

Return to:

James and Lorraine Reid
705 Demersville Rd.
Kalispell, MT 59901

DECLARATION OF EASEMENT

Declaration and Grant of Easements, made and entered into between

JAMES B. REID and LORRAINE REID (herein Reid)
705 Demersville Rd.
Kalispell, MT 59901

and

JACK ANTHONY OLIVER (herein Oliver)
P.O. Box 902242
Palmdale, CA 93590-2242

WHEREAS the undersigned are the owners of real property in Section 7, Township 21 North, Range 25 West, P.M.M., Sanders County, Montana, which parcels are described opposite their names below:

Reid – The North half of the North half of the South half of the Northwest quarter (N $\frac{1}{2}$ N $\frac{1}{2}$ S $\frac{1}{2}$ NW $\frac{1}{4}$), the South half of the West half of the South half of the North half of the South half of the Northwest quarter (S $\frac{1}{2}$ W $\frac{1}{2}$ S $\frac{1}{2}$ N $\frac{1}{2}$ S $\frac{1}{2}$ NW $\frac{1}{4}$) and the South half of the North half of the Southeast quarter of the Northwest quarter (S $\frac{1}{2}$ N $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$)

Oliver – The South half of the South half of the Northwest quarter (S $\frac{1}{2}$ S $\frac{1}{2}$ NW $\frac{1}{4}$)

WHEREAS the parties are mutually benefited by an existing roadway which originates on the Oliver property, thence proceeds northerly onto the Reid property; thence continuing generally easterly near the common boundary of the Reid and Oliver properties, crossing back and forth across the property line as the road continues easterly; thence continuing southerly onto the Oliver property. The location of this road is shown on attached exhibit A, and identified as "existing road".

WHEREAS there is a small wood structure (approximate dimensions 6'x8') located on the Oliver property, owned and used by Reid for housing their hydro-electric generator and related accessories (herein water house). Reid has requested an easement from Oliver for the location of this building. The approximate location of the structure is identified as "water house" on attached exhibit "A".

WHEREAS, Northwestern Energy maintains an electrical distribution line, with an existing power pole on the Oliver property adjacent to Cedar Creek Road at a point approximately 70' south of the junction of Cedar Creek Road and the "existing road". The approximate location of the power pole is shown on attached exhibit "A". Reid has requested an easement from Oliver for the location of an electric line from the power pole, thence northerly onto the Reid property.

WHEREAS, the parties desire in a single document to confirm their understanding and agreement, regarding easements for the roadway, water house, and electric line.

NOW IN CONSIDERATION of the mutual promises herein, the parties agree:

1. All the above recitals are adopted as a material part of this agreement; and incorporated by reference.
2. Reid and Oliver grant to each other an open, perpetual, non-exclusive easement for access, 15 feet in width, coinciding with the traveled way of the "existing road". The easement location is determined by measuring 7 $\frac{1}{2}$ feet at right angles on each side of the centerline of the "existing road". This easement commences on the Oliver property at the junction of Cedar Creek Road and the "existing road" and terminates at the point easterly of the Reid cabin, where the "existing road" turns southeasterly and enters the Oliver property. This easement is appurtenant to the properties of Reid and Oliver. Each party is responsible for the upkeep and maintenance of the "existing road" in proportion to their respective use.

3. Oliver grants to Reid an open, perpetual, non-exclusive easement for public utilities, 15 feet in width, commencing at the Northwestern Energy power pole on the Oliver property, thence northerly and adjacent to the "existing road", terminating at the point where the "existing road" enters the Reid property. This easement is appurtenant to and for the benefit of the Reid properties.

4. Oliver grants to Reid an open, perpetual, non-exclusive easement for the location, maintenance and repair of the hydro-electric building and related accessories owned by Reid, which are located on the Oliver property (see exhibit "A", identified as "water house"). The accessories to the system include, but are not limited to, the incoming and exiting water lines, the power line from the building to the Reid property and access to all of the above. This easement is appurtenant to and for the benefit of the Reid properties.

5. This agreement may be executed in any number of counterparts, all of which together will, for all purposes, constitute one agreement binding on the parties, notwithstanding that all of the parties may not have signed the same copy of the agreement.

6. The terms and provisions of this agreement shall inure to the benefit of and be binding upon the heirs, personal representatives, successors and assigns of the parties hereto.

Dated this 27 day of August 2012.

Jack Oliver
JACK ANTHONY OLIVER

James B Reid
JAMES B. REID

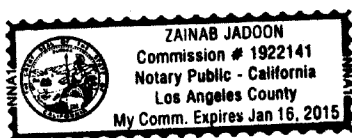
Lorraine Reid
LORRAINE REID

STATE OF CALIFORNIA)
County of Los Angeles) :ss.

On this 04 day of September 2012, before me, ZAINAB JADOON, NOTARY PUBLIC a Notary Public for the State of California, personally appeared JACK ANTHONY OLIVER, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to this instrument, and acknowledged to me that by his signature on the instrument, he executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct

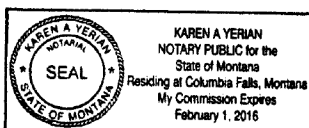
WITNESS my hand and official seal.



[Signature]
Notary Public for the State of California
Residing at: Landcaster, CA
My Commission Expires: Jan 16, 2015

STATE OF MONTANA)
County of Flathead) :ss.

This instrument was acknowledged before me on this 27th day of August 2012 by JAMES B. REID and LORRAINE REID.



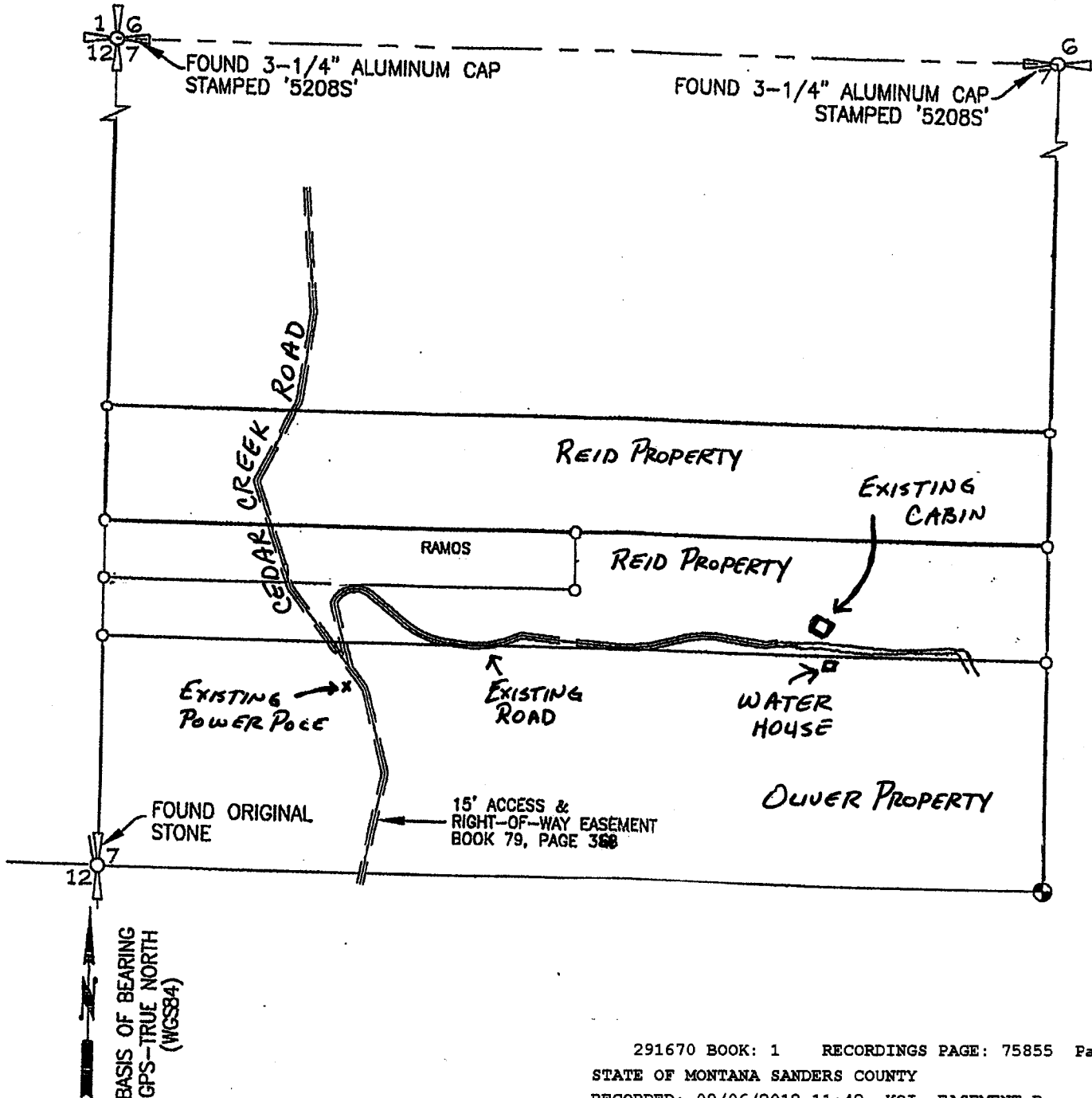
Karen Yernan
Notary Public for the State of Montana

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RECORD OF SURVEY75855
Exhibit "A"

T 21N R 25W P.M.M. SEC 7 COUNTY SANDERS, MONTANA

Please check (✓) one: Subdivision _____, Certificate of Survey _____, Other ☒.
Name _____
and/or Number _____; Book _____, Page _____; Doc. No. _____
Block/Lot/Parcel No(s). _____, Corner(s) _____



SCALE: 1" = 400'

291670 BOOK: 1 RECORDINGS PAGE: 75855 Pages: 3

STATE OF MONTANA SANDERS COUNTY

RECORDED: 09/06/2012 11:42 KOI: EASEMENT-R

JENNINE ROBBINS CLERK AND RECORDER

FEE: \$21.00

BY: *Brenda Frank*

TO: JAMES & LORRAINE REID 705 DEMERSVILLE RD, KALISPELL, MT