



NOTICE OF PUBLIC MEETING

The Lewis and Clark County Commissioners Public Meeting will be held on Thursday, April 3, 2025, at 9:00 AM in Commission Chambers, Room 330.

It is the policy of the Board of County Commissioners to render a decision at a later date after they have had ample time to consider all oral and written public testimony. The BoCC may render a final decision on the same date if substantial new information is not received. Public comment must be limited to matters under the jurisdiction of the Commission.

1. **Pledge of Allegiance**

2. **Consent Action Items**

- a. Resolution 2025-22 Declaring County Property Surplus Property. (Jen Garber)

3. **Grant Application to Senator Sheehy's Office for a Congressionally Directed Spending Request. (Jenny Chambers and Ann McCauley)**

The Commissioners will consider an application to U.S. Senator Tim Sheehy's Office for a federal fiscal year 2026 Congressionally Directed Spending Request to complete an alternative analysis, transportation evaluation, and engineering design for Country Club Avenue and Williams Street. The CDS request is \$575,000 with the County matching \$191,550 (25%) for a total project cost of \$766,550.

4. **Comment Letter for a Court Ordered Division, for the Watson Family Trust. (Christal Ness)**

The Commissioners will consider sending a comment letter to the Honorable Judge Mike Menahan regarding the division of land requested by the Complaint for Partition for the Fourth Amended Watson Family Revocable Trust.

5. **Public comment on any public matter within the jurisdiction of the Commission that is not on the agenda above.**

6. **Adjourn**

ADA NOTICE

Lewis and Clark County is committed to providing access to persons with disabilities for its meetings, in compliance with Title II of the Americans with Disabilities Act and the Montana Human Rights Act. The County will not exclude persons with disabilities from participation at its meetings or otherwise deny them County's services, programs, or activities. Persons with disabilities requiring accommodations to participate in the County's meetings, services, programs, or activities should contact Keni Grose, as soon as possible to allow sufficient time to arrange for the requested accommodation, at any of the following:

- (406)-447-8316
- kgrose@lccountymt.gov

- TTY Relay Service 1-800-253-4091 or 711
- 316 N Park, Room 303



ATTACHMENTS:

Description

▣ Resolution 2025-22

Type

Resolution

RESOLUTION 2025 - 22

A RESOLUTION DECLARING COUNTY PROPERTY SURPLUS PROPERTY

WHEREAS, Section 7-8-2211, MCA, authorizes the Board of County Commissioners to sell, trade, or exchange any real or personal property, however acquired, belonging to the County that is not necessary to the conduct of county business or the preservation of its property; and

WHEREAS, the County property described on the attached list "Exhibit A" has been determined by the Board of County Commissioners to be unnecessary to the conduct of county business or the preservation of its property and by such determination has been declared surplus property; and

WHEREAS, the property on "Exhibit A" individually have a value less than \$2,500; and

NOW, THEREFORE, BE IT RESOLVED, by the Lewis and Clark County Commissioners, that said county property is declared surplus property and be taken off the inventory.

DATED this ____ day of _____ 20__.

LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS

Candace Payne, Chair

ATTEST:

Amy Reeves, Clerk of the Board

EXHIBIT "A"

<u>Description (Qty)</u>	<u>Asset#</u>	<u>Serial # / VIN</u>	<u>Mileage</u>	<u>Reason</u>	<u>Department</u>
1. Various Staplers (8)	n/a	n/a	n/a	Disposal	Motor Vehicle
2. Brown Leather Exec Chair	n/a	n/a	n/a	Disposal	Motor Vehicle
3. Calculator (1) Canon MP21DX	n/a	n/a	n/a	Disposal	Motor Vehicle
4. Caluclator (1) Sharp EL 1750V	n/a	n/a	n/a	Disposal	Motor Vehicle
5. Various Computer Mice (3)	n/a	n/a	n/a	Disposal	Motor Vehicle
6. Chair Mat (2)	n/a	n/a	n/a	Disposal	Motor Vehicle



Grant Application to Senator Sheehy's Office for a Congressionally Directed Spending Request. (Jenny Chambers and Ann McCauley)

Presented By:

Summary:

The Commissioners will consider an application to U.S. Senator Tim Sheehy's Office for a federal fiscal year 2026 Congressionally Directed Spending Request to complete an alternative analysis, transportation evaluation, and engineering design for Country Club Avenue and Williams Street. The CDS request is \$575,000 with the County matching \$191,550 (25%) for a total project cost of \$766,550.

Legal Review Required:

ATTACHMENTS:

Description	Type
<input type="checkbox"/> Staff Report	Staff Report
<input type="checkbox"/> CDS Request Form	Attachment
<input type="checkbox"/> Estimated Budget	Attachment



Grants and Purchasing Department Lewis and Clark County

406 Fuller Ave., Ste. 361 Helena, MT 59601
Phone: 406-447-8383; e-mail: grants@lccountymt.gov

STAFF REPORT

Date: March 31, 2025
To: Board of County Commissioners
From: Ann McCauley, Director, Grants and Purchasing; Jenny Chambers, Director, Public Works
RE: Grant Application to Senator Sheehy's Office for a Congressionally Directed Spending Request

County Commission Hearing:

April 3, 2025 --- 9:00 a.m.

I. EXECUTIVE SUMMARY:

The Commission will consider a grant application to Senator Tim Sheehy's Office for a federal fiscal year 2026 Congressionally Directed Spending (CDS) request to complete an alternative analysis, transportation evaluation, and engineering design for Country Club Avenue and Williams Street. These roadways serve as a main transportation corridor for the Montana Army National Guard and Fort Harrison Veteran Affairs Medical Center, Spring Meadow Lake State Park, and many County citizens residing in the West Helena Valley and Birdseye areas. Additionally, it serves as a main thoroughway and evacuation route for the West Valley Fire Department and the area it serves. The traffic count on Country Club Avenue is approximately 5,000 vehicles/day.

In late 2022, this corridor received Defense Access Route (DAR) designation given its critical importance to the Montana Army National Guard. In March 2023, Lewis and Clark County submitted a Congressional Directed Spending Request through Senator Daines's Office, which resulted in a March 2024 request from Senator Daines to the Pentagon for funding given the DAR designation. We have yet to hear on the status of this funding request.

The County's efforts to resurface Country Club Avenue with asphalt overlay in the summer of 2024 have temporarily improved the driving condition of the road, but the road subsurface is rapidly deteriorating, and vehicle load weight remains restricted. In addition, there are other safety improvement features needed to address the narrow road width, intersection traffic flows, and non-motorized transportation options. The first step will be to complete an alternative analysis, transportation evaluation, and engineering design for Country Club Avenue and Williams Street that will provide the needed information and total cost of the project that will aid in securing additional funding to fully reconstruct and rebuild this critical roadway.

The total estimated project cost for this planning project is \$766,550. The CDS request through Senator Sheehy's Office is for \$575,000 with the County contributing \$191,550 in local match (25%).

II. REQUEST:

To approve Lewis and Clark County's Congressionally Directed Spending request to Senator Sheehy's Office to be considered for FFY26 funding.

III. STAFF RECOMMENDATION:

Approve.

IV. ATTACHMENTS:

- Senator Sheehy's FY26 Congressionally Directed Spending Request form
- Estimated Country Club Road Engineering Design Budget



U.S. SENATOR *for* MONTANA **TIM SHEEHY**

FY26 CONGRESSIONALLY DIRECTED SPENDING REQUEST FORM

Submission Deadline to Senator Sheehy’s Office: Friday, April 4th, 2025 7:00 p.m. ET

Please be on the lookout for emails from meredith.moore@sheehy.senate.gov regarding guidelines, information, and submission dates as it is made available.

Overview:

Due to an internal cap on submissions, the office of Senator Tim Sheehy will only consider Congressionally Directed Spending (CDS) proposals that are:

1. Submitted by organizations based in Montana; and
2. Support the constituents, industries, and resources of Montana

Congressionally Directed Spending Requests **MUST** meet all guidelines established by the Committee to be accepted:

- Requestor **MUST** be able to demonstrate broad community support for the project with at least five (5) letters of support.
- Requestor **MUST** submit examples of community support to the office of Senator Sheehy for the request to be considered.
- The project or requesting entity must have **NO financial ties** to the Senator or his family.
- Funding must be for **FY26 ONLY**.
- If the project would normally require a funding match or cost share by a non-federal entity, then the requesting entity will need to demonstrate that it can provide this match if it makes a CDS request.
- The recipient of the CDS must be a governmental entity or a 501(c)(3) nonprofit organization. **Requests made by for-profit entities are NOT permitted.**

Requesting Organization/Entity

Name of Requesting Organization/Entity

Organization Street Address

Organization Street Address 2

City

State

Zip

Are you a non-profit or government entity? (You must be a non-profit or government entity to be eligible for CDS funds)

Yes

No

Requesting Entity Employer Identification Number (EIN):

(XX-XXXXXXX)

Project Point of Contact for Request (This cannot be a registered lobbyist)

Please note that our staff may need to contact this person outside of normal business hours.

Prefix First Name MI Last Name

Title

Organization

Street Address

Street Address 2

City State Zip

Email Phone

Second Project Point of Contact for Request

Please note that our staff may need to contact this person outside of normal business hours.

Prefix First Name MI Last Name

Title

Organization

Street Address 1

Street Address 2

City State Zip

Email

Phone

Project Information

Project Name:

-- Please Specify --

Project Website:

(If applicable)

Purpose of Project (Max 200 words)

(200 words / Approx. 1000 Char. limit)

Please list other organizations or partners you are working with on this project:

(If applicable)

Requested FY26 Funding Amount:

-- Please Specify --

Was your project included in an FY25 Appropriations bill?

- Yes
- No

Have you submitted a request from this organization before?

- Yes
- No

Have you submitted a request for this project before?

- Yes
- No

Project Location

Is the project statewide?

- Yes
- No

Postal Address of Project (If no address available, please provide detailed description of location of project):

-- Please Specify --

Congressionally Directed Spending Request

Based off the FY25 Senate Appropriations Committee guidance, we anticipate the Committee will accept CDS Requests for the following Accounts ([FY25 guidance linked for reference](#)):

Select the appropriations bill that you are requesting funds from:

- Agriculture, Food and Drug Administration & Rural Development
- Commerce, Justice, Science, and Related Agencies
- Energy and Water Development

- Financial Services and General Government
- Homeland Security
- Interior, Environment and Related Agencies
- Labor, Health and Human Services, Education, and Related Agencies
- Military Construction and Veterans Affairs
- Transportation, Housing and Urban Development, and Related Agencies

SUPPORTING INFORMATION:

NOTE: The Build America, Buy America Act requires that all infrastructure projects funded with federal assistance use only iron, steel, manufactured products, and construction materials produced in the United States. This requirement applies to articles, materials, and supplies that are consumed in, incorporated into, or affixed to an infrastructure project. If you are submitting a CDS request for funding for an infrastructure project, please take this requirement into account.

Total funding request:

-- Please Specify --

Total project cost:

-- Please Specify --

Will the project, if funded, become self-sustaining after a defined period of time?

- Yes
- No

How would this project benefit the public and why is it a responsible use of taxpayer dollars?

-- Please Specify --

Why should this request be considered a priority for the people of Montana?

-- Please Specify --

List any stakeholders that support this request. Letters of support can be submitted at the end of this application.

-- Please Specify --

Is this a new or ongoing project?

-- Please Choose an Option --

Is this project an eligible purpose under the relevant program?

-- Please Choose an Option --

Estimated Start Date for the Project (if applicable)

mm/dd/yyyy

Estimated Completion Date for the Project (if applicable)

mm/dd/yyyy

FY26 Project Costs

Please provide a description here of how this funding would be utilized:

-- Please Specify --

Construction/Renovation Costs (please state dollar amounts numerically and how the funds will be spent)

-- Please Specify --

Supplies and Equipment Costs (please state dollar amounts numerically and how the funds will be spent)

-- Please Specify --

Travel Costs (please state dollar amounts numerically and how the funds will be spent)

-- Please Specify --

Other Costs- including salaries and benefits (please state dollar amounts numerically and how the funds will be spent)

-- Please Specify --

Please indicate how current these budget estimates are

mm/dd/yyyy

Can the project proceed if the Appropriations Committee cannot fully fund the request?

- Yes
- No

Will this project require additional federal dollars in later fiscal years?

-- Please Choose an Option --

Has this project been submitted to a congressional office in prior fiscal years?

-- Please Choose an Option --

Has this project received Congressional Directed Spending funds in the past?

-- Please Choose an Option --

Is your project included in a state plan?

-- Please Choose an Option --

Is this project currently authorized in law? If so, where? If not applicable, please write "N/A".

-- Please Specify --

If this project has received any funding in the past, from either a public or private source, please detail that here:

(If applicable)

If this project is awaiting federal or state grant funding from another program or source, please detail that here:

-- Please Specify --

Please list any additional sources of funding the program has already received and the status of the funding (e.g. application submitted, funding awarded, funding received)

-- Please Specify --

Can you meet a 50% cost-share (or match) of the total project cost?

- Yes
- No

Can you meet a 25% cost-share (or match) of the total project cost?

- Yes
- No

Other Information

Does any derogatory information or potentially mitigating information exist that would render the entity potentially unsuitable for receiving community project funding? Please explain if applicable:

(If applicable)

If submitting multiple requests, please rank this request in terms of priority:

- 1
- 2

- 3
- 4
- 5

The Office of Senator Sheehy requires five letters of community support.

Letters of Support Contact Information:

-- Please Specify --

Please list all the attachments you are submitting with your request:

-- Please Specify --

Upload Supporting Documentation

TOTAL Maximum File Size for ALL files (combined) = (in bytes, ex. 15000000 = 15MB)

Five Letters of Community Support (PDFs only accepted)

No file chosen

Relevant Documents (PDFs only accepted)

No file chosen

**ALL ACCOUNT ELIGIBILITY, DEADLINES, AND REQUIREMENTS
ARE SUBJECT TO CHANGE**

Please schedule a call with Meredith Moore before submitting your application.



OPINION OF PROBABLE COST - Country Club Road Engineering Design

PROJECT	PROJECT NO.	DATE
<i>Country Club Road</i>	<i>N/A</i>	<i>3/27/2025</i>

Phase I Engineering

ITEM NO.	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	TOTAL PRICE
101	Phase I Project Scoping	Lump Sum	1	\$7,900	\$7,900
102	Speed Zone Review	Lump Sum	1	\$9,500	\$9,500
103	Project Management	Lump Sum	1	\$12,600	\$12,600
104	Public Outreach	Lump Sum	1	\$21,000	\$21,000
105	Topographic Survey	Lump Sum	1	\$21,000	\$21,000
106	Site Mapping	Lump Sum	1	\$8,500	\$8,500
107	Wetlands Delineation	Lump Sum	1	\$10,500	\$10,500
108	Right-of-Way Review	Lump Sum	1	\$12,600	\$12,600
109	Geotechnical Evaluation	Lump Sum	1	\$28,300	\$28,300
110	Utility Coordination	Lump Sum	1	\$5,300	\$5,300
111	Alternatives Analysis	Lump Sum	1	\$15,500	\$15,500
112	Preliminary Alignment Plans	Lump Sum	1	\$15,500	\$15,500

Phase I Engineering Subtotal: \$168,200

Phase II Engineering

ITEM NO.	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	TOTAL PRICE
201	Phase II Project Scoping	Lump Sum	1	\$7,900	\$7,900
203	Project Management	Lump Sum	1	\$13,500	\$13,500
204	Public Outreach	Lump Sum	1	\$5,300	\$5,300
205	Topographic Survey	Lump Sum	1	\$6,300	\$4,300
206	Site Mapping	Lump Sum	1	\$2,100	\$6,300
208	Right-of-Way Review	Lump Sum	1	\$3,200	\$3,200
210	Utility Coordination	Lump Sum	1	\$3,200	\$3,200
212	35% Plans	Lump Sum	1	\$21,000	\$21,000

Phase II Engineering Subtotal: \$64,700

Phase III Engineering

ITEM NO.	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	TOTAL PRICE
301	Final Project Scoping	Lump Sum	1	\$7,900	\$7,900
302	Reimbursable Expenses	Lump Sum	1	\$3,100	\$3,100
303	Additional topographical Survey	Lump Sum	1	\$5,400	\$5,400
304	Right-of-Way Coordination and Exhibits	Lump Sum	1	\$19,000	\$19,000
305	Utility Coordination	Lump Sum	1	\$2,100	\$2,100
306	Public Outreach	Lump Sum	1	\$21,000	\$21,000
307	95% Road Plans	Lump Sum	1	\$131,000	\$131,000
308	95% Bridge Widening Plans	Lump Sum	1	\$33,500	\$33,500
309	Final Plans, Specifications, and Estimates	Lump Sum	1	\$63,000	\$63,000
310	Funding Analysis and Grant Assistance	Lump Sum	1	\$5,300	\$5,300
Phase III Engineering Subtotal:					\$291,300

County In-Kind Items

1a	Assistant Director Labor	Hours	80		
2a	County Engineer Labor	Hours	240		
3a	Road and Bridge Operations Manager Labor	Hours	60		
4a	Bridge Manager Labor	Hours	40		
5a	Road Manager Labor	Hours	40		
				COMBINED SUBTOTAL	\$524,200
ESTIMATE BY: Daniel Karlin, PE				CONTINGENCY 30%	\$157,260
				INFLATION (3 YEARS) 4%	\$85,090
REVISED: Daniel Karlin, PE					
				TOTAL	\$766,550

This Opinion of Probable Cost is the opinion of the engineer of the probable construction cost, and is supplied as a guide only. Since the engineer has no control over the costs of labor and materials or over competitive bidding and market conditions, the engineer does not guarantee the accuracy of such opinion as compared to contractor's bids or actual costs to the owner. Estimate is calculated in 2025 dollars.



Comment Letter for a Court Ordered Division, for the Watson Family Trust. (Christal Ness)

Presented By:

Summary:

The Commissioners will consider sending a comment letter to the Honorable Judge Mike Menahan regarding the division of land requested by the Complaint for Partition for the Fourth Amended Watson Family Revocable Trust.

Legal Review Required:

ATTACHMENTS:

Description	Type
<input type="checkbox"/> Staff Report	Staff Report
<input type="checkbox"/> Proposed survey	Attachment
<input type="checkbox"/> Complaint for Partition	Attachment
<input type="checkbox"/> Stipulation for Partition in Kind	Attachment
<input type="checkbox"/> Order on Stipulation for Partition in Kind	Attachment



**Community Development and Planning
Lewis and Clark County**

316 N. Park Ave. Room 230 Helena, MT 59623
Phone: 406-447-8374 Fax: 406-447-8398
e-mail: planning@lccountymt.gov



STAFF REPORT

Date: March 31, 2025
To: Board of County Commissioners
From: Christal Ness, Development Services Supervisor

RE: Comments regarding a Complaint for Partition for the Fourth Amended Watson Family Revocable Living Trust

OWNER / APPLICANT:

Fourth Amended Watson Family
Revocable Living Trust
Brenda Hartman,
Successor Trustee

REPRESENTATIVE:

G. Andrew Adamek, Attorney
Browning, Kaleczyc, Berry & Hoven, P.C.
P.O. Box 1697
Helena, MT 59624

County Commission Meeting:

Thursday, April 3, 9:00 a.m.

I. SUMMARY OF THE DIVISION:

The parcels involved in this action are two, 20-acre parcels, created by 20-acre exemptions in June of 1990, Certificate of Survey No. 458256, attached to the Complaint for Partition. June 17, 2013, William and Marilyn Watson deed the 2 parcels to The Watson Family Revocable Living Trust dated April 10, 2009 (hereinafter Trust). The Trust was amended, and the current Trust is The Fourth Amended Watson Family Revocable Living Trust. This partition action complies with the provisions of the updated Trust.

Marilyn Watson died on December 3, 2020, and William Watson died on October 29, 2022. The heirs, by and through counsel, G. Andrew Adamek, filed a Complaint for Partition, in the First Judicial District Court, on October 10, 2024, and a Stipulation for Partition in Kind on March 21, 2025, with an accompanying Order for the Court. Pursuant to Montana Code Annotated (MCA) 76-3-201(2) the Court has notified the County of the pending division, and the Board of County Commissioners, as the Governing Body, has this opportunity to comment on the Court Ordered Division.

II. COURT ORDERED DIVISION STATUTES:

Montana Code Annotated 76-3-201(1)(a) provides that any Court may divide property pursuant to order, as an exemption from the Subdivision and Platting Act. Montana Code Annotated 76-4-125(1)(a) provides divisions made under MCA 76-3-201 exemptions are also exempt from the Sanitation in Subdivisions Act. The effect of these 2 statutes means that any court, with appropriate jurisdiction over the property, may divide property without adhering to either subdivision regulations or Department of Environmental Quality approval for new subdivisions, and specifically water, wastewater, and storm water drainage. In short, court ordered divisions allows for the division of property without addressing the impacts considered in the formal review of a subdivision.

III. REQUEST:

The Complaint for Partition has requested the Court to divide the 2 existing parcels into three tracts, one for each of the 3 beneficiaries of the Trust. Attached hereto is the draft survey attached to the Stipulation for Partition in Kind. Also attached are the pleadings filed with the District Court, forwarded to Lewis and Clark County.

IV. LOCATION:

The subject properties are two 20-acres parcels, located on eastern side of Holter Lake, east of Beartooth Road, approximately 2 miles south of the Holter Lake Dam. The parcels can be accessed from Mountain Lion Gulch on the north, or Old Doc Road on the south.

V. EXISTING DEVELOPMENT AND USES:

The existing parcels are vacant land.

Adjacent Land Uses:

North: Undeveloped 40-acre parcel.

East: Sterling Ranch, 640 acres.

South: Single family 20-acre lot.

West: Single family 20-acre lot.

VI. PROJECT ISSUES:

Wastewater:

If the Court Ordered division is approved, the lots will not be subject to review and or approval from the Department of Environmental Quality under the Sanitation in Subdivisions Act (Title 76, Chapter 4, Part 1 MCA) thereby possibly not mitigating impacts to adjacent properties. Nonetheless, each individual septic system will need approval and permitting pursuant to the Lewis and Clark County On-site Wastewater Treatment Regulations. Original Tract 18 has been approved for a septic system, and a permit will be issued upon payment of the permit fee.

Access:

The property is located east of Beartooth Road, at the end of Mountain Lion Gulch, and the east end of Old Doc Road. Approach permits will not be required.

Water:

The provision of water for future development will not be subject to review and approval by the Department of Environmental Quality under the Sanitation in Subdivisions Act (MCA 76-4-125 et. seq.), and the provision of water may have negative impacts on the neighboring properties for future development. Water wells will be required to meet the separation requirements of the Lewis and Clark County On-site Wastewater Treatment Regulations.

Public Health and Safety:

The proposed division has the potential to have adverse impacts on Public Health and Safety as follows:

1. The property is at the end of Mountain Lion Gulch, and Old Doc Road, both to the east of Beartooth Road, and neither road has been constructed to a subdivision standard.
2. No fire protection is located on-site.

V. CONCLUSION:

Pursuant to MCA 76-3-201(2), the Governing Body may provide comment to a proposed Court Ordered Division. This particular division is requested upon the Complaint for Partition and the Stipulation for Partition in Kind in the matter of the Fourth Amended Watson Family Revocable Living Trust.

RECOMMENDATIONS:

Should the Court decide to grant the Order on Stipulation for Partition in Kind and divide the property, staff recommends as follows:

1. The Court's Order should instruct the plaintiff, and Successor Trustee that a Certificate of Survey is required to be prepared pursuant to Montana Code Annotated and the Administrative Rules of Montana,
2. The Court's Order should instruct the plaintiff, and Successor Trustee, the property is subject to the requirement of the Lewis and Clark County On-site Wastewater Treatment Regulations; and
3. The Court's Order should instruct the plaintiff, and Successor Trustee that the properties should be addressed.

DRAFT - CERTIFICATE OF SURVEY

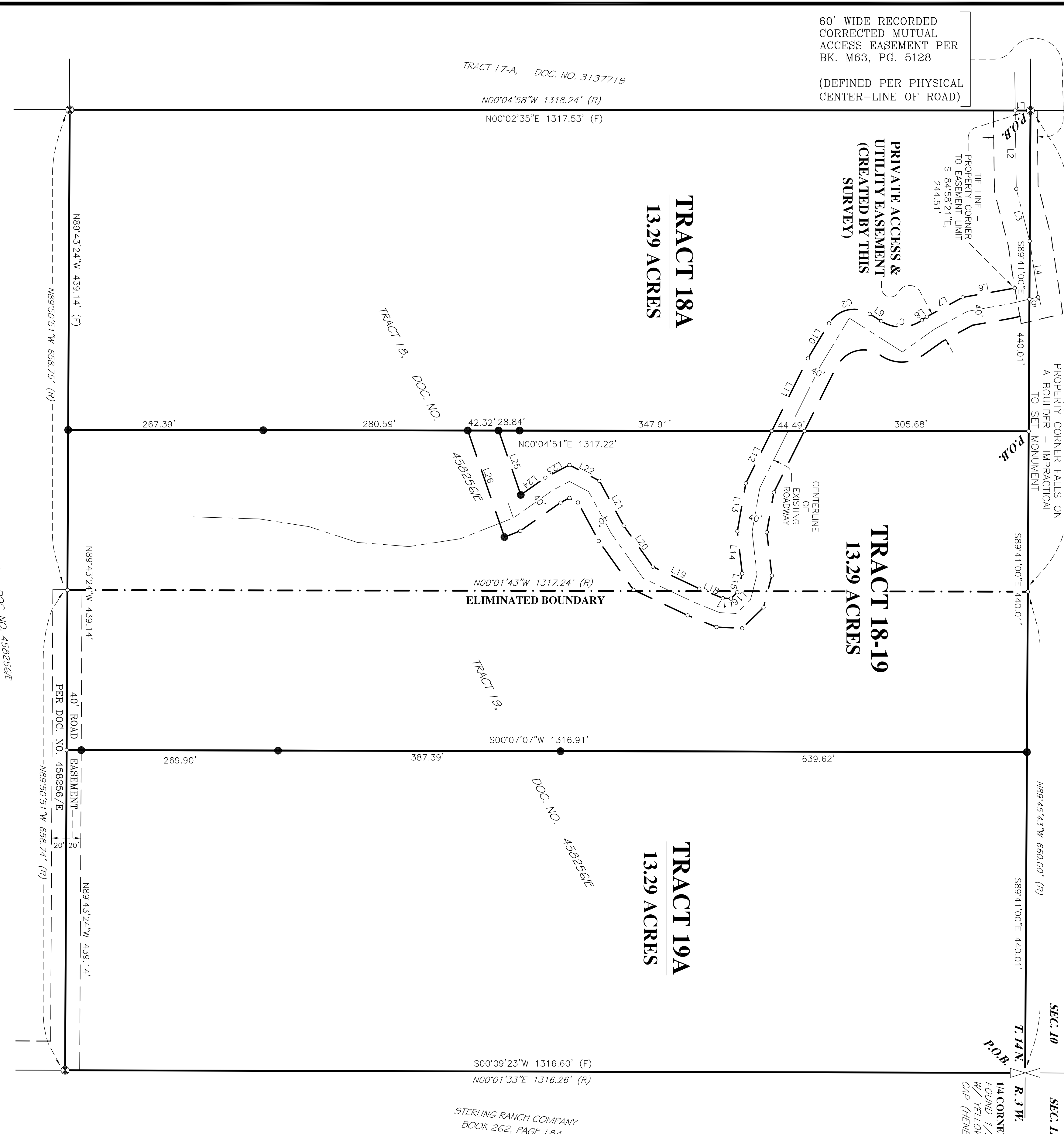
PURPOSE: COURT ORDER SURVEY PER CAUSE NO. #####, DATED #####, 202#.

COMMISSIONED BY: THE WATSON FAMILY REVOCABLE LIVING TRUST, BRENDA A. HARTMAN, SUCCESSOR TRUSTEE

LINE BEARING	DISTANCE	LINE BEARING	DISTANCE	LINE BEARING	DISTANCE	LINE BEARING	DISTANCE
C	N 89°14'09" E 107.27'	L10	S 86°32'07" E 56.11'	L18	N 27°55'04" E 34.86'	C6	S 77°01'06" W 154.59'
D	N 75°33'37" E 73.92'	L11	S 83°33'19" E 111.17'	L19	N 25°15'07" E 70.51'	C7	S 77°01'06" W 154.59'
E	N 81°48'46" E 72.92'	L12	N 63°03'52" W 80.68'	L20	S 45°55'33" E 69.22'	C8	S 77°01'06" W 154.59'
F	N 75°33'37" E 73.92'	L13	N 63°03'52" W 80.68'	L21	S 45°55'33" E 69.22'	C9	S 77°01'06" W 154.59'
G	S 10°03'54" E 72.80'	L14	N 83°28'03" E 58.34'	L22	N 27°55'04" E 34.86'	C10	S 77°01'06" W 154.59'
H	S 28°21'58" E 55.89'	L15	N 75°29'58" W 78.55'	L23	N 27°46'57" W 37.33'	C11	S 55°21'48" E 8.28'
I	S 55°21'48" E 8.28'	L16	S 44°18'20" E 124.28'	L24	S 55°24'53" E 41.17'	C12	S 55°21'48" E 8.28'

CURVE DATA	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C2	63.83'	150.00'	67°55'33"	S 07°23'59" E 55.87'	150.00'
C3	63.83'	150.00'	67°55'33"	S 13°09'10" E 81.27'	150.00'

60' WIDE RECORDED CORRECTED MUTUAL ACCESS EASEMENT PER BK. M63, PG. 5128
(DEFINED PER PHYSICAL CENTER-LINE OF ROAD)



LEGAL DESCRIPTION: TRACT 18A
A TRACT OF LAND LOCATED IN THE SE 1/4 OF SECTION 10, TOWNSHIP 14 NORTH, RANGE 3 WEST, P.M. MONTANA, LEWIS AND CLARK COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF TRACT 18 OF DOC. NO. 458256/E; THENCE S 89°41'00" E, 440.01 FEET ALONG THE NORTH LINE OF SAID TRACT 18; THENCE S 00°04'51" W, 1317.22 FEET TO THE SOUTH LINE OF SAID TRACT 18; THENCE N 89°45'24" W, 439.14 FEET ALONG THE SOUTH LINE OF SAID TRACT 18; THENCE N 00°02'35" E, 1317.55 FEET ALONG THE WEST LINE OF SAID TRACT 18 TO THE POINT OF BEGINNING. THE TRACT CONTAINS 13.29 ACRES, MORE OR LESS AND IS SUBJECT TO ALL EXISTING/RECORDED EASEMENTS, DOCUMENTS OF RECORD AND EASEMENTS SHOWN ON THIS CERTIFICATE OF SURVEY.

LEGAL DESCRIPTION: TRACT 18-19
A TRACT OF LAND LOCATED IN THE SE 1/4 OF SECTION 10, TOWNSHIP 14 NORTH, RANGE 3 WEST, P.M. MONTANA, LEWIS AND CLARK COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF TRACT 18 OF DOC. NO. 458256/E; THENCE S 89°41'00" E, 440.01 FEET ALONG THE NORTH LINE OF SAID TRACT 18 & THE NORTH LINE OF TRACT 19 OF DOC. NO. 458256/E; THENCE S 00°04'51" W, 1317.22 FEET TO THE SOUTH LINE OF SAID TRACT 19; THENCE N 89°45'24" W, 439.14 FEET ALONG THE SOUTH LINE OF SAID TRACT 19; THENCE N 00°04'51" E, 1317.22 FEET TO THE NORTH LINE OF SAID TRACT 18 AND THE POINT OF BEGINNING. THE TRACT CONTAINS 13.29 ACRES, MORE OR LESS AND IS SUBJECT TO ALL EXISTING/RECORDED EASEMENTS, DOCUMENTS OF RECORD AND EASEMENTS SHOWN ON THIS CERTIFICATE OF SURVEY.

LEGAL DESCRIPTION: TRACT 19A
A TRACT OF LAND LOCATED IN THE SE 1/4 OF SECTION 10, TOWNSHIP 14 NORTH, RANGE 3 WEST, P.M. MONTANA, LEWIS AND CLARK COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE EAST 1/4 CORNER OF SAID SECTION 10; THENCE S 00°04'51" W, 1316.60 FEET ALONG THE EAST LINE OF SAID SECTION 10; THENCE N 89°47'24" W, 1316.91 FEET TO THE NORTH LINE OF SAID TRACT 19 OF DOC. NO. 458256/E; THENCE S 89°41'00" E, 1316.91 FEET ALONG THE NORTH LINE OF SAID TRACT 19 TO THE POINT OF BEGINNING. THE TRACT CONTAINS 13.29 ACRES, MORE OR LESS AND IS SUBJECT TO ALL EXISTING/RECORDED EASEMENTS, DOCUMENTS OF RECORD AND EASEMENTS SHOWN ON THIS CERTIFICATE OF SURVEY.

CERTIFICATE OF SUBDIVISION EXEMPTION: TRACTS 18A, 18-19, & 19A
I/WE, HEREBY CERTIFY THAT THE DIVISION OF LAND SHOWN ON THIS CERTIFICATE OF SURVEY IS EXEMPT FROM REVIEW IN ACCORDANCE WITH THE PROVISIONS OF SECTION 76-3-201(G), MCA, BECAUSE THESE TRACTS ARE CREATED BY ORDER OF ANY COURT OF RECORD IN THIS STATE OR BY OPERATION OF LAW OR THAT, IN THE ABSENCE OF AGREEMENT BETWEEN THE PARTIES TO THE SALE, COULD BE CREATED BY AN ORDER OF ANY COURT IN THE STATE PURSUANT TO THE LAW OF EMINENT DOMAIN, TITLE 70, CHAPTER 30, PURSUANT TO SECTION 76-3-201(G), MCA.

CERTIFICATE OF DEED EXCLUSION:
I/WE, THE UNDERSIGNED, HEREBY CERTIFY THAT TRACTS 18A, 18-19, & 19A AS SHOWN ON THIS CERTIFICATE OF SURVEY ARE EXEMPT FROM DEED REVIEW IN ACCORDANCE WITH SECTION 76-4-128(1)(G), MCA, BECAUSE THESE TRACTS ARE CREATED BY ORDER OF ANY COURT OF RECORD IN THIS STATE OR BY OPERATION OF LAW OR THAT, IN THE ABSENCE OF AGREEMENT BETWEEN THE PARTIES TO THE SALE, COULD BE CREATED BY AN ORDER OF ANY COURT IN THE STATE PURSUANT TO THE LAW OF EMINENT DOMAIN, TITLE 70, CHAPTER 30, PURSUANT TO SECTION 76-3-201(G), MCA.

CERTIFICATE OF ACKNOWLEDGEMENT/APPROVAL:
PRIVATE ACCESS & UTILITY EASEMENT
I/WE, THE UNDERSIGNED PROPERTY OWNERS HEREBY CREATE/DEFINE/GRAANT THE "PRIVATE ACCESS & UTILITY EASEMENT" AS SHOWN AND DESCRIBED ON THIS CERTIFICATE OF SURVEY WITH THE FOLLOWING CONDITIONS:
(1) EASEMENT SHALL PERMIT INGRESS/EGRESS/UTILITIES TO THE LAND OWNER(S) OF TRACTS 18A AND 18-19, EXCLUSIVELY, AND ANY PORTION THEREOF;
(2) ANY TYPE OF ROADWAY SURFACE IS PERMITTED;
(3) BORROW DITCHES/CULVERTS/ETC.: ARE PERMITTED FOR DRAINAGE;
(4) EASEMENT SHALL PERMIT/ALLOW POWER/PHONE/GAS/CABLE/COMMUNICATION LINES BE INSTALLED/MAINTAINED WITHIN SAID EASEMENT LIMITS;
(5) EASEMENT MUST WORK IN HARMONY WITH ALL EXISTING/RECORDED EASEMENTS AND DOCUMENTS OF RECORD;
(6) MAINTENANCE/LIABILITY OF EASEMENT IS THE RESPONSIBILITY OF THOSE SAID LAND OWNER(S) USING THE PRIVATE ACCESS & UTILITY EASEMENT FOR ACCESS/UTILITIES;

(7) EASEMENT RIGHTS/CONDITIONS/TERMS WERE DETERMINED BY NEGOTIATIONS BETWEEN THE UNDERSIGNED PROPERTY OWNER(S) AND SHOULD BE CONSTRUED IN ACCORDANCE WITH THE FAIR INTENT AND MEANING OF THE EASEMENT'S LANGUAGE, CONSIDERED IN ITS ENTIRETY AND NOT FOR OR AGAINST ANY OF THE OWNER(S), REGARDLESS OF WHICH OWNER(S) PREPARED THIS EASEMENT CERTIFICATE. EACH OWNER(S) ACKNOWLEDGES THAT THEY HAVE CONSULTED WITH, OR HAS HAD AN OPPORTUNITY TO CONSULT WITH, HIS OWN ATTORNEY IN CONNECTION WITH THE NEGOTIATION AND EXECUTION OF THIS EASEMENT AS SHOWN/DESCRIBED ON THIS CERTIFICATE OF SURVEY.
EASEMENT TO RUN WITH THE LAND (HIS/HER/THEIR) HEIRS, SUCCESSORS, AND/OR ASSIGNS.

OWNER TRACTS 18 & 19: _____ THE WATSON FAMILY REVOCABLE LIVING TRUST
STATE OF MONTANA, COUNTY OF _____
THIS INSTRUMENT WAS SIGNED OR ACKNOWLEDGED BEFORE ME ON THIS _____ DAY OF _____, 20____.

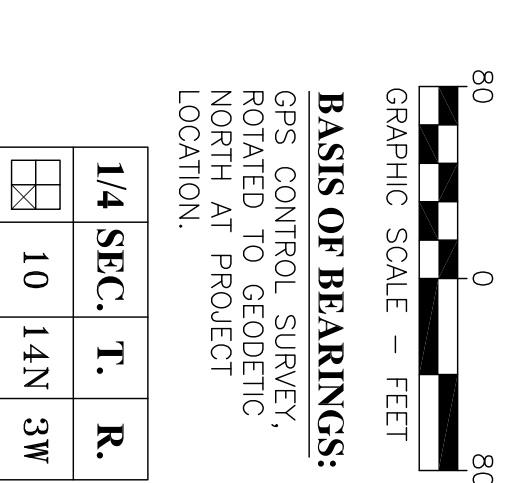
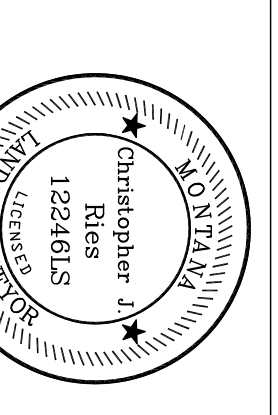
BY _____ BRENDA A. HARTMAN _____ ACTING IN THE CAPACITY OF SUCCESSOR TRUSTEE
ON BEHALF OF THE WATSON FAMILY REVOCABLE LIVING TRUST DATED APRIL 10, 2009
NOTARY SIGNATURE _____

CERTIFICATE OF COUNTY TREASURER:
I, HEREBY CERTIFY, PURSUANT TO SECTION 76-3-207(3) OF MCA, THAT ALL REAL PROPERTY TAXES AND SPECIAL ASSESSMENTS ASSESSED AND LEVIED ON THE LAND DESCRIBED ON THIS PLAT AND ENCOMPASSED BY THE PROPOSED "CERTIFICATE OF SURVEY", HAVE BEEN PAID.
GEO CODE: 05-2342-10-4-01-30-0000 ASSESSMENT CODE: 26591

DATED THIS _____ DAY OF _____, 20____.
TREASURER, LEWIS AND CLARK COUNTY, MONTANA, _____

CERTIFICATE OF EXAMINING LAND SURVEYOR:
REVIEWED FOR ERRORS AND OMISSIONS IN CALCULATIONS AND DRAFTING _____ DAY OF _____, 20____.
PURSUANT TO SECTION 76-3-611(2)(g), MCA, _____
EXAMINING LAND SURVEYOR _____
LICENSE NO. _____

CERTIFICATE OF SURVEYOR
CHRISTOPHER J. RIES (122461S)
PROFESSIONAL LAND SURVEYOR
DATE: _____



DATE: OCTOBER 10, 2024
JOB NO.: 23240
FIELD BY: CJR, JKK
DRAFTED BY: CJR, PAC



LEGEND:
● FOUND 1/2" REBAR W/ YELLOW PLASTIC CAP (HELEN 2066S)
● SET 5/8" REBAR W/ ORANGE PLASTIC CAP (CJ RIES 122461S)
○ CALCULATED POINT (NOTHING FOUND/SET)

DOCUMENT NO.: _____
SHEET 1 OF 1

1 G. Andrew Adamek
2 BROWNING, KALECZYC, BERRY & HOVEN, P.C.
3 800 N. Last Chance Gulch, Suite 101
4 P.O. Box 1697
5 Helena, MT 59624
6 Telephone: (406) 443-6820
7 Fax: (406) 443-6883
8 andy@bkbh.com

9 *Attorneys for Plaintiff*

10 MONTANA FIRST JUDICIAL DISTRICT COURT, LEWIS AND CLARK COUNTY

11 BRENDA HARTMANN, as successor trustee
12 of the fourth amended Watson Family
13 Revocable Living Trust

14 Plaintiff,

15 v.

16 PATRICIA HALVORSON and GERARD
17 WATSON

18 Defendants.

19 Case No. **A DV-25-2024-0000655-PA**

20 **COMPLAINT FOR PARTITION**

21 **Presiding Judge: Hon. Mike Menahan**

22 **JURISDICTION AND VENUE**

23 1. Pursuant to Mont. R. Civ. P. 4(b)(1)(C), this Court has jurisdiction over the parties
24 described herein, who all reside in Montana and have interest in the real property in question,
25 which is located within Lewis and Clark County, Montana.

26 2. Pursuant to Mont. Code Ann. §§70-29-101 and 104(2) and §25-2-123(1) (c), venue
27 is proper in Lewis and Clark County because this is an action for partition of real property located
entirely within Lewis and Clark County, Montana.

PARTIES

3. Brenda Hartmann is the Successor Trustee of Plaintiff, The Fourth Amended
Watson Family Revocable Living Trust, dated January 14, 2020 (“Trust”).

1 4. Defendant, Patricia Halvorson (Patricia), is a resident of Cascade County, Montana
2 and according to the Trust, is a named beneficiary to receive an equal share distribution of certain
3 real property.

4 5. Defendant, Gerard Watson (Jerry) is a resident of Cascade County, Montana and
5 according to the Trust, is a named beneficiary to receive an equal share of certain real property.

6 6. Brenda Hartmann (Brenda) in her individual capacity, is a resident of Cascade
7 County, Montana and according to the Trust, is a beneficiary to receive an equal share of certain
8 real property.

9 **FACTUAL BACKGROUND**

10 7. This is a partition action concerning title to certain real property described as:
11 Tract 18 being the W1/2NE1/4SE1/4 of Section 10, Township 14 North, Range 3 West,
12 P.M.M., Lewis and Clark County, Montana, as shown on Certificate of Survey filed under
13 Document Number 458256-E.
14 Together with their appurtenances.

15 And

16 Tract 19 being the E1/2NE1/4SE1/4 of Section 10, Township 14 North, Range 3 West,
17 P.M.M., Lewis and Clark County, Montana, as shown on Certificate of Survey filed under
18 Document Number 458256-E.
19 Together with their appurtenances.

(Deed references, Book M47, Page 2214; Book M47, Page 2213, respectively)

All hereinafter "Property".

20 8. The Trust was created by William O. Watson, Jr. (William) and Marilyn T. Watson
21 (Marilyn), as original Trustors and Trustees, and husband and wife, in 2009.

22 9. William and Marilyn conveyed all of their individual rights, title, and interest of
23 certain real property to the Trust by use of two Quit Claim Deeds, each filed with the Clerk and
24 Recorder, Lewis and Clark County on June 17, 2013 at Document Nos. 3243657 and 3243658.
25 See Exhibit 1 (Quit Claim Deeds) attached.

26 //

1 10. William died on October 29, 2022 and Marilyn died on December 3, 2020.
2 According to the Trust at Art. Six, Brenda Hartmann as sole Successor Trustee is authorized to
3 distribute part of the residue of the Trust assets, including the Property as follows:

4 6.1.4 The Trustee shall distribute to Gerard R. Watson [Jerry], Patricia A.
5 Halvorson [Patricia], and Brenda A. Hartmann, in equal shares, the lots at Holter
6 Lake, Lewis and Clark County, Montana. Any and all tools, machinery, and
7 equipment at the Holter Lake lots shall be considered the property of Gerard R.
8 Watson, Patricia A. Halvorson, and Brenda A. Hartmann for use in the development
9 or improvement to the said lots.

8 *See Exhibit 2 (portions of Trust) attached.*

9 11. Jerry, Patricia, and Brenda are to receive an equal one-third share of the Property
10 but cannot agree among them how Tracts 18 and 19 comprising the Property referenced in Article
11 VI. Section 6.1.4 are to be conveyed or physically divided among them.

12 12. Plaintiff is not aware of any lien holders of record or creditors of the Property or
13 any other persons claiming any interest in the Property, other than the named beneficiaries Gerard,
14 Patricia, and Brenda.

15 13. Access easements and established roads exist providing ingress and egress to Tracts
16 18 and 19 comprising the Property, as depicted on the Certificate of Survey for Lower Gates of
17 the Mountain Summer Homes, recorded at Document No. 458256-E, Clerk and Recorder, Lewis
18 and Clark County.

19 *See Exhibit 3 (COS for Lower Gates of the Mountain Summer Homes) attached.*

20 14. Said access easements also currently provide ingress and egress to the Property,
21 across and burdening Tract 20, already owned by Defendant Gerard Watson.

22 15. The Protective Covenants applicable to the Property do not preclude physical, in-
23 kind partition of the Property into three separate parcels.

24 16. Since the death of Marilyn, the relationship between Brenda and her brother Jerry
25 has broken down, and discord among the beneficiaries Patricia, Jerry, and Brenda over the
26 disposition of the Property as intended by the Trust has ensued.
27

1 17. Only physical, in-kind partition of the Property into three separate parcels to be
2 owned individually by Brenda, Jerry and Patricia will equitably serve the interests of these Trust
3 beneficiaries.

4 18. The subject Property is “Heirs Property” pursuant to Mont. Code Ann. §70-29-
5 402(5).

6 19. Because the subject Property is Heirs Property, the subject Property must be
7 partitioned under Title 70, Chapter 29, Part 4. *See* Mont. Code Ann. §70-29-403.

8 20. Because the Property is Heirs Property, if the parties cannot agree upon the fair
9 market value, the Court may determine the value by ordering an appraisal and may conduct an
10 evidentiary hearing to determine the fair market value, pursuant to Mont. Code Ann. §70-29-410.

11 21. Once the fair market value is determined the Court may consider at evidentiary
12 hearing the factors warranting physical, in-kind partition pursuant to Mont. Code Ann. §70-29-
13 413, if the parties are unable to agree as to the terms of an in-kind partition.

14 22. The factors set forth in Section 413 support physical, in-kind partition:

- 15 a. The Property can practicably be divided into three tracts as it is sufficiently large
16 to do so;
- 17 b. In-kind partition of the Property would at least maintain the fair market value of the
18 parcels or increase them in the aggregate;
- 19 c. The parties herein have all held a one-third, equal interest in the Property for the
20 same duration, through the Trust. The Property has been held by the Watson family
21 for two generations;
- 22 d. No party presently lives on the Property, but Defendant Gerard Watson has an
23 ownership interest in Tract 20 directly adjacent and south of the subject Property,
24 and he could benefit from future consolidation of Lot 20 with a newly created parcel
25 resulting from in-kind partition;
- 26 e. No party currently earns any income from farming or ranching on the Property;
- 27

- 1 f. No structures or dwellings exist on the Property;
- 2 g. Recorded easements exist for access to the Property. Some internal roads exist on
- 3 the Property. An additional access and utility easement serving the new middle tract
- 4 will be established in this action. The present access easement burdening Tract 20
- 5 can be re-established and improved to provide necessary access and utility service
- 6 to new Tract 19A and new Tract 18-19; and
- 7
- 8 h. The totality of all relevant factors weighs in favor of physical partition in-kind,
- 9 consistent with the draft Certificate of Survey attached to this Complaint as Exhibit
- 10 4.

11 23. Plaintiff Trust will incur attorney's fees and costs, and is entitled to recovery of its

12 fees and costs related to this litigation, incurred for the common benefit of the parties, in proportion

13 to its interest in the Property, pursuant to Mont. Code Ann. §70-29-218, as supplemented by Mont.

14 Code Ann. §70-29-403. Plaintiff Trust reserves the right to seek this recovery or may waive it,

15 depending upon the cooperation of the Defendants in this cause.

16 **PRAYER FOR RELIEF**

17

18 WHEREFORE, Plaintiff prays for the following relief:

- 19 a. That the Court grant a physical, in-kind partition of the Property in accordance with
- 20 the Uniform Partition of Heirs Property Act, Mont. Code Ann. § 70-29-401, *et seq*;
- 21 b. That the in-kind partition order designates ownership of the to-be-created new Tract
- 22 18A to be conveyed to Gerard Watson, new Tract 18-19 to be conveyed to Patricia
- 23 Halvorson, and new Tract 19A to be conveyed to Brenda Hartmann.
- 24
- 25 c. Award Plaintiff the payment of the professional fees and costs incurred to bring this
- 26 partition action, including the cost of appraisals, surveys, referees, title company
- 27

1 fees, closing costs, court costs, and attorney's fees and costs, if Plaintiff seeks this
2 relief at the end of this action; and

3 d. For such other and further relief as the Court deems just.

4 DATED this 10th day of October, 2024.

5 BROWNING, KALECZYC, BERRY & HOVEN, P.C.

6
7 By /s/ G. Andrew Adamek
8 G. Andrew Adamek

9 *Attorneys for Plaintiff*

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First Montana Land Title Company
P.O. Box 251
Helena, MT 59624

Return to:

William O. Watson
1470 Country Home Lane
Great Falls, MT 59405

3243658 B: M47 P: 2214 DEED
06/17/2013 03:59 PM Pages: 1 of 1 Fees: 7.00
Paulette DeHart Clerk & Recorder, Lewis & Clark MT



L & C W24801
Return to
First Montana Title
P.O. Box 251
Helena MT 59624

QUIT CLAIM DEED

For Value Received:

William O. Watson and Marilyn Watson

does hereby convey, release, remise and forever quit claim unto

Marilyn T. Watson and William O. Watson, Jr., Trustees of The Watson Family Revocable Living Trust dated April 10, 2009

The grantees, the following described premises, in Lewis and Clark County, Montana, to-wit:

Tract 18 being the W1/2NE1/4SE1/4 of Section 10, Township 14 North, Range 3 West, P.M.M., Lewis and Clark County, Montana, as shown on Certificate of Survey filed under Document Number 458256-E.

Together with their appurtenances.

Dated: *6/17/13*

William O. Watson
William O. Watson

Marilyn Watson
Marilyn Watson

STATE OF MONTANA, COUNTY OF LEWIS AND CLARK

On this *17* day of June, 2013
Before me a notary public in and for said State
Personally appeared

William O. Watson and Marilyn Watson

known to me to be the person(s) whose name(s)
are/is subscribed to the within instrument and
acknowledged to me that he/she/they executed
the same.

Jonathan Riebs

Notary Public
Residing at
Commission Expires

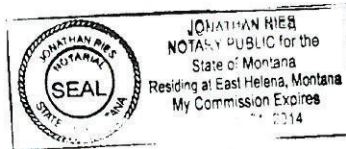


EXHIBIT 1

First Montana Land Title Company
P.O. Box 251
Helena, MT 59624

Return to:

William O. Watson
1470 Country Home Lane
East Falls, MT. 59405

L & C W04801
Return to
First Montana Title
P.O. Box 251
Helena, MT 59624

3243657 B: M47 P: 2213 DEED
06/17/2013 03:59 PM Pages: 1 of 1 Fees: 7.00
Paulette DeHart Clerk & Recorder, Lewis & Clark MT



QUIT CLAIM DEED

For Value Received:

William O. Watson and Marilyn Watson

does hereby convey, release, remise and forever quit claim unto

Marilyn T. Watson and William O. Watson, Jr., Trustees of The Watson Family Revocable Living Trust dated April 10, 2009

The grantees, the following described premises, in Lewis and Clark County, Montana, to-wit:

Tract 19 being the E1/2NE1/4SE1/4 of Section 10, Township 14 North, Range 3 West, P.M.M., Lewis and Clark County, Montana, as shown on Certificate of Survey filed under Document Number 458256-E.

Together with their appurtenances.

Dated: *6/17/13*

William O. Watson
William O. Watson

Marilyn Watson
Marilyn Watson

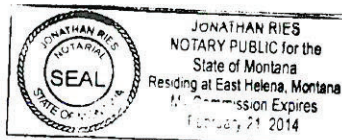
STATE OF MONTANA, COUNTY OF LEWIS AND CLARK

On this 17 day of June, 2013
Before me a notary public in and for said State
Personally appeared

William O. Watson and Marilyn Watson

known to me to be the person(s) whose name(s)
are/is subscribed to the within instrument and
acknowledged to me that he/she/they executed
the same.

Jonathan Ries
Notary Public
Residing at
Commission Expires



COPY

THE FOURTH AMENDED WATSON FAMILY REVOCABLE LIVING TRUST DATED JANUARY 14, 2020

This Fourth Amended Trust Agreement for the Watson Family Revocable Living Trust is made and effective this 14th day of January, 2020, between **William O. Watson, Jr.** and **Marilyn T. Watson**, husband and wife, of Great Falls, Montana, hereinafter referred to as the "Trustors", and **William O. Watson, Jr.** and **Marilyn T. Watson**, hereinafter referred to as the "Trustees".

ARTICLE ONE Trust Estate

The Trustors, desiring to amend a trust originally executed on April 10, 2009, and they have prior to this date granted, bargained, conveyed and assigned to the Trustees the property described in the attached Exhibit "A" and Exhibit "B", incorporated herein by this reference, which property, together with any other property which may hereafter become subject to this Trust Agreement, is herein referred to sometimes as the "Trust Estate".

This Fourth Amended Trust Agreement supercedes and replaces that Trust Agreement dated April 10, 2009, as further amended on June 4, 2015, and further amended on February 21, 2017, which prior Trust Agreements are hereby revoked by the execution of this Fourth Amended Trust Agreement.

By acceptance of this instrument, the Trustees agree to continue to hold the Trust Estate as a trust fund, invest and reinvest the same, collect the income thereof and, after deducting all expenses incident to the management of the Trust Estate, make payments and distributions as hereinafter provided.

All reference herein to Trustee shall, where appropriate, be construed to include the singular as well as the plural.

The trust created by this Fourth Amended Trust Agreement shall be known as the "**Fourth Amended Watson Family Revocable Living Trust Dated January 14, 2020**".

The Trustors have four children, **Brenda A. Hartmann**, **Katherine A. Watson**, **Gerard W. Watson** and **Patricia A. Halvorson**, seven grandchildren and two great grandchildren.

ARTICLE TWO Distributions While Both Trustors Are Living

During the joint lifetime of the Trustors, the Trustees shall hold, administer and distribute the Trust Estate in the following manner:

Trustors on the purchase. If this home is still held by the Trust at the death of the last Trustor to die, then the Trustee shall distribute to **Patricia A. Halvorson** the said home (land, lot and improvements) as part of her share of the trust property. Any debt then due and owing by **Patricia A. Halvorson**, or her husband, at the death of both Trustors shall be forgiven, released and discharged as an obligation owing to the Trust Estate. Any other distributions of trust property to which **Patricia A. Halvorson** is otherwise provided in this Agreement shall be reduced by the total sum of \$200,000.00, as provided in Section 6.1.5, but in no event shall Patricia's share of the remainder of the Trust Estate be reduced any further that said sum.

6.1.3 The Trustee shall distribute to **Brenda A. Hartman, Gerard R. Watson** and **Patricia A. Halvorson**, in equal shares, any and all mineral rights, minerals and any royalty interests in the State of Texas held by Trustors at the time of the last of them to die, together with any and all land and real property held or owned by Trustors at the time of the last of them to die.

6.1.4 The Trustee shall distribute to **Gerard R. Watson, Patricia A. Halvorson** and **Brenda A. Hartmann**, in equal shares, the lots at Holter Lake, Lewis & Clark County, Montana. Any and all tools, machinery and equipment at the Holter Lake lots shall be considered the property of **Gerard R. Watson, Patricia A. Halvorson** and **Brenda A. Hartmann** for use in the development or improvements to the said lots.

6.1.5 The Trustee shall distribute to **Brenda A. Hartmann, Patricia A. Halvorson** and **Gerard R. Watson**, in equal shares, any and all other assets remaining in the Trust Estate after the above referenced distributions are made as provided above. It is Trustors' intent that each of said persons shall receive an equal distribution of the remaining trust estate. For purposes of this provision, the value of the house to be distributed **Patricia A. Halvorson** in the amount of \$200,000.00 shall be deducted from her share of the residue of the trust property.

6.1.6 In the event that **Brenda A. Hartmann, Gerard W. Watson** or **Patricia A. Halvorson** shall predecease both Trustors with surviving issue, then the surviving issue of such predeceased child shall take the deceased parent's share, by right of representation, of their respective distribution as set forth in this Article.

ARTICLE SEVEN

Trustees Succession

If either **William O. Watson, Jr.** or **Marilyn T. Watson** shall resign, refuse or be unable to act as Co-Trustees, then the other shall become and remain sole Successor Trustee. If both **William O. Watson, Jr.** and **Marilyn T. Watson** shall die, resign, refuse, be unable to act as Co-Trustees, then **Brenda A. Hartmann** shall become the sole Successor Trustee.

CERTIFICATE OF SURVEY
TRACTS IN SECTION 10, T.14N, R.3W M.P.M.
LEWIS AND CLARK COUNTY, MONTANA.

3799

DATE 4/8/90

LEGEND

- FOUND SECTION CORNER
 - FOUND 1/4 SECTION CORNER
 - SET 3/4"x30" REBAR/CAP
 - SET 8" SPIKE
- BASIS OF BEARING - SOUTH LINE SEC 10 (24.0)
- SCALE 1" = 300'

OWNERS: PETER BLESKIN, CHARLES L. PLANT
JOE MCNEENAY

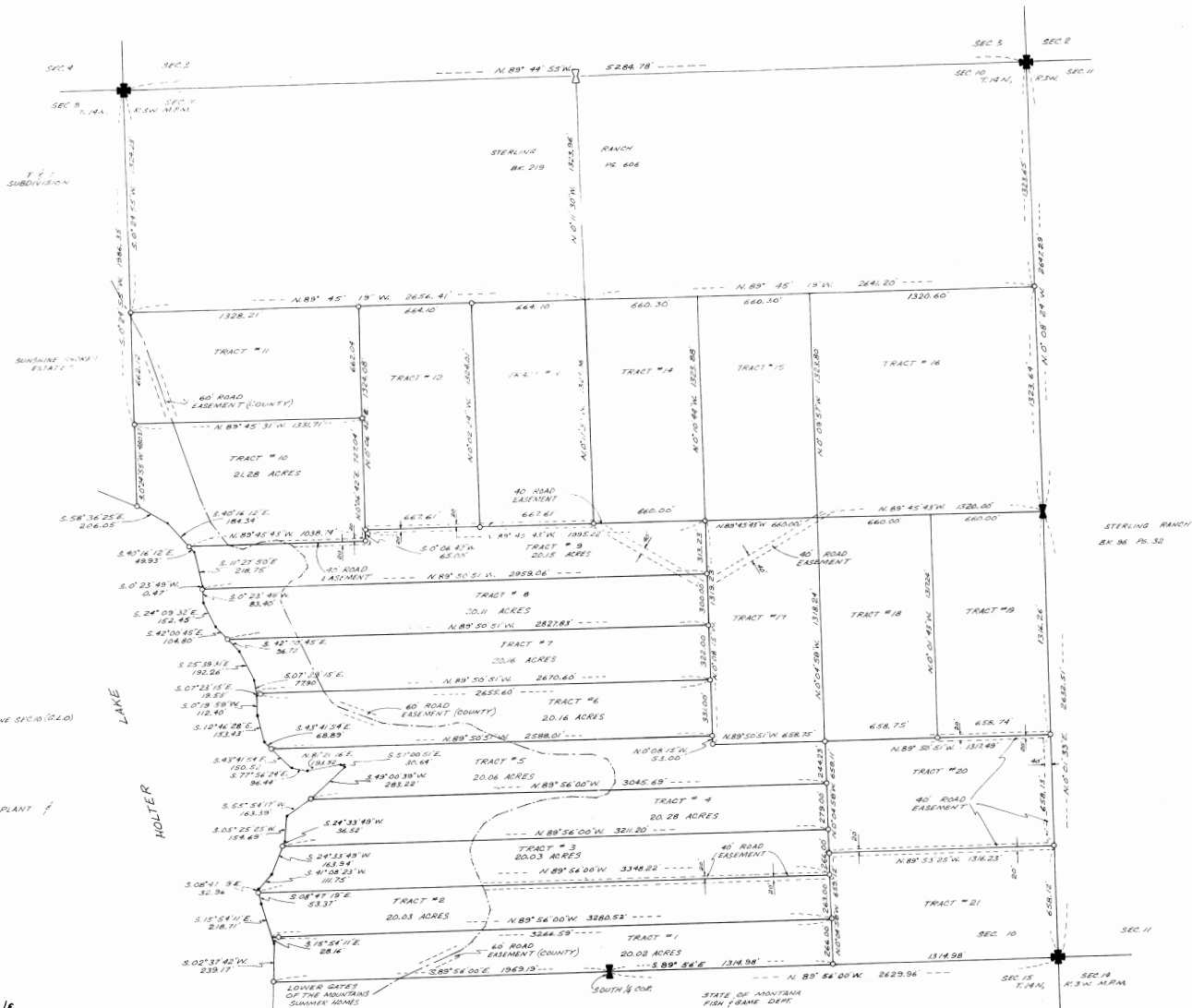
458254/E

1990 JUN 27 RECD 50

15-50

HENRI LAND SURVEYING CO
202 - 101 AVENUE SOUTH
GREAT FALLS, MONTANA 59401

Chubby McArthur



Wm John Wilson
Montana License
2105-S
Date 7/2/90

EXHIBIT 3

SHEET 1 OF 2

SECTION	T.14N	R.3W
10	14N	3W

CERTIFICATE OF SURVEY
TRACTS IN SECTION 10, T.14N, R.3W, M.F.M.
LEWIS AND CLARK COUNTY, MONTANA.

The purpose of this survey is to subdivide a portion of Section 10, T.14 N., R.3 W., M.F.M., Lewis and Clark County, Montana, into Aliquot 20 acre tracts, and also to determine area and description of other tracts in Section 10 that exceed 20.0 acres; therefore, this survey is exempt from the Subdivision and Platting Act, and the Sanitation in Subdivision Law, said tracts are as shown on the accompanying map and described as follows:

TRACT No. 1
 A tract of land in the SE of Section 10, T.14 N., R.3 W., M.F.M., Lewis and Clark County, Montana, described as follows: Beginning at the South corner of said Section 10; EXTENDING THENCE S.89°55'42"E, 1311.98 feet along the south line of said Sec. 10; thence N.0°00'00"W, 260.0 feet; thence N.89°56'00"W, 3850.52 feet to the east shore line of Moller Lake; thence S.15°56'11"W, 28.16 feet; thence S.0°07'42"W, 236.17 feet to the west line of said Sec. 10, the last two courses being on said east shore line; thence S.89°55'42"E, 1367.19 feet along the south line of said Sec. 10 to the point of beginning and containing an area of 20.02 acres.

TRACT No. 2
 A tract of land in the SE of Section 10, T.14 N., R.3 W., M.F.M., Lewis and Clark County, Montana, described as follows: Commencing at the South corner of said Section 10; thence S.89°55'42"E, 1311.98 feet; thence N.0°00'00"W, 260.0 feet to the true point of beginning; EXTENDING THENCE N.0°00'00"W, 260.0 feet; thence N.89°55'42"E, 3211.20 feet to the east shore line of Moller Lake; thence S.20°33'49"W, 163.00 feet; thence N.11°08'27"W, 111.75 feet; thence S.89°55'42"E, 37.06 feet, the last three courses being on said east shore line; thence S.89°55'42"E, 1367.19 feet to the point of beginning and containing an area of 20.03 acres.

TRACT No. 3
 A tract of land in the SE of Section 10, T.14 N., R.3 W., M.F.M., Lewis and Clark County, Montana, described as follows: Commencing at the South corner of said Section 10; thence S.89°55'42"E, 1311.98 feet; thence N.0°00'00"W, 260.0 feet to the true point of beginning; EXTENDING THENCE N.0°00'00"W, 260.0 feet; thence N.89°55'42"E, 3211.20 feet to the east shore line of Moller Lake; thence S.20°33'49"W, 163.00 feet; thence N.11°08'27"W, 111.75 feet; thence S.89°55'42"E, 37.06 feet, the last three courses being on said east shore line; thence S.89°55'42"E, 1367.19 feet to the point of beginning and containing an area of 20.03 acres.

TRACT No. 4
 A tract of land in the SE of Section 10, T.14 N., R.3 W., M.F.M., Lewis and Clark County, Montana, described as follows: Commencing at the South corner of said Section 10; thence S.89°55'42"E, 1311.98 feet; thence N.0°00'00"W, 260.0 feet to the true point of beginning; EXTENDING THENCE N.0°00'00"W, 260.0 feet; thence N.89°55'42"E, 3211.20 feet to the east shore line of Moller Lake; thence S.20°33'49"W, 163.00 feet; thence N.11°08'27"W, 111.75 feet; thence S.89°55'42"E, 37.06 feet, the last three courses being on said east shore line; thence S.89°55'42"E, 1367.19 feet to the point of beginning and containing an area of 20.03 acres.

TRACT No. 5
 A tract of land in the SE of Section 10, T.14 N., R.3 W., M.F.M., Lewis and Clark County, Montana, described as follows: Commencing at the South corner of said Section 10; thence S.89°55'42"E, 1311.98 feet; thence N.0°00'00"W, 260.0 feet to the true point of beginning; EXTENDING THENCE N.0°00'00"W, 260.0 feet; thence N.89°55'42"E, 3211.20 feet to the east shore line of Moller Lake; thence S.20°33'49"W, 163.00 feet; thence N.11°08'27"W, 111.75 feet; thence S.89°55'42"E, 37.06 feet, the last three courses being on said east shore line; thence S.89°55'42"E, 1367.19 feet to the point of beginning and containing an area of 20.06 acres.

TRACT No. 6
 A tract of land in the SE of Section 10, T.14 N., R.3 W., M.F.M., Lewis and Clark County, Montana, described as follows: Commencing at the South corner of said Section 10; thence S.89°55'42"E, 1311.98 feet; thence N.0°00'00"W, 260.0 feet to the true point of beginning; EXTENDING THENCE N.0°00'00"W, 260.0 feet to the true point of beginning; EXTENDING THENCE N.0°00'00"W, 260.0 feet; thence N.89°55'42"E, 3211.20 feet to the east shore line of Moller Lake; thence S.20°33'49"W, 163.00 feet; thence N.11°08'27"W, 111.75 feet; thence S.89°55'42"E, 37.06 feet, the last three courses being on said east shore line; thence S.89°55'42"E, 1367.19 feet to the point of beginning and containing an area of 20.16 acres.

TRACT No. 7
 A tract of land in the SE of Section 10, T.14 N., R.3 W., M.F.M., Lewis and Clark County, Montana, described as follows: Commencing at the South corner of said Section 10; thence S.89°55'42"E, 1311.98 feet; thence N.0°00'00"W, 260.0 feet to the true point of beginning; EXTENDING THENCE N.0°00'00"W, 260.0 feet to the true point of beginning; EXTENDING THENCE N.0°00'00"W, 260.0 feet; thence N.89°55'42"E, 3211.20 feet to the east shore line of Moller Lake; thence S.20°33'49"W, 163.00 feet; thence N.11°08'27"W, 111.75 feet; thence S.89°55'42"E, 37.06 feet, the last three courses being on said east shore line; thence S.89°55'42"E, 1367.19 feet to the point of beginning and containing an area of 20.16 acres.

TRACT No. 8
 A tract of land in the SE of Section 10, T.14 N., R.3 W., M.F.M., Lewis and Clark County, Montana, described as follows: Commencing at the South corner of said Section 10; thence S.89°55'42"E, 1311.98 feet; thence N.0°00'00"W, 260.0 feet to the true point of beginning; EXTENDING THENCE N.0°00'00"W, 260.0 feet to the true point of beginning; EXTENDING THENCE N.0°00'00"W, 260.0 feet; thence N.89°55'42"E, 3211.20 feet to the east shore line of Moller Lake; thence S.20°33'49"W, 163.00 feet; thence N.11°08'27"W, 111.75 feet; thence S.89°55'42"E, 37.06 feet, the last three courses being on said east shore line; thence S.89°55'42"E, 1367.19 feet to the true point of beginning and containing an area of 20.11 acres.

TRACT No. 9
 A tract of land in the SE of Section 10, T.14 N., R.3 W., M.F.M., Lewis and Clark County, Montana, described as follows: Commencing at the South corner of said Section 10; thence S.89°55'42"E, 1311.98 feet; thence N.0°00'00"W, 260.0 feet to the true point of beginning; EXTENDING THENCE N.0°00'00"W, 260.0 feet to the true point of beginning; EXTENDING THENCE N.0°00'00"W, 260.0 feet; thence N.89°55'42"E, 3211.20 feet to the east shore line of Moller Lake; thence S.20°33'49"W, 163.00 feet; thence N.11°08'27"W, 111.75 feet; thence S.89°55'42"E, 37.06 feet, the last three courses being on said east shore line; thence S.89°55'42"E, 1367.19 feet to the point of beginning and containing an area of 20.15 acres.

TRACT No. 10
 A tract of land in the SE of Section 10, T.14 N., R.3 W., M.F.M., Lewis and Clark County, Montana, described as follows: Commencing at the Northwest corner of said Section 10; thence S.0°00'00"W, 1366.95 feet to the true point of beginning; EXTENDING THENCE S.0°00'00"W, 160.37 feet along the west line of said Section 10 to the east shore line of Moller Lake; thence S.80°36'25"W, 306.05 feet; thence S.10°16'12"E, 161.31 feet, the last two courses being on said east shore line; thence S.89°55'42"E, 1036.71 feet; thence N.0°00'00"W, 777.00 feet; thence S.89°55'42"E, 1331.71 feet to the point of beginning and containing an area of 21.28 acres.

TRACT No. 11
 N.0°00'00"W of Section 10, T.14 N., R.3 W., M.F.M., Lewis and Clark County, Montana, containing an area of 20.0 acres, more or less.

TRACT No. 12
 W.0°00'00"W of Section 10, T.14 N., R.3 W., M.F.M., Lewis and Clark County, Montana, containing an area of 20.0 acres, more or less.

TRACT No. 13
 E.0°00'00"W of Section 10, T.14 N., R.3 W., M.F.M., Lewis and Clark County, Montana, containing an area of 20.0 acres, more or less.

TRACT No. 14
 W.0°00'00"W of Section 10, T.14 N., R.3 W., M.F.M., Lewis and Clark County, Montana, containing an area of 20.0 acres, more or less.

TRACT No. 15
 E.0°00'00"W of Section 10, T.14 N., R.3 W., M.F.M., Lewis and Clark County, Montana, containing an area of 20.0 acres, more or less.

TRACT No. 16
 S.0°00'00"E of Section 10, T.14 N., R.3 W., M.F.M., Lewis and Clark County, Montana, containing an area of 10.0 acres, more or less.

TRACT No. 17
 E.0°00'00"E of Section 10, T.14 N., R.3 W., M.F.M., Lewis and Clark County, Montana, containing an area of 20.0 acres, more or less.

TRACT No. 18
 W.0°00'00"E of Section 10, T.14 N., R.3 W., M.F.M., Lewis and Clark County, Montana, containing an area of 20.0 acres, more or less.

TRACT No. 19
 E.0°00'00"E of Section 10, T.14 N., R.3 W., M.F.M., Lewis and Clark County, Montana, containing an area of 20.0 acres, more or less.

TRACT No. 20
 N.0°00'00"E of Section 10, T.14 N., R.3 W., M.F.M., Lewis and Clark County, Montana, containing an area of 20.0 acres, more or less.

TRACT No. 21
 S.0°00'00"E of Section 10, T.14 N., R.3 W., M.F.M., Lewis and Clark County, Montana, containing an area of 20.0 acres, more or less.

CERTIFICATE OF SURVEYOR.

I, Donald Keenan, Registered Land Surveyor, Montana License No. 2066 S., do hereby certify that I made the survey as shown on the accompanying map, and that said survey conforms to present Montana Code.

Donald Keenan
 Donald Keenan, Registered Land Surveyor, N.T.S.
 Montana License No. 2066 S.



CERTIFICATE OF COUNTY TREASURER.

I, *Walter D. Moore*, County Treasurer of Lewis and Clark County, Montana, do hereby certify that I have examined the records covering the area indicated in the accompanying map, and I find that no real property taxes assessed or levied on said land to be subdivided are delinquent.

Walter D. Moore
 Walter D. Moore, County Treasurer, Lewis and Clark County, Montana.

LINE TABLE:

LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
L1	S 00°02'35" W	20.91'	L9	S 32°33'48" W	18.68'	L17	N 02°44'13" E	111.03'	L25	N 71°01'06" E	93.31'
L2	N 89°14'09" E	107.57'	L10	S 58°52'07" E	56.11'	L18	N 22°05'04" E	34.86'	L26	S 71°01'06" E	1154.59'
L3	N 75°33'37" E	73.92'	L11	S 63°33'15" E	111.17'	L19	N 25°15'07" E	70.51'			
L4	N 81°28'49" E	77.67'	L12	N 63°33'15" W	80.11'	L20	S 54°35'53" W	69.25'			
L5	S 13°15'58" E	12.23'	L13	S 80°02'39" E	166.88'	L21	N 61°36'47" E	69.70'			
L6	S 10°03'54" E	72.60'	L14	N 83°28'03" E	58.34'	L22	N 27°55'04" E	46.52'			
L7	S 28°21'36" E	55.89'	L15	N 75°29'58" W	26.55'	L23	N 27°46'57" W	37.33'			
L8	S 35°21'46" E	8.26'	L16	S 44°18'20" E	112.36'	L24	S 35°04'33" E	41.17'			

CURVE TABLE:

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	59.28'	50.00'	67°55'33"	S 01°23'59" E	55.87'
C2	163.83'	40.00'	191°25'54"	S 13°09'10" E	157.27'

DRAFT - CERTIFICATE OF SURVEY

PURPOSE: COURT ORDER SURVEY PER CAUSE NO. #####, DATED #####, 202#.

COMMISSIONED BY: THE WATSON FAMILY REVOCABLE LIVING TRUST, BRENDA A. HARTMAN, SUCCESSOR TRUSTEE

LEGAL DESCRIPTION: TRACT 18A

A TRACT OF LAND LOCATED IN THE SE 1/4 OF SECTION 10, TOWNSHIP 14 NORTH, RANGE 3 WEST. P.M. MONTANA, LEWIS AND CLARK COUNTY; MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF TRACT 18 OF DOC. NO. 458256/E;

THENCE S 89°41'00" E, 440.01 FEET ALONG THE NORTH LINE OF SAID TRACT 18;
 THENCE S 00°04'51" W, 1317.22 FEET TO THE SOUTH LINE OF SAID TRACT 18;
 THENCE N 89°43'24" W, 439.14 FEET ALONG THE SOUTH LINE OF SAID TRACT 18;
 THENCE N 00°02'35" E, 1317.53 FEET ALONG THE WEST LINE OF SAID TRACT 18 TO THE POINT OF BEGINNING. THE TRACT CONTAINS 13.29 ACRES, MORE OR LESS AND IS SUBJECT TO ALL EXISTING/RECORDED EASEMENTS, DOCUMENTS OF RECORD AND EASEMENTS SHOWN ON THIS CERTIFICATE OF SURVEY.

LEGAL DESCRIPTION: TRACT 18-19

A TRACT OF LAND LOCATED IN THE SE 1/4 OF SECTION 10, TOWNSHIP 14 NORTH, RANGE 3 WEST. P.M. MONTANA, LEWIS AND CLARK COUNTY; MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF TRACT 18 OF DOC. NO. 458256/E; THENCE S 89°41'00" E, 440.01 FEET ALONG THE NORTH LINE OF SAID TRACT 18 TO THE POINT OF BEGINNING

THENCE S 89°41'00" E, 440.01 FEET ALONG THE NORTH LINE OF SAID TRACT 18 & THE NORTH LINE OF TRACT 19 OF DOC. NO. 458256/E;
 THENCE S 00°07'07" W, 1316.91 FEET TO THE SOUTH LINE OF SAID TRACT 19;
 THENCE N 89°43'24" W, 439.14 FEET ALONG THE SOUTH LINES OF SAID TRACTS 18 & 19;
 THENCE N 00°04'51" E, 1317.22 FEET TO THE NORTH LINE OF SAID TRACT 18 AND THE POINT OF BEGINNING. THE TRACT CONTAINS 13.29 ACRES, MORE OR LESS AND IS SUBJECT TO ALL EXISTING/RECORDED EASEMENTS, DOCUMENTS OF RECORD AND EASEMENTS SHOWN ON THIS CERTIFICATE OF SURVEY.

LEGAL DESCRIPTION: TRACT 19A

A TRACT OF LAND LOCATED IN THE SE 1/4 OF SECTION 10, TOWNSHIP 14 NORTH, RANGE 3 WEST. P.M. MONTANA, LEWIS AND CLARK COUNTY; MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE EAST 1/4 CORNER OF SAID SECTION 10;

THENCE S 00°09'23" W, 1316.60 FEET ALONG THE EAST LINE OF SAID SECTION 10;
 THENCE N 89°43'24" W, 439.14 FEET TO ALONG THE SOUTH LINE OF TRACT 19 OF DOC. NO. 458256/E;
 THENCE N 00°07'07" E, 1316.91 FEET TO THE NORTH LINE OF SAID TRACT 19;
 THENCE S 89°41'00" E, 440.01 FEET ALONG THE NORTH LINE OF SAID TRACT 19 TO THE POINT OF BEGINNING. THE TRACT CONTAINS 13.29 ACRES, MORE OR LESS AND IS SUBJECT TO ALL EXISTING/RECORDED EASEMENTS, DOCUMENTS OF RECORD AND EASEMENTS SHOWN ON THIS CERTIFICATE OF SURVEY.

CERTIFICATE OF SUBDIVISION EXEMPTION: TRACTS 18A, 18-19, & 19A

I/WE, HEREBY CERTIFY THAT THE DIVISION OF LAND SHOWN ON THIS CERTIFICATE OF SURVEY IS EXEMPT FROM REVIEW AS A SUBDIVISION IN ACCORDANCE WITH THE PROVISIONS OF SECTION 76-3-201(a), MCA, BECAUSE THESE TRACTS ARE CREATED BY ORDER OF ANY COURT OF RECORD IN THIS STATE OR BY OPERATION OF LAW OR THAT, IN THE ABSENCE OF AGREEMENT BETWEEN THE PARTIES TO THE SALE, COULD BE CREATED BY AN ORDER OF ANY COURT IN THE STATE PURSUANT TO THE LAW OF EMINENT DOMAIN, TITLE 70, CHAPTER 30.

CERTIFICATE OF DEQ EXCLUSION:

I/WE, THE UNDERSIGNED, HEREBY CERTIFY THAT TRACTS 18A, 18-19, & 19A AS SHOWN ON THIS CERTIFICATE OF SURVEY ARE EXEMPT FROM DEQ REVIEW IN ACCORDANCE WITH SECTION 76-4-125(1)(c), MCA, BECAUSE THESE TRACTS ARE CREATED BY ORDER OF ANY COURT OF RECORD IN THIS STATE OR BY OPERATION OF LAW OR THAT, IN THE ABSENCE OF AGREEMENT BETWEEN THE PARTIES TO THE SALE, COULD BE CREATED BY AN ORDER OF ANY COURT IN THE STATE PURSUANT TO THE LAW OF EMINENT DOMAIN, TITLE 70, CHAPTER 30; PURSUANT TO SECTION 76-3-201(c), MCA.

CERTIFICATE OF ACKNOWLEDGMENT/APPROVAL:

PRIVATE ACCESS & UTILITY EASEMENT
 I/WE, THE UNDERSIGNED PROPERTY OWNERS HEREBY CREATE/DEFINE/GRANT THE "PRIVATE ACCESS & UTILITY EASEMENT" AS SHOWN AND DESCRIBED ON THIS CERTIFICATE OF SURVEY WITH THE FOLLOWING CONDITIONS:

- EASEMENT SHALL PERMIT INGRESS/EGRESS/UTILITIES TO THE LAND OWNER(S) OF TRACTS 18A AND 18-19, EXCLUSIVELY, AND ANY PORTION THEREOF;
- ANY TYPE OF ROADWAY SURFACE IS PERMITTED;
- BORROW DITCHES/CULVERTS/ETC., ARE PERMITTED FOR DRAINAGE;
- EASEMENT SHALL PERMIT/ALLOW POWER/PHONE/GAS/CABLE/COMMUNICATION LINES BE INSTALLED/MAINTAINED WITHIN SAID EASEMENT LIMITS;
- EASEMENT MUST WORK IN HARMONY WITH ALL EXISTING/RECORDED EASEMENTS AND DOCUMENTS OF RECORD;
- MAINTENANCE/LIABILITY OF EASEMENT IS THE RESPONSIBILITY OF THOSE SAID LAND OWNER(S) USING THE PRIVATE ACCESS & UTILITY EASEMENT FOR ACCESS/UTILITIES;
- EASEMENT RIGHTS/CONDITIONS/TERMS WERE DETERMINED BY NEGOTIATIONS BETWEEN THE UNDERSIGNED PROPERTY OWNER(S) AND SHOULD BE CONSTRUED IN ACCORDANCE WITH THE FAIR INTENT AND MEANING OF THE EASEMENT'S LANGUAGE, CONSIDERED IN ITS ENTIRETY AND NOT FOR OR AGAINST ANY OF THE OWNER(S), REGARDLESS OF WHICH OWNER(S) PREPARED THIS EASEMENT CERTIFICATE. EACH OWNER(S) ACKNOWLEDGES THAT THEY HAVE CONSULTED WITH, OR HAS HAD AN OPPORTUNITY TO CONSULT WITH, ITS OWN ATTORNEY IN CONNECTION WITH THE NEGOTIATION AND EXECUTION OF THIS EASEMENT AS SHOWN/DESCRIBED ON THIS CERTIFICATE OF SURVEY.

EASEMENT TO RUN WITH THE LAND (HIS/HER/THEIR) HEIRS, SUCCESSORS, AND/OR ASSIGNS.

OWNER TRACTS 18 & 19:
 THE WATSON FAMILY REVOCABLE LIVING TRUST
 STATE OF MONTANA, COUNTY OF _____

THIS INSTRUMENT WAS SIGNED OR ACKNOWLEDGED BEFORE ME ON THIS

____ DAY OF _____, 20____

BY _____ BRENDA A. HARTMAN _____ ACTING IN THE CAPACITY OF SUCCESSOR TRUSTEE

ON BEHALF OF THE WATSON FAMILY REVOCABLE LIVING TRUST DATED APRIL 10, 2009

NOTARY SIGNATURE

CERTIFICATE OF COUNTY TREASURER:

I, HEREBY CERTIFY, PURSUANT TO SECTION 76-3-207(3) OF MCA, THAT ALL REAL PROPERTY TAXES AND SPECIAL ASSESSMENTS ASSESSED AND LEVIED ON THE LAND DESCRIBED ON THIS PLAT AND ENCOMPASSED BY THE PROPOSED "CERTIFICATE OF SURVEY", HAVE BEEN PAID.

GEO CODE: 05-2342-10-4-01-30-0000, ASSESSMENT CODE: 26591;

DATED THIS _____ DAY OF _____, 20____

TREASURER, LEWIS AND CLARK COUNTY, MONTANA.

CERTIFICATE OF EXAMINING LAND SURVEYOR:

REVIEWED FOR ERRORS AND OMISSIONS IN CALCULATIONS

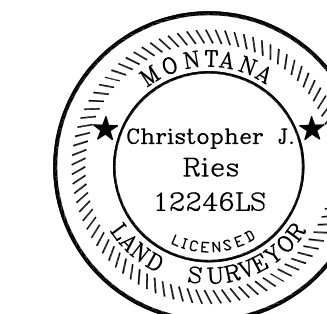
AND DRAFTING _____ DAY OF _____,

20____, PURSUANT TO SECTION 76-3-611(2)(c), MCA.

EXAMINING LAND SURVEYOR

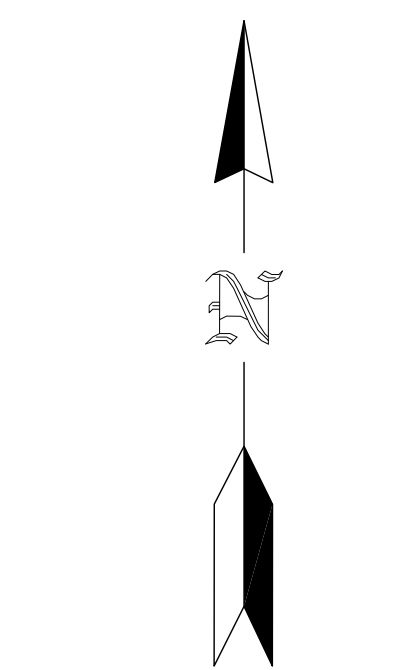
LICENSE NO. _____

CERTIFICATE OF SURVEYOR



CHRISTOPHER J. RIES (12246LS)
 PROFESSIONAL LAND SURVEYOR

DATE: _____



GRAPHIC SCALE - FEET

BASIS OF BEARINGS:
 GPS CONTROL SURVEY, ROTATED TO GEODETIC NORTH AT PROJECT LOCATION.

1/4	SEC.	T.	R.
10	14N	3W	

P.M. MONTANA,
 LEWIS AND CLARK COUNTY.

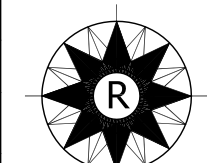
EXHIBIT 4

DOCUMENT NO.: _____

60' WIDE RECORDED CORRECTED MUTUAL ACCESS EASEMENT PER BK. M63, PG. 5128 (DEFINED PER PHYSICAL CENTER-LINE OF ROAD)

TRACT 17-A, DOC. NO. 3/13771/9
 N00°04'58"W 1318.24' (R)
 N00°02'35"E 1317.53' (F)

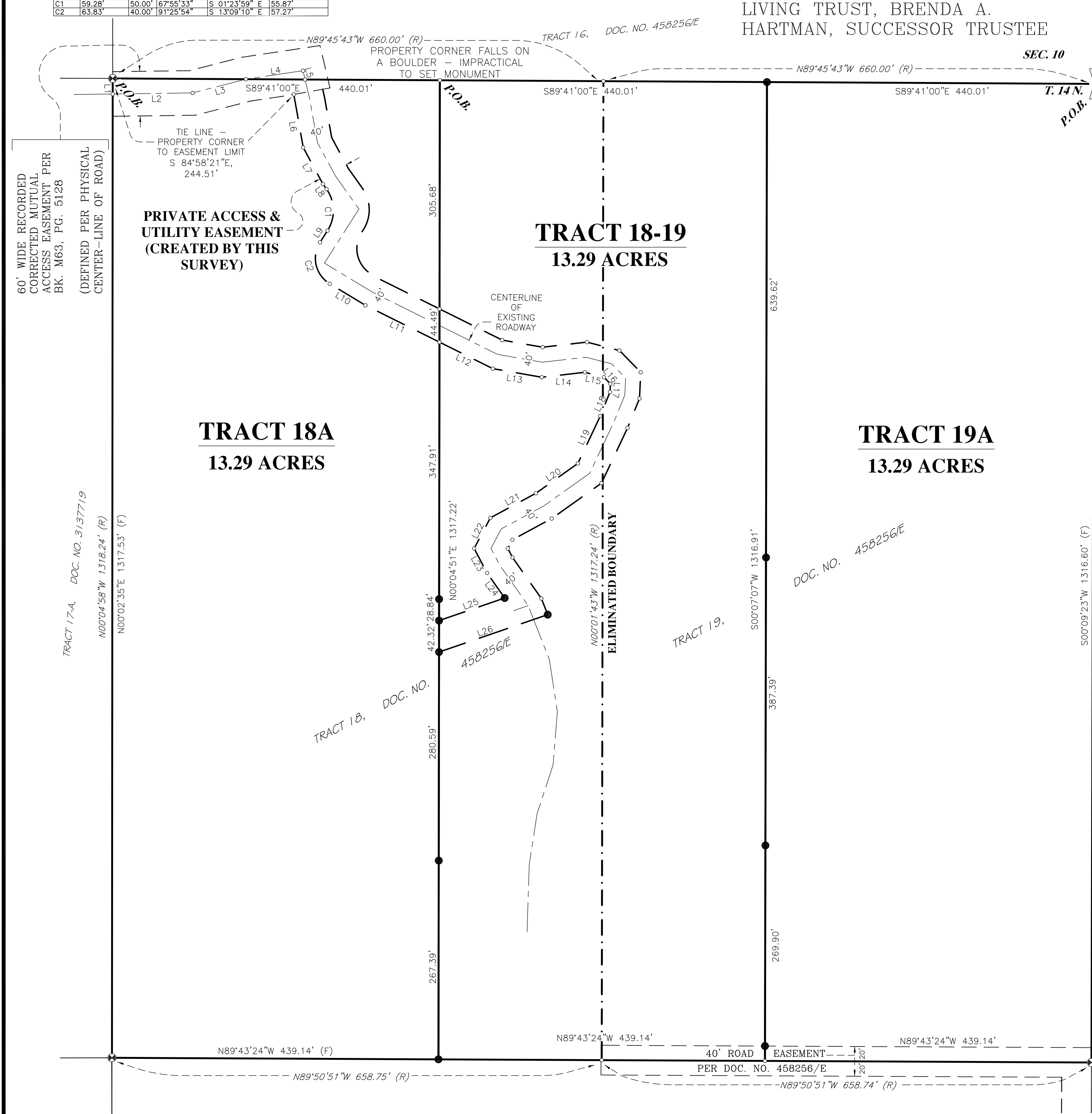
DATE: OCTOBER 10, 2024
 JOB NO.: 23240
 FIELD BY: CJR, JKK
 DRAFTED BY: CJR, PAC



PREPARED BY:
RIES & ASSOCIATES PC.
 6850 GREEN MEADOW DR.
 HELENA, MONTANA 59602

LEGEND:

- FOUND 1/2" REBAR W/ YELLOW PLASTIC CAP (HENEN 2066S)
- SET 5/8" REBAR W/ ORANGE PLASTIC CAP (CJ RIES 12246LS)
- CALCULATED POINT (NOTHING FOUND/SET)



1 G. Andrew Adamek
2 BROWNING, KALECZYC, BERRY & HOVEN, P.C.
3 800 N. Last Chance Gulch, Suite 101
4 P.O. Box 1697
5 Helena, MT 59624
6 Telephone: (406) 443-6820
7 Fax: (406) 443-6883
8 andy@bkbh.com

9 *Attorney for Plaintiff*

10 MONTANA FIRST JUDICIAL DISTRICT COURT, LEWIS AND CLARK COUNTY

11 BRENDA HARTMANN, as Successor Trustee
12 of the Fourth Amended Watson Family
13 Revocable Living Trust,

14 Plaintiff,

15 v.

16 PATRICIA HALVORSON and GERARD
17 WATSON,

18 Defendant.

Case No. DV-25-2024-0000655-PA

**STIPULATION FOR
PARTITION IN KIND**

19 The parties in the above-captioned action, along with their respective counsel, hereby agree
20 and stipulate, and jointly move for the court to approve and issue an order for partition in kind of
21 the Property at issue in this cause.

Background on Property and Trust Distribution

22 1. This partition concerns the Property described as:

23 Tract 18 being the W1/2NE1/4SE1/4 of Section 10, Township 14 North, Range 3 West,
24 P.M.M., Lewis and Clark County, Montana, as shown on Certificate of Survey filed under
25 Document Number 458256-E.

26 Together with their appurtenances.

27 And

Tract 19 being the E1/2NE1/4SE1/4 of Section 10, Township 14 North, Range 3 West,
P.M.M., Lewis and Clark County, Montana, as shown on Certificate of Survey filed under
Document Number 458256-E.

Together with their appurtenances.

1 (Deed references, Book M47, Page 2214; Book M47, Page 2213, respectively)

2 All hereinafter "Property".

- 3 2. The Property is a Trust Asset held by the Fourth Amended Watson Family Revocable
4 Living Trust (the "Trust") dated January 14, 2020.
- 5 3. The Trust was initially created by William O. Watson, Jr. (William) and Marilyn T. Watson
6 (Marilyn), as original Trustors and Trustees, and husband and wife, known then as the
7 Watson Family Revocable Living Trust, originally executed on April 10, 2009.
- 8 4. William died on October 29, 2022 and Marilyn died on December 3, 2020. Per the Trust
9 at Art. Six, Brenda Hartmann, as sole Successor Trustee and Plaintiff herein, is authorized
10 to distribute part of the residue of the Trust assets, including the Property as follows:

11 *6.1.4 The Trustee shall distribute to Gerard R. Watson, Patricia A. Halvorson, and*
12 *Brenda A. Hartmann, in equal shares, the lots at Holter Lake, Lewis and Clark*
13 *County, Montana. Any and all tools, machinery, and equipment at the Holter Lake*
14 *lots shall be considered the property of Gerard R. Watson, Patricia A. Halvorson,*
and Brenda A. Hartmann for use in the development or improvement to the said
lots.

- 15 5. Thus, Brenda Hartmann, Patricia Halvorson and Gerard Watson are to receive an equal
16 share distribution of the real Property under the Trust.
- 17 6. The parties agree that the correct spelling for Defendant Gerard Watson's full legal name
18 is Gerard William Watson, not Gerard R. Watson as is misstated in the Trust Agreement
19 at Article 6.1.4.

20 **In Kind Partition Factors Considerations**

- 21 7. The Property is Heir's Property pursuant to Mont. Code Ann. §70-29-402(5). See Doc. No.
22 11.
- 23 8. No party has requested partition by cotenant purchase or fair market sale in this cause, and
24 all desire physical, in kind partition.
- 25 9. The parties have agreed upon and the Court has already determined the Fair Market Value
26 of the Property. See Doc. No. 11.
- 27

1 10. An equal, one-third share of the Property can be conveyed and physically divided among
2 Brenda Hartmann, Patricia Halvorson and Gerard Watson by in kind partition, consistent
3 with the Trust Agreement.

4 11. There are no practical impediments preventing in kind partition of the Property:

5 a. The Property is free of lien holders of record or creditors and no other persons are
6 known to claim any interest in the Property.

7 b. Access easements and established roads exist providing ingress and egress to Tracts 18
8 and 19 comprising the Property, as depicted on the Certificate of Survey for Lower
9 Gates of the Mountain Summer Homes, recorded at Document No. 458256-E, Clerk
10 and Recorder, Lewis and Clark County.

11 c. Said access easements also currently provide ingress and egress to the Property, across
12 and burdening Tract 20, already owned by Defendant Gerard Watson and Britta
13 Watson.

14 d. Gerard Watson and Britta Watson have granted a widening for the Tract 20 Easement
15 as depicted in Document No. 3428422, filed with the Clerk and Recorder, Lewis and
16 Clark County, Montana. This widened easement provides additional access to the
17 Property.

18 e. The Protective Covenants applicable to the Property filed at Document No. 459473,
19 filed with the Clerk and Recorder, Lewis and Clark County, Montana (“Protective
20 Covenants”) do not preclude in-kind partition of the Property into three separate
21 parcels.

22 f. The parties have agreed for a new Private Access & Utility Easement to be created by
23 filing of the Certificate of Survey providing for such easements as depicted across
24 new Tract 18 A and Tract 18-19.

25 12. The factors set forth in Mont. Code Ann. §70-29-413, support physical, partition in kind to
26 the parties without resulting in great prejudice to the parties, as follows:
27

- 1 a. The Property can practicably be divided into three equal sized 13.29 approx. acre
2 tracts, as it is sufficiently large in combined acreage to do so.
- 3 b. In kind partition of the Property would at least maintain the fair market value of the
4 parcels or increase them in the aggregate, when taking into account the conditions
5 under which a court ordered sale of the Property would occur.
- 6
- 7 c. The parties are to be distributed a one-third, equal interest in the Property and have
8 held this cotenant interest for the same duration, through the Trust. The Property
9 has been held by the Watson family for two generations, and will remain in Watson
10 family member successor ownership upon partition.
- 11
- 12 d. No party presently lives on the Property, and all have a unique and meaningful
13 sentimental attachment to the Property, which will be preserved by their sole
14 ownership of their new tract.
- 15
- 16 e. No permanent structures or dwellings exist on the Property and all current activity
17 on the Property is of a lawful manner. Future use of the new tracts will be residential
18 in nature as dictated by the Protective Covenants.
- 19
- 20 f. The Property has been maintained by the Trust, including primarily the payment of
21 property taxes. No party has contributed a greater pro-rata share of expenses
22 associated with maintenance or upkeep of the Property.
- 23
- 24 g. Other relevant supporting factors include: the existence of legal, recorded
25 easements for access to the Property; the existence of some internal roads on the
26 Property; additional access and utility easements serving the new tracts will be
27 established as depicted in the Certificate of Survey for the new tracts with new
internal road installation for the benefit of: 1) new Tract 18A for access from a new

1 road cut across it, and an approximate 40-foot wide access and utility easement
2 extending over Tract 18-19 along the new roadbed to the survey point 2049 then
3 westerly to a point approximately 50 feet south of survey point 3035, allowing
4 Gerard Watson as the owner of new Tract 18A to extend a spur road from the
5 easement path across the lower portion of Tract 18A to connect to Tract 20, along
6 with any utilities he may wish to install within this new easement, all at his cost,
7 and 2) new Tract 18-19 for an access road and utility easement across Tract 18A to
8 Tract 18 -19, all at Patricia Halvorson's cost; and the access easement burdening
9 Tract 20 can be re-established and improved to provide necessary access and utility
10 service to new Tract 19A and new Tract 18-19.
11
12

- 13 13. The totality of all relevant statutory factors for Heirs Property supports physical partition
14 in kind, consistent with the Certificate of Survey attached to this Stipulation as Exhibit 1
15 (same as Exhibit 4 attached to the Complaint).

16 **Fees and Costs of Litigation and Partition**

- 17 14. The Trust in its role as Plaintiff has incurred legal fees and litigation costs and may seek
18 recovery of its legal fees and costs related to this litigation, incurred for the common benefit
19 of the parties, in proportion to Plaintiff's respective interest in the Property, pursuant to
20 Mont. Code Ann. §70-29-218, as supplemented by Mont. Code Ann. §70-29-403.
21 Defendants may do the same. However, the parties agree Plaintiff Trust will waive
22 recovery of these fees and costs from each party, provided that they do the same, and do
23 not later contest the terms of this Stipulation.
- 24 15. Defendants will pay for their own attorney's fees and costs incurred in this partition action.
- 25 16. The Trust has incurred survey costs to generate the Certificate of Survey and to facilitate
26 this in kind partition effort. The parties agree Plaintiff Trust will pay for such costs without
27

1 seeking reimbursement from the parties, provided that they do not later contest the terms
2 of this Stipulation.

3 17. Plaintiff Trust will pay for the drafting and recording of subsequent deeds and realty
4 transfer certificates, all closing fees and title insurance, if necessary, to convey the
5 respective interests in the newly created tracts as depicted in Exhibit 1, to Brenda
6 Hartmann, Patricia Halvorson and Gerard Watson.

7 18. The Trust will pay any property taxes due and owing on the Property to facilitate final
8 conveyance of the respective interests in the newly created tracts as depicted in Exhibit 1,
9 to Brenda Hartmann, Patricia Halvorson and Gerard Watson.

10 19. The Parties further agree and Stipulate for the Court to grant physical, partition in kind of
11 the Property as depicted in Exhibit 1, with designated ownership of new Tract 18A to be
12 conveyed to Gerard Watson, new Tract 18-19 to be conveyed to Patricia Halvorson, and
13 new Tract 19A to be conveyed to Brenda Hartmann, consistent with the Findings of Fact,
14 Conclusions of Law, and Order on Partition In Kind submitted in conjunction with this
15 Stipulation.

16 20. This Stipulation may be signed in counterparts and is effective when combined as a whole
17 and adopted by order of the court.

18 Wherefore, this Stipulation for Partition In Kind to be filed in Case No. DV-25-2024-
19 0000655-PA, Montana First Judicial District, Lewis and Clark County, is agreed to by:

20
21 Brenda Hartmann March 3rd, 2025
22 Brenda Hartmann, Individually and as Successor Trustee DATED
23 Fourth Amended Watson Family Revocable Living Trust,
24 Plaintiff

24
25 G. Andrew Adamek March 21, 2025
26 G. Andrew Adamek DATED
27 Attorney for Plaintiff

1
2 Patricia Halvorson
3 Patricia Halvorson, Defendant

3/12/2025
DATED

4
5 Gerard Watson, Defendant

DATED

6 **CERTIFICATE OF SERVICE**

7
8 I hereby certify that on the ____ day of March, 2025 a true copy of the foregoing was
9 mailed by first-class mail, postage prepaid, addressed as follows:

10 Patricia Halvorson
11 1480 Country Home Lane
12 Great Falls, MT 59405

13 Gerard Watson
14 728 34th Avenue NE
15 Great Falls, MT 59404

16 BROWNING, KALECZYC, BERRY & HOVEN, P.C.
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Patricia Halvorson, Defendant

DATED


Gerard Watson, Defendant

3-19-2025
DATED

CERTIFICATE OF SERVICE

I hereby certify that on the 19 day of March, 2025 a true copy of the foregoing was mailed by first-class mail, postage prepaid, addressed as follows:

Patricia Halvorson
1480 Country Home Lane
Great Falls, MT 59405

Gerard Watson
728 34th Avenue NE
Great Falls, MT 59404

BROWNING, KALECZYC, BERRY & HOVEN, P.C.

LINE TABLE:

LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
L1	S 00°02'35" W	20.91'	L9	S 32°33'48" W	18.68'	L17	N 02°44'13" E	111.03'	L25	N 71°01'06" E	93.31'
L2	N 89°14'09" E	107.57'	L10	S 58°52'07" E	56.11'	L18	N 22°05'04" E	34.86'	L26	S 71°01'06" E	1154.59'
L3	N 75°33'37" E	73.92'	L11	S 63°33'15" E	111.17'	L19	N 25°15'07" E	70.51'			
L4	N 81°28'49" E	77.67'	L12	N 63°33'15" W	80.11'	L20	S 54°35'53" W	69.25'			
L5	S 13°15'58" E	12.23'	L13	S 80°02'39" E	166.88'	L21	N 61°36'47" E	69.70'			
L6	S 10°03'54" E	72.60'	L14	N 83°28'03" E	58.34'	L22	N 27°55'04" E	46.52'			
L7	S 28°21'36" E	55.89'	L15	N 75°29'58" W	26.55'	L23	N 27°46'57" W	37.33'			
L8	S 35°21'46" E	8.26'	L16	S 44°18'20" E	112.36'	L24	S 35°04'33" E	41.17'			

CURVE TABLE:

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	59.28'	50.00'	67°55'33"	S 01°23'59" E	55.87'
C2	163.83'	40.00'	191°25'54"	S 13°09'10" E	157.27'

DRAFT - CERTIFICATE OF SURVEY

PURPOSE: COURT ORDER SURVEY PER CAUSE NO. #####, DATED #####, 202#.

COMMISSIONED BY: THE WATSON FAMILY REVOCABLE LIVING TRUST, BRENDA A. HARTMAN, SUCCESSOR TRUSTEE

LEGAL DESCRIPTION: TRACT 18A

A TRACT OF LAND LOCATED IN THE SE 1/4 OF SECTION 10, TOWNSHIP 14 NORTH, RANGE 3 WEST. P.M. MONTANA, LEWIS AND CLARK COUNTY; MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF TRACT 18 OF DOC. NO. 458256/E;

THENCE S 89°41'00" E, 440.01 FEET ALONG THE NORTH LINE OF SAID TRACT 18;
 THENCE S 00°04'51" W, 1317.22 FEET TO THE SOUTH LINE OF SAID TRACT 18;
 THENCE N 89°43'24" W, 439.14 FEET ALONG THE SOUTH LINE OF SAID TRACT 18;
 THENCE N 00°02'35" E, 1317.53 FEET ALONG THE WEST LINE OF SAID TRACT 18 TO THE POINT OF BEGINNING. THE TRACT CONTAINS 13.29 ACRES, MORE OR LESS AND IS SUBJECT TO ALL EXISTING/RECORDED EASEMENTS, DOCUMENTS OF RECORD AND EASEMENTS SHOWN ON THIS CERTIFICATE OF SURVEY.

LEGAL DESCRIPTION: TRACT 18-19

A TRACT OF LAND LOCATED IN THE SE 1/4 OF SECTION 10, TOWNSHIP 14 NORTH, RANGE 3 WEST. P.M. MONTANA, LEWIS AND CLARK COUNTY; MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF TRACT 18 OF DOC. NO. 458256/E; THENCE S 89°41'00" E, 440.01 FEET ALONG THE NORTH LINE OF SAID TRACT 18 TO THE POINT OF BEGINNING

THENCE S 89°41'00" E, 440.01 FEET ALONG THE NORTH LINE OF SAID TRACT 18 & THE NORTH LINE OF TRACT 19 OF DOC. NO. 458256/E;
 THENCE S 00°07'07" W, 1316.91 FEET TO THE SOUTH LINE OF SAID TRACT 19;
 THENCE N 89°43'24" W, 439.14 FEET ALONG THE SOUTH LINES OF SAID TRACTS 18 & 19;
 THENCE N 00°04'51" E, 1317.22 FEET TO THE NORTH LINE OF SAID TRACT 18 AND THE POINT OF BEGINNING. THE TRACT CONTAINS 13.29 ACRES, MORE OR LESS AND IS SUBJECT TO ALL EXISTING/RECORDED EASEMENTS, DOCUMENTS OF RECORD AND EASEMENTS SHOWN ON THIS CERTIFICATE OF SURVEY.

LEGAL DESCRIPTION: TRACT 19A

A TRACT OF LAND LOCATED IN THE SE 1/4 OF SECTION 10, TOWNSHIP 14 NORTH, RANGE 3 WEST. P.M. MONTANA, LEWIS AND CLARK COUNTY; MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE EAST 1/4 CORNER OF SAID SECTION 10;

THENCE S 00°09'23" W, 1316.60 FEET ALONG THE EAST LINE OF SAID SECTION 10;
 THENCE N 89°43'24" W, 439.14 FEET TO ALONG THE SOUTH LINE OF TRACT 19 OF DOC. NO. 458256/E;
 THENCE N 00°07'07" E, 1316.91 FEET TO THE NORTH LINE OF SAID TRACT 19;
 THENCE S 89°41'00" E, 440.01 FEET ALONG THE NORTH LINE OF SAID TRACT 19 TO THE POINT OF BEGINNING. THE TRACT CONTAINS 13.29 ACRES, MORE OR LESS AND IS SUBJECT TO ALL EXISTING/RECORDED EASEMENTS, DOCUMENTS OF RECORD AND EASEMENTS SHOWN ON THIS CERTIFICATE OF SURVEY.

CERTIFICATE OF SUBDIVISION EXEMPTION: TRACTS 18A, 18-19, & 19A

I/WE, HEREBY CERTIFY THAT THE DIVISION OF LAND SHOWN ON THIS CERTIFICATE OF SURVEY IS EXEMPT FROM REVIEW AS A SUBDIVISION IN ACCORDANCE WITH THE PROVISIONS OF SECTION 76-3-201(a), MCA, BECAUSE THESE TRACTS ARE CREATED BY ORDER OF ANY COURT OF RECORD IN THIS STATE OR BY OPERATION OF LAW OR THAT, IN THE ABSENCE OF AGREEMENT BETWEEN THE PARTIES TO THE SALE, COULD BE CREATED BY AN ORDER OF ANY COURT IN THE STATE PURSUANT TO THE LAW OF EMINENT DOMAIN, TITLE 70, CHAPTER 30.

CERTIFICATE OF DEQ EXCLUSION:

I/WE, THE UNDERSIGNED, HEREBY CERTIFY THAT TRACTS 18A, 18-19, & 19A AS SHOWN ON THIS CERTIFICATE OF SURVEY ARE EXEMPT FROM DEQ REVIEW IN ACCORDANCE WITH SECTION 76-4-125(1)(c), MCA, BECAUSE THESE TRACTS ARE CREATED BY ORDER OF ANY COURT OF RECORD IN THIS STATE OR BY OPERATION OF LAW OR THAT, IN THE ABSENCE OF AGREEMENT BETWEEN THE PARTIES TO THE SALE, COULD BE CREATED BY AN ORDER OF ANY COURT IN THE STATE PURSUANT TO THE LAW OF EMINENT DOMAIN, TITLE 70, CHAPTER 30; PURSUANT TO SECTION 76-3-201(c), MCA.

CERTIFICATE OF ACKNOWLEDGMENT/APPROVAL:

PRIVATE ACCESS & UTILITY EASEMENT
 I/WE, THE UNDERSIGNED PROPERTY OWNERS HEREBY CREATE/DEFINE/GRANT THE "PRIVATE ACCESS & UTILITY EASEMENT" AS SHOWN AND DESCRIBED ON THIS CERTIFICATE OF SURVEY WITH THE FOLLOWING CONDITIONS:

- EASEMENT SHALL PERMIT INGRESS/EGRESS/UTILITIES TO THE LAND OWNER(S) OF TRACTS 18A AND 18-19, EXCLUSIVELY, AND ANY PORTION THEREOF;
- ANY TYPE OF ROADWAY SURFACE IS PERMITTED;
- BORROW DITCHES/CULVERTS/ETC., ARE PERMITTED FOR DRAINAGE;
- EASEMENT SHALL PERMIT/ALLOW POWER/PHONE/GAS/CABLE/COMMUNICATION LINES BE INSTALLED/MAINTAINED WITHIN SAID EASEMENT LIMITS;
- EASEMENT MUST WORK IN HARMONY WITH ALL EXISTING/RECORDED EASEMENTS AND DOCUMENTS OF RECORD;
- MAINTENANCE/LIABILITY OF EASEMENT IS THE RESPONSIBILITY OF THOSE SAID LAND OWNER(S) USING THE PRIVATE ACCESS & UTILITY EASEMENT FOR ACCESS/UTILITIES;
- EASEMENT RIGHTS/CONDITIONS/TERMS WERE DETERMINED BY NEGOTIATIONS BETWEEN THE UNDERSIGNED PROPERTY OWNER(S) AND SHOULD BE CONSTRUED IN ACCORDANCE WITH THE FAIR INTENT AND MEANING OF THE EASEMENT'S LANGUAGE, CONSIDERED IN ITS ENTIRETY AND NOT FOR OR AGAINST ANY OF THE OWNER(S), REGARDLESS OF WHICH OWNER(S) PREPARED THIS EASEMENT CERTIFICATE. EACH OWNER(S) ACKNOWLEDGES THAT THEY HAVE CONSULTED WITH, OR HAS HAD AN OPPORTUNITY TO CONSULT WITH, ITS OWN ATTORNEY IN CONNECTION WITH THE NEGOTIATION AND EXECUTION OF THIS EASEMENT AS SHOWN/DESCRIBED ON THIS CERTIFICATE OF SURVEY.

EASEMENT TO RUN WITH THE LAND (HIS/HER/THEIR) HEIRS, SUCCESSORS, AND/OR ASSIGNS.

OWNER TRACTS 18 & 19:
 THE WATSON FAMILY REVOCABLE LIVING TRUST
 STATE OF MONTANA, COUNTY OF _____

THIS INSTRUMENT WAS SIGNED OR ACKNOWLEDGED BEFORE ME ON THIS

____ DAY OF _____, 20____

BY _____ BRENDA A. HARTMAN _____ ACTING IN THE CAPACITY OF SUCCESSOR TRUSTEE

ON BEHALF OF THE WATSON FAMILY REVOCABLE LIVING TRUST DATED APRIL 10, 2009 ____

NOTARY SIGNATURE

CERTIFICATE OF COUNTY TREASURER:

I, HEREBY CERTIFY, PURSUANT TO SECTION 76-3-207(3) OF MCA, THAT ALL REAL PROPERTY TAXES AND SPECIAL ASSESSMENTS ASSESSED AND LEVIED ON THE LAND DESCRIBED ON THIS PLAT AND ENCOMPASSED BY THE PROPOSED "CERTIFICATE OF SURVEY", HAVE BEEN PAID.

GEO CODE: 05-2342-10-4-01-30-0000, ASSESSMENT CODE: 26591 _____;

DATED THIS _____ DAY OF _____, 20____

TREASURER, LEWIS AND CLARK COUNTY, MONTANA.

CERTIFICATE OF EXAMINING LAND SURVEYOR:

REVIEWED FOR ERRORS AND OMISSIONS IN CALCULATIONS

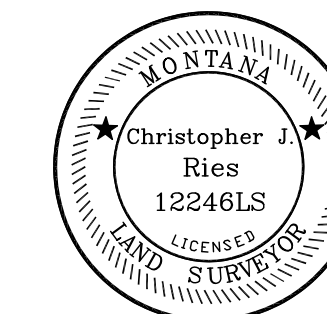
AND DRAFTING _____ DAY OF _____,

20____, PURSUANT TO SECTION 76-3-611(2)(c), MCA.

EXAMINING LAND SURVEYOR

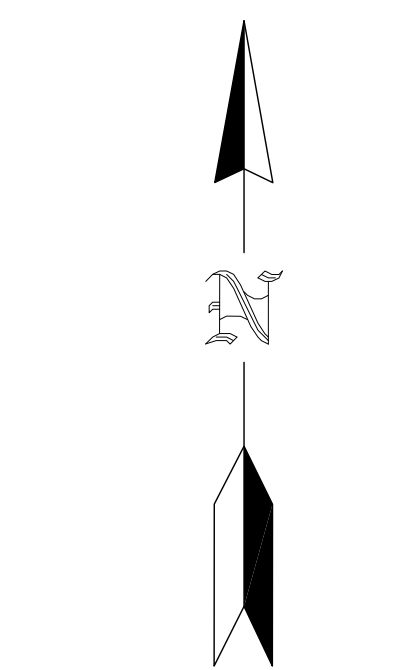
LICENSE NO. _____

CERTIFICATE OF SURVEYOR



CHRISTOPHER J. RIES (12246LS)
 PROFESSIONAL LAND SURVEYOR

DATE: _____



GRAPHIC SCALE - FEET

BASIS OF BEARINGS:
 GPS CONTROL SURVEY, ROTATED TO GEODETIC NORTH AT PROJECT LOCATION.

1/4	SEC.	T.	R.
10	14N	3W	

P.M. MONTANA,
 LEWIS AND CLARK COUNTY.

EXHIBIT 1

DOCUMENT NO.: _____

60' WIDE RECORDED CORRECTED MUTUAL ACCESS EASEMENT PER BK. M63, PG. 5128 (DEFINED PER PHYSICAL CENTER-LINE OF ROAD)

TRACT 17-A, DOC. NO. 3/13771/9
 N00°04'58"W 1318.24' (R)
 N00°02'35"E 1317.53' (F)

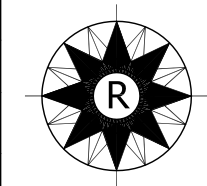
PRIVATE ACCESS & UTILITY EASEMENT (CREATED BY THIS SURVEY)

TRACT 18A
 13.29 ACRES

TRACT 18-19
 13.29 ACRES

TRACT 19A
 13.29 ACRES

DATE: OCTOBER 10, 2024
 JOB NO.: 23240
 FIELD BY: CJR, JKK
 DRAFTED BY: CJR, PAC



PREPARED BY:
RIES & ASSOCIATES PC.
 6850 GREEN MEADOW DR.
 HELENA, MONTANA 59602

LEGEND:

- FOUND 1/2" REBAR W/ YELLOW PLASTIC CAP (HENEN 2066S)
- SET 5/8" REBAR W/ ORANGE PLASTIC CAP (CJ RIES 12246LS)
- CALCULATED POINT (NOTHING FOUND/SET)

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Patricia Halvorson, Defendant

DATED

Gerard Watson, Defendant

DATED

CERTIFICATE OF SERVICE

I hereby certify that on the 21st day of March, 2025 a true copy of the foregoing was mailed by first-class mail, postage prepaid, addressed as follows:

Patricia Halvorson
1480 Country Home Lane
Great Falls, MT 59405

Gerard Watson
728 34th Avenue NE
Great Falls, MT 59404


BROWNING, KALECZYK, BERRY & HOVEN, P.C.

CERTIFICATE OF SERVICE

I, G. Andy Adamek, hereby certify that I have served true and accurate copies of the foregoing Notice - Stipulation to the following on 03-21-2025:

Patricia Halvorson (Defendant)
Service Method: First Class Mail

Gerard Watson (Defendant)
Service Method: First Class Mail

Electronically Signed By: G. Andy Adamek
Dated: 03-21-2025

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8 MONTANA FIRST JUDICIAL DISTRICT COURT, LEWIS AND CLARK COUNTY

9
10 BRENDA HARTMANN, as Successor Trustee
of the Fourth Amended Watson Family
Revocable Living Trust,

11 Plaintiff,

12 v.

13 PATRICIA HALVORSON and GERARD
14 WATSON,

15 Defendants.
16

Case No. DV-25-2024-0000655-PA

**ORDER ON STIPULATION FOR
PARTITION IN KIND**

17 The parties have stipulated and agreed to the terms of partition in kind for the Property at
18 issue in this Heirs Property Act partition action, and have filed their supporting Stipulation for
19 Partition in Kind with this Court supporting and evidencing their agreement.

20 The Court has reviewed the Stipulation for Partition in Kind, and finds good cause to
21 adopt and approve the Stipulation and order in kind partition in this cause, based on the
22 following.

23 **Findings of Fact**

24 The Court finds and agrees:

- 25 1. The Property is located in Lewis and Clark County, Montana.
26 2. The Property is presently configured as Tracts 18 and 19, as a Trust Asset of the Fourth
27 Amended Watson Family Revocable Living Trust (the "Trust") dated January 14, 2020,

1 with each related party intended to receive an equal one-third share from Plaintiff Trust,
2 now known as the Fourth Amended Watson Family Revocable Trust dated January 14,
3 2020.

- 4 3. The Property is Heirs Property as defined under Montana statute.
- 5 4. The parties have agreed upon, and the Court has already determined the Fair Market
6 Value of the Property.
- 7 5. The factors set forth in Mont. Code Ann. §70-29-413, as addressed in the Stipulation at
8 Paragraph 12 support physical, partition in kind to the parties, and no party has
9 requested partition by sale to a cotenant or fair market sale.
- 10 6. There are no practical impediments preventing in kind partition.
- 11 7. A Certificate of Survey has been prepared by the parties to depict the agreed in kind
12 partition, showing the new Tract 18A, Tract 18 - 19 and Tract 19 A, along with existing
13 and new access and utility easements, set forth and attached to the Stipulation at Exhibit
14 1.
- 15 8. The parties have agreed for a new Private Access & Utility Agreement to be created by
16 filing of the Certificate of Survey, providing for such easements as depicted across new
17 Tract 18A and Tract 18-19.
- 18 9. The Stipulation at Paragraphs 14 - 18 equitably addresses the manner of payment of
19 legal fees and litigation costs and partition related costs among the parties.
- 20 10. Pursuant to the terms of the Stipulation, the parties have agreed that ownership of new
21 Tract 18A is to be conveyed by the Trust to Gerard Watson, new Tract 18-19 is to be
22 conveyed to Patricia Halvorson, and new Tract 19A is to be conveyed to Brenda
23 Hartmann.

24 **Conclusions of Law**

- 25 11. Plaintiff's Complaint for Partition properly invokes the Uniform Partition of Heirs
26 Property Act at Mont. Code Ann. §§70-29-401, *et seq.*, and this Court has authority to
27 partition the Property and divide it into new Tract 18A, Tract 18-19 and Tract 19A.

1 12. As an agreement in a record by all parties as cotenants of equal one-third interest, the
2 Stipulation shall determine the terms of partitioning of the Property. *See* Mont. Code
3 Ann. §70-29-403(2).

4 13. The Trust as a party is bound by the Stipulation it has entered into and to take such
5 actions to convey ownership of the Property.

6 **Order Granting Partition In Kind**

7 Based on the foregoing IT IS HEREBY ORDERED, as follows:

- 8 a. The Stipulation is hereby adopted by the Court and incorporated into the Findings of
9 Fact of this Order.
- 10 b. The Motion of the Parties contained in the Stipulation for partition in kind of the
11 Property is granted, with designated ownership of new Tract 18A to be conveyed to
12 Gerard Watson, new Tract 18-19 to be conveyed to Patricia Halvorson, and new Tract
13 19A to be conveyed to Brenda Hartmann, in fee simple ownership.
- 14 c. Plaintiff is directed to provide a certified copy of the Stipulation and this Order with a
15 final Certificate of Survey consistent with Exhibit 1 to the Clerk and Recorder, Lewis
16 and Clark County for recording.
- 17 d. Plaintiff is directed to execute deeds for conveyance of new Tract 18A, Tract 18-19
18 and new Tract 19A to the new owners along with appropriate realty transfer
19 certificates, transferring the said tracts free and clear of all liens and encumbrances,
20 and to record same with the Clerk and Recorder, Lewis and Clark County.
- 21 e. All contested issues and claims asserted by each party in this Heirs Property action
22 are resolved on the merits.
- 23 f. This Heirs Property partition action is dismissed with prejudice, with each party
24 to pay attorney fees and costs and costs of partition, as provided for in the
25 Stipulation.

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Dated this ____ day of _____, 2025.

Honorable Mike Menahan
District Court Judge

cc: Patricia Halvorson
Gerard Watson
Andy Adamek