

INST # 13431
RECORDING FEE 4000
AUDITOR FEE _____
RMA FEE 100 ECOM 500

COMPARED

FILED FOR RECORD
POTTAWATTAMIE CO. IA.

03 DEC -1 AM 11:40

JOHN SCIORTINO
RECORDER

Preparer Information: Richard A. Heininger, P.O. Box 249, Council Bluffs, IA 51502-0249 (712) 328-1833
Name Address Telephone

ACCESS EASEMENT AGREEMENT

THIS AGREEMENT is made as of the 19th day of November, 2003, by and between Central States Petroleum, Inc., hereafter Central, and VAR-DOR, L.L.C., hereafter "LLC".

RECITALS

1. Central is the Owner of the Parcel of Property located within the SE ¼ of the SE ¼ of Section 11, Township 74 North, Range 44 West of the 5th P.M., Pottawattamie County, Iowa, more particularly described as Tract A on Exhibit "A" attached hereto.
2. LLC is the Owner of the Parcel of Property located within the SE ¼ of the SE ¼ of Section 11, Township 74 North, Range 44 West of the 5th P.M., Pottawattamie County, Iowa, more particularly described as Tract B on Exhibit "B" attached hereto.
3. The previous Owners of Tract A and Tract B were granted by the Iowa State Highway Commission a permit to construct an entrance from private property to primary road recorded in the records of Pottawattamie County, Iowa in Book 1195, Page 239.
4. Said entrance allowed by the aforesaid permit served both Tract A and Tract B and is described as Tract C on Exhibit "C" attached hereto.
5. The parties hereto do agree to share said entrance.

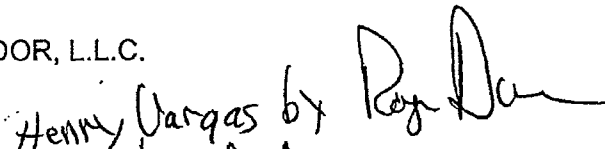
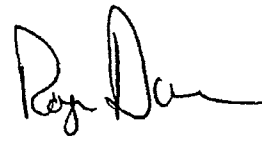
NOW, THEREFORE, in consideration of \$1.00 and other good and valuable consideration paid by each to the other, the receipt and sufficiency of which is hereby acknowledged, it is agreed as follows:

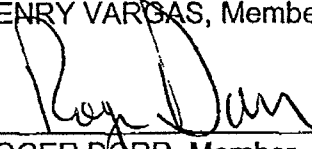
1. Central does hereby grant to LLC a non-exclusive and perpetual easement to share said entrance (as described in Recitals, paragraph 3 above) and to aid and assist each other in keeping said entrance open. It being the intent hereof that the Owner of Tract B be allowed to traverse Tract C for the purpose of availing its Permittees the use of the aforesaid entrance.
2. Each Owner having rights with respect to an easement granted hereunder shall indemnify and hold the Owner whose Tract is subject to the easement harmless from and against all claims, liabilities, and expenses (including reasonable attorney's fees) relating to accidents, injuries, loss or damage to any person or property arising from or in any manner relating to the use by the indemnifying Owner or its Permittee of any easement granted hereunder except as may result from the negligence or intentional misconduct of the Owner whose Tract is subject to the easement.
3. This instrument may be executed in separate counterparts.
4. The easement granted herein shall run with the land and shall inure to the benefit of the respective parties, their successors, assigns, heirs and personal representatives.

CENTRAL STATES PETROLEUM, INC.

By: 
JENNIFER LIKES, PRESIDENT

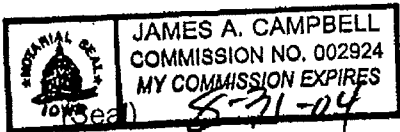
VAR-DOR, L.L.C.

By: 
Henry Vargas by 
Agent & POA
HENRY VARGAS, Member

By: 
ROGER DORR, Member

STATE OF IOWA)
) ss.
COUNTY OF POTTAWATTAMIE)

On this 19th day of November, A.D. 2003, before me, a Notary Public in and for said county, personally appeared Jennifer Likes, to me personally known, who being by me duly sworn did say that she is the President of said corporation, that no seal has been procured by said corporation, that said instrument was signed on behalf of the said corporation by authority of its Board of Directors, and the said Jennifer Likes acknowledged the execution of said instrument to be the voluntary act and deed of said corporation by it and by her voluntarily executed.

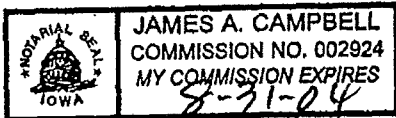


James A. Campbell

NOTARY PUBLIC IN AND FOR SAID STATE
My Commission Expires: 8-31-04

STATE OF IOWA)
) ss.
COUNTY OF POTTAWATTAMIE)

On this 19th day of November, 2003, before me, a Notary Public in and for the said State, personally appeared Roger Dorr and Henry Vargas, to me personally known, who being by me duly sworn did say that they are Members of said limited liability company, that no seal has been procured by the said limited liability company and that said instrument was signed on behalf of the said limited liability company by authority of its managers and the said Roger Dorr and Henry Vargas acknowledged the execution of said instrument to be the voluntary act and deed of said limited liability company by it voluntarily executed.



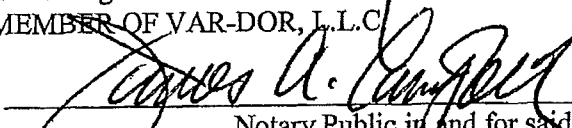
(Seal)

James A. Campbell

NOTARY PUBLIC IN AND FOR SAID STATE
My Commission Expires: 8-31-04

STATE OF IOWA, COUNTY OF POTTAWATTAMIE) ss:

On this 19th day of November, 2003 before me, the undersigned, a Notary Public in and for said State, personally appeared ROGER DORR (also known as ROGER L. DORR), to me known to be the person who executed the foregoing instrument in behalf of HENRY VARGAS, MEMBER OF VAR-DOR, L.L.C., and acknowledged that he executed the same as the voluntary act and deed of said HENRY VARGAS, MEMBER OF VAR-DOR, L.L.C.



Notary Public in and for said State.

Acknowledgment: For use in the case of natural persons acting by attorney (Code of Iowa)

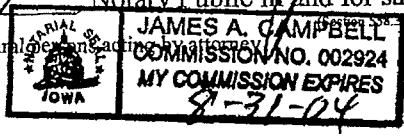


EXHIBIT "A"
TRACT A

THAT PART OF THE SE ¼ OF THE SE ¼ OF SECTION 11, T74N, R44W OF THE 5TH P.M., POTTAWATTAMIE COUNTY, IOWA, DESCRIBED AS FOLLOWS:
COMMENCING AT THE SE CORNER OF SAID SE 1/4;

THENCE N00°29'00"W (ASSUMED BEARING) 443.20 FEET ON THE EASTERLY LINE OF SAID SE ¼ TO THE SOUTHERLY LINE OF HIGHWAY 275 AS DESCRIBED IN MISC. BOOK 1076 AT PAGE 486 OF THE POTTAWATTAMIE COUNTY RECORDS.

THENCE S89°56'20"W 345.98 FEET ON THE SOUTHERLY LINE OF HIGHWAY 275 TO THE POINT OF BEGINNING;

THENCE S01°13'08"E 260.85 FEET;

THENCE N89°56'20"E 309.63 FEET ON A LINE 182.40 FEET NORTHERLY OF AND PARALLEL WITH THE SOUTHERLY LINE OF SAID SE 1/4;

THENCE S00°29'00"E 149.40 FEET ON A LINE 33.00 FEET WESTERLY OF AND PARALLEL WITH THE EASTERLY LINE OF SAID SE 1/4;

THENCE S89°56'20"W 518.63 FEET ON A LINE 33.00 FEET NORTHERLY OF AND PARALLEL WITH THE SOUTHERLY LINE OF SAID SE 1/4;

THENCE N00°29'00"W 410.20 FEET ON A LINE 551.63 FEET WESTERLY OF AND PARALLEL WITH THE EASTERLY LINE OF SAID SE ¼ TO THE SOUTHERLY LINE OF HIGHWAY 275;

THENCE N89°56'20"E 205.65 FEET ON THE SOUTHERLY LINE OF HIGHWAY 275 TO THE POINT OF BEGINNING. (CONTAINING 3.02 ACRES, MORE OR LESS.)

EXHIBIT "B"
TRACT B

THAT PART OF THE SE ¼ OF THE SE ¼ OF SECTION 11, T74N, R44W OF THE 5TH P.M., POTTAWATTAMIE COUNTY, IOWA, DESCRIBED AS FOLLOWS:
COMMENCING AT THE SE CORNER OF SAID SE ¼; THENCE N00°29'00"W (ASSUMED BEARING) 443.20 FEET ON THE EASTERLY LINE OF SAID SE ¼ TO THE SOUTHERLY LINE OF HIGHWAY 275 AS DESCRIBED IN MISC BOOK 1076 AT PAGE 486 OF THE POTTAWATTAMIE COUNTY RECORDS; TO THE POINT OF BEGINNING;

THENCE S89°56'20"W 345.98 FEET ON THE SOUTHERLY LINE OF HIGHWAY 275;

THENCE S01°13'08"E 260.85 FEET;

THENCE N89°56'20"E 309.63 FEET ON A LINE 182.40 FEET NORTHERLY OF AND PARALLEL WITH THE SOUTHERLY LINE OF SAID SE ¼;

THENCE N00°29'00"W 260.80 FEET ON A LINE 33.00 FEET WESTERLY OF AND PARALLEL WITH THE EASTERLY LINE OF SAID SE ¼ TO THE POINT OF BEGINNING.

EXHIBIT "C"
TRACT C

THAT PART OF THE SE ¼ OF THE SE ¼ OF SECTION 11, T74N, R44W OF THE 5TH P.M., POTTAWATTAMIE COUNTY, IOWA, DESCRIBED AS FOLLOWS:
COMMENCING AT THE SE CORNER OF SAID SE 1/4;

THENCE N00°29'00"W (ASSUMED BEARING) 443.20 FEET ON THE EASTERLY LINE OF SAID SE ¼ TO THE SOUTHERLY LINE OF HIGHWAY 275 AS DESCRIBED IN MISC. BOOK 1076 AT PAGE 486 OF THE POTTAWATTAMIE COUNTY RECORDS;

THENCE S89°56'20"W 345.98 FEET ON THE SOUTHERLY LINE OF HIGHWAY 275 TO THE POINT OF BEGINNING;

THENCE CONTINUING S89°56'20"W 78.65 FEET ON THE SOUTHERLY LINE OF HIGHWAY 275;

THENCE S41°03'40"E 88.42 FEET;

THENCE S19°03'40"E 71.76 FEET;

THENCE N01°13'08"W 134.61 FEET TO THE POINT OF BEGINNING.
CONTAINING 0.09 ACRES, MORE OR LESS.