

Roll 300 (Ard 558

STATE OF MONTANA } CS 610728  
COUNTY OF SILVER BOW }

I hereby certify that the within instrument was filed  
in my office on the 14 day of  
March A.D. 2007 at  
10:02 a.m. 1 o'clock P.m.,  
in Book 558 on Roll  
300 of the County of Silver Bow  
Montana, and seal of  
my office.

After Recording, Return Original to:  
J4 Land Company, LLC  
19175 Jasper Street, N.W.  
Anoka, MN 55303

*Allen G. Johnson*  
4200  
(J4)

**ROAD EASEMENT AGREEMENT**

**THIS AGREEMENT** made and entered into this 12 day of March, 2007, by  
and between **AMERIMONT, INC.**, a Montana corporation, and **J4 LAND  
COMPANY, LLC**, a Montana limited liability company.

**WITNESSETH**

**WHEREAS**, AmeriMont, Inc. ("AmeriMont") is the developer of the following  
parcels of real property and has reserved unto itself the right to grant easements across  
the same:

Flint Creek Estates:

Section 33, Township 4 North, Range 9 West, Sections 4 and 9 of  
Township 3 North, Range 9 West, M.P.M., Butte-Silver Bow County,  
Montana.

Ph I Flint Creek Cluster Development:

Twenty-Five Tracts of Land; Being a retracement survey and subdivision  
of portions of G.L.O. Lots 1, 2, 3, 4, 5, 6, and 7, the NE1/4, N1/2 SE1/4,  
NE1/4 SW1/4, and E1/2 NW1/4 of Section 3 and portions of G.L.O. Lots  
1, 2, 3, 4, 5, 9 and 10 and the NW1/4 SW1/4 of Section 10, all in  
Township 3 North, Range 9 West, P.M.M., Butte-Silver Bow City-  
County, Montana.

Ph II Flint Creek Cluster Development:

Twenty-Five Tracts of Land; Being a retracement survey and subdivision  
of portions of G.L.O. Lots 1 and 2, the N1/2 SW1/4 and NW1/4 of Section  
2, Portions of G.L.O. Lots 6 and 7 and N1/2 SE1/4, and the NE1/4 of

Section 3, portions of G.L.O. Lots 1, 2, 8 and 10 of Section 10, and portions of G.L.O. Lots 1 thru 8 of Section 11, all in Township 3 North, Range 9 West, P.M.M. Butte-Silver Bow City-County, Montana.

The above described property owned by AmeriMont will hereinafter be referred to as the "Servient Estates."

**WHEREAS**, J4 Land Company, LLC ("J4 Land") is the owner of record of the parcels of real property identified on Exhibit A attached hereto. The above described property owned by J4 Land will hereinafter be referred to as the "Dominant Estates."

**WHEREAS**, AmeriMont desires to grant a nonexclusive private access easement to J4 Land across the Servient Estates and in favor of the Dominant Estates. Said easement shall encompass the Iris Ridge, Deadwood Trail, Pony Express Trail, and Ag Road C as described and set forth in the Flint Creek Ranch Cluster Subdivision Plats on record with Silver Bow County, Montana as Plat Numbers 265B, 270B, and 273B.

**NOW THEREFORE**, and for the consideration and the mutual promises herein set forth, reserved and contained on the part of the parties hereto to be kept and performed, AmeriMont and J4 Land do hereby irrevocably and unconditionally, without reservation, or exception, except as set forth herein, agrees as follows:

#### **GRANT OF EASEMENT**

##### **A. Grant and Location of Easement.**

AmeriMont does hereby irrevocably and unconditionally, without reservation or exception, except as herein set forth, grant unto J4 Land, its assigns and successors-in-interest, to have and to hold a perpetual, non-exclusive easement for ingress and egress through and across the Servient Estates in favor of the Dominant Estates. Said easement shall allow J4 Land to make full use of the Iris Ridge, Deadwood Trail, Pony Express



Trail, and Ag Road C as described and set forth in the Flint Creek Ranch Cluster Subdivision Plats on record with Silver Bow County, Montana as Plat Numbers 265B, 270B, and 273B. Said easement shall hereinafter be referred to as the "J4 Land Easement."

**B. Scope of Easement Granted.**

The scope of the J4 Land Easement herein granted and given is as follows: for a right-of-way for ingress and egress to and from the Dominant Estates for residential and agricultural use. The term "agricultural use" includes the practice of the science or art of cultivating the soil, growing fruits, vegetables or crops and raising or grazing of domestic livestock such as cow/calf pairs, sheep, and horses. The term "agricultural use" does not include the operation of feedlots, feed yards, pig/hog farms, or a commercial poultry operation.

The J4 Land Easement may be used for the placement, maintenance, and repair of utilities. Common utilities, including telephone, cables, and power may be placed in said easement and in a strip of land approximately thirty (30) feet adjacent to the centerline of said easement. All utilities installed by J4 Land must be buried. Existing over-head or above-ground power lines are not subject to this limitation.

The J4 Land Easement may not be used to serve more than the sixteen (16) separate parcels of record which comprise the Dominant Estates. Further, the J4 Land Easement may not be used to serve more than sixteen (16) separate single-family residences. For purposes of this provision a "single-family residence" shall be deemed to include a traditional residential structure, together with all appurtenant outbuildings (e.g.

barns, shops, guest houses, etc.) if any, the use of which is clearly ancillary to the use and occupancy of the main residence.

The Dominant Estates may use the J4 Land Easement by all modes of transportation including, but not limited to, foot, horse, non-motorized and motorized vehicles.

**C. Easement to Run With Land.**

The J4 Land Easement herein granted and given is perpetual in nature and intended to be, and shall be appurtenant to and run with the Dominant Estates.

**D. Assignment.**

The J4 Land Easement granted is non-exclusive and may be hereafter granted, assigned or dedicated by J4 Land to the successors-in-interest to the Dominant Estates.

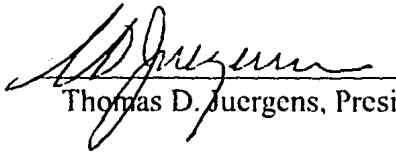
**E. Division of Dominant Estates.**

It is understood and agreed that the Dominant Estates is presently comprised of sixteen (16) separate parcels of land and that J4 Land presently owns the Dominant Estates in its entirety. If, at any time, any individual parcel or parcels of the Dominant Estates comprising of less than the entirety of the Dominant Estates is/are sold, conveyed, or transferred so that the Dominant Estates is owned by two or more separate entities or individuals, the Dominant Estates shall automatically become subject to the Flint Creek Ranch Cluster Declaration of Covenants, Conditions & Restrictions as they currently exist and which are presently of record at Roll 281, Card 94 with the County of Silver Bow, State of Montana.

IN WITNESS WHEREOF the Parties have set their hands and seal as of this

12 day of MARCH, 2007

J4 LAND COMPANY, LLC

  
Thomas D. Juergens, President

STATE OF MINNESOTA )

COUNTY OF Anoka )

On this 12 day of March, 2007, before me a Notary Public for the State of Minnesota personally appeared Thomas D. Juergens, President of J4 Land Company, LLC, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed by Notarial Seal as of the day and year first above-written.

SEAL

Karen Kay Engh  
Notary Public for the State of MIN  
Residing at: 16445 70<sup>th</sup> St  
My Commission expires: 1-31-10



IN WITNESS WHEREOF the Parties have set their hands and seal as of this

14 day of March, 2007

AMERIMONT, INC.



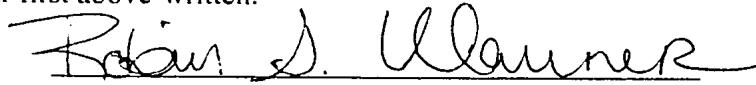
Thomas H. Langel, President

STATE OF MONTANA )

COUNTY OF \_\_\_\_\_ )

On this 14 day of March, 2007, before me a Notary Public for the State of Montana personally appeared Thomas H. Langel, President of AmeriMont, Inc., known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

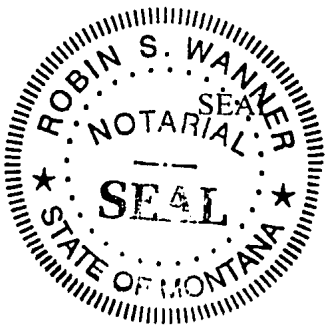
IN WITNESS WHEREOF, I have hereunto set my hand and affixed by Notarial Seal as of the day and year first above-written.



Notary Public for the State of \_\_\_\_\_

Residing at: \_\_\_\_\_

My Commission expires: \_\_\_\_\_



**Robin S. Wanner**  
Notary Public for the State of Montana  
Residing at Manhattan, Montana  
My Commission Expires December 8, 2010