

EASEMENT

D. Bruce Burns, as sole surviving trustee of the A-1 Trust Created Under the Wills of Dorothy Burns and W. Sherman Burns for the benefit of D. Bruce Burns, ("Grantor") hereby grants to S. K. Johnston, Jr. ("Grantee"), whose address is 600 Krystal Building, Union Square, Chattanooga, Tennessee 37402 an easement over the following described lands situate in Sheridan County, Wyoming:

See attached Exhibit A.

This easement shall provide access for agricultural purposes between lands presently owned by S. K. Johnston, Jr. in Section 26 in the above-described Township and Range and the lands described on attached Exhibit B. S. K. Johnston, Jr. will pay the costs of the survey necessary to locate and describe the easement from the Gulf Road to the gate.

This easement may be transferred by S. K. Johnston, Jr. subject to the consent of Burns Industries, Inc. and D. Bruce Burns, which consent will not be unreasonably withheld. There shall be no hunting along the easement without the permission of Burns Industries, Inc. and D. Bruce Burns.

To the maximum extent permitted by law, Grantee, for himself, his successors and assigns releases, waives and discharges Grantor, his successors and assigns from all liability, loss, damage, or claims, for injury arising out of the use of this easement, to the person or property of Grantee or to any person using the easement with the consent of Grantee. To the maximum extent permitted by law, Grantee shall indemnify and hold Grantor harmless from all claims, liabilities, costs, expenses, and causes of action by Grantee or any person using the easement with Grantee's consent for injury to or death of a person and for damage to or destruction of property which arise out of use of the easement and regardless of whether such injury, death, damage or destruction is contributed to by Grantor's negligence and regardless of whether Grantor has been concurrently negligent.

DATED this 27th day of October, 1989.

D. Bruce Burns
D. BRUCE BURNS, Trustee of the
A-1 Trust Created Under the
Wills of Dorothy Burns and W.
Sherman Burns for the Benefit
of D. Bruce Burns

STATE OF WYOMING)
) SS.
COUNTY OF SHERIDAN)

The foregoing instrument was acknowledged before me this
27th day of October, 1989, by D. Bruce Burns.

WITNESS my hand and official seal.



My Commission Expires:

Tom C Jones
Notary Public

Nov. 26, 1989

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EXHIBIT A

ACCESS EASEMENT: BURNS RANCHES TO FLYING H RANCH

An easement sixty (60) feet and twenty (20) feet wide being thirty (30) feet and ten (10) feet wide on either side of a centerline lying in the East $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 26, and the West $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 25, Township 54 North, Range 84 West, of the 6th Principal Meridian, Sheridan County, Wyoming, said easement more particularly described as follows:

Commencing at the east quarter corner of said Section 26; thence N66°46'11"W, a distance of 1423.05 feet to the POINT OF BEGINNING, said point being on the centerline of said sixty (60) foot wide easement; thence N36°38'09"E, a distance of 178.61 feet along said centerline to a point; thence N48°51'32"E, a distance of 273.07 feet along said centerline to a point, said point being the end of said sixty (60) foot wide easement and the beginning of said twenty (20) foot wide easement; thence S66°49'43"E, a distance of 55.19 feet along said centerline to a point; thence S86°27'10"E, a distance of 188.94 feet along said centerline to a point; thence S73°28'09"E, a distance of 178.92 feet along said centerline to a point; thence S46°40'43"E, a distance of 264.18 feet along said centerline to a point; thence S55°20'20"E, a distance of 313.34 feet along said centerline to a point; thence S78°09'45"E, a distance of 240.49 feet along said centerline to a point; thence S85°07'55"E, a distance of 238.31 feet along said centerline to the POINT OF TERMINUS of said easement, said point lying on the easterly line of a tract of land described in Book 324 of Deeds, Page 187, and N42°21'13"E, a distance of 501.94 feet from said east quarter corner of Section 26.

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

EXHIBIT B

Township 53 North, Range 83 West, 6th P.M.

Section 6: Lots 1, 2, 3, 4, 5, 6 and 7, SE1/4NW1/4, S1/2NE1/4, E1/2SW1/4, SE1/4 (All)

Township 53 North, Range 84 West, 6th P.M.

Section 1: Lots 1, 2, 3 and 4, S1/2N1/2, N1/2SW1/4, NW1/4SE1/4

Section 2: Lots 1, 2, 3 and 4, S1/2N1/2, N1/2S1/2

Section 3: Lots 1, 2, 3 and 4, S1/2N1/2, S1/2 (All)

Section 10: N1/2NW1/4, N1/2NE1/4, N1/2SE1/4NE1/4

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

Section 19: SE1/4SE1/4, W1/2E1/2, W1/2

Section 20: SW1/4NW1/4 and the NW1/4SW1/4, excepting the following tracts, to-wit:

- (a) A tract of land described in the deed recorded in Book 305 of Deeds at Page 74, described as follows: Beginning at the Northwest corner of SW1/4NW1/4 of Section 20; thence East along the North line of the SW1/4NW1/4 of said Section a distance of 330 feet to and beyond the Meade Creek; thence in a general southerly direction a distance of 38 feet; thence West 330 feet (38 feet South of and parallel to the North line of the SW1/4NW1/4 of said Section 20) to the West line of said quarter Section; thence 38 feet North along the West line of said forty-acre tract to the point of beginning.

- (b) That portion of the Hutton Subdivision to Sheridan County described as follows: Beginning at a point on the East right-of-way line of U.S. Highway #87 and the North line of the SW1/4NW1/4 of said Section 20, the said point being 444 feet West of the Northeast corner of said SW1/4NW1/4; thence South 13°56' East along the East right-of-way line of said U.S. Highway #87 a distance of 1,920 feet, more or less, to a point on the East line of said NW1/4SW1/4; thence North along the East line of NW1/4SW1/4 and the SW1/4NW1/4 to the Northeast corner of said SW1/4NW1/4; thence West on the North line of said SW1/4NW1/4 444 feet to the point of beginning.

Section 20: That portion of the SW1/4SW1/4, described as follows: Beginning at the Northwest corner of said SW1/4SW1/4, thence East (North 88°30' East) 884 feet to a point in the middle of the stream of the East Fork of Meade Creek; thence South 10° East a distance of 800 feet to a

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point in said stream; thence West to a point on the West line of said SW1/4SW1/4 and 800 feet South of the Northwest corner thereof; thence North 800 feet to the point of beginning.

Section 29: That portion of the SE1/4NW1/4 of said Section 29, described as follows: Beginning at the Southwest corner of said SE1/4NW1/4, thence North along the West line thereof a distance of 635 feet, thence N. 55°45' East 877 feet to the Westerly right of way line of the State Highway, thence Southeasterly along said right of way line, a distance of 1113 feet to the East line of said SE1/4NW1/4, thence South along said East line a distance of 140 feet to the Southeast corner of said SE1/4NW1/4, thence West along the South line of said SE1/4NW1/4 to the point of beginning.

Section 29: The SW1/4NW1/4 excepting a tract of land described as follows: Commencing at a point 22 rods (363 feet) South and 10-1/2 rods (173.25 feet) West of the Northeast corner of said SW1/4NW1/4, thence North 22 rods (363 feet) to the North boundary of said SW1/4NW1/4, thence East, along said boundary line to the Northeast corner of said SW1/4NW1/4 thence South along the boundary line a distance of 36 rods (594 feet) to a point, thence West 2-1/2 rods (41.25 feet) to a point, thence Northwest-erly to the point of beginning.

Section 29: N1/2S1/2SW1/4, N1/2SW1/4

Section 30: All

Section 31: Lots 1, 2, 3, 4, E1/2NW1/4, E1/2SW1/4, SE1/4, N1/2N1/2NE1/4

Township 54 North, Range 84 West, 6th P.M.

Section 24: E1/2NE1/4, SE1/4, E1/2SW1/4

Section 25: E1/2, E1/2W1/2, SW1/4SW1/4

The SW1/4NW1/4 and W1/2SW1/4 of Section 24 and the W1/2NW1/4 and NW1/4SW1/4 of Section 25, excepting a tract of land described in the deed recorded in Book 324 of Deeds at Page 187 in the Office of the County Clerk and Ex-Officio Register of Deeds of Sheridan County, Wyoming

Section 34: SE1/4 and S1/2SW1/4

Section 35: S1/2

AGREEMENT CONCERNING MINERAL RESERVATION

This agreement is entered into by Burns Industries, Inc., a Wyoming corporation, ("Burns"), whose address is P. O. Box 6027, Sheridan, Wyoming 82801, and S. K. Johnston, Jr. ("Johnston"), whose address is 600 Krystal Building, Union Square, Chattanooga, Tennessee 37402.

1. On December 17, 1986, Burns Industries, Inc. executed and delivered to Ralph M. Killebrew a Warranty Deed conveying the following described lands:

Township 54 North, Range 84 West, 6th P.M.

Section 33: S1/2

Township 53 North, Range 84 West, 6th P.M.

Section 4: All (Lots 1, 2, 3, 4, S1/2N1/2, S1/2)

Section 5: S1/2SE1/4

Section 7: S1/2NE1/4, SW1/4 (Lots 3, 4, E1/2-SW1/4)

Section 8: All, except NW1/4NW1/4

Section 9: N1/2, N1/2SW1/4, SW1/4SW1/4

Township 53 North, Range 85 West, 6th P.M.

Section 12: SE1/4SE1/4

This Warranty Deed is recorded in Book 307 of Deeds at Pages 459/60 in the Office of the County Clerk and Ex-Officio Register of Deeds of Sheridan County, Wyoming.

2. S. K. Johnston, Jr. is the successor in interest to Ralph M. Killebrew having obtained the property by virtue of a Warranty Deed dated the 23rd day of December 1986, recorded in Book 307 of Deeds at Pages 626/27 in the Office of the County Clerk and Ex-Officio Register of Deeds of Sheridan County, Wyoming.

3. The Warranty Deed from Burns Industries, Inc. to Ralph M. Killebrew contained a mineral reservation which the parties hereby agree shall be amended to read as follows:

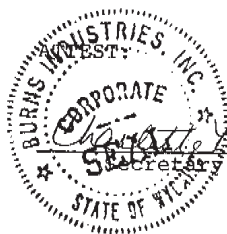
Excepting and reserving to Burns Industries, Inc., one-half of all coal, oil, gas, uranium, and other minerals of every kind and character which were owned by Burns Industries, Inc. on December 17, 1986 and which are contained in or underlying the lands described in the Warranty Deed dated December 17, 1986 by and between Burns Industries, Inc., as Grantor, and Ralph M. Killebrew, as Grantee, recorded in Book 307 of Deeds at Pages 459/60 in the Office of the County Clerk and Ex-Officio Register of Deeds of Sheridan County, Wyoming, together with the right to enter upon and use the above-described land for the purposes of exploring, drilling, mining, and producing the above-described minerals; provided, however, that sand, gravel, and shale are not regarded as mineral interest reserved by Burns Industries, Inc. Notwithstanding Burns Industries, Inc.'s reservation of the mineral estate described above, Burns Industries, Inc. may not extract or remove any of the above-described reserved minerals by strip mining or any other surface mining method, and provided further that, to the extent reasonably possible, no mining technique shall be used that will materially harm the quaking aspen/spirea, lodgepole pine/spirea, and hawthorne woodland communities on the property, and provided further that, to the extent reasonably possible, facilities

required for the extraction and removal of minerals shall be located so as to minimize the impact on the scenic beauty of the property. In the event of any mining activities inconsistent with these provisions, grantee and its successors shall be specifically entitled to the remedies of injunction and restoration, in addition to any other remedy provided by law. To the extent any mining activities may be carried out on the property consistent with these provisions which result nonetheless in any damage done to the surface estate and improvements on the property, grantee and its successors shall be reasonably compensated for all such damage to the surface estate and improvements on the property.

DATED this 27 day of October, 1989.

BURNS INDUSTRIES, INC.

By: D. Bruce Burns
President



S. K. JOHNSTON, JR.

STATE OF WYOMING)
) SS.
COUNTY OF SHERIDAN)

The foregoing instrument was acknowledged before me this 27 day of October, 1989, by D. Bruce Burns, President of Burns Industries, Inc.



WITNESS my hand and official seal.

S: 11-7-89

STATE OF WYOMING)
) SS.
COUNTY OF Sheridan)

The foregoing instrument was acknowledged before me this 6th day of October, 1989, by S. K. Johnston, Jr.



WITNESS my hand and official seal.

My Commission Expires: July 21, 1993