



DEPARTMENT OF

FISH AND GAME

February 13, 1968
Helena, Montana

ATTORNEY GENERAL'S OFFICE
HELENA, MONTANA

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Mr. Forrest H. Anderson
Attorney General
State Capitol
Helena, Montana

Dear Mr. Anderson:

Enclosed herewith is a title vesting certificate,
Jake Franks and Myrle M. Franks to the State of Montana.

We would appreciate your review of this certificate,
and if it meets with your approval, will you please sign
and return it to us?

Thank you very much.

Very truly yours,

R. O. Cooper
R. O. Cooper
Land Agent

ROC:jt
Enclosure

Signed & returned

2-14-68

FORREST H. ANDERSON
ATTORNEY GENERAL

February 7, 1968

TITLE VESTING CERTIFICATE
Jake Franks and Myrle M.
Franks, et ux to State of
Montana for the benefit and
use of its State Fish and
Game Commission.

TO WHOM IT MAY CONCERN:

This is to certify that Chadwick H. Smith, counsel for the State Fish and Game Commission of the State of Montana, as of February 7, 1968, examined:

- (1) Title Insurance Policy No. 11669 issued by the First Montana Title Insurance Company of Great Falls, Montana and Pioneer National Title Insurance Company of Seattle, Washington, dated January 30, 1968 at 5:00 P.M., insuring "State of Montana - State Fish and Game Commission" against loss or damage not exceeding the sum of \$27,500.00 by reason of the title to the hereinafter-described real property being vested in other than State of Montana - State Fish and Game Commission at the date of issuance, or by reason of any defect in or lien or encumbrance upon, said title existing at the date of issuance, except as follows:
 - (a) Last installment of 1967 taxes payable in the sum of \$112.55;
 - (b) Water, irrigation and drainage ditch rights and existing rights-of-way thereof, if any, pertaining to said premises;
 - (c) Encroachments or questions of location, boundary and area, which an accurate survey may disclose; rights or claims of persons in possession, or claiming to be in possession, not disclosed by the public records, water rights or matters relating thereto; easements, liens, or encumbrances which are not shown by the public records, and any service, installation or construction charges for sewer, water or electricity;

- (d) Exceptions and reservations in United States Patents; mining claims; right of use, control or regulation by the United States of America in the exercise of powers over navigation; limitation by law or governmental regulation with respect to subdivision, use, enjoyment, or occupancy; defects, liens, encumbrances or other matters created or suffered by the insured unless such defect, lien, claim, encumbrance, or other matter shall have been disclosed to the company in writing prior to the issuance of said policy or appeared at the date of said policy on the public records but of which rights, claims, instruments or facts the insured has knowledge;
- (e) General taxes not now payable; matters relating to special levies, if any, preceding the same becoming a lien;
- (f) Mineral rights, claims or title to minerals, oil, gas, hydrocarbons, and matters relating thereto.

and the said real property insured is described as follows, to-wit:

The following-described property situate in the County of Park, State of Montana, more particularly described as follows:

TRACT "A"

A tract of land in Lots 9 and 10 of Section 28, Township 4 South of Range 9 East of the Montana Principal Meridian in said County of Park, which is more particularly described as follows: Beginning at a point which bears S. 87° 25.5' W., and 2477.28 feet from the quarter section corner common to Sections 27 and 28; which is the true point of beginning; thence N. 28° 31' W., 382.42 feet to the high water line on the right bank of the Yellowstone River; thence over and on said high water line, N. 89° 54.5' W., 368.45 feet; thence S. 80° 24.5' W., 285.92 feet; thence S. 64° 00' W., 142.90 feet; thence S. 56° 57.5' W., 243.9 feet; thence S. 42° 34' W., 189.52 feet; thence S. 38° 46' W., 195.44 feet; thence S. 22° 46' W., 184.83 feet; thence S. 14° 03.5' W., 139.28 feet; thence S. 6° 05' W., 289.31 feet; thence S. 6° 28' E., 283.75 feet; thence S. 21° 59' E., 201.30 feet; thence S. 35° 00' E., 315.25 feet; thence S. 53° 42.5' E., 316.91 feet; thence S. 58° 50' E., 223.85 feet; thence leaving the high water line N. 44° 51.5' E., 405.11 feet; thence N. 31° 06.5' W., 532.88 feet; thence N. 5° 32' E., 468.39 feet; thence N. 41° 35' E., 537.80 feet; thence N. 63° 27.5' E., 291.58 feet; thence N. 60° 53' E., 165.18 feet; to the point of beginning;

TRACT "B"

A tract of land in Lot 8 of Section 28, and Lots 2 and 3 of Section 27, Township 4 South, Range 9 East, M.P.M., in said County of Park, which is more particularly described as follows: Beginning at a point which bears N. 4°46'31.9" E., and 1006.2 feet distant from the quarter corner common to Sections 27 and 28; thence N. 71°57' E., 897.9 feet; thence N. 14°50.5' E., 561.9 feet; thence N. 56°11' W., 34.5 feet to the high water line on the right bank of the Yellowstone River; thence over and on said high water line S. 48°29.5' W., 459.0 feet; thence S. 60°09.5' W., 148.8 feet; thence S. 39°16.5' W., 150.2 feet; thence S. 73°08.5' W., 335.3 feet; thence N. 87°50' W., 139.9 feet; thence S. 80°25' W., 375.6 feet; thence S. 60°39.5' W., 207.3 feet; thence S. 29°59' W., 344.6 feet; thence leaving said high water line S. 34°26' E., 47.3 feet; thence N. 72° E., 796.1 feet to the point of beginning;

TOGETHER WITH easements for roadway for ingress and egress over and across the following-described property: A tract of land in Sections 27 and 28, Township 4 South of Range 9 East of the Montana Principal Meridian, in said County of Park, being 30 feet each side of the following-described centerline: Beginning at a point on the West right-of-way line of old U.S. 89 which bears S. 67°38' E., 2079.6 feet from the quarter corner common to Sections 27 and 28; thence N. 72°34' W., 2350.0 feet; thence N. 71°01' W., 321.02 feet; thence S. 28°36.5' W., 410.23 feet; thence S. 16°10.5' W., 502.53 feet; thence S. 57°31' W., 1039.86 feet; thence S. 57°26' W., 585.21 feet; thence S. 84°25.5' W., 259.15 feet; thence N. 79°19.5' W., 420.43 feet to the boundary of Tract "A",

ALSO: A tract of land in Sections 27 and 28, Township 4 South, Range 9 East, M.P.M., in said County of Park, being 30 feet each side of the following-described centerline; Beginning at a point on the boundary of Tract "B", which bears N. 4°46'31.9" E., 1006.2 feet distant from the quarter section corner common to Sections 27 and 28; thence S. 36°51' W., 757.6 feet; thence S. 36°57' W., 314.5 feet; thence S. 26°09' W., 142.8 feet, to an intersection with a road right-of-way;

ALSO: A perpetual public pedestrian easement and right-of-way over and across that portion of Lots 2 and 3 in Section 27 and Lots 8, 9 and 10 in Section 28, Township 4 South, Range 9 East, M.P.M., in said County of Park, lying and being within 50 feet of the Yellowstone River as measured perpendicular to the river bank.

- (2) That certain Warranty Deed from Jake Franks and Myrle M. Franks, husband and wife, of Livingston, Montana, to State of Montana, for the benefit and use of its State Fish and Game Commission, dated December 22, 1967 and recorded January 2, 1968, in Book 111 of Deeds at page 231, in the office of the County Clerk and Recorder of said County of Park, said deed describing the real estate hereinabove described and referred to as Tract "A" and Tract "B".

- (3) That certain right-of-way Easement from Jake Franks and Myrle M. Franks, husband and wife of Livingston, Montana, to State of Montana for the benefit and use of its State Fish and Game Commission, dated December 22, 1967 and recorded January 2, 1968 in Book 46 of Miscellaneous at page 577, in the office of the County Clerk and Recorder of said County of Park, which easement granted to the State of Montana a perpetual right-of-way and easement for public road purposes, together with the right at State's expense to construct, use, maintain and repair a roadway over the property above-described and identified as roadway for ingress and egress.

It is Mr. Smith's opinion that said Warranty Deed vests fee simple title in the State of Montana, for the benefit and use of its State Fish and Game Commission and said easement grants a perpetual right-of-way as above described to the State of Montana, for the benefit and use of its State Fish and Game Commission, both as insured by said title insurance policy subject to the reservations and limitations contained in said title insurance policy as set forth above, which are not inconsistent with the purposes to which said property will be put by the State Fish and Game Commission.

Very truly yours,

FORREST H. ANDERSON
ATTORNEY GENERAL OF MONTANA

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