

**SECOND AMENDMENT TO  
FIRST MORTGAGE AND SECURITY AGREEMENT**

This Second Amendment To First Mortgage and Security Agreement (referred to herein as the "Second Amendment") is entered into by **Summerfield K. Johnston, Jr.** (also known as S.K. Johnston, Jr.), and **Big Sky Land Company, LLC**, a Montana limited liability company (herein referred to collectively as "Mortgagor"), whose address is 600 Krystal Building, Chattanooga, TN 37402 and **Metropolitan Life Insurance Company**, with its principal office at 8717 West 110<sup>th</sup> Street, Suite 700, Overland Park, KS 66210 (herein referred to as "Mortgagee").

**RECITALS**

Mortgagor executed a First Mortgage Note for the principal amount of Thirty Million dollars (\$30,000,000.00) dated November 12, 2003 to Mortgagee (referred to hereinafter as "First Mortgage Note") and a First Mortgage and Security Agreement dated November 12, 2003 to secure the payment of said note. The First Mortgage and Security Agreement was recorded on November 17, 2003 in Book 88A136, Page 54 in the office of the Johnson County Clerk and on November 17, 2003 in Book 547, Page 545 in the office of the Sheridan County Clerk (referred to hereinafter as "First Mortgage and Security Agreement").

Mortgagor executed an Amendment to First Mortgage and Security Agreement dated August 28, 2008 and recorded on August 29, 2008 in Book 88A190, Page 551 in the office of the Johnson County Clerk and on September 5, 2008 in Book 716, Page 240 in the office of the Sheridan County Clerk (referred to hereinafter as the "First Amendment") in which Mortgagor and Mortgagee agreed to release a portion of the lands covered by the First Mortgage and Security Agreement and the addition of certain lands as collateral to secure the obligations of the Mortgagor evidenced by the First Mortgage Note.

Mortgagor has made a second request that Mortgagee release of a portion of the lands covered by the First Mortgage and Security Agreement.

Mortgagee has agreed to grant Mortgagee the requested partial release on condition that the First Mortgage and Security Agreement be amended to add additional lands as collateral to secure the obligations of the Mortgagor evidenced by the First Mortgage Note.

**NOW, THEREFORE**, in consideration of the mutual covenants set forth herein and other good and valuable consideration, the parties agree as follows:

**Property being released from First Mortgage and Security Agreement**

1. The First Mortgage and Security Agreement dated November 12, 2003 is hereby amended such that the following described property is released from and no longer covered by the First Mortgage and Security Agreement:

- (a) The real property located in Johnson County, Wyoming, described on attached Exhibit A together with all existing or subsequently erected or affixed buildings, improvements, fixtures and appurtenances located on said lands.
- (b) All water, water rights, dams, dikes, reservoirs, reservoir rights, drains and drainage rights, wells and well rights used upon, stored, located or appurtenant to the lands described in Exhibit "A"; and all windmills, pumps, pipes, pipelines, pivots, drip systems, irrigation equipment, motors, engines and devices of every kind and appurtenances now or hereafter used for or in connection with the irrigation of the property described on attached Exhibit "A".
- (c) The following described leases and permits that are used or operated in conjunction with the lands described in Exhibit "A":

- (1) Wyoming State Grazing and Agricultural Lease No. 2-5421 covering the following described lands:

Township 47 North, Range 83 West

Section 14: NE $\frac{1}{4}$   
Section 23: N $\frac{1}{2}$ SE $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , NE $\frac{1}{4}$   
Section 24: NW $\frac{1}{4}$ SW $\frac{1}{4}$

- (2) USDI Bureau of Land Management Grazing Permit Allotment 12133 covering the following described lands:

Township 47 North, Range 83 West

Section 2: SW $\frac{1}{4}$ SW $\frac{1}{4}$   
Section 3: E $\frac{1}{2}$ E $\frac{1}{2}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$   
Section 4: SE $\frac{1}{4}$   
Section 9: N $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$   
Section 10: NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$   
Section 11: NW $\frac{1}{4}$ NW $\frac{1}{4}$

- (3) USDI Bureau of Land Management Grazing Permit Allotment 22125 covering the following described lands

Township 47 North, Range 83 West

Section 15: NW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$   
Section 22: N $\frac{1}{2}$ NE $\frac{1}{4}$

**Property being added to First Mortgage and Security Agreement**

2. The First Mortgage and Security Agreement is hereby amended to reflect that the following described property (hereinafter referred to as the "Additional Secured Property") is added to the collateral description in paragraph 1 of the First Mortgage and Security Agreement and covered by all of the terms and conditions of the First Mortgage and Security Agreement:

- a. The real property located in Sheridan County, Wyoming, described on attached Exhibit "B" together with the following: all existing or subsequently erected or affixed buildings, improvements, fixtures and appurtenances located on said lands; all easements, rights of way and appurtenances; all water, water rights, dams, dikes, reservoirs, reservoir rights, drains and drainage rights, wells and well rights used upon, stored, located or appurtenant to said lands; all shares of stock and any other rights owned by Mortgagor in any ditch, reservoir or canal company or water user's association; all water development, storage or conservation facilities and structures; all rents, royalties, issues and profits now due or which may hereafter become due under or by virtue of any agreement relating to the real property; all crops; all coal, oil, gas and other minerals and mineral rights owned by Mortgagor in, under or produced from said lands; all privileges, hereditaments and appurtenances belonging to said lands or in any way pertaining thereto; all rights of access; and all estate, title, interest, claim and demand whatsoever of Mortgagor in said lands, whether now owned or hereafter acquired.
- b. All windmills, pumps, pipes, pipelines, pivots, drip systems, irrigation equipment, motors, engines and devices of every kind and appurtenances now or hereafter used for or in connection with the irrigation of the property described on attached Exhibit B or for stock watering or domestic uses thereon, including, but not limited to, the following irrigation equipment:

Paddock Sprinklers

Rain Bird heads supplied by buried main and lateral lines  
No I.D. available

Pump #2

Berkeley Model B1-1/2TPMS  
Serial No. G260806

Motor #2

Marathon Electric 10 HP,  
Model No. BVJ215TCDV7004AAL, Serial No. 2413

Wheel Line Sprinkler System No. 1

Year: N/A  
Make: Lake - Crop King  
Model: N/A  
Serial No. 203  
Description 1/4-mile sideroll, 4" pipeline w/ 5' wheels and Rainbird heads. Driver powered by 10.5 HP Briggs & Stratton gasoline engine.

Wheel Line Sprinkler System No. 2

Year: N/A  
Make: Lake - Crop King  
Model: N/A  
Serial No. 803  
Description 1/4-mile sideroll, 4" pipeline w/ 5' wheels and Rainbird heads. Driver powered by 10.5 HP Briggs & Stratton gasoline engine

together with all additions, accessions, replacements, improvements, repairs and substitutions to said property and the proceeds thereof which shall be considered affixed to the property described on Exhibit B and subject to all provisions of the First Mortgage and Security Agreement.

- c. All awards or compensation made at any time for taking or damaging by eminent domain, either permanent or temporary, of all or any part of the property described above.
- d. All right, title and interest hereafter acquired in or to any of the property described above and all right, title and interest hereafter acquired in or to any of the lands subject to the Leases described above.

3. The parties agree that this Second Amendment shall be effective as of the date hereof, however, the Additional Secured Property shall be considered a part of the property originally secured by the First Mortgage and Security Agreement as if such Additional Secured Property were originally secured by the First Mortgage and Security Agreement. The Additional Secured Property is subject to all terms and conditions set forth in the First Mortgage and Security Agreement. Mortgagor does hereby mortgage and warrant unto Mortgagee the Additional Secured Property to secure the payment of the First Mortgage Note.

4. Mortgagor represents and warrants that all representations, warranties, and undertakings contained in the First Mortgage Note and First Mortgage and Security Agreement and Loan Agreement all dated November 12, 2003 remain true and correct as of the date hereof.

5. Mortgagor grants to Mortgagee, its successors and assigns, a security interest in all personal property included in the Additional Secured Property and all proceeds and products thereof. This document shall be both a mortgage under the laws of Wyoming and a security agreement under

the Wyoming Uniform Commercial Code and/or Tennessee Uniform Commercial Code. Mortgagee shall have all rights and remedies available to a secured party under the Wyoming Uniform Commercial Code and/or Tennessee Uniform Commercial Code, in addition to all rights and remedies provided by law or by this agreement. Mortgagor shall take all acts and deliver to Mortgagee all property and execute and deliver all such financing statements as Mortgagee may deem necessary or desirable to protect and preserve its security interest in said personal property. Mortgagor authorizes Mortgagee to file all financing statements necessary to protect and preserve its security interest in said personal property.

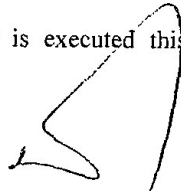
6. The First Mortgage Note and First Mortgage and Security Agreement (except as specifically modified herein) and all related loan documents between the parties remain in full force and effect and are ratified herein.

7. A default under the terms and provisions of this Second Amendment shall be deemed a default under the First Mortgage and Security Agreement dated November 12, 2003.

8. This Amendment is to be executed in two counterparts. One counterpart to be recorded in Sheridan County, Wyoming and one counterpart is to be recorded in Johnson County, Wyoming.

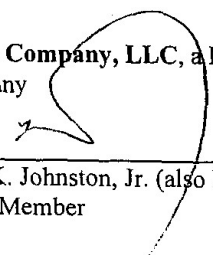
IN WITNESS WHEREOF, this Second Amendment is executed this 19<sup>th</sup> day of October, 2009.

**Mortgagor:**

  
\_\_\_\_\_  
Summerfield K. Johnston, Jr. (also known as S.K. Johnston, Jr.), a married person as his sole and separate property

**Big Sky Land Company, LLC, a Montana limited liability company**

By:

  
\_\_\_\_\_  
Summerfield K. Johnston, Jr. (also known as S.K. Johnston, Jr.), Member

**Mortgagee**

**Metropolitan Life Insurance Company**

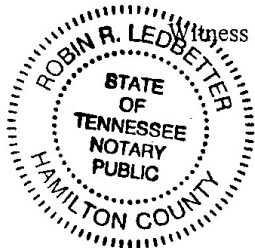
By:

  
\_\_\_\_\_  
Title: **Director**



STATE OF Tennessee )  
 ) ss.  
 COUNTY OF Hamilton )

The foregoing instrument was acknowledged before me by Summerfield K. Johnston, Jr. (also known as S.K. Johnston, Jr.) individually, and as a Member of Big Sky Land Company, LLC, a Montana limited liability company this 19<sup>th</sup> day of October, 2009.



Witness my hand and official seal.

Robin R. Ledbetter  
 Notary Public  
 My commission expires: 2/22/2012

STATE OF Kansas )  
 ) ss.  
 COUNTY OF Johnson )

The foregoing instrument was acknowledged before me by Berry L. Bogseth  
President of  
 Metropolitan Life Insurance Company, this 25<sup>th</sup> day of September, 2009.

Witness my hand and official seal.



Robert L. Black  
 Notary Public  
 My commission expires: 8/26/2013

Exhibit A

Township 47 North, Range 83 West, 6<sup>th</sup> PM

Section 3: E2SW, SWSE

Section 10: N2NE, SENE, SWNE, W2SE, SESE, NESE

Section 11: SWNW, SW4, W2SE, W2E2SE, S2NE, SENW

Section 14: W2, SE4

Section 15: NENE

Section 22: NESE

Section 23: NW4, NWSW, S2S2

Section 26: NWNE, N2NW

EXCEPTING THEREFROM that portion of the NENWNWSE of Section 14, conveyed to the Nature Conservancy by General Warranty Deed recorded December 27, 2000 in Book 87A-43 of Mortgages, Page 496.

## Exhibit B

A tract of land lying in the NW $\frac{1}{4}$ NE $\frac{1}{4}$  and West $\frac{1}{2}$ SW $\frac{1}{4}$  of Section 19, the NW $\frac{1}{4}$  of Section 30, all in Township 54 North, Range 83 West, the E $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ , and East $\frac{1}{2}$ SW $\frac{1}{4}$  of Section 24, the N $\frac{1}{2}$  of Section 25, all in Township 54 North, Range 84 West; 6th Principal Meridian, Sheridan County, Wyoming; said tract being more particularly described as follows:

COMMENCING at the northwest corner of said Section 19; thence S71°54'35"E, a distance of 2807.21 feet along the north line of said NW $\frac{1}{4}$  of Section 19 to a point; thence S88°13'49"E a distance of 650.54 feet along the north line of said NW $\frac{1}{4}$ NE $\frac{1}{4}$  of said Section 19 to a point on a fence line; thence S20°26'04"W, a distance of 253.25 feet along said fence line to a point; thence S18°24'29"E, a distance of 136.90 feet along said fence line to a point; thence S55°12'06"E a distance of 24.29 feet along said fence line to a point; thence S32°16'21"W, a distance of 47.68 feet along said fence line to a point; thence S07°41'20"W, a distance of 89.32 feet along said fence line to a point; thence S89°22'13"W a distance of 387.07 feet along said fence line to a point; thence through a curve to the left having a delta of 41°30'47", a radius of 218.13 feet, a length of 158.05 feet, a chord bearing of S33°35'14"W and a chord length of 154.61 feet along said fence line to a point; thence S50°49'36"W, a distance of 284.69 feet along said fence line to a point; thence S52°54'21"W, a distance of 358.74 feet along said fence line to a point; thence S57°29'55"W, a distance of 360.16 feet along said fence line to a point; thence S65°49'39"W, a distance of 698.42 feet along said fence line to a point; thence S41°06'35"W, a distance of 654.69 feet along said fence line to a point; thence S36°21'15"W, a distance of 82.53 feet along said fence line to a point; thence S40°24'53"E, a distance of 486.12 feet along said fence line to a point; thence S02°24'23"E, a distance of 2192.53 feet along said fence line to a point; thence S17°17'04"W, a distance of 488.43 feet along said fence line to a point; thence S28°20'49"E, a distance of 1379.19 feet along said fence line to a point; thence S08°53'12"E, a distance of 303.30 feet along said fence line to a point; thence S22°52'15"W, a distance of 675.51 feet along said fence line to a point; thence S76°17'20"W, a distance of 481.56 feet along said fence line to a point; thence S78°54'39"W, a distance of 493.72 feet along said fence line to a point; thence N70°04'56"W, a distance of 709.33 feet along said fence line to a point; thence N66°47'20"W, a distance of 845.68 feet along said fence line to a point; thence N83°14'20"W, a distance of 576.82 feet along said fence line to a point; thence N80°07'05"W, a distance of 695.28 feet along said fence line to a point; thence N75°00'26"W, a distance of 551.11 feet along said fence line to a point; thence N17°53'39"E, a distance of 529.58 feet along said fence line to a point; thence N00°49'22"E, a distance of 200.93 feet along said fence line to a point; thence N79°59'34"W a distance of 1231.11 feet along said fence line to a point; thence N05°31'02"W, a distance of 547.77 feet along said fence line to a point; thence N49°58'21"E, a distance of 657.86 feet along said fence line to a point; thence N12°43'20"E, a distance of 1001.56 feet along said fence line to a point; thence N00°50'07"E, a distance of 184.05 feet along said fence line to a point; thence N52°03'28"E, a distance of 997.68 feet along said fence line to a point; thence N62°56'22"E, a distance of 778.28 feet along said fence line to a point; thence N26°47'05"W, a distance of 228.52 feet along said fence line to a point; thence N01°32'10"E, a distance of 523.53 feet along said fence line to a point on the south line of the NE $\frac{1}{4}$  of said Section 24; thence N88°44'02"E, a distance of 313.99 feet along said south line to the southwest corner of said E $\frac{1}{2}$ NE $\frac{1}{4}$  of Section 24; thence N00°21'28"W, a distance of 2606.93 feet along the west line of said E $\frac{1}{2}$ NE $\frac{1}{4}$  to the northwest corner of said E $\frac{1}{2}$ NE $\frac{1}{4}$ ; thence N87°16'52"E a distance of 1307.45 feet along the north line of said E $\frac{1}{2}$ NE $\frac{1}{4}$  to the POINT OF BEGINNING.

EXCEPTING THEREFROM that certain Quit Claim Deed conveyed to Dale F. Holder and Suzanne M. Holder recorded July 21, 1993 in Book 359, Page 607.

ALSO

A tract of land lying in the NE $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$  of Section 30, the S $\frac{1}{2}$ NW $\frac{1}{4}$  and N $\frac{1}{2}$ SW $\frac{1}{2}$  of Section 29, Sixth Principal Meridian, Township 54 North, Range 83 West, Sheridan County, Wyoming, said tract being more particularly described as follows:

Commencing at the northwest corner of said Section 29; thence S00°11'34"E, 344.08 feet along the east line of said NE $\frac{1}{4}$  to a point on a fence line, said point being the POINT OF BEGINNING of the herein described parcel; thence S72°23'06"W, 1254.81 feet along said fence line to a point; thence S02°48'28"E, 1156.82 feet along said fence line to a point; thence S64°55'54"W, 758.58 feet along said fence line to a point; thence S06°11'23"E 728.38 feet along said fence line to a point; thence S65°57'06"E, 365.98 feet along said fence line to a point; thence S75°06'34"E 345.29 feet along said fence line to a point; thence S48°14'54"E, 322.10 feet along said fence line to a point; thence S70°59'40"E, 217.62 feet along said fence line to a point; thence N83°05'09"E, 347.26 feet along said fence line to a point; thence N60°37'16"E, 218.39 feet along said fence line to a point; thence S78°05'38"E, 787.24 feet along said fence line to a point; thence N33°44'22"E, 267.15 feet along said fence line to a point; thence N86°28'15"E, 1028.12 feet along said fence line to a point; thence S68°29'14"E 632.44 feet along said fence line to a point; thence N75°54'53"E, 127.39 feet along said fence line to a point; thence N03°25'11"W, 86.85 feet along said fence line to the southwest corner of a tract of land described in Book 250 of Deeds, Page 485; thence N03°01'26"W, 746.38 feet along said fence line and west line of said tract to the northwest corner of said tract; thence N89°18'57"E, 97.75 feet along said fence line and the north line of said tract to a point on the westerly right-of-way line of U.S. Highway 87; thence along said westerly right-of-way line through a spiral curve to the right having a chord bearing of N38°12'38"W and chord length of 195.98 feet to a point; thence along said westerly right-of-way line through a curve to the right having a radius 2939.80 feet, a delta of 19°52'38", a length of 1019.89 feet, a chord bearing of N26°48'28"W, and a chord length of 1014.78 feet to a point; thence along said westerly right-of-way line through a spiral curve to the right having a chord bearing of N16°21'52"W, and a chord length of 55.09 feet to the southeast corner of a tract of land described on Book 130 of Deeds, Page 135; thence S54°15'07"W, 869.28 feet along the south line of said tract to the southwest corner of said tract, said point being on the east line of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ ; thence N00°10'51"W, 10.80 feet along the west line of said tract and east line of said SW $\frac{1}{4}$ NW $\frac{1}{4}$  to a point on a fence line; thence S54°15'12"W, 65.48 feet along said fence line to a point; thence N40°12'27"W, 282.70 feet along said fence line to a point; thence N07°50'52"W, 441.91 feet along said fence line to a point; thence S89°46'37"W, 1029.51 feet along said fence line to a point; thence N00°50'39"E, 972.86 feet along said fence line to the POINT OF BEGINNING.

AND

A tract of land lying the NE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 29, Township 54 North, Range 83 West, Sheridan County, Wyoming; said tract more particularly described as follows: Commencing at the northwest corner of said Section 29; thence S44°39'20"E 3577.62 feet to the northwest corner of a tract of land described in Book 250 of Deeds, Page 485, said point being the POINT OF BEGINNING of the herein described parcel; thence N89°18'57"E 97.75 feet along the north line of said tract to a point on the westerly right-of-way line of U.S. Highway 87; thence along said westerly right of way through a spiral curve to the left having a chord bearing of S39°15'36"E and

chord length of 12.16 feet to a point on the east line of said NE $\frac{1}{4}$ SW $\frac{1}{4}$  thence S00°10'08"E 807.92 feet along said east line to a point; thence S75°54'53"W 65.23 feet to a point on a fence line; thence N03°25'11"W 86.85 feet along said fence line to the southwest corner of said tract described in Book 250 of Deeds, Page 485; thence N03°01'26"W, 746.38 feet along said fence line and the west line of said tract to the POINT OF BEGINNING.

AND

A tract of land lying in the E $\frac{1}{2}$ NE $\frac{1}{4}$  of Section 30 and the SW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 29, Township 54 North, Range 83 West, Sheridan County, Wyoming, said tract more particularly described as follows:

Commencing at the northwest corner of said Section 29; thence S00°11'34"E 344.08 feet along the east line of said E $\frac{1}{2}$ NE $\frac{1}{4}$  of Section 30 to the POINT OF BEGINNING of the herein described parcel; thence S00°11'34"E, 961.33 feet along said east line to the northwest corner of said SW $\frac{1}{4}$ NW $\frac{1}{4}$  thence N88°14'48"E 1133.11 feet along the north line of said SW $\frac{1}{4}$ NW $\frac{1}{4}$  to the northwest corner of a tract of land described in Book 1 of Deeds, Page 145; thence S00°10'51"E, 363.00 feet along the west line of said tract to a point; thence S30°19'17"E 262.92 feet along said west line to the southwest corner of said tract; thence N88°14'48"E 41.25 feet along the south line of said tract to the southeast corner of said tract, said point being on the west line of a tract of land described in Book 130 of Deeds, Page 135 and the east line of said NW $\frac{1}{4}$ SW $\frac{1}{4}$ ; thence S00°10'51"E 68.82 feet along the west line of said tract and east line of said SW $\frac{1}{4}$ NW $\frac{1}{4}$  to a point on a fence line; thence S54°15'12"W, 65.48 feet along said fence line to a point; thence N40°12'27"W, 282.70 feet along said fence line to a point; thence N07°50'52"W, 441.91 feet along said fence line to a point; thence S89°46'37"W, 1029.51 feet along said fence line to a point; thence N00°50'39"E 972.86 feet along said fence line to the POINT OF BEGINNING.

ALSO

A tract of land situated in the SW $\frac{1}{4}$  of Section 29, the E $\frac{1}{2}$ SE $\frac{1}{4}$  of Section 30 and the N $\frac{1}{2}$ N $\frac{1}{2}$ NE $\frac{1}{4}$  of Section 31, Township 54 North, Range 83 West, 6th P.M., Sheridan County, Wyoming; said tract being more particularly described as follows:

BEGINNING at the southwest corner of said Section 29; thence N00°11'34"W, 652.70 feet along the west line of said SW $\frac{1}{4}$  of Section 29 to a point, said point being the southwest corner of the N $\frac{1}{2}$ S $\frac{1}{2}$ SW $\frac{1}{4}$  of said Section 29; thence N88°36'13"E, 2611.10 feet along the south line of said N $\frac{1}{2}$ S $\frac{1}{2}$ SW $\frac{1}{4}$  to a point, said point being the southeast corner of said N $\frac{1}{2}$ S $\frac{1}{2}$ SW $\frac{1}{4}$  thence N00°10'08"W, 1144.19 feet along the east line of said SW $\frac{1}{4}$  to a point, said point lying on a fence line; thence S75°54'53"W, 192.62 feet along said fence line to a point; thence N68°29'14"W, 632.44 feet along said fence line to a point; thence S86°28'15"W, 1028.12 feet along said fence line to a point; thence S33°44'22"W, 267.15 feet along said fence line to a point; thence N78°05'38"W, 787.24 feet along said fence line to a point; thence S60°37'16"W, 218.39 feet along said fence line to a point; thence S83°05'09"W, 347.26 feet along said fence line to a point; thence N70°59'40"W, 217.62 feet along said fence line to a point; thence N48°14'54"W, 322.10 feet along said fence line to a point; thence N75°06'34"W, 190.30 feet along said fence line to a point; thence S00°18'49"W, 2751.27 feet to a point, said point lying on the south line of said N $\frac{1}{2}$ N $\frac{1}{2}$ NE $\frac{1}{4}$  of Section 31; thence S89°41'11"E, 1297.93 feet along said south line to a point, said point lying on the east line of said N $\frac{1}{2}$ N $\frac{1}{2}$ NE $\frac{1}{4}$  thence N00°13'27"W, 650.48 feet along said east line to the POINT OF BEGINNING.

ALSO

A tract of land lying in Section 30 and Section 31, Township 54 North, Range 83 West; Section 24 and Section 25, Township 54 North, Range 84 West; 6th Principal Meridian; Sheridan County, Wyoming; said tract being more particularly described as follows:

BEGINNING at the southwest corner of said Section 25; thence N00°19'50"W, 2640.00 feet along the west line of said Section 25 to the west quarter corner of said Section 25, said point lying on the south line of a tract of land described in Book 324 of Deeds, Page 187; thence S69°06'36"E, 364.12 feet along said southerly line described in Book 324 of Deeds, Page 187 to a point; thence N0°13'54"W, 1252.59 feet along the easterly line of a tract of land described in Book 324 of Deeds, Page 187 to a point; thence N27°38'25"E, 473.24 feet along said easterly line described in Book 324 of Deeds, Page 187 to a point; thence N31°10'42"W, 768.43 feet along said easterly line described in Book 324 of Deeds, Page 187 to a point; thence N03°53'28"E, 310.70 feet along said easterly line described in Book 324 of Deeds, Page 187 to a point; thence N08°06'30"E, 1977.87 feet along said easterly line described in Book 324 of Deeds, Page 187 to a point; thence N17°08'21"E, 578.38 feet along said easterly line described in Book 324 of Deeds, Page 187 to a point; thence N34°58'56"E, 519.10 feet along said easterly line described in Book 324 of Deeds, Page 187 to a point; thence N23°45'44"E, 416.23 feet along said easterly line described in Book 324 of Deeds, Page 187 to a point; thence S80°46'26"E, 217.38 feet along said easterly line described in Book 324 of Deeds, Page 187 to a point, said point lying on the west line of the E½NW¼ of said Section 24; thence S00°11'00"E, 488.64 feet along said west line of the E½NW¼ to a point, said point being the southwest corner of said E½NW¼ and W½NE¼ of said Section 24 to a point, said point lying on the westerly line of a tract of land described in Book 336 of Deeds, Page 20; thence S01°32'10"W, 523.53 feet along said westerly line described in Book 336 of Deeds, Page 20 to a point; thence S26°47'05"E, 228.52 feet along said westerly line described in Book 336 of Deeds, Page 20 to a point; thence S62°56'22"W, 778.28 feet along said westerly line described in Book 336 of Deeds, Page 20 to a point; thence S52°03'28"W, 997.68 feet along said westerly line described in Book 336 of Deeds, Page 20 to a point; thence S00°50'07"W, 184.05 feet along said westerly line described in Book 336 of Deeds, Page 20 to a point; thence S12°43'20"W, 1001.56 feet along said westerly line described in Book 336 of Deeds, Page 20 to a point; thence S49°58'21"W, 657.86 feet along said westerly line described in Book 336 of Deeds, Page 20 to a point; thence S05°31'02"E, 547.77 feet along said westerly line described in Book 336 of Deeds, Page 20 to a point; thence S79°59'34"E, 1231.11 feet along the southerly line of a tract of land described in Book 336 of Deeds, Page 20 to a point; thence S00°49'22"W, 200.93 feet along said southerly line described in Book 336 of Deeds, Page 20 to a point; thence S17°53'39"W, 529.58 feet along said southerly line described in Book 336 of Deeds, Page 20 to a point; thence S75°00'26"E, 551.11 feet along said southerly line described in Book 336 of Deeds, Page 20 to a point; thence S80°07'05"E, 695.28 feet along said southerly line described in Book 336 of Deeds, Page 20 to a point; thence S83°14'20"E, 576.82 feet along said southerly line described in Book 336 of Deeds, Page 20 to a point; thence S66°47'20"E, 845.68 feet along said southerly line described in Book 336 of Deeds, Page 20 to a point; thence S70°04'56"E, 709.33 feet along said southerly line described in Book 336 of Deeds, Page 20 to a point; thence N78°54'39"E, 493.72 feet along said southerly line described in Book 336 of Deeds, Page 20 to a point; thence N76°17'20"E, 481.56 feet along said southerly line described in Book 336 of Deeds, Page 20 to a point; thence N22°52'15"E, 675.51 feet along the easterly line of said tract of land described in Book 336 of Deeds, Page 20 to a point; thence N77°30'40"E, 2376.68 feet along the southerly line of a tract of land described in Book 373 of

Deeds, Page 220 to a point; thence  $S02^{\circ}48'28''E$ , 1156.82 feet along the westerly line of a tract of land described in Book 352 of Deeds, Page 377 to a point; thence  $S64^{\circ}55'54''W$ , 758.58 feet along said westerly line described in Book 352 of Deeds, Page 377 to a point; thence  $S06^{\circ}11'23''E$ , 728.38 feet along said westerly line described in Book 352 of Deeds, Page 377 to a point; thence  $S85^{\circ}57'06''E$ , 365.98 feet along the southerly line of said tract of land described in Book 352 of Deeds, Page 377 to a point; thence  $S75^{\circ}06'34''E$ , 154.99 feet along said southerly line described in Book 352 of Deeds, Page 377 to a point; thence  $S00^{\circ}18'49''W$ , 2751.27 feet along the west line of a tract of land described in Book 391 of Deeds, Page 642 to a point, said point lying on the south line of the  $N\frac{1}{2}N\frac{1}{2}NE\frac{1}{4}$  of said Section 31; thence  $N89^{\circ}41'11''W$ , 1339.89 feet along said south line of the  $N\frac{1}{2}N\frac{1}{2}NE\frac{1}{4}$  and the northerly line of a tract of land described in Book 387 of Deeds, Page 91 to a point, said point lying on the west line of the  $NE\frac{1}{4}$  of said Section 31; thence  $S00^{\circ}42'30''E$ , 1964.67 feet along said west line of the  $NE\frac{1}{4}$  and said westerly line of said tract described in Book 387 of Deeds, Page 91 to a point; thence  $S89^{\circ}58'12''E$ , 2621.14 feet along the south line of said  $NE\frac{1}{4}$  and said westerly line described in Book 387 of Deeds, Page 91 to a point, said point being the east quarter corner of said Section 31; thence  $S00^{\circ}46'49''E$ , 2330.93 feet along the east line of said Section 31 to a point, said point being  $N00^{\circ}46'49''W$ , 249.59 feet from the southeast corner of said Section 31; thence  $S89^{\circ}37'29''W$ , 5258.41 feet to a point, said point lying on the west line of said Section 31 and being  $N00^{\circ}31'08''W$  249.70 feet from the southwest corner of said Section 31; thence  $N00^{\circ}31'08''W$ , 2368.00 feet along the west line of said Section 31 to a point, said point being the west quarter corner of said Section 31; thence  $N00^{\circ}28'24''W$ , 2636.69 feet along said west line of Section 31 to a point, said point being the southeast corner of said Section 25; thence  $N73^{\circ}42'42''W$ , 2777.16 feet along the south line of said Section 25 to a point, said point being the south quarter corner of said Section 25; thence  $S89^{\circ}46'29''W$ , 2651.14 feet along said south line of Section 25 to the POINT OF BEGINNING of said tract.

ALSO

Township 54 North, Range 83 West, 6th P.M., Sheridan County

Section 19:  $SW\frac{1}{4}NE\frac{1}{4}$ ,  $NW\frac{1}{4}SE\frac{1}{4}$ ,  $S\frac{1}{2}SE\frac{1}{4}$ ,  $E\frac{1}{2}SW\frac{1}{4}$

That portion of the  $NW\frac{1}{4}NE\frac{1}{4}$ ,  $NW\frac{1}{4}$  and the  $W\frac{1}{2}SW\frac{1}{4}$  of Section 19, T54N, R83W, 6th P.M., Sheridan County, WY; lying east of the following described fence line, said fence line more particularly described as follows:

COMMENCING at the north quarter corner of said Section 19; thence  $S88^{\circ}13'48''E$  a distance of 650.54 feet along the north line of said Section 19 to the POINT OF BEGINNING of said fence line; thence  $S20^{\circ}26'04''W$ , a distance of 233.37 feet along said fence line to a point; thence  $S18^{\circ}24'29''E$ , a distance of 136.90 feet along said fence line to a point; thence  $S55^{\circ}12'06''E$ , a distance of 24.29 feet along said fence line to a point; thence  $S32^{\circ}16'21''W$ , a distance of 47.68 feet along said fence line to a point; thence  $S07^{\circ}41'20''W$ , a distance of 89.32 feet along said fence line to a point; thence  $S89^{\circ}22'13''W$ , a distance of 387.07 feet along said fence line to a point; thence through a curve to the left having a delta of  $41^{\circ}30'47''$ , a radius of 218.13 feet, a length of 158.06 feet, a chord bearing of  $S33^{\circ}35'14''W$  and a chord length of 154.61 feet along said fence line to a point; thence  $S50^{\circ}49'36''W$ , a distance of 284.69 feet along said fence line to a point; thence  $S52^{\circ}54'21''W$ , a distance of 358.74 feet along said fence line to a point; thence  $S57^{\circ}29'55''W$ , a distance of 360.16 feet along said fence line to a point; thence  $S65^{\circ}49'39''W$ , a distance of 698.42 feet along said fence line to a point; thence  $S41^{\circ}06'35''W$ , a distance of 654.69 feet along said fence line to a point; thence  $S36^{\circ}21'15''W$ , a distance of 82.53

feet along said fence line to a point; thence S40°24'53"E, a distance of 486.12 feet along said fence line to a point; thence S02°24'23"E, a distance of 2192.53 feet along said fence line to a point; thence S17°17'04"W, a distance of 488.43 feet along said fence line to a point; thence S28°20'49"E, a distance of 243.34 feet along said fence line to a point, said point lying on the south line of said Section 19 and being N89°08'25"W, 4101.88 feet from the southeast corner of said Section 19.

AND

A tract of land situated in the N½NE¼ and N½NW¼ of said Section 30, T54N, R83W, 6th P.M., Sheridan County, WY; said tract being more particularly described as follows:

COMMENCING at the northeast corner of said Section 30; thence S00°11'34"E, 344.08 feet along the east line of said N½NE¼ to a point, said point lying on a fence line; thence S72°23'06"W, 1254.81 feet along said fence line to a point; thence, leaving said fence line, S70°30'40"W, 2376.68 feet to a point, said point lying on a fence line; thence N08°53'12"W, a distance of 303.30 feet along said fence line to a point; thence N28°20'49"W, a distance of 1135.85 feet along said fence line to a point, said point lying on the north line of said Section 30; thence S89°08'25"E, 4101.88 feet to the POINT OF BEGINNING, said point being the northeast corner of Section 30.

ALSO

Township 54 North, Range 83 West, 6 P.M. Sheridan County, Wyoming

Section 29: That portion of the SE¼ lying southwest of the westerly right of way of U.S. Highway 87, except that portion previously conveyed by Warranty Deed recorded in Book 250 of Deeds, Page 485.

ALSO

Township 54 North, Range 83 West, 6 P.M. Sheridan County, Wyoming

Section 31: S½NE¼, S½N½SE¼

EXCEPTING FROM THE ABOVE DESCRIBED PARCELS:

A tract of land situated in the W½NE¼ and W½ of Section 19, NW¼NW¼ of Section 30, Township 54 North, Range 83 West; SE¼ and SE¼SW¼ of Section 24, NE¼ of Section 25, Township 54 North, Range 84 West, 6th P.M. Sheridan County, Wyoming, said tract of land being more particularly described as follows:

BEGINNING at the north quarter corner of said Section 19 (Monumented with a 3¼" Aluminum Cap per PLS 2615), said point lying on the northerly line of a tract of land described in Book 336 of Deeds, Page 20; thence S56°00'21"W, 185.57 feet to a point; thence S37°49'06"W, 530.39 feet to a point; thence N89°30'49"E, 897.40 feet to a point, said point lying on the easterly line of said tract and lying on a fence line; thence S14°07'17"E, 20.05 feet along said fence line to a point; thence S20°38'52"W, 1028.00 feet along said fence line to a point; thence S01°08'02"W, 317.97 feet along said fence line to a point; thence S44°34'05"W, 362.63 feet along said fence line to a point; thence S66°28'01"W, 27.39 feet along said fence line to a point; thence S51°17'31"W, 133.40 feet along said fence line to a point; thence S47°13'36"W, 750.79 feet along said fence line to a point; thence S40°10'27"W, 750.20 feet along



said fence line to a point; thence S85°49'52"W, 89.86 feet along said fence line to a point; thence S02°20'24"E, 1384.85 feet along said fence line to a point, said point lying on the easterly line of said tract described in Book 336 of Deeds, Page 20; thence S17°17'00"W, 488.28 feet along said easterly line and said fence line to a point; thence, leaving said easterly line and said fence line, S42°56'47"W, 1326.26 feet to a point; thence S32°22'07"W, 1163.16 feet to a point, said point lying on the southerly line of said tract and a fence line; thence N66°58'43"W, 468.00 feet along said fence line to a point, said point lying on the southerly line of said tract described in Book 336 of Deeds, Page 20; thence N83°14'18"W, 576.80 feet along said southerly line and said fence line to a point; thence N80°07'19"W, 695.36 feet along said southerly line and said fence line to a point; thence, leaving said southerly line and said fence line, N03°13'59"W, 808.10 feet to a point, said point lying on a fence line; thence N37°06'22"E, 389.80 feet along said fence line to a point; thence N51°20'27"E, 331.87 feet along said fence line to a point; thence, leaving said fence line N44°10'56"W, 161.07 feet to a point; thence N02°02'47"E, 134.06 feet to a point; thence N00°49'40"E, 84.72 feet to a point; thence N55°18'58"W, 79.11 feet to a point; thence N35°24'37"W 95.36 feet to a point; thence N57°50'26"W, 384.63 feet to a point; thence N44°10'56"W, 166.59 feet to a point; thence N27°18'03"E, 465.87 feet to a point, said point lying on a fence line; thence N81°40'11"W, 62.23 feet along said fence line to a point; thence S74°57'20"W, 1039.49 feet along said fence line to a point; thence N12°21'02"E, 764.81 feet along said fence line to a point, said point lying on the westerly line of said tract described in Book 336 of Deeds, Page 20; thence N00°50'17"E, 183.91 feet along said westerly line and said fence line to a point; thence N52°12'43"E, 651.79 feet along said fence line to a point; thence S39°31'34"E, 238.82 feet along said fence line to a point; thence S65°36'04"E, 173.31 feet along said fence line to a point; thence N26°52'41"E, 26.12 feet along said fence line to a point; thence S68°31'44"E, 730.68 feet along said fence line to a point; thence, leaving said fence line N54°12'08"E, 1809.35 feet to a point, said point lying on a fence line; thence N40°44'34"E, 1189.72 feet along said fence line to a point; thence, leaving said fence line N06°08'27"E, 403.66 feet to a point; thence N42°43'44"E, 535.89 feet to a point, said point lying on a fence line; thence N01°52'31"W, 1348.72 feet along said fence line to a point, said point lying on the north line of said W½ of Section 19 and said northerly line of said tract described in Book 336 of Deeds, Page 20; thence S71°54'35"E, 1619.07 feet along said northerly line of said tract and said north line of said W½ of Section 19 to the POINT OF BEGINNING of said tract.

TOGETHER WITH an access easement for ingress and egress along the following described roadway:

A road easement forty (40) feet wide, being twenty (20) feet each side of the following described centerline situated in the NW¼NE¼ of Section 19, Township 54 North, Range 83 West, Sheridan County, Wyoming; said centerline ( Book 446 of Deeds, Page 363) being more particularly described as follows:

Commencing at the north quarter corner of said Section 19, thence S72°00'26"E, 294.20 feet to the POINT OF BEGINNING of said easement, said point lying on the centerline of Bird Farm Road (AKA as County Road No. 28); thence S17°30'28"W, 27.20 feet along the centerline of said easement to a point; thence S06°35'32"W, 395.67 feet along said centerline to a point; thence, through a curve to the right having a radius of 190.99 feet, a central angle of 02°05'07", an arc length of 6.95 feet, a chord bearing of S07°38'06"W, and a chord length of 6.95 feet to the POINT OF TERMINUS of said easement, said point being N23°33'17"W, 563.73 feet from said north quarter corner of said Section 19.

Said easement being 429.82 feet in length.

Together with all water and water rights, livestock watering systems and livestock tanks, ditches, and ditch rights used thereon or appurtenant to the above-described lands, including, but not limited to, the following:

- (1) All rights, shares, and interest owned by Mortgagor in Mead Creek Ditch Company Irrigation District;
- (2) All rights, shares, and interest owned by Mortgagor in Mead Creek Ditch Company; and
- (3) The following water rights:

<u>Proof No.</u>	<u>Permit No.</u>	<u>Priority Date</u>	<u>Source/Ditch/Facility</u>
2351	44	1891	Piney & Cruse 2 <sup>nd</sup> App
2261	17	5/7/1884	Mead Creek - Coffeen Ditch
2263	17	5/7/1884	Mead Creek - Coffeen Ditch
2261	Terr.	5/7/1884	Mead Creek - Coffeen Ditch
2263	Terr.	5/7/1884	Mead Creek - Coffeen Ditch
7132	891E	11/20/1908	Mead & Coffeen Enlg.
12307	8730	8/5/1908	Hanes Ditch
12308	8731	8/5/1908	Parker Ditch
24201	5358 Enlg.	5/2/1942	Mead-Coffeen Enlg.