

Return to: kps
 Johnson, Berg & Saxby, PLLP
 PO Box 3038
 Kalispell, MT 59903-3038

EASEMENT AGREEMENT

THIS AGREEMENT AND GRANT OF EASEMENT is made and entered into by **GARY L. WATERS AND PATRICIA A. WATERS, as co-Trustees of the G & P Waters Trust dated July 11, 2014**, as amended, of 141 Eagle View Lane, Noxon, Montana 59853 (herein "Grantor") and **E. RICHARD BARNES AND C. RUTH BARNES, as co-Trustees of the C. Ruth Barnes and E. Richard Barnes Revocable Trust**, as amended, of 21 Barnes Lane, Noxon, Montana 59853 (herein "Grantee").

WHEREAS, the Grantor owns the following described real property located in Sanders County, Montana:

Tract A of Certificate of Survey No. 2479, located the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 17, Township 28 North, Range 33 West, PMM, Sanders County, Montana, records of Sanders County, Montana

The above-described property is herein referred to as the "Waters Property" and is the servient estate;

WHEREAS, Grantee owns the following described real property located in Sanders County, Montana:

The Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 17, Township 28 North, Range 33 West, PMM, Sanders County, Montana

The above-described property is herein referred to as the "Barnes Property" and is the dominant estate;

WHEREAS, the historical access to the Barnes Property has always been from U.S. Forest Service Road 14356 beginning at a point near the southeast corner of the Waters Property and continuing in a southerly direction over and across the Waters Property to the Barnes Property, although to the parties' knowledge there is not currently an express easement of record which documents such ingress and egress; and

WHEREAS, Grantee now wishes to formally document an easement for ingress and egress and the location of utility lines over and across the Waters Property to the Barnes Property, and Grantor is willing to grant to Grantee such an easement; and

WHEREAS, the parties are entering into this Easement Agreement for the purpose of documenting on the public record an easement over and across the Waters Property for the benefit of the Barnes Property.

NOW THEREFORE, Grantor and Grantee, in consideration of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which each party hereby acknowledges, mutually covenant and agree as follows:

1. Grant of Easement by Grantor: Grantor hereby grants, conveys and transfers to Grantee and to the heirs, successors and assigns of Grantee, forever, a permanent, private, non-exclusive, appurtenant easement over and across the Waters Property, all as further described herein. The easement hereby granted shall be for the purposes of ingress and egress and the location of utility lines, and shall be forty feet (40') in width, with the location of the centerline of this easement more fully described in Exhibit "A" attached hereto, and shall be for the benefit of the Barnes Property.
2. Easement is Appurtenant: The easement hereby granted by Grantor is appurtenant to and will "run with the land" which is served by this easement; specifically the Barnes Property.

3. **Binding Agreement:** This Agreement and the grant of the easement provided for herein is and shall be binding on the parties hereto and their respective heirs, successors and assigns.

IN WITNESS WHEREOF, the parties have executed this Easement Agreement as of this 13 day of June, 2017.

Gary L. Waters

Gary L. Waters, as co-Trustee of the G & P Waters Trust dated July 11, 2014

E. Richard Barnes

E. Richard Barnes, as co-Trustee of the C. Ruth Barnes and E. Richard Barnes Trust

Patricia A. Waters

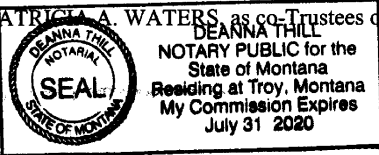
Patricia A. Waters, as co-Trustee of the G & P Waters Trust dated July 11, 2014

C Ruth Barnes

C. Ruth Barnes, as co-Trustee of the C. Ruth Barnes and E. Richard Barnes Trust

STATE OF MONTANA)
)ss.
County of Sanders)

This instrument was acknowledged before me on the 13 day of June, 2017 by GARY L. WATERS and PATRICIA A. WATERS, as co-Trustees of the G & P Waters Trust dated July 11, 2014.

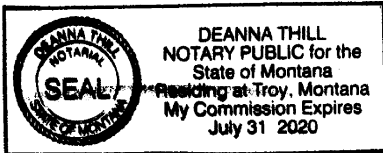


Deanna Thill

Notary Public for the State of Montana

STATE OF MONTANA)
)ss.
County of Sanders)

This instrument was acknowledged before me on the 13 day of June, 2017 by E. RICHARD BARNES and C. RUTH BARNES, as co-Trustees of the C. Ruth Barnes and E. Richard Barnes Trust.



Deanna Thill

Notary Public for the State of Montana

**EXHIBIT A to
Waters to Barnes Easement**

Access and utility easement:

An easement for ingress, egress and utilities, over under and across a strip of land in the Northeast quarter of the Southeast quarter of Section 17, Township 28 North, Range 33 West, P.M.M., Sanders County, Montana, 40.00 feet in width, being 20.00 feet on each side of the following described centerline;

Commencing at the Southeast corner of the Northeast quarter of the Southeast quarter of said Section 17;

Thence N00°39'12"E, along the East line of said Section 17, a distance of 251.67 feet to the centerline of Eagle View Lane;

Thence N63°23'50"W, along the centerline of Eagle View Lane, 22.24 feet to a point 20.00 feet from as measured at right angles to, the East line of said Section 17 and the Point of Beginning;

Thence S00°39'12"W, parallel with said East line, 36.96 feet;

Thence S36°57'02"W, 23.84 feet;

Thence S04°22'20"W, 207.13 feet a point on the South line of the Northeast quarter of the Southeast quarter of said Section 17 which bears S88°53'00"W, 47.57 feet from the Southeast corner thereof and the terminus of said centerline description.

306570 BOOK: 1 RECORDINGS PAGE: 88133 Pages: 3

STATE OF MONTANA SANDERS COUNTY

RECORDED: 06/22/2017 2:28 KOI: EASEMENT-R

NICHOL SCRIBNER CLERK AND RECORDER

FEE: \$21.00

BY: 

TO: KENT P. SAXBY*** JOHNSON, BERG & SAXBY, PLLP, P.O. BO 3038,