DELAWARE COUNTY IOWA
FILED
1999 FEB -3 AM 10:36
RECORDED 1999 BOOK 398
DEBORAH L. FRYON
DELAWARE CO. RECORDER
11:00

Prepared by: Christopher A. Butler, P.O. Box 189, Onalaska, WI 54650 608-783-6411

**TERMINATION OF LEASE**

This TERMINATION OF LEASE is made and entered into this 4th day of January, 1999, between EDWARD D. TSCHIGGFRIE (hereinafter referred to as "Tschiggfrie") and TSCHIGGFRIE MATERIALS, INC., an Iowa corporation (hereinafter referred to as "Materials Inc.").

RECITALS:

A. Tschiggfrie is the owner of the real estate situated in Delaware County, Iowa, described on Exhibit "A" attached hereto and by this reference made a part hereof, which property is hereinafter referred to as the "Real Estate."

B. Tschiggfrie, as lessor, has been leasing the Real Estate to Materials Inc., as lessee, under the terms of an oral lease arrangement for the past several years.

C. Tschiggfrie and Materials Inc. now jointly agree that such lease arrangement shall be terminated.

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

1. The existing lease arrangement between Tschiggfrie, as lessor, and Materials Inc., as lessee, pertaining to the Real Estate described on Exhibit A attached hereto is hereby terminated and canceled effective January 4, 1999, which date is hereinafter referred to as the "Termination Date."

2. Materials Inc. agrees to surrender possession of the Real Estate to Tschiggfrie on the Termination Date. In addition, Materials Inc. acknowledges and confirms that it has no right or claim to any inventory of crushed stone, sand, limestone, uncrushed recyclable asphalt, or other inventory type products located on the Real Estate with the exception of those piles of topsoil and piles of stone products which are listed as "Excluded Assets" under Schedule 1.2 of the Asset Purchase Agreement between the parties and Mathy Construction Company dated the 29th day of December, 1998.

Edward D. Tschiggfrie

Edward D. Tschiggfrie

TSCHIGGFRIE MATERIALS, INC.

By Edward D. Tschiggfrie
Edward D. Tschiggfrie, President

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# EXHIBIT "A"

## LEGAL DESCRIPTION OF LEASED PROPERTY

Lot 1, Lot 2 and Lot 3 of State's Subdivision of Part of Section Nine (9), Township Eighty-eight (88) North, Range Five (5) West of the 5th P.M. in Delaware County, Iowa, according to the plat recorded in Book 3 Plats, page 228, with the exception of that portion of the Southeast Quarter (SE ¼) of Lot 1 and in the Southwest corner of Lot 2 consisting of Owner's shop and grounds.

Lot 7 of State's Subdivision of Part of Section 9, Township 88 North, Range 5 West of the 5th P.M. in Delaware County, Iowa, according to the plat recorded in Book 3 Plats, page 228, with the exception of the Westerly half of said Lot 7. River City Stone, as lessee, shall have the right to use the West half of Lot 7 for access to and from the Leased Property, but shall be obligated to maintain said road in as good condition as when the Lease commences. Owner reserves the right to use said entrance road.

Lot 8 except the Southerly 367 feet thereof, Lot 9, Lot 10, and Lot 11 with the exception of the South 367 feet thereof, all of State's Subdivision of Part of Section 9, Township 88 North, Range 5 West of the 5th P.M. in Delaware County, Iowa, according to the plat recorded in Book 3 Plats, page 228.