

ORIGINAL

1 Hon. James A. Haynes
District Judge, Department No. 2
2 Twenty-First Judicial District
Ravalli County Courthouse
3 205 Bedford Street, Suite B
Hamilton, Montana 59840
4 Telephone (406) 375-6781

FILED
PAIGE TRAUTWEIN, CLERK

FEB 16 2017
Linda Chepney
DEPUTY

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

7 IN THE MATTER OF THE ESTATE OF:
8 M. DOLORES HUGGANS
also known as
9 MARGUERITE DOLORES HUGGANS
and DOLORES HUGGANS
10
11 Deceased.

Cause Number: DP-16-44 /29
Department Number: 2

AMENDED ORDER

12 *The Petition for Movement of Boundary Lines and Partition of Real Property*
13 (hereinafter "*Petition*") filed by the Petitioner, Daniel J. Huggans, Personal Representative
14 of the Estate of M. Dolores Huggans, having come before this Court for hearing on January
15 5, 2017. Ravalli County having been duly notified and the recommendations of the Ravalli
16 County Planning Department having been addressed to the satisfaction of this Court, and it
17 further appearing that the request to move boundary lines and divide real property is not
18 made in an attempt to avoid the subdivision process, and the Court having reviewed the
19 record on file herein, and finding good cause, therefore;

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IT IS HEREBY ORDERED that the Estate's interest in the real property in Ravalli County, Montana shall be partitioned according to the Petition. The property is currently legally described as:

- a. A portion of the SE ¼ SE ¼ of Section 7, Township 2 North, Range 20 West, P.M.M., Ravalli County, Montana, being more particularly described as Parcel H, Certificate of Survey No. 3454.
- b. A portion of the SE ¼ SE ¼ of Section 7, Township 2 North, Range 20 West, P.M.M., Ravalli County, Montana, being more particularly described as Parcel H-R, Certificate of Survey No. 3454.
- c. A portion of the SE ¼ SE ¼ of Section 7, Township 2 North, Range 20 West, P.M.M., Ravalli County, Montana, being more particularly described as Parcel S, Certificate of Survey No. 3454.

The real property SHALL now be legally described as follows:

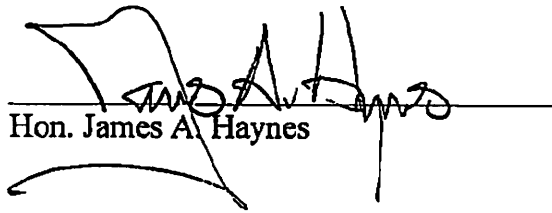
- a. A portion of the SE ¼ SE ¼ of Section 7, Township 2 North, Range 20 West, P.M.M., Ravalli County, Montana, being more particularly described as Tract 1, Certificate of Survey No. 706960-CT.
- b. A portion of the SE ¼ SE ¼ of Section 7, Township 2 North, Range 20 West, P.M.M., Ravalli County, Montana, being more particularly described as Tract 2, Certificate of Survey No. 706960-CT.

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c. A portion of the SE ¼ SE ¼ of Section 7, Township 2 North, Range 20
West, P.M.M., Ravalli County, Montana, being more particularly described
as Tract 3, Certificate of Survey No. 706960-CT.

in the manner described in the plat prepared by Professional Consultants, Inc. a copy of
which is attached hereto as Exhibit "A".

DATED this 16th day of February, 2017.



Hon. James A. Haynes

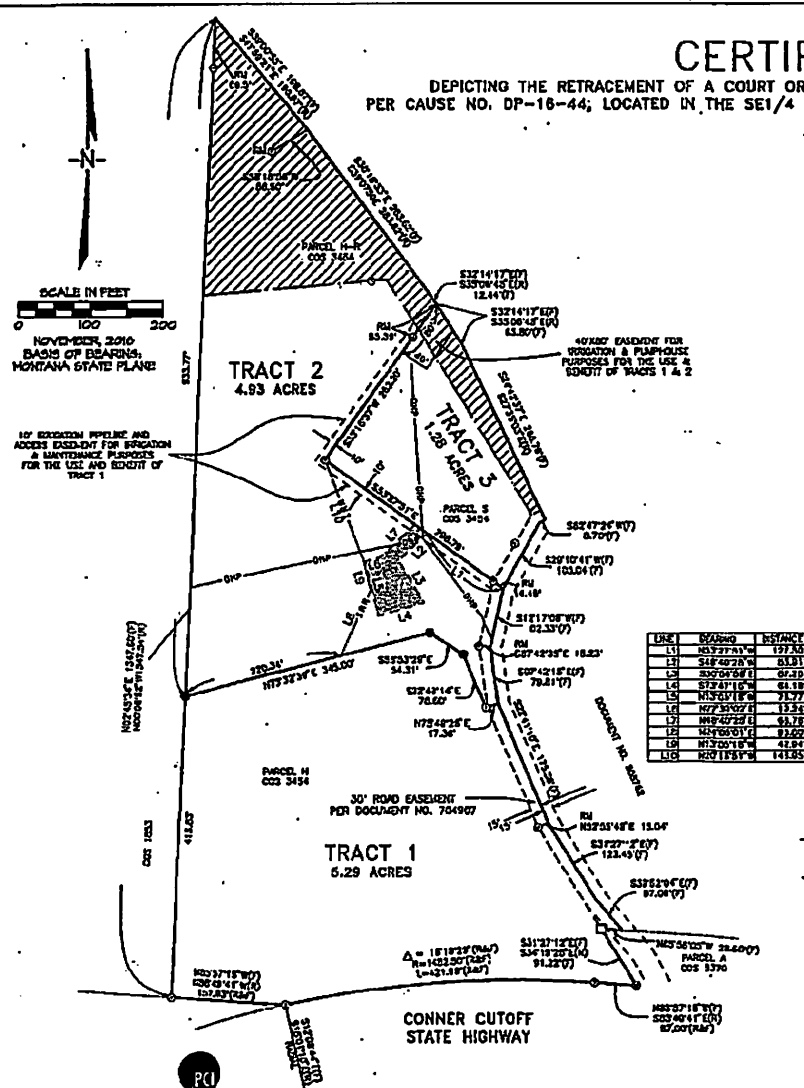
c: Michael L Hayes, Esq.
Ravalli County Commissioners
Ravalli County Planning Office
Ravalli County Environmental Health Department

I certify that I forwarded copies of
this instrument to counsel of record
2-17-17 email
Paige Trautwein, Clerk
u
Deputy

CS 706960-CT

CERTIFICATE OF SURVEY

DEPICTING THE RETRACEMENT OF A COURT ORDERED DIVISION OF PARCELS H, S, H-R OF CERTIFICATE OF SURVEY NO. 3454, PER CAUSE NO. DP-16-44; LOCATED IN THE SE1/4 OF SECTION 7, TOWNSHIP 2 NORTH, RANGE 20 WEST, PMM, RAVALLI COUNTY, MONTANA



PERIMETER LEGAL DESCRIPTION

Parcels H, H-R and S of Certificate of Survey No. 3454, located in and being a portion of the Southeast one-quarter (SE1/4) of Section 7, Township 2 North, Range 20 West, Principal Meridian, Montana, Ravalli County, Montana.

Containing 11.50 acres, more or less, and being subject to all easements and rights-of-way existing or of record.

SURVEYOR'S CERTIFICATION

I hereby certify that the attached Certificate of Survey represents a survey made under my supervision, and substantially completed on the date shown hereon.

Toby Dumont
 Toby Dumont, Professional Land Surveyor DATE 1/6/2017
 Montana Registration No. 126715



PURPOSE OF SURVEY

This survey was prepared pursuant to Section 76-3-201(1)(a), M.C.A., to wit: "to be created by order of any court of record in this state or by operation of law or that, in the absence of agreement between parties to the sale, could be created by an order of any court in this state pursuant to the law of eminent domain, Title 70, chapter 30, and further Tracts 1, 2 and 3 are created from subdivision review by the Department of Environmental Quality pursuant to M.C.A. 76-4-125(2)(c) as the division is created by order of a court of record in this state or by operation of law or that in the absence of agreement between parties to the sale, could be created by an order of a court in this state pursuant to the law of eminent domain, Title 70, chapter 30.

FLOODPLAIN NOTE:

Any building alteration activity on these properties should check with the Ravalli County Floodplain Manager for compliance with the Ravalli County Floodplain Regulations.

LEGEND

- = SET 5/8"x24" REBAR WITH 1-1/8" YELLOW PLASTIC CAP (DUMONT, 126715)
- = FOUND 1-1/2" ALUMINUM CAP (WHL, 33125)
- = FOUND 1-1/4" YELLOW PLASTIC CAP (APPLEBURY, 37015)
- ⊕ = FOUND CHISELED CROSS IN CONCRETE PIPE
- ⊙ = FOUND TIE SURVEY
- R = RECORD PER CERTIFICATE OF SURVEY NO. 3454
- RM = REFERENCE MONUMENT
- DHP--- = CENTERLINE OF EXISTING OVERHEAD UTILITY LINES, CENTER OF 15' WIDE UTILITY EASEMENT FOR THE USE & BENEFIT OF TRACTS 1, 2 AND 3 SHOWN HEREON.
- IHR--- = CENTERLINE OF A 5' WIDE EASEMENT FOR IRRIGATION PIPELINE FOR THE USE & BENEFIT OF TRACT 1
- [Hatched] = DRAINFIELD EASEMENT FOR THE USE & BENEFIT OF TRACT 3
- [Diagonal Lines] = AREA ENCUMBERED BY AGRICULTURAL COVENANT

LINE	BEARING	DISTANCE
L1	S83°27'34"W	197.35
L2	S18°40'24"W	81.31
L3	S20°04'58"E	67.39
L4	S73°37'15"W	61.18
L5	N33°51'18"E	73.77
L6	N77°35'22"E	13.54
L7	N88°40'28"E	63.72
L8	N24°56'01"E	83.67
L9	N73°20'04"W	43.94
L10	N20°18'53"W	141.93

NOTE: TRACT 3 IS SUBJECT TO A RIGHT-OF-WAY EASEMENT PER BOOK 171 PAGE 673

STATE OF MONTANA RAVALLI COUNTY Project 3 of 2
 DEPICTING THE RETRACEMENT OF SURVEY
 SECTION: 706960-CT
 Rachel Rosenberg, CLERK AND RECORDS
 No 819.34 by *Carina M. Huggans* DUMONT
 PA 706961

1/4	SEC.	T.	R.
7	2N	20W	

SHEET 1 OF 1
 RAVALLI COUNTY
 CERTIFICATE OF SURVEY NO. _____

Professional Consultants Inc.
 Engineers, Surveyors, Planners, Mappers.
 5115 HUNTERS BLVD
 BOZEMAN, MONTANA 59718-2020
 PHONE 406-725-7200
 FAX 406-725-5216

PREPARED FOR THE DOLORES HUGGANS ESTATE
 PCI PROJECT NO. 8731-16

EXHIBIT A