

J-5438

50 - 325260

RE: The Amended Plat of Tract - 1 and a Portion of Tract - 2, Festvog's Villa Tracts. A recorded subdivision in Section 29, T.23N.; R.20W; P.M.M., Lake County, Montana.

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Preliminary Subdivision Certificate of Title Prepared by Chigago Title Insurance Company of Idaho. Issued By: Lake County Abstract and Title Co. Dated July 12, 1990.

DOLCE, Michael G. & June F.

PUBLIC, TO THE

STATE OF MONTANA } 89  
County of Lake  
Filed on the 20<sup>th</sup> day of July  
AD 1990 at 4:10 P.M.  
WILHELMINA LAUGHLIN  
County Clerk  
By Paula A. Holli  
\$2.00 fee

State of Montana Department of Health and Environmental Sciences Certificate of Sub-division Plat Approval No. 24-90-S62-792.



**PRELIMINARY SUBDIVISION CERTIFICATE OF TITLE**

27 0233 47 00072

**CHICAGO TITLE INSURANCE COMPANY OF IDAHO**

To the County of Lake and the City of N/A in Montana

CHICAGO TITLE INSURANCE COMPANY OF IDAHO, a corporation organized and existing under the laws of the State of Idaho, with its principal office in the City of Boise, Idaho, 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 12th day of July, 19 90, at 5 o'clock P.M., the title to the described real estate was indefeasibly vested in the simple of record in:

**MICHAEL G. DOLCE and JUNE F. DOLCE**  
husband and wife, as joint tenants.  
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 \$ 2 , 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.

**CHICAGO TITLE INSURANCE COMPANY OF IDAHO**

BY:

*Tom J. Hance*  
President

Issued by:  
**LAKE COUNTY ABSTRACT  
& TITLE COMPANY**  
314 First St. E. - P. O. Box 331  
Polson, Montana 59860



BY:

*Thomas J. Adams*  
Secretary

*Paul W. Jones*  
.....  
Authorized Signature

## SCHEDULE A

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

The following-described parcels of real estate:

PARCEL 1

Lot 1 of "FESTVOG'S VILLA TRACTS", a platted subdivision of Lake County, Montana, according to the map or plat thereof on file and of record in the office of the Clerk and Recorder of Lake County, Montana.

PARCEL 2

Lot 2 of "FESTVOG'S VILLA TRACTS", a platted subdivision of Lake County, Montana, according to the map or plat thereof on file and of record in the office of the Clerk and Recorder of Lake County, Montana,

EXCEPTING THEREFROM all those portions of said Lot 2 described as follows:

The North 11 feet thereof conveyed by Warranty Deed recorded December 30, 1969 under Microfile No. 191794, records of said County. Shown on Deed Exhibit H-1010.

The South 20 feet of the North 31 feet of said Lot 2, conveyed by Warranty Deed recorded May 13, 1974 under Microfile No. 216762, records of said County. Shown on Certificate of Survey No. 2237.

A portion of said Lot 2 conveyed by Warranty Deed recorded October 6, 1974 under Microfile No. 223893, records of said County, identified as Tract "B" on Certificate of Survey No. 2435, records of Lake County, Montana.

SCHEDULE B

325263

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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. Taxes, charges and assessments not yet certified to the Lake County Treasurer for collection.

2. Reservations in the United States Patent granted to Philonese G. Couture, by instrument dated October 4, 1915; recorded October 13, 1915 in Book 131 Deeds, Page 569, Flathead County records, and in Book M Deeds, Page 318, transcribed records of Lake County, Montana, as follows: "and there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States. And there is also reserved an easement in, to and over all lands adjacent to or bordering on Flathead Lake, which lie below an elevation of nine feet above the highwater mark of said lake of the year nineteen hundred and nine, for uses and purposes connection with storage for irrigation or development of water power."

3. Any action based on the claim that any part of the insured premises is within or under navigable waters.

4. Any claims arising from the difference in the mean low water line of Flathead Lake and the meander line as shown by the Government Survey.

5. A perpetual easement granted by Helmer N. Swenson and Agnes L. Swenson, husband and wife, to Norman W. Klein and Claudette C. Klein, husband and wife, by Deed recorded under Microfile No. 191794, and to Leonard H. Ritchard and Virginia E. Ritchard, husband and wife, by deeds, recorded under Microfile No's 216762 and 223893, records of said County, as follows: "Together with a perpetual easement to use the road now constructed parallel with and adjacent to the above described premises and extending from the county Road, not to exceed 230 feet east."

6. Easement for underground electric distribution facilities, purposes and rights incidental thereto, granted by Michael G. Dolce and June F. Dolce to the United States of America, by instrument recorded April 28, 1983 under Microfile No. 274304, records of said County.

7. No search has been made for water rights and unpatented mining claims, and liability thereon is excluded from the coverage of this Certificate.

STATE OF MONTANA  
DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES  
CERTIFICATE OF SUBDIVISION PLAT APPROVAL  
(Section 76-4-101 through 76-4-131, MCA 1979)

To: County Clerk and Recorder      No. 24-90-S62-792  
Lake County  
Polson, Montana 59860

THIS IS TO CERTIFY THAT the plans and supplemental information relating to the subdivision known as:

"TRACT B "

Amended Plat of Tract-1 and a portion of Tract-2 Festvog's Villa Tracts located in SW $\frac{1}{4}$  NW $\frac{1}{4}$  Section 29, Township 23 North, Range 20 West, P.M.M. Lake County, Montana.

Consisting of (1) parcel has been reviewed by personnel of the Water Quality Bureau, and,

THAT the documents and data required by Section 76-4-101 through 76-4-131, MCA 1979 and the rules of the Department of Health and Environmental Sciences made and promulgated pursuant thereto have been submitted and found to be in compliance therewith, and,

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

THAT the lot/parcel size as indicated on the Amended Plat to be filed with the county clerk and recorder will not be further altered without approval, and,

THAT the lot shall be used for one single family dwelling, and

THAT the individual water system will consist of a well drilled to a minimum depth of 25 feet constructed in accordance with the criteria established in Title 16, Chapter 16, Sub-Chapters 1, 3, & 6 ARM and the most current standards of the Department of Health and Environmental Sciences, and,

THAT the individual sewage treatment system will consist of a septic tank and subsurface drainfield of such size and description as will comply with Lake County Septic Systems Regulations and Title 16, Chapter 16, Sub-Chapters 1, 3 & 6 ARM, and,

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THAT the subsurface drainfield shall have an absorption area of sufficient size to provide three hundred (300) square feet per bedroom, and,

THAT the bottom of the drainfield shall be at least four feet above the water table, and,

THAT no sewage treatment system shall be constructed within 100 feet of the maximum highwater level of a 100 year flood of any stream, lake, watercourse, or irrigation ditch, nor within 100 feet of any domestic water supply source, and,

THAT water supply and sewage treatment systems will be located as shown on the approved plans, and,

THAT plans for the proposed water and individual sewage treatment systems will be reviewed and approved by the Lake County Health Department before construction is started, and,

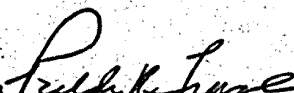
THAT the developer shall provide the purchaser of property with a copy of the Amended Plat, approved location of water supply and sewage treatment system and a copy of this document, and,


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

THAT departure from any criteria set forth in the approved plans and specifications and Title 16, Chapter 16, Sub-Chapters 1, 3 & 6 ARM when erecting a structure and appurtenant facilities in said subdivision without Department approval, is grounds for injunction by the Department of Health and Environmental Sciences.

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

DATED this 15th day of June, 1990.

By:   
Paddy R. Trusler Admin.  
Lake County Land Services

By:   
Steven L. Pilcher, Chief  
Water Quality Bureau  
Environ. Sciences Division

DONALD E. WILSON  
DIRECTOR

Co. No. 30  
Owner: Mike Dolce