

Ravalli County Attorney

205 Bedford Street, Suite C ♦ Hamilton, MT 59840 ♦ (406) 375-6750 ♦ Fax (406) 375-6731

County Attorney:
Bill Fulbright

Deputy Attorneys:
**Daniel Browder
Thorin Geist
Bill Lower
Meghann Paddock
Howard Recht
Angela Wetzsteon**

July 12, 2017

RECEIVED

Suzanne Raski & Louis Michael Mikolaichik
P.O. Box 177
Darby, MT 59829

JUL 14 2017

Ravalli County Commissioners

--	--	--	--	--

Re: Hughes Creek Gate

Dear Ms. Raski and Mr. Mikolaichik:

I am sending this letter to you individually, and sending a courtesy copy to the law firm of Worden Thane. If you are represented by other legal counsel, please immediately forward this letter to your attorney and we will address all future communications to your attorney.

You attended and testified at the Board of County Commissioners' meeting in January 2017 regarding the petition to abandon Hughes Creek Road at and above the gate. At that meeting, the Commissioners denied the Petition and ordered that the gate be removed as an encroachment on the County Road. You also received separate notice of that order by the commissioners. In order to allow the landowners to erect road signs and otherwise prepare for public access, the Commissioners gave the landowners until June 1, 2017, to remove the gate. In April 2017, several landowners (not including you) filed suit to prevent removal of the gate. The District Court recently dismissed that case, and the Commissioners' decision and determinations regarding the road are therefore in effect.

As the landowners on whose property the gate is installed, you are in a somewhat different position than the other landowners who petitioned to abandon the road. As the landowners, you could be held responsible for fines for failing to remove the gate as an encroachment, for costs of removal of the gate, and potentially for costs of a court action to force removal of the gate.

Although the Commissioners denied the petition to abandon the road above the gate, they continue to make it very clear that they wish to accommodate the landowners to a reasonable extent and to work cooperatively with them if possible. However, they also believe that having

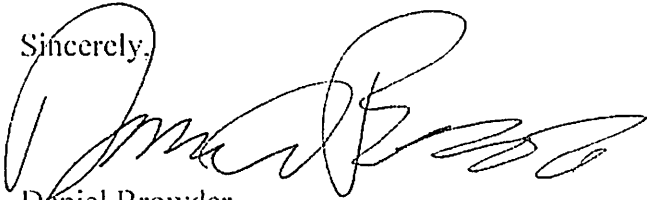


denied the petition to abandon the road, they must ensure that the gate's encroachment on the county road must be removed.

Because you own the land, you can remove the gate without any other landowner's permission, or you can authorize the gate's removal by another party.

Considering the fact that multiple landowners in the area have heavy equipment to easily remove the Gate, it would be simplest if you or one of those landowners removed the gate and encroachments. In the spirit of cooperation, the County offers you the following. If you arrange the removal of the gate by August 1, 2017, the County will not seek any repayment of costs or fines from you or the other landowners. If the gate is not removed by that date, the County will remove the gate and may seek fines and costs to the extent allowed by law.

Sincerely,

A handwritten signature in black ink, appearing to read 'Daniel Browder', written over a large, stylized, circular flourish.

Daniel Browder,
Deputy Attorney

cc: Martin King, Worden Thane P.C.