

(2)

DECLARATION OF EASEMENT

KNOW ALL MEN BY THESE PRESENTS: That Amorex Land Company of 1145 North Green Bay Road, Lake Forest, IL 60045, does hereby declare unto itself, its heirs, successors, and assigns non-exclusive, unlimited perpetual easements for access over and across tracts of land located in Silver Bow County, Montana, the servient tenement, and described as follows:

TOWNSHIP 3 NORTH, RANGE 9 WEST

- Section 2:** W $\frac{1}{2}$
- Section 3:** All
- Section 4:** Lots 1, 2, 3, and 4
S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$
- Section 10:** Lots 1, 2, 3, 4, 5, 8, 9, and 10
- Section 11:** Lots 1, 2, 7, and 8 and the S $\frac{1}{2}$ of Lots 5 and 6

TOWNSHIP 4 NORTH, RANGE 9 WEST

- Section 33:** W $\frac{1}{2}$ W $\frac{1}{2}$

1736400
1736300

The approximate location, course, and direction of the easements are depicted on the map attached hereto as Exhibit "A."

In the event a road is constructed from Road No. 1, as depicted on Exhibit "A" through Sections 3 or 4, Township 3 North, Range 9 West to access any portion of Road No. 2 depicted on Exhibit "A," Amorex hereby declares an unlimited non-exclusive, perpetual easement for access over and across such a road.

The easements hereby reserved are for the benefit of and shall run with the land described on Exhibit "B" hereto, the dominant tenement, and shall carry with it the right by the owner of the dominant tenement to elevate (with consent of the servient tenement), maintain, grade, and install culverts for drainage in the roadway. The servient

tenement holder shall not be obligated to maintain and/or improve the roadway easement for the benefit of the dominant tenement or its holder. The owner of the servient tenement may relocate the roadways depicted on Exhibit "A," after providing written notice to the owners of the land described on Exhibit "B," provided the relocation of the roadways does not result in material detriment to the owners of the land described on Exhibit "B." Any such relocated roadway shall be of a quality and condition which is comparable to or better than the quality and condition of the roadway that is being replaced.

DATED this 23 day of February, 1996.

AMOREX LAND COMPANY

BY: John S. Ingersoll
Its: Chairman

STATE OF Montana)
) : ss.
COUNTY OF Gallatin)

On this 23 day of February, 1996, before me, the undersigned officer, personally appeared John S. Ingersoll, known to me to be the person described in and who executed the foregoing instrument as Chairman of AMOREX LAND COMPANY, a corporation named therein, and acknowledged to me that he executed the same as such officer, in the name of and for and on behalf of said corporation.

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



Karen J. Moore
Notary Public for the State of Montana
Residing at Bozeman
My Commission Expires: May 8, 1996

EXHIBIT "B"

SILVER BOW COUNTY

TOWNSHIP 4 NORTH, RANGE 9 WEST

- Section 3: All
- Section 4: Lots 1, 2, 3, 4, S $\frac{1}{2}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$
- Section 5: All
- Section 6: Lots 3, 4, 5, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$
- Section 8: Lots 1, 2, E $\frac{1}{2}$ NW $\frac{1}{4}$
- Section 9: All
- Section 10: All
- Section 15: W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, S $\frac{1}{2}$
- Section 17: All
- Section 18: Lots 1, 2, 3, 4, E $\frac{1}{2}$ W $\frac{1}{2}$, SE $\frac{1}{4}$
- Section 19: Lots 3, 4, Less that certain parcel as described in Book 82, Page 62, records of Silver Bow County
- Section 20: Lots 1, 2, 3, 4, E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$
- Section 21: All
- Section 22: W $\frac{1}{2}$ except surface of Patritti mining claim
- Section 23: All
- Section 27: S $\frac{1}{2}$, NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$

DEER LODGE COUNTY

TOWNSHIP 5 NORTH, RANGE 9 WEST

- Section 35: W $\frac{1}{2}$

507542

STATE OF MONTANA }
COUNTY OF SILVER BOW } SS

I hereby certify that the within instrument was filed for record in my office on the 23 day of July A. D. 1996 at 35 min past 11:55 o'clock P m., and recorded on card 230 of Roll 165 of microfilm records of Silver Bow County, Montana. Attest my hand and seal of said County.

BARBARA SULLIVAN, Clerk & Recorder
by [Signature] deputy

74.00

Return To
WT+E
1900 Brooks St. 135
Missoula MT. 59801

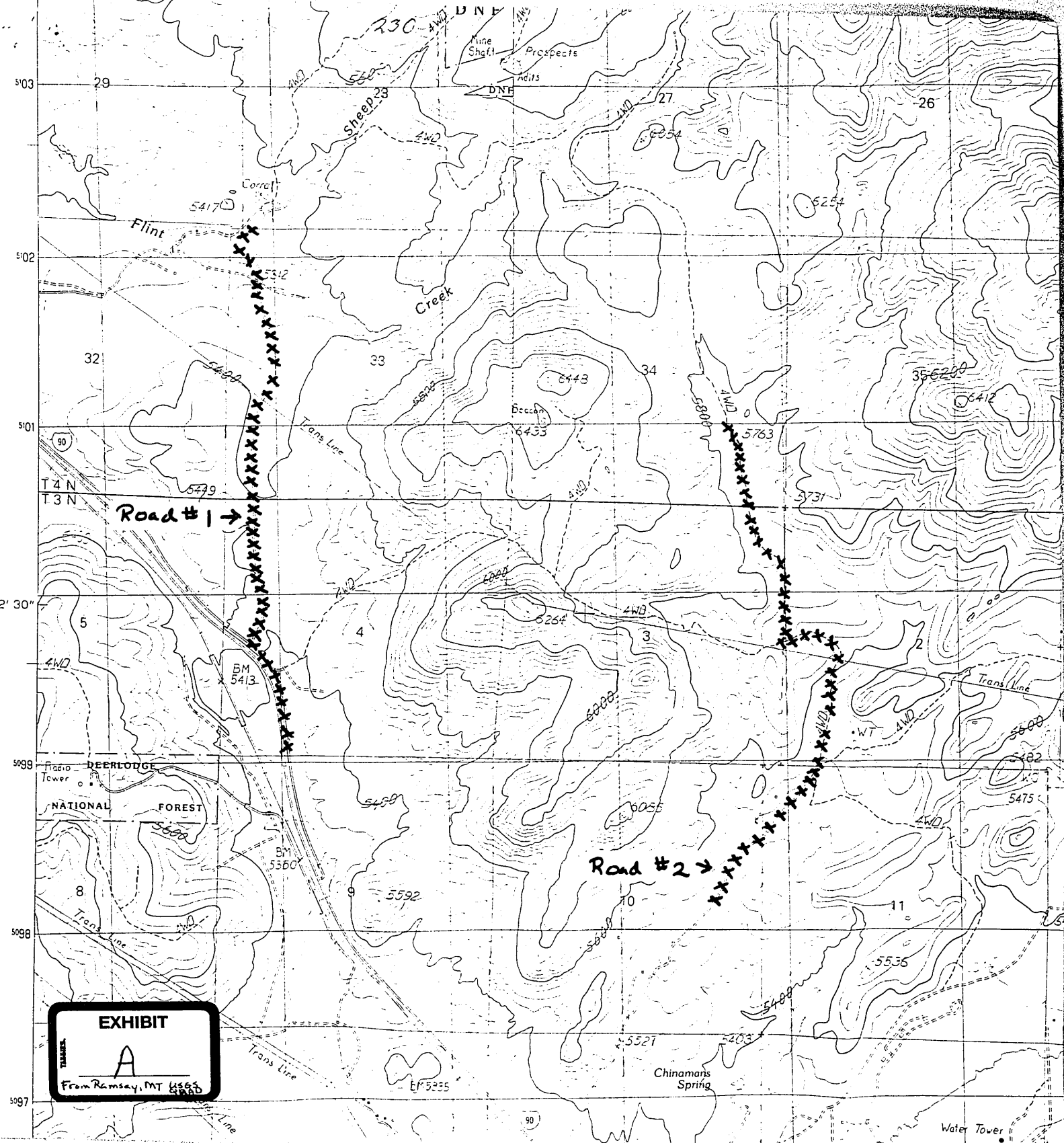


EXHIBIT
A
From Ramsay, MT 4595
4595