

# CERTIFICATE OF SURVEY

NE1/4 SW1/4 & NW1/4 SE 1/4 SECTION 22, T. 36 N. R. 27 W. P.M., M.

Lincoln County, Montana

COURT ORDER NO. DP-08-26  
MONTANA NINETEENTH JUDICIAL DISTRICT  
LINCOLN COUNTY

FOR: BANEY ESTATE  
OWNER: BANEY ESTATE  
PURPOSE: COURT ORDERED DIVISION  
DATE: FEBRUARY 2011

Legal Description: PARCEL 1

THAT PORTION OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 22, TOWNSHIP 36 NORTH, RANGE 27 WEST, PRINCIPAL MERIDIAN, MONTANA, LINCOLN COUNTY, MONTANA, DESCRIBED AS FOLLOWS:

BEGINNING ON THE CENTERLINE OF OTHORP LAKE ROAD, A 60' WIDE COUNTY ROAD, AT THE NORTHWEST CORNER OF LOT 3 OF THIRSTY RIDGE SUBDIVISION, AS SHOWN BY THE PLAT RECORDED IN LINCOLN COUNTY RECORDS;

THENCE ALONG THE WEST LINE OF THE SAID NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 22, PASSING THROUGH A SET 5/8" REBAR WITH CAP MARKED 17282 LS AT 30.11 FEET, NORTH 00° 44' 14" EAST 990.12 FEET TO A FOUND 5/8" REBAR WITH CAP MARKED 2516 S;

THENCE ALONG THE MOST NORTHERLY LINE OF TRACT 3, CERTIFICATE OF SURVEY NUMBER 1268, AS RECORDED IN LINCOLN COUNTY RECORDS, SOUTH 88° 58' 26" EAST 565.62 FEET TO A FOUND 5/8" REBAR WITH CAP MARKED 2516 S;

THENCE ALONG THE WEST LINE OF TRACT 4 OF SAID CERTIFICATE OF SURVEY NUMBER 1268, SOUTH 00° 22' 57" WEST 163.60 FEET TO A FOUND 5/8" REBAR WITH CAP MARKED 2516 S;

THENCE SOUTH 20° 51' 27" WEST 861.25 FEET, PASSING THROUGH A SET 5/8" REBAR WITH CAP MARKED 17282 LS AT 827.49 FEET, TO A POINT ON THE AFORESAID CENTERLINE OF OTHORP LAKE ROAD;

THENCE ALONG SAID CENTERLINE, SOUTH 83° 33' 29" WEST 182.30 FEET, TO AN ANGLE POINT THEREIN;

THENCE CONTINUING ALONG SAID CENTERLINE, NORTH 84° 17' 10" WEST 89.83 FEET TO THE POINT OF BEGINNING, CONTAINING 10.000 ACRES OF LAND, MORE OR LESS,

SUBJECT TO COUNTY ROAD RIGHT OF WAY  
SUBJECT TO ALL EASEMENTS OF RECORD  
SUBJECT TO A LINCOLN ELECTRIC POWER LINE EASEMENT  
SUBJECT TO AND TOGETHER WITH AN ACCESS EASEMENT ALONG THE EXISTING ACCESS DRIVE AS SHOWN ON CERTIFICATE OF SURVEY NO. #4083 CO

KNOWN AS PARCEL 1, CERTIFICATE OF SURVEY NUMBER #4083 CO

Legal Description: PARCEL 2

THAT PORTION OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 22, TOWNSHIP 36 NORTH RANGE 27 WEST, PRINCIPAL MERIDIAN, MONTANA, LINCOLN COUNTY, MONTANA DESCRIBED AS FOLLOWS:

BEGINNING ON THE CENTERLINE OF OTHORP LAKE ROAD, A 60 FOOT WIDE COUNTY ROAD, AT THE SOUTHEAST CORNER OF LOT 3 OF THIRSTY RIDGE SUBDIVISION, AS SHOWN BY THE PLAT RECORDED IN LINCOLN COUNTY RECORDS;

THENCE ALONG SAID CENTERLINE NORTH 41° 00' 17" WEST 152.99 FEET TO THE BEGINNING POINT OF A CURVE TO THE LEFT HAVING A RADIUS OF 265.00 FEET AND A CENTRAL ANGLE OF 56° 01' 37";

THENCE LEFT ALONG SAID CURVE FOR AN ARC LENGTH OF 259.13 FEET, SAID CURVE HAVING A CHORD BEARING OF NORTH 68° 24' 40" WEST 248.93 FEET;

THENCE CONTINUING ALONG SAID CENTERLINE SOUTH 83° 33' 29" WEST 61.27 FEET;

THENCE LEAVING SAID CENTERLINE NORTH 20° 51' 27" EAST 861.25 FEET, PASSING THROUGH A SET 5/8" REBAR WITH CAP MARKED 17282 LS AT 33.76 FEET, TO A FOUND 5/8" REBAR WITH CAP MARKED 2516S;

THENCE SOUTH 38° 30' 49" EAST 855.41 FEET TO A SET 5/8" REBAR WITH CAP MARKED 17282 LS;

THENCE SOUTH 39° 05' 15" WEST 436.22 FEET TO A SET 5/8" REBAR WITH CAP MARKED 17282 LS IN THE SOUTH LINE OF TRACT 3 OF CERTIFICATE OF SURVEY NUMBER 1268 AS RECORDED IN LINCOLN COUNTY RECORDS;

THENCE ALONG SAID SOUTH LINE NORTH 89° 01' 18" WEST 171.56 FEET, PASSING THROUGH A SET 5/8" REBAR WIT CAP MARKED 17282 LS AT 131. 20 FEET, TO THE POINT OF BEGINNING, CONTAINING 10.000 ACRES, MORE OR LESS.

SUBJECT TO COUNTY ROAD RIGHT OF WAY  
SUBJECT TO ALL EASEMENTS OF RECORD  
SUBJECT TO A LINCOLN ELECTRIC POWER LINE EASEMENT  
SUBJECT TO AND TOGETHER WITH AN ACCESS EASEMENT ALONG AN EXISTING DRIVE AS SHOWN ON CERTIFICATE OF SURVEY NO. #4083 CO

KNOWN AS PARCEL 2, CERTIFICATE OF SURVEY NO. #4083 CO

Legal Description: PARCEL 3

THOSE PORTIONS OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 AND THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 22, TOWNSHIP 36 NORTH RANGE 27 WEST, PRINCIPAL MERIDIAN, MONTANA, LINCOLN COUNTY, MONTANA, DESCRIBED AS FOLLOWS:

BEGINNING AT A FOUND 5/8" REBAR WITH CAP MARKED 2516S AT THE SOUTHWEST CORNER OF TRACT 4 OF CERTIFICATE OF SURVEY NUMBER 1268 AS RECORDED IN LINCOLN COUNTY RECORDS;

THENCE ALONG THE SOUTH LINE OF SAID TRACT 4, SOUTH 89° 04' 46" EAST 1434.75 FEET TO A FOUND 5/8" REBAR WITH NO CAP AT THE SOUTHEAST CORNER OF SAID TRACT 4;

THENCE SOUTH 00° 42' 15" WEST 239.19 FEET TO A FOUND 5/8" REBAR WITH CAP MARKED 2516S IN THE NORTH LINE OF LOT 1 OF THIRSTY RIDGE SUBDIVISION AS SHOWN BY THE PLAT RECORDED IN LINCOLN COUNTY RECORDS;

THENCE SOUTH 42° 33' WEST 2.65 FEET TO A POINT ON THE CENTERLINE OF OTHORP LAKE ROAD, A 60 FOOT WIDE COUNTY ROAD, AS SHOWN BY THE PLAT OF THIRSTY RIDGE SUBDIVISION AS AFORESAID;

THENCE SOUTH 81° 18' 52" WEST 1100.01 FEET TO A SET 5/8" REBAR WITH CAP MARKED 17282 LS;

THENCE NORTH 38° 30' 49" WEST 549.92 FEET, TO THE POINT OF BEGINNING, CONTAINING 10.000 ACRES, MORE OR LESS.

SUBJECT TO COUNTY ROAD RIGHT OF WAY  
SUBJECT TO ALL EASEMENTS OF RECORD  
SUBJECT TO A LINCOLN ELECTRIC POWER LINE EASEMENT  
SUBJECT TO AND TOGETHER WITH AN ACCESS EASEMENT ALONG AN EXISTING ACCESS DRIVE AS SHOWN ON CERTIFICATE OF SURVEY NO. #4083 CO

KNOWN AS PARCEL 3, CERTIFICATE OF SURVEY NUMBER #4083 CO

Legal Description: PARCEL 4

THOSE PORTIONS OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 AND THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 22, TOWNSHIP 36 NORTH RANGE 27 WEST, PRINCIPAL MERIDIAN, MONTANA, LINCOLN COUNTY, MONTANA, DESCRIBED AS FOLLOWS:

BEGINNING ON THE CENTERLINE OF OTHORP LAKE ROAD, A 60 FOOT WIDE COUNTY ROAD, AT THE NORTHWEST CORNER OF LOT 1 OF THIRSTY RIDGE SUBDIVISION, AS SHOWN BY THE PLAT RECORDED IN LINCOLN COUNTY RECORDS;

THENCE ALONG SAID CENTERLINE, SOUTH 43° 56' 50" EAST 178.19 FEET; TO THE BEGINNING POINT OF A CURVE TO THE RIGHT HAVING A RADIUS OF 155.00 FEET AND A CENTRAL ANGLE OF 111° 19' 15";

THENCE RIGHT ALONG SAID CURVE FOR AN ARC LENGTH OF 301.15 FEET, SAID CURVE HAVING A CHORD BEARING OF SOUTH 11° 42' 48" WEST 255.97 FEET;

THENCE CONTINUING ALONG SAID CENTERLINE SOUTH 67° 25' 07" WEST 325.89 FEET TO THE NORTHWEST CORNER OF LOT 2 OF THE AFORESAID THIRSTY RIDGE SUBDIVISION;

THENCE LEAVING SAID CENTERLINE, NORTH 86° 24' 27" WEST 621.44 FEET TO A SET 5/8" REBAR WITH CAP MARKED 17282 LS;

THENCE NORTH 38° 30' 49" WEST 382.15 FEET TO A SET 5/8" REBAR WITH CAP MARKED 17282 LS;

THENCE NORTH 81° 18' 52" EAST 1100.01 FEET, TO THE POINT OF BEGINNING, CONTAINING 10.000 ACRES, MORE OR LESS.

SUBJECT TO COUNTY ROAD RIGHT OF WAY  
SUBJECT TO ALL EASEMENTS OF RECORD  
SUBJECT TO A LINCOLN ELECTRIC POWER LINE EASEMENT  
SUBJECT TO AND TOGETHER WITH AN ACCESS EASEMENT ALONG AN EXISTING ACCESS DRIVE AS SHOWN ON CERTIFICATE OF SURVEY NUMBER #4083 CO

KNOWN AS PARCEL 4, CERTIFICATE OF SURVEY NUMBER #4083 CO

Legal Description: PARCEL 5

THOSE PORTIONS OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 AND THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 22, TOWNSHIP 36 NORTH RANGE 27 WEST, PRINCIPAL MERIDIAN, MONTANA, LINCOLN COUNTY, MONTANA, DESCRIBED AS FOLLOWS:

BEGINNING AT A FOUND FOREST SERVICE MONUMENT WITH ALUMINUM CAP MARKED 9008LS AT THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 22;

THENCE ALONG THE SOUTH LINE OF SAID NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 22, NORTH 89° 01' 18" WEST 497.24 FEET TO A SET 5/8" REBAR WITH CAP MARKED 17282 LS;

THENCE NORTH 39° 05' 15" EAST 436.22 FEET TO A SET 5/8" REBAR WITH CAP MARKED 17282 LS;

THENCE SOUTH 38° 30' 49" EAST 76.66 FEET TO A SET 5/8" REBAR WITH CAP MARKED 17282 LS;

THENCE SOUTH 86° 24' 27" EAST 621.44 FEET, PASSING THROUGH A SET 5/8" REBAR WITH CAP MARKED 17282 LS AT 572.70 FEET, TO A POINT ON THE CENTERLINE OF OTHORP LAKE ROAD, A 60 FOOT WIDE COUNTY ROAD, SAID POINT BEING THE NORTHWEST CORNER OF LOT 2 OF THIRSTY RIDGE SUBDIVISION AS SHOWN BY THE PLAT RECORDED IN LINCOLN COUNTY RECORDS;

THENCE SOUTH 22° 34' 53" EAST 30.00 FEET TO A FOUND 5/8" REBAR WITH CAP MARKED 7328S ON THE SOUTHERLY LINE OF THE AFORESAID OTHORP LAKE ROAD;

THENCE SOUTH 46° 34' 39" EAST 337.62 FEET TO A FOUND 5/8" REBAR WITH CAP MARKED 7328S AT THE SOUTHWEST CORNER OF SAID LOT 2;

THENCE ALONG THE SOUTH LINE OF THE AFORESAID NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 22, NORTH 89° 03' 09" WEST 702.66 FEET TO THE POINT OF BEGINNING, CONTAINING 5.976 ACRES, MORE OR LESS.

SUBJECT TO COUNTY ROAD RIGHT OF WAY  
SUBJECT TO ALL EASEMENTS OF RECORD  
SUBJECT TO A LINCOLN ELECTRIC POWER LINE EASEMENT  
SUBJECT TO AN ACESS EASEMENT ALONG AN EXISTING ACCESS DRIVE AS SHOWN ON CERTIFICATE OF SURVEY NUMBER #4083 CO

KNOWN AS PARCEL 5, CERTIFICATE OF SURVEY NUMBER #4083 CO

PURPOSE OF SURVEY AND OWNERS EXEMPTON

I, MATTHEW E. BANEY, EXECUTOR, HEREBY CERTIFY THAT THE PURPOSE OF THIS SURVEY AND DIVISION OF LAND IS BY ORDER OF A COURT, THEREFORE PARCELS 1 THROUGH 5 ARE EXEMPT FROM REVIEW AS A SUBDIVISION PURSUANT TO SECTION 76-3-201(1)(a), M.C.A., DIVISION IS CREATED BY ORDER OF ANY COURT OF RECORD IN THIS STATE OR BY OPERATION OF LAW OR THAT, IN THE ABSENCE OF AGREEMENT BETWEEN THE PARTIES TO THE SALE, COULD BE CREATED BY AN ORDER OF ANY COURT IN THIS STATE PURSUANT TO THE LAW OF EMINENT DOMAIN, TITLE 70, CHAPTER 30; AND FURTHERMORE IS EXEMPT FROM DEPARTMENT OF ENVIRONMENTAL QUALITY REVIEW PURSUANT TO MCA 76-4-125 (2) (a) DIVISIONS CREATED BY ORDER OF ANY COURT OF RECORD IN THIS STATE OR BY OPERATION OF LAW, OR DIVISIONS WHICH, IN THE ABSENCE OF AGREEMENT BETWEEN THE PARTIES TO THE SALE, COULD BE CREATED BY AN ORDER OF ANY COURT IN THIS STATE PURSUANT TO THE LAW OF EMINENT DOMAIN, TITLE 70, CHAPTER 30, PARTS 1, 2 AND 3, M.C.A.

X Matthew E. Baney 6/9/2011  
MATTHEW E. BANEY, EXECUTOR DATE

State of Washington :ss  
County of King

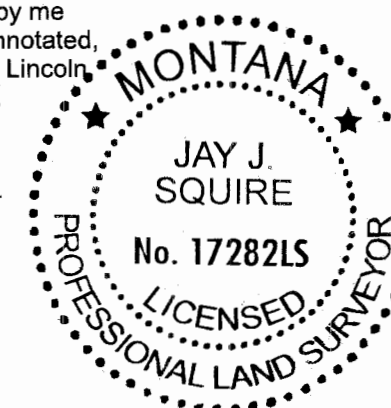
This instrument was acknowledged before me on June 9, 2011  
by Matthew E. Baney

David J. Squire  
Notary Public for the State of Washington  
Residing at King County  
My Commission expires 5/29/2012

CERTIFICATE OF SURVEYOR

I hereby certify that I am a Registered Land Surveyor in the State of Montana and that the survey shown on this Certificate of Survey has been prepared by me and in accordance with the Montana Code Annotated, Sections 76-3-101 through 76-3-625, and the Lincoln County regulations adopted pursuant thereto.

David J. Squire  
Jay J. Squire, PLS  
Registration No. 17282 LS Montana  
Date: May 13, 2011



Examined JUNE 16, 2011

Ronald A. Pearson  
Ronald A. Pearson,  
Lincoln County Examining Land Surveyor

Registration No. 9008 LS, Montana

STATE OF MONTANA

County of Lincoln

Filed on the 16<sup>th</sup> day of June, 2011, A.D.,  
at 2:05 o'clock P.M.  
Johnny J. Lauer

County Clerk and Recorder

By: Debbie Stearns  
Deputy

Instrument No. 233157

SHEET 1 OF 2

CERTIFICATE OF SURVEY NO. #4083 CO

# CERTIFICATE OF SURVEY

NE1/4 SW1/4 & NW1/4 SE1/4 SECTION 22 T. 36 N. R. 27 W. P.M., M.

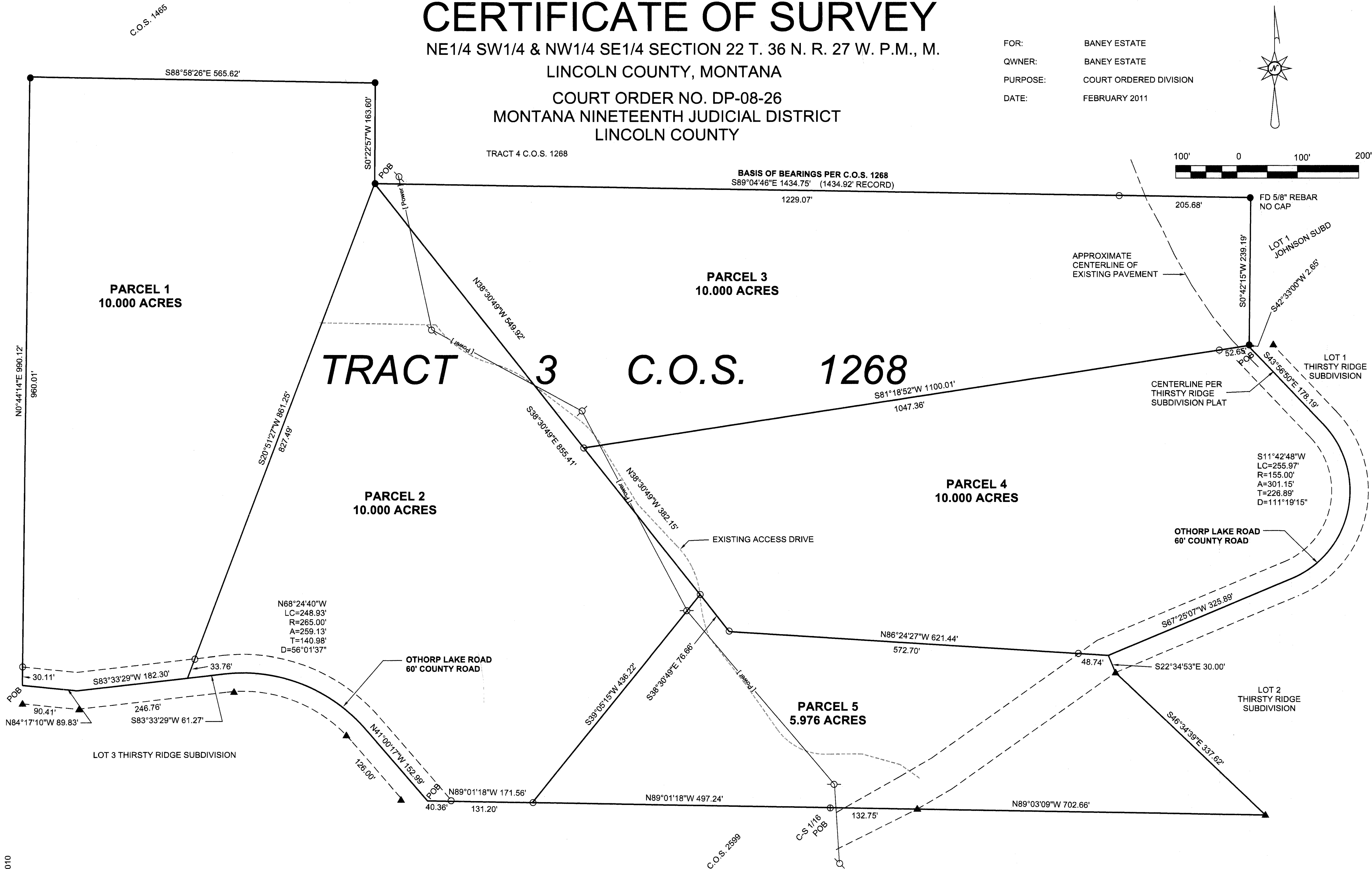
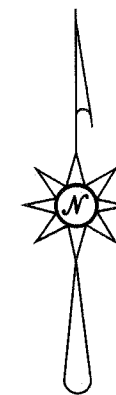
LINCOLN COUNTY, MONTANA

COURT ORDER NO. DP-08-26

MONTANA NINETEENTH JUDICIAL DISTRICT

LINCOLN COUNTY

FOR: BANEY ESTATE  
OWNER: BANEY ESTATE  
PURPOSE: COURT ORDERED DIVISION  
DATE: FEBRUARY 2011



| LEGEND |   |
|--------|---|
| ○      | 5/8" X 24" REBAR SET W/CAP 17282 LS     |
| ⊕      | C-S 1/16 CORNER F.S. AL MON.            |
| ○—○    | Power Pole                              |
| ●      | FOUND 5/8" REBAR W/CAP 2516 OR AS NOTED |
| ▲      | FOUND 5/8" REBAR W/CAP 7328S            |

JOB NO. 8010

JAY J.SQUIRE, PLS  
PO BOX 1537  
EUREKA, MT. 59917  
406-889-5861