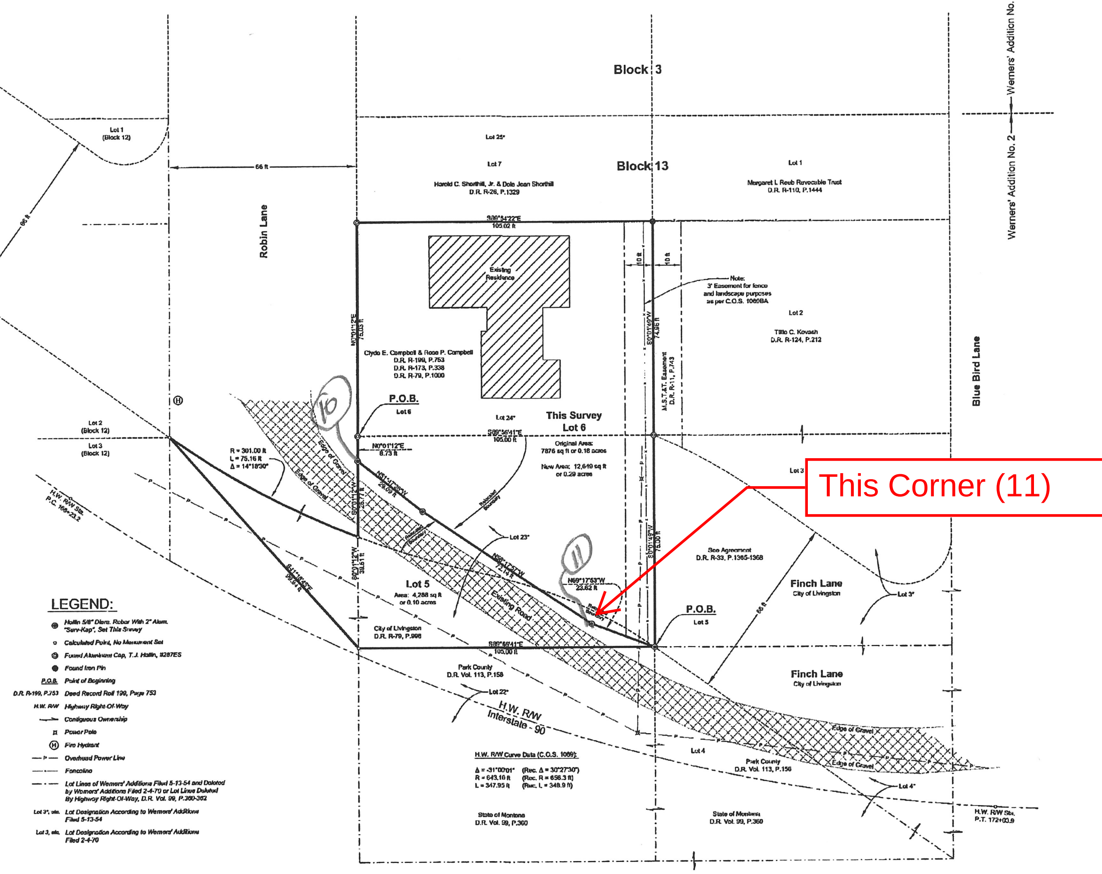
Certificate Of Survey No. 2094 RB



LEGEND:

- Hallin 5/8" Diam. Rebar With 2" Alum. "Surv-Kap", Set This Survey
- Calculated Point, No Monument Set
- Found Aluminum Cap, T.J. Hallin, #287ES
- Found Iron Pin
- P.O.B. — Point of Beginning
- D.R. R-199, P.753 — Deed Record Roll 199, Page 753
- H.W. R/W — Highway Right-Of-Way
- Contiguous Ownership
- Power Pole
- Fire Hydrant
- Overhead Power Line
- Fenceline
- Lot Lines of Werners' Additions Filed 5-13-54 and Deleted by Werners' Additions Filed 2-4-70 or Lot Lines Deleted By Highway Right-Of-Way, D.R. Vol. 99, P.360-362
- Lot 3*, etc. — Lot Designation According to Werners' Additions Filed 5-13-54
- Lot 3, etc. — Lot Designation According to Werners' Additions Filed 2-4-70

DESCRIPTION - LOT 6

A tract of land located in Block 13 of the Werners' Addition No. 2 to the City of Livingston, in the SW¼ Section 24 of Township 2 South, Range 9 East, P.M.M., County of Park, State of Montana, more particularly described as follows:

BEGINNING at the southwest corner of Lot 6 of Block 13 of Certificate of Survey No. 1069BA; thence along the boundary of said lot N0°01'12"E, 75.03 feet to the corner of Lots 6 and 7 of said Werners' Addition; thence continuing S89°54'22"E, 105.02 feet to the corner of Lots 1, 2, 6 and 7; thence continuing S0°01'49"W, 74.96 feet to the corner of Lots 2, 3 and 6 of said Werners' Addition; thence leaving said lot boundary S0°01'49"W, 75.00 feet to the southeast corner of Lot 5 of said survey; thence N69°17'53"W, 23.62 feet to a point; thence N56°17'57"W, 72.14 feet to a point; thence N51°47'28"W, 29.09 feet to a point on the southerly projection of the easterly boundary of Robin Lane; thence along said projection N0°01'12"E, 8.73 feet to the point of beginning, containing 12,649 square feet or 0.29 acres.

TOGETHER WITH AND SUBJECT TO all easements of record or apparent from visual inspection of the land.

ALL according to Certificate of Survey No. 2094 RB on record in the office of Clerk and Recorder of said county.

DESCRIPTION - LOT 5

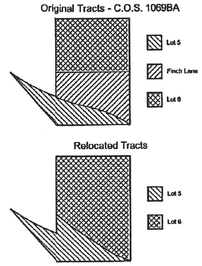
A tract of land located in Block 13 of the Werners' Addition No. 2 to the City of Livingston, in the SW¼ Section 24 of Township 2 South, Range 9 East, P.M.M., County of Park, State of Montana, more particularly described as follows:

BEGINNING at the southeasterly corner of Lot 5 of Block 13 of Certificate of Survey No. 1069BA; thence N69°17'53"W, 23.62 feet to a point; thence N56°17'57"W, 72.14 feet to a point; thence N51°47'28"W, 29.09 feet to a point on the southerly projection of the easterly boundary of Robin Lane; thence along said projection S0°01'12"W, 26.77 feet to a point on the northerly boundary of said Lot 5; thence along said boundary northwesterly 75.16 feet on a curve concave to the northeast with a radius of 301.00 feet through a central angle of 14°18'30" to a point; thence continuing S41°18'45"E, 99.94 feet to a point; thence continuing S89°56'41"E, 105.00 feet to the point of beginning, containing 4,288 square feet or 0.10 acres.

TOGETHER WITH AND SUBJECT TO all easements of record or apparent from visual inspection of the land.

ALL according to Certificate of Survey No. 2094 RB on record in the office of Clerk and Recorder of said county.

Original Tracts - C.O.S. 1069BA



Relocated Tracts History

PURPOSE OF SURVEY

The purpose of this survey is to relocate the common boundaries of two tracts of record, Lot 5 of Block 13 of Certificate of Survey No. 1069BA owned by the City of Livingston and Lot 6 of Block 13 of Certificate of Survey No. 1069 owned by Clyde E. Campbell and Rose P. Campbell.

A Survey Of

THE RELOCATION OF COMMON BOUNDARIES OF LOT 5 AND LOT 6 DELINEATED ON CERTIFICATE OF SURVEY NO. 1069BA, LOCATED IN BLOCK 13 OF WERNERS' ADDITION NO. 2 TO THE CITY OF LIVINGSTON

Located In the SW¼ of Section 24,
Township 2 South, Range 9 East, P.M.M.
County Of Park, State Of Montana

20 0 20 40 60

SCALE: 1" = 20'

Surveyor's Comments (T.J. Hallin, #287ES, Comments Date: 11-8-2002)
(Amended B.T. Hallin, This Survey)

① Werner's Additions To The City of Livingston:

A plat of Werners' Additions To The City Of Livingston was approved on 12 May, 1954 by the governing bodies of Park County and the City of Livingston and recorded 13 May 1954 as Document No. 64388 in the office of Clerk and Recorder of Park County. The plat depicts "Addition Number One" as being monumented and the adjoining "Addition Number Two" as being calculated but no monuments set. Only Certificate of Dedication No. 1 for "Addition Number One" is signed and dated by the landowners, and the surveyor's certificate states "the above Werners' Addition No. is according to a survey made on May 4th to May 7th, 1954". Note there is no addition number, but I suspect that the surveyor inadvertently omitted the number "1" as the only I.P. monuments are shown in Addition No. One and the monuments set would take about three days of fieldwork if the layout of the subdivision was finally designed.

The Certificate of Approval by the City of Livingston approves "the within plat of Werners' Additions to the City of Livingston Numbers One and Two", and the Certificate of Approval by the County Commissioners states "said plats are hereby made official plats of Werners' Additions to the City of Livingston". Thus, the certificates were signed and approved by the respective governing bodies for both additions, but the landowners only dedicated Addition No. One.

A subsequent plat of Werners' Additions, Livingston, Montana depicting the original Addition No. One together with a replatted Addition No. Two, was approved by the city and county governing bodies on 2 September 1958. Said plat contains only one Certificate of Dedication properly signed and dated by the landowners, i.e. for Addition No. Two only, dated and acknowledged 10 July 1958. The surveyor's certificate indicates the date of survey as 6 May 1958 to 13 May 1958. Interestingly, the plat was apparently never recorded as copies of this plat in city archives indicate that the boundary description of Addition No. 2, enumerated in the Certificate of Dedication, was altered and revised to conform with the plat subsequent to the governing bodies' approvals. A corrected paper copy of the plat was filed 4 February 1970 when Verne R. Reed, the surveyor and also the city engineer, delivered it to the Clerk and Recorder. This is verified by the Clerk and Recorder's handwritten note on said print as follows: "No fee charged as Copy only was filed by Verne Reed, City Engineer, 4 February 1970". Nevertheless, lots in Addition No. 2 were conveyed by the original subdividers between 1958 and 1970, presumably by reference to the corrected plat. The print copy is recorded as Document No. 117180.

② Reason For Corrected Plat for Werners' Additions To The City Of Livingston:

The revision of Werners' Additions resulted from the acquisition of the right-of-way for Interstate 90 through said subdivisions by warranty deed Volume 90, pages 549-551, dated 23 June 1958 and filed 4 August 1958 in the office of the Clerk and Recorder. This was followed by a correction deed Volume 99, pages 360-362, dated 2 December 1959 and filed 15 December 1959, wherein it is obvious from the lot descriptions that the plat cited is the plat of record filed 13 May 1954 as Document No. 64388 and not the Reed plat approved by the governing bodies 2 September 1958 and apparently not filed at the time the latter deed was prepared.

③ Agreement Between City Of Livingston And Louie A. Kovash, ET UX;

The question of the legality of Werners' Additions To The City of Livingston, Document No. 117180, was addressed in an Agreement between the City of Livingston and Louie A. Kovash and Ottilia C. Kovash, Roll 33, pages 1365-1368, dated 20 October 1980 and filed 28 January 1981 as Document No. 163985, wherein it is stated: "Whereas, it is not clear as to whether a legally effective plat showing Finch Lane between Robin and Bluebird Lanes was ever effectively approved and filed in the office of the Clerk and Recorder; and Whereas, this creates a substantial doubt as to whether Finch Lane between Bluebird Lane and Robin Lane is an appropriately dedicated and platted public way, and Whereas it is the desire of Kovash not to remove certain trees planted within Finch Lane, if in fact Finch Lane had been appropriately designated, and ... Covenant Not To Sue. The City agrees that is shall not in any way pursue legal action against Kovash to in any way assert or try to assert the existence of a public right-of-way over and across that portion of Finch Lane upon which Kovash has planted trees and completed landscaping work as of October 1, 1980, and which is more specifically described as set forth in Exhibit B. Kovash makes no claim to the balance of the real property described as Finch Lane. This covenant may run with the land." Campbell's are assigns of the Kovash's. Thus, are bound and protected by the agreement.

Location Of Highway Right-Of-Way:

The calculated relocation of the highway right-of-way shown hereon required fitting a curve to the tangent determined from right-of-way offset iron pins for stations PT 164+62.1 and PC 168+23.2 found by Thomas J. Hallin in 1987 during the survey for Certificate of Survey No. 874 and the record tangent distance from the relocated right-of-way monument set by Thomas J. Hallin for highway station 173+62.7 on the east boundary of Werners' Addition No. Two, Plat No. 445. The right-of-way offset pins for stations PT 164+62.1, PC 168+23.2 and PT 172+03.9 were not found and probably destroyed by the installation of underground water mains, electrical power lines, other services to the nearby city well and street construction. This solution gave a curve length of 347.95 feet as against the highway record of 348.9 feet which is not suprising when comparing record and measured distances between other found monuments for this highway project.

⑤ Curve Data For Finch Lane:

It was also discovered that the curve data given for Finch Lane through Block 13 of Werners' Additions as shown on the paper copy filed 4 February 1970 would not match the lot corners or PC's and PT's based on the relocation of these corners from found monuments. The curve data shown hereon represents the most equitable resolution of the curves to match the relocated corners.

⑥ Determination Of Lot Corners:

The relocated lot corners were, in general consideration, determined by the concept of record distances prevailing over record bearings except where a continuity of bearings between found monuments predicated the prolongation of such lines at record bearings and distances. Where bearings were in doubt, a distance-distance and a bearing-bearing intercept were calculated and weighed for the most equitable solution.

⑦ Lot 5, Lot 6 & As Used Surface Of Finch Lane:

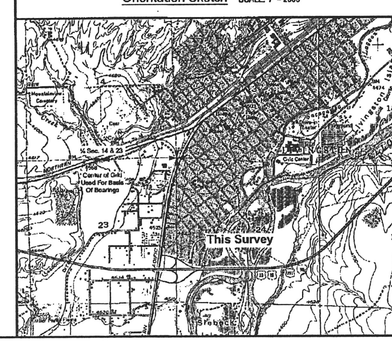
The as used road surface for Finch Lane runs from Robin Lane across a portion of the platted Finch Lane, then across Lot 5 owned by the City of Livingston, then across Lot 22* and Lot 4 owned by the County of Park, then back onto Finch Lane as platted to Blue Bird Lane. The as used road surface remains within the relocated boundaries of Lot 5, and the relocated boundaries are in harmony with the agreement filed as Roll 33, pages 1365-1366. The as used road surface remains on lands owned by the City of Livingston and County of Park.

⑧ Basis Of Bearings:

Certificates of Surveys No. 1069BA, 874 and 508 were based on grid coordinates centered at the corner common to Sections 22, 23, 26 and 27, Township 2 South, Range 9 East, P.M.M., with north being determined by the mean of a series of solar observations at said corner.

This survey, the bearings and distances are based on grid coordinates centered at the ¼ corner common to Sections 14 and 23, Township 2 South, Range 9 East, P.M.M., with north being determined by GPS observations.

Orientation Sketch SCALE: 1" = 2000'



CERTIFICATE OF SURVEYOR

State of Montana) ss.
County of Park)

I hereby certify that the accompanying Certificate of Survey was completed by me, or under my supervision, on April 20, 2006 pursuant to Section 76-3-101, et seq., M.C.A. and the Park County Subdivision Regulations; that to the best of my knowledge, the information shown is true and correct, and the monuments set, together with those found, are sufficient to enable the survey to be retraced.

BASIS OF BEARINGS: all bearings and distances are based on grid coordinates using GPS measurements at the ¼ Corner of Sections 14 and 23, Township 2 South, Range 9 East, P.M.M., taken on a plane with the origin at approximately 4,528.33 feet above the ellipsoid, North American Datum of 1983.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this 17th day of July 2006.

Bernard T. Hallin
Bernard T. Hallin
Montana Registration No. 10,356 L.S.
1318 West Front Street
Livingston, Montana 59047
Phone: (406) 222-1303

CERTIFICATE OF COUNTY TREASURER

State of Montana) ss.
County of Park)

I, Kevin Larkin, Treasurer of said county, do hereby certify that the accompanying Certificate of Survey has been duly examined and that all real property taxes assessed and levied on the land are paid.

Dated this 18 day of July, 2006.

Kevin Larkin
Kevin Larkin, Treasurer

Vicki Petersen
Deputy

LAND OWNERS' CERTIFICATE OF EXEMPTION

State of Montana) ss.
County of Park)

We, the undersigned, hereby certify that the purpose of this survey is to relocate common boundaries between Lot 5, Lot 6 and Finch Lane, as delineated on Certificate of Survey No. 1069BA, that no additional tracts are created and, therefore, this survey is exempt from review as a subdivision pursuant to Section 76-3-207(1)(a), M.C.A.

IN WITNESS WHEREOF, the parties hereto have subscribed their names.

By: Clyde E. Campbell Date: 7-18-06
Clyde E. Campbell

By: Rose P. Campbell Date: 7/18/06
Rose P. Campbell

Subscribed and sworn before me this 18th day of July 2006
Bernard T. Hallin
Notary Public for the State of Montana
Residing at Bozeman, MT
My commission expires 7-28-2008

By: [signature] Date: 7/20/06
Chairman of the City Commission

Subscribed and sworn before me this 20th day of July 2006.
[signature]
Notary Public for the State of Montana
Residing at Livingston
My commission expires 11/14/2006

CERTIFICATE OF PLAT APPROVAL
CITY OF LIVINGSTON

State of Montana) ss.
County of Park)

THE CITY COMMISSION of the City of Livingston does hereby certify that it has examined the accompanying Certificate of Survey and find that it conforms with the requirements of the Montana Subdivision and Platting Act and the Park County Subdivision Regulations.

IN WITNESS WHEREOF, we have hereunto set our hands this 20th day of July, 2006.

[signature]
Chairman of the City Commission

Attest: [signature]
City Clerk

CERTIFICATE OF GOVERNING BODY N/A

State of Montana) ss.
County of Park)

I, Chairman of the Board of County Commissioners, hereby certify that we have examined the accompanying Certificate of Survey and find that it conforms with the requirements of the Montana Subdivision and Platting Act and the Park County Subdivision Regulations.

IN WITNESS WHEREOF, I have hereunto set my hand this ________ day of ____________, 200___.

____
Chairman

Filed in the Office of the Clerk and Recorder for the County of Park, State of Montana, this 25 *day of* July, 2006, A.D., at 9:49 o'clock A m.

[signature]
County Clerk and Recorder

By: ____________________
Deputy

Document No. 337217

Fee: ____ Lots at ____ Total $6.00

CERTIFICATE OF SURVEY

¼	Sec.	T.	R.
⊞	24	2S	9E
⊞			

Drawn By:	Date:
K. Loberg	July 2006
Checked By:	
B. T. Hallin	July 2006
Revised By:	

Certificate Of Survey No. ____
Park County, Montana

Sheet No. 1 of 1