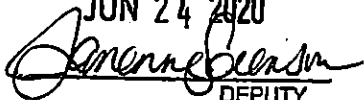


HON. JENNIFER B. LINT  
District Judge, Department No. 2  
Twenty-first Judicial District  
Ravalli County Courthouse  
205 Bedford, Suite A  
Hamilton, MT 59840-2853  
(406) 802-7192

FILED  
PAIGE TRAUTWEIN, CLERK

JUN 24 2020  
  
DEPUTY

**MONTANA TWENTY-FIRST JUDICIAL DISTRICT COURT, RAVALLI COUNTY**

In the Matter of the Estate of  ROBERT E. JACKSON,   Deceased.	Cause No. DP 18-114/16  Dept. No. 2  <b>AMENDED ORDER FOR PARTITION OF REAL PROPERTY NUNC PRO TUNC</b>
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From the evidence presented, including a Motion for *Nunc Pro Tunc*, the Court now makes the following Findings of Fact, Conclusions of Law and Order upon entry of a judgment by default in the above captioned matter.

**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 Order was issued to the Ravalli County Commissioners on February 13, 2020, to permit an examination of the proposed division of land.

Said entity was granted thirty (30) days to submit written comments, if any, on the matter. Subsequent to said Order, additional notice was personally provided by petitioner specifically to the Ravalli County Planning Department and Environmental Health, to which delayed but unopposed responses were provided by said departments on or about June 1, 2020, with the following caveats: 1) approach permits will be required for any new accesses onto Three Mile Creek Road; 2) septic approval will be required for any new or increased residence; and 3) water rights, if any should be transferred accordingly.

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.

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. Parcels A1 and A2 of CS#606960-F

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 188

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 an 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 an 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 an 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 dated May 5, 2020, was properly surveyed.

I. That the Ravalli County governmental agencies provided delayed responses to the notices. Said responses did not oppose the proposed court ordered division, however, approach permits will be required for any new accesses onto Three Mile Creek Road; septic approval will be required for any new or increased residences; and water rights, if any, should be transferred accordingly.

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:

A. the terms of the proposed Certificate of Survey dated May 5, 2020,

B. the following requirements by Ravalli County: 1) approach permits for any new accesses onto Three Mile Creek Road; 2) septic approval for any new or increased residence; and 3) water rights, if any shall be transferred accordingly, and

C. applicable law,

the Personal Representative, Robert T. Jackson, is authorized to record the proposed plat on record and divide the below described Collective Property:

**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. Parcels A1 & A2 of CS 606960-F

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 188

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.

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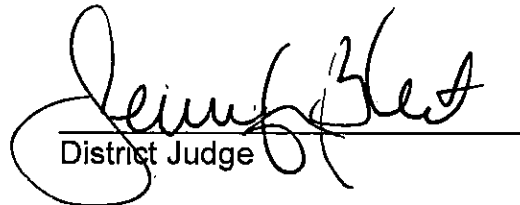
5. To Sheryl K. Pond

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 24 day of June, 20 20.

  
District Judge

cc: David T. Markette, Esq.  
Ravalli County Commissioners  
Ravalli County Planning Department  
Ravalli County Department of Environmental Health

I certify that I forwarded copies of  
this instrument to counsel of record  
emailed 6-24-2020  
Paige Trautwein, Clerk  
  
Deputy