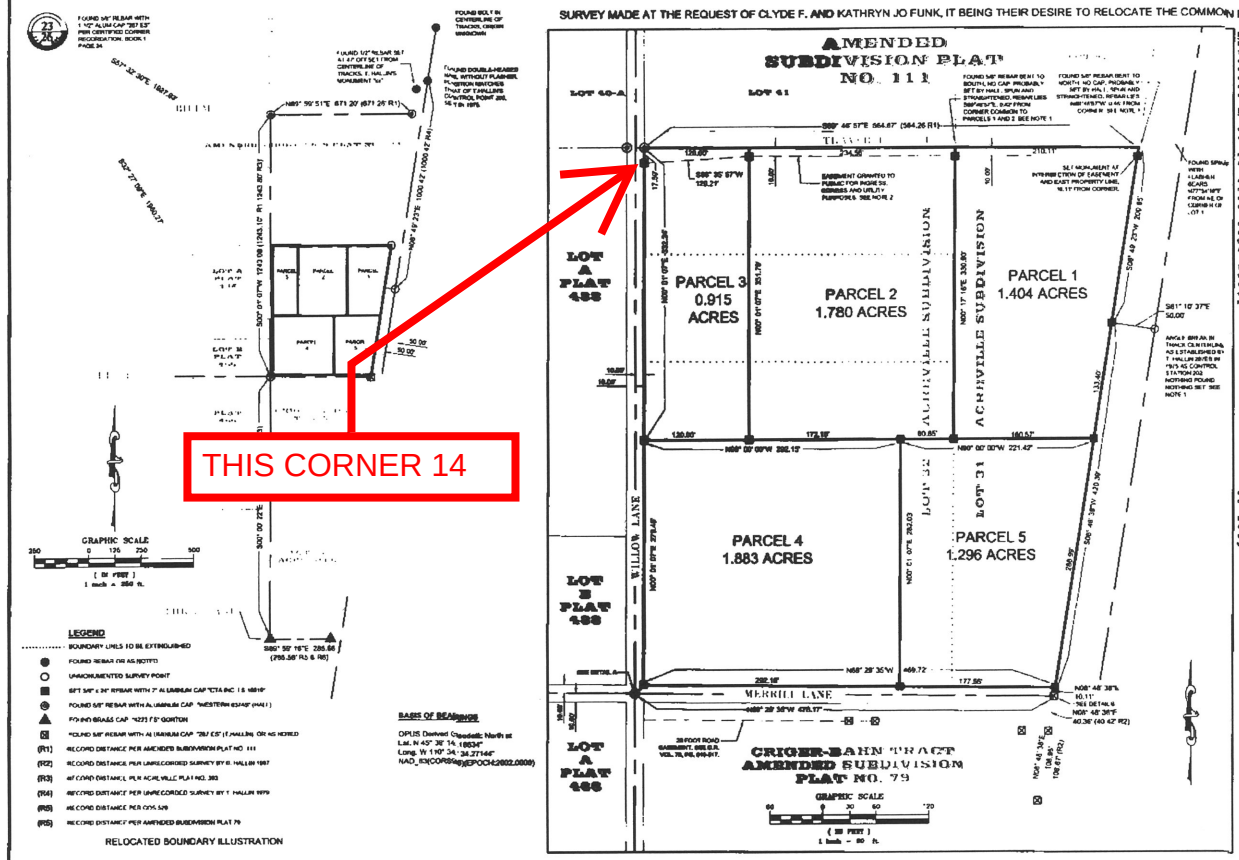
S/D 566RB

AMENDED SUBDIVISION OF ACREVILLE PLAT NO. 566RB

BEING A RELOCATION OF THE COMMON BOUNDARIES BETWEEN FIVE PREVIOUSLY ESTABLISHED PARCELS IN LOTS 31 AND 32 OF ACREVILLE SUBDIVISION, LOCATED IN THE NORTHEAST 1/4 OF SECTION 26, TOWNSHIP 2 SOUTH, RANGE 9 EAST, P.M.,M., COUNTY OF PARK, STATE OF MONTANA .

SURVEY MADE AT THE REQUEST OF CLYDE F. AND KATHRYN JO FUNK, IT BEING THEIR DESIRE TO RELOCATE THE COMMON BOUNDARIES BETWEEN THEIR PROPERTIES.



PERIMETER DESCRIPTION

BEGINNING at the northeast corner of Parcel 1, also being the northeast corner of Lot 31 of the Acreville Subdivision, said corner bears S67°37'E[illegible] 1627.02 feet from the quarter corner common to Sections 23 and 26, Township 2 South, Range 9 East, P.M.M. County of Park, State of Montana, said northeast corner also lies on the westerly right-of-way line of the old Park Branch of the Northern Pacific Railroad and S58°45'W, 8.93 feet from a 5/8" rebar; thence S00°45'23"W, along said westerly right-of-way, 200.85 feet to an angle point in said right-of-way, thence continuing along said westerly right of way S00°45'36"W, 430.30 feet, to the northerly right-of-way of North Lane; thence N89°29'35"W along said northerly right-of-way, 469.72 feet to the intersection of the westerly right-of-way of Willow Lane; thence N00°31'01"E along said easterly right-of-way, 811.68 feet, to the southeast corner of Lot 41 of Acreville Subdivision; thence S89°45'57"E, 664.87 feet to the point of beginning.

SURVEY NOTES

1) The Acreville Subdivision has presented problems for surveyors throughout it's history. It was first recorded as a subdivision in 1922 and was established with very little monumentation. An effort to establish control throughout the subdivision was attempted by Edward Carlson #3733 E.R. 1991 when he found brass-capped iron pipes at all of the major intersections of the subdivision. This work is documented in Certificate of Survey No. 449.

Lots 31 and 32 were subdivided into five parcels by Verne Reed 267 E.R in a survey recorded on January 16th, 1953 as Plat No. 112. This plat does not mention any monumentation being set and all distances returned are plat dimensions from the Acreville Subdivision. I assume that this survey was an "office survey" and no field work was undertaken. It did however, establish the number and size of the five lots to be reconfigured in this survey.

In 1986, Park Tech 37160 surveyed and divided Lots 32 and 33 to the south of this survey in Amended Subdivision Plat No. 79. Although Park discovers Carlson's methods of retracement for the subdivision, he accepts the Carlson monumments to define the exterior of his survey because they restored existing composition to those lots and "to avoid incorporating yet another interpretation on this area". He specifically states that he does not accept Carlson's work over the rest of Acreville or go conclusively defining the north lines of Lots 23 and 30. See Amended Subdivision Plat No. 79 for complete text on Park's methods and history of Acreville.

Lots 40, 41, and 42 were surveyed by Fred Hall 83740 in Amended Subdivision of Acreville Plat No. 111, repatented February 22nd, 1991. During the issuance of Plat No. 111 and Certificate of Survey No. 1040, Hall established monumentation at the intersections of Billman and Merrill Lanes with Willow and Willow Drives as well the intersections of Billman and Merrill with the westerly right-of-way line of the Park Branch of the Northern Pacific Railroad. Hall also discovered the monuments set by Carlson and based his positions in existing brackets and acceptance. See Amended Subdivision of Acreville Plat No. 111 for complete information on Hall's methods and history of Acreville.

Sidney Hallin 10394LS, encompassed Amended Subdivision Plat No. 79, in a survey titled April 28th, 1987 to remove and subdivide the Criger-Bahn Tract created by said Plat No. 79. This field work for the survey was abbreviated and monumments were set. However, the project was discontinued after to the survey being recorded. Hallin also does not accept the Carlson monumments and instead chooses to use Hall's monumments at the intersections of Willow Lane and Merrill Lane and Merrill Lane with the railroad right-of-way, to control the corrective position of Merrill Lane and to define the position of said Criger-Bahn Tract. Hallin states, however, locate the westerly railroad right-of-way using previous survey information. Rather than accompanying Hallin's notes, I present the pertinent parts here for the use of future surveyors:

"...In this survey I rely on an boundaries established by Reed, Subdivision No. 19 Hall's, Subdivision No. 111, and several surveys in the vicinity completed by Thomas J. Hallin, Reg. No. 3[illegible]. Including an a[illegible] retracement survey of Ernest S. Lumber Co., the 'a bends in and Section 26 which was never filed.

Downtown Lane Ties Survey

Since 1986 at the subdivision of a tract of land created by Amended Subdivision No. 79, I am accepting the monuments set along the survey of the subdivision as binding except corners they may encroach on parcel 1[illegible]. Monuments set along the spring of Amended Subdivision No. 79 work only set on the south line of the property I am dividing. The north boundary of Amended Subdivision No. 79 was found by the monuments set during the survey of C.O.S. No. 520.

Because of the questionable procedure used in creating the monuments in C.O.S. No. 520, I am disregarding those monuments and accepting the monuments set on the centerline of Merrill Lane or the intersection of Willow Lane and at the westerly right-of-way of the Park Branch of the Northern Pacific railroad by Fred Hall during the survey of Subdivision 111 as the true centerline of Merrill Lane. However, where Hall set the corner at the intersection of Merrill Lane and the westerly edge of the railroad right-of-way, some of the original tracks of the Park Branch had been removed and then replaced in a different position. Hall used a nail and flagged a 5/8 rebar at this replaced siding which he assumed to be the apparent position of Hallin's nail and flagged, C.S.S. Hall used this nail and flagged and a nail and flagged set by Hallin in the corner of the Hall, C.S.S. as the centerline of the railroad right-of-way. By trying to enter monuments and control points set by, or tied to by Hallin, I was able to determine that Hallin's C.S.S. was in its original position, but the nail and flagged Hall assumed to be Hallin's C.S.S. was not on the original railroad centerline as determined by Hallin in 1975. I then set a monument at the intersection of the centerline of Merrill Lane and the westerly right-of-way boundary of the old Park Branch of the Northern Pacific Railroad using Hallin's 1975 right-of-way positions and Hall's centerline of Merrill Lane position."

To determine the exterior boundaries of this survey, I rely on Hall's monuments set during Amended Subdivision 111 for the position of the centerline of Merrill Lane, Willow Lane, Billman Lane and Downtown Lane. I accept Hallin's position for the westerly railroad right-of-way. This is written of the railroad right-of-way results in the Hall monument set at the southeast corner of Lot 42 being 0.4[illegible] feet west of the true corner.

2) Downtown Lane was not platted in the Acreville Subdivision and does not appear to have been formally accepted as a county road. In Amended Subdivision of Acreville Plat No. 111, Hall plats an easement for county road purposes and notes that the easement area is that portion of Lots 41 and 42 occupied at the time by a gravel lane. See note Plat No. 111 for further discussion of the lane and its history. The lane is used by residents to access the latter south to Lot 33 of Acreville and by residents and employees of High Country Horses on Parcel 1. This survey grants an additional ten feet along the north boundary of Parcels 1 and 2 and an area along the north boundary of Parcel 3 that is currently occupied by the gravel lane.

CERTIFICATE OF EXEMPTION

(Relocation of Common Boundary) Plat lots created by Plat 112, also known as Lots 31 and 32 of Acreville Subdivision, located in the Northeast 1/4 of Section 26, Township 2 South, Range 9 East, P.M.,M., County of Park, State of Montana, are held by Clyde F. and Kathryn Jo Funk, husband and wife, as Joint Tenants with Rights of Survivorship. The purpose of this survey is to relocate the common boundaries between their properties.

We, the undersigned property owners, do hereby certify that the purpose of this survey is to relocate common boundary lines within a platted subdivision and that it is exempt from review as a subdivision under the Subdivision and Platting Act pursuant to 76-3-201(1)(d) M.C.A. and under the Sanitation in Subdivisions Act pursuant to 17.36.605(2)(b) A.R.M.

DATED this 14 day of July 2010

Clyde F. Funk
Clyde F. Funk

Kathryn Jo Funk
Kathryn Jo Funk

State of Montana
County of Park

DATED this 14 day of July 2010

Before me, the undersigned, a Notary Public for the State of Montana, personally appeared Clyde F. and Kathryn Jo Funk, husband and wife, known to me to be the persons whose names are subscribed to the above certificate and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official Notarial Seal.

Brenda Davis
Notary Public for the State of Montana
residing at: LIVINGSTON, MT
My commission expires MAY 1, 2011

CERTIFICATE OF GOVERNING BODY

I, Martin Malone, Chairman of the Board of County Commissioners, do hereby certify that the use of the exemption claimed on the accompanying Certificate has been duly endorsed, and has been found to be exempt from the requirements of the Montana Subdivision and Platting Act, Section 76-3-101 et seq. M.C.A., and the Park County Subdivision Regulations.

DATED this 14 day of July 2010

Martin Malone, Chairman
Board of County Commissioners

CERTIFICATE OF SURVEYOR

State of Montana County of Park

I, George Bornemann, a registered Land Surveyor do hereby certify that I have performed the survey shown on this attached Certificate; that the field work for this survey was completed to May 20 10; that said survey is true and complete as shown and that the monuments found are of the character and occupy the positions shown thereon.

Dated this 14 day of July 2010

George Bornemann
George Bornemann
Registration No. 16075LS
CTA Architects Engineers
P.O. Box 1151
Livingston, Montana
406-222-0104

MONTANA GEORGE E. BORNEMANN No. 16075 PROFESSIONAL LAND SURVEYOR

CERTIFICATE OF TREASURER

I, Kevin Lamb, Treasurer of Park County, Montana, do hereby certify that the accompanying Certificate has been duly examined and that all real property taxes and special assessments assessed and levied on the subject land have been paid.

DATED this 14 day of July 2010

Kevin Lamb
Kevin Lamb
Treasurer of Park County, Montana

MONTANA

CERTIFICATE OF FILING BY CLERK AND RECORDER

State of Montana County of Park

Filed for record this 20 day of July 2010, at 8:55 o'clock 0 M.

Denise Nelson
Denise Nelson
County Clerk and Recorder, Park County, Montana

Document No. 201731 Fee 7.50

S/D 566RB

REVISIONS:

FUNK BOUNDARY RELOCATION

PRINCIPAL MERIDIAN
MONTANA
PARK COUNTY, MT

¼	Sec	T	R
	26	2S	9E
	X	X	X
	X	X	X

DRAWN BY: GBB
CHECKED BY: CDK
DATE: 07-13-2010
CTA # FUNK_RELOC
CADD FILE: H:\DCS\10.dwg
H:\FUNK\RELOC\SURVEY\

CTA
121 South Main
Livingston, MT 59047
406-222-0104

FUNK BOUNDARY RELOCATION

SHEET 1 OF 1