

EASEMENT

This Agreement made and entered into this 13 day of FEBRUARY, 1996, by and between ELMER MAY, a/k/a ELMER L. MAY, and ROBERTA MAY a/k/a ROBERTA R. MAY, husband and wife, of P.O. Box 111, DeBorgia, Montana 59830, hereinafter called the "MAYS", and ANTHONY DRAZEN and IRENE DRAZEN, of P.O. Box 114, DeBorgia, Montana 59830, hereinafter referred to as "DRAZENS", and JAY E. ROHRER and JANE E. ROHRER, husband and wife, of P.O. Box 300127, DeBorgia, Montana 59830, hereinafter called the "ROHRERS";

W I T N E S S E T H :

WHEREAS, the Mays are selling to Rohrers pursuant to a contract for deed parcels of land located in the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 25, Township 19 North, Range 30 West, P.M.M., Mineral County, Montana, and more particularly described on Certificate of Survey No. 314B of the New Plat Book, records of Mineral County, Montana; and

WHEREAS, on May 17, 1989, Mays entered into a contract for deed with ANTHONY and IRENE DRAZEN, which was recorded in Drawer 2 of MRE Card No. 3713, for the sale of parcels of land located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 25, Township 19 North, Range 30 West, P.M.M., Mineral County, Montana, and described as parcels A and B of C.O.S. recorded on Page 314B of the New Plat Book, records of Mineral County, Montana; and

WHEREAS, in the above-referenced Drazen contract, Mays included language which was intended to reserve an easement across parcels A and B in favor of parcels C and D of said C.O.S No. 314B; and

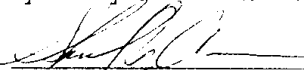
WHEREAS, the parties desire to clarify and more particularly describe said easement;

NOW, THEREFORE, in consideration of the sum of Ten (\$10.00) Dollars and other valuable consideration, Mays and Drazens do hereby grant, assign and set over unto Rohrers, an easement for ingress and egress 30 feet in width, commencing at the Southwest corner of parcel B of Certificate of Survey No. 314B of New Plat Book records of Mineral County, Montana, and running in a northerly direction over, along, and across said parcel, parallel and

STATE OF MONTANA)
 : ss
COUNTY OF MINERAL)

On this 13th day of February, 1996, before me, the undersigned, a Notary Public for the State of Montana personally appeared ELMER L. MAY known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year in this certificate first above written.

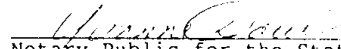


Notary Public for the State of Montana
Residing at _____
My Commission expires: _____

STATE OF Idaho)
 : ss
COUNTY OF Shoshone)

On this 15th day of February, 1996, before me, the undersigned, a Notary Public for the State of Montana personally appeared ROBERTA R. MAY known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same. X

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year in this certificate first above written.

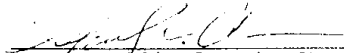


Notary Public for the State of Montana
Residing at Calico
My Commission expires: 02-15-2000

STATE OF MONTANA)
 : ss
COUNTY OF MISSOULA)

On this 13th day of February, 1996, before me, the undersigned, a Notary Public for the State of Montana personally appeared ANTHONY DRAZEN and IRENE DRAZEN known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year in this certificate first above written.



Notary Public for the State of Montana
Residing at _____
My Commission expires: _____

immediately adjacent to the western boundary of said parcel B, to the common boundary of parcels B and C, of said Certificate of Survey No. 314B, and continuing in a northerly direction over, along and across parcel C parallel and immediately adjacent to the westerly boundary of said parcel C to the common boundary of parcels C and D of C.O.S 314B of New Plat Book, records of Mineral County, Montana.

The easement hereby created across parcel B is for the benefit for parcels C and D and the easement hereby created across parcel C is for the benefit for parcel D of Certificate of Survey No. 314B of New Plat Book, records of Mineral County, Montana. These easements are superior and paramount to the rights of any of the parties hereto and the respective servient estates so created and shall be covenants that run with the land.

This easement shall be binding upon an inure to the benefit of the parties hereto, their heirs, personal representatives and assigns.

This easement shall totally replace and supersede the easement language contained in the contract recorded in Drawer 2 of MRE Card 3713, records of Mineral County, Montana, which language was: "an easement of 30' on NW $\frac{1}{4}$ to SW $\frac{1}{4}$, conveyed for private road, to be held by Seller or their heirs."

IN WITNESS WHEREOF, the parties hereto have executed this agreement the day and year indicated next to their signature.

Elmer L. May
ELMER L. MAY

Jay E. Rohrer
JAY E. ROHRER

Anthony J. Drazen
ANTHONY DRAZEN

Roberta R. May
ROBERTA R. MAY

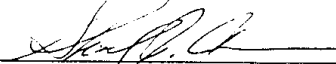
Jane E. Rohrer
JANE E. ROHRER

Irene Drazen
IRENE DRAZEN

STATE OF MONTANA)
 : ss
COUNTY OF MISSOULA)

On this 13th day of February, 1996, before me, the undersigned, a Notary Public for the State of Montana personally appeared JAY E. ROHRER and JANE E. ROHRER known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year in this certificate first above written.



Notary Public for the State of Montana
Residing at _____
My Commission expires: _____
MONTANA
1993

Instrument No. _____

I certify that I received this instrument for record on this 5th
day of March 1996, A.D. at 12:42 o'clock P. M. and
that it is recorded in Drawer No. 2 of Misc Real Estate
records of Mineral County, State of Montana, on Card No. 4581

Return To:

State and Valley Bank
Drawer 9
26 W. Ave 59847

Shirley Mancini
County Recorder

By Julia E. White

Fee \$ 24⁰⁰ Paid