

MUTUAL PRIVATE ROADWAY EASEMENT AGREEMENT

THIS MUTUAL PRIVATE ROADWAY EASEMENT AGREEMENT made and entered into, and effective this 5th day of November, 1996, by and among the undersigned parties as both Grantors and Grantees.

Identification of Grantors and Grantees

Grantors and Grantees are identified as follows:

Robert L. Pettit, Trustee of the Robert L. Pettit Trust Agreement of February 16, 1993, Sheridan County, Wyoming
2144 U.S. Highway 14
Banner, Wyoming 82832

Michael E. Ellenwood and Bonnie L. Ellenwood, husband and wife, Sheridan County, Wyoming
2146 U.S. Highway 14

Michael Shayne Ellenwood and Tammy J. Ellenwood, husband and wife, Sheridan County, Wyoming
2146 U.S. Highway 14
Banner, Wyoming 82832

The above-named Grantors and Grantees are referred to herein as the "parties."

Recitals

1. The parties, as Grantors and Grantees, desire to establish a private roadway easement (hereinafter "easement") and right-of-way to enable said parties to have access across their respective lands for ingress and egress, and for such other specific and limited purposes as set forth herein, so that each of said parties has access to their respective lands as described in Exhibit "A" attached hereto and incorporated herein by reference, including the right to drive vehicles and trail livestock along said easement.

2. The parties warrant that they are the owners of the respective lands described herein in Exhibit "A" attached hereto.

3. The parties desire to grant a mutual easement to each other and to their successors and assigns, subject to the terms and conditions set forth herein.

Easement Agreement

NOW, THEREFORE, in consideration of the sum of One Dollars (\$1.00) and other good and valuable consideration, and in consideration of the mutual covenants and agreements stated herein,

it is hereby agreed by and among the parties as follows:

1. Each of the parties hereby grants and conveys unto each of the other parties, their heirs, successors and assigns, an easement over and across the lands described herein in Exhibit "B", attached hereto and incorporated herein by reference, to the extent that said lands are owned by the parties, situate in Sheridan County, State of Wyoming. The described easements are shown on a plat marked Exhibit "C" attached hereto and incorporated herein by reference. Said Exhibit "C" is part of a Certificate of Survey filed in Drawer A of Certificate of Surveys No. 148 in the records of the Clerk and Recorder of Sheridan County, Wyoming.

2. The lands subject to and benefited by this easement are those described in Exhibit "A". This easement shall be construed as an easement appurtenant to the land, and shall inure to the benefit of and be binding upon each of the parties, their heirs, personal representatives, successors and assigns.

3. This easement is granted only for specific and limited purposes, and subject to express terms and conditions, all of which are as follows:

a. The easement shall only be used by the respective parties, their heirs, successors and assigns, for the purposes stated herein.

b. Each of the parties shall have the nonexclusive right to use the easement for purposes of gaining access to their respective lands. This right of access extends to the parties, their agents, employees, business invitees, and social invitees. No party shall leave the described easement while crossing the lands of another party, without the express permission of that other party.

c. The primary purpose of the easement is for residential and agricultural purposes so that each party shall have the right to use the easement for ingress and egress to his or her lands as described on Exhibit "A" for residential, agricultural operations, livestock raising, hunting, fishing, social and recreational purposes.

d. Any gate presently located or hereafter placed upon said easement along the boundary fence between the parties' respective lands, or those of third parties, shall be kept closed as necessary to contain livestock on each respective landowner's property. Landowners shall have the right to install additional gates along their boundary line as necessary.

e. Cattle guards may be installed on the property boundary lines so long as the adjoining landowner agrees in writing to allow the installation of said cattle guards. Cattle guards

shall be of a type designed to prevent injury to horses. If cattle guards are installed within the easement, the party or parties installing said cattle guards shall be responsible for their maintenance, repair and replacement. Cattle guards must be kept reasonably clean and free of debris to enable the parties to keep their livestock on their respective lands. If a cattle guard is installed, a gate or opening adjacent to the cattle guard shall be installed in the fenceline to allow livestock to be driven around the cattle guard and back onto the roadway.

f. The parties shall have the right to maintain the easement, or any portion thereof, at their own expense, but shall not have the right to widen, enlarge or relocate the easement, except with the prior written consent and permission of the other affected parties first had and obtained.

g. The easement may be changed, altered and relocated from time to time by a landowner as the same crosses said landowner's lands, at the landowner's expense, provided that the parties shall not be denied access to and across the relocated roadway.

h. The parties shall not permit vehicles or equipment to be parked within the easement right-of-way except during an emergency, and then only temporarily until the emergency passes.

i. The parties will cooperate to control the speed of vehicles, littering, and the growth of noxious weeds over the roadway easement.

j. Any livestock trailed across the easement shall be trailed at a normal pace and shall not be stopped to graze or rest on any lands of the parties, except the parties shall have the right to allow his or her own livestock to stop or graze on that parties' own lands.

k. This easement shall not be construed or interpreted to grant any person using said easement any right to go upon, cross or trespass upon any lands belonging to other parties, whether parties to this agreement or otherwise.

4. Each of the parties hereby releases and waives any and all rights, under and by virtue of the homestead exemption laws of the State of Wyoming.

5. This easement may be executed by the parties in separate counterparts, which, when taken together, shall constitute a fully executed agreement.

IN WITNESS WHEREOF, the parties have executed this Mutual Private Roadway Easement Agreement on the dates indicated below. This Agreement shall be effective as of November 5, 1996.

ROBERT L. PETTIT TRUST AGREEMENT OF
FEBRUARY 16, 1993, GRANTOR

By:

Robert L. Pettit
Robert L. Pettit, Trustee

Michael E. Ellenwood
MICHAEL E. ELLENWOOD

Bonnie L. Ellenwood
BONNIE L. ELLENWOOD

Michael Shayne Ellenwood
MICHAEL SHAYNE ELLENWOOD

Tammy J. Ellenwood
TAMMY J. ELLENWOOD

STATE OF WYOMING)
) ss.
County of Sheridan)

The foregoing instrument was acknowledged before me this 5th day of November, 1996, by Robert L. Pettit, Trustee of the Robert L. Pettit Trust Agreement of February 16, 1993.

WITNESS my hand and official seal.



Hayden F. Heaphy Jr.
Notary Public

My Commission expires: _____.

STATE OF WYOMING)
) ss.
County of Sheridan)

5th The foregoing instrument was acknowledged before me this
day of November, 1996 by Michael E. Ellenwood and Bonnie L.
Ellenwood, husband and wife.

WITNESS my hand and official seal.



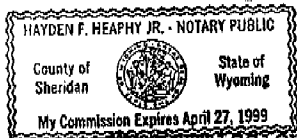
Hayden F. Heaphy Jr.
Notary Public

My Commission expires: _____.

STATE OF WYOMING)
) ss.
County of Sheridan)

5th The foregoing instrument was acknowledged before me this
day of November, 1996 by Michael Shayne Ellenwood and Tammy
J. Ellenwood, husband and wife.

WITNESS my hand and official seal.



Hayden F. Heaphy Jr.
Notary Public

My Commission expires: _____.

EXHIBIT "A"

LEGAL DESCRIPTION FOR TRACT 1

MICHAEL E. ELLENWOOD and BONNIE L. ELLENWOOD

Township 53 North, Range 81 West, 6TH P.M., Sheridan County, Wy.

Section 7: A tract of land situated in the NW¼SE¼, and the SW¼NE¼ of Section 7, Township 53 North, Range 81 West, 6th P.M., Sheridan County, Wyoming; said tract being more particularly described as follows:

Commencing at the south quarter corner of said Section 7; thence N00°09'51"W, 1326.79 feet to the POINT OF BEGINNING of said tract, said point being the southwest corner of said NW¼SE¼; thence N89°23'55"E, 1297.75 feet along the south line of said NW¼SE¼ to a point, said point being the southeast corner of said NW¼SE¼; thence N00°31'20"W, 1265.75 feet along the east line of said NW¼SE¼ to a point, said point lying on the south right of way line of U.S. Highway 14; thence S89°33'09"W, 373.39 feet along said south right of way line to a point; thence along said south right of way line through a curve to the right, having a radius of 1687.02 feet, a central angle of 22°33'44", an arc length of 664.32 feet, a chord bearing of N79°10'50"W, and a chord length of 660.04 feet to a point; thence S21°09'25"W, 738.37 feet to a point, said point lying on the west line of said NW¼SE¼; thence S00°09'51"E, 711.70 feet along said west line to the POINT OF BEGINNING of said tract; containing 36.96 acres of land more or less.

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

Section 18: SE¼, SE¼NE¼, E¼SW¼NE¼

TOTAL AREA TRACT 1= 257.79 ACRES MORE OR LESS.

Certificate of Survey for the above legal description is filed in drawer A of Certificate of Surveys No. 148.

LEGAL DESCRIPTION FOR TRACT 2
MICHAEL SHAYNE ELLENWOOD and TAMMY J. ELLENWOOD

Township 53 North, Range 81 West, 6TH P.M., Sheridan County, Wy.

Section 7: SW $\frac{1}{4}$ SE $\frac{1}{4}$

A portion of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ described as follows:
A tract of land situated in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 7, Township 53 North, Range 81 West, 6th P.M., Sheridan County, Wyoming; said tract being more particularly described as follows:

Beginning at the south quarter corner of said Section 7; thence N00°09'51"W, 1326.79 feet along the east line of said SE $\frac{1}{4}$ SW $\frac{1}{4}$ to a point, said point being the northeast corner of said SE $\frac{1}{4}$ SW $\frac{1}{4}$; thence S89°21'46"W, 411.36 feet along the north line of said SE $\frac{1}{4}$ SW $\frac{1}{4}$ to a point; thence S14°18'07"W, 1377.95 feet to a point, said point lying on the south line of said SE $\frac{1}{4}$ SW $\frac{1}{4}$; thence N89°00'43"E, 755.64 feet along said south line to the POINT OF BEGINNING of said tract; containing 17.79 acres of land more or less.

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

Section 18: N $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$

TOTAL AREA OF TRACT 2 IS 157.51 ACRES MORE OR LESS.

Certificate of Survey for the above legal description is filed in drawer A of Certificate of Surveys No. 148.

LEGAL DESCRIPTION FOR TRACT 3
ROBERT L. PETTIT TRUST AGREEMENT U/A OF FEBRUARY 16, 1993

Township 53 North, Range 81 West, 6TH P.M., Sheridan County, Wy.

Section 7: A tract of land situated in Lots 2, 3 and 4, SE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, and the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 7, Township 53 North, Range 81 West, 6th P.M., Sheridan County, Wyoming; said tract being more particularly described as follows:

Beginning at the southwest corner of said Section 7; thence N89°00'43"E, 1852.08 feet along the south line of said Section 7 to a point; thence N14°18'07"E, 1377.95 feet to a point, said point

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lying on the north line of said SE $\frac{1}{4}$ SW $\frac{1}{4}$; thence N89°21'46"E, 411.36 feet along said north line to a point, said point being the northeast corner of said SE $\frac{1}{4}$ SW $\frac{1}{4}$; thence N00°09'51"W, 711.70 feet along the east line of said NE $\frac{1}{4}$ SW $\frac{1}{4}$ to a point; thence N21°09'25"E, 738.37 feet to a point, said point lying on the south right of way line of U.S. Highway 14; thence along said south right of way line through a curve to the right, having a radius of 1687.02 feet, a central angle of 05°39'06", an arc length of 166.41 feet, a chord bearing of N65°04'24"W, and a chord length of 166.34 feet to a point; thence N62°15'05"W, 325.07 feet along said south right of way line to a point; thence along said south right of way line through a curve to the left, having a radius of 1587.02 feet, a central angle of 33°09'54", an arc length of 918.63 feet, a chord bearing of N78°49'44"W, and a chord length of 905.86 feet to a point; thence S84°35'21"W, 1325.13 feet along said south right of way line to a point, said point lying on the east line of a tract of land described in Book 324 of Deeds, Page 216; thence S00°30'55"E, 357.30 feet along said east line to a point, said point being the southeast corner of said tract described in Book 324 of Deeds, Page 216, and lying on the north line of said Lot 3; thence S89°42'58"W, 252.15 feet along said north line to a point, said point being the west quarter corner of said Section 7; thence S00°35'27"E, 1342.95 feet along the west line of said Section 7 to a point, said point being the northwest corner of said Lot 4; thence S00°34'41"E, 1342.71 feet along said west line of Section 7 to the POINT OF BEGINNING of said tract.

Section 18: W $\frac{1}{4}$

Township 53 North, Range 82 West, 6TH P.M., Sheridan County, Wy.

Section 12: E $\frac{1}{4}$ SE $\frac{1}{4}$

A portion of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ described as follows:
A tract of land situated in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 12, Township 53 North, Range 82 West, 6th P.M., Sheridan County, Wyoming; said tract being more particularly described as follows:

Beginning at the east quarter corner of said Section 12; thence N88°06'39"W, 1336.15 feet along the south line of said SE $\frac{1}{4}$ NE $\frac{1}{4}$ to a point; said point being the southwest corner of said SE $\frac{1}{4}$ NE $\frac{1}{4}$;

thence N00°30'23"W, 47.65 feet along the west line of said SE¼NE¼ to a point, said point lying on the south right of way line of U.S. Highway 14; thence N74°08'15"E, 378.67 feet along said south right of way line to a point; thence N15°52'33"W, 15.00 feet along said south right of way line to a point; thence N74°07'26"E, 56.34 feet along said south right of way line to a point; thence along said south right of way line through a curve to the right, having a radius of 2256.83 feet, a central angle of 06°05'29", an arc length of 239.93 feet, a chord bearing of N77°10'12"E, and a chord length of 239.82 feet to a point; thence S09°47'04"E, 15.00 feet along said south right of way line to a point; thence along said south right of way line through a curve to the right, having a radius of 2241.83 feet, a central angle of 04°21'38", an arc length of 170.62 feet, a chord bearing of N82°23'47"E, and a chord length of 170.58 feet to a point; thence N84°35'21"E, 515.29 feet along said south right of way line to a point, said point lying on the east line of said SE¼NE¼; thence S00°31'24"E, 334.68 feet along said east line to the POINT OF BEGINNING of said tract; containing 6.89 acres more or less.

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

TOTAL AREA OF TRACT 3 IS 573.33 ACRES OF LAND MORE OR LESS.

EXHIBIT "B"**LEGAL DESCRIPTION FOR ACCESS EASEMENT No. 1**

An access easement situated in the SW¼NE¼, NW¼SE¼ and the NE¼SW¼ of Section 7, Township 53 North, Range 81 West, 6th P.M., Sheridan County, Wyoming; said easement being more particularly described as follows:

Commencing at the south quarter corner of said Section 7; thence N00°09'51"W, 1326.79 feet to the POINT OF BEGINNING of said easement, said point being the southeast corner of said NE¼SW¼; thence S89°21'46"W, 215.61 feet along the south line of said NE¼SW¼ to a point; thence N42°17'51"E, 230.48 feet to a point; thence N00°09'51"W, 554.74 feet to a point; thence N21°09'25"E, 751.45 feet to a point, said point lying on the south right of way line of U.S. Highway 14; thence along said south right of way line through a curve to the left, having a radius of 1687.02 feet, a central angle of 02°02'21", an arc length of 60.04 feet, a chord bearing of S66°52'47"E, and a chord length of 60.04 feet to a point; thence S21°09'25"W, 738.37 feet to a point, said point lying on the east line of said NE¼SW¼; thence S00°09'51"E, 711.70 feet along said east line to the POINT OF BEGINNING of said easement.

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

LEGAL DESCRIPTION FOR ACCESS EASEMENT No. 2

A thirty (30) foot wide access easement, fifteen (15) feet each side of an existing road centerline situated in the SE¼SW¼ and the SW¼SE¼ of Section 7, NE¼NE¼ of Section 18, Township 53 North, Range 81 West, 6th P.M., Sheridan County, Wyoming; said centerline being more particularly described as follows:

Commencing at the south quarter corner of said Section 7; thence N00°09'51"W, 1326.79 feet to the POINT OF BEGINNING of said easement, said point being the northeast corner of said SE¼SW¼ and lying in said centerline of an existing road; thence S03°38'56"W, 462.85 feet along said centerline to a point; thence S18°26'36"E, 337.68 feet along said centerline to a point; thence S28°54'05"E, 108.26 feet along said centerline to a point; thence S78°13'51"E, 153.22 feet along said centerline to a point; thence S49°47'02"E,

255.25 feet along said centerline to a point; thence S29°08'29"E, 256.95 feet along said centerline to a point; thence S08°05'37"E, 502.45 feet along said centerline to a point; thence S42°20'10"E, 212.47 feet along said centerline to a point; thence S70°32'13"E, 208.97 feet along said centerline to a point; thence N78°41'59"E, 120.57 feet along said centerline to a point; thence S88°11'48"E, 177.89 feet along said centerline to a point; thence S63°20'50"E, 141.15 feet along said centerline to a point; thence S30°22'24"E, 173.13 feet along said centerline to a point; thence S35°08'59"E, 189.05 feet along said centerline to a point; thence S48°31'27"E, 215.28 feet along said centerline to a point; thence S55°10'05"E, 204.12 feet along said centerline to the POINT OF TERMINUS of said easement, said point lying on the south line of said ~~N/NE~~ and being S26°03'22"W, 1497.11 feet from the northeast corner of said Section 18.

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

