

WARRANTY DEED

WARRANTY DEED made this 1 day of ^{May} April, 2000, between EDWARD M. SULLIVAN and BERNICE L. SULLIVAN, and their successors, as Co-Trustees of the Edward M. Sullivan Family Trust, of HCO 2 Box 52, City of St. Maries, County of Benewah, State of Idaho 83861, herein referred to as "Grantors"; and TERRY DAVENPORT and MICHELLA DAVENPORT, husband and wife, of HCO 3 Box M6, City of St. Maries, County of Benewah, State of Idaho 83861, as "Grantees".

WITNESSETH:

That Grantors, for good and valuable consideration, the receipt whereof is hereby acknowledged, have granted, bargained, and sold, and do, by these presents grant, bargain, sell, convey, and confirm unto Grantees and their heirs and assigns forever, all the following described real estate situated in Benewah County, State of Idaho, to-wit:

A part of the SE 1/4 SE 1/4, sec. 8 and the SW 1/4 SW 1/4, sec. 9, Township 46 North, Range 2 West, B.M., Benewah County, Idaho; more particularly described as follows:

BEGINNING at the corner to secs 8, 9, 16 and 17, monumented with an iron pipe, 1-1/2 ins. diam., with a brass cap, 2-1/2 ins. diam., mkd. PLS 906;

thence North 89°50'00" West, 386.40 ft. (of record as South 89°32'45" West) along the South line of said sec. 8 to an iron rod, 30 ins. long, 5/8 in. diam., with a plastic cap mkd. PLS 832;

thence North 30°09'00" West, 100.77 ft. (of record as North 30°46'15" West) along the northeasterly right of way line of Highway 3 - FAP 31-A according to the plats of Cassandra Hills and Amended Cassandra Hills to an iron rod, 30 ins. long, 5/8 in. diam., with a plastic cap mkd. PLS 832;

thence North 31°01'47" East, 159.77 ft. to an iron rod, 30 ins. long, 5/8 in. diam., with a plastic cap mkd. PLS 832;

thence North 29°02'05" East, 70.45 ft. to an iron rod, 30 ins. long, 5/8 in. diam., with a plastic cap mkd. PLS 832;

thence North 65°22'45" East, 116.23 ft. to an iron rod, 30 ins. long, 5/8 in. diam., with a plastic cap mkd. PLS 832;

thence North 70°21'35" East, 105.72 ft. to an iron rod, 30 ins. long, 5/8 in. diam., with a plastic cap mkd. PLS 832;

thence North 30°12'47" West, 125.15 ft. to an iron rod, 30 ins. long, 5/8 in. diam., with a plastic cap mkd. PLS 832;

thence North 55°49'11" East, 412.58 ft. to an iron rod, 30 ins. long, 5/8 in. diam., with a plastic cap mkd. PLS 832;

thence North 49°28'23" East, 272.76 ft. to an iron rod, 30 ins. long, 5/8 in. diam., with a plastic cap mkd. PLS 832;

thence South 10°27'25" East, 132.74 ft. to an iron rod, 30 ins. long, 5/8 in. diam., with a plastic cap mkd. PLS 832 on the westerly right of way line of Cassie Drive;

thence southerly, traversing said westerly right of way line as follows:

290.41 ft. along the arc of a 280.00 ft. radius curve left, said curve having a chord bearing South 25°01'45" West, 277.56 ft. to an iron rod, 30 ins. long, 5/8 in. diam., with a plastic cap mkd. PLS 832;

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South 4°40'55" East, 142.82 ft. (of record as South 5°18'15" East) to an iron rod, 30 ins. long, 5/8 in. diam., with a plastic cap mkd. PLS 832;

95.85 ft. along the arc of a 270.00 ft. radius curve right, said curve having a chord bearing South 5°29'15" West, 95.35 ft. to an iron rod, 30 ins. long, 5/8 in. diam., with a plastic cap mkd. PLS 832;

South 15°39'30" West, 203.89 ft. (of record as South 15°02'15" West) to an iron rod, 30 ins. long, 5/8 in. diam., with a plastic cap mkd. PLS 832;

South 12°04'00" West, 75.52 ft. (of record as South 11°27'00" West, 75.55 ft.) to an iron rod, 5/8 in. diam. - no cap;

thence leaving said right of way line, North 89°34'38" West, 208.83 ft. (of record as South 89°48'30" West, 208.82 ft.) along the South line of said SW 1/4 SW 1/4 to the POINT OF BEGINNING.

This parcel contains 8.3 acres more or less.

Grantors reserve, for a period of 3 years from the date of execution of this Warranty Deed, an easement for use of an existing well lying on the above described property, more particularly described as follows:

Commencing at the corner to secs 8, 9, 16 and 17, monumented with an iron pipe, 1-1/2 ins. diam., with a brass cap, 2-1/2 ins. diam., mkd. PLS 908;

thence North 21°27'12" East, 106.30 ft. to the center of the well, the POINT OF BEGINNING;

thence to the arc of and including the area within the circumference of a circle having a radius of 50 ft.;

thence South 0°25'22" West, 84.21 ft.;

thence South 89°34'38" East, 173.78 ft., 15 ft. North of and parallel with the South line of said SW 1/4 SW 1/4 to the westerly right of way line of Cassie Drive, the POINT OF TERMINATION, with the sidelines extending or shortening to terminate on said right of way line.

Said easement shall also include a water line, running across the land of the Grantees from the well described herein onto Grantors' property, more particularly described as follows:

Commencing at the POINT OF BEGINNING, the location of the well;

thence with a 20 ft. wide easement, lying 10 ft. on each side of the centerline;

North 13°07'24" West, 132.03 ft.;

North 16°04'24" West, 144.09 ft.;

thence with a 50 ft. wide easement, lying 25 ft. on each side of the centerline;

North 14°54'56" West, 62.36 ft.;

North 7°02'39" West, 59.47 ft.;

North 4°36'56" West, 73.93 ft. the POINT OF TERMINATION, with the sidelines extending or shortening to terminate on the property line.

The easement reserved herein shall be maintained in good repair by the Grantors, at their sole cost and expense. Grantors agree to notify Grantees before undertaking any repair or maintenance on the well or water line.

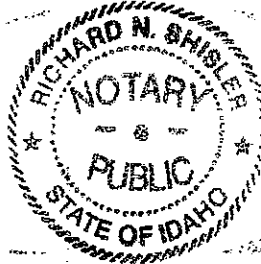
This parcel is subject to all rights of way, exceptions, reservations and easements of record or in view.

TOGETHER with all tenements, easements, hereditaments and appurtenances thereunto belonging.

Grantors for themselves, their heirs and assigns, do hereby covenant, warrant and shall defend the quiet and peaceable possession of said premises by the Grantees, their heirs and assigns forever against the lawful claim of all persons.

IN WITNESS WHEREOF, Grantors have hereunto set their hands and seals on the day and year first above written.

Co-Trustees of the Edward M. Sullivan Family Trust



Edward M. Sullivan
EDWARD M. SULLIVAN

Bernice L. Sullivan
BERNICE L. SULLIVAN

Grantors

STATE OF IDAHO)
 : ss.
County of Benewah)

On this 1 day of ^{May} ~~April~~, 2000, before me, the undersigned, a Notary Public, in and for the said State, personally appeared EDWARD M. SULLIVAN and BERNICE L. SULLIVAN, and their successors, as Co-Trustees of the Edward M. Sullivan Family Trust, known to me to be the persons whose names are subscribed to the above and foregoing WARRANTY DEED, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the date last above written.

Richard N. Shisler
Notary Public, State of Idaho
Residing at: St. Maries, Idaho
Commission expires: 7-15-03
Davenport/wd.wpd

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BENEWAH COUNTY 900

KAY SATHER, CLERK

Barbara Ragan - Deputy
To: Land Title