

164755 Fee: \$14.00

Custer County Recorded 12/16/2015 At 11:31 AM

Linda Corbett, Clk & Rcdr By *Linda Corbett*
Return to: City of Miles City P.O. Box 910
MILES CITY MT 59301

RESOLUTION NO. 3865

A RESOLUTION AUTHORIZING THE CITY OF MILES CITY TO SELL CERTAIN REAL PROPERTY TO ED L. MARTIN AND HELEN K. MARTIN.

WHEREAS, Ed. L. Martin and Helen K. Martin were the highest bidder of property currently owned by the City of miles City which has previously been advertised for sale by competitive sealed bid, described as: Lot 1 in Block 10 of Gordon's Addition to the City of Miles City, Custer County, Montana, according to the official plat and survey of said addition now on file and of record in the office of the County Clerk and Recorder in and for Custer County, Montana, commonly known as 502 Marion;

AND WHEREAS, the City of Miles City finds that it is in the best interest of the City of Miles City to sell such land to Ed L. Martin and Helen K. Martin for the sum of \$15,555.00, pursuant to the terms and conditions set forth in the Agreement to Sell and Purchase attached hereto as Exhibit "A;"


NOW THEREFORE, IT IS RESOLVED BY THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA AS FOLLOWS:

1. The City of Miles City hereby approves the sale of Lot 1 in Block 10 of Gordon's Addition to the City of Miles City, Custer County, Montana, according to the official plat and survey of said addition now on file and of record in the office of the County Clerk and Recorder in and for Custer County, Montana, to Ed L. Martin and Helen K. Martin, for the sum of \$15,555.00, subject to the terms and conditions set forth in the Agreement to Sell and Purchase attached hereto as Exhibit "A" and made a part hereof.
2. The Mayor of the City of Miles City is hereby empowered and authorized to execute said Agreement to Sell and Purchase on behalf of the City of Miles City and bind the City of Miles City thereto; and
3. The Mayor of the City of Miles City is hereby empowered and authorized to execute such further documents as are necessary to implement such Agreement to Sell and Purchase and to convey said property on behalf of the City of Miles City, and to bind the City of Miles City thereto.

SAID RESOLUTION FINALLY PASSED AND ADOPTED BY AT LEAST A TWO-THIRDS VOTE OF ALL OF THE MEMBERS OF THE CITY COUNCIL OF THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA, THIS 24th DAY OF NOVEMBER, 2015.


C.A. Grenz, Mayor

ATTEST:


Lorrie Pearce, City Clerk

I, the undersigned being the duly qualified and acting City Clerk of the City of Miles City, Montana, hereby certify that the above is a full, true and correct copy of the original *Resolution no. 3865* on file and of record in my office.


City Clerk



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RETURN TO:

City of Miles City
P. O. Box 910
Miles City, Montana 59301

(Exhibit "B")

WARRANTY DEED

That the **CITY OF MILES CITY, MONTANA**, a Montana municipal corporation, organized and existing under the laws of the State of Montana, of 17 S. 8th Street, Miles City, Montana 59301, *Grantor*, in consideration of the sum of One Dollar and Other Valuable Consideration (\$1.0VC), the receipt whereof is hereby admitted, does hereby grant, bargain, sell, convey and confirm unto **ED L. MARTIN and HELEN K. MARTIN**, as Joint Tenants With Right Of Survivorship (and not as Tenants in Common) of 901 North 2nd Street, Miles City, Montana 59301, collectively *Grantee*, and to their successors and assigns, FOREVER, the following described real property, situated in the County of CUSTER, State of Montana, to-wit:

Lot 1 in Block 10 of Gordon's Addition to the City of Miles City, Custer County, Montana, according to the official plat and survey of said addition now on file and of record in the office of the County Clerk and Recorder in and for Custer County, Montana.

SUBJECT TO:

- a) All recorded and visible easements and rights of way;
- b) Mineral and royalty reservations or conveyances of record;
- c) Reservations and exceptions in patents and other conveyances of record;
- d) Any unpaid installment and unmatured installment and interest thereon, for any special improvements or purposes of a like nature, from and after January 1, 2015;
- e) General real estate taxes from and after January 1, 2015;
- f) All building, use, zoning, sanitary and environmental restrictions, if any;
- g) Federal, state and local laws and regulations affecting this property, including zoning and land use regulations;
- h) Questions of boundary or fence lines dependent upon actual survey for determination;
- i) Adjudications, re-adjudications or determinations in accordance with Montana law regarding any water rights appurtenant to the property which are currently before the Montana Water Courts or may be brought before the Montana Water Courts at some future time.

accurately completed and signed. (Please read the attached instructions on page 1 for assistance in completing and filing this form).
Montana law requires this form be completed and may impose up to a \$500 penalty for failure to file a Realty Transfer Certificate (15-7-304, 305 and 310, MCA)

PART 1 – DATE OF TRANSFER (SALE)

(MM/DD/YYYY)

PART 2 – PARTIES

Please complete this section in full; if additional space is required, please attach a separate page

Seller (Grantor)

Name The City of Miles City, Montana
Mailing Address 17 S. 8th Street
(Permanent)
City Miles City ST MT Zip 59301
Seller Principal Residence Yes No

List the last 4 digits of the SSN or FEIN

SSN 000 - 00 - _____
SSN 000 - 00 - _____
FEIN 00 - 000 1292
Daytime Phone (406) 874-8601

Buyer (Grantee)

Name Ed L. Martin and Helen K. Martin
Mailing Address 901 North 2nd Street
(Permanent)
City Miles City ST MT Zip 59301
Buyer Principal Residence Yes No

SSN 000 - 00 - 6553
SSN 000 - 00 - 6237
FEIN 00 - 000
Daytime Phone (406) 853-3686

Mailing Address _____
For Tax Notice _____
(If different) City _____ ST _____ Zip _____

Transfer to Trustee, Custodian, or other Representative:
Trust FEIN 00 - 000
Minor SSN 000 - 00 - _____

Main Geocode _____
Assessor Code or Parcel # _____

PART 3 – PROPERTY DESCRIPTION

Please complete fully; if additional space is required, please attach a separate page

Legal Description COMMONLY KNOWN AS 502 MARION Attachment
Add/Sub GORDON'S ADDITION Block 10 Lot 1
County CUSTER City/Town MILES CITY Section _____ Township _____ Range _____

PART 4 – DESCRIPTION OF TRANSFER Please complete fully, more than one may apply.

- Sale Gift Barter Nominal or No Consideration Part of 1031 or 1033 exchange
- Transfer is subject to a reserved life estate Beneficiary deed
- Distressed sales: Sheriff's deed Trustee's deed Deed in lieu of foreclosure Short sale Other

Transfer by Operation of Law

- Termination of joint tenancy by death Termination of life estate by death Court order or decree (except sheriff's sale) Merger, consolidation, or other business entity reorganization

PART 5 – EXCEPTIONS FROM PROVIDING SALES PRICE INFORMATION

Please complete fully, more than one may apply

- Gift Termination of life estate by death
- Transfer in contemplation of death without consideration Transfer pursuant to court decree (except sheriff's sale)
- Transfer between husband/wife or parent/child for nominal consideration Tax deed
- Transfer of property of the estate of a decedent Merger, consolidation or reorganization of business entity
- Transfer by government agency Land eligible for timberland/forestland classification (15-44-103, MCA)
- Correction, modification, or supplement of previously recorded instrument, no additional consideration Land eligible for agricultural classification (15-7-201, MCA)
- Termination of joint tenancy by death Transfer to a revocable living trust
- Other (Specify Type) _____ Other (Specify Type) _____

PART 6 – SALE PRICE INFORMATION

Please complete fully, more than one may apply

Actual Sale Price \$ _____ Value of good will included in sale \$ _____
Financing: Cash FHA VA Contract Other
Terms: New loan OR Assumption of existing loan
Value of personal property included in sale \$ _____
Value of inventory included in sale \$ _____
Value of licenses included in sale \$ _____
Was an SID payoff included in the sale price? Yes No
Did the buyer assume an SID? Yes No
Amount of SID paid or assumed: \$ _____
Was a mobile home included in the sale? Yes No

PART 7 – WATER RIGHT DISCLOSURE - This Disclosure is only applicable to the property identified in PART 3 above

- A. Property is served by a public water supply, i.e., city, irrigation district, or water district provides water.
- B. Seller has no water rights on record with DNRC to transfer.
- C. Seller is transferring ALL water rights on record with DNRC to the Buyer.
- D. Seller is dividing or exempting (reserving) water rights. Seller must file Water Right Update form.

Seller (Grantor) Signature C.A. Gentry Date 11/24

PART 8 – PREPARER INFORMATION

Preparer's signature is required

Montana Department of Natural Resources and Conservation
1424 9th Avenue, PO Box 201601
Helena, MT 59620-1601
444-6601; 444-0533 (fax)



Certification of Water Right Ownership Update

The Realty Transfer Certificate submitted with the deed or other instrument indicates a water right is being divided or exempted (reserved) from the property. The Clerk and Recorder may not record the deed or instrument unless this certification is completed and signed by the buyer, seller, and escrow agent (if applicable). See MCA 85-2-424(6).

- The required form (DNRC Ownership Update Form 641 or DNRC Ownership Update Form 642) and the required fee are held in escrow.

I certify under penalty of false swearing that the statement appearing here is to the best of my knowledge true and correct.

Seller Signature: _____ Date: _____

Buyer Signature: _____ Date: _____

Escrow Agent Signature: _____ Date: _____

- There is no escrow. The required form (DNRC Ownership Update Form 641 or DNRC Ownership Form 642) has been prepared and will be sent with the required fee to the Department of Natural Resources and Conservation within five business days of recording. The transferee (buyer) acknowledges that failure to file the appropriate form and fee may result in the Department imposing up to a \$75 penalty against the buyer. See MCA 85-2-431 and 85-2-424(6)(b).

I certify under penalty of false swearing that the statement appearing here is to the best of my knowledge true and correct.

Seller Signature: C.A. Young Date: 11/24

Buyer Signature: _____ Date: _____

IF YOU HAVE QUESTIONS CONTACT YOUR LOCAL WATER RESOURCES REGIONAL OFFICE.

BILLINGS

406-247-4415

Big Horn, Carbon, Carter, Custer, Fallon, Powder River, Prairie, Rosebud, Stillwater, Sweet Grass, Treasure, and Yellowstone Counties

BOZEMAN

406-586-3136

Gallatin, Madison, and Park Counties

GLASGOW

406-228-2561

Daniels, Dawson, Garfield, McCone, Phillips, Richland, Roosevelt, Sheridan, Valley, and Wibaux Counties

HAVRE

406-265-5516

Blaine, Chouteau, Glacier, Hill, Liberty, Pondera, Teton, and Toole Counties

HELENA

406-444-6999

Beaverhead, Broadwater, Deer Lodge, Jefferson, Lewis and Clark, Powell, and Silver Bow Counties

KALISPELL

406-752-2288

Flathead, Lake, Lincoln, and Sanders Counties

LEWISTOWN

406-538-7459

Cascade, Fergus, Golden Valley, Judith Basin, Meagher, Musselshell, Petroleum, and Wheatland Counties

MISSOULA

406-721-4284

Granite, Mineral, Missoula, and Ravalli Counties