



SEWER LINE RIGHT-OF-WAY EASEMENT

THIS AGREEMENT is entered into by and between **Patricia Rhodes Bartz, as Successor Trustee of The Mary D. Rhodes Revocable Trust, dated June 15, 1993, as amended**, whose address is 1121 Saddle Drive, Helena, Montana 59601 ("Grantor") and **JoAnn Barker, Trustee of the Kenneth Michael Barker and JoAnn Barker Living Trust, dated April 16, 2008**, whose address is 2569 Big Horn Avenue, Sheridan, Wyoming 82801 ("Grantee").

WHEREAS, The Mary D. Rhodes Revocable Trust, dated June 15, 1993, owns certain real estate in Sheridan County, Wyoming, more particularly described in that certain Warranty Deed, dated June 15, 1993, from Mary D. Rhodes, as grantor, to said Trust, which deed was recorded with the Clerk of Sheridan County, Wyoming, on June 15, 1993, in Book 359 of Deeds, at Page 89.

FOR VALUE RECEIVED, Grantor hereby grants, bargains and conveys unto Grantee, its successors, assigns, lessees, licensees, and agents, a perpetual right-of-way easement for the installation and maintenance of an underground sewer line, upon, over, under and across the following-described land situate in Sheridan County, Wyoming, and owned by Grantor, hereby releasing and waiving all rights under and by virtue of the homestead exemption laws of the State of Wyoming, to-wit:

See **Exhibit "A"**, attached hereto and incorporated herein by reference.

The location of the easement granted hereunder is shown on the plat attached hereto as **Exhibit "B"**, and incorporated herein by reference.

Grantor reserves the right to occupy, use and cultivate said property for all purposes not inconsistent with the rights herein granted.

Grantee will diligently prosecute any work which requires the disturbance of Grantor's surface, and compact, recontour and reseed the surface as soon as reasonably possible so as to restore the surface to the condition it was in prior to the commencement of the activities which disturbed the surface.

In exchange for the grant of this easement, Grantee agrees to pay all costs and expenses, including any and all fees and costs, including but not limited to all permit fees, construction costs, survey fees, and reasonable attorney's fees, incurred by Grantee for the location of the right-of-way; the preparation of this easement; the installation, maintenance and repair of the sewer line which is to be laid in the right-of-way granted hereunder.

Grantor makes no warranty of title or otherwise in entering into this agreement.

Grantee will indemnify and hold Grantor, her agents, successors and assigns (hereinafter referred to as "Indemnified Parties") harmless from any and all claims, demands, suits, losses, damages and costs, including but not limited to a reasonable attorney's fee, incurred by Indemnified Parties which may be asserted against Indemnified Parties by reason of or which may arise out of any act or omission of Grantee on the above-described property, or out of any act or omission by Grantee of its obligations under this easement.

To the maximum extent permitted by law, Grantee releases, waives and discharges Grantor, her agents, successors and assigns, from any and all liabilities or claims for personal injury, death, property damage, or otherwise arising out of any act or omission of Grantee on Grantor's property.

This agreement shall be construed according to the laws of the State of Wyoming.

This easement is for the benefit of, appurtenant to, and shall run with the following-described land which is owned by the Grantee, to-wit:

See Exhibit "C", attached hereto and by reference incorporated herein.

DATED this 7th day of December, 2011.

GRANTOR:

Patricia R. Bartz

Patricia Rhodes Bartz, Successor Trustee
The Mary D. Rhodes Revocable Trust, dated
June 15, 1993, as amended

GRANTEE:

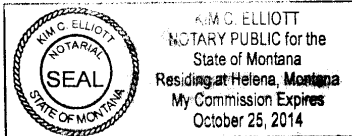
JoAnn Barker

JoAnn Barker, Trustee
Kenneth Michael Barker and JoAnn Barker
Living Trust, dated April 16, 2008

STATE OF MONTANA)
: ss.
COUNTY OF LEWIS & CLARK)

The above and foregoing Sewer Line Right-of-Way Easement was acknowledged before me this 1 day of December, 2011, by Patricia Rhodes Bartz, as Successor Trustee of The Mary D. Rhodes Revocable Trust, dated June 15, 1993, as amended.

WITNESS my hand and official seal.



Kim C. Elliott
Notary Public

My Commission Expires: October 25, 2014

STATE OF WYOMING)
: ss.
COUNTY OF SHERIDAN)

The above and foregoing Sewer Line Right-of-Way Easement was acknowledged before me this 7th day of December, 2011, by JoAnn Barker, as Trustee of the Kenneth Michael Barker and JoAnn Barker Living Trust, dated April 16, 2008.

WITNESS my hand and official seal.

Greg A. Von Krosigk
Notary Public

My Commission Expires: _____

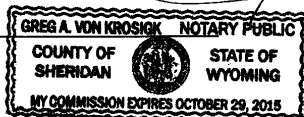




EXHIBIT "A"

**Record Owner: Patricia Rhodes Bartz, Successor Trustee of the Mary D. Rhodes Revocable Trust
November 28, 2011**

Re: 20.0' Sewer Line Easement

A sewer line easement twenty (20) feet wide, being ten (10) feet each side of the following described centerline situated in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 3, Township 55 North, Range 84 West, 6th P.M., Sheridan County, Wyoming, as shown on **EXHIBIT "B"** attached hereto and by this reference made a part hereof; said centerline being more particularly described as follows:

Commencing at the east quarter corner of said Section 3 (Monumented with a 3 $\frac{1}{4}$ " Aluminum Cap per PLS 6812); thence N84°30'07"W, 948.92 feet to the **POINT OF BEGINNING** of said easement, said point lying on the west line of Tract 1, Marshall Subdivision; thence N84°55'48"W, 103.05 feet along said centerline to a point; thence S07°15'48"E, 18.83 feet along said centerline to the **POINT OF TERMINUS** of said easement, said point lying on the north line of a tract of land described in Book 521 of Deeds, Page 915, and being N85°32'53"W, 1047.98 feet from said east quarter corner of Section 3. Lengthening or shortening the side lines of said easement to intersect said boundary lines.

Said sewer line easement contains 2,407 square feet of land, more or less.

A sewer line easement twenty (20) feet wide, being ten (10) feet each side of the following described centerline situated in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 3, Township 55 North, Range 84 West, 6th P.M., Sheridan County, Wyoming, as shown on **EXHIBIT "B"** attached hereto and by this reference made a part hereof; said centerline being more particularly described as follows:

Commencing at the east quarter corner of said Section 3 (Monumented with a 3 $\frac{1}{4}$ " Aluminum Cap per PLS 6812); thence N86°18'35"W, 1220.89 feet to the **POINT OF BEGINNING** of said easement, said point lying on the north line of a tract of land described in Book 521 of Deeds, Page 915; thence N00°01'30"W, 330.05 feet along said centerline to a point; thence S89°08'45"W, 28.32 feet along said centerline to the **POINT OF TERMINUS** of said easement, said point lying on the easterly right-of-way line of Wyoming State Highway No. 332 (AKA Big Horn Avenue), and being N71°52'18"W, 1311.94 feet from said east quarter corner of Section 3. Lengthening or shortening the side lines of said easement to intersect said boundary lines.

Said sewer line easement contains 7,167 square feet of land, more or less.

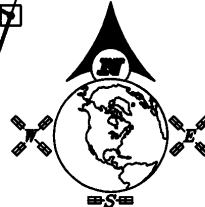
Bearings are Based on the Wyoming Coordinate System, NAD 1983, East Central Zone.

EXHIBIT "B"

STA. 107+53.71

(BOOK 71, PAGE 441)

TRACT 1
MARSHALL SUBDIVISION



SCALE: 1"=100'

BEARINGS ARE BASED ON THE
WYOMING COORDINATE SYSTEM
NAD 1983, EAST CENTRAL ZONE

DATUM: NAD 83(1993), NAVD 88 (U.S. SURVEY FEET)
DAF: 1.000235
DISTANCES ARE SURFACE

TIE TABLE

FROM THE E1/4 CORNER SECTION 3

LINE	BEARING	LENGTH
TIE-1	N84°30'07"W	948.92'
TIE-2	N85°32'53"W	1047.98'
TIE-3	N86°18'35"W	1220.89'
TIE-4	N71°52'18"W	1311.94'

LEGEND:

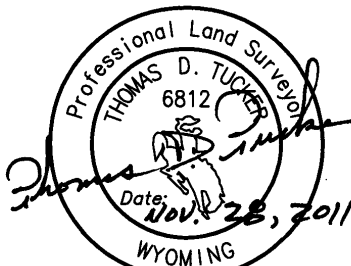
- FOUND 2" ALUMINUM CAP PER PLS 6812
- FOUND 3-1/4" ALUMINUM CAP PER PLS 6812
- ◆ FOUND 3" BRASS CAP PER PLS 102
- FOUND 1-1/2" ALUMINUM CAP PER PLS 6812
- FOUND 1-1/2" ALUMINUM CAP PER PLS 2615
- CONCRETE RIGHT-OF-WAY MONUMENT
- CALCULATED: NOTHING FOUND/NOTHING SET
- RECORD
- RECORD PER BOOK 359, PAGE 89
- MEASURED
- SECTION LINE
- INTERIOR SECTION LINE
- HIGHWAY RIGHT-OF-WAY LINE
- PROPERTY/DEED LINE
- EXISTING FENCE LINE(2010)
- CENTERLINE 20' SEWER LINE EASEMENT
- EASEMENT LINE

LOT 1
R.O. MINOR
SUBDIVISION

SURVEYOR'S CERTIFICATE

STATE OF WYOMING
COUNTY OF SHERIDAN

I, THOMAS D. TUCKER, A DULY REGISTERED LAND SURVEYOR IN THE STATE OF WYOMING, DO HEREBY STATE THAT THIS PLAT REPRESENTS THE RESULTS OF A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION.



RESTFELDT
SURVEYING

PO BOX 3082
SHERIDAN, WY 82801
307-672-7415

"PLAT IS VALID ONLY IF PRINT HAS
ORIGINAL SIGNATURE OF SURVEYOR SIGNED AND DATED" FAX 674-5000

JN: 2010094
DN: 2010/2010094_E2A
PF: T2010094
NOVEMBER 28, 2011

EXHIBIT "C"
TO SEWER LINE RIGHT-OF-WAY EASEMENT

LEGAL DESCRIPTION OF BENEFITTED LANDS:

PARCEL ONE:

A tract of land situated in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ and the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 3, Township 55 North, Range 84 West, 6th P.M., Sheridan County, Wyoming, said tract of land being more particularly described as follows:

Commencing at the east quarter corner of said Section 3 (Monumented with a 3 $\frac{1}{4}$ " Aluminum Cap per PLS 6812); thence N84°59'53"W, 950.88 feet to the POINT OF BEGINNING of said tract, said point being the southwest corner of Tract 1, Marshall Subdivision, said point also being the northwest corner of Lot 1, R.O. Minor Subdivision (Monumented with a 2" Aluminum Cap per PLS 6812); thence S09°41'08"W, 330.69 feet along the west line of said Lot 1, R.O. Minor Subdivision to a point, said point being the northeast corner of a tract of land described in Parcel 3, Book 359 of Deeds, Page 89 (Monumented with a 1 $\frac{1}{2}$ " Aluminum Cap per PLS 2615); thence S89°05'57"W, 204.33 feet along the north line of said Parcel 3, Book 359 of Deeds, Page 89 to a point, said point lying on the easterly right-of-way line of Wyoming State Highway No. 332 (AKA Big Horn Avenue), (Monumented with a 2" Aluminum Cap per PLS 6812); thence N00°53'14"W, 38.09 feet along said easterly right-of-way line to a point (Monumented with a Concrete Highway Right-of-Way Monument); thence S89°15'25"W, 29.83 feet along said easterly right-of-way line to a point (Monumented with a Concrete Highway Right-of-Way Monument); thence N00°51'15"W, 286.81 feet along said easterly right-of-way line to a point, said point lying on the south line of a tract of land described in Parcel 2, Book 359 of Deeds, Page 89 (Monumented with a 2" Aluminum Cap per PLS 6812); thence N89°05'08"E, 294.68 feet along the south line of said Parcel 2, Book 359 of Deeds, Page 89 to the POINT OF BEGINNING of said tract.

PARCEL TWO:

A tract of land situated in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 3, Township 55 North, Range 84 West, 6th P.M., Sheridan County, Wyoming, said tract of land being more particularly described as follows:

Commencing at the east quarter corner of said Section 3 (Monumented with a 3 $\frac{1}{4}$ " Aluminum Cap per PLS 6812); thence N84°59'53"W, 950.88 feet to a point, said point being the southwest corner of Tract 1, Marshall Subdivision, said point also being the northwest corner of Lot 1, R.O. Minor Subdivision (Monumented with a 2" Aluminum Cap per PLS 6812); thence S09°41'08"W, 330.69 feet along the west line of said Lot 1, R.O. Minor Subdivision to the **POINT OF BEGINNING** of said tract, said point being the southeast corner of a tract of land described in Parcel 1, Book 359 of Deeds, Page 89 (Monumented with a 1 $\frac{1}{2}$ " Aluminum Cap per PLS 2615); thence S12°13'46"W, 344.63 feet along the west line of said Lot 1, R.O. Minor Subdivision to a point, said point being the southeast corner of a tract of land described in Parcel 3, Book 359 of Deeds, Page 89 (Monumented with a 1 $\frac{1}{2}$ " Aluminum Cap per PLS 2615); thence N85°15'33"W, 126.74 feet along the south line of said Parcel 3, Book 359 of Deeds, Page 89 to a point, said point lying on the easterly right-of-way line of Wyoming State Highway No. 332 (AKA Big Horn



Avenue) and (Monumented with a Concrete Highway Right-of-Way Monument); thence N00°53'14"W, 323.16 feet along said easterly right-of-way line of Wyoming State Highway No. 332 (AKA Big Horn Avenue) to a point, said point lying on the south line of said Parcel 1, Book 359 of Deeds, Page 89 (Monumented with a 2" Aluminum Cap per PLS 6812); thence N89°05'57"E, 204.33 feet along said south line of Parcel 1, Book 359 of Deeds, Page 89 to the **POINT OF BEGINNING** of said tract.