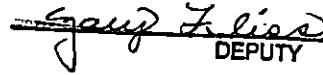


1 Hon. Howard F. Recht
2 Ravalli County District Court
3 205 Bedford St., Suite A
4 Hamilton, MT 59840
5 Phone: (406) 375-6780
6 Fax: (406) 375-6785

FILED
PAIGE TRAUTWEIN, CLERK

DEC 19 2019


DEPUTY

8 MONTANA TWENTY-FIRST JUDICIAL DISTRICT COURT,
9 RAVALLI COUNTY

10 IN THE MATTER OF THE ESTATE OF: 11 12 FRANCIS B. BESSENEY, 13 Deceased.	DEPT NO. 1 HOWARD F. RECHT PROBATE NO. DP-12-92 / 31 ORDER GRANTING AMENDED PETITION FOR PARTITION OF REAL PROPERTY FOR PURPOSES OF ESTATE DISTRIBUTION FOR RESPONSE
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17
18 **ORDER**

19 This matter came before the Court on the Amended Petition of
20 Personal Representative, Ilona Besseney, by and through her attorneys of
21 record, pursuant to M.C.A. § 72-3-914 and 72-3-915 for a partial partition
22 of real property for the purposes of allowing a distribution of property to the
23 devisees of the estate of the decedent, Francis B. Besseney, without
24 subdivision regulation. The real property at issue is located near Hamilton
25
26

1 Montana and is legally described as follows:

2 SE1/4 and SW1/4 of Section 18 and the NE1/4, NW1/4, SE1/4
3 of Section 19, T6N, R20W, P.M.M., Ravalli County, Montana.

4 (hereinafter "Undivided Real Property").
5

6 The Court is in receipt of comments from Terry Nelson, Planning
7 Administrator for the Ravalli County Planning Department, which
8 comments were made following three public meetings of Ravalli County
9 Commissioners, the governing body of Ravalli County. The Court
10 recognizes Ravalli County has been given an adequate opportunity to
11 comment upon the proposed Court-ordered division of land pursuant to §
12 76-3-201(4) MCA, and in consideration of those comments and good
13 cause appearing:
14
15

16
17 IT IS HEREBY ORDERED AS FOLLOWS:

18 Petitioner shall remit to the County a review fee, pursuant to § 76-3-
19 201(4) MCA, which fee shall include the cost of the Examining Land
20 Surveyor fees and,
21

22 IT IS FURTHER HEREBY ORDERED as follows:

23 The Petition for partition of real property for purposes of allowing
24 distribution of property to the heirs and devisees of the estate of the
25 decedents, Francis Besseney, without subdivision regulation is granted as
26

1 follows:

2 A. The Undivided Real Property may be divided into four (4)
3
4 separate parcels as proposed in the "Unopposed Amended Petition for
5 Partition of Real Property For Purposes of Estate Distribution and
6 Consents of Devisees", filed with the Court on November 4, 2019
7 ("Amended Petition").
8

9 B. The Court recognizes that the proposed boundaries in the
10 Amended Petition were taken from an aerial photograph and prior surveys,
11 meaning additional survey work may need to be done to finalize the
12 Certificate of Survey. The unrecorded draft Certificate of Survey attached
13 to the Amended Petition shall be finalized by the surveyor prior to recording
14 that document. The Certificate of Survey that is to be filed shall be
15 substantially as proposed in the Amended Petition, but may include the
16 addition of any easements, such as access or utility easements for
17 example, that the devisees may agree upon.
18
19
20


21 C. After the surveyor completes the necessary field work to
22 finalize the Certificate of Survey, Petitioner may record the finalized
23 Certificate of Survey with the Ravalli County Clerk and Recorder.
24

25 D. The Ravalli County Clerk and Recorder is ordered to number
26

1 and record the Certificate of Survey, so long as that Certificate of Survey is
2 substantially similar to the attached Exhibit "A".
3

4 E. Ravalli County is hereby ordered to recognize the four new
5 parcels, as described herein and Exhibit "A," as legally recognizable tracts
6 of land which may be sold, transferred, encumbered or developed as the
7 owner(s) of those tracts see fit, in compliance with all applicable Ravalli
8 County Regulations, including permitting by the County Sanitarian of septic
9 improvements and/or installations. Ravalli County shall also treat each
10 parcel as separately taxable. Further development of the properties may
11 require, where appropriate, water and wastewater permits from RCEHD
12 and/or MDEQ, or potential further applications with the government as may
13 be required by law.
14
15
16

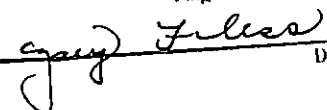
17 Dated this 19 day of December, 2019.

18 
19 _____
20 Hon. Howard F. Recht
21 District Court Judge

22 cc: Reid Perkins, Esq.
23 Ravalli County Planning Dept.
24 Ravalli County Attorney
Ravalli County Commissioners

25
26
ORDER

I certify that I forwarded copies of
this instrument to counsel of record, *Planning*
Dept. on com. by email
December 20, 2019
Paige Trautwein, Clerk


Deputy

