

APPRAISAL REVIEW REPORT  
Proposed Land Banking Sale #466,  
Proposed Sale of SF-Residential Areas in Skyview Ridge, and  
Proposed Leasing of MF-Residential & Commercial Areas in Skyview Ridge  
City of Billings, Yellowstone County, Montana  
Effective Date: May 4, 2009

Prepared for:  
State of Montana  
Department of Natural Resources and Conservation  
Trust Land Management Division  
Real Estate Management Bureau  
1625 11<sup>th</sup> Avenue  
Helena, MT 59620

Prepared by:  
Thomas J. Konency, Appraiser  
State of Montana  
Department of Natural Resources and Conservation  
Trust Land Management Division  
Real Estate Management Bureau  
1625 11<sup>th</sup> Avenue  
Helena, MT 59620

## **REVIEWER'S SUMMARY OF SALIENT FACTS**

**Clients & Intended Users of Review:** The clients are the State of Montana, the Montana Board of Land Commissioners, and the Montana Department of Natural Resources and Conservation (DNRC). The intended users are the clients, the Real Estate Management Bureau of the DNRC Trust Land Management Division, and the Southern Land Office.

**Intended Use of Review:** The purpose of the review is to provide the clients and intended users with opinions concerning the credibility of the appraiser's estimates of current fair market values of the appraised properties. There are two intended uses of the review dependent upon the zoning of the subject properties. One use will be for utilization in the decision making process concerning the setting of minimum bid prices for the potential sale of the single-family zoned subject properties at public auction. The other use will be for utilization in the decision making process for the determination of the compensation to be paid for leases on the remaining commercial/multi-family subject properties.

**Present Owner:** State of Montana

**Property Interest Appraised:** Surface Rights, subject to any easements or reservations of record.

**Subject Properties, Legal Descriptions & Location:** Sale #466, is Lot 45, Block 34, of Continental Divide Subdivision, 1<sup>st</sup> Filing. The single-family areas considered for sale are Lot 1 of Block 3; Lot 1 of Block 4; Lot 1 of Block 5; Lot 1 of Block 6; and Lot 1 of Block 12; Preliminary Plat of Skyview Ridge Subdivision, 1<sup>st</sup> Filing. The properties considered for lease are Lots 1 – 9 of Block 1; and Lots 1 & 2 of Block 2; Preliminary Plat of Skyview Ridge Subdivision, 1<sup>st</sup> Filing. All the subject properties are located in the "Heights Area" of the City of Billings, Yellowstone County, Montana.

**Present Use:** Vacant

**Highest and Best Use:** Residential/Commercial (Dependant on Zoning.)

**Dates:** The effective date of the appraisal and review is May 4, 2009.

**Purpose and Intended Use of the Appraisal:** The purpose of the appraisal is to provide the clients and intended users with credible estimates of market values of the subject properties, intended for use in the decision making process concerning the potential sale of certain subject properties, and the long term leasing of the remaining subject properties.

**Appraiser's Opinion of Values of Real Estate:** The appraiser reported the following market values for the subject properties, as of May 4, 2009.

<u>Legal Description</u>	<u>Zoning Class</u>	<u>Estimated Value</u>
Lots 1-4, Block 1	Community Commercial	\$920,000
Lots 5-9, Block 1	R-6000	\$425,000
Lot 1, Block 2	Neighborhood Commercial	\$420,000
Lot 2, Block 2	Residential Professional	<u>\$ 250,000</u>
of the Preliminary Plat of Skyview Ridge Subdivision, 1 <sup>st</sup> Filing.		
<b>Commercial/Multi-Family Lease Land Sub-Total:</b>		<b>\$2,015,000</b>
Lots 1, Blocks 3 & 4	R-9600	\$ 85,000
Lots 1, Blocks 5, 6, 9, & 12	R-7000R	<u>\$365,000</u>
of the Preliminary Plat of Skyview Ridge Subdivision, 1 <sup>st</sup> Filing.		
<b>Potential Single-Family Sale Land Sub-Total:</b>		<b>\$450,000</b>
Lot 45, Block 34	R-9600	<u>\$ 6,500</u>
of Continental Divide Subdivision, 1 <sup>st</sup> Filing.		
<b>Land Banking Sub-Total</b>		<b><u>\$456,500</u></b>
<b>Grand Total</b>		<b>\$2,471,500</b>

**Reviewer's Comments:** This reviewer finds the report appears credible and that it is acceptable. This review is not a stand alone document and is expressly interrelated to the appraisal report.

**Reviewer's Conclusion of Value:** It is this reviewer's opinion that the appraiser's estimates of values for the subject properties are appropriately supported.

## **APPRAISAL REVIEW REPORT**

### **Clients & Intended Users of Review:**

The clients are the State of Montana, the Montana Board of Land Commissioners, and the Montana Department of Natural Resources and Conservation (DNRC). The intended users are the clients, the Real Estate Management Bureau of the DNRC Trust Land Management Division, and the Southern Land Office.

### **Purpose and Intended Use of Review:**

The purpose of the review is to provide the clients and intended users with opinions concerning the credibility of the appraiser's estimates of current fair market values of the appraised properties. There are two intended uses of the review dependent upon the zoning of the subject properties. One use will be for utilization in the decision making process concerning the setting of minimum bid prices for the potential sale of the single-family zoned subject properties at public auction. The other use will be for utilization in the decision making process for the determination of the compensation to be paid for leases on the remaining commercial/multi-family zoned subject properties. An opinion of the quality of the appraisal report as well as this reviewer's opinion of the credibility of the values estimated will be reported. The appraisal was submitted by Steven M. Repac, of The Appraisal Group, LTD, Billings, Montana. This review report is not a stand alone document and is expressly interrelated to the appraisal report under review, which the reader may need to refer to for further detail or explanations.

### **Subject Properties, Legal Description, Location & Owner of Record:**

All the subject properties are located in the "Heights Area" of the City of Billings, situated in the North ½ of Section 20, Township 1 North, Range 26 East, Yellowstone County, Montana.

Sale #466, is Lot 45, Block 34, of Continental Divide Subdivision, 1<sup>st</sup> Filing.

The single-family areas considered for sale are Lot 1 of Block 3; Lot 1 of Block 4; Lot 1 of Block 5; Lot 1 of Block 6; and Lot 1 of Block 12; Preliminary Plat of Skyview Ridge Subdivision, 1<sup>st</sup> Filing.

The properties considered for lease are Lots 1 – 9 of Block 1; and Lots 1 & 2 of Block 2; Preliminary Plat of Skyview Ridge Subdivision, 1<sup>st</sup> Filing.

Additional information, including lot and block sizes, photos and maps are contained in the appraisal report. The State of Montana has owned the property for at least five years.

### **Appraiser's Estimate of Values:**

The appraiser relied primarily upon the Sales Comparison Approach to determine the values for the subject properties. Per the appraiser, along with some typical general assumptions, the appraiser did make some extraordinary assumptions and use hypothetical conditions in his appraisal.

**USPAP defines Extraordinary Assumption as: an assumption, directly related to a specific assignment, which, if found to be false, could alter the appraiser's opinions or conclusions.**

**USPAP defines hypothetical condition as: that which is contrary to what exists but is supposed for the purposes of analysis. Use of the extraordinary assumptions and this hypothetical condition mentioned here and elsewhere in the report might have affected the assignment results.**

The appraisal report was made with the following **extraordinary assumptions**:

- Even though the lots within the preliminary plat of Skyview Ridge Subdivision that are the subject of this appraisal are, at the effective date of this report, lots that do not legally exist, they are nonetheless officially zoned as notated in this appraisal report. This appraisal assumes that all zoning in Skyview Ridge Subdivision reflects the highest and best use of the lots as platted in the preliminary plat.
- Although the report does include an income or subdivision development approach to value on certain residential properties, no analysis of project feasibility with respect to project analysis or supply and demand analysis was undertaken in this report. No housing demand forecasts or analyses of competing projects or project absorption were conducted. This appraisal assumes that Skyview Ridge Subdivision is an economically viable project and reflects the highest and best use of the lots as platted in the preliminary plat.

The appraisal report was made with the following **hypothetical conditions**:

- The lots that are the subject of this appraisal and legal description are, at the effective date of this report, lots that exist *only* as the result of a preliminary plat – they do not legally exist as official lots because the plat has not been recorded. This appraisal assumes that the subject lots are in fact legal, are represented as part and parcel of a final recorded plat (Skyview Ridge Subdivision), and represent the highest and best use of the land. The lone exception to this stipulation is Lot 45, Block 34, of Continental Divide Subdivision, 1<sup>st</sup> Filing, which is, in fact, a legally platted lot of record.
- Currently, there are no off-site improvement charges that accrue to the subject property; this report assumes that there will be off-site improvements constructed and the cost of same will be borne in full by the future developer.

The appraiser reported the following market values for the subject properties, as of May 4, 2009.

<u>Legal Description</u>	<u>Zoning Class</u>	<u>Estimated Value</u>
Lots 1-4, Block 1	Community Commercial	\$920,000
Lots 5-9, Block 1	R-6000	\$425,000
Lot 1, Block 2	Neighborhood Commercial	\$420,000
Lot 2, Block 2	Residential Professional	<u>\$ 250,000</u>
of the Preliminary Plat of Skyview Ridge Subdivision, 1 <sup>st</sup> Filing.		
<b>Commercial/Multi-Family Lease Land Sub-Total:</b>		<b>\$2,015,000</b>
Lots 1, Blocks 3 & 4	R-9600	\$ 85,000
Lots 1, Blocks 5, 6, 9, & 12	R-7000R	<u>\$365,000</u>
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<b>Potential Single-Family Sale Land Sub-Total:</b>		<b>\$450,000</b>
Lot 45, Block 34	R-9600	<u>\$ 6,500</u>
of Continental Divide Subdivision, 1 <sup>st</sup> Filing.		
<b>Land Banking Sub-Total</b>		<b><u>\$456,500</u></b>
<b>Grand Total</b>		<b>\$2,471,500</b>

### **Scope of Review:**

The reviewer will be reviewing and making an opinion of the quality of the appraisal, along with providing an opinion of the credibility of the values reported. The reviewer's opinion of appraisal quality and opinion of the credibility of the values reported will be based mostly on the material submitted in the report. Limited use will also be made of information on the cadastral system, (such as legal descriptions, maps, aerial photos and topography maps, etc...), and information on the subject properties in this reviewer's files. This reviewer has previously viewed the subject properties, but did not inspect them relative to any valuation process. The comparable sales were not inspected and were only "viewed" through use of the appraisal report and cadastral system. No in-depth current market research was done. The reviewer's valuation opinion is limited to an orientation prospective of the appraiser's estimates, i.e., "the appraiser's estimates of values appear high, low, appropriate, or unsupported", etc. In the development of this reviewer's opinion of the credibility of the values estimated, an **extraordinary assumption** has been made that the material about the subject properties and on the comparable sales, along with other market information submitted in the appraiser's report is credible. **Use of the extraordinary assumption mentioned here and elsewhere in the report might have affected the assignment results.** This review is not a stand alone document and is expressly interrelated to the appraisal report, which the reader may need to refer to for further detail.

### **Date of Appraisal, Estate Appraised & Date of Review:**

The effective date of the appraisal is May 4, 2009. The date of the letter of transmittal is June 22, 2009. The property rights appraised are those of the surface rights of the property ownership subject to any easements or reservations of record. The appraisal report provides more detail about the rights appraised, and also the market value definition. The reader is referred to the report for more information. The effective date of the review is May 4, 2009, with the final date of the review report being October 7, 2009.

### **Client & Intended Users and Purpose & Intended Use of the Appraisal Report:**

The client of the appraisal is the Montana Department of Natural Resources and Conservation (DNRC). The intended users of the appraisal are the client, the State of Montana, the Montana Board of Land Commissioners, and their assigns. The purpose of the appraisal is to provide the clients and intended users with credible estimates of market values of the subject properties, intended for use in the decision making process concerning the potential sale of the single-family zoned subject properties, and the long term leasing of the remaining commercial/multi-family zoned subject properties.

### **Appraiser's Subject Property Data & Analysis Summary:**

The appraiser appears to have provided sufficient information on and done an adequate analysis of, the subject properties, the neighborhoods and the markets in general. To state again, in the development of this reviewer's opinion of the credibility of the values estimated, an **extraordinary assumption** has been made by this reviewer that this material is credible. This review is not a stand alone document and is expressly interrelated to the appraisal report.

### **Appraiser's Highest and Best Use Analysis:**

The subject properties are currently vacant. Per the appraiser, for the purposes of his report, all zoning that is stated is assumed to be the highest and best uses of the properties; the client had requested an analysis of the subject parcels based upon pre-established zoning criteria. No analysis was therefore made of the four criteria, (physically possible, legally permissible, financially feasible, and maximally productive), in reference to any of the parcels. This reviewer concurs with the conclusions made. The reader is referred to the appraisal report for further clarification of the appraiser's determinations.

### **Valuation Summary:**

The appraiser determined the Sales Comparison Approach to be the primary guide to the value of the subject properties, and this reviewer concurs. The appraiser did do a very limited subdivision development analysis on certain residential properties as a check on value, however because this was only a check on some of the values estimated and do to time limitations, this reviewer did not do more than a cursory examination of that analysis. The appraiser appears to have done a thorough search of the subjects' market areas for comparable sales and market data, reviewed other market data, done a sufficient job in the descriptions and explanations, and done a reasonable analysis of the vacant sales information. The reader is referred to the actual appraisal report for the appraiser's descriptions, analysis and conclusions. Again, in the development of this reviewer's opinion of the credibility of the values estimated, this reviewer has made the **extraordinary assumption** that the elements in the value approach, the comparable vacant land sales and other market information is credible.

### **Comments & Conclusions:**

Initially some errors, inconsistencies and incomplete explanations were found, however those items were resolved. Thus this reviewer finds the final report appears credible and that it is acceptable given the intended use. The material appears sufficient, the data appears adequate and relevant, the adjustments appear proper, the appraisal methods and techniques appear appropriate, and the analysis, opinions and conclusions appear appropriate and generally reasonable. This review is not a stand alone document and is expressly interrelated to the appraisal report.

### **Conclusion of Value:**

This reviewer did not replicate the steps completed by the original appraiser. This reviewer has concluded that the work under review is credible and in general compliance with the applicable development standards and has been extended to this reviewer's value opinion development process on the basis of an **extraordinary assumption** by the reviewer. It is this reviewer's opinion that the appraiser's estimates of values for the subject properties are appropriately supported.

Dated: October 7, 2009

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Thomas J. Konency, Appraiser  
Montana Dept of Natural Resources & Conservation, Trust Land Mgt Div

## **ASSUMPTIONS AND LIMITING CONDITIONS**

The certification of the appraiser appearing in the appraisal review report is subject to the following conditions and to such other specific and limiting conditions as set forth in the review report.

1. The appraiser will not be responsible for matters of a legal nature affecting either the property being appraised or the title to it. Except for information that was provided or uncovered during the research involved in performing the appraisal review and ordinarily employed by real estate appraisers, no opinion is intended to be expressed for legal matters or that would require specialized knowledge or investigation. The appraiser assumes that the title is good and marketable, ("free and clear"), and, therefore, will not render any opinions about the title. The property is appraised on the basis of it being under responsible ownership and/or competent management. Unless otherwise mentioned in this review report, the property is appraised as if owned in fee simple title without encumbrances.
2. The appraiser assumes that the legal descriptions furnished are correct and the appraiser has not surveyed the property. Acreage of land types and measurements of improvements are based on physical inspection of the property or information provided unless otherwise noted in the report. Sketches or drawings in this report are included to assist the reader in visualizing the property. They are not to be considered a legal survey or engineer's plan of any kind. Any and all other sketches, drawings, maps, etc., are also provided for informational purposes only and are not for any legal reference. Access has been investigated only to the satisfaction of the appraiser. No assurance of legal access, or lack of, is expressed or implied as a legal opinion. The same is true of encroachment and trespass issues.
3. The appraiser has noted in the appraisal review report any adverse conditions, (such as, but not limited to, needed repairs, depreciation, the presence of hazardous wastes, toxic substances, flood planes, etc), observed during the routine inspection of the subject property, and/or adjacent properties, or that was discovered during the normal research involved in performing the appraisal review. Unless otherwise stated in this report, the appraiser has no knowledge of any hidden or unapparent conditions of the property, and/or adjacent properties, or adverse environmental conditions, (including, but not limited to, the presence of hazardous wastes, toxic substances, etc), that would make the property less valuable, and has assumed that there are no such conditions and makes no guarantees or warranties, express or implied, regarding the condition of the property. The appraiser will not be responsible for any such conditions that do exist or for any engineering or testing that might be required to discover whether such conditions exist. Because the appraiser is not an expert in the field of environmental hazards, the appraisal review report must not be considered as an environmental assessment of the property. Concerns about soil conditions, actual condition of improvements or systems, or property conformity to zoning, building, fire, ADA, and other such applicable laws, regulations, rules and codes, should all be referred to the proper experts.



4. The appraiser is not an expert in minerals, mineral rights, timber, timber volumes, crops, farm programs or water requirements and rights. Unless otherwise noted, only surface rights will be appraised or reviewed with no value specifically allotted to the mineral rights or deposits. Timber values, if considered a part of the report, will rely on proper experts, as will farm programs. Typically, growing crops are not considered in the appraisal report. Usually it is assumed the water rights have been secured or perfected, with their value generally considered an inherent part of the land value, with any deviation from this to be included in the report. Rental and lease agreements, conservation plans, options and other situations may also require reliance on proper experts.

5. The appraiser has obtained information, opinions, estimates, surveys, plans, maps and information on regulations, restrictions and studies, etc., from various sources including the property owner, agent, or manager, as well as from real estate professionals, government agencies, appraisers and other sources. Unless otherwise noted, the sources are considered reliable and the information is complete and correct. However, the appraiser does not assume responsibility for the accuracy of such items that were furnished by other parties.

6. The appraiser assumes no responsibility or liability for future conditions, about which information was not supplied or readily available or was not public knowledge at the time the appraisal is made, nor for the effect of events, which might concern the value of the subject property subsequent to date of appraisal. Montana is a non-disclosure state and as such sales prices of real estate are not publicly recorded. Therefore, with few consolidated sources of sales information existing, and no obligation to release or verify information by many of the parties associated with the transactions, sales of comparable properties may not be known of by this appraiser, and absolute verification of the sales found may not be possible.

7. The scope of work has been disclosed in the report and is specific to the needs of the clients and intended users and the intended use. All extraordinary assumptions and hypothetical conditions, including, but not limited to, satisfactory completion and repairs or alterations, will be noted in the appraisal report. It is assumed there will be consistency with all the plans, estimates, specifications, planned work, projections, or requirements, initially provided. Deviation from those items may affect the value reported. Great effort has been taken to eliminate all error in identifying, developing and processing the report. However, if errors or omissions are found, they will have to be reviewed to see if they will affect the opinion of value reported.

8. The appraiser will not disclose the contents of this appraisal review report except as provided for in the Uniform Standards of Professional Appraisal Practice, and/or applicable federal, state, or local laws, rules or regulations. The appraiser is not obligated to/by any unauthorized use of this report by third parties or the “extraction” of only parts of the report and attempting to apply those parts in any other process or to reach a conclusion.

9. It is assumed that there has not been any significant change, physical or otherwise, to the subject property between the inspection date and date the report is signed.

**APPRAISER'S CERTIFICATION:** This review appraiser certifies and agrees that:

1. I have no present or prospective interest in the property that is the subject of this report and review, and I have no present or prospective personal interest or bias with respect to the participants in the transaction. I did not base, either partially or completely, my analysis and/or opinion of market value in the appraisal review report on the race, color, religion, sex, age, marital status, handicap, familial status, or national origin of either the prospective owners or occupants of the subject property or of the present owners or occupants of the properties in the vicinity of the subject property or on any other basis prohibited by law.
2. My employment and/or compensation for performing this appraisal review or any future or anticipated appraisal reviews was not conditioned on any agreement or understanding, written or otherwise, that I would report (or develop or present any analysis, opinions or conclusions supporting) a predetermined specific value, a predetermined minimum or maximum value, a range or direction in value, a value that favors the cause of any party, or the attainment of a specific result or occurrence of a specific event or action, or the subsequent event directly related to the use of this appraisal review report.
3. I have taken into consideration the factors that have an impact on value in the development of my opinion of market value for the subject property. I have noted in the appraisal review report any adverse conditions, (such as, but not limited to, needed repairs, depreciation, the presence of hazardous materials, toxic substances, adverse environmental conditions, etc.) observed during the inspection of the subject property or that I became aware of during the research involved in performing the appraisal review. I have considered these adverse conditions in my analysis of the property value to the extent that I had market evidence to support them, and have commented about the effect of the conditions on the marketability of the subject property.
4. I have not knowingly withheld any significant information from the appraisal review report that would have an impact on value and I believe, to the best of my knowledge, that all statements and information in the appraisal review report are true and correct. I have stated in this appraisal review report only my own personal, unbiased, and professional analysis, opinions, and conclusions, which are subject only to the limiting conditions specified in this appraisal review report.
5. To the best of my knowledge, I have performed this appraisal review in conformity with the Uniform Standards of Professional Appraisal Practice. I have personally analyzed and prepared all the conclusions and opinions about the real estate that are set forth in this appraisal review report. If I have relied on significant real property appraisal or review assistance from any individual(s) in the performance of the appraisal review or preparation of the appraisal review report, I have named such individual(s) and disclosed the specific tasks performed in the appraisal review report. I certify that any individual(s) so named is qualified to perform the tasks. I have not authorized anyone to make a change to any item in the appraisal review report; therefore, any change made to the appraisal review is unauthorized and I take no responsibility for it.

Dated: October 7, 2009

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Thomas J. Konency, Appraiser  
Montana Dept of Natural Resources & Conservation, Trust Land Mgt Div