

J-7/21 420652

PRELIMINARY SUBDIVISION
CERTIFICATE OF TITLE

WILKEN, VICTORIA RENE
WILKEN, VALERI RAI
GARABEDIAN, TOM

TO

PUBLIC, THE

A PORTION OF GOV'T LOT 3 SEC 15 TWP 25N RNG 18W
COS 4843 TRACT B

ENCLOSED:

DEQ

NOXIOUS WEED MANAGEMENT PLAN
FINAL PLAT APPROVAL FROM LAKE COUNTY
FOR LOT 1 AND LOT 2

STATE OF MONTANA 1SS
County of Lake Nov
Filed on the 30 day of
At 11:43 A.M.
ARON E. HODGES
County Clerk and Recorder
By: Dicki Kule Deputy
FEE 500

PRELIMINARY SUBDIVISION CERTIFICATE OF TITLE

27 0233 89 205880

CHICAGO TITLE INSURANCE COMPANY

To the County of Lake and the City of n/a in Montana

CHICAGO TITLE INSURANCE COMPANY, a corporation organized and existing under the laws of the State of Missouri, with its principal office in the City of Chicago, Illinois, and duly authorized to insure titles in Montana hereby certifies that from its examination of these public records which impart constructive notice of matters affecting the title to the real estate described in Schedule A hereof, as of the 23rd day of November, 2001 at 5 o'clock P.M., the title to the described real estate was indefeasibly vested in fee simple of record in: VICTORIA RENE WILKEN, VALERI RAI WILKEN and TOM GARABEDIAN, as tenants in common,

subject only to the objections, liens charges, encumbrances and other matters shown under Schedule B hereof.

The maximum liability of the undersigned under this certificate is limited to the sum of \$ 1,000.00

This certificate of title is made in consideration of the payment of the premium by the subdivider of the land and for the use of the County and City above named.

Issued by: LAKE COUNTY ABSTRACT & TITLE COMPANY 314 First Street East P. O. Box 331 Polson, Montana 59860

CHICAGO TITLE INSURANCE COMPANY

By:

[Handwritten signature of George P. Polla]

ATTEST:

President



[Handwritten signature] Authorized Signatory

[Handwritten signature of Thomas J. Adams]

Secretary

SCHEDULE A

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Certificate No. 27 0233 89 205880

Being the legal description of the real estate covered by this certificate.

The following-described parcels of real estate:

See Exhibit "A" attached hereto and by this reference made a part hereof as if fully set forth at this place.

SCHEDULE B

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Certificate No. 27 0233 89 205880

Being all of the estates, interests, equities, lawful claims, or demands, defects, or objections whatsoever to title; and all easements, restrictions, liens, charges, taxes (general, special, or inheritance, or assessments of whatever nature), or encumbrances; and all other matters whatsoever affecting said premises, or the estate, right, title, or interest of the record owners, which now do exist of record.

1. Reservations contained in the United States Patent dated July 1, 1952; recorded February 19, 1953 in Book 41 Deeds, Page 138, records of Lake County, Montana, including, but not limited to the following: "Excepting and reserving, also, to the United States, pursuant to the provisions of the Act of August 1, 1946 (60 Stat. 755), all uranium, thorium, or any other material which is or may be determined to be peculiarly essential to the production of fissionable materials, whether or not of commercial value, together with the right of the United States through its authorized agents or representatives at any time to enter upon the land and prospect for, mine, and remove the same."
2. Any action based on the claim that any part of the insured premises is within or under navigable waters.
3. Any claims arising from the difference in the mean low water line of Swan Lake and the meander line as shown by the Government Survey.
4. Easement and right of way for construction of a State Highway granted by Donald D. Bielenberg, a single man, to the State of Montana by instrument dated November 18, 1953; recorded November 24, 1953 in Book 41 Deeds, Page 428, records of Lake County, Montana.
5. All matters contained in Right-of-Way Grant and Reservation dated October 15, 1984, regarding a common roadway, executed by Donald D. Bielenberg; recorded May 18, 1992 under Microfile No. 328911, records of Lake County, Montana.
6. Conditions and restrictions contained in the State of Montana Department of Health and Environmental Sciences Certificate of Subdivision Plat Approval attached to Certificate of Survey No. 4843.
7. Montana Trust Indenture dated October 12, 1998 executed by Victoria Rene Wilken, Valeri Rai Wilken and Tom Garabedian, as Grantor, to First American Title and Escrow, as Trustee, and Martha M. Berlin, as Beneficiary, to secure the payment of \$130,000.00, together with interest and any other obligation secured thereby; recorded October 14, 1998 under Microfile No. 393786, records of Lake County, Montana.
8. No search has been made for water rights or unpatented mining claims, and liability thereon is excluded from coverage of this Certificate.

-END-



Montana Department of
ENVIRONMENTAL QUALITY

Marc Racicot, Governor

P.O. Box 200901 • Helena, MT 59620-0901 • (406) 444-2544 • E-mail: www.deq.state.mt.us

December 8, 2000

TOM COWAN PE
CARVER ENGINEERING INC
1995 THIRD AVE EAST
KALISPELL MT 59901

RE: SWAN OVERLOOK
LAKE COUNTY
E.Q. #01-1460

Dear Mr. Cowan:

The plans and supplemental information relating to the water supply, sewage, solid waste disposal, and storm drainage (if any) for the above referenced division of land have been reviewed as required by ARM Title 17 Chapter 36(101-805) and have been found to be in compliance with those rules.

Two copies of the Certificate of Subdivision Plat Approval are enclosed. The original is to be filed at the office of the county clerk and recorder. The duplicate is for your personal records.

Your copy is to inform you of the conditions of the approval. Please note that you have specific responsibilities according to the plat approval statement primarily with regard to informing any new owner as to any conditions that have been imposed.

If you wish to challenge the conditions of this Certificate of Subdivision Plat Approval, you may request a hearing before the Board of Environmental Review or the Department, pursuant to Section 76-4-126, MCA and the Montana Administrative Procedures Act.

If you have any questions, please contact this office

Sincerely,

Theresa Blazicevich, Supervisor
Subdivision Section
Water Protection Bureau

TB/csf

cc: County Sanitarian
County Planning Board
COS.I

STATE OF MONTANA
DEPARTMENT OF ENVIRONMENTAL QUALITY
CERTIFICATE OF SUBDIVISION PLAT APPROVAL
(Section 76-4-101 through 76-4-131, MCA 1995)

TO: County Clerk and Recorder
Lake County
Polson, Montana

E.Q. #01-1460

THIS IS TO CERTIFY THAT the plans and supplemental information relating to the subdivision known as **Swan Overlook**

A tract of land located in Government Lot 3, Section 15, Township 25 North, Range 18 West, P.M.M., Lake County, Montana

consisting of two (2) Lots have been reviewed by personnel of the Permitting and Compliance Division, and,

THAT the documents and data required by ARM Title 17 Chapter 36 have been submitted and found to be in compliance therewith, and,

THAT the approval of the Plat is made with the understanding that the following conditions shall be met:

THAT this Certificate supersedes Certificate E.S. #24-93-S51-688 for **Tract B only** and all files should be marked superseded or removed from the files for **Tract B only**, and,

THAT the Lot sizes as indicated on the Plat to be filed with the county clerk and recorder will not be further altered without approval, and,

THAT each Lot shall be used for single family dwelling, and,

THAT the public water supply system and public sewage treatment system will be provided by the Bielenberg Landing Homeowners Association, and,

THAT instruments of transfer for this property shall contain reference to these conditions, and,

THAT the developer and/or owner of record shall provide each purchaser of property with a copy of the Plat, and a copy of this document, and,

THAT plans and specifications for any proposed sewage treatment systems will be reviewed and approved by the county health department and will comply with local regulations and ARM, Title 17, Chapter 36, Subchapters 3 and 9, before construction is started.

Page 2 of 2
Swan Overlook Subdivision
Lake County
E.Q. #01-1460

THAT departure from any criteria set forth in the approved plans and specifications and Title 17, Chapter 36, Sub-Chapter 1,3, and 6 ARM when erecting a structure and appurtenant facilities in said subdivision without Department approval, is grounds for injunction by the Department of Environmental Quality.

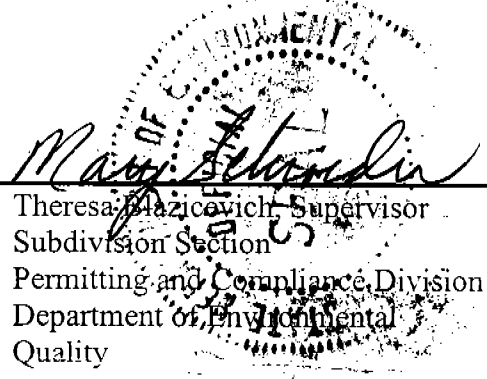
THAT pursuant to Section 76-4-122 (2)(a), MCA, a person must obtain the approval of both the reviewing authority under Title 76, Chapter 4, MCA, and local health officer having jurisdiction, before filing a subdivision plat with the county clerk and recorder.

YOU ARE REQUESTED to record this certificate by attaching it to the filed in your office as required by law.

DATED this 7th day of December, 2000.

MARK SIMONICH
DIRECTOR

By: 


Theresa Blazicevich, Supervisor
Subdivision Section
Permitting and Compliance Division
Department of Environmental
Quality

Owner's Name: Thomas Garabedian

EXHIBIT "A"

A portion of Government Lot 3, Section 15, Township 25 North, Range 18 West, P.M.M., Lake County, Montana, more particularly described as follows:

Commencing at the Northeast corner of a parcel of land as shown and described on Certificate of Survey No. 3884, Lake County, Montana, Records, a (found) monumented corner; thence N.89°53'53" West, 89.74 feet along the North boundary of said parcel to the Southeasterly right-of-way boundary of Montana Highway No. 83; thence Southwesterly along said right-of-way boundary along a non-tangent curve to the right with a radius of 632.86 feet and a central angle of 1°08'22" for a distance of 12.59 feet to the true point of beginning; thence continuing along said right-of-way boundary along a curve to the right with a radius of 632.86 feet and a central angle of 27°41'13" for a distance of 305.82 feet to the West boundary of said parcel; thence S.0°00'13" East, 113.56 feet along said West boundary to the approximate Low Water Shoreline of Swan Lake; thence Easterly along said approximate Low Water Shoreline, the following (5) courses and distances: S.68°59'17" East, 114.08 feet; S.80°25'49" East, 43.31 feet; S. 88°29'22" East, 40.00 feet; N.86°11'16" East, 71.86 feet and N.83°26'34" East, 40.85 feet; thence N.0°11'15" East, 175.30 feet to the point of beginning.

Further identified as being Tract B on Certificate of Survey No. 4843, on file and of record in the office of the Clerk and Recorder, Lake County, Montana.

**SWAN OVERLOOK SUBDIVISION
NOXIOUS WEED MANAGEMENT PLAN**

This Noxious Weed Management Plan is being prepared to address noxious weed control on Lots 1 & 2 of Swan Overlook, located in Gov't Lot 3, Section 15, Township 25N., Range 18W., Lake County, Montana.

The current owners of these lots are:

Lot 1, Swan Overlook: Victoria Wilken and Valeri Wilken

Lot 2, Swan Overlook: Tom Garabedian

The Lake County Weed District conducted an inspection of the property and issued a Property Inspection Form dated August 1, 2000. During this inspection, the District identified the presence of the following noxious weeds.

Absinth wormwood
Yellow toadflax
Spotted knapweed
Oxeye daisy
Common tansy
Orange & Meadow hawkweed

The Inspection Form indicates that spotted knapweed, absinth wormwood and common tansy are present and are in close proximity. These noxious weeds **will invade** once the ground is disturbed.

To control the spread of noxious weeds, on and off the above described properties, the owners agree to the following:


- All excavation equipment will be cleaned prior to entering Lot 1 and/or Lot 2 of Swan Overlook and will again be cleaned prior to leaving the properties.
- Only clean road and fill materials will be used - those materials that are free of noxious weeds and weed seed.
- All areas disturbed during construction will be revegetated within seven (7) days of completing construction or when acceptable for quick establishment of desirable ground cover. All new vegetation will be certified as being free of noxious weeds and weed seeds.

This Weed Management Plan, and the requirements herein, shall run with and be appurtenant to Lots 1 & 2, Swan Overlook, and shall be binding on the heirs, successors or assigns of the properties.

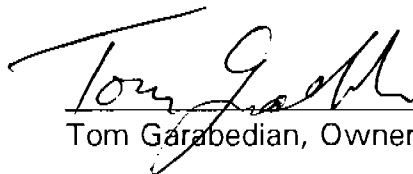
Dated this 27th day of August, 2001.

LOT 1, SWAN OVERLOOK

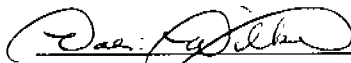
LOT 2, SWAN OVERLOOK



Victoria Wilken, Owner



Tom Garabedian, Owner



Valeri Wilken, Owner