

STIPULATION CONCERNING OWNERSHIP AND LEGAL DESCRIPTIONS

THIS STIPULATION CONCERNING OWNERSHIP AND LEGAL DESCRIPTIONS is entered into this 21st day of April, 2003, by and between BARBARA E. ROTH, a widow, and H. JOSEPH MALLO and KARLA E. MALLO, husband and wife.

Recitals of Fact

1. Prior to June 13, 1969, Ivan Byxbe and Daisy Fern Byxbe, husband and wife, owned the following two parcels of land, which are adjacent to each other, to-wit:

A tract of land situate in NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 34, Township 56 North, Range 84 West of the Sixth Principal Meridian, Sheridan County, Wyoming, described as follows:

Beginning at a point 304.5 feet west of the center of said Section 34, thence West 211.5 feet to a point; thence South 217 feet to a point, thence East 401.5 feet to a point on the West line of the Sheridan Gardens Addition to the City of Sheridan, Wyoming, thence North 157 feet to a point; thence West 190 feet to a point; thence North 60 feet to the point of beginning, together with all improvements situate thereon or appertaining thereto.

Parcel 2:

A tract of land situate in NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 34, Township 56 North, Range 84 West of the Sixth Principal Meridian, Sheridan County, Wyoming, described as follows:

Beginning at a point 114.5 feet West of the center of Section 34, and on the West line of Sheridan Garden's Addition to the City of Sheridan, Wyoming; thence West 190 feet to a point, thence South 60 feet to a point; thence East 190 feet to a point on the West line of Sheridan Garden's Addition, thence North 60 feet to the point of beginning, together with all improvements situate thereon or appertaining thereto.

2. On June 13, 1969, Ivan Byxbe and Daisy Fern Byxbe conveyed the following described portion of the above described Parcel 1 to Anne Reavis by Warranty Deed which was recorded in the office of the Sheridan County Clerk and Recorder on June 13, 1969, in Book 172 of Deeds at page 363. The property conveyed was described as follows, to-wit:

A tract of land situate in NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 34, Township 56 North, Range 84 West of the Sixth Principal Meridian, Sheridan County, Wyoming, described as follows:

Beginning at a point 304.5 feet west of the center of said Section 34, thence West 211.5 feet to a point; thence South 217 feet to a point, thence East 211.5 feet to a point; thence North 217 feet to the point of beginning.

3. On October 1, 1975, Ivan Byxbe and Daisy Fern Byxbe conveyed another portion of Parcel 1 and all of Parcel 2 to Raymond R. Roth and Barbara E. Roth, husband and wife, by Warranty Deed which was recorded in the office of the Sheridan County Clerk and Recorder May 6, 1980, in Book 248 of Deeds at page 385. The property conveyed was described as follows, to-wit:

A tract of land situate in NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 34, Township 56 North, Range 84 West of the Sixth Principal Meridian, Sheridan County, Wyoming, described as follows:

Beginning at a point 114.5 feet West of the center of Section 34, and on the West line of Sheridan Garden's Addition to the City of Sheridan, Wyoming; thence West 190 feet to a point, thence South 75 feet to a point; thence East 190 feet to a point on the West line of Sheridan Garden's Addition, thence North 75 feet to the point of beginning, together with all improvements situate thereon or appertaining thereto.

4. After the above two conveyances, Ivan Byxbe and Daisy Fern Byxbe owned only a portion of Parcel 1, which the parties believe should be described as follows, to-wit:

A tract of land situate in NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 34, Township 56 North, Range 84 West of the Sixth Principal Meridian, Sheridan County, Wyoming, described as follows:

Beginning at a point 304.5 feet west, and 75 feet south of the center of said Section 34, thence South 142 feet to a point, thence East 190 feet to a point on the West line of the Sheridan Gardens Addition to the City of Sheridan, Wyoming, thence North 142 feet to a point; thence West 190 feet to the point of beginning, together with all improvements situate thereon or appertaining thereto.

5. Prior to September 12, 1994, Ivan Byxbe died.

6. On September 12, 1994, Daisy Fern Byxbe conveyed a small strip from the east edge of her property to the City of Sheridan Wyoming, in order to enable the City to widen DeSmet Avenue. The deed conveying the strip was recorded in the office of the Sheridan County Clerk and Recorder on October 21, 1994, in Book 369 of Deeds at page 412.

7. On September 12, 1994, Raymond R. Roth and Barbara E. Roth conveyed a small strip from the east edge of their property to the City of Sheridan Wyoming, in order to enable the City to widen DeSmet Avenue. The deed conveying the strip was recorded in the office of the Sheridan County Clerk and Recorder on October 21, 1994, in Book 369 of Deeds at page 409.

8. After DeSmet Avenue was widened, a small tract of land was left over. The tract was adjacent to the land owned by Raymond R. Roth and Barbara E. Roth, so the City of Sheridan conveyed the land to Raymond R. Roth and Barbara E. Roth by Quitclaim Deed which was dated November 18, 1996, and which was recorded in the office of the Sheridan County Clerk and Recorder on November 21, 1996, in Book 383 of Deeds at page 186.

9. Daisy Fern Byxbe died on May 11, 1996. Her estate was administered in the District Court of Sheridan County, Wyoming and was assigned Probate No. P97-1-7. At the conclusion of the administration of her estate, her property was distributed to Barbara E. Roth. The Decree of Distribution, which was recorded in the office of the Sheridan County Clerk and Recorder on October 31, 1997, in Book 388 of Deeds at page

687, described all of Parcel 1 and Parcel 2 described above, and purported to distribute them to Barbara E. Roth, even though Daisy Fern Byxbe did not own any of Parcel 2 or all of Parcel 1.

10. The above mentioned Decree of Distribution created an appearance of a claim of ownership by Barbara E. Roth to the land which Ivan Byxbe and Daisy Fern Byxbe had conveyed to Anne Reavis. To resolve this problem, Barbara E. Roth executed and delivered a Quitclaim Deed to Della M. Plachek, who then owned the property. The Quitclaim Deed was recorded in the office of the Sheridan County Clerk and Recorder on July 23, 1999, in Book 407 of Deeds at page 346.

11. Raymond R. Roth died on February 19, 2001. Barbara E. Roth became the sole owner of the property which she had owned with Raymond R. Roth prior to his death. An Affidavit of Survivorship was recorded in the office of the Sheridan County Clerk and Recorder on August 6, 2001, in Book 425 of Deeds at page 704. But the Affidavit of Survivorship had mistakenly omitted the small tract of land which the Roths had acquired from the City of Sheridan, Wyoming, which is described in the Quitclaim Deed which is identified in paragraph 8 above. So a supplemental Affidavit of Survivorship was executed and recorded in the office of the Sheridan County Clerk and Recorder on April 23, 2003, in Book 442 of Deeds at page 630. The supplemental Affidavit of Survivorship covered the small tract of land which the Roths had acquired from the City of Sheridan.

12. On February 18, 2003, Barbara E. Roth sold the property which she had inherited from Daisy Fern Byxbe to H. Joseph Mallo and Karla E. Mallo. But the Warranty Deed which was used to convey the property mistakenly described Parcel 1 and Parcel 2 instead of just the portion of Parcel 1 which she had inherited from Daisy Byxbe. The Warranty Deed, which was dated February 18, 2003, was recorded in the office of the Sheridan County Clerk and Recorder on February 20, 2003, in Book 441 of Deeds at page 230.

13. After the mistake was discovered, H. Joseph Mallo and Karla E. Mallo reconveyed the property to Barbara E. Roth by Quitclaim Deed which was dated April 21, 2003, and was recorded in the office of the Sheridan County Clerk and Recorder on April 22, 2003, in Book 442 of Deeds at page 625.

14. Barbara E. Roth then conveyed to H. Joseph Mallo and Karla Mallo, just the property which she had originally intended to convey to them. The Warranty Deed dated April 22, 2003, and was recorded in the office of the Sheridan County Clerk and Recorder on April 23, 2003, in Book 442 of Deeds at page 633.

Stipulation

The parties thereby stipulate and agree as follows:

I. Legal Description of Property Owned by Barbara E. Roth: The correct legal description of the property which Barbara E. Roth owns is as follows, to-wit:

A tract of land situate in NE¹/₄SW¹/₄ of Sec. 34, Township 56 North, Range 84 West of the Sixth Principal Meridian, Sheridan County, Wyoming, described as follows:

Beginning at a point 114.5 feet West of the center of Section 34, and on the West line of Sheridan Garden's Addition to the City of Sheridan, Wyoming; thence West 190 feet to a point, thence South 75 feet to a point; thence East 190 feet to a point on the West line of Sheridan Garden's Addition, thence North 75 feet to the point of beginning, together with all improvements situate thereon or appertaining thereto.

TOGETHER WITH a tract of land containing 310.35 square feet which was conveyed to Raymond R. Roth and Barbara E. Roth by the City of Sheridan by Quitclaim Deed dated November 18, 1996, which was recorded in the office of the Sheridan County Clerk and Recorder on November 21, 1996, in Book 383 of Deeds at page 186, and which is described as follows, to-wit:

Commencing at the west quarter corner of said Section 34; thence S89°35'26"E., 2539.21 feet to the POINT OF BEGINNING, said point being the northeast corner of a tract of land described in Book 248 of Deeds, Page 385; thence S.00°58'12"E., 37.53 feet along the east line of said tract described in Book 248 of Deeds, Page 385 to a point, thence, leaving said east line, through a curve to the right, having a radius of 100.50 feet, a central angle of 13°11'40", an arc length of 23.14 feet, a chord bearing of N35°01'23"E., and a chord length of 23.09 feet to a point, thence N.21°31'06"E., 5.90 feet to a point, thence N.48°35'48"W., 19.87 feet to a point, thence S.89°03'28"W., 1.15 feet to the POINT OF BEGINNING.

Basis of Bearing is Wyoming State Plane (East Central Zone).

A Record of Survey showing such tract is recorded in the Book 383 of Deeds at page 188.

BUT EXCEPTING THEREFROM, a tract of land which was conveyed by Raymond R. Roth and Barbara E. Roth to the City of Sheridan, Wyoming by Warranty Deed which was dated September 12, 1994, and which was recorded in the office of the Sheridan County Clerk and Recorder on October 21, 1994, in Book 369 of Deeds at page 409.

II. Legal Description of Property Owned by H. Joseph Mallo and Karla

E. Mallo: The correct legal description of the property which Barbara E. Roth owns is as follows, to-wit:

A tract of land situate in NE¹/₄SW¹/₄ of Sec. 34, Township 56 North, Range 84 West of the Sixth Principal Meridian, Sheridan County, Wyoming, described as follows:

Beginning at a point 304.5 feet west, and 75 feet south of the center of said Section 34, thence South 142 feet to a point, thence East 190 feet to a point on the West line of the Sheridan Gardens Addition to the City of Sheridan, Wyoming, thence North 142 feet to a point; thence West 190 feet to the point of beginning, together with all improvements situate thereon or appertaining thereto.

EXCEPTING THEREFROM, a tract of land which was conveyed by Ivan Byxbe and Daisy Fern Byxbe to the City of Sheridan, Wyoming by Warranty Deed which was dated September 12, 1994, and which was

recorded in the office of the Sheridan County Clerk and Recorder on October 21, 1994, in Book 369 of Deeds at page 412.

III. No Claim of Ownership to Land Conveyed to Anne Reavis: Neither Barbara E. Roth, nor H. Joseph Mallo and and Karla E. Mallo make any claim to the following described property, to-wit:

A tract of land situate in NE¹/₄SW¹/₄ of Sec. 34, Township 56 North, Range 84 West of the Sixth Principal Meridian, Sheridan County, Wyoming, described as follows:

Beginning at a point 304.5 feet west of the center of said Section 34, thence West 211.5 feet to a point; thence South 217 feet to a point, thence East 211.5 feet to a point; thence North 217 feet to the point of beginning.

Dated this 21 date of April, 2003.

Barbara E Roth
Barbara E. Roth

H. Joseph Mallo
H. Joseph Mallo

Karla E. Mallo
Karla E. Mallo

STATE OF WYOMING)
 : ss.
County of Sheridan)

The above and foregoing Stipulation Concerning Ownership and Legal Descriptions was subscribed, sworn to and acknowledged before me this 21st day of April, 2003, by Barbara E. Roth.

WITNESS my hand and official seal.

[Signature]
Notary Public

My Commission expires: March 17 2005

STATE OF WYOMING)
 : ss.
County of Sheridan)

The above and foregoing Stipulation Concerning Ownership and Legal Descriptions was subscribed, sworn to and acknowledged before me this 21st day of April, 2003, by H. Joseph Mallo and Karla E. Mallo.

WITNESS my hand and official seal.

[Signature]
Notary Public

My Commission expires: March 17 2005