

Cover page for:

**Preliminary Title Insurance Schedules
(with copies of recorded exceptions)**

Preliminary title insurance schedules prepared by:

Chouteau County Abstract Co.

(File Number: 30917-002)

**Auction Tracts 1 & 2
(Chouteau County, Montana)**

For sealed bid auction, with 5/25/2022 bid deadline, conducted by:

Schrader Real Estate and Auction Company, Inc.

On behalf of:

**BOKF, N.A., as Trustee of The Robert W. Emanuel and Byrdie L.
Emanuel Revocable Trust**

Transaction Identification Data for reference only:
Chouteau County Abstract Co.
910 13th Street, P.O. Box 578, Fort Benton, MT 59442
ALTA® Registry ID: 1076988

COMMITMENT NO. A 30917-002
Revision No.:

SCHEDULE A

1. **Commitment Date:** April 28, 2022 at 07:00 AM.
2. **Policy or Policies to be issued:**

	Amount	Premium
(a) Owners Standard Policy Proposed Insured: TO BE DETERMINED, and approved by Company	\$ Fair market value/winning bid amount	
(b) ALTA Lenders Loan Policy Proposed Insured:	\$	\$
(c) Endorsements		\$
3. **The estate or interest in the Land described or referred to in this Commitment is Fee Simple.**
4. **The Title is, at the Commitment Date, vested in:**


BOKF, NA, d/b/a Bank of Oklahoma, Trustee of the Robert E. Emanuel and Byrdie L. Emanuel, Irrevocable Trust, dated November 13, 1998
5. **The Land is described as follows:**

Township 27 North, Range 5 East, P.M.M., Chouteau County, Montana
Section 9: S½N½, S½
Section 10: All

FIRST AMERICAN TITLE INSURANCE COMPANY

By: *Pamela D. Mann, Agent*
Chouteau County Abstract Co.

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by First American Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; [and] Schedule B, Part II—Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

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Form 5033730-A (4-9-18)	ALTA Commitment for Title Insurance (8-1-16) Montana – Schedule A

**SCHEDULE B, PART I
REQUIREMENTS**

All of the following Requirements must be met:

1. The Proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.
2. Pay the agreed amount for the estate or interest to be insured.
3. Pay the premiums, fees and charges for the Policy to the Company.
4. You must give us the following information
 - a. Any off-record leases, surveys, easements, rights of way, etc.
 - b. Statement(s) of identity, all parties, if asked for.
5. Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.
6. We require a copy of the trust agreement and any amendments to the Robert E. Emanuel and Byrdie L. Emanuel, Irrevocable Trust, dated November 13, 1998. The forthcoming deed must be executed in conformity with powers granted to the trustee by the trust agreement.
7. We require proof that if the buyer is an entity that it is a legal entity registered with the State. Additional requirements may be required by Company.
8. The policy liability contemplated by this transaction may exceed our local limit. Underwriter approval must be obtained from the Home Office or Regional Office prior to closing. Please contact the title officer in advance of the closing date to discuss the specifics of the proposed transaction, including identity of proposed insureds, endorsement requirements, and exceptions which are to be eliminated.

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**AMERICAN
LAND TITLE
ASSOCIATION**



**SCHEDULE B, PART II
EXCEPTIONS**


THIS COMMITMENT DOES NOT REPUBLISH ANY COVENANT, CONDITION, RESTRICTION, OR LIMITATION CONTAINED IN ANY DOCUMENT REFERRED TO IN THIS COMMITMENT TO THE EXTENT THAT THE SPECIFIC COVENANT, CONDITION, RESTRICTION, OR LIMITATION VIOLATES STATE OR FEDERAL LAW BASED ON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN.

The Policy will not insure against loss or damage resulting from the terms and provisions of any lease or easement identified in Schedule A, and will include the following Exceptions unless cleared to the satisfaction of the Company.

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records
2. Any facts, rights, interest 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 persons in possession thereof.
3. Easements, claims of easement or encumbrances which are not shown by public records.
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the title including discrepancies, conflicts in boundary lines, shortage 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.
5. (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.
6. 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.
7. Any right, title or interest in any minerals, mineral rights or related matters including but not limited to oil, gas, coal, and other hydrocarbons, sand, gravel, or other common variety materials, whether or not shown by the public record.
8. Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the Public Records or is created, attaches, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I—Requirements are met.

Continued

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<p>Form 5030030-BI&BII (5-11-17)</p>	<p>ALTA Commitment for Title Insurance (8-1-16) Montana – Schedule BI & BII</p>

**SCHEDULE B, PART II
EXCEPTIONS**

- 9. Reservations contained in the various patents to said lands from the United States of America, such reservations, as recorded in the records of Chouteau County, Montana, being substantially as follows: Reservations as to water rights, right of ways for ditches and canals.
- 10. County road rights-of-way not recorded and indexed as a conveyance 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 Chouteau to use and occupy those certain roads and trails as depicted on the county road maps on file in the office of the Chouteau County Clerk and Recorder's Office.
- 11. General and special taxes and assessments required to be paid for the year 2021 and subsequent years. The 2022 taxes are now an accruing lien, but not yet payable.

General and special taxes and assessments for the year 2021:


First half : \$ 1,918.17 - Paid
 Second half : \$ 1,918.14 - Paid
 Total for year : \$ 3,836.31
 Tax Roll No. : 2322

- 12. Easement, dated November 4, 1974, filed April 23, 1975, as Document No. 375726, in Book 52 of Miscellaneous Records, page 900, granted by Chouteau County, Montana, to TIBER COUNTY WATER DISTRICT for a rural water system in, on, beneath, over and across all of the roads, highways and road right-of-ways as shown on the plat attached thereto.

End of Schedule B

(Copies available upon Request)

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375726

EASEMENT

900

NOV 23 1974
HURLBUT, KERSICH
& MCCULLOUGH

The Grantor, CHOUTEAU County, a political sub-division of the State of Montana, for and in consideration of the sum of One and no/100ths Dollars, to it in hand paid, the receipt of which is hereby acknowledged, does by these presents grant, bargain, sell and convey and confirm unto TIBER COUNTY WATER DISTRICT, with an address of Ledger, Montana, and its successors and assigns, temporary and perpetual assignable easements and rights-of-way for the purposes and uses hereinafter mentioned in, on, beneath, over and across the following described land situated in the County of Chouteau, State of Montana, to-wit:

All of the roads, highways and road rights-of-way situated in Chouteau County, Montana as shown on the attached plat hereunto annexed and by this reference made a part hereof.

The perpetual and assignable easement and right-of-way hereby granted includes and covers a tract of land 10 feet in width in, on, beneath, over and across the above described highways, roads and road rights-of-way for the location, construction, operation, repair, maintenance and patrol of underground water lines and appurtenances thereto together with the right of ingress and egress thereto for such purposes.

Tiber County Water District agrees to repair any roads damaged by the aforesaid construction.

IN WITNESS WHEREOF, this instrument is executed the 4 day of November 1974.

CHOUTEAU COUNTY, MONTANA

By P. E. Peres

Chairman of the Board of County Commissioners of Chouteau County, Montana

Document No. 375726
Filed April 23, 1975 at 10 A.M.
Book 52 of Misc., page 900
Office of the Clerk & Recorder
Chouteau County, Montana.

ATTEST:

George W. Harvey
Clerk and Recorder of Chouteau County, Montana

STATE OF MONTANA

County of Chouteau

On this 4 day of November, 1974, before me, the undersigned Notary Public for the State of Montana, personally appeared P. E. PERES

known to me to be the Chairman of the Board of County Commissioners of Chouteau County, Montana who executed the within instrument and acknowledged to me that such Chairman of the Board of County Commissioners of Chouteau County, Montana executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Louise V. Sagan, Clerk of Court
Notary Public for the State of Montana
Residing at:
My commission expires:

EASEMENT

The Chouteau County Commissioners here by grant to the Tiber County Water District, a public water utility, a perpetual easement to construct, operate and maintain a rural water system over, across, under and paralled to Chouteau County Roads and Highways as shown on the attached plat labeled Exhibit "A" which shall be made part here of.

These tracts or strips of lands required are more particularly described as follows.

Tracts or strips of land ten (10) feet in width being five (5) feet on each side of a centerline located parallel to and ten (10) feet distance from the existing right-of-way boundary; also.

Tracts or strips of land ten (10) feet in width being five (5) feet on each side of a centerline located perpendicular to and crossing both right-of-way boundaries of the particular road way.

Date Nov 4, 1974

P. E. Paxon

Commissioner

James L. White Jr.
Commissioner

Blair L. Stearns
Commissioner

375726

STATE OF MONTANA, } ss.
COUNTY OF CHOUTEAU, }

Filed for record the 23rd day of

April A. D. 1975 at 10:00

o'clock 9 A.M. and recorded in book

of Misc on page 200-202

records Chouteau County, Montana.

George W. Harvey
County Recorder

By *Mildred L. Meredith* Deputy

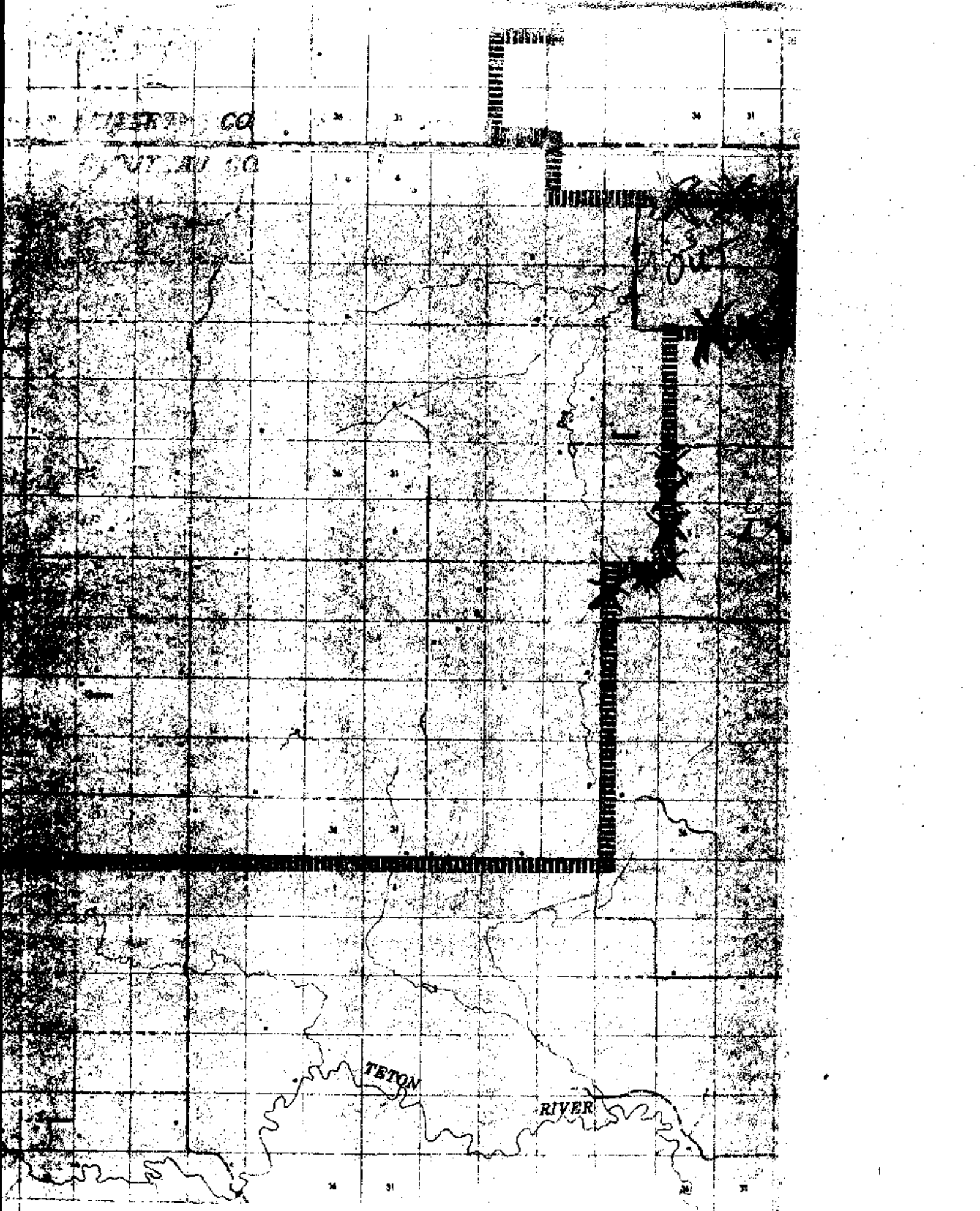
Fee \$ Paid

Ret. Kallfleisch

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ABSTRACTER'S NOTE: Plat attached which outlines Sections 3, 4, 5, 6, Twp. 25 N., Rge. 3 E., M. M. Sections 4, 5, 6, 7, 8, 9, Twp. 26 N., Rge. 6 E., M. M., Sections 1 to 12, 15 to 22, 27 to 34, Twp. 26 N., Rge. 5 E., M. M., All Twp. 26 N., Rge. 4 E., M. M.; All Twp. 26 N., Rge. 3 E., M. M. All Twp. 27 N., Rge. 3 E., M. M. All Twp. 27 N., Rge. 4 E., M. M. Sections 4 to 11, 14 to 23 and 26 to 36, Twp. 27 N., Rge. 5 E., M. M. Sections 31, 32, 33, Twp. 27 N., Rge. 6 E., M. M.

See record for copy of plat attached.



R3E
R4E

..... EXISTING 8" ABM WATER MAIN

R4E
R5E

R5E
R6E

SCALE

BASE MAP FURNISHED BY MONTANA DEPARTMENT OF HIGHWAYS

LIBERTY CO.
CHOUTEAU CO.

SOLID LINE IS
TRICT BOUNDARY

--- COUNTY LINE

..... EXISTING 8" ABM WATER MAIN

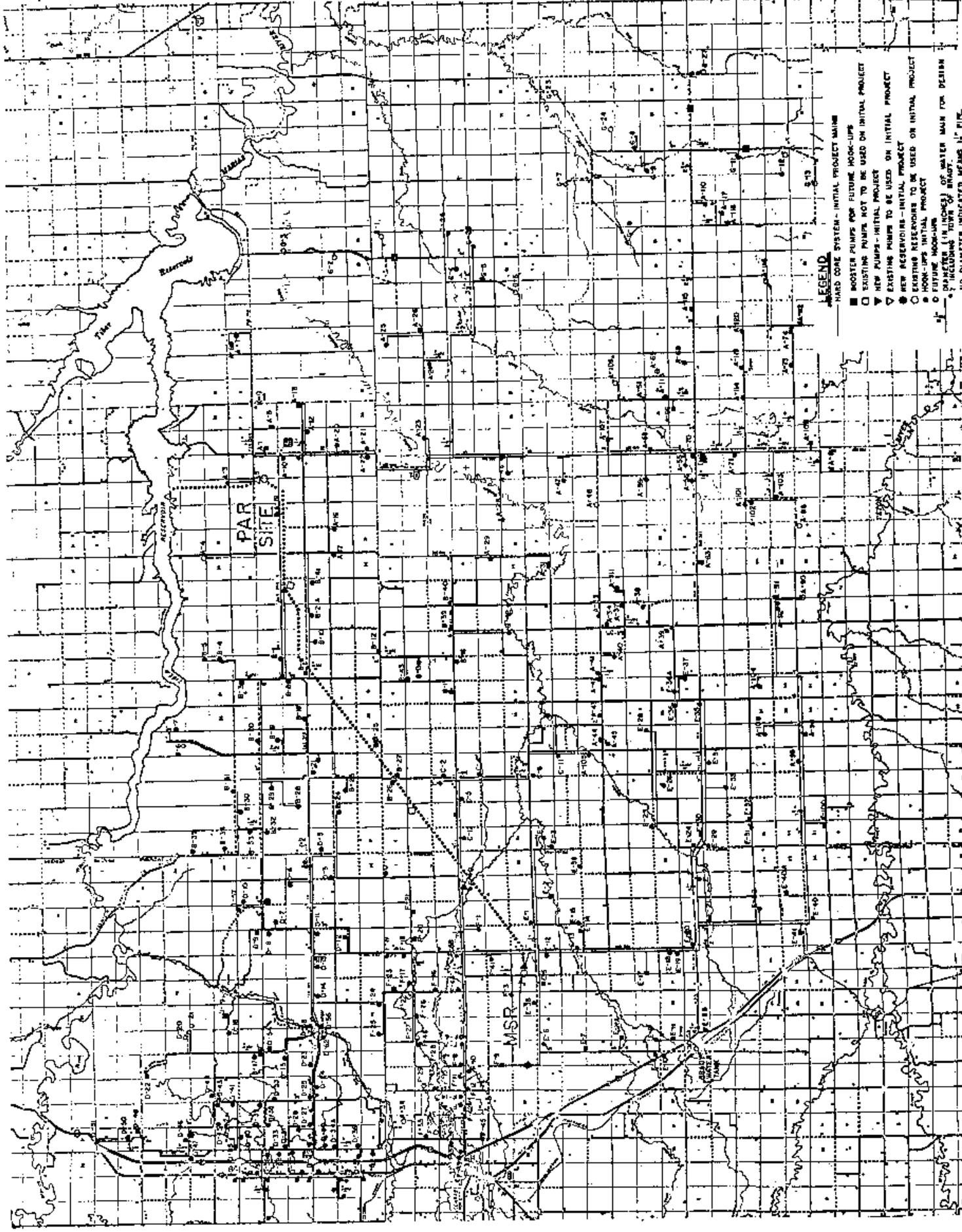
R2E
R3E

R3E
R4E

R4E
R5E

SCALE

BASE MAP FURNISHED BY MONTANA DEPARTMENT

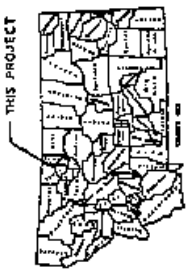


- LEGEND**
- HARD CORE SYSTEM - INITIAL PROJECT MAIN
 - BOOSTER PUMPS FOR FUTURE HOOK-UPS
 - EXISTING PUMPS NOT TO BE USED ON INITIAL PROJECT
 - ▽ NEW PUMPS - INITIAL PROJECT
 - ▽ EXISTING PUMPS TO BE USED ON INITIAL PROJECT
 - NEW RESERVOIRS - INITIAL PROJECT
 - EXISTING RESERVOIRS TO BE USED ON INITIAL PROJECT
 - HOOK-UPS INITIAL PROJECT
 - HOOK-UPS FOR FUTURE PROJECT
 - DIAMETER (IN INCHES) OF WATER MAIN FOR DESIGN
 - INCLUDING DOWN OF PIT
 - INDICATES FUTURE WATER MAIN
 - EXISTING 24" WATER MAIN

SCALE 1" = 300'

BASIC MAP FURNISHED BY MONTANA DEPARTMENT OF HIGHWAYS

- LEGEND**
- 12" WATER MAIN
 - 18" WATER MAIN
 - 24" WATER MAIN
 - 30" WATER MAIN
 - 36" WATER MAIN
 - 42" WATER MAIN
 - 48" WATER MAIN
 - 54" WATER MAIN
 - 60" WATER MAIN
 - 66" WATER MAIN
 - 72" WATER MAIN
 - 78" WATER MAIN
 - 84" WATER MAIN
 - 90" WATER MAIN
 - 96" WATER MAIN
 - 102" WATER MAIN
 - 108" WATER MAIN
 - 114" WATER MAIN
 - 120" WATER MAIN
 - 126" WATER MAIN
 - 132" WATER MAIN
 - 138" WATER MAIN
 - 144" WATER MAIN
 - 150" WATER MAIN
 - 156" WATER MAIN
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 - 2970" WATER MAIN
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 - 2982" WATER MAIN
 - 2988" WATER MAIN
 - 2994" WATER MAIN
 - 3000" WATER MAIN



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