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STATE OF MONTANA MADISON COUNTY
RECORDED: 01/26/2012 4:30 KOI: DEED
Peggy Kaatz Stemler CLERK AND RECORDER
FEE: \$28.00 BY: *[Signature]*
TO: FIRST AMERICAN TITLE COMPANY PO BOX 899, ENNIS MT 59729

399176

WARRANTY DEED

FOR VALUE RECEIVED, ELAINE THOMPSON BOKEN, aka ELAINE T. BOKEN, as trustee of the BOKEN FAMILY TRUST, dated November 15, 1991 also appearing of record as ELAINE T. BOKEN, as trustee of the BOKEN FAMILY TRUST, dated November 14, 1991, and ELAINE A. BOKEN, as trustee of the BOKEN FAMILY TRUST, dated November 15, 1991, the Grantor, 126 Novich Lane, Twin Bridges, MT 59754, does hereby grant, bargain, sell, convey and confirm unto **CLEVE WITHAM**, of P.O. Box 197, Twin Bridges, MT 59745, the following-described real property located in Madison County, Montana, to-wit:

YK
A tract of land located in the NE of Section 23, Township 4 South, Range 7 West, P.M.M., Madison County, Montana, more particularly shown and described as "Tract B2" on Certificate of Survey filed in Book 7 of Surveys, page 2212-BA, records of Madison County, Montana.

RESERVATION OF EASEMENT:

Grantor hereby reserves for itself, its successors, heirs and assigns, an easement for ingress and egress to Grantor's septic for maintenance and further reserves an easement for ingress and egress for the purpose of filling Grantor's propane tank.

TOGETHER WITH:

1. All fixtures and improvements of every nature and description whatsoever thereon, and all rights, hereditaments and appurtenances thereunto belonging, including any easements for access, all water rights, ditch rights, shares of stock in ditch companies (if any) or other evidence to title to water appurtenant to the real property; and
2. All of Grantor's right, title and interest, if any, to minerals on the real property. (The term minerals and mineral rights shall be construed as broadly as possible and shall include all interests in minerals of any time or character, including but not limited to sand and gravel, oil and gas, hard and soft minerals of any type, hydrocarbons and any interests in minerals of a contractual, remainder or reversionary nature.)

THIS CONVEYANCE IS SUBJECT TO THE FOLLOWING:

1. Real property taxes and assessments for 2011, and real property taxes and assessments for all subsequent years;
2. Reservations and exceptions in patents from the United States and the State of Montana;
3. Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of person in possession thereof;
4. Existing easements, claims of easements or encumbrances, and rights-of way of record, as well as those not shown by the public records;
5. Uses, zoning, sanitary and environmental restrictions;
6. Mineral and royalty reservations or conveyances of record, gas and mineral leases of record;
7. Subject to covenants, recorded plats, restrictions, reservations, limitations, conditions, uses, agreements and easements contained in records of Madison County, Montana, and all amendments thereto;
8. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the title including discrepancies, conflicts in boundary lines, shortages in area, or any other facts that would be disclosed by an accurate and complete land survey of the land, and that are not shown in the public records;
9. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water whether or not the matters excepted under (a), (b), or (c) are shown by the public records;
10. Any lien, or right to a lien, for services, labor or material theretofore or hereafter furnished, imposed by law and not shown by the public records;
11. County road rights-of-way not recorded and indexed as a conveyance of record in the office of the Clerk and Recorder pursuant to Title 70, Chapter 21, M.C.A., including, but not limited to any right of the Public and the County of Madison to use and occupy those certain roads and trails as depicted on County Surveyor's maps on file in the office of the County Surveyor of Madison County;

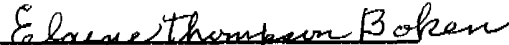
12. Easement granted to Montana Railway Company, recorded March 22, 1887 in Book 44, page 129;
13. Easement granted to Vigilante Electric Cooperative, Inc., recorded November 23, 1994 in Book 385, page 524;
14. All matters, covenants, conditions, restrictions, easements and any rights, interests or claims which may exist by reason thereof, disclosed by Record of Survey recorded June 19, 2008, as Book 7 of Surveys, page 2034-FC, but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status, or national origin to the extent such covenants, conditions or restrictions violate 42 USC 3604(c);
15. All matters, covenants, conditions, restrictions, easements and any rights, interests or claims which may exist by reason thereof, disclosed by Record of Survey recorded December 6, 2011, as Book 7 of Surveys, page 2212-BA, but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status, or national origin to the extent such covenants, conditions or restrictions violate 42 USC 3604 (c).

TO HAVE AND TO HOLD, all and singular, the above-described real property unto Grantees, and to their successors and assigns forever.

Grantor does hereby include in this *Warranty Deed* all covenants and warranties referenced in § 30-11-110, Mont. Code Ann.

IN WITNESS WHEREOF, the Grantor has executed this instrument the day and year first herein written.

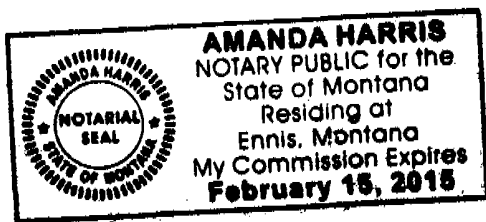
DATED this 25 day of January 2012

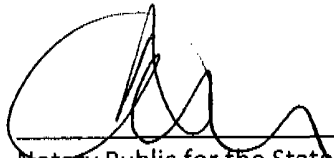

Elaine Thompson Boken, Trustee

STATE OF MONTANA)

County of Madison)^{:SS}

This instrument was acknowledged before me on the 25 day of January, 2012, by ELAINE THOMPSON BOKEN, aka ELAINE T. BOKEN, as trustee of the BOKEN FAMILY TRUST, dated November 15, 1991 also appearing of record as ELAINE T. BOKEN, as trustee of the BOKEN FAMILY TRUST, dated November 14, 1991, and ELAINE A. BOKEN, as trustee of the BOKEN FAMILY TRUST, dated November 15, 1991.





Notary Public for the State of Montana
Notary Name Printed: _____
Residing at: _____
My Commission Expires: _____