

HON. JENNIFER B. LINT
District Judge, Department No. 2
Twenty-first Judicial District
Ravalli County Courthouse
205 Bedford, Suite B
Hamilton, MT 59840-2853
(406) 802-7192

RECEIVED

APR 14 2020

Ravalli County Commissioners

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FILED
PAIGE TRAUTWEIN, CLERK

APR 13 2020
Sharon Benson
DEPUTY

MONTANA TWENTY-FIRST JUDICIAL DISTRICT COURT, RAVALLI COUNTY

IN RE THE ESTATE OF:

ROBERT E. JACKSON,

Deceased.

Cause No. DP-18-114 /13
Department No. 2

**ORDER FOR PARTITION OF REAL
PROPERTY**

Pending before the Court is the Estate's Petition for Partition of Real Property. Upon review of the file and noting no objections from any interested party, nor any comments from the County, the Court finds as follows:

FINDINGS OF FACT

A. That a Petition for Partition of Real Property was presented to the court by Robert T. Jackson, the Personal Representative of the above estate, on or about January 8, 2020.

B. That an Notice given to the Ravalli County Board of Commissioners (the County) pursuant to M.C.A. §76-3-201(2) on February 13, 2020. The Notice provided the County was to submit any comments to the Court within thirty days.

C. That the estate holds sole title to the following real property consisting of approximately 75.069 acres (hereinafter "Collective Property"), legally described as:

PARCEL 1:

The NW1/4NW1/4 of Section 3, Township 9 North, Range 19 West, M.P.M.,
Ravalli County, Montana.

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Navajo County Commissioners

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TOGETHER WITH all water, water rights, ditches, dams, and flumes thereunto appertaining.

Deed Reference: Book 121, Page 491

PARCEL 2:

The N1/2NW1/4 of Section 3, Township 9 North, Range 19 West, M.P.M., Ravalli County, Montana.

LESS and EXCEPTING the NW1/4NW1/4 of Section 3, Township 9 North, Range 19 West, M.P.M., Ravalli County, Montana (Deed Reference Book 121, Page 491); and

LESS and EXCEPTING Parcel A described in Certificate of Survey #5588-F, Ravalli County, Montana.

TOGETHER WITH all water rights possessed, had, used and enjoyed by said land and all thereof, including all ditches, diversions, flumes, headgates and all thereof for irrigation service.

Deed Reference: Book 112, Page 189

D. That pursuant to the decedent's Last Will and Testament on record, certain children of decedent are entitled to certain real property as described in the Petition for Partition on file herein.

E. That the heirs have agreed to divide the Collective Property in such a way as to allow each beneficiary to hold a near equal amount of acreage (approximately 15± acres each), as follows:

1. To Robert T. Jackson

A tract of land in the N1/2 of Section 3, Township 9 North, Range 19 West, P.M.M., Ravalli County, Montana, and being more particularly described as Parcel A on Certificate of Survey No.

TOGETHER WITH all water rights possessed, had, used and enjoyed by said land and all thereof, including all ditches, diversions, flumes, headgates and all thereof for irrigation service.

SUBJECT TO visible easements, easements of record and rights of way.

2. To George B. Jackson

A tract of land in the N1/2 of Section 3, Township 9 North, Range 19 West, P.M.M., Ravalli County, Montana, and being more

particularly described as Parcel B on Certificate of Survey No.
_____.

TOGETHER WITH all water rights possessed, had, used and enjoyed by said land and all thereof, including all ditches, diversions, flumes, headgates and all thereof for irrigation service.

SUBJECT TO visible easements, easements of record and rights of way.

3. To Jeffrey R. Jackson

A tract of land in the N1/2 of Section 3, Township 9 North, Range 19 West, P.M.M., Ravalli County, Montana, and being more particularly described as Parcel C on Certificate of Survey No.
_____.

TOGETHER WITH all water rights possessed, had, used and enjoyed by said land and all thereof, including all ditches, diversions, flumes, headgates and all thereof for irrigation service.

SUBJECT TO visible easements, easements of record and rights of way.

4. To Carol L. Ross

A tract of land in the N1/2 of Section 3, Township 9 North, Range 19 West, P.M.M., Ravalli County, Montana, and being more particularly described as Parcel D on Certificate of Survey No.
_____.

TOGETHER WITH all water rights possessed, had, used and enjoyed by said land and all thereof, including all ditches, diversions, flumes, headgates and all thereof for irrigation service.

SUBJECT TO visible easements, easements of record and rights of way.

5. To Sheryl K. Pond

A tract of land in the N1/2 of Section 3, Township 9 North, Range 19 West, P.M.M., Ravalli County, Montana, and being more particularly described as Parcel E on Certificate of Survey No.
_____.

TOGETHER WITH all water rights possessed, had, used and enjoyed by said land and all thereof, including all ditches, diversions, flumes, headgates and all thereof for irrigation service.

SUBJECT TO visible easements, easements of record and rights of way.

F. That no liens or encumbrances exist against said properties.

G. That due and legal notice has been given in the manner and time required by law, and no objections have been presented.

H. That a preliminary certificate of survey depicting a proposed court-ordered division of the property was properly surveyed.

I. That the County has not responded to the notice given by this court for the proposed court ordered division and, therefore, same is deemed approved.

Now, on motion by Robert T. Jackson, Personal Representative of the estate, and good cause appearing therefor,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that in accordance with the terms of the proposed Certificate of Survey, and applicable law, the Personal Representative, Robert T. Jackson, is authorized to record the proposed plat on record and divide the following Collective Property legally described as:

PARCEL 1:

The NW1/4NW1/4 of Section 3, Township 9 North, Range 19 West, M.P.M., Ravalli County, Montana.

TOGETHER WITH all water, water rights, ditches, dams, and flumes thereunto appertaining.

Deed Reference: Book 121, Page 491

PARCEL 2:

The N1/2NW1/4 of Section 3, Township 9 North, Range 19 West, M.P.M., Ravalli County, Montana.

LESS and EXCEPTING the NW1/4NW1/4 of Section 3, Township 9 North, Range 19 West, M.P.M., Ravalli County, Montana (Deed Reference Book 121, Page 491); and

LESS and EXCEPTING Parcel A described in Certificate of Survey #5588-F, Ravalli County, Montana.

TOGETHER WITH all water rights possessed, had, used and enjoyed by said land an all thereof, including all ditches, diversions, flumes, headgates and all thereof for irrigation service.

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as follows:

1. To **Robert T. Jackson**

A tract of land in the N1/2 of Section 3, Township 9 North, Range 19 West, P.M.M., Ravalli County, Montana, and being more

particularly described as **Parcel A** on Certificate of Survey No.

TOGETHER WITH all water rights possessed, had, used and enjoyed by said land and all thereof, including all ditches, diversions, flumes, headgates and all thereof for irrigation service.

SUBJECT TO visible easements, easements of record and rights of way.

2. To **George B. Jackson**

A tract of land in the N1/2 of Section 3, Township 9 North, Range 19 West, P.M.M., Ravalli County, Montana, and being more particularly described as **Parcel B** on Certificate of Survey No.

TOGETHER WITH all water rights possessed, had, used and enjoyed by said land and all thereof, including all ditches, diversions, flumes, headgates and all thereof for irrigation service.

SUBJECT TO visible easements, easements of record and rights of way.

3. To **Jeffrey R. Jackson**

A tract of land in the N1/2 of Section 3, Township 9 North, Range 19 West, P.M.M., Ravalli County, Montana, and being more particularly described as **Parcel C** on Certificate of Survey No.

TOGETHER WITH all water rights possessed, had, used and enjoyed by said land and all thereof, including all ditches, diversions, flumes, headgates and all thereof for irrigation service.

SUBJECT TO visible easements, easements of record and rights of way.

4. To **Carol L. Ross**

A tract of land in the N1/2 of Section 3, Township 9 North, Range 19 West, P.M.M., Ravalli County, Montana, and being more particularly described as **Parcel D** on Certificate of Survey No.

TOGETHER WITH all water rights possessed, had, used and enjoyed by said land and all thereof, including all ditches, diversions, flumes, headgates and all thereof for irrigation service.

SUBJECT TO visible easements, easements of record and rights of way.

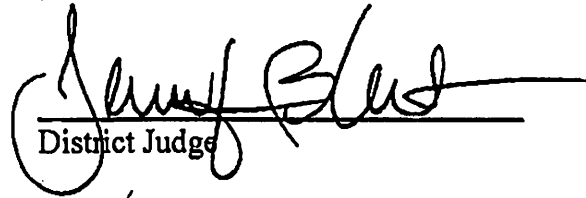
5. To **Sheryl K. Pond**

A tract of land in the N1/2 of Section 3, Township 9 North, Range 19 West, P.M.M., Ravalli County, Montana, and being more particularly described as **Parcel E** on Certificate of Survey No.

TOGETHER WITH all water rights possessed, had, used and enjoyed by said land and all thereof, including all ditches, diversions, flumes, headgates and all thereof for irrigation service.

SUBJECT TO visible easements, easements of record and rights of way.

Dated this 10th day of April, 2020.

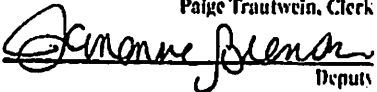

District Judge

cc: David T. Markette, Esq.
Ravalli County Commissioners - *via Mail*
Ravalli County Planning Department - *via Mail*

I certify that I forwarded copies of
this instrument to counsel of record

4-13-2020

Paige Trautwein, Clerk


Deputy