

EASEMENT

THIS EASEMENT, dated this 22nd day of November 1973, from the Van Cleave Company, a corporation of the State of Montana, hereinafter called "Grantor," to the United States of America, whose post office address is Washington, D. C., hereinafter called "Grantee,"

WITNESSETH

Grantor, for and in consideration of \$1.00 received by Grantor, does hereby grant to Grantee and its assigns, an easement for horse and foot trails known as East Trunk Trail No. 115, Big Timber Creek Trail No. 119, Sweet Grass Creek Trail No. 122, Middle Fork Sweet Grass Creek Trail No. 123, and Sunlight Trail No. 273, as now existing with such additional width as is necessary to protect cuts and fills and to perform necessary maintenance, over and across the following described lands in the counties of Park and Sweet Grass, State of Montana:

Trail No. 115 - Lot 19, Lot 20, Lot 21 Section 1, T3N, R12E, PMM

Trail No. 119,- Lot 6, Lot 7, Lot 9, Lot 10, Lot 11, Lot 12, Section 5, T3N, R12E, PMM: S $\frac{1}{2}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ , Section 35, T4N, R11E, PMM

Trail No. 122 - NW $\frac{1}{4}$ NW $\frac{1}{4}$  Section 13; S $\frac{1}{2}$ SE $\frac{1}{4}$  Section 11; SE $\frac{1}{4}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ ; SW $\frac{1}{4}$ SW $\frac{1}{4}$  Section 15; E $\frac{1}{2}$ E $\frac{1}{2}$  Section 21; W $\frac{1}{2}$ W $\frac{1}{2}$  Section 27, all in T4N, R11E, PMM

Trail No. 123 - NW $\frac{1}{4}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ NW $\frac{1}{4}$  Section 21; E $\frac{1}{2}$ NW $\frac{1}{4}$ , Lot 1, Lot 2 Section 29; all in T4N, R11E, PMM

Trail No. 273 - NW $\frac{1}{4}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ NW $\frac{1}{4}$ , Section 15, T4N, R11E, PMM

The said easement is approximately in conformity with and located on the ground according to the survey lines, figures, measurements, widths and other references shown on the plats attached hereto and made a part hereof. The centerline of the trails as now existing on the ground is hereby deemed accepted by the Grantor and the Grantee as the true centerline of the easement granted.

The acquiring agency is the Forest Service, Department of Agriculture.

The trails are to be used for horse and foot travel only.

This easement is granted subject to the following reservation by Grantor:

1. The right to cross and recross the easement and trail by any reasonable means and for any purpose in such manner as will not interfere with Grantee's use of the trails.
2. The right to all timber now or hereafter growing on the easement subject to grantee's right to cut timber on the easement to the extent necessary for maintaining the trails. Timber so cut shall be decked along the trails for disposal by the grantor.
3. The right to all ores and minerals, including gas and oil and other hydrocarbon substances beneath the surface of the above-described premises, or contained therein or thereon, with the right to mine for and extract the same, with the right to breach said trails 115, 119, 122, 123 and 273 through any and all sections and parts of the trails and to mine within the right-of-way and beneath the trails themselves, provided:

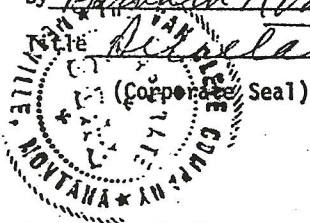


- a. Adequate tests disclose the presence of operable minerals.
- b. Advance notice in writing shall be given to the Forest Supervisor, Gallatin National Forest, not less than thirty (30) days prior to any such breaching of the trail.
- c. Not less than thirty (30) days before such breaching, a suitable location for the construction of a bypass trail around or across the breached area will be made available to the grantee by the grantor and grantor accepts the responsibility for the reconstruction or repair of the breached section of trail.

If for a period of five (5) years the Grantee shall cease to use, or preserve for prospective future use, the trail, or any segment thereof, for the purposes granted, or if at any time the Regional Forester determines that the trail, or any segment thereof, is no longer needed, the easement traversed thereby shall terminate. In the event of such nonuse or of such determination by the Regional Forester, the Regional Forester shall furnish to the Grantor a statement in recordable form evidencing termination.

IN WITNESS WHEREOF, Grantor has caused this instrument to be executed by its duly authorized officers and its corporate seal to be hereunto affixed on the day and year first above written.

Attest: The Van Cleve Company  
 By Barbara K Van Cleve Secretary (Corporate Seal)  
 By Paul E. Van Cleve 3rd President



ACKNOWLEDGMENT

State of Montana }  
 County of Sweet Grass } ss.

On this 22 day of November, 1973, before me, the undersigned, a notary public in and for the State of Montana, personally appeared Paul E. Van Cleve 3rd, known to me to be the President of Van Cleve Company, the corporation that executed 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 hereinabove written.



Richard J. Johnson  
 Notary Public for the State of Montana  
 Residing at Big Timber  
 My commission expires: July 15, 1974

INDEXED	/
RECORDED	/
COMPLETED	/
PAID	/

STATE OF MONTANA }  
 COUNTY OF SWEET GRASS } ss. 93668  
 Filed for record this 11th day of December A.D. 1973  
 at 2:15 o'clock A. M. Recorded in Book 56 of  
Books Page 149 of the Records and Returns  
 County, State of Montana.  
 Fee \$ 12.00 By Hazel D. Callaway  
 County Clerk  
 Return to U.S. Forest Service  
Big Timber Mont