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Ravalli County Commissioners

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PAIGE TRAUTWEIN, CLERK

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OCT 20 2014

DEPUTY

HON. JAMES A. HAYNES
 District Judge - Dept. 2
 Twenty-First Judicial District
 Ravalli County Courthouse
 205 Bedford - Suite B
 Hamilton, Montana 59840
 (406) 375-6780
 Fax (406) 375-6785

MONTANA TWENTY-FIRST JUDICIAL DISTRICT COURT, RAVALLI COUNTY

<p>IN THE MATTER OF THE ESTATE OF:</p> <p>DOUGLAS F. CHAFFIN,</p> <p>Deceased.</p>	<p>Cause No. DP 2012-62 Department No. 2</p> <p>ORDER</p>
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To the Ravalli County Commissioners:

On October 16, 2014, a Motion to Approve Division of Land was filed by the Personal Representative in this matter seeking a court ordered division of land. See Exhibit A attached. Pursuant to MCA §76-3-201(2), the governing body of Ravalli County is hereby notified of the proposed division of land.

IT IS HEREBY ORDERED that Ravalli County Commissioners may examine this proposed division of land and shall submit any written comments they may have on this proposed land division to the Court within 30 days. In the absence of timely comments, the Petition will be granted as presented.

DATED this 20th day of October, 2014.


 HON. JAMES A. HAYNES, District Judge

cc: John Greef, Esq.
 Ken Bransby, Esq.
 Steven Chaffin, Pro se


Ravalli County Commissioners
 Ravalli County Planning Department
 Ravalli County Environmental Health Dept.

John D. Greef
ATTORNEY AT LAW
P.O. Box 212
Hamilton, MT 59840
(406) 363-9060

Attorney for Personal Representative

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OCT 16 2014


DEPUTY

MONTANA TWENTY-FIRST JUDICIAL DISTRICT COURT, RAVALLI COUNTY

IN THE MATTER OF THE ESTATE OF:

DOUGLAS F. CHAFFIN,

Deceased.

Case No.: DP-12-62 /12
Department No. 2

MOTION TO APPROVE
DIVISION OF LAND

The Personal Representative, Janet Mae Chaffin, by and through her attorney, John D. Greef, hereby moves the court for an order dividing the 9.51 acre parcel which is a portion of Block 12, Lake Como Orchards No. 2, a platted subdivision of Ravalli County, Montana into three parcels of property as further depicted on the map attached as Exhibit "A".

This motion is based on the Distribution Agreement on file herein and on such other evidence as will be presented at the time of the hearing in this matter.

DATED this 16th day of October, 2014.



John D. Greef, attorney for Janet Mae Chaffin,
Personal Representative

BRIEF IN SUPPORT OF MOTION

M.C.A. 76-3-201 provides that the court has the power to create a division of land that is exempt from review under the Montana Subdivision and Platting Act. Before an approval can be granted by the court, M.C.A. 76-3-201 (2) provides that “. . . the court shall notify the governing body of the pending division and allow the governing body to present written comment on the division.”

In the case at bar, as related in the affidavit submitted by Janet Chaffin, the property in question was owned by the heirs father for about 25 years at the time of his death. He built his main residence in the center portion of his property. Mr. Chaffin then allowed his son, Chad, to move a residence onto the eastern portion of the property in about 1997. The other son, Steve, moved a residence onto the western portion of the property in 2003. All three residences have separate permitted septic systems. All three residences have separate power meters. There is legal access to all three parcels of property. The center and eastern residences share a well but by agreement, this shared use will terminate in two years. At that point, all three residences will have separate wells.

In view of the history of the use of the property, the undersigned contends that this is an appropriate circumstance for the court to approve the division of land as proposed.

Dated this 16th day of October, 2014.



John D. Greef, attorney for the
Personal Representative

CERTIFICATE OF MAILING

I, the undersigned, do hereby certify that I served a true and correct copy of the foregoing document with the U.S. Postal Service with first class postage affixed thereon, on the 16th day of October, 2014 addressed as follows:

Steven Douglas Chaffin
P.O. Box 696
Darby, MT 59829

Chad Allen Chaffin
P.O. Box 773
Darby, MT 59829

Kenneth Bransby
515 Main Street
Stevensville, MT 59870



Amber Alameda, Legal Assistant