

429245

WARRANTY DEED
TO JOINT TENANTS WITH RIGHT OF SURVIVORSHIP

THIS INDENTURE, made this 10th day of October, 2002 by and between **CLYDE POTTS and BARBARA POTTS**, of 78067 Montana Highway 83, Bigfork, Montana 59911, Grantors, and **MARC RACICOT and THERESA RACICOT**, of 901 15th St. S. #201 Arlington, VA 22202, as Joint Tenants with Rights of Survivorship, Grantees.

WITNESSETH:

That the said Grantors, for and in consideration of an I.R.C. Sec. 1031 **EXCHANGE AND OTHER GOOD AND VALUABLE CONSIDERATION** to them in hand paid by said Grantees, the receipt whereof is hereby acknowledged, do by these presents, grant, bargain, sell, convey, warrant and confirm unto the said Grantees, as joint tenants with right of survivorship, and not as tenants in common, and to their heirs, successors and assigns of the survivor of said named joint tenants, forever, the hereinafter described real estate in the County of Lake, State of Montana, to-wit:

Lot 4A of the Amended Plat of Lot 4 of **WHISPERING SWAN COVE**, a subdivision of Lake County, Montana, according to the map or plat thereof on file in the office of the Clerk and Recorder of Lake County, Montana.

SUBJECT TO AND TOGETHER WITH easements, reservations, restrictions, covenants and rights-of-way apparent or of record: Conditions, provisions and agreements contained in Right of Way Deed, recorded October 2, 1996, under Microfile No. 377283; Underground right-of-way easement for an electric distribution line, purposes and rights incidental thereto, recorded October 22, 1996, under Microfile No. 377665; Right-of-Way Easement for telephone system, purposes and rights incidental thereto, recorded November 1, 1996, under Microfile No. 377937; Conditions and restrictions contained in the State of Montana Department of Environmental Quality Certificate of Subdivision Plat Approval, filed for record February 18, 1997, under Microfile No. 380028, and in permanent file J-6457; 60 foot road and utility easement as shown on the plat of Whispering Swan Cove; Covenants, conditions, restrictions and all other matters as set forth in Declaration of Covenants, Conditions and Restrictions of Whispering Swan Cove, recorded February 18, 1997, under Microfile No. 380030, and Amendment to Declaration of Covenants of Whispering Swan Cove, recorded March 25, 1997, under Microfile No. 380718, and Second Amendment to Declaration of Covenants of Whispering Swan Cove, recorded February 23, 1998 under Microfile No. 388131; All matters contained Easement and Road Maintenance Agreement recorded March 25, 1997, under Microfile No. 380719, records of Lake County, Montana.

TOGETHER WITH all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining and the reversion and reversions, remainder or remainders, rents, issues and profits thereof, and also all the right, title, interest and right of homestead property possession, claim and demand whatsoever, as well in law as in equity of the said Grantors of, in or to the said premises, and every part and parcel thereof, with the appurtenances.

FA

TO HAVE AND TO HOLD, all and singular, the above mentioned and described premises, together with the appurtenances unto the said Grantees, as joint tenants with right of survivorship, and to their heirs, successors and assigns, forever. And the said Grantors and their heirs, successors and assigns forever, do hereby covenant that they will forever WARRANT AND DEFEND all right, title and interest in and to the said premises, and the quiet and peaceable possession thereof unto the said Grantees, as joint tenants with right of survivorship, and to their heirs, successors and assigns, forever, against the acts and deeds of the said Grantors and all and every person and persons whomsoever, lawfully claiming or to claim the same.

IN WITNESS WHEREOF, the said Grantors have hereunto set their hands and seals the day and year above first written.

Clyde Potts
CLYDE POTTS

Barbara Potts
BARBARA POTTS

STATE OF Montana)
County of Flathead) SS.

On this 10 day of October, 2002, before me, the undersigned, a Notary Public for the State aforesaid, personally appeared CLYDE POTTS and BARBARA POTTS, whose names are subscribed to 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.



Connie M. Genderson
Notary Public for the State of Montana
Residing at Bozeman, MT
My commission expires 5-11-2003

After recording, return to Grantee's.

STATE OF MONTANA, COUNTY OF LAKE

Recorded At: 4:20 O'clock P M OCT 11 2002

Microfilm 429245 RUTH E. HODGES Recorder

Fees \$ 12.00 By Judy Muniz Deputy