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Ravalli County Commissioners

Feb 8 2017

To Ravalli Co Sanitation

John

Re - property in McCalla ACRES LOT 10 A
LOT was sold by Reverse mortgage system
of Spring Texas after Filing a deed of ownership
a Easement was not obtained as Required by
your letter to Jim Day Dated Jan 25-2016
Copy Enclosed

Reverse mortgage again transferred property
LOT 10 A to Al Osthander no Easement
was obtained.

~~The taking of private property without
just compensation is unlawful.~~

Wishing to have my property Returned
to - no questions asked.

Please have the Drainage System
discontinued immediately.

thank you

J E Mutton



Ravalli County Environmental Health
215 South 4th Street – Suite D
Hamilton, MT 59840
(406) 375-6565
FAX (406) 375-6566

January 25, 2016

Jim Day
148 South Ave. W
Missoula, MT 59801

RE: The Property at 3697 US Highway 93 N, Stevensville, MT; Parcel # 373500; Geocode 1764-28-3-01-12-0000. Section 28, T9N, R20W

Dear Mr. Day,

This letter is in response to your inquiry as a representative of an interested buyer of the Property, regarding the issuance of a replacement permit for the above listed Property. The 5.50 acre tract of record referenced above has an engineered, elevated sand mound septic system that was installed and inspected in 2012 for a 3-bedroom house on that 5.50 acre tract (Parcel # 373500). The elevated sand mound drainfield for this system is located on the separate 1-acre tract of record to the south (Parcel # 371200). At the time of installation, both tracts of record were owned by the same person. It is noted on the issued septic permit that "Drainfield (sand mound) is located on adjacent 1-acre parcel {371200} belonging to same owner. If parcel is sold, an easement must be filed with Clerk and Recorder, acknowledging drain field location." A drainfield easement was not obtained when the 5.50 acre tract was sold. *

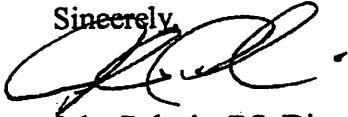
Per Administrative Rules of Montana 17.36.912:

- (23) "Replacement system" means a wastewater treatment system proposed to replace a failed, failing, or contaminating system.
- (9) "Failed system" means a wastewater treatment and/or disposal system that no longer provides the treatment and/or disposal for which it was intended, or violates any of the requirements of ARM 17.36.914.

With regards to the definition of a replacement system and failed system, the issuance of a replacement system permit would not be warranted as the existing elevated sandmound system for the Property is in good working order per conversations with the Interested Parties. It is strongly recommended that an easement be obtained by the owner of the 5.50-acre tract in order to maintain the proper functionality of the septic system. If the owner of the 5.50-acre tract cannot obtain an easement and does not have permission to maintain or continue the use of the drainfield, then a permit application for a replacement system can be considered by the Department. *

If you have any questions, please contact me at (406) 375-6568 or jpalacio@rc.mt.gov.

Sincerely,



John Palacio, RS, Director
Ravalli County Environmental Health

CC:

Reverse Mortgage Solutions, Inc.
2727 Spring Creek Dr.
Spring, TX 77373-6130

MC Hatton J E
PO BOX 746
Lolo, MT 59847-0746

Julie Fillingham
1659 N. 1st St., Suite 17
Hamilton, MT 59840

Ravalli County Attorney's Office