Book 2010 Page 3363
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DEBORAH L PEYTON, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

Prepared By /Return To Randall L. Rattenborg, 105 West Main Street, Manchester, IA, 563-927-2434
Grantors: See below. Grantees: See below. Legal Description: See below
Documents or Instrument No. of Previously recorded document: Book 2004, Page 2998 and Book 2005, Page 1329.

AGREEMENT REGARDING TERMINATION OF EASEMENT

RE: EASEMENT A, A PART OF PARCEL O, A DIVISION OF PARCEL J OF THE SE ¼, SECTION 26, T89N, R3W OF THE FIFTH P.M., DELAWARE COUNTY, IOWA, AS SHOWN BY PLAT OF SURVEY FILED AUGUST 6, 2004 IN BOOK 2004, PAGE 2998

This Agreement Regarding Termination of Easement (this "Agreement") is entered into as of the 15 day of October, 2010, by and between Peter P. Helle, Peter P. Helle (the "Benefited Party") and BRUE Properties, LLC, an Iowa limited liability company (the "Burdened Party").

WHEREAS, a Plat of Survey for Parcel O and Parcel P, each a Division of Parcel J of the Southeast Quarter (SE1/4), Section 26, Township Eighty-Nine North (T89N), Range Three West (R3W) of the Fifth Principal Meridian Delaware County, Iowa, was filed August 6, 2004 in Book 2004, Page 2998 of the Delaware County Recorder's Office; and

WHEREAS, the Benefited Party is the present owner of Parcel P, as per deed filed December 26, 2007 in Book 2007, Page 4088 of the Delaware County Recorder's Office; and

WHEREAS, the Burdened Party is the present owner of Parcel O, as per deed filed May 4, 2010 in Book 2010, Page 1323 of the Delaware County Recorder's Office; and

WHEREAS, the Plat of Survey filed in Book 2004, Page 2998 created a 30.0' Access Easement in the Southwest corner of Parcel O labeled as Easement A; and

WHEREAS, the intent of Easement A was to create an access for Parcel P; and

WHEREAS, Parcel P now has an access point off of the public road right of way known as Vine Road, therefore Easement A is no longer needed;

NOW, THEREFORE, in consideration of the forgoing and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby

agree to vacate the 30' access easement labeled Easement A in the Southwest corner of Parcel O, as shown on the Plat of Survey filed in Book 2004, Page 2998.

IN WITNESS WHEREOF, the parties have executed this Easement Agreement as of the date first above written.

BURDENED PARTY:
BRUE PROPERTIES, LLC

By: BIG RIVER UNITED ENERGY, LLC, a Wisconsin limited liability company
Its: Manager

By: _____
Name: Jim Leiting
Title: General Manager

BENEFITED PARTY:

Peter P. Helle, a single person
Peter P. Helle

_____

STATE OF IOWA)
)ss
COUNTY OF ~~Delaware~~ Des Moines)

This instrument was acknowledged before me on the 28 day of October, 2010, by Jim Leiting as General Manager of Big River United Energy, LLC, a Wisconsin limited liability company, as Manager of BRUE Properties, LLC, an Iowa limited liability company.

TINA R. MCCULLOCH
Commission Number 755684
My Commission Expires
November 06, 2011

Tina R. McCulloch
_____, Notary Public

STATE OF Iowa)
)ss
COUNTY OF Dubuque)

This instrument was acknowledged before me on the 15th day of October, 2010, by Peter P. Helle, a single person.

HELEN WEGMANN
Commission Number 138438
My Commission Expires
1-23-13

Helen Wegmann
Helen Wegmann, Notary Public