

ACCESS EASEMENT AGREEMENT

THIS AGREEMENT, made and entered into this 14th day of July, 2003, by and between Theresa Rodgers, Surviving Trustee of the Theodore Kristy Trust dated July 2, 1998 and Robert W. Foley and Mary S. Foley, husband and wife, as tenants by the entirety, as to an undivided one-half interest, and Randy R. Foley, a single person, as to an undivided one-half interest.

WHEREAS, Theresa Rodgers, Surviving Trustee of the Theodore Kristy Trust dated July 2, 1998, is the record owner of the following described property to-wit:

The South Eighty (80) Feet of Tract Number Two (2), Downer Addition, a Townsite adjacent to the City of Sheridan, Wyoming, located in Sheridan County, Wyoming, together with all improvements and appurtenances situate thereon or belonging thereto.

And

Commencing Eighty (80) feet North of the South line of Tract number Two (2) of the Downer Addition a Townsite adjacent to the City of Sheridan, Wyoming, thence running North Eighty (80) feet, thence West One hundred twenty five (125) feet to the West end of said Lot, thence South Eighty (80) feet, thence East One hundred twenty five (125) feet to the point of beginning. Being 80 x 125 feet.

WHEREAS, Robert W. Foley and Mary S. Foley, husband and wife, as tenants by the entirety, as to an undivided one-half interest, and Randy R. Foley, a single person, as to an undivided one-half interest, is the record owner of the following described real property, to-wit:

Tract 3, except the northerly 65 feet thereof, in Downer Addition to the City of Sheridan, Sheridan County, Wyoming.

WHEREAS, the parties hereto, by mutual consent wish to create an easement for public access which easement shall attach to and run with the land described, being both a benefit and a burden thereon,

NOW THEREFORE, the parties hereto grant and convey each unto the other, an easement for public access, 15 feet in width being more particularly described in and located as follows, to-wit:

A 15 foot wide easement located in Tract 2 of Downer's Addition, Sheridan County, Wyoming, for the purpose of ingress and egress to Tract 3 of Downer's Addition, said easement being described as the westerly 15.00 feet of the south 80.00 feet of Tract 2.

FURTHER, the parties hereto agree that the easement created hereby is non-exclusive in nature as to the parties hereto and,

FURTHER, the parties hereto agree that they shall be equally and mutually responsible for the maintenance of said access easement and,

FURTHER, the parties hereto agree that the easement may not be fenced along its length and shall not be gated at its ends unless both parties hereto agree to same, and,

FURTHER, the provisions hereof shall be binding upon and inure to the benefit and detriment of the administrators, heirs, successors and assigns of the parties hereto.

The parties hereto hereby waive and release all rights under and by virtue of the homestead exemption laws of the State of Wyoming insofar as affected by this conveyance.

Executed this _____ day of July, 2003.

Theodore Kristy Trust dated July 2, 1998

By: *Theresa Rodgers*
Theresa Rodgers, Trustee

Robert W. Foley
Robert W. Foley

Mary S. Foley
Mary S. Foley

Randy R. Foley
Randy R. Foley

State of Wyoming)
)ss
County of Sheridan)

On this 10th day of July, 2003, before me personally appeared Theresa Rodgers, to me personally known, who, being by me duly sworn, did say that she is the Trustee of the Theodore Kristy Trust dated July 2, 1998, that this instrument was signed on behalf of the Trust, that the Trustee had the authority under the terms of the written trust instrument, and that the Trustee acknowledged the instrument to be the free act and deed of the Trust.

Witness my hand and official seal.



Maureen H. Legerski
Notary Public

My Commission Expires: April 26, 2007

State of Wyoming)
)ss
County of Sheridan)

The foregoing instrument was acknowledged before me by Robert W. Foley, Mary S. Foley and Randy R. Foley, this 14th day of July, 2003.

Witness my hand and official seal.



Maureen H. Legerski
Notary Public

My Commission Expires: April 26, 2007