663527 AGREEMENT BOOK 514 PAGE 0464 RECORDED 03/04/2010 AT 04:00 PM AUDREY KOLTISKA, SHERIDAN COUNTY CLERK

AGREEMENT TO VACATE AN EXISTING PRIVATE ACCESS EASEMENT AND TO CREATE A NEW ACCESS EASEMENT

THIS AGREEMENT is entered by and between Michael W. Hughes, Trustee of the Michael W. Hughes Trust under agreement dated November 15, 2005, whose address is P.O. Box 745, Big Horn, Wyoming 82833 (hereafter referred to as "Hughes") and Kimberly K. Smith, Trustee of the Kimberley K. Smith Trust dated July 26, 2007, whose address is 5 Beartooth Drive, Sheridan, Wyoming 82801 (hereafter "Smith").

WHEREAS, Hughes currently owns certain real property (the "Hughes Land"), the legal description of which is as follows:

A tract of land in the Southwest Quarter of the Northeast Quarter (SW1/4NE1/4) of Section 28, Township 55 North, Range 84 West, of the Sixth Principal Meridian, Sheridan County, Wyoming, being more particularly described as follows:

Beginning at the Center Quarter Corner (C1/4) of said Section 28; thence along the west line of said SW1/4NE1/4 N00°56'00"W, 731.19 feet; thence East 596.97 feet; thence S00°53'54"E, 724.39 feet, to a point on the South line of said SW1/4NE1/4; thence along said South line S89°20'51"W, 596.46 feet to the point of beginning. Said tract contains 9.969 acres more or less.

WHEREAS, Smith currently owns certain real property (the "Smith Land"), the legal description of which is as follows:

A tract of land in the West Half of the Northeast Quarter (W1/2NE1/4) of Section 28, Township 55 North, Range 84 West, of the Sixth Principal Meridian, Sheridan County, Wyoming, being more particularly described as follows:

Beginning at a point on the West line of said W1/2NE1/4, said point located N00°56'00"W, 731.19 feet from the Center Quarter Corner (C1/4) of said Section 28; thence along said west line N00°56'00"W, 595.98 feet to the Center North One-Sixteenth Corner (CN1/16) of said Section 28; thence continuing along said West line N00°55'57"W, 150.00 feet; thence S89°59'53"E, 416.35 feet; thence S00°53'00"W, 60.00 feet; thence S89°06'50"E, 183.01 feet; thence S00°53'54"E, 683.13 feet; thence West, 596.97 feet to the point of beginning. Said tract contains 9.969 acres more or less.

WHEREAS, on June 8, 2007, a Warranty Deed respecting the Smith Land was recorded in the office of the Sheridan County, Wyoming, Clerk and Recorder, at Book 486, Page 243, granting a private access easement upon the Smith Land for the benefit of the Hughes land; and

WHEREAS, on June 8, 2007, a Warranty Deed respecting the Hughes Land was recorded in the office of the Sheridan County, Wyoming, Clerk and Recorder, at Book 486, Page 245, reserving the same private access easement upon and across the Smith Land for the benefit of the Hughes land; and

WHEREAS, it is the parties' intent to vacate and forever extinguish such existing private access easement so described in the above-referenced Warranty Deeds on June 8, 2007, and to

create and to establish a new private access easement across the Smith Land for the benefit of the Hughes Land.

NOW THEREFORE, in consideration of Ten Dollars (\$10.00) and the mutual promises, terms and conditions contained herein, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

- 1. The private access easement created and described in the Warranty Deeds referenced above, dated June 8, 2007, which were recorded in the office of the Sheridan County, Wyoming, Clerk and Recorder, at Book 486, Page 243, and at Book 486, Page 245, respectively, is hereby vacated and forever extinguished.
- 2. Smith hereby conveys and dedicates unto Hughes, a new Thirty (30) foot wide private access easement located upon the Smith Land, for the exclusive benefit of the Hughes Land, which private access easement shall run with the land, and which private access easement through the Smith Land is more particularly described as follows:

An access easement located in the West Half of the Northeast Quarter (W½NE¼) of Section 28, Township 55 North, Range 84 West of the 6th Principal Meridian, Sheridan County, Wyoming, said easement lying 30 feet westerly of the following described line:

Beginning at a point located N38°40'08"E, 936.37 feet from the Center quarter corner of said Section 28, thence N00°53'54"W, 683.13 feet to the point of ending, lengthening or shortening the sidelines of said easement to intersect boundary lines.

Michael W. Hughes, Trustee of the Michael W. Hughes Trust under agreement dated November 15. 2005

**Combacly K. Smith, Trustee of the Kimberly K.

Kimberly K. Smith, Trustee of the Kimbe Smith Trust dated July 26, 2007

STATE OF <u>Mevada</u>): ss COUNTY OF <u>Lyon</u>)

The foregoing instrument was acknowledged before me by **Michael W. Hughes**, Trustee of the Michael W. Hughes Trust under agreement dated November 15, 2005, this <u>/8</u> day of <u>February</u>, 2010.

Witness my hand and official seal.

My commission expires: $\frac{11}{2}$ $\frac{2013}{2013}$

MISTY EDLEFSEN
NOTARY PUBLIC
STATE OF NEVADA
-0060-12 My APPL EXP. Nov. 2, 2013

STATE OF WYOMING)
COUNTY OF SHERIDAN	: ss)
The foregoing instrument was acknowledged before me by Kimberly K. Smith , Trustee of the Kimberley K. Smith Trust dated July 26, 2007, this <u>Y</u> day of, 2010.	
Witness my hand and	official goal

Witness my hand and official seal

Notary Public

My commission expires: 5-13-10

