

EASEMENT AGREEMENT

THIS EASEMENT AGREEMENT is made and entered into this 24th day of March, 1992, between Missoula County Airport Authority of Missoula, Montana, (hereafter "Grantor") and G. Elmer Flynn, Mary A. Flynn, Frances McQuade, (a/k/a Francis McQuade), Clarence S. Sinclair Trust, and Patricia Sinclair, (hereafter "Grantees"), as follows:

WHEREAS, Grantor owns certain real property located in Missoula County, Montana, and more particularly described as follows:

Tracts 1, 2 & 3 of Certificate of Survey No. 3176, located in Section 12, Township 13 North, Range 20 West, Principal Meridian, Montana; containing 60 acres, more or less; (hereafter Grantor's property); and

WHEREAS, Grantees own certain real property located in Missoula County, Montana, more particularly described as follows:

Tracts 4, 5, 6, 7, 8, 9 & 10 of Certificate of Survey No. 3176, located in Section 12, Township 12 North, Range 20 West, Principal Meridian, Montana; containing 140 acres, more or less; (hereafter Grantees' property); and

WHEREAS, pursuant to the parties agreement to resolve a legal action known as Missoula County Airport Authority vs. G. Elmer Flynn, et al., Missoula County District Court Cause No. 71742, and G. Elmer Flynn, et al., v. Missoula County Airport Authority, et al., Missoula County District Court Cause No. 75620; and

WHEREAS, the parties have agreed to create an easement for the Grantees' benefit and appurtenant to their real property described above, and

WHEREAS, the easement will encumber Grantor's property described above, and

WHEREAS, the parties have reached an agreement about the easement and wish to memorialize their understanding,

NOW, THEREFORE, in consideration of the mutual benefit the parties receive as a result of creating the easement and in consideration for the parties' agreement resolving Missoula County District Court Cause Nos. 71742 and 75620, the parties agree as follows:

1. Grantor conveys to Grantees and their heirs, devisees, and successors in interest a 60-foot wide private right-of-way easement set in at least three (3) feet from the north and east boundary lines of Grantor's property described herein. In other words, the private easement shall be offset from said boundary lines and not abutting them in any way.
2. The easement described herein shall be subject to the following terms and conditions:
 - a. The easement described herein shall not cross or abut any part of the Runway 11-29 safety zone that is a portion of Grantor's property described herein.
 - b. The Grantees shall bear all other costs including constructing, operating, repairing and maintaining the easement described herein.
 - c. Grantees shall provide Grantor reasonable notice of their intention to construct the easement described herein and, with such notice, provide Grantor a copy of construction plans for said easement.
3. Grantees hereby hold and save Grantor harmless from any and all damage arising from their reliance upon or their use of the rights, obligations, easements and rights-of-way described herein.
4. This agreement shall be binding upon the parties and their assigns, successors, executors, personal representatives, administrators, agents and heirs.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals this 24th day of MARCH, 1992.

GRANTEES:

G. Elmer Flynn
G. Elmer Flynn

Clarence S. Sinclair

Mary A. Flynn
Mary A. Flynn

Patricia Sinclair
Trustee Clarence S. Sinclair
Trust

Frances McQuade
Frances McQuade, a/k/a
Francis McQuade

Patricia Sinclair
Patricia Sinclair

GRANTOR:

MISSOULA COUNTY
AIRPORT AUTHORITY

By: Timothy O. Phillips
Timothy O. Phillips, Director

By: Zane K. Sullivan
Zane K. Sullivan
Chairman, Airport Commission

STATE OF MONTANA)
 : ss.
County of Missoula)

On the 10th day of March, 1992, before me,
the undersigned, a Notary Public for the State of Montana,
personally appeared G. Elmer Flynn and Mary A. Flynn, known to me
to be the person whose name is subscribed to the foregoing
instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and notarial
seal the day and year first above written.



STATE OF MONTANA)
 : ss.
County of Missoula)

On the 10th day of March, 1992, before me,
the undersigned, a Notary Public for the State of Montana,
personally appeared Frances McQuade a/k/a Francis McQuade, known to me
to be the person whose name is subscribed to the foregoing
instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and notarial
seal the day and year first above written.



Dale A. James
Notary Public for the State of Montana
Residing at Missoula, Montana
My commission expires: 1-30-95

STATE OF MONTANA)
County of Missoula)
: ss.

On the 10th day of March, 1992, before me,
the undersigned, a Notary Public for the State of Montana,
personally appeared Patricia Sinclair, known to me to be the
person whose name is subscribed to the foregoing instrument and
acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and notarial
seal the day and year first ab
ove written.



Dale A. James
Notary Public for the State of Montana
Residing at Missoula, Montana
My commission expires: 1-30-95

STATE OF MONTANA)
County of Missoula)
: ss.

On the 13th day of April, 1992, before me,
the undersigned, a Notary Public for the State of Montana,
personally appeared Zane K. Sullivan, known to me to be the
Chairman of the Board of Directors of the Missoula County Airport
Authority and the person whose name is subscribed to the
foregoing instrument and acknowledged to me that he executed the
same.

IN WITNESS WHEREOF, I have hereunto set my hand and notarial
seal the day and year first above written.



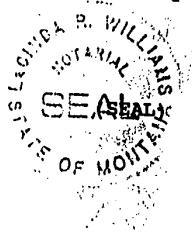
Leonda R. Williams
Notary Public for the State of Montana
Residing at Missoula, Montana
My commission expires: 11-30-94

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STATE OF MONTANA)
County of Missoula) ss.

On the 13th day of April, 1992, before me, the undersigned, a Notary Public for the State of Montana, personally appeared Timothy O. Phillips, Director of the Missoula County Airport Authority, and known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and notarial seal the day and year first above written.



Linda P. Williams
Notary Public for the State of Montana
Residing at Missoula, Montana
My commission expires: 11-30-94

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I RECEIVED AND FILED THIS INSTRUMENT FOR RECORD ON THE 1 DAY OF Sept 19 92 AT 10:00 O'CLOCK A.M. AND IT IS RECORDED
IN VOL 360 OF MFCR RECORDS OF THE COUNTY OF MISSOULA, STATE OF MONTANA, ON PAGE 1. FEE 0 PAID 0
RETURN TO Airport Authority WITNESS MY HAND WENDY CROMWELL, COUNTY RECORDER
ADDRESS file BY parlchasee DEPUTY DOC E