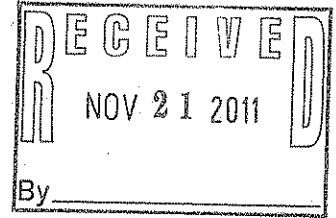


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**MONTANA NINTH JUDICIAL DISTRICT COURT
TETON COUNTY**

MAURER FARMS, INC.;
KYLE BURGMAIER;
STEVEN DAHLMAN;
JOHN GOODMUNDSON;
ROBERT STEPHENS,

Plaintiffs,

v.

STATE OF MONTANA and
MATL LLP,

Defendants.

Cause No. DV-11-024

**STATE OF MONTANA'S JOINDER
IN DEFENDANT MATL'S MOTION
TO STRIKE AFFIDAVIT OF KYLE
BURGMAIER AND BRIEF IN
SUPPORT**

COMES NOW the State of Montana, and hereby joins MATL's Motion to Strike Affidavit of Kyle Burgmaier and Brief in Support.


The State of Montana further submits that there is no evidence to support Kyle Burgmaier's claim that he purchased farmland from his parents in April 2008. Mr. Burgmaier testified that he entered into a contract for deed, and has not yet fully performed his duties under such contract. A contract for deed is an executory contract

and “legal title does not pass until the conveyance is actually made.” Dobitz v. Oakland, 172 Mont. 126, 130, 561 P.2d 441, 443 (1977). “It is an agreement by a seller to deliver a deed to the property when certain conditions have been met, usually when the buyer has completed making payments to the seller.” Tungsten Holdings, Inc. v. Olson, 2002 MT 158, ¶ 16, 310 Mont. 374, 50 P.3d 1086.

The Motion to Strike should be granted.

Respectfully submitted this 17th day of November, 2011.

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CERTIFICATE OF SERVICE

I hereby certify that I caused a true and accurate copy of the foregoing to be mailed to:

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DATED: 17 November 2024

