

ORIGINAL

Citizen's Title  
CT-12373

89194 NISO

ROAD MAINTENANCE AGREEMENT

WHEREAS, the parties are owners of the tracts of land designated in their names as follows:

Section 25, Township 27North, Range 20 West, P.M. Flathead County, Montana.

001640  
002916  
0547869  
039116  
003330  
003330  
0198250  
0618250

			<u>Segment Users</u>
Owner A	Tract 7G	Arnold H. and Iris M. Dillard 215 Chapman Hill Bigfork, Montana 59911	2
Owner B	Tracts 7C, 7E, 7D	Warren J. and Verona V. Hogue 245 Chapman Hill Bigfork, Montana 59911	1
Owner C	Tracts 7FA, 7F, 7A, 7FB	Vivienne Lou Hunter 4636 Gharrett Missoula, Montana 59801	1
Owner D	Tract 7C	Bennie & Joyce Evelyn Lazzara, Jr. 606 Madison St. Suite 2001 Tampa, Florida 33602	1
Owner E	Tract 3E	Clarence & Joyce Andersen 265 Chapman Hill Bigfork, Montana 59911	1
Owner F	Tract 3D	Dr. Van Kirk & Helen Nelson P. O. Box 1175 Kalispell, Montana 59911	1

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WHEREAS, the parties have easements across and make use of the private roadway, as shown on Certificate of Survey #23435 for Ronald Muller and done by Jim Shaw in 1966, records of Flathead County, Montana, along the portion of said roadway from Chapman Hill Drive to their respective parcels. The parties use that certain private road for access to their respective parcels.

NOW THEREFORE, IT IS HEREBY AGREED AS FOLLOWS:

1. The parties hereto agree that they will not, individually or in concert with others, in any way, take any steps, or make any changes, additions, alterations, improvements on or create any impediments to said private road which will unreasonably interfere with the ingress and egress to all tracts located thereon.

The parties further agree that the road condition and surface shall be maintained in such fashion as to insure reasonable ingress and egress to all tracts. Usual and ordinary maintenance, to include snow removal, will be in a manner and means contracted for and approved by 75% of the undersigned parties. The expense of such maintenance shall be allocated between the users of said road based on the concept of "use units". (See example.) Each owner's "use unit" will equal the length of the segment of road used divided by the total length of the road divided by the number of 'bonafied users'\* which will result in a percentage factor constituting each owner's percentage of maintenance costs on the designated road segment. Road segments shall be determined by agreed upon access points or property boundaries. Segmentation is subject to change due to future development of the subdivision and the number of segment users.

\* Bonafied User--defined as a user entering an access point. EXAMPLE: vehicle use generated from a one family dwelling would equal one 'bonafide user'. Vehicle use generated from a four-family townhouse would equal four 'bonafied users'.

89194 1/150

Extraordinary maintenance costs required because of natural disaster, unusual deterioration, or any other factor other than the ordinary and general maintenance costs of said road, shall be borne in equal shares by the users of the road whose access is directly affected by the situation requiring extraordinary maintenance costs.

Each land owner involved in this agreement shall have one vote. Joint ownership shall equal one vote.

EXAMPLE:

Assume the road is 1.6 miles in length.

Assume that an agreed upon segment is 0.2 miles in length and used by seven bonafied users. The number of bonafied users shall decrease as proceeding across road segments to the end of the road.

Road Segment	Segment Length-Mi.	Total Rd. Length-Mi.	% Total Rd. Length	#Seg. Users	Percentage Factor
A	0.20	1.6	12.50	7	.01786
B	0.20	1.6	12.50	5	.02500
C	0.60	1.6	37.50	4	.09375
D	0.25	1.6	15.625	3	.05083
E	0.25	1.6	15.625	2	.07813
F	0.10	1.6	6.250	1	.0625

Assume it would cost \$1,000.00 to maintain the total 1.6 miles of road. Segment A would cost 12.5% of \$1000.00 equalling \$125.00 ÷ 7 users = \$17.86 per user or \$1,000.00 X factor .01786 = \$17.86.

See attached Exhibit A--Road Log

See attached Exhibit B--Flathead County Assessor's Platt

See attached Exhibit C-- Outline of the road

1950 1050

EXHIBIT A--ROAD LOG

<u>SEGMENT</u>	<u>TERMINI DESCRIPTION</u>	<u>MILE POST</u>
	JUNCTION WITH CHAPMAN HILL DRIVE (COUNTY ROAD)...	0.00
A.	Arnold S. and Iris M. Dillard---easterly	0.20
B.	Property line of Warren J. and Verona V. Hogue--northerly	0.40
C.	Property line of Vivienne Lou Hunter--north easterly	1.00
D.	Property line of Bennie & Joyce Evelyn Lazzara, Jr.--northerly	1.25
E.	Property line of Clarence and Joyce Andersen--northerly	1.50
F.	Dr. Van Kirk and Helen Nelson	1.60
	End of existing road.	

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Exhibit B

25

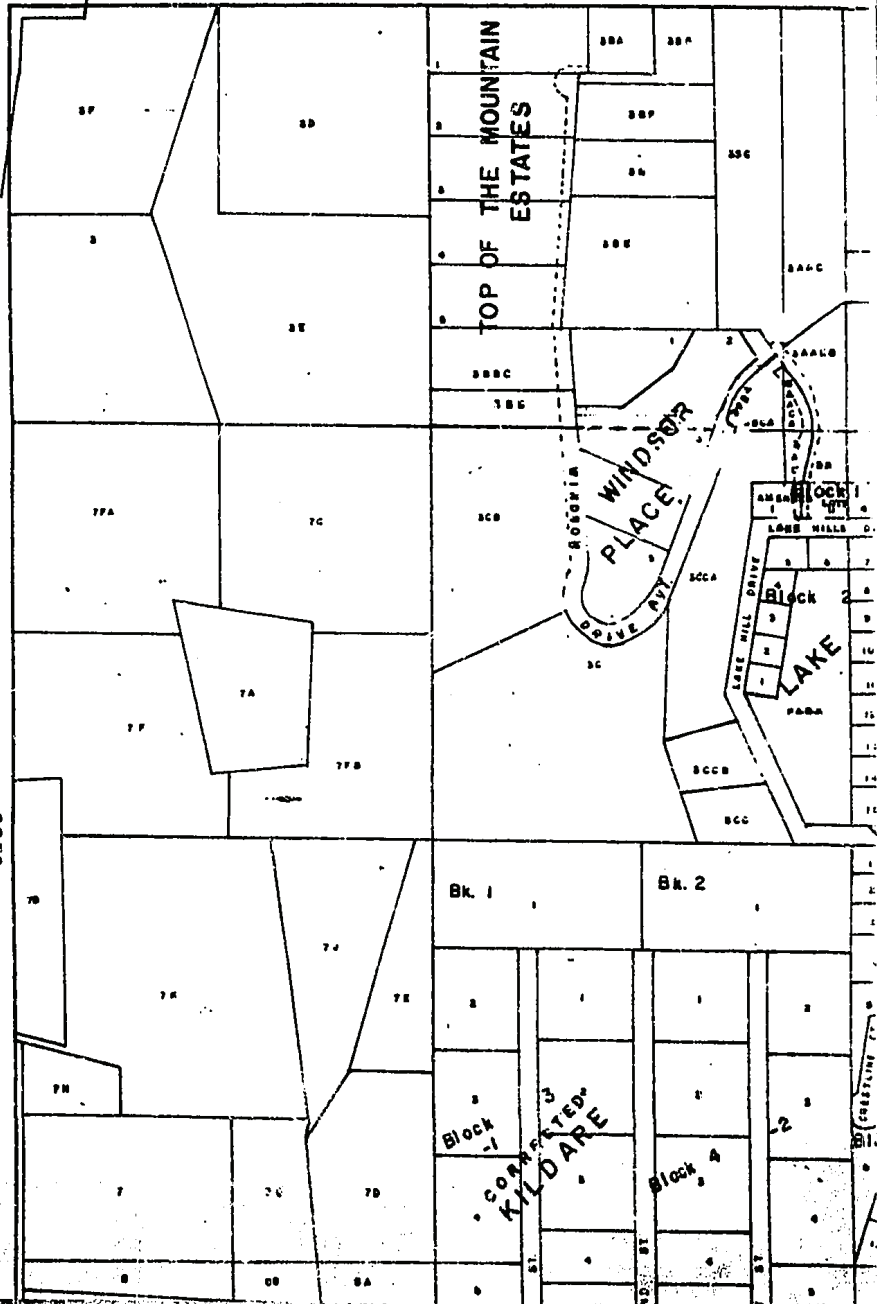
27

400'  
ON  
cres  
40.00  
10.00

N. 89° 56'  
5286'

S ADD  
1AAA0A, 30AB, 3AAB, 3AAD,

NORTH  
5280'





6935410150

IN WITNESS WHEREOF, the undersigned, constituting more than 75% of the owners of real property in Section 25, Township 27North, Range 20 West, P.M. Flathead County, Montana as shown on Certificat. of Survey #23435 for Ronald Munter and done by Jim Shaw in 1966.

Arnold H. Dillard  
Arnold H. Dillard

Iris M. Dillard  
Iris M. Dillard

Warren J. Hogue  
Warren J. Hogue

Verona V. Hogue  
Verona V. Hogue

\_\_\_\_\_  
Vivienne Lou Hunter

\_\_\_\_\_  
Bennie Lazzara, Jr.

\_\_\_\_\_  
Joyce Evelyn Lazzara

Clarence F. Andersen  
Clarence F. Andersen

Joyce Andersen  
Joyce Andersen

STATE OF MONTANA)  
:SS  
County of Flathead

On this 1<sup>st</sup> day of May 1989, before me, the undersigned, a Notary Public for the State of Montana, personally appeared ARNOLD H. Dillard, Iris M. Dillard, Warren J. Hogue, Verona V. Hogue, Clarence F. Andersen, and Joyce Andersen known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year in this Instrument first above written.



Donna L. Anderson  
Notary Public for the State of  
Montana  
Residing at: Bigfork, mt.  
My Commission Expires: 10/8/90

89194 10/50

IN WITNESS WHEREOF, the undersigned, constituting more than 75% of the owners of real property in Section 25, Township 27North, Range 20 West, P.M. Flathead County, Montana as shown on Certificate of Survey #23435 for Ronald Munter and done by Jim Shaw in 1966.

\_\_\_\_\_  
Arnold H. Dillard

\_\_\_\_\_  
Iris M. Dillard

\_\_\_\_\_  
Warren J. Hogue

\_\_\_\_\_  
Verona V. Hogue

*Vivienne Lou Hunter*  
\_\_\_\_\_  
Vivienne Lou Hunter

\_\_\_\_\_  
Bennie Lazzara, Jr.

\_\_\_\_\_  
Joyce Evelyn Lazzara

\_\_\_\_\_  
Clarence Andersen

\_\_\_\_\_  
Joyce Andersen

STATE OF MONTANA )  
                          ) :ss  
County of Missoula )

On this 8<sup>th</sup> day of June, 1989, before me, the undersigned, a Notary Public for the State of Montana, personally appeared Vivienne Lou Hunter known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year in this Instrument first above written.

*Sharon S. Copeland*  
\_\_\_\_\_  
Notary Public for the State of Montana  
Residing at: Lolo  
My Commission Expires: 8-31-90



89194/10/50

IN WITNESS WHEREOF, the undersigned, constituting more than 75% of the owners of real property in Section 25, Township 27 North, Range 20 West, P.M. Flathead County, Montana as shown on Certificate of Survey #23435 for Ronald Hunter and done by Jim Shaw in 1966.

Arnold H. Dillard

Iris M. Dillard

Warren J. Hogue

Verona V. Hogue

Vivienne Lou Hunter

Bennie Lazzara, Jr.

Joyce Evelyn Lazzara aka Joyce Lazzara

Clarence Andersen.

Joyce Andersen

STATE OF FLORIDA )  
                          :SS  
County of HILLSBOROUGH

On this 1st day of May, 1989, before me, the undersigned, a Notary Public for the State of Florida personally appeared BENNIE LAZZARA, JR. and JOYCE E. LAZZARA known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

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

*Joyce G. Dixon*

Notary Public for the State of  
Residing at: Florida at Large

My Commission Expires: \_\_\_\_\_



JOYCE G. DIXON  
My Comm. expires Jan. 24, 1993  
Notary Public - State of Florida

Return: Radice Northwest Real Estate  
Box 216  
Bigfork, MT. 59911

STATE OF MONTANA )  
County of Flathead )  
Filed for record at the record of \_\_\_\_\_  
this 17 day of July, 1989 at 11:15 o'clock A.M.  
Recorded in \_\_\_\_\_  
Books of Flathead County, State of  
Montana.  
89194/10/50  
40  
By Susan W. Haverfield  
County Clerk, Flathead County, Montana

Note: *Michael did not sign this agreement*