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LISA SMITH, COUNTY RECORDER
MADISON IOWA

CHEK

Type of Document:

Amendment to Lease

-Return-Document To:-

SATC Brett T. Osborn, Wetsch & Abbott, PLC, 974-73rd Street, Ste. 20, Des Moines, IA 50312
Telephone (515)223-6000

Preparer Information:

Taxpayer Information:

E.I. Sargent & Associates, LLC, 3200 Jordan Grove, West Des Moines, IA 50265

Grantor:

Martin Marietta Materials, Inc.

Grantee:

E.I. Sargent & Associates, LLC

Legal Description:

See second page.

AMENDMENT TO LEASE

THIS AMENDMENT TO LEASE is entered into this 30th day of October, 2008, by and between **MARTIN MARIETTA MATERIALS, INC.**, a North Carolina corporation with its principal office in Raleigh, North Carolina, (hereinafter "Lessee") and **E.I. SARGENT & ASSOCIATES, LLC**, an Iowa Trust with a place of business at 3200 Jordan Grove, West Des Moines, Iowa 50265 (hereinafter "Lessor").

WITNESSETH:

WHEREAS Sargent Lease Royalty Trust, an Iowa Trust and predecessor in interest to E.I. Sargent & Associates, LLC, entered into a Lease agreement with Lessee dated May 15, 1995; said Lease amending and superseding a prior Lease dated September 1, 1982 by and between E.I. Sargent Quarries, Inc., predecessor to Sargent Lease Royalty Trust and Martin Marietta Corporation, predecessor to Martin Marietta Materials, Inc.; *(both being unrecorded)*

WHEREAS, the parties to this Amendment desire to amend the Lease Agreement according to the terms and conditions contained herein:

NOW THEREFORE, the parties herein agree as follows:

1. **PROPERTY**

The follow described property is hereby removed from the Lease:

The Northeast Quarter (NE $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of Section 34, except a strip twenty-five (25) feet wide off the West and South sides thereof, heretofore conveyed for a highway, and the ~~Northwest Quarter (NW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of~~ Section 34, Township 76 North, Range 27 West of the 5th P.M., Madison County, Iowa, subject to any public rights on the North side of said real estate.

IN WITNESS WHEREOF, the parties hereto have affixed their hands and seals and executed this Agreement in duplicate originals the date and year first above written.

LESSOR:

E.I. SARGENT & ASSOCIATES, LLC

By: *Charles E. Cutler*
Charles E. Cutler, Manager

By: *David W. Bishop*
David W. Bishop, Manager

By: *Stephen T. Beasley*
Stephen T. Beasley, Manager

LESSEE:

MARTIN MARIETTA MATERIALS, INC.

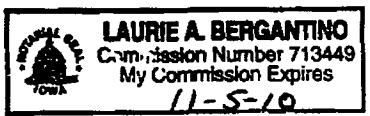
By: *William J. Gahan*
William J. Gahan
President - Midwest Division

STATE OF IOWA)
) ss.
COUNTY OF POLK)

On this 22nd day of October, 2008, before me, the undersigned, a Notary Public in and for the State of Iowa personally appeared Charles E. Cutler, to me known to be the identical person named in and who executed the foregoing instrument, and acknowledged that the person, as a fiduciary, executed the instrument as the voluntary act and deed of the persons and of the fiduciaries.

Laurie A. Bergantino
Notary Public in and for the State of Iowa

My commission expires: 11-5-10



STATE OF IOWA)
) ss.
COUNTY OF POLK)

On this 24th day of October, 2008, before me, the undersigned, a Notary Public in and for the State of Iowa personally appeared David W. Bishop, to me known to be the identical person named in and who executed the foregoing instrument, and acknowledged that the person, as a fiduciary, executed the instrument as the voluntary act and deed of the persons and of the fiduciaries.

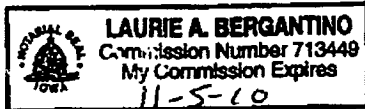


Laurie A. Bergantino
Notary Public in and for the State of Iowa

My commission expires: 11-5-10

STATE OF IOWA)
) ss.
COUNTY OF POLK)

On this 22nd day of October, 2008, before me, the undersigned, a Notary Public in and for the State of Iowa personally appeared Stephen T. Beasley, to me known to be the identical person named in and who executed the foregoing instrument, and acknowledged that the person, as a fiduciary, executed the instrument as the voluntary act and deed of the persons and of the fiduciaries.

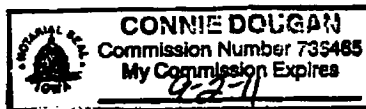


Laurie A. Bergantino
Notary Public in and for the State of Iowa

My commission expires: 11-5-10

STATE OF IOWA)
) ss.
COUNTY OF POLK)

On this 30th day of October, 2008, before me, the undersigned, a Notary Public in and for the State of Iowa personally appeared William J. Gahan, President - Midwest Division, of Martin Marietta Materials, Inc., and being by me duly sworn, says that he executed this agreement for the purpose therein expressed for and on behalf of the said Martin Marietta Materials, Inc. and as its act and deed.



C. Dougan
Notary Public in and for the State of Iowa

My commission expires: 9-2-11