



BCC

Ravalli County Planning Department

215 South 4th Street, Suite F

Hamilton, Montana 59840

406.375.6530 Fax 406.375.6531 kwaller@rc.mt.gov

OG-15-11-307

November 19, 2015

Hon. Jeffrey H. Langton
District Judge, Dept. No. 1
Twenty-First Judicial District
205 Bedford St., Suite A
Hamilton, MT 59840

**Subject: Proposed Court-Ordered Partition of Land for the Estate of Douglas Frandsen
Case No. DP-14-78**

Dear Judge Langton:

Our office has been provided with a copy of the Petition to Partition Estate Real Property (Case No. DP-14-78), with regard to the above-referenced case. The Petition includes an attached Certificate of Survey depicting a proposed Court-Ordered division of real property presently titled in the name of Doug Frandsen (Property Tax Identification #1212000), and other relevant documentation. The Ravalli County Subdivision Regulations apply to divisions of land in this area, unless a statutory exemption applies. An exemption to this proposal exists under §76-3-201(1)(a), MCA, which exempts divisions of land created by order of any court of record, provided that the method of disposition is not adopted for the purpose of evading subdivision review.

Todd and Sheila Frandsen, Co-Personal Representatives of the Estate of Douglas Linden Frandsen, request partition of the property through the Court-Order process, as part of the distribution of the Estate. Specifically, the 1.89-acre property is proposed to be divided into two parcels, one to measure 0.61 acre in size, and the other, 1.28 acres, as depicted on the attached, proposed Certificate of Survey (Exhibit A). Decedent Douglas Frandsen died intestate, resulting in his Estate passing to his two children. Devisees Todd and Shelia Frandsen agree that the partition of land will provide each of them an acceptable share of the Estate. Todd will receive proposed Lot 2, and Sheila, Lot 1, as depicted on the Certificate of Survey.

The Planning Department appreciates the opportunity to present written comments on this proposed division of land, on behalf of the governing body of Ravalli County. The Ravalli County Board of County Commissioners (BCC) held a Public Meeting on November 19, 2015 to consider Planning's draft comment letter, and all BCC amendments are incorporated herein.

After review of information submitted by the devisees' attorney, including the Petition document, comment request letter, proposed Certificate of Survey, and other supporting documentation (all enclosed), the Planning Department offers the following comments:

Findings of Fact

1. The requested action can be considered through the subdivision process.
2. Utilizing the Court-Order process limits the Ravalli County Board of County Commissioners' ability to consider data and mitigation measures typically found in subdivision review.
3. The Court-Order procedure limits citizens' opportunity to participate in the decision.
4. The Planning Department's research has confirmed that the property is not located within a Voluntary Zoning District, and according to County Clerk and Recorder records, covenants or deed restrictions do not appear to be recorded on the property (Planning cannot guarantee, however, that such restrictions do not encumber the property).
5. One existing lot is proposed to become two potentially buildable lots.
6. According to Ravalli County GIS data, a property site visit, and submitted materials, a cabin, shed, and covered RV site currently exist on the property. The cabin and RV site are located on proposed Lot 2, while the shed is located on proposed Lot 1. The property does not currently have an assigned address.
7. According to Ravalli County GIS data, a property site visit, and submitted materials, U.S. Hwy. 93 South, a State-maintained highway, borders the property's southwest side.
8. According to Ravalli County GIS data, a property site visit, and submitted materials, Whiskey Gulch Rd., a privately-maintained roadway, provides access to the property from Hwy. 93. This roadway has two approaches off of Hwy. 93 at this location, and is located within a 30'-wide easement per Book 129, Page 672 of Ravalli County Official Records.
9. According to Ravalli County GIS data, a property site visit, and submitted materials, an unnamed roadway connects with Whiskey Gulch Rd. on the property, and provides access to properties north and east of the subject property.
10. It is currently possible for the existing lot to be developed with up to 5 additional residential structures, subject only to review through the Montana Department of Environmental Quality (MDEQ) and/or Ravalli County Environmental Health Department (RCEHD), in addition to the provisions of any covenants or deed restrictions encumbering the property, should they exist. With the proposed two-lot partition, however, it would be possible for proposed Lots 1 and 2 to each be developed with up to 5 additional residential structures, for a total of 10 additional structures, subject only to review through the above agency(ies) and the provisions of any covenants/deed restrictions. *Please Note: Additional structure provisions have been adopted, pursuant to recent changes in Montana State Legislature (M.C.A. 76-8).*
11. According to discussions with a neighboring property owner to the east, the well of that neighboring owner is located on the subject property, but is not located within the recorded easement for that well shown on the proposed Certificate of Survey. Exhibit B shows the

recorded well and easement locations, as well as the neighbor's indicated well and easement locations. Exhibit C is the Warranty Deed indicating the recorded easement location, including a diagram, which the neighbor states is the incorrect location. The well of the subject property is located within the neighbor's recorded, legal easement.

12. According to County GIS data, the property is not located within, nor in close proximity to, FEMA-mapped floodplain boundaries.
13. According to County GIS data, a side channel of the Bitterroot River is potentially located within the southwest corner of the property.
14. Potential wetlands associated with the Bitterroot River side channel may be located adjacent the side channel within the southwest corner of the property.
15. A comment letter from RCEHD, addressing septic and well concerns, is attached as Exhibit D.
16. The neighboring property owner to the east states that there is no septic replacement area available on the proposed Lot 1. See Exhibit E.

Should the Court order the division of land without requiring review through the Montana Subdivision and Platting Act:

1. Written confirmation should be obtained from RCEHD that each lot meets or exceeds local and MDEQ standards for wastewater treatment and potable water (wells).
2. Current and future property owners should be made aware that further development of the properties may require, where appropriate, access permits from the Montana Department of Transportation (MDOT), water and wastewater permits from RCEHD and/or MDEQ, permits from the Bitterroot Conservation District and/or U.S. Army Corps of Engineers for any work in or near streams, rivers, or wetlands, or the following potential applications from the Planning Department: Buildings for Lease/Rent, Subdivision Exemption Application, or Subdivision Review.
3. Current and future property owners should also be made aware that this letter does not constitute a substantive review of the proposal, such as when evaluating a subdivision application. Despite the provisions addressed in Item #2 above, the lots altered or created through any Court Order process might not:
 - possess legal or physical access;
 - be eligible for a County/State road access permit;
 - be able to utilize previous private access easements;
 - be eligible for County well or wastewater treatment (septic system) permits;
 - have access to utilities;
 - contain a usable building site; or
 - have beneficial economic use or value whatsoever.
4. Water rights, if any, should be transferred and used on the parcels, in order to help protect area water users, while guaranteeing access to water on each tract of land. A master irrigation plan, addressing water distribution among the lots, should be filed with the Certificate of Survey, if needed. Allocation of water should be a part of this master irrigation agreement. Any irrigation ditches located on or near the property should be shown on the Certificate of Survey with a 20-foot easement, as measured from the ditch center, for maintenance purposes.
5. The well of the neighboring property owner to the east is located on the subject property, but is not located within the recorded easement for that well shown on the proposed

Certificate of Survey, as discussed on Page 2 of this letter in Finding of Fact #11. Accordingly, the well and easement should be shown in their actual location on the proposed Certificate of Survey, and addressed in future deeds for proposed Lot 2, that allows the neighbor access and maintenance to their well.

6. Due to the property's proximity to Hwy. 93, building setbacks should be established and shown on the Certificate of Survey that allow for any potential MDOT future expansion of the highway and right-of-way area.
7. The unnamed roadway that connects with Whiskey Gulch Rd. on the property and provides access to surrounding properties to the north and east, climbs just outside of the subject property's east boundary along a steep grade. Accordingly, any future development on the property should avoid undercutting this grade.
8. Property addresses should be obtained from the Ravalli County Clerk and Recorder's Office for the two resulting lots.
9. It is recommended that easements for the sharing of any well and septic provisions be shown on the Certificate of Survey.

Prior to the Court's review of the proposal:

It is requested that a development plan for the proposed lots be provided to the Court for consideration.

Should you have questions, please contact me at your convenience.

Sincerely,



Kevin Waller
Planner

Enc: Attorney Comment Request Letter, Petition Document, Proposed Certificate of Survey, Other Supporting Documentation

Cc: Jennifer B. Lint, Boatwright Law Office, P.C., Toby Dumont, PCI, SEA File 2015-71, Outgoing Correspondence File, Ravalli County Board of County Commissioners, Ravalli County Clerk and Recorder, Ravalli County Attorney's Office, Ravalli County Environmental Health Department, Bitter Root Irrigation District, Daly Ditches Irrigation District, RCR Trust, LLC

RAVALL COUNTY SANITARIAN'S OFFICE

SITE EVALUATION # 16996-A

DATE: 9/17/96; EVALUATOR: Jake Kammerer

FOR: Boaty Thompson, Doug Strandem Phone # _____

ADDRESS: 5582 Hwy. 93 S, (Corner), MT 59827

PARCEL #: 1212000 GEOCODE #: 1674-22-101-04 Site A

GENERAL AREA: Th. Hwy. 93 S

SE 1/4 SW 1/4, SECTION 22, T 2 (N) S, R 20 W; COS / AP# _____

PARCELS / LOT SE E, SUBDIVISION NAME: _____

VOLUNTARY ZONING DISTRICT _____ RESTRICTIVE COVENANTS Indef 10

PLAT APPROVAL # _____ IN THE FLOODPLAIN? _____

SITE EVALUATION DATA SUBMITTED BY THE STATE APPROVAL PROCESS IS USED AS THE BASIS FOR THE ISSUANCE OF A PERMIT: _____ YES _____ NO

SLOPE: ~ 3%; DEPTH TO GROUNDWATER: > 8'; DEPTH TO BEDROCK OR OTHER IMPERMEABLES: > 8'

TEST HOLE REQUIRED: Yes; PERCOLATION TEST REQUIRED: No MONITORING REQUIRED No

SOILS DATA: loamy sand TEST HOLE # 1 NORTHWEST (LOWER) PORTION OF PROPERTY

70 FEET PER BEDROOM,

1.9 acres

NITRATE BACKGROUND LEVEL _____ SIZE OF PROPERTY _____ ACRES

POPULATION DENSITY: _____ HOMES PER _____ ACRES

DRAINFIELDS ARE STACKED _____ DRAINFIELDS ARE NOT STACKED _____

DISTANCE BETWEEN DRAINFIELDS _____ SEPTIC SYSTEM WILL RAISE NITRATES ABOVE 5PPM _____

SEPTIC SYSTEM WILL NOT RAISE NITRATES ABOVE 5PPM _____ SECONDARY TREATMENT REQUIRED _____

SECONDARY TREATMENT NOT REQUIRED _____

DISTANCE TO STATE WATERS _____ DEPTH TO GROUNDWATER _____

PHOSPHOROUS BREAKTHROUGH WILL BE LESS THAN 50YRS. _____

BREAKTHROUGH WILL BE GREATER THAN 50YRS. _____

A NITRATE TEST SEWAGE DISPOSAL PERMIT # 9010 # 9584 renewed 9010 11-16-98
IS REQUIRED FROM THE CLOSEST WELL TO THE PROPERTY!
(NOTE - THIS PERMIT IS NOT VALID UNLESS SIGNED BY A RAVALLI COUNTY SANITARIAN)

NUMBER AND TYPE OF STRUCTURE(S) SERVED - RESIDENTIAL / COMMERCIAL

TYPE SF DS DS (1) PLACE SYSTEM AS SHOWN ON BACK SIDE
NUMBER + 2 DS 2. SET ASIDE THE REQUIRED REPLACEMENT AREA
TOTAL NUMBER OF BEDROOMS 85 3. COMPLY WITH ALL REQUIRED SETBACKS

1500 GAL. 2 TANKS 1000 GAL EA.

OF SEPTIC TANKS 1 SIZE OF SEPTIC TANK(S) 1000 GALLONS

TOTAL LINEAR FEET 350 SYSTEM TYPE (DRAINFIELD / BED / OTHER) STANDARD DRAINFIELD

APPLICANT'S SIGNATURE AGREEING TO THE CONDITIONS OF THIS PERMIT: Doug Strandem

PLAN APPROVED: DATE: 16 Nov 96 BY: David C. Stanton

FINAL INSPECTION APPROVAL: DATE: 12/16/98 BY: Jake Kammerer R.S.

THIS PERMIT IS VALID FOR ONLY ONE YEAR FROM THE DATE OF ISSUANCE

-- A FINAL INSPECTION OF THE SYSTEM IS REQUIRED --
(SEE SKETCH / ADDITIONAL NOTES ON THE REVERSE SIDE)

Exhibit D
Page 2

Kevin Waller

From: John Palacio
Sent: Wednesday, November 11, 2015 12:36 PM
To: Kevin Waller
Subject: RE: Frandsen Court-Order BCC Meeting
Attachments: 1212000.pdf

Based on our site visit on November 5, 2015 for TAX ID 1212000:

1. A septic permit was issued for the property (attached) on November 16, 1998, allowing a shared septic system for 2 single-family dwellings not totaling more than 5 bedrooms between them.
2. The drainfield seemed to be staked out according to the final inspection done on December 16, 1998.
3. The staked drainfield area was more than 100' from the property's well.
4. Regarding the court-order proposal:
 - a. An easement should be obtained for the maintenance of the shared drainfield.
 - b. A shared replacement area should be reserved for the shared drainfield.
 - c. If a new well is to be proposed for the northernmost lot, this should be placed at least 100 feet away from the existing drainfield.

John Palacio, RS

From: Kevin Waller
Sent: Tuesday, November 10, 2015 3:04 PM
To: John Palacio <jpalacio@rc.mt.gov>
Subject: Frandsen Court-Order BCC Meeting

Hi John:

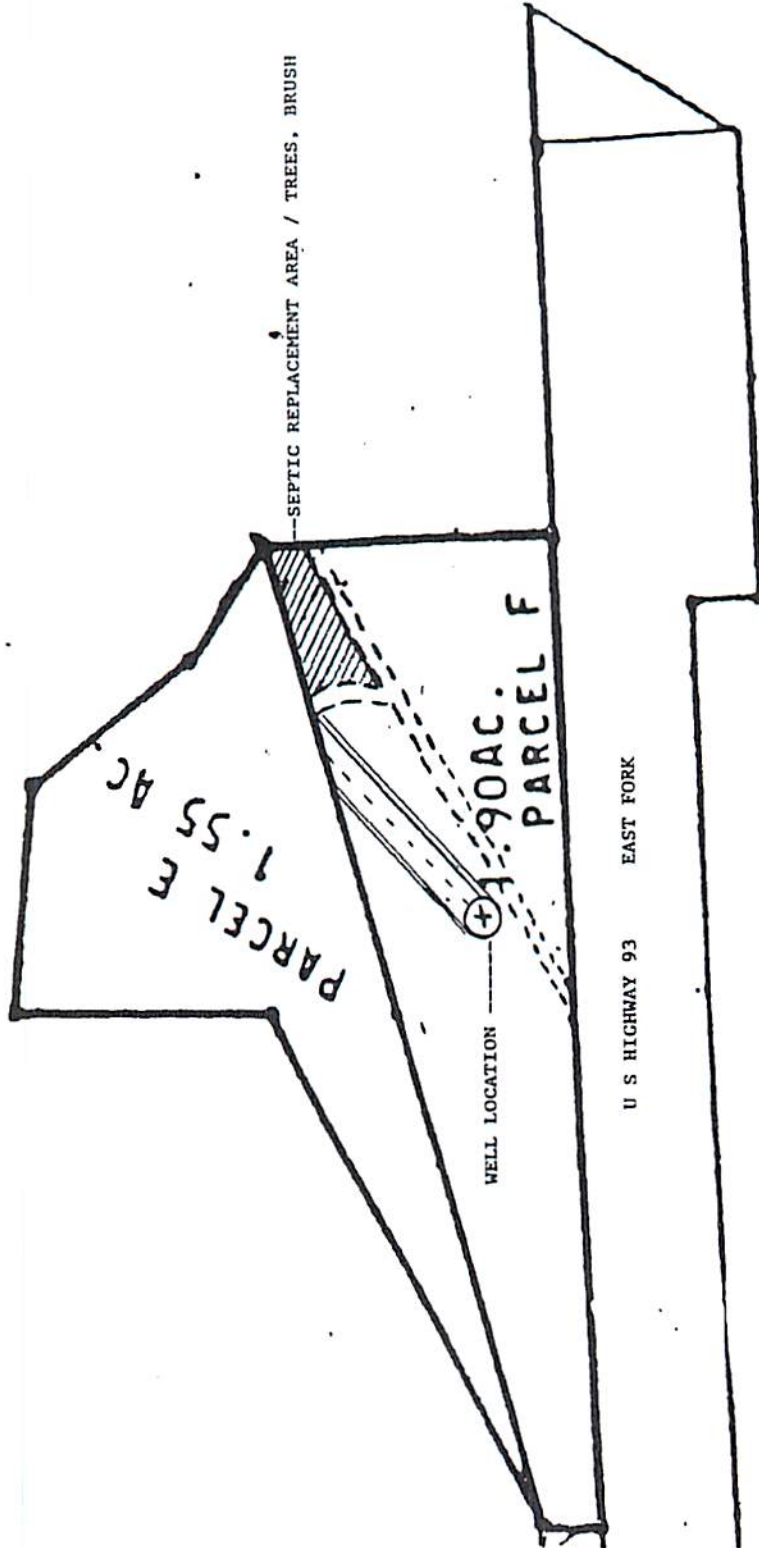
I scheduled a BCC meeting for Thursday, Nov. 19th, at 9:30 am., for the Frandsen court-order proposal, which we had just visited on-site. Could you send your comments over to me as soon as you're able? I'm planning on sending the Commissioners a packet of info. later this week, as a heads-up for that meeting.

Thanks, and have a great Wednesday.

Kevin

-Exhibit D-
Page 1

EXHIBIT "A"



WELL LOCATION/ EASEMENT FOR WATER LINE
SEPTIC REPLACEMENT AREA / TREES, BRUSH

Exhibit
C-1
Page 2

Betty J. Lund CLERK AND RECORDER BY Tena L. Miller

WARRANTY DEED
(Short Form)

Order No: TI-6846
Parcel No: 1212000

FOR VALUE RECEIVED, BETTY J. YOUNGHAUS

Whose address is: 5582 U.S. Highway 93 South, Conner, MT 59827

Hereinafter called, Grantor, does hereby grant, bargain, sell and convey unto

ROBERT C. RAY, a single man

Whose address: 129 Martin Drive, Corvallis, MT 59828

PARCEL E:

A parcel of land located in the E $\frac{1}{2}$ SW $\frac{1}{4}$ and in the SE $\frac{1}{4}$ of Section 22, Township 2 North, Range 20 West, P.M.M., Ravalli County, Montana, and being more particularly described as follows:

Beginning at a point located North a distance of 398.17 feet and West a distance of 10.88 feet from the South Quarter Corner of Section 22, thence N.45°23'02" West, a distance of 662.64 feet; thence S.88°42'19" East a distance of 383.09 feet; thence N.61°49'42" East a distance of 187.41 feet; thence S.23°15'12" East a distance of 151.12 feet; thence S.27°39'09" West a distance of 139.97 feet; thence S. 9°35'51" West a distance of 93.39 feet, to the point of beginning.

Deed Ref.: 141-519

TOGETHER WITH an easement for access road purposes being 30 feet in width on and along an existing traveled roadway, commencing on the East line of U.S. Highway 93 in Parcel F and extending southeasterly near the East line of said Parcel F, thence northeasterly to Parcel E.

TOGETHER WITH an existing 20 foot wide well easement from the well located on Parcel F, running in a southeasterly direction to Parcel E as shown on the attached map, Exhibit "A".

ALSO TOGETHER WITH the right to use that portion of Parcel F in the Southeast Corner which is East of the roadway easement described in Book 129 Deeds, page 672 and South of that 30 foot roadway through Parcel F, which runs northeasterly to Parcel E, for septic replacement, and a covenant running with Parcel F that no structures shall be erected, no trees or brush cut or removed, unless approved by the owner of Parcel E as shown on the attached map, Exhibit "A".

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except for current years taxes, levies, and assessments, and except U.S. Patent reservations, restriction, easements of record, and easements visible upon the premises, and the Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: 10-1 1996

Betty J. Younghaus
Betty J. Younghaus

Return to: Robert C. Ray, 5582 Highway 93 South, Conner, MT 59827

STATE OF MONTANA, COUNTY OF RAVALLI

This instrument was acknowledged before me on this 15th day of NOVEMBER 1996 by Betty J. Younghaus, who personally appeared before me the undersigned notary public.



Donald O. Hunt
Notary Public
Residing at 214 N. Central, MT
Commission Expires 8-13-98

Exhibit C
Page 1

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CERTIFICATE OF SURVEY
 SHOWING A RETRACEMENT OF A COURT ORDERED
 DIVISION OF PARCEL F, COS 679 PER MONTANA TWENTY FIRST DISTRICT COURT,
 RAVALLI COUNTY CAUSE NO. DP-14-78
 LOCATED IN THE SW 1/4 OF SECTION 22, T2N, R20W, P.M.M.,
 RAVALLI COUNTY, MT.

PERIMETER LEGAL DESCRIPTION

Parcel F, Certificate of Survey No. 679, records of Ravalli County, located in the Southwest one-quarter (SW1/4) of Section 22, Township 2 North, Range 20 West, Principal Meridian, Montana, Ravalli County, Montana, Containing 1.89 acres, more or less, being subject to all easements or rights-of-way existing or of record.

LEGAL DESCRIPTIONS

Lot 1, Certificate of Survey No. _____, records of Ravalli County, located in the Southeast one-quarter (SE1/4) of Section 22, Township 2 North, Range 20 West, Principal Meridian, Montana, Ravalli County, Montana, Containing 26,482 square feet, more or less, being subject to all easements or rights-of-way existing or of record.

Lot 2, Certificate of Survey No. _____, records of Ravalli County, located in the Southwest one-quarter (SW1/4) of Section 22, Township 2 North, Range 20 West, Principal Meridian, Montana, Ravalli County, Montana, Containing 55,749 square feet, more or less, being subject to all easements or rights-of-way existing or of record.

SURVEYOR'S CERTIFICATION

I hereby certify that the attached plat represents a survey substantially completed under my supervision on the date shown hereon.

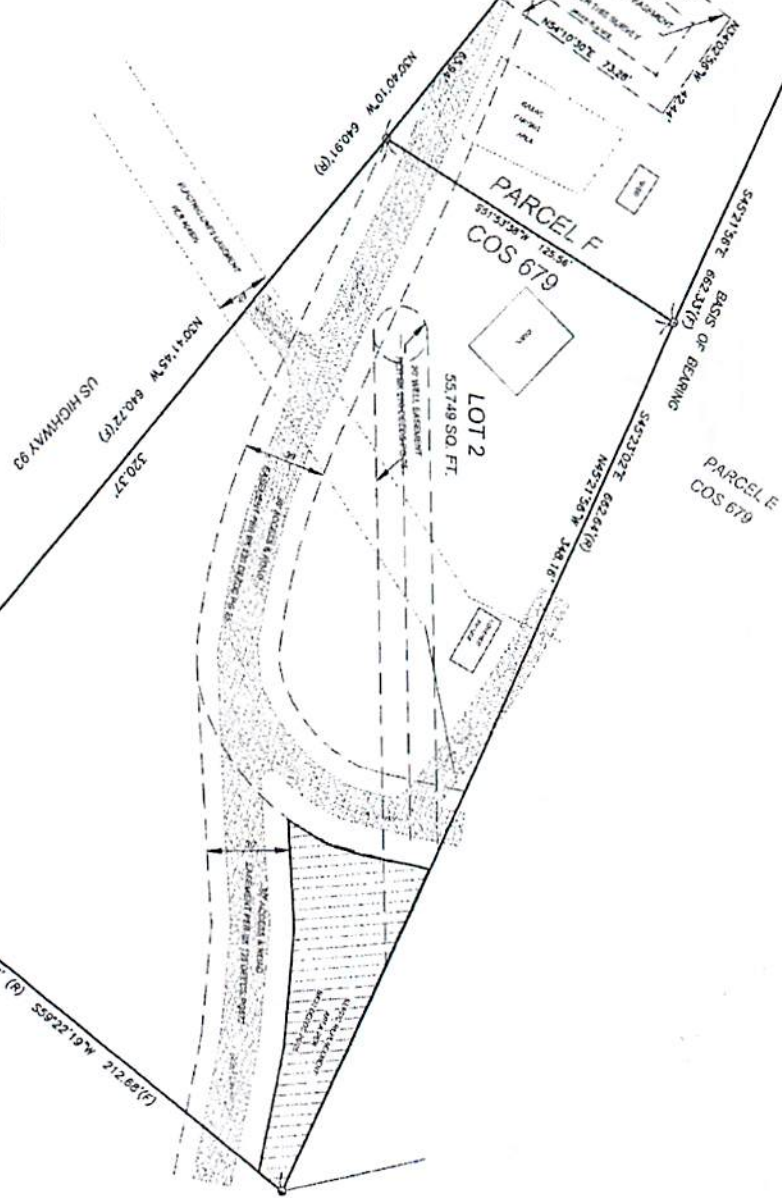
_____,
 Title _____
 Professional Land Surveyor
 Montana Registration No. 126718

PURPOSE OF SURVEY

This survey was prepared pursuant to Section 76-3-201(1)(a) M.C.A., to wit: "to created by order of any court in this state or by operation of law or title, in the absence of agreement between the parties to the suit, and the purpose of the survey is to determine the location of the boundary lines of the parcel, Title 76, Chapter 30, and further entered from review by the Montana Department of Environmental Quality pursuant to Section 76-4-152(1)(a) M.C.A., to wit: "the exclusions cited in 76-3-201 and 76-3-204."



Professional Consultants Inc.
 1700 4th Avenue S.
 Helena, Montana 59601
 P.O. Box 17200
 Helena, Montana 59613
 406-728-7742
 406-728-0278



- LEGEND**
- SET 3/8" X 3/4" REBAR WITH 1-1/4" NYC GROUTING, 1/8" DIA
 - FOUND 1-1/2" ALUM CAP (BAND 1985)
 - F FOUND PER THIS SURVEY
 - R RECORD PER THIS COS



OWNER: ESTATE OF DOUG FRANSEN
 PCI PROJECT NO. 8597-15

- Exhibit A -

NOT TO SCALE EAST

NORTH

THIS PERMIT IS FOR TWO HOMES CAN PLACE DRAINFIELD ANYWHERE, BUT KEEP REQUIRED FOR BOTH SET BACKS R.S.

HOUSE SITE OR #2 DRAINFIELD SITE (PUMP SYSTEM NEEDED)

DRAINFIELD SITE FOR BOTH PARCELS A+B
TEST HOLE

HOUSE SITE

CABIN

TEST HOLE #2

DRAW

ONLY 100 FT TO RIVER FROM THIS POTENTIAL DRAINFIELD AREA. CANNOT PASS PHOSPHORUS BREAK THROUGH

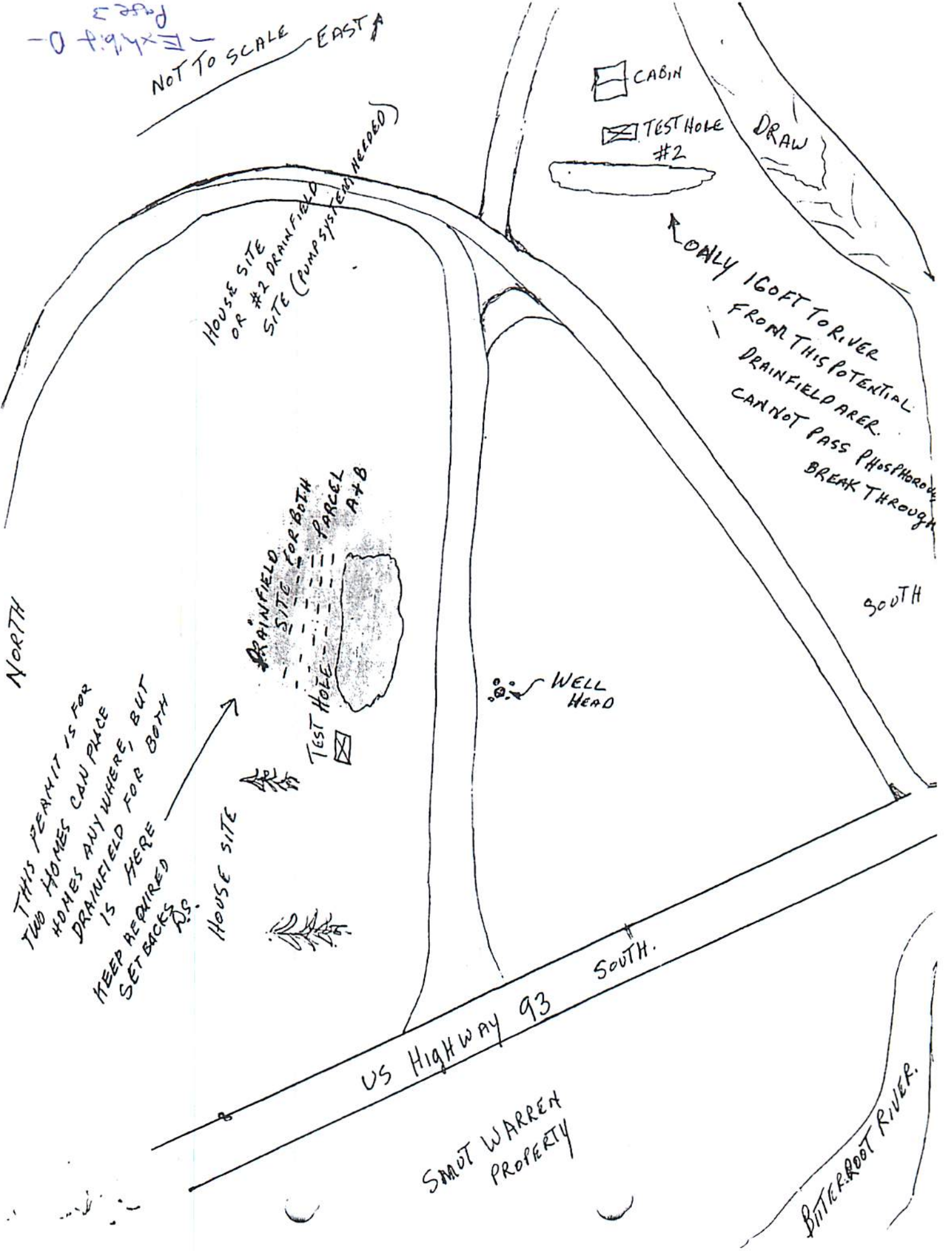
SOUTH

WELL HEAD

US Highway 93 SOUTH

SMOT WARREN PROPERTY

BITTERROOT RIVER



INSPECTION CHECKLIST FOR SEPTIC SYSTEM CONTRACTORS IN RAVALLI COUNTY

Read your permit thoroughly. Make sure the system is in the correct location. Check your permit. A 100% replacement area must exist. Place system exactly as shown. If any problems arise during construction such as evidence of high groundwater, bedrock, or inadequate separation from required setbacks, stop construction immediately and phone the Sanitarian's Office.

WHEN CALLING FOR A FINAL INSPECTION:

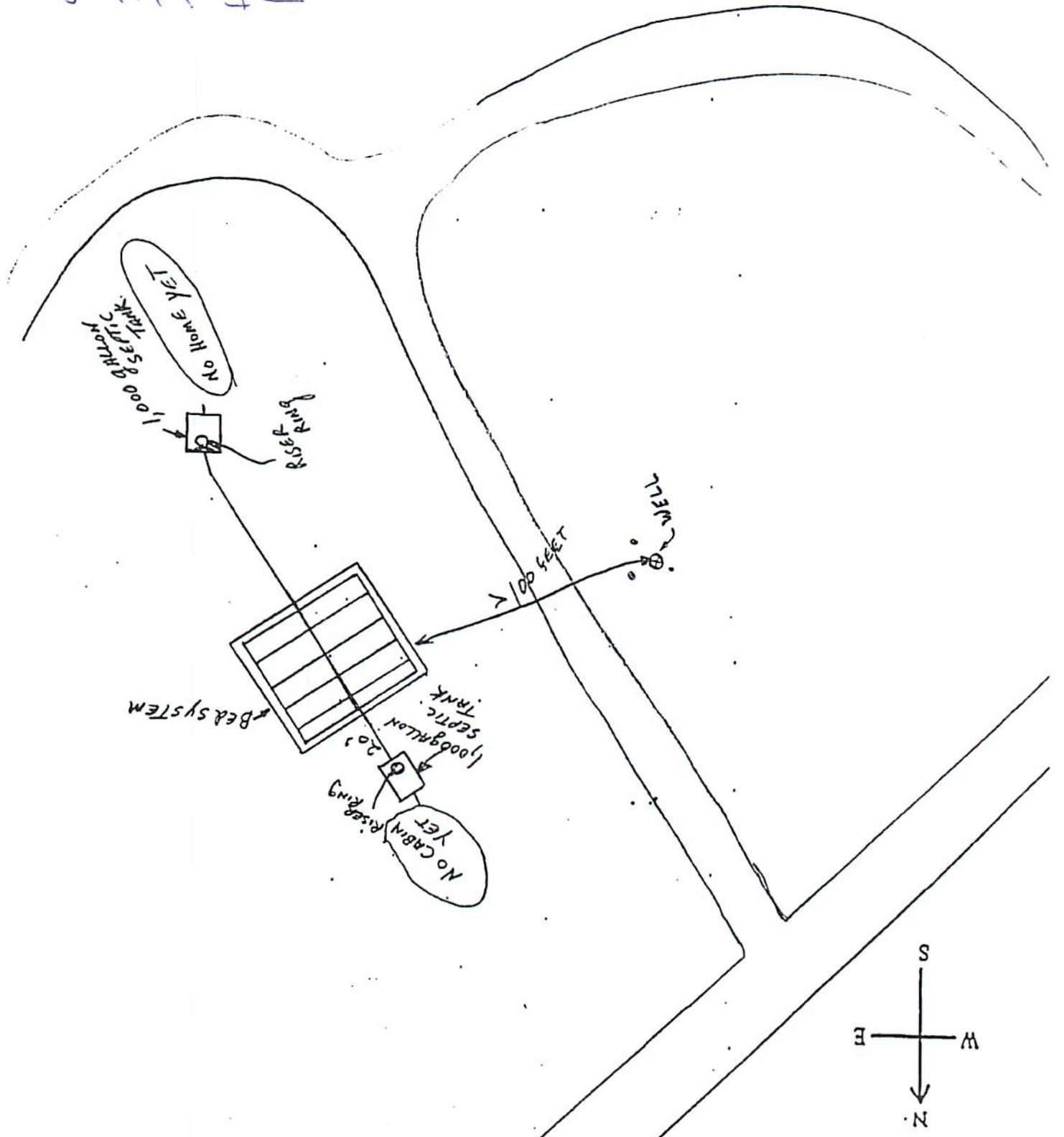
- ① Concrete septic tank and ~~distribution box~~ must be uncovered.
- ② The following pipes must be uncovered: tank to foundation, tank to distribution box or header, header lines, distribution box outlet lines, and at least one absorption trench.
- N/A ③ The ends of each absorption trench must be uncovered to check for caps.
- N/A ④ The lines that run out of the distribution box must be a solid line for at least 5 feet to avoid seepage around the distribution box.
- ⑤ ~~Sanitary~~ or sanitary tee's (inlet side 12", outlet 18") must be installed in septic tanks.
- ⑥ Depth of trenches. Check your permit. A standard trench depth is 24 inches to bottom of the trench.
- ⑦ NOTE: Maximum depth of trench is 36 inches. Check permit for specific requirements of trench depth. An equal number of absorption lines are required on each side of the inlet tee on a header line. (You must prove that your header line is level.) Absorption lines must be "looped" (connected to each other) at the far ends of drainfields utilizing header lines.
- N/A ⑧ Use a distribution box on a slope or hillside if slope is greater than 3 percent.
- ⑨ All lines must be 4-inch pipe and the correct ASTM.
- ⑩ Absorption trenches must be at least 7 feet on centers with 5 feet of undisturbed earth in between.
- ⑪ 2729 pipes must be used in drainfields on absorption trenches, header lines, and distribution box outlets. 3034 pipes or heavier class must be used between foundations and septic tanks and between tanks and distribution boxes or headers.
- ⑫ Maximum slope on absorption trenches shall be 4 inches per 100 feet. (Recommend level grade.)
- ⑬ All joints in solid lines must be glued.
- ⑭ No absorption line may exceed 100 feet in length.
- N/A ⑮ Absorption lines must be of equal length. (A 10-foot total variance is allowed in difficult situations.)
- N/A ⑯ NOTE: Distribution boxes have an inlet that is higher than the outlets; install correctly. Water poured into the distribution box must flow down each pipe exiting the distribution box and not back flush into the distribution box.
- N/A ⑰ An equal amount of water must enter each distribution box outlet.
- N/A ⑱ At least two absorption lines are required in all installations.
- N/A ⑲ Sealed entry and exit pipes from tank and distribution box are required.
- ⑳ Six inches of washed rock under absorption lines and 2 inches of rock over absorption lines are required as a minimum. A permit may require additional rock.
- ㉑ Paper of straw must be placed over rock on top of pipes. (Paper must not tear when walked on.)
- ㉒ Holes in absorption lines must be aligned at the 5 and 7 o'clock position on a clock face. This will be parallel on the down side of the pipes. (*Bed covered*)
- ㉓ All septic tanks must have a cylindrical, concrete riser at least 2 feet in diameter extending to the finished grade of the site with a tight fitting concrete lid.
- N/A ㉔ The use of an effluent filter is highly recommended.

Permit No.: 9010 Owner of Permit: DOUG FRANDSEN
 Contractor/Installer: JIM CAIN Date Inspected: 12/16/98

I certify that I have inspected this system and found it to be in compliance with the listed criteria.

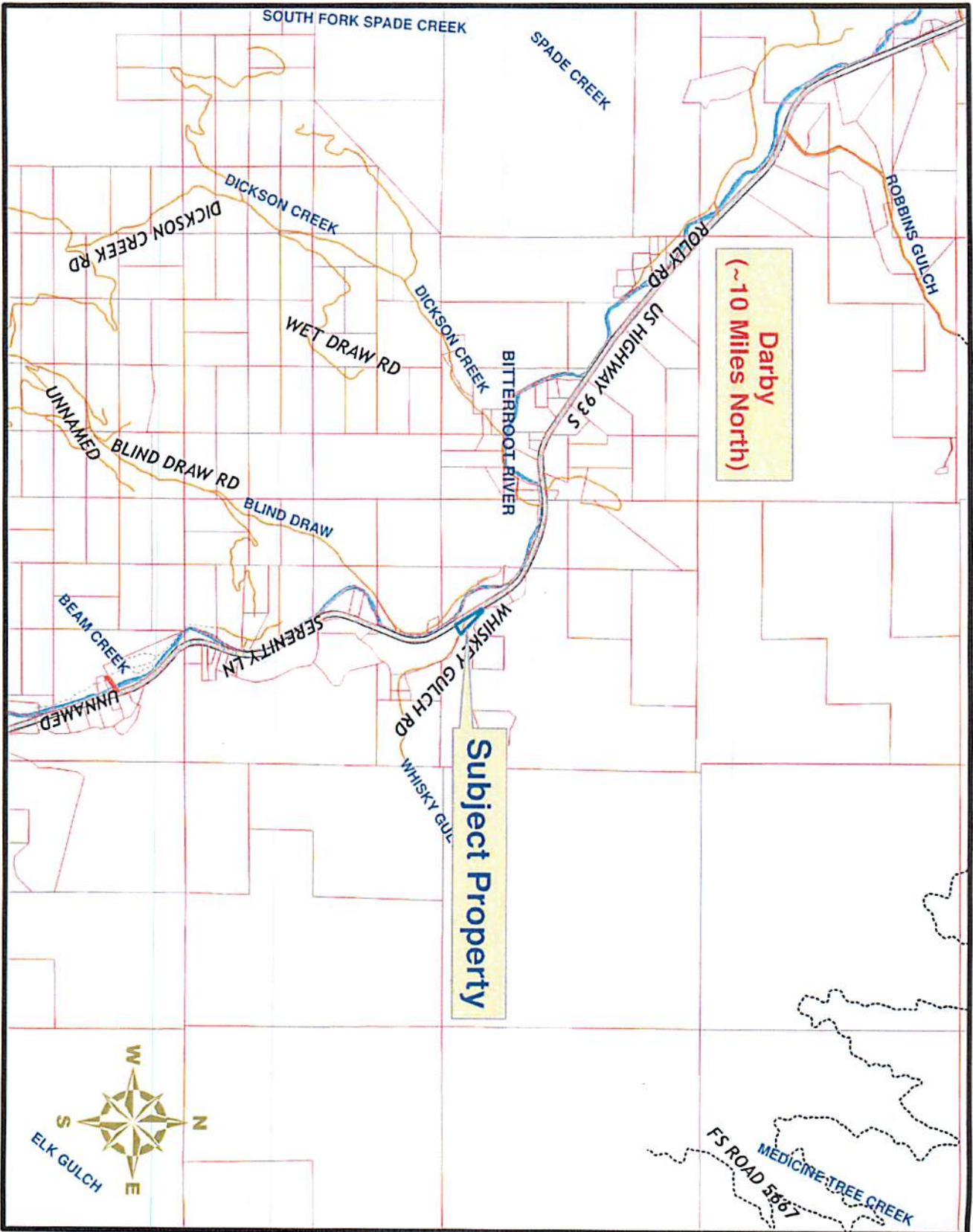
Signature: Jake Remmele R.S.

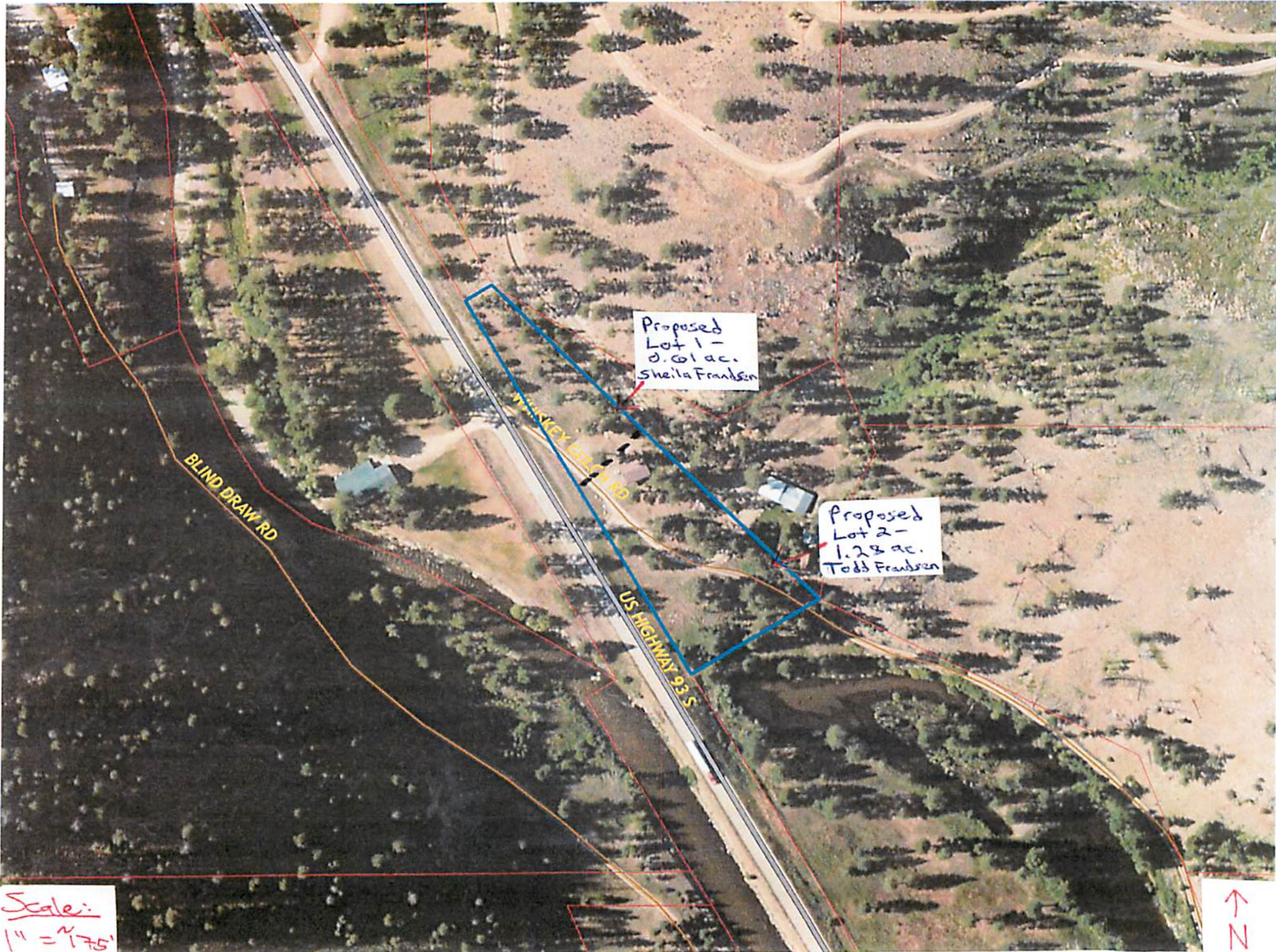
— Exhibit D —
Page 4



DRAWING OF SYSTEM INSTALLED, DATE: 12/16/98

0 0.150.3 Miles





Scale:
1" = 175'

↑
N

Jennifer B. Lint
BOATWRIGHT LAW OFFICE, P.C.
1091 South First Street
Hamilton, MT 59840
(406) 375-1385

Attorney for Personal Representative

FILED
PAIGE TRAUTWEIN, CLERK

OCT 21 2015

DEPUTY

MONTANA TWENTY-FIRST JUDICIAL DISTRICT COURT, RAVALLI COUNTY

IN THE MATTER OF THE ESTATE OF

DOUGLAS LINDEN FRANSEN
also known as DOUG FRANSEN,

Deceased.

Case No.: DP-14-78

Department No. 1

**PETITION TO PARTITION
ESTATE REAL PROPERTY**

COMES NOW, Jennifer B. Lint, counsel for the Co-Personal Representatives, Todd Frandsen and Sheila K. Frandsen, and respectfully shows:

1. At the death of Douglas Linden Frandsen, he was the legal owner of certain real property located in Ravalli County, Montana and legally described as:
Parcel F, Certificate of Survey No. 679.
2. The Decedent died intestate, resulting in his Estate passing to his two children, Todd Frandsen and Sheila K. Frandsen, equally.
3. In order to equitably divide the Estate, the remaining asset of which is the real property, the two heirs have agreed to a partition of the real property.
4. The proposed partition is attached, having been surveyed by Toby Dumont, PLS.
5. The devisees agree the partition will provide each devisee with an acceptable share of the Estate.

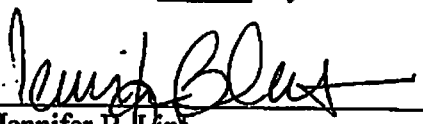
COPY

6. The parties stipulate that Todd Frandsen will receive the newly created Lot 2, and Sheila K. Frandsen will receive the newly created Lot 1.
7. Attached is a Certificate of Survey showing the proposed partition of the property.
8. Upon approval of the Partition, the Co-Personal Representatives, shall execute deeds transferring the parcels to the respective recipients and petition to close the Estate.

WHEREFORE, the Estate requests Orders as follows:

1. Pursuant to M.C.A. § 76-3-201(2), the governing body of the County of Ravalli be notified of the proposed division of land and that Ravalli County Planning Department and/or Department of Environmental Health issue comments, if they have any, on this Petition within 30 days of the date of the Order, else the Order for Partition will be granted as requested.
2. Following the comment period above, for an Order from this Court partitioning the above-described into two (2) parcels as identified on the attached Certificate of Survey as Lots 1 and 2.

DATED this 21st day of October, 2015.



Jennifer B. Vint
Counsel for Co-Personal Representatives

BOATWRIGHT LAW OFFICE, P.C.

JENNIFER B. LINT

RECEIVED

OCT 26 2015
10-15-10-307
Ravalli County Planning Dept.

October 26, 2015

SEA 2015-71

Terry Nelson, Administrator
Ravalli County Planning Department
215 South 4th Street, Suite F
Hamilton, MT 59840

John Palacio, Director
Ravalli County Environmental Health
215 South 4th Street, Suite D
Hamilton, MT 59840

Re: Estate of Douglas Linden Frandsen

Dear Terry and John:


Enclosed please find the Petition to Partition Estate Real Property filed with the Court and Order signed by Judge Langton.

Please review the enclosed and provide comments, if any, by November 25, 2015, as per the enclosed Order.

If you have any questions or need additional information, please call our office at 375-1385 or email at office@boatwrightlaw.com

Sincerely,

JENNIFER B. LINT


Lynne Claassen
Legal Assistant

Enc.

Jennifer B. Lint
BOATWRIGHT LAW OFFICE, P.C.
1091 South First Street
Hamilton, MT 59840
(406) 375-1385

MONTANA TWENTY-FIRST JUDICIAL DISTRICT COURT, RAVALLI COUNTY

IN THE MATTER OF THE ESTATE OF

DOUGLAS LINDEN FRANSEN
also known as DOUG FRANSEN,

Deceased.

Case No.: DP-14-78
Department No. 1

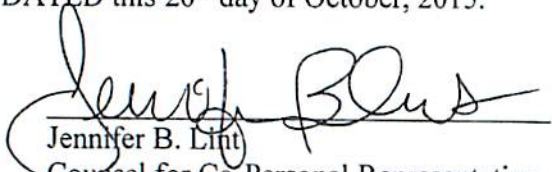
NOTICE OF SERVICE

COMES NOW, Jennifer B. Lint, Attorney for Todd Frandsen and Sheila K. Frandsen,
and gives notice that a true and correct copy of the Petition for Partition Estate Real Property and
Order dated October 26, 2015 was served by hand-delivery on the 26th day of October, 2015, to
the following:

Terry Nelson, Administrator
Ravalli County Planning Department
215 South 4th Street, Suite F
Hamilton, MT 59840

John Palacio, Director
Ravalli County Environmental Health
215 South 4th Street, Suite D
Hamilton, MT 59840

DATED this 26th day of October, 2015.


Jennifer B. Lint
Counsel for Co-Personal Representative,
Todd Frandsen and Sheila K. Frandsen

Hon. Jeffrey H. Langton
Twenty-First Judicial District
Ravalli County Courthouse
205 Bedford Street
Hamilton, MT 59840
(406) 375-6780

FILED
PAIGE TRAUTWEIN, CLERK

OCT 26 2015

Paige Trautwein
DEPUTY

MONTANA TWENTY-FIRST JUDICIAL DISTRICT COURT, RAVALLI COUNTY

IN THE MATTER OF THE ESTATE OF

Case No.: DP-14-78 / 10
Department No. 1

DOUGLAS LINDEN FRANSDEN
also known as DOUG FRANSDEN,

ORDER

Deceased.

Todd Frandsen and Sheila K. Frandsen, Co-Personal Representatives of the Estate of Douglas Linden Frandsen, has petitioned this Court for a proposed division of land as part of the distribution of the Estate. Pursuant to M.C.A. § 76-3-201(2), the governing body of the County of Ravalli is hereby notified of the proposed division of land.

IT IS HEREBY ORDERED that Ravalli County Planning Department and/or Department of Environmental Health issue comments, if they have any, on this Petition within 30 days of the date of this Order, else the Partition Order will be granted as presented.

DATED this 26th day of October, 2015.

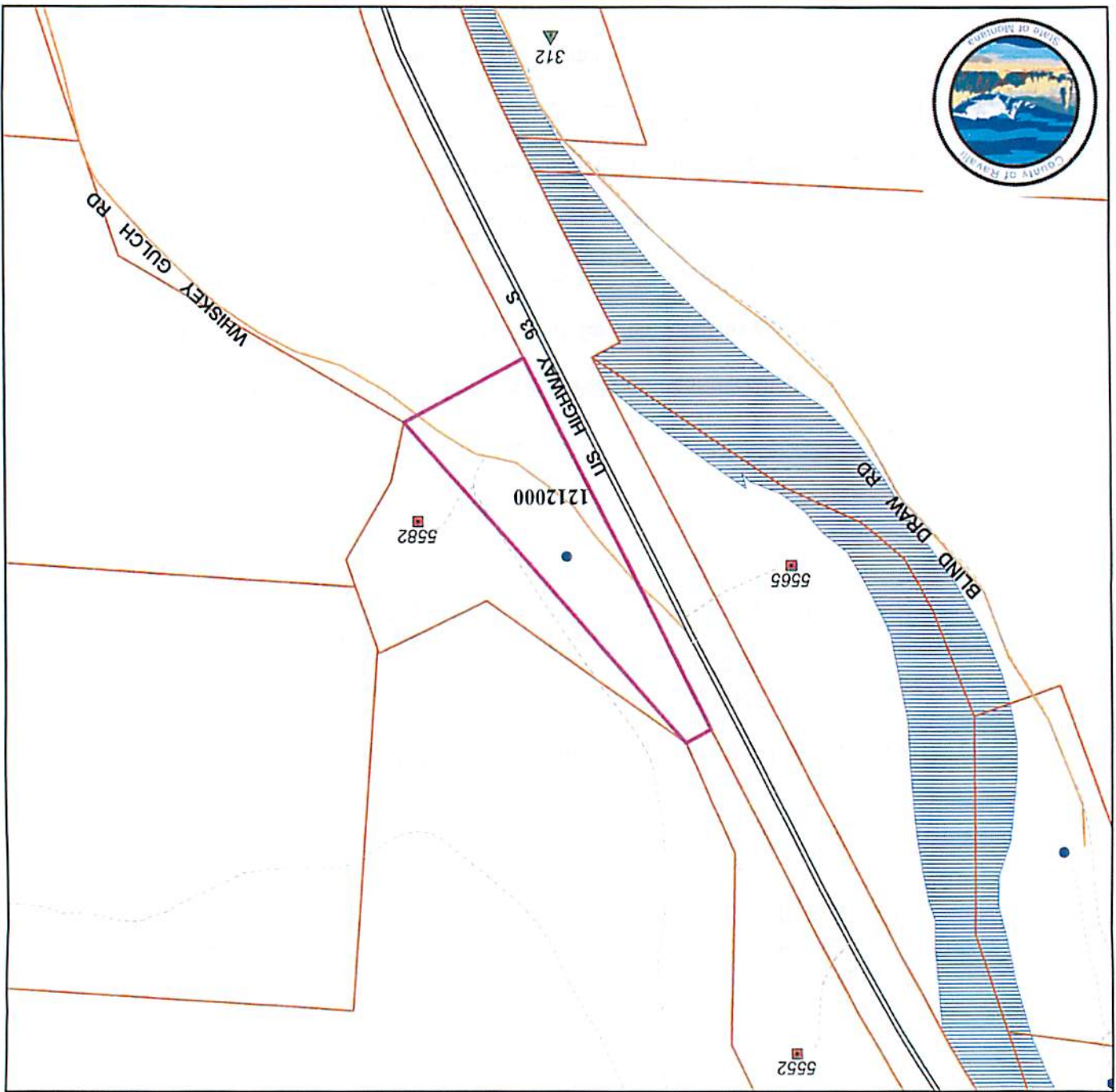

Jeffrey H. Langton, District Judge

cc: Jennifer B. Lint
Dept. of Environmental Health
Planning Dept.
Co. Commissioners

I certify that I forwarded copies of
this instrument to counsel of record, *repts. of law.*
Ward, Reisinger repts. & Co. Com. by email
October 26, 2015
Paige Trautwein, Clerk

ORDER

Paige Trautwein
DEPUTY



FRANSDEN DOUG

5582 US HIGHWAY 93 S

CONNER, MT 59827-9711

Physical Address:

CONNER, MT 59827

Levy Dist: 9-4 (Darby Rural, including Sula Rural Fire)

School: DARBYS

Fire: SULA

Legal Description for Tax-ID: 1212000 »

* Description may be incomplete. Consult the official record.

0 200 Feet



Legal Description
T-R-S
Geocode 1074-22-1-01-04-0000 2-20-22
IN SESW INDEX 10
CS #679 PARCEL F
1.90 AC

Oct 26, 2015

200473

1977

1977

1977

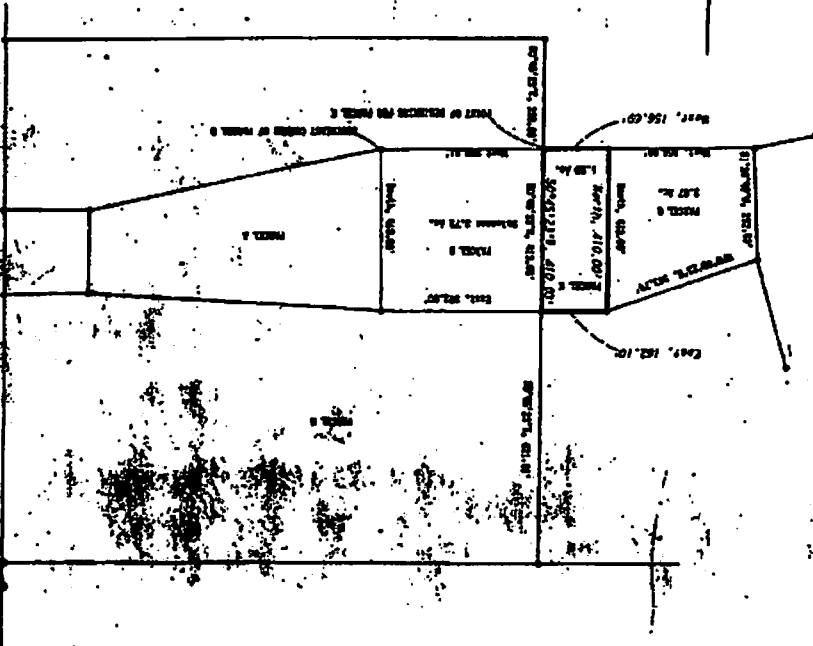
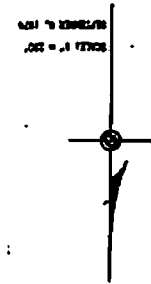
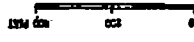
1977

THIS PLAN SHOWS THE LOTS IN PARCELS OF THIS TOWN AND STATE IN BOOK 129, DEEDS, PAGE 679, SHOWING OF BURLINGTON COUNTY.

A DIVISION OF THE BUREAU OF LAND MANAGEMENT, U.S. DEPARTMENT OF THE INTERIOR, WASHINGTON, D.C. 20250

1. A portion of land containing 1.50 acres, more or less, located in the North half of the Northwest quarter of Section 27, T2N, R22E, PM, Rowell County, Oregon, as shown on the attached plat, said parcel being a portion of Parcel B as shown and described on plat filed in Book 129, Deeds, Page 679, on November 11, 1977, and being more particularly described as follows:

Beginning at a point in the north line of said Parcel B located West a distance of 308.21 feet from the southeast corner thereof; thence North a distance of 156.03 feet along said line to the southeast corner of said Parcel B; thence North a distance of 410.00 feet along the west line of said Parcel B to the northeast corner thereof; thence East a distance of 182.10 feet along the north line of said Parcel B; thence South 50°45'22" West a distance of 410.00 feet to the point of beginning.



679

