

John & Meggen Fitchett
453 Elk Creek R,
Heron, MT 59844

329121 EASEMENT - R

STATE OF MONTANA SANDERS COUNTY

RECORDED: 4/27/2023 3:48 PM

Pages: 4

Lisa Wadsworth Clerk and Recorder

FEE: \$32.00 BY: Beckie Reiter

Return To: JOHN FITCHETT

**ABANDONMENT OF EASEMENT &
GRANT OF EASEMENTS**

Document number: E001

THIS INSTRUMENT is made the 27th day of April, 2023, by and between **JOHNEY SHANE FITCHETT and MEGGEN JANE FITCHETT, Trustees of the JOHN AND MEGGEN FITCHETT REVOCABLE INTER VIVOS TRUST**, of 453 Elk Creek Road, Heron, Montana 59844, hereinafter referred to as "Grantor", and **C-5 SUNSET, LLC**, of 557 South Main Street, Colville, Washington 99114, hereinafter referred to as "Grantee".

WHEREAS, Grantor owns the following described real property situate in Sanders County, Montana, to-wit:

Three parcels of land located in the East half (E1/2) of Section 3, Township 25 North, Range 32 West, PMM, Sanders County, Montana, further identified as Tracts Four (4), Five (5), and Seven (7) on Certificate of Survey No. 567, filed October 21, 1981, Sanders County Records.

WHEREAS, Grantee owns the following described real property situate in Sanders County, Montana, to-wit:

Three tracts of land lying within the East half (E1/2) of Section 3, Township 25 North, Range 32 West, PMM, Sanders County, Montana, more particularly described as Tract 2, Tract 3 and Tract 6 on Certificate of Survey No. 567, Sanders County records.

WHEREAS Grantee has been utilizing a roadway and utility easement which traverses Grantor's above-described real property and is shown and described on Certificate of Survey No. 567, records of Sanders County, Montana.

WHEREAS the parties desire to relocate the roadway and utility easement and abandon and extinguish said easement depicted on Certificate of Survey No. 567, records of Sanders County, Montana

WHEREAS Grantor desires to grant Grantee a roadway and utility easement 60 feet in width over and across Grantor's Tract 4 and a portion of Tract 5 and a roadway and utility easement 30 feet in width over and across the remaining portion of Grantor's Tract 5 for the benefit

of Grantee's above-described real property. The approximate location of said easements is depicted on Exhibit A, attached hereto.

NOW, THEREFORE, for and in consideration of the mutual promises contained herein, and other good and valuable consideration, the parties agree as follows:

1. Grantee does hereby abandon, quitclaim, and terminate all interest in Grantor's property, including roadway, access, and utility easements described on Certificate of Survey 567 and reserved in any other document.
2. The easements described on Certificate of Survey No. 567 is extinguished and of no further affect or benefit to any parcel of real property described above.
3. Grantor does hereby grant unto Grantee a non-exclusive easement sixty feet in width for roadway and utility purposes across Tract 4 and a portion of Tract 5, and a non-exclusive easement thirty feet in width for roadway and utility purposes across the remaining portion of Tract 5 of Grantor's above-described property. The approximate location of this easement is depicted and described on Exhibit A, attached hereto.

The grant of easements described herein shall be appurtenance to Grantee's above-described real property, perpetual in nature and binding on the heirs, successor, and assigns of the parties hereto.

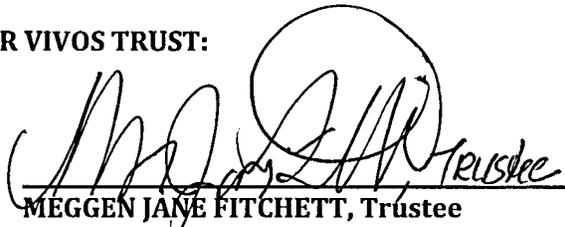
IN WITNESS WHEREOF, the Grantor and Grantee sign and executes this instrument the day and year first above written.

GRANTOR:

JOHN AND MEGGEN FITCHETT REVOCABLE INTER VIVOS TRUST:



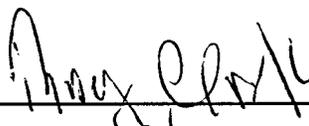
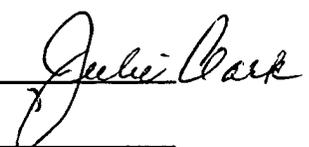
 JOHNEY SHANE FITCHETT, Trustee



 MEGGEN JANE FITCHETT, Trustee

GRANTEE:

C-5 SUNSET, LLC

BY:  
 ITS: OWNER
 Ray Clark, Julie Clark

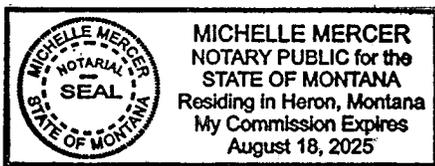
STATE OF MONTANA)

:SS.

County of Sanders)

On this 27th day of April, 2023, before me, the undersigned, a Notary Public for the State aforesaid, personally appeared, **JOHNEY SHANE FITCHETT and MEGGEN JANE FITCHETT**, known to me to be the Trustees of the **JOHN AND MEGGEN FITCHETT REVOCABLE INTER VIVOS TRUST**, that executed the within instrument and acknowledged to me that they executed the same in that capacity.

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



Michelle Mercer
Notary Public for the State of Montana

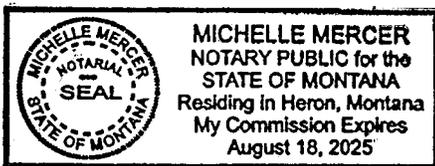
STATE OF Montana)

:SS.

County of Sanders)

On this day 27th April, 2023, before me, the undersigned, a Notary Public for the State aforesaid, personally appeared Ray and Julie Clark known to me to be the Owners of C-5 SUNSET, LLC, that executed the within 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 date in this certificate first above written.



Michelle Mercer
Notary Public for the State of MT

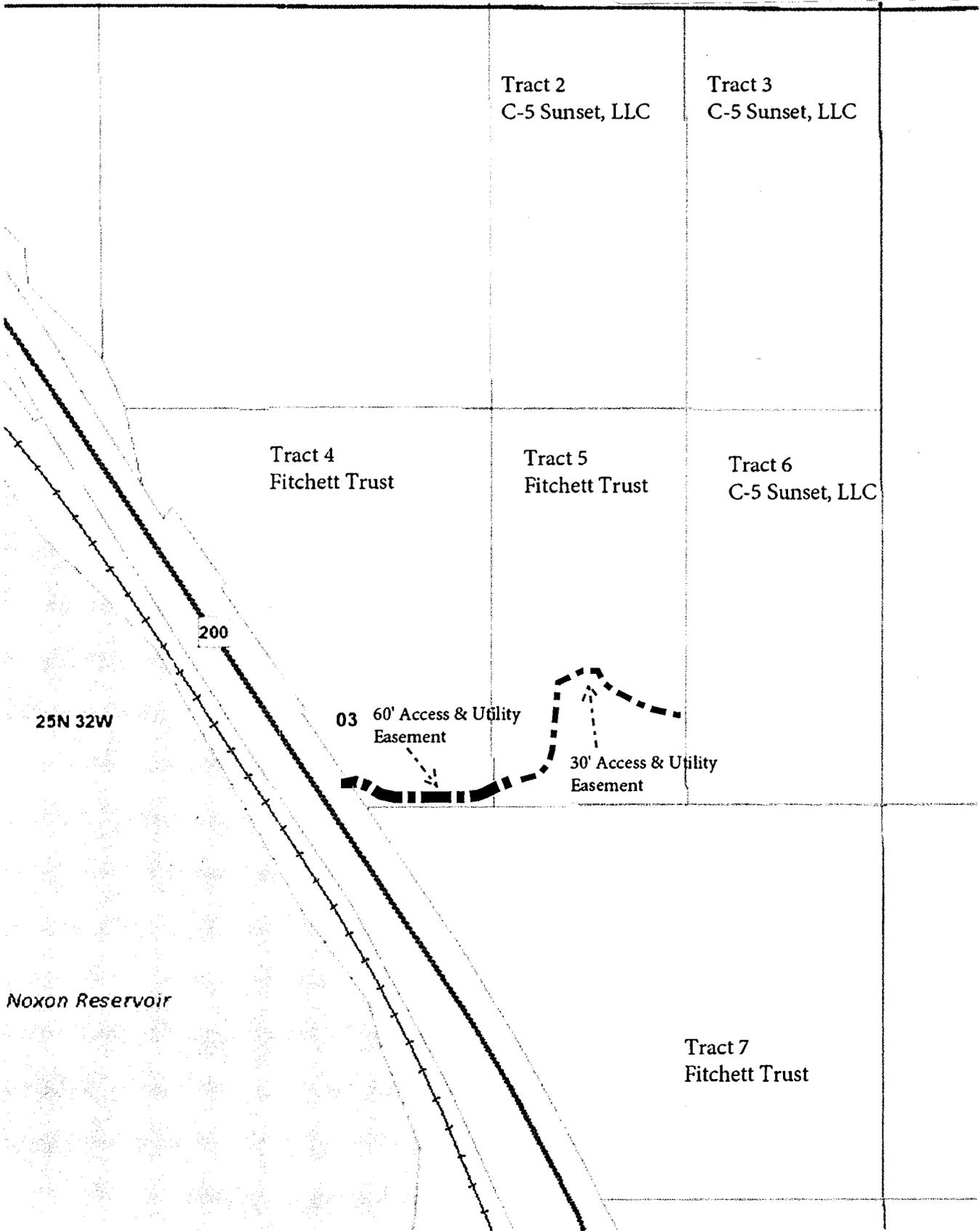


EXHIBIT A