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That part of the East half Southwest quarter of Section 3, Township 1, Range 25 East, of the Principal Montana Meridian, in Yellowstone County Montana, described as Tract 2A-2 Amended Certificate of Survey No. 22007, Tract 2-A amended, on file in the office of the Clerk and Recorder of said County, under Document No. 1308699

all as provided in the Stipulation and Agreement to Modify and shall perform all other the provisions and conditions of the Stipulation and Agreement to Modify as set forth therein, and it is

**FURTHER ORDERED, ADJUDGED AND DECREED** that upon competition of the Certificate of Survey dividing the real property that the same shall be recorded with the Clerk and Recorder of Yellowstone County.

**ORDER ADOPTING AND APPROVING STIPULATION OF THE PARTIES ON REAL PROPERTY DIVISION** dated 20<sup>th</sup> May 2016

**BLAIR JONES**

Judge

**CERTIFICATE OF SERVICE**

*This is to certify that the foregoing was duly served by mail, fax, or email upon the parties or their attorneys of record at their last known address.*

Done this 20<sup>th</sup> day of May, 2016  
By: Kathryn B. Gray  
COURT ADMINISTRATOR to the HON. BLAIR JONES

1 **KENNETH D. PETERSON**  
2 424 48<sup>th</sup> Street West  
3 Billings, Montana 59106  
4 406 591-2 608  
5 kenneth59@bresnan.net  
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**MONTANA TWENTY-SECOND JUDICIAL DISTRICT COURT,  
BIGHORN COUNTY**

IN RE: MARRIAGE OF KATHERYN M. THIEL,  Petitioner,  and JOHN L. THIEL  Respondent	No. DR – 10-42  Judge <b>BLAIR JONES</b>  <b>STIPULATION AND AGREEMENT TO MODIFY SETTLEMENT AGREEMENT AND THAT COURT MAY ENTER ORDER ADOPTING AND APPROVING MODIFICATION</b>
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State of MONTANA            )  
  :ss  
County of Yellowstone        )

The marriage of the parties hereto was dissolved by Decree of this Court dated 23 February 2011. Said Decree approved the Settlement Agreement of the parties dated 10 January 2011. Paragraph 8 **PROPERTY DISTRIBUTION**, subparagraph e) dealt with 15 acres of land owned jointly by the parties and reciting, among other things, that the parties intended to sell that real property. The real property is situated at approximately 44<sup>th</sup> Street West and Central Avenue, Billings, Montana. Although said real property was not legally described in the Settlement Agreement, it is legally described as follows:

That part of the East half Southwest quarter of Section 3, Township 1, Range 25 East, of the Principal Montana Meridian, in Yellowstone County Montana, described as Tract 2A-2 Amended Certificate of

1 Survey No. 22007, Tract 2-A amended, on file in the office of the  
2 Clerk and Recorder of said County, under Document No. 1308699

3 The parties have been unable to sell the real property as described in the Settlement agreement  
4 paragraph 8 e) and now agree to modify the Settlement Agreement as follows:

5 1. The parties will jointly engage the services of a surveyor to prepare a Certificate of Survey  
6 dividing the real property into two parcels. Said Certificate of Survey will be recorded in  
7 Yellowstone County and will describe the following:

8 a. North 10 acres which is vacant ground will be divided and deeded by appropriate  
9 documents to **Katheryn M. Thiel** together with a 50 foot wide right of way  
10 extending from the South boundary of the 15 acres North to the South boundary of  
11 the North 10 acres. This right of way is an extension to the North of the currently  
12 existing right of way from Central Avenue to the 15 acres. In addition the North 10  
13 acres will receive 4.5 shares of the Big Ditch Company irrigation water.


14 b. South 5 acres with shops and buildings will be divided and deeded by appropriate  
15 documents to **John L. Thiel** together with all improvements trailers and personal  
16 property situated and stored thereon currently existing on said 5 acres. Provided that  
17 Katheryn has some personal property stored thereon currently and the parties agree  
18 that it may remain there until Katheryn determines to move it or dispose of it, but not  
19 to exceed the time John sells it.

20 2. The parties will jointly cooperate on expeditiously securing the services of a surveyor for the  
21 purpose of preparing a Certificate of Survey to divide the real property and show the right  
22 of way. The parties will execute all documents necessary to secure the Certificate of Survey  
23 and to place the respective properties in each individual name.

24 3. After the Certificate of Survey has been prepared and completed, it will be recorded and the  
25 appropriate deeds and documents will be executed to divide the real property as stated herein  
26 above. Each party to have and use the real property transferred to them respectively as their  
own individual real property free from any input from the other.

- 1 4. The parties shall jointly bear the costs of preparation of the Certificate of Survey and any and
- 2 all costs of recording or otherwise.
- 3 5. Each party will be responsible for payment of current taxes and assessment on the respective
- 4 parcel of real property deed to them.
- 5 6. The parties jointly request the Court to enter its Order approving the modification of the
- 6 Settlement agreement as provided herein above.

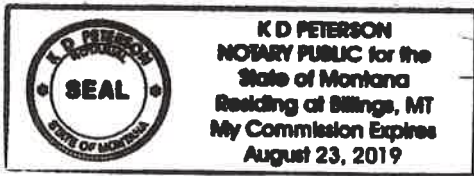
7 **STIPULATION AND AGREEMENT TO MODIFY SETTLEMENT**  
 8 **AGREEMENT AND THAT COURT MAY ENTER ORDER ADOPTING AND**  
 9 **APPROVING MODIFICATION** dated 17 May 2016

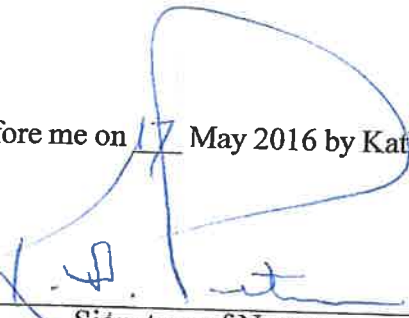
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 Katheryn M. Thiel

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 John L. Thiel

15 State of MONTANA                    )  
 16 County of Yellowstone            ):SS  
   )

17 Signed and sworn to before me on 17 May 2016 by Katheryn M. Thiel and John L.  
 18 Thiel.



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 24 Signature of Notary