.S. to Anthony Kimberlin Tract C-3, 1.308 Acres S.T.A. MT-259

## Tract "A"

#### SURVEYOR'S CERTIFICATE:

I hereby certify that I am a registered land surveyor in the State of Montana and that this exhibit was prepared by me from available record evidence.

*Steven A. Boyer* 6/26/08  
Steven A. Boyer PLS, Montana Reg. No. 9750LS  
Kootenai National Forest, 31374 US HWY 2 Libby, Mt. 59923

U.S. DEPARTMENT OF AGRICULTURE,  
FOREST SERVICE, NORTHERN REGION,  
KOOTENAI NATIONAL FOREST,  
LINCOLN COUNTY, MONTANA

SMALL TRACTS ACT MT 192, 258 & 259  
& BOUNDARY LINE RELOCATION

LOCATED WITHIN: H.E.S. #744, SEC. 12 & 13, T.31N., R.32W., P.M., MT.

#### FOREST SUPERVISOR'S CERTIFICATE

This survey was made at my request for National Forest management purposes.

*Paul Bradford* 7/21/2008  
Paul Bradford, Forest Supervisor Date

#### CERTIFICATE OF EXAMINING OFFICIAL: LINCOLN CO. MT.

*Paul D. Lauer* 7/23/2008  
Paul D. Lauer 9008LS 7/23/2008 SURVEYOR  
Examining Official Date

#### CERTIFICATE OF CLERK AND RECORDER:

213431 BOOK: CS SURVEYS PAGE: 3862 Pages: 4

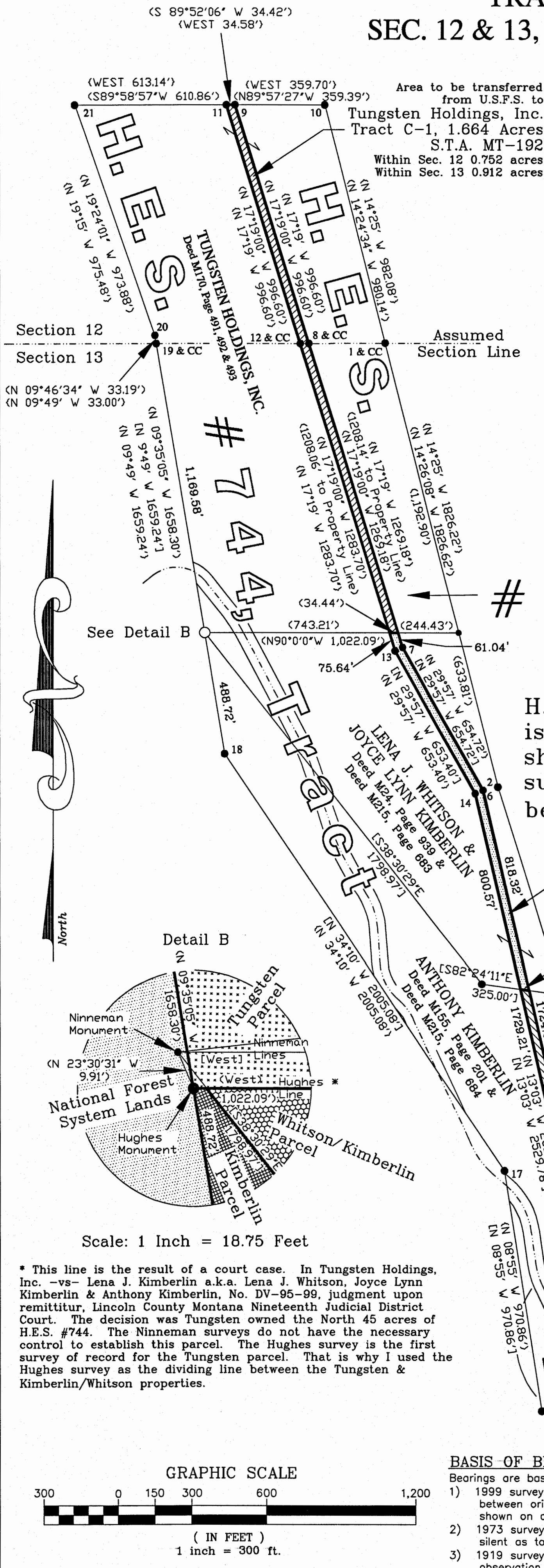
STATE OF MONTANA LINCOLN COUNTY  
RECORDED: 08/01/2008 10:45 KOI: CERT/SURVE

TAMMY D. LAUER CLERK AND RECORDER

FEE: \$0.00

TO: FILED

CERTIFICATE OF SURVEY NO. *3562RB* SHEET 1 OF 4



#### BASIS OF BEARING

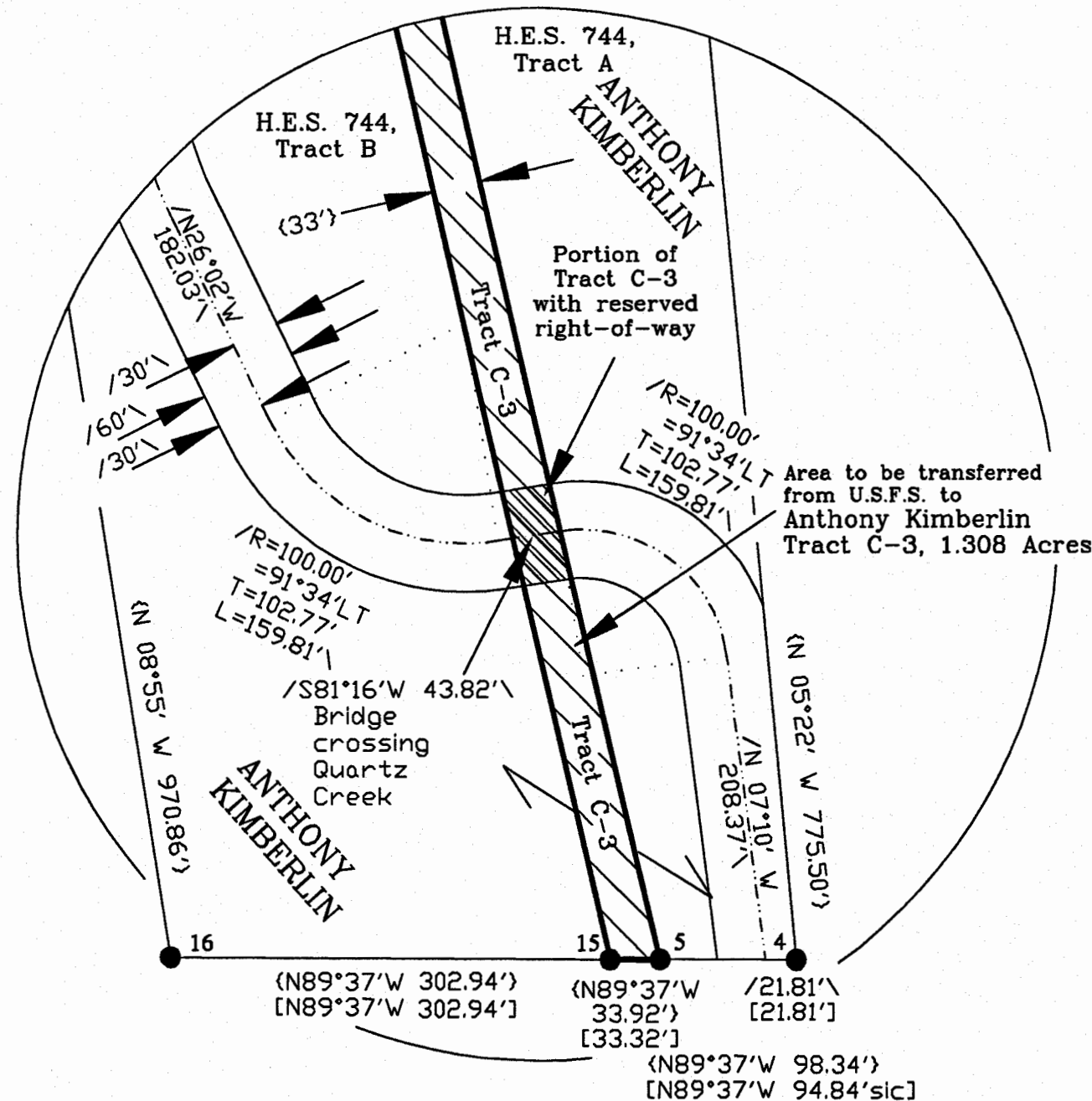
Bearings are based on the following surveys:

- 1) 1999 survey by A. Hughes, C.O.S. #2867, "EAST, between original corner 21 and original corner 10, as shown on original H.E.S. No. 744 plat.
- 2) 1973 survey by J. Ninneman, C.O.S. #2136 & 2137, is silent as to basis of bearing.
- 3) 1919 survey by the G.L.O., H. Townsend, based on solar observation.



# CERTIFICATE OF SURVEY - SMALL TRACTS ACT MT-192, 258 & 259 & BOUNDARY LINE RELOCATION, TRACT "C", H.E.S. 744, SEC. 12 & 13, T. 31 N., R. 32 W., P.M. MT.

Detail A  
Showing Reserved Right-Of-Way  
From Sheet 1



Scale: 1 Inch = 100 Feet

## GRANTORS CERTIFICATES

The purpose of this plat is the sale of land; which is described as S.T.A. MT-192, 258 & 259, under the authority of the Small Tracts Acts P.L. 97-465, 96 STAT. 2535, January 12, 1983. This survey is exempt from review as a subdivision pursuant to Section 76-3-201(1)(a) "...by operation of law..." and Section 76-3-201(1)(g), "...is in a location over which the state does not have jurisdiction..." MCA 2003, pursuant to the operation of the Small Tracts Act P.L. 97-465, 96 STAT. 2535, January 12, 1983 and exempt from review pursuant to State of Montana Attorney General's opinion dated 10 November 1987, volume No. 42 opinion No. 36. This survey is also exempt from review by the Montana Department of Health and Environmental Sciences pursuant to Section 76-4-125(2)(a), MCA 2003: "...A subdivision excluded from the provisions of chapter 3... are not subject to review: (a) the exclusions cited in 76-3-201..."

This certificate does not create a new parcel and this certificate is not to be used in the conveyance of a separate parcel, but rather to convey additional land by relocation of common boundaries to adjoining parcels.

Paul Bradford  
Paul Bradford  
Forest Supervisor

7/21/2008  
Date

### ACKNOWLEDGMENT

State of: MONTANA

County of: LINCOLN

On this 21 day of JULY, 2008, before me, the undersigned, a Notary Public in and for the State, personally appeared Paul Bradford, Forest Supervisor, Kootenai National Forest, Northern Region, Forest Service, Department of Agriculture, the same person who executed the within and foregoing instrument, who being by me duly sworn according to law, did say that he is the Forest Supervisor of Kootenai National Forest and that said instrument was signed on behalf of the United States of America by its authority duly given and by him delivered as and for its act and deed. And he did further acknowledge that he executed said instrument as the free act and deed of the United States of America, for the purposes and consideration herein mentioned and set forth, and I do hereby so certify.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first above written.



Thomas G. Grabinski  
Name (Printed) THOMAS G. GRABINSKI  
Notary Public for the State of Montana  
My Commission Expires 2-7-2012

## GRANTEES CERTIFICATES

The purpose of this plat is the sale of land; which is described as S.T.A. MT-258, under the authority of the Small Tracts Acts P.L. 97-465, 96 STAT. 2535, January 12, 1983. This survey is exempt from review as a subdivision pursuant to Section 76-3-201(1)(a) "...by operation of law..." and Section 76-3-201(1)(g), "...is in a location over which the state does not have jurisdiction..." MCA 2003, pursuant to the operation of the Small Tracts Act P.L. 97-465, 96 STAT. 2535, January 12, 1983 and exempt from review pursuant to State of Montana Attorney General's opinion dated 10 November 1987, volume No. 42 opinion No. 36. This survey is also exempt from review by the Montana Department of Health and Environmental Sciences pursuant to Section 76-4-125(2)(a), MCA 2003: "...A subdivision excluded from the provisions of chapter 3... are not subject to review: (a) the exclusions cited in 76-3-201..."

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Lena J. Whitson  
Lena J. Whitson

6-30-08  
Date

Don W. Whitson  
Don W. Whitson

6/30/08  
Date

### ACKNOWLEDGMENT

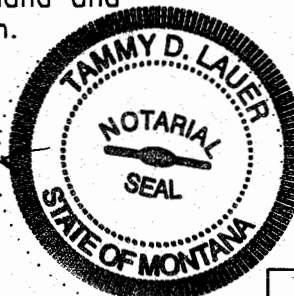
State of: Montana

County of: Lincoln

On this 30 day of June, 2008, before me, the undersigned, a Notary Public in and for the State, personally appeared Lena J. Whitson (formerly known as Lena J. Kimberlin) & Don W. Whitson, husband and wife, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first above written.

Tammy D. Lauer  
Name (Printed) Tammy D. Lauer  
Residing at Libby  
My Commission Expires 11-2-09



## GRANTEES CERTIFICATES

The purpose of this plat is the sale of land; which is described as S.T.A. MT-258, under the authority of the Small Tracts Acts P.L. 97-465, 96 STAT. 2535, January 12, 1983. This survey is exempt from review as a subdivision pursuant to Section 76-3-201(1)(a) "...by operation of law..." and Section 76-3-201(1)(g), "...is in a location over which the state does not have jurisdiction..." MCA 2003, pursuant to the operation of the Small Tracts Act P.L. 97-465, 96 STAT. 2535, January 12, 1983 and exempt from review pursuant to State of Montana Attorney General's opinion dated 10 November 1987, volume No. 42 opinion No. 36. This survey is also exempt from review by the Montana Department of Health and Environmental Sciences pursuant to Section 76-4-125(2)(a), MCA 2003: "...A subdivision excluded from the provisions of chapter 3... are not subject to review: (a) the exclusions cited in 76-3-201..."

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Joyce Lynn Pereira  
Joyce Lynn Pereira

7/3/08  
Date

### ACKNOWLEDGMENT

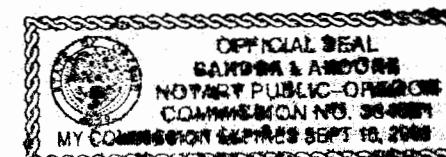
State of: Oregon

County of: Columbia

On this 3 day of July, 2008, before me, the undersigned, a Notary Public in and for the State, personally appeared Joyce Lynn Pereira, a single women, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first above written.

Sandra L. Andone  
Name (Printed) Sandra L. Andone  
Residing at St. Vrain OK  
My Commission Expires Sept 16, 2008



SMALL TRACTS ACT MT 192, 258 & 259  
& BOUNDARY LINE RELOCATION  
LOCATED WITHIN: H.E.S. #744, SEC. 12 & 13, T.31N., R.32W., P.M., MT.

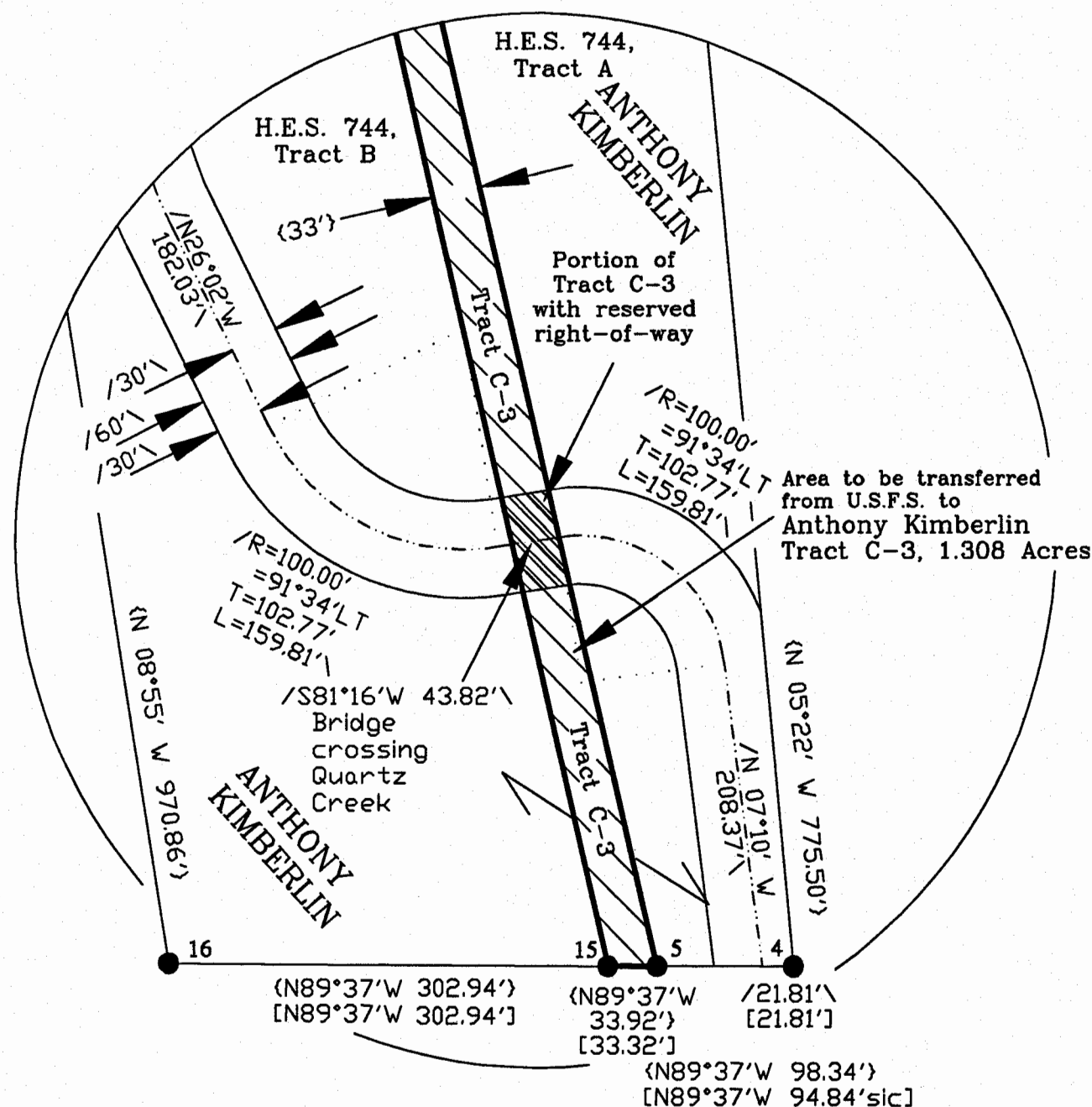
CERTIFICATE OF SURVEY NO. 3862 RB SHEET 2 OF 4

213431 BOOK: CS SURVEYS PAGE: 3862 Pages: 4  
STATE OF MONTANA LINCOLN COUNTY  
RECORDED: 08/01/2008 10:45 KOI: CERT/SURVE  
TAMMY D. LAUER CLERK AND RECORDER  
FEE: \$0.00 BY Glennie Stearns  
TO: FILED

K:\TS\CAD\LANDS\QUARTZ\DWG\HES744.DWG

# CERTIFICATE OF SURVEY - SMALL TRACTS ACT MT-192, 258 & 259 & BOUNDARY LINE RELOCATION, TRACT "C", H.E.S. 744, SEC. 12 & 13, T. 31 N., R. 32 W., P.M. MT.

Detail A  
Showing Reserved Right-Of-Way  
From Sheet 1



Scale: 1 Inch = 100 Feet

## GRANTORS CERTIFICATES

The purpose of this plat is the sale of land; which is described as S.T.A. MT-192, 258 & 259, under the authority of the Small Tracts Acts P.L. 97-465, 96 STAT. 2535, January 12, 1983. This survey is exempt from review as a subdivision pursuant to Section 76-3-201(1)(a) "...by operation of law..." and Section 76-3-201(1)(g), "...is in a location over which the state does not have jurisdiction..." MCA 2003, pursuant to the operation of the Small Tracts Act P.L. 97-465, 96 STAT. 2535, January 12, 1983 and exempt from review pursuant to State of Montana Attorney General's opinion dated 10 November 1987, volume No. 42 opinion No. 36. This survey is also exempt from review by the Montana Department of Health and Environmental Sciences pursuant to Section 76-4-125(2)(a), MCA 2003: "...A subdivision excluded from the provisions of chapter 3... are not subject to review: (a) the exclusions cited in 76-3-201..."

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Paul Bradford  
Forest Supervisor

7/21/08  
Date

ACKNOWLEDGMENT

State of: MONTANA

County of: LINCOLN

On this 21 day of JULY, 2008, before me, the undersigned, a Notary Public in and for the State, personally appeared Paul Bradford, Forest Supervisor, Kootenai National Forest, Northern Region, Forest Service, Department of Agriculture, the same person who executed the within and foregoing instrument, who being by me duly sworn according to law, did say that he is the Forest Supervisor of Kootenai National Forest and that said instrument was signed on behalf of the United States of America by its authority duly given and by him delivered as and for its act and deed. And he did further acknowledge that he executed said instrument as the free act and deed of the United States of America, for the purposes and consideration herein mentioned and set forth, and I do hereby so certify.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first above written.

Thomas G. Grabinski  
Name (Printed) THOMAS G. GRABINSKI  
Notary Public for the State of Montana  
My Commission Expires 02/07/2012



## GRANTEES CERTIFICATES

The purpose of this plat is the sale of land; which is described as S.T.A. MT-259, under the authority of the Small Tracts Acts P.L. 97-465, 96 STAT. 2535, January 12, 1983. This survey is exempt from review as a subdivision pursuant to Section 76-3-201(1)(a) "...by operation of law..." and Section 76-3-201(1)(g), "...is in a location over which the state does not have jurisdiction..." MCA 2003, pursuant to the operation of the Small Tracts Act P.L. 97-465, 96 STAT. 2535, January 12, 1983 and exempt from review pursuant to State of Montana Attorney General's opinion dated 10 November 1987, volume No. 42 opinion No. 36. This survey is also exempt from review by the Montana Department of Health and Environmental Sciences pursuant to Section 76-4-125(2)(a), MCA 2003: "...A subdivision excluded from the provisions of chapter 3... are not subject to review: (a) the exclusions cited in 76-3-201..."

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Anthony Kimberlin  
Anthony Kimberlin

6-30-08  
Date

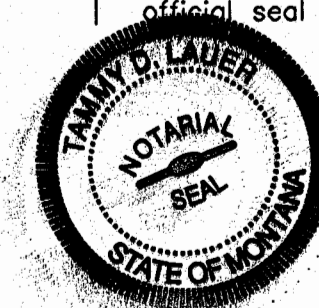
ACKNOWLEDGMENT

State of: Montana

County of: Lincoln

On this 30 day of JUNE, 2008, before me, the undersigned, a Notary Public in and for the State, personally appeared Anthony Kimberlin, a married man, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first above written.



Name (Printed) Tammy D. Lauer  
Residing at 11004  
My Commission Expires 11-7-09

SMALL TRACTS ACT MT 192, 258 & 259  
& BOUNDARY LINE RELOCATION  
LOCATED WITHIN: H.E.S. #744, SEC. 12 & 13, T.31N., R.32W., P.M., MT.

CERTIFICATE OF SURVEY NO. 3362

SHEET 3 OF 4

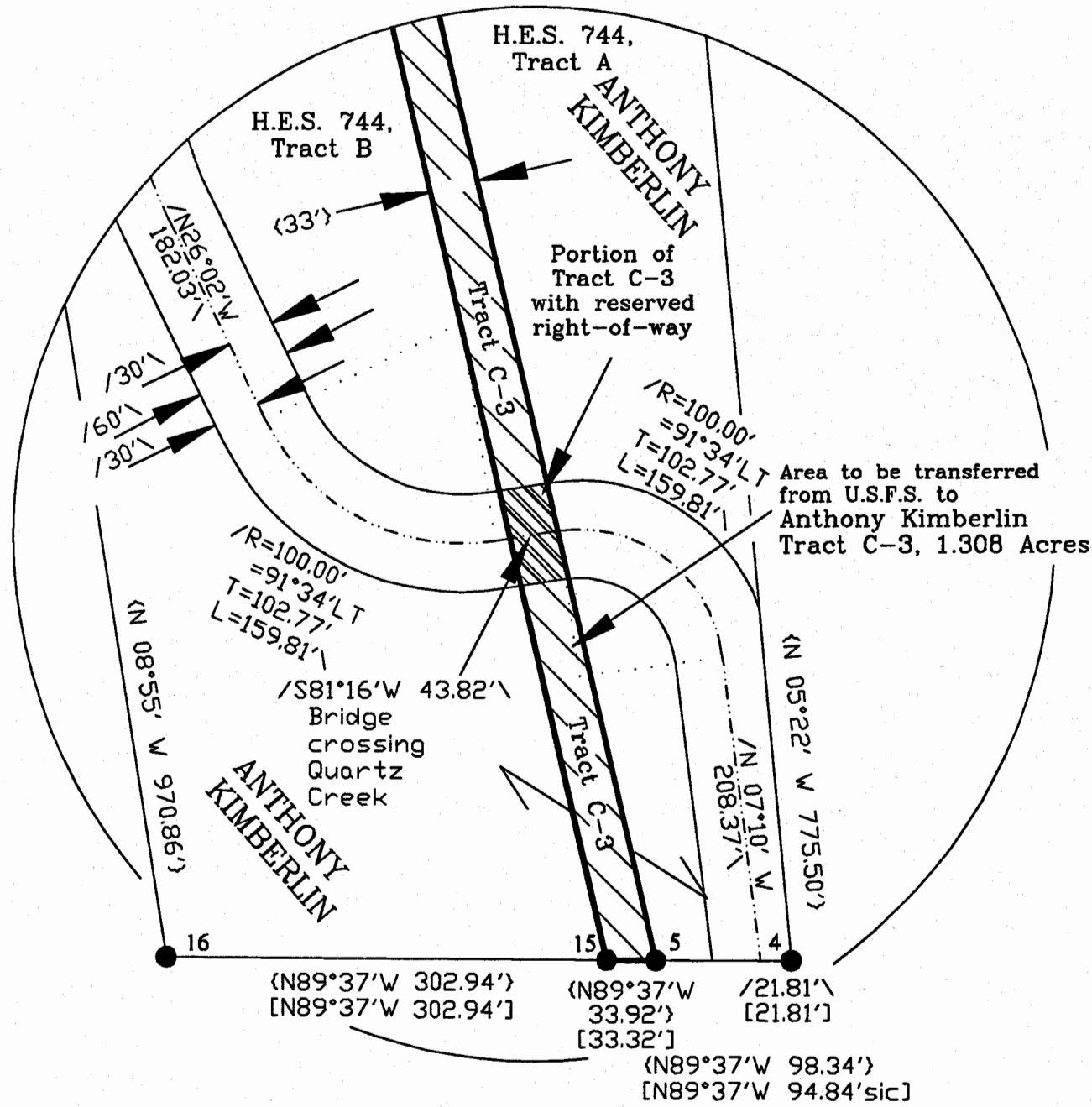
213430 BOOK: FM PLAT MAPS PAGE: 6921 Pages: 2  
STATE OF MONTANA LINCOLN COUNTY  
RECORDED: 08/01/2008 9:50 KOI: PLAT MAP  
TAMMY D. LAUER CLERK AND RECORDER  
FEE: \$17.00 BY Leanne Snow  
TO: PLATHEAD GEOMATICS Plathead

K:\TS\CAD\LANDS\QUARTZ\DWG\HES744.DWG



**CERTIFICATE OF SURVEY - SMALL TRACTS ACT MT-192, 258 & 259  
& BOUNDARY LINE RELOCATION, TRACT "C", H.E.S. 744,  
SEC. 12 & 13, T. 31 N., R. 32 W., P.M. MT.**

Detail A  
Showing Reserved Right-Of-Way  
From Sheet 1



Scale: 1 Inch = 100 Feet

## GRANTORS CERTIFICATES

The purpose of this plot is the sale of land; which is described as S.T.A. MT-192, 258 & 259, under the authority of the Small Tracts Acts P.L. 97-465, 96 STAT. 2535, January 12, 1983. This survey is exempt from review as a subdivision pursuant to Section 76-3-201(1)(a) "...by operation of law..." and Section 76-3-201(1)(g), "...is in a location over which the state does not have jurisdiction..." MCA 2003, pursuant to the operation of the Small Tracts Act P.L. 97-465, 96 STAT. 2535, January 12, 1983 and exempt from review pursuant to State of Montana Attorney General's opinion dated 10 November 1987, volume No. 42 opinion No. 36. This survey is also exempt from review by the Montana Department of Health and Environmental Sciences pursuant to Section 76-4-125(2)(a), MCA 2003: ..."A subdivision excluded from the provisions of chapter 3... are not subject to review: (a) the exclusions cited in 76-3-201..."

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Paul Bradford  
Forest Supervisor

## ACKNOWLEDGMENT

State of: MONTANA

County of: LINCOLN

On this 21 day of JULY, 2008, before me, the undersigned, a Notary Public in and for the State, personally appeared Paul Bradford, Forest Supervisor, Kootenai National Forest, Northern Region, Forest Service, Department of Agriculture, the same person who executed the within and foregoing instrument, who being by me duly sworn according to law, did say that he is the Forest Supervisor of Kootenai National Forest and that said instrument was signed on behalf of the United States of America by its authority duly given and by him delivered as and for its act and deed. And he did further acknowledge that he executed said instrument as the free act and deed of the United States of America, for the purposes and consideration herein mentioned and set forth, and I do hereby so certify.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first above written.

Thomas G. Grabinski  
Name (Printed) THOMAS G. GRABINSKI  
Notary Public for the State of Montana  
My Commission Expires 2/7/2012

## GRANTEES CERTIFICATES

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Jay Dinning 7/1/2018  
Jay Dinning, Treasurer, Tungsten Holdings Date  
ACKNOWLEDGMENT

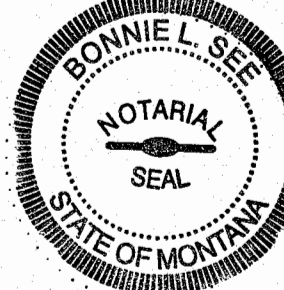
State of: Montana

County of: Lincoln

On this 1<sup>st</sup> day of July, 2008, before me, the undersigned, a Notary Public in and for the State, personally appeared Jay Dinning, personally known to me (or proved to me on the basis of satisfactory evidence) to be the individual who executed the within and foregoing instrument as the Treasurer, of Tungsten Holdings, Inc., the Corporation therein named, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first above written.

Bonnie L See  
Name (Printed) Bonnie L See  
Residing at Libby, Montana  
My Commission Expires March



SMALL TRACTS ACT MT 192, 258 & 259  
& BOUNDARY LINE RELOCATION  
LOCATED WITHIN: H.E.S. #744, SEC. 12 & 13, T.31N., R.32W., P.M., MT.

CERTIFICATE OF SURVEY NO. 3862 RB SHEET 4 OF 4

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