

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

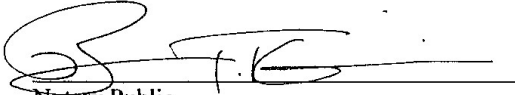
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STATE OF WYOMING)
 : ss
COUNTY OF SHERIDAN)

The foregoing instrument was acknowledged before me by **Kimberly K. Smith**, Trustee
of the Kimberley K. Smith Trust dated July 26, 2007, this 4th day of
March, 2010.

Witness my hand and official seal.


Notary Public

My commission expires: 5-13-10

