

# AMENDED CERTIFICATE OF SURVEY NO. 3672

"COURT CASE No. DV-08-09 RETRACEMENT"  
S1/2 SE1/4 SW1/4, SECTION 36, T.30N., R.31W., P.M.,MT.  
LINCOLN COUNTY, MONTANA  
FOR: GLEN & CINDY PEEK DATE: AUGUST 2009

## PURPOSE OF SURVEY

The purpose of this survey is to amend filed CS No. 3672, dated May 16, 2007. A retracement and reflection of "Court Case No. DV-08-09". Therefore no additional parcels are hereby created and this survey is exempt from review as a subdivision pursuant to MCA 76-3-201(1)(a)

## METHOD OF SURVEY

A total station with data collector with closed traverse procedures was used to tie previously set controlling monuments by John Damon, August 2006.

## BASIS OF BEARING

The basis of bearing for this survey is N89°57'00"E, as shown on Plat No. 5685-A, between the W 1/16 corner, Sections 1 and 36, a 5/8 inch diameter rebar marked 7318S and the quarter corner between said Sections, a 3/4 diameter rod with 2 inch diameter brass cap, marked MDL

## HISTORY OF SURVEYS

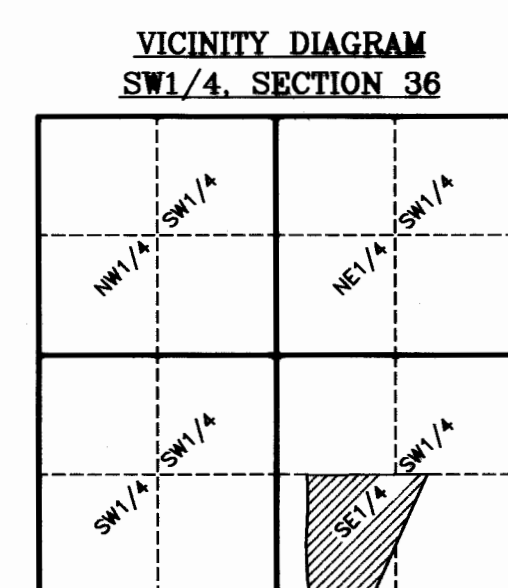
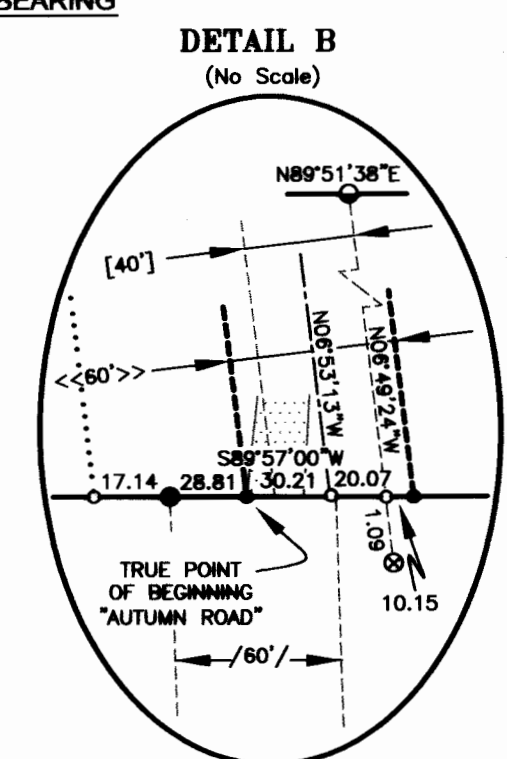
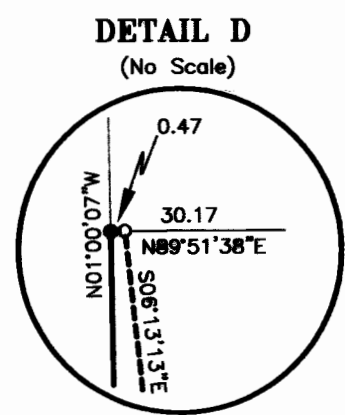
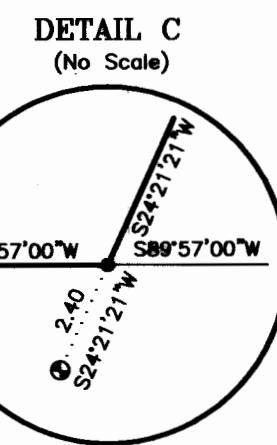
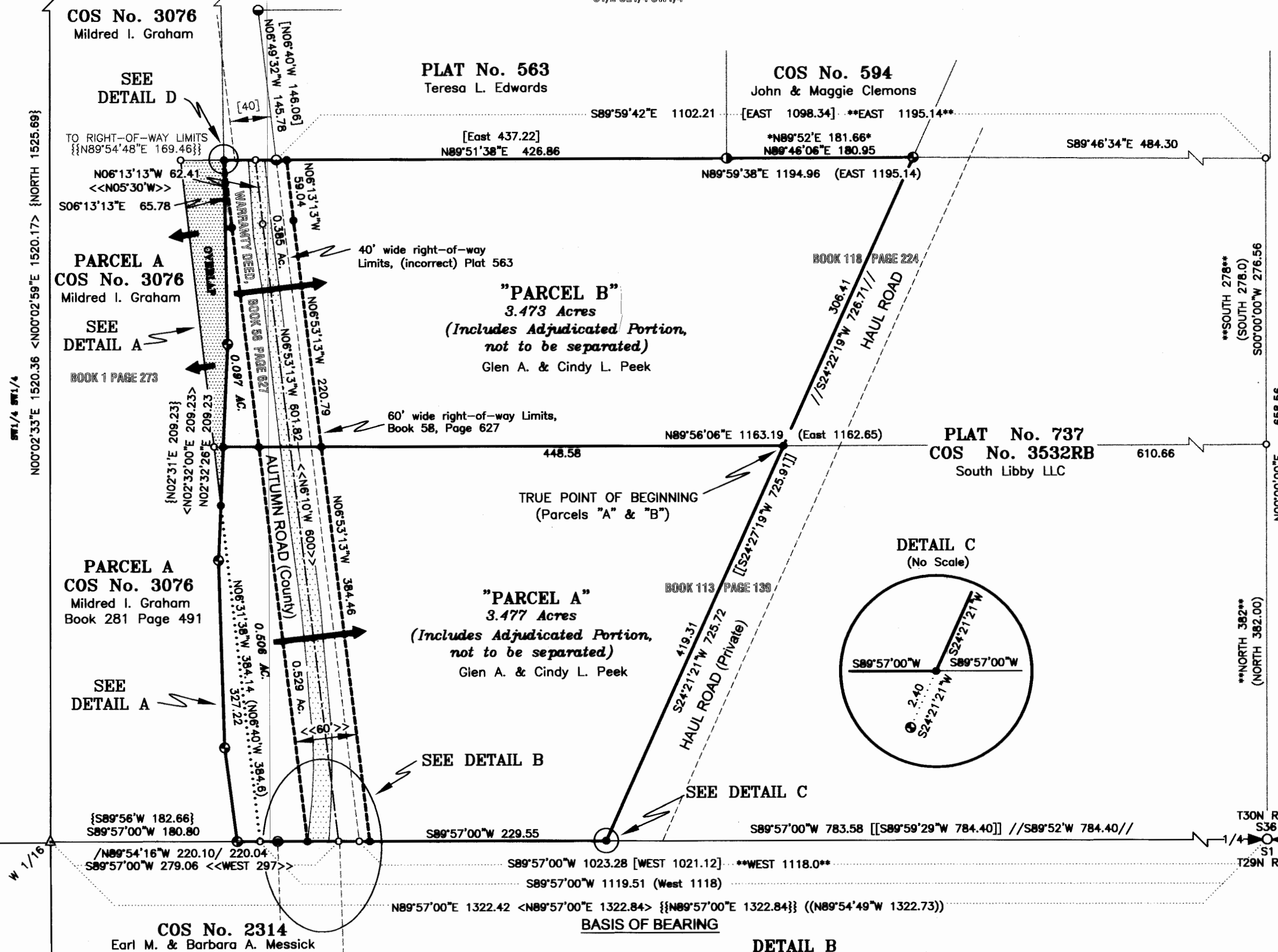
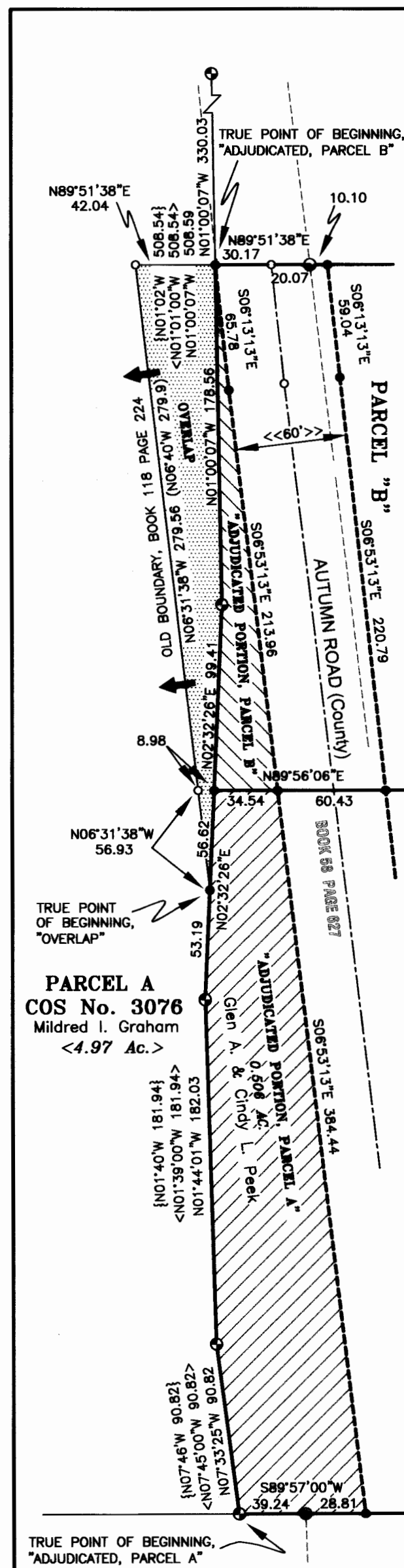
1911; Warranty Deed, Lincoln County Records, Book 1, Page 273  
1930; Warranty Deed (Right-of-way), Lincoln County Records, Book 58, Page 627  
1955; Warranty Deed, Lincoln County Records, Book 113, Page 139  
1958; Executor Deed, Lincoln County Records, Book 118, Page 224  
1959 (March); Plat No. 555, Adjoining parcel, J. W. Ninneman, 534ES  
1959 (April); Plat No. 563, Adjoining parcel, J. W. Ninneman, 534ES  
1961; Plat No. 737, Adjoining parcel, J. W. Ninneman, 534ES  
1979; COS No. 594, Adjoining parcel, J. W. Ninneman, 534ES  
1989; Indenture, Warranty Deed, Lincoln County Records, Book 247, Page 629A  
1992; COS No. 1961, Establish W 1/16, Secs. 1 & 36, Goacher, 7318S  
1995; COS No. 2314, Adjoining parcel, Staples, 9958LS  
1999; COS No. 2875, Adjoining parcel, Staples, 9958LS  
2002; COS No. 3076, Adjoining parcel, Davis, 4975S  
2006; COS No. 3532RB, Adjoining parcel, Davis, 4975S  
2007; COS No. 3672, Retracement, Hughes, 7322LS

## LEGEND

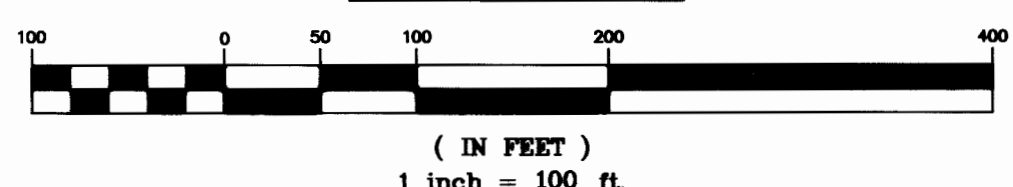
- 1/4 CORNER - A 3/4 INCH DIAMETER ROD WITH 2 INCH DIAMETER BRASS CAP, MARKED MDL, 4232S - CORNER RECORDATION, BOOK 1, PAGE 487
- A 1 INCH DIAMETER UNMARKED STEEL PIN-PLAT 563
- A 5/8 INCH DIAMETER REBAR WITH PLASTIC CAP MARKED JRS, 9958LS-COS 2314
- A 5/8 INCH DIAMETER REBAR WITH PLASTIC CAP MARKED KED, 4975S-COS 3076
- A 3/4 INCH DIAMETER UNMARKED PIPE-PLAT 563
- A 1 INCH DIAMETER UNMARKED PIPE-COS 594
- A 5/8 INCH DIAMETER REBAR WITH PLASTIC CAP MARKED 7318S-COS 1961
- SET 5/8 INCH DIAMETER REBAR WITH PLASTIC CAP MARKED HUGHES, 7322LS
- UNMARKED COMPUTED POINT
- { } RECORD, BOOK 1, PAGE 273 (( )) RECORD, COS NO. 1961
- << >> RECORD, BOOK 58, PAGE 627 / / RECORD, COS NO. 2314
- [ ] RECORD, PLAT NO. 563 { } RECORD, COS NO. 2875
- // // RECORD, PLAT NO. 737 < > RECORD, COS NO. 3076
- ( ) RECORD, BOOK 113, PAGE 139 [ ] RECORD, COS NO. 3532-RB
- BOOK 118, PAGE 224 BOOK 247, PAGE 629 \*\* \*\* RECORD, PLAT NO. 555
- \* \* RECORD, COS NO. 594
- PROPERTY LINES
- ADJOINING PROPERTY LINES
- SECTION LINE
- OVERLAP AREA
- ROAD CENTERLINE
- EXISTING AUTUMN ROAD
- RIGHT-OF-WAY LIMITS
- BOUNDARY OF 60' WIDE STRIP OF LAND, BOOK 58, PAGE 627
- DEED BOUNDARY, BOOK 247, PAGE 629-A
- DIMENSION / DETAIL LINES

CERTIFICATE OF SURVEY NO. 3943 SHEET 1 OF 2

DETAIL A  
(No Scale)



GRAPHIC SCALE



JUDGMENT Doc 27821 S 329/220

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S1/2 SE1/4 SW1/4, SECTION 36, T.30N., R.31W., P.M.,MT.  
LINCOLN COUNTY, MONTANA  
FOR: GLEN & CINDY PEEK DATE: AUGUST 2009

## DESCRIPTION OF "PARCEL A"

An irregular tract of land lying southerly from Libby, Montana, Lincoln County, and in the S1/2 SE1/4 SW1/4, Section 36, T.30N., R.31W., P.M.,MT., more particularly described as:  
COMMENCING at the one-quarter corner between Section 1, T.29N., R.31W. and Section 36, T.30N., R.31W., a 3/4 inch diameter rod with a 2 inch diameter brass cap marked MDL, 4232S; Thence along the Section line between said Sections, S89°57'00"W, 783.58 feet to a set 5/8 inch diameter rebar with plastic cap marked HUGHES, 7322LS; Thence N24°21'21"E, 419.31 feet to a set 5/8 inch diameter rebar with plastic cap marked HUGHES, 7322LS and the TRUE POINT OF BEGINNING;  
Thence S24°21'21"W, 419.31 feet to a set 5/8 inch diameter rebar with plastic cap marked HUGHES, 7322LS, lying on the the Section Line between said Sections 1 and 36; Thence along said Section line, S89°57'00"W, 229.55 feet to a set 5/8 inch diameter rebar with plastic cap marked HUGHES, 7322LS and lying on the easterly right-of-way limits of a county road known as "Autumn Road", 60 feet in width, Thence along said road right-of-way limits, N06°53'13"W, 384.46 feet to a set 5/8 inch diameter rebar with plastic cap marked HUGHES, 7322LS; Thence N89°56'06"E, 448.58 feet to a set 5/8 inch diameter rebar with plastic cap marked HUGHES, 7322LS and the TRUE POINT OF BEGINNING, containing 2.971 acres. INCLUDES "Adjudicated Portion of Parcel A", containing 0.506 acres, total 3.477 acres. Subject to the "Autumn Road Parcel" (acres not included) and together with all appurtenant easements of record.

## DESCRIPTION OF "ADJUDICATED PORTION, PARCEL A"

An irregular tract of land lying southerly from Libby, Montana, Lincoln County and in the S1/2 SE1/4 SW1/4, Section 36, T.30N., R.31W., P.M.,MT., more particularly described as:  
COMMENCING at the West one-sixteenth corner between Section 1, T.29N., R.31W. and Section 36, T.30N., R.31W., a 5/8 inch diameter rebar with plastic cap marked 7318S; Thence S89°57'00"W, 180.80 feet to a 5/8 inch diameter rebar with plastic cap marked KED, 4975S and the TRUE POINT OF BEGINNING;  
Thence along the easterly boundary, Parcel A, Certificate of Survey No. 3076, N07°33'25"W, 90.82 feet to a 5/8 inch diameter rebar with plastic cap marked KED, 4975S; Thence along said boundary, N01°44'01"W, 182.03 feet to a 5/8 inch diameter rebar with plastic cap marked KED, 4975S; Thence along said boundary, N02°32'26"E, 53.19 feet to a set 5/8 inch diameter rebar with plastic cap marked HUGHES, 7322LS; Thence along said boundary, N02°32'26"E, 56.62 feet to a set 5/8 inch diameter rebar with plastic cap marked HUGHES, 7322LS; Thence N89°56'06"E, 34.54 feet to a set 5/8 inch diameter rebar with plastic cap marked HUGHES, 7322LS and the westerly right-of-way limits of a county road known as "Autumn Road", 60 feet in width; Thence along said road right-of-way limits, S06°53'13"E, 384.44 feet to a set 5/8 inch diameter rebar with plastic cap marked HUGHES, 7322LS and lying on the southerly Section line of said Section 36; Thence along said Section line, S89°57'00"W, 28.81 feet to a 5/8 inch diameter rebar with plastic cap marked 9958LS, as shown on Certificate of Survey No. 2314; Thence along said Section line, S89°57'00"W, 39.24 feet to the TRUE POINT OF BEGINNING, containing 0.506 acres. Subject to and together with all appurtenant easements of record.

## DESCRIPTION OF "PARCEL B"

An irregular tract of land lying southerly from Libby, Montana, Lincoln County and in the S1/2 SE1/4 SW1/4, Section 36, T.30N., R.31W., P.M.,MT., more particularly described as:  
COMMENCING at the one quarter corner between Section 1, T.29N., R.31W. and Section 36, T.30N., R.31W., a 3/4 inch diameter rod with 2 inch diameter brass cap, marked MDL, 4232S; Thence S89°57'00"W, 783.58 feet to a set 5/8 inch diameter rebar with plastic cap marked HUGHES, 7322LS; Thence N24°21'21"E, 419.31 feet to a set 5/8 inch diameter rebar with plastic cap marked HUGHES, 7322LS and the TRUE POINT OF BEGINNING;  
Thence S89°56'06"W, 448.58 feet to a set 5/8 inch diameter rebar with plastic cap marked HUGHES, 7322LS and lying on the easterly right-of-way limits of a county road known as "Autumn Road", 60 feet in width; Thence along said road right-of-way limits, N06°53'13"W, 220.79 feet to a set 5/8 inch diameter rebar with plastic cap marked HUGHES, 7322LS; Thence continuing along said road right-of-way limits, N06°13'13"W, 59.04 feet to a set 5/8 inch diameter rebar with plastic cap marked HUGHES, 7322LS; Thence N89°51'38"E, 426.86 feet to a 1 inch diameter unmarked iron pipe; Thence N89°46'06"E, 180.95 feet to a 5/8 inch diameter rebar with plastic cap marked KED, 4975S lying on the westerly right-of-way limits of a private road known as the "Haul Road"; Thence along said road right-of-way limits, S24°21'21"W, 306.41 feet to a 5/8 inch diameter rebar with plastic cap marked HUGHES, 7322LS and the TRUE POINT OF BEGINNING, containing 3.376 acres. INCLUDES "Adjudicated Portion of Parcel B", containing 0.097 acres, total 3.473 Acres acres. Subject to the "Autumn Road Parcel" (acres not included) and together with all appurtenant easements of record.

## DESCRIPTION OF "ADJUDICATED PORTION, PARCEL B"

An irregular tract of land lying southerly from Libby, Montana, Lincoln County and in the S1/2 SE1/4 SW1/4, Section 36, T.30N., R.31W., P.M.,MT., more particularly described as:  
COMMENCING at the West one-sixteenth corner between Section 1, T.29N., R.31W. and Section 36, T.30N., R.31W., a 5/8 inch diameter rebar with plastic cap marked 7318S; Thence N89°57'00"E, 180.80 feet to a 5/8 inch diameter rebar with plastic cap marked KED; Thence N89°57'00"E, 39.24 feet to a 5/8 inch diameter rebar with plastic cap marked JRS, 9958LS; Thence, N89°57'00"E, 28.81 feet to a set 5/8 inch diameter rebar with plastic cap marked HUGHES, 7322LS; Thence N06°53'13"W, 384.44 feet to a set 5/8 inch diameter rebar with plastic cap marked HUGHES, 7322LS; Thence N06°53'13"W, 213.96 feet to a set 5/8 inch diameter rebar with plastic cap marked HUGHES, 7322LS; Thence N06°13'13"W, 65.78 feet to an unmarked computed point; Thence S89°51'38"W, 0.47 feet to a set 5/8 inch diameter rebar with plastic cap marked HUGHES, 7322LS and the TRUE POINT OF BEGINNING;  
Thence N89°51'38"E, 0.47 feet to unmarked computed point on the westerly right-of-way limits of a county road known as "Autumn Road", 60 feet in width; Thence along said limits, S06°13'13"E, 65.78 feet to a set 5/8 inch diameter rebar with plastic cap marked HUGHES, 7322LS; Thence along said limits, S06°53'13"E, 213.96 feet to a set 5/8 inch diameter rebar with plastic cap marked HUGHES, 7322LS; Thence S89°56'06"W, 34.54 feet to a set 5/8 inch diameter rebar with plastic cap marked HUGHES, 7322LS on the easterly boundary of Parcel A, Certificate of Survey No. 3076; Thence along said boundary, N02°32'26"E, 99.41 feet to a 5/8 inch diameter rebar with plastic cap marked KED; Thence along said boundary, N01°00'07"W, 178.56 feet to the TRUE POINT OF BEGINNING, containing 0.097 acres. Subject to and together with all appurtenant easements of record.

## DESCRIPTION OF "AUTUMN ROAD" PARCEL

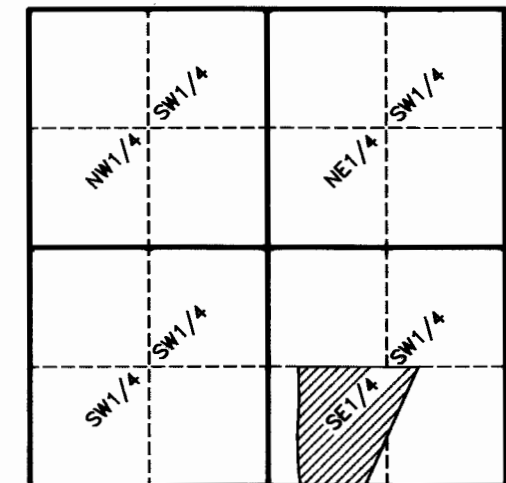
A strip of land lying southerly from Libby, Montana, Lincoln County and in the S1/2 SE1/4 SW1/4, Section 36, T.30N., R.31W., P.M.,MT., more particularly described as:  
COMMENCING at a 5/8 inch diameter rebar with plastic cap marked 7318S and the West one-sixteenth corner between Section 1, T.29N., R.31W. and Section 36, T.30N., R.31W., N89°57'00"E, 180.80 feet to a 5/8 inch diameter rebar with plastic cap marked KED; Thence along said line, N89°57'00"E, 39.24 feet to a 5/8 inch diameter rebar with plastic cap marked JRS, 9958LS; Thence along said line, N89°57'00"E, 28.81 feet to a set 5/8 inch diameter rebar with plastic cap marked HUGHES, 7322LS and being the TRUE POINT OF BEGINNING;  
Thence along the westerly Right-of-Way limits of "Autumn Road", N06°53'13"W, 384.44 feet to a set 5/8 inch diameter rebar with plastic cap marked HUGHES, 7322LS; Thence along said right-of-way limits, N06°53'13"W, 213.96 feet to a set 5/8 inch diameter rebar with plastic cap marked HUGHES, 7322LS; Thence along said right-of-way limits, N06°13'13"W, 65.78 feet to a set 5/8 inch diameter rebar with plastic cap marked HUGHES, 7322LS; Thence N89°51'38"E, 30.17 feet to an unmarked computed point; Thence along said line, N89°51'38"E, 20.07 feet to a 3/4 inch diameter unmarked pipe; Thence along said line, N89°51'38"E, 10.10 feet to a set 5/8 inch diameter rebar with plastic cap marked HUGHES, 7322LS; Thence along the easterly Right-of-Way limits of said road, S06°13'13"E, 59.04 feet to a set 5/8 inch diameter rebar with plastic cap marked HUGHES, 7322LS; Thence S06°53'13"E, 220.79 feet to a set 5/8 inch diameter rebar with plastic cap marked HUGHES, 7322LS; Thence along said line, S06°53'13"E, 384.46 feet to a set 5/8 inch diameter rebar with plastic cap marked HUGHES, 7322LS on said Section line; Thence along said line, S89°57'00"W, 10.15 feet to an unmarked computed point; Thence along said line, S89°57'00"W, 20.07 feet to an unmarked computed point; Thence along said line, S89°57'00"W, 30.21 feet to the TRUE POINT OF BEGINNING. Containing 0.914 acres.

## DESCRIPTION OF "OVERLAP"

An irregular tract of land lying southerly from Libby, Montana, Lincoln County and in the S1/2 SE1/4 SW1/4, Section 36, T.30N., R.31W., P.M.,MT., more particularly described as:  
COMMENCING at the one-quarter corner between Section 1, T.29N., R.31W. and Section 36, T.30N., R.31W., a 3/4 inch diameter rod with 2 inch diameter brass cap marked MDL, 4232S; Thence S89°57'00"W, 1,119.51 feet to an unmarked computed point; Thence N06°31'38"W, 327.22 feet to a set 5/8 inch diameter rebar with plastic cap marked HUGHES, 7322LS to the TRUE POINT OF BEGINNING;  
Thence N06°31'38"W, 56.93 feet to an unmarked computed point; Thence N06°31'38"W, 279.56 feet to an unmarked computed point; Thence N89°51'38"E, 42.04 feet to a set 5/8 inch diameter rebar with plastic cap marked HUGHES, 7322LS; Thence along the easterly boundary of Parcel A, COS 3076, S01°00'07"E, 178.56 feet to a 5/8 inch diameter rebar with plastic cap marked KED, 4975S; Thence along said boundary, S02°32'26"W, 99.41 feet to a set 5/8 inch diameter rebar with plastic cap marked HUGHES, 7322LS; Thence along said boundary, S02°32'26"W, 56.62 feet to a 5/8 inch diameter rebar with plastic cap marked HUGHES, 7322LS and the TRUE POINT OF BEGINNING, containing 0.181 acres. Subject to and together with all appurtenant easements of record.



VICINITY DIAGRAM  
SW1/4, SECTION 36



## LAND SURVEYOR'S NOTES:

An ambiguity was created within the original deeds of "Parcel A" and "Parcel B" when the deeded distances crossed "Autumn Road", but also stated to the easterly boundary of "Fish Hatchery" and "a Public Road", construed to be "Autumn Road". Creating an "overlap and a gap area" between the westerly boundary of "Autumn Road" and the easterly boundary of the adjacent land owner who claimed the "overlap and gap area". A Quiet Title action on the above property was concluded and ordered by the "Montana Nineteenth Judicial District Court, Lincoln County" Case No. DV-08-09, dated February 24, 2009.

## 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 "Amended 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.

*Avah F. Hughes* 7322LS Date  
Avah F. Hughes, PLS, 7322LS



## EXAMINING LAND SURVEYOR'S CERTIFICATION

Examined this 6<sup>th</sup> day of August 2009 A.D.

*Ronald A. Pearson*  
Ronald A. Pearson, PLS 9008LS - Lincoln County Examining Land Surveyor

## CLERK AND RECORDER'S CERTIFICATION

State of Montana, County of Lincoln, filed this 7<sup>th</sup> day

of August 2009 A.D. at 6:45 o'clock P.M.  
*Timothy D. Lamm* *Debbie Lamm*  
Lincoln County Clerk & Recorder Deputy

CERTIFICATE OF SURVEY NO. 3949 SHEET 2 OF 2

JUDGMENT Doc 217321 5329/220