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EGB ERA

EASEMENT AND ENCROACHMENT AGREEMENT

This Agreement, made this 27 day of August, 1991, by and between Eagle Bend Company, a Montana corporation, hereinafter Eagle Bend, and Stanley M. Fisher and Beverly J. Fisher husband and wife, hereinafter Fisher,

WITNESSETH

That Fisher is the owner of Lot 97, and Eagle Bend is the owner of Lot 96, of the Amended Plat of the Amended Subdivision Plat of Eagle Bend, according to the map or plat thereof on file and of record in the office of the Clerk and Recorder of Flathead County, Montana

That Fisher has constructed a driveway serving Lot 97, which driveway encroaches approximately 15 feet into Lot 96;

That it is the desire of the parties to provide for an easement for such encroachment and for the joint use and maintenance of such driveway to serve both Lots 96 and 97;

Now therefore, for and in consideration of the premises and the mutual covenants and grants herein contained, the parties do hereby agree, and do hereby grant each to the other, an equal, non-exclusive easement for the use of such driveway as it crosses the property of the other, as said driveway now exists and is located and further the parties agree to share equally the future costs of maintaining, repairing and plowing said driveway. The burden of the easement hereby granted shall not be increased by either party individually, without the written consent of the other party, either by re-subdivision of the existing Lot or extension of the existing driveway to other properties.

In witness whereof, the parties hereto have hereunto set their hands the day and year first above written

Eagle Bend Company

By: Stephen M. Foy

Stanley M. Fisher

Stanley M. Fisher

Beverly J. Fisher

Beverly J. Fisher

When Recorded Return To -
S.M. Fisher
26 Golf Terrace Dr.
Bigfork MT 59911

95150 16010

STATE OF MONTANA)
: s.s.
COUNTY OF FLATHEAD)

On this 22nd day of August, 1991, before me, the undersigned, a Notary Public in and for the State of Montana, personally appeared Stephen M. Zelt, known to me to be the President of the corporation whose name is subscribed to the within instrument, and acknowledged to me that such corporation executed the same.

In witness whereof, I have hereunto set my hand and affixed my official seal the day and year last above written.

Kay D. Russell
Notary Public, State of Montana
Residing at ~~Kalispell~~ Bigfork
My commission expires 6-19-92

STATE OF MONTANA)
: s.s.
COUNTY OF FLATHEAD)

On this 22nd day of August, 1991, before me, the undersigned, a Notary Public in and for the State of Montana, personally appeared Stanley M. Fisher and Beverly J. Fisher, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

In witness whereof, I have hereunto set my hand and affixed my official seal the day and year last above written.

Kay D. Russell
Notary Public, State of Montana
Residing at Bigfork
My commission expires 6-19-92

STATE OF MONTANA }
County of Flathead } ss
Recorded at the request of Ann Fisher
30 day of May 19 95 at 2:10 o'clock P M.
In the records of Flathead County, State of Montana.
12.00 Fee
95150 16010
Flathead County Clerk and Recorder
Deputy

Ann Fisher
76 Half Turn Dr
Bigfork MT 59911-6232

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