

APPENDIX 6

NON-FEDERAL LAND ENCUMBRANCES

The following items were listed in Schedule B – Section 2 of the updated Commitment for Title Insurance issued by First American Title Insurance Company, numbered 18724:

1. Bargain and Sale Deed dated June 6, 1961, which conveyed to the State of Montana for the benefit and use of its Department of Highways, a tract of land in the N¹/₂NW¹/₄, SE¹/₄NW¹/₄, SW¹/₄NE¹/₄, SE¹/₄ of Section 21, T. 5 N., R. 49 E., containing 18.67 acres, more or less. (Gross acreage 18.67; present highway acreage 5.42; net acreage 13.25 acres.)
2. Bargain and Sale Deed dated June 6, 1961, which conveyed to the State of Montana for the benefit and use of its Department of Highways a tract of land in Lots 2 and 3, NE¹/₄SW¹/₄, W¹/₂SE¹/₄, SE¹/₄SE¹/₄ of Section 7; NE¹/₄NE¹/₄ of Section 18; S¹/₂NW¹/₄, NW¹/₄NW¹/₄, NE¹/₄SW¹/₄, W¹/₂SE¹/₄, SE¹/₄SE¹/₄ of Section 17, T. 5 N., R. 49 E., containing 51.67 acres, more or less. (Gross acreage 51.67 acres, present highway acreage 17.30, net acreage 34.37.)
3. Bargain and Sale Deed dated June 6, 1961, which conveyed to the State of Montana for the benefit and use of its Department of Highways a tract of land in the S¹/₂NE¹/₄, E¹/₂SE¹/₄ of Section 2; NW¹/₄SW¹/₄, S¹/₂SW¹/₄ of Section 1, T. 5 N., R. 48 E., containing 24.40 acres, more or less. (Gross acreage 24.40 acres, present highway acreage 10.84, net acreage 13.56.)
4. Terms and Conditions of Right-of-Way Deed dated September 2, 1930, granting a perpetual easement and right-of-way for the construction of a state highway over, across, covering and embracing a tract of land in the NE¹/₄ of Section 18, T. 5 N., R. 49 E., containing in all, 2.85 acres, more or less.
5. Terms and Conditions of Right-of-Way Deed dated November 3, 1930, in favor of the State of Montana, granting a perpetual easement and right-of-way for the construction of a state highway over, across, covering and embracing a tract of land in Section 1, T. 5 N., R. 48 E., containing in all, 6.17 acres, more or less. (Gross acreage 6.17, present highway acreage .37, net acreage 5.80.)
6. Terms and Conditions of Easement Deed dated November 17, 1930, in favor of the State of Montana, granting the right to use and occupy for a public road the following described land, being a tract of land in Section 1, T. 5 N., R. 48 E., containing exclusive of that portion now in an existing public highway, 5.80 acres, more or less.
7. Terms and conditions of Right-of-Way Deed dated November 5, 1930, in favor of the State of Montana, granting a perpetual easement and right-of-way for the construction of a state highway over, across, covering and embracing a tract of land in Section 21, T. 5 N., R. 49 E., containing in all, 15.11 acres, more or less. (Gross acreage 15.11, present

highway acreage 0.17, net acreage 14.94.) Also a tract of land in Section 7, T. 5 N., R. 49 E., containing in all 12.89 acres, more or less. (Gross acreage 12.89, present highway acreage 4.13, net 8.76.) Also a tract of land in Section 17, T. 5 N., R. 49 E., containing in all 14.48 acres, more or less.

8. Terms and conditions of Right-of-Way Deed dated November 1, 1930, in favor of the State of Montana, granting a perpetual easement and right-of-way for the construction of a state highway over, across, covering and embracing a tract of land in the E $\frac{1}{2}$ of Section 34, T. 4 N., R. 48 E., containing in all, 7.93 acres, more or less, also a tract of land in the S $\frac{1}{2}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 2, T. 5 N., R. 48 E., and containing in all 7.11 acres, more or less.

9. Terms and Conditions of Telephone Company Right-of-Way Easement dated September 1, 1994, in favor of The Range Telephone Cooperative, Inc. granting a 20' right-of-way in and through the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 2, T. 5 N., R. 48 E.

10. Terms and conditions of Easement, not dated, acknowledged November 29, 2001, in favor of The Range Telephone Cooperative, Inc. for a 20-foot right-of-way in and through the W $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 17, T. 5 N., R. 49 E.

11. Terms and conditions of Easement, dated May 8, 2002, in favor of the State of Montana, Department of Transportation, covering a tract of land in the W $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 17, T. 5 N., R. 49 E.

12. Easement, dated July 31, 2003, (document No. 125549) in favor of the State of Montana, Department of Transportation.

13. County road rights-of-way not recorded and indexed as a conveyance in the office of the Clerk and Recorder pursuant to Title 70, Chapter 21, M.C.A.

14. Taxes and assessments.

15. Reservation of 50% of all gravel located in, on and under the following described lands, together with the right of ingress and egress thereto and therefrom for the purpose of exploring for, developing and removing the same, as disclosed in Warranty Deed, dated March 19, 1985, filed for record on February 10, 1994, in Book M-71 of Deeds, at Page 990, in the real estate records of Custer County, Montana: T. 5 N., R. 48 E., M.P.M., Section 8, NW $\frac{1}{4}$, less that portion thereof lying West of Tongue River Road and containing 80 acres, more or less, W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$; Section 17, All; Section 21, All; Section 27, All; Section 28, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$; Section 29, All, less S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ S $\frac{1}{2}$; Section 34, All; Section 35, All. (The deed actually lists the reservation of an undivided 50% of all minerals, including but not limited to oil, gas, coal and gravel, presently owned by Grantor.)

A mortgage and a Contract for Bargain Sale of Real Estate were also listed but would be eliminated prior to acquisition by the federal government.

There are also powerlines on the non-federal land which belong to Tongue River Electric Cooperative which provide service to the buildings and to some wells; and probably a Range Telephone Cooperative telephone line providing service to the house on the Tongue River Road.

Existing range improvements, which include pipelines, reservoirs, pits, wells, and fences, would be documented on cooperative agreements and project files would be established for them.