

BK: 2009 PG: 1318
Recorded: 5/1/2009 at 8:51:07.0 AM
Fee Amount: \$42.00
Revenue Tax:
LISA SMITH RECORDER
Madison County, Iowa

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SAC ✓

Prepared by, and when recorded return to: Nathan S. Allen, 6400 Westown Parkway, West Des Moines, IA
50266 (515) 457-6222

MUTUAL TERMINATION OF LEASE

THIS MUTUAL TERMINATION OF LEASE is made and entered into on or as of the 13 day of April, 2009, by and between BRO RETAIL GROUP, INC., a corporation organized and existing under the laws of Nevada, formerly known as BRO OIL COMPANY, INC., ("Bro") and KUM & GO, L.C., an Iowa limited liability company ("Kum & Go"); WITNESSETH:

RECITALS

WHEREAS, Bro and HVX, INC. ("HVX") entered into various lease agreements memorialized by those certain Memorandum of Lease documents set forth in Exhibit "A" herein whereby HVX leased certain parcels of real estate as set forth in Exhibit "B" herein (the "Leases"); and

WHEREAS, HVX assigned its interest in and to said Leases to Kum & Go pursuant to Kum & Go's acquisition of all of the assets of HVX; and

WHEREAS, Kum & Go has exercised its option to purchase each of the parcels of real estate set forth in Exhibit "B" herein from Bro pursuant to the Leases; and

WHEREAS, Kum & Go and Bro desire to terminate the Leases contemporaneously with the execution hereof.

NOW, THEREFORE, in consideration of the Premises, and the mutual undertakings of the parties set forth herein, the parties agree as follows:

1. Recitals. The Recitals set forth above are incorporated by this reference.
2. Termination. The parties hereby agree to terminate the Leases contemporaneously with the execution of this Mutual Termination of Lease.

3. Counterparts. This Mutual Termination of Lease may be executed in two or more counterparts, each of which shall be deemed an original, but all of which taken together shall constitute one and the same agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Mutual Termination of Lease to be duly executed on the day and year first written above.

KUM & GO, L.C., an Iowa limited liability company

BRO RETAIL GROUP, INC. f/k/a BRO OIL COMPANY, INC.

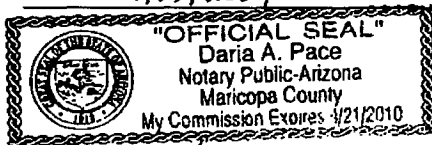
By: James J. Brandt
James J. Brandt, Vice President

By: Kent D. Bro
Kent D. Bro, President

By: Todd M. Bro
Todd M. Bro, Secretary

STATE OF ARIZONA, COUNTY OF MARRICOPA

This instrument was acknowledged before me on 4/23/2009, by Kent D. Bro as President of Bro Retail Group, Inc.

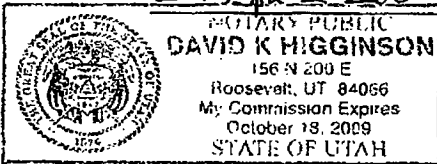


Daria A. Pace

Notary Public

STATE OF Arizona, COUNTY OF Marricopa

This instrument was acknowledged before me on 24 April 2009, by Todd M. Bro as Secretary of Bro Retail Group, Inc.

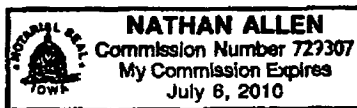


David K. Higginson

Notary Public

STATE OF IOWA, COUNTY OF DALLAS

This instrument was acknowledged before me on April 27, 2009, by James J. Brandt as Vice President of Kum & Go, L.C., an Iowa limited liability company.



Nathan Allen

Notary Public

EXHIBIT "A"

1. Memorandum of Lease between Bro Oil Company, Inc. and HVX, Inc. dated May 1, 1989 and filed May 26, 1989 in Book 89 at Page 24105 Pottawattamie County, Iowa.
2. Memorandum of Lease between Bro Oil Company, Inc. and HVX, Inc. dated October 24, 1989 and filed October 31, 1989 in Book 68 at Page 863, Clarke County, Iowa.
3. Memorandum of Lease between Bro Oil Company, Inc. and HVX, Inc. dated May 1, 1989 and filed May 25, 1989 in Book 405 at Page 755, Guthrie County, Iowa.
4. Memorandum of Lease between Bro Oil Company, Inc. and HVX, Inc. date May 1, 1989 and filed May 30, 1989 in Deed Rec. 120 at Page 531, Dickinson County, Iowa.
5. Memorandum of Lease between Bro Oil Company, inc. and HVX, Inc. dated May 1, 1989 and filed November 3, 1989 in Book 286 at Page 136, Story County, Iowa.
6. Memorandum of Lease dated May 1, 1989 and filed November 3, 1989 in Book 286 at Page 133, Story County, Iowa, between Bro Oil Company, inc. and HVX, Inc.
7. Memorandum of Lease between Bro Oil Company, Inc. and HVX, Inc. dated October 24, 1989 and filed October 31, 1989 in Book 6167 at Page 331, Polk County, Iowa.
8. Memorandum of Lease dated May 1, 1989 and filed May 25, 1989 in Book 405 at Page 758, Guthrie County, Iowa, between Bro Oil Company, inc. and HVX, Inc.
9. Memorandum of Lease between Bro Oil Company, Inc. and HVX, Inc. dated October 24, 1989 and filed October 31, 1989 in 1989 Comb. 4668, Hamilton County, Iowa.
10. Memorandum of Lease between Bro Oil Company, Inc. and HVS, Inc. (abstractor error, should be HVX, Inc. dated May 1, 1989 and filed May 26, 1989 in Book 20 at Page 29, Emmet County, Iowa.
11. Memorandum of Lease between Bro Oil Company, Inc. and HVX, Inc. date May 1, 1989 and filed May 26, 1989 in Book 547 at Page 929, Page County, Iowa.
12. Memorandum of Lease between Bro Oil Company, Inc. and HVX, Inc. dated May 1, 1989 and filed May 26, 1989 in Book 16 M.R. 374, Winnebago County, Iowa.
13. Memorandum of Lease between Bro Oil Company, Inc. and HVX, Inc. dated May 1, 1989 and filed May 25, 1989 in Book 171 at Page 347, Mills County, Iowa; AND Lease between Bro Retail Group, Inc. and Kum and Go, L.C. dated March 11, 1999 and filed September 25, 2000 in Book 262 at Page 325, Mills County, Iowa.
14. Memorandum of Lease between Bro Oil Company, Inc. and HVX, Inc. dated May 1, 1989 and filed May 25, 1989 in Book 286 at Page 250, Adair County, Iowa.

15. Memorandum of Lease between Bro Oil Company, Inc. and HVX, Inc. dated May 1, 1989 and filed May 25, 1989 in Misc. Rec. 19 at Page 791, Greene County, Iowa.
16. Memorandum of Lease between Bro Oil Company, Inc. and HVX, Inc. dated May 1, 1989 and filed May 26, 1989 in Book 293 at Page 7, Warren County, Iowa.
17. Memorandum of Lease dated May 1, 1989 and filed May 25, 1989 in Book 31 at Page 484, Buena Vista County, Iowa, between Bro Oil Company, inc. and HVX, Inc.
18. Memorandum of Lease between Bro Oil Company, Inc. and HVX, Inc. dated May 1, 1989 and filed May 25, 1989 in Misc. Rec. 38 at Page 769, Madison County, Iowa.
19. Memorandum of Lease between Bro Oil Company, Inc. and HVX, Inc. dated May 1, 1989 and filed May 26, 1989 in Book 484 at Page 278, Union County, Iowa.
20. Memorandum of Lease between Bro Oil Company, Inc. and HVX, Inc. dated May 1, 1989 and filed May 25, 1989 in Book 422 at Page 2333, Cass County, Iowa.
21. Memorandum of Lease between Bro Oil Company, Inc. and HVX, Inc. date May 1, 1989 and filed May 25, 1989 in Book 89 at Page 261, Wright County, Iowa.
22. Memorandum of Lease between Bro Oil Company, Inc. and HVX, Inc. dated May 1, 1989 and filed October 31, 1989 in Misc. Book 17 at Page 346, Palo Alto County, Iowa.
23. Grimes, Polk County, Iowa – Memorandum of Lease not filed.
24. Adair, Adair County, Iowa – Memorandum of Lease not filed.

EXHIBIT "B"
LEGAL DESCRIPTIONS

1. A parcel of land located in the NE1/4 SE1/4 of Section 25, Township 77, Range 42, Pottawattamie County, Iowa, described as follows: Commencing at the E 1/4 corner of said Section 25, Township 77, Range 42; thence South 0° 00' 00" W, along the East Line of the SE1/4 of Section 25, a distance of 965.10 feet; thence South 90° 00' 00" W a distance of 92.46 feet to the Point of Beginning; thence S 86° 24' 01" W a distance of 692.21 feet; thence N 0° 00' 00" E a distance of 191.76 feet to a point on the southerly right of way line of Interstate Highway 80; thence N 67° 05' 04" E, along said southerly right of way line, a distance of 449.53 feet; thence N 76° 10' 29" E, along said southerly right of way line, a distance of 253.18 feet; thence S 46° 55' 54" E along southerly right of way line, a distance of 86.79 feet; thence S 5° 42' 36" W a distance of 326.19 feet to the point of beginning, subject to any and all easements of record.
2. The North 100 Feet of Lots 1 and 2 in Block 16 in the Original Town of Osceola, Iowa.
3. Lots 9, 10, 11, 12, 13, and 14, except the North 44 Feet of said Lots, in Block 15 of the Original Town of Casey, Guthrie County, Iowa; AND Lots Fifteen (15) and Sixteen (16) (Excepting the North Sixty Feet Thereof) in Block Fifteen (15) in the Original Town of Casey, Guthrie County, Iowa
4. East Half of Lot 9 and all that part of Lots 7 and 8 lying south and East of Highway No. 9 and 71, in Block 2, of Osborn's Addition to the City of Spirit Lake, Dickinson County, Iowa, *except* a tract of land in part of Lot 7, Block 2 of Osborne's Addition to the City of Spirit Lake, Dickinson County, Iowa and being more particularly described as follows: Commencing at the Southwest (SW) Corner of Lot Nine (9), Block Two (2) of said Osborne's Addition; Thence on a previously recorded bearing of North 46°41'30" East, along the South line of Iowa Highway 9 & U.S. Highway No. 71, 236.50 feet to the Point of Beginning. Thence continuing North 46°41'30" East, along said South line, 15.00 feet to a point on the East line of said Lot Seven (7); Thence South 00°51'18" West, along said East line, 22.90 feet; Thence North 39°58'58" West, 16.46 feet to the Point of Beginning; *and except* a tract of Land in part of Lot Nine (9), Block Two (2) of Osborne's Addition to the City of Spirit Lake, Dickinson County, Iowa and being more particularly described as follows: Beginning at the Southwest (SW) corner of Lot Nine (9), Block Two (2) of said Osborne's Addition; Thence on a previously recorded bearing of North 46°41'30" East, along the South line of Iowa Highway No. 9 & U.S. Highway No. 7, 45.00 feet; Thence South 40°43'32" East 41.77 feet to the South line of said Lot Nine (9); Thence North 89°15'00" West, along said South line, 60.00 feet to the Point of Beginning.

5. A parcel of land in Lot One (1) of the Southwest Quarter (SW1/4) of Section Seven (7), Township Eighty-five (85) North, Range Twenty-three (23) West of the 5th P.M., Story County, Iowa, more particularly described as follows: Commencing at the West Quarter (W1/4) corner of Section Seven (7), Township Eighty-five (85) North, Range Twenty-three (23) West of the 5th P.M., thence East One Thousand Four Hundred Thirty-seven and Three Tenths (1437.3) Feet along the North line of the Southwest Quarter (SW1/4) of said Section Seven (7) to point of beginning; thence continuing East One Hundred Thirty-five (135) Feet, thence South Three Hundred fifty (350) Feet, thence West One Hundred Thirty-five (135) feet, thence North Three Hundred Fifty (350) Feet to the point of beginning.
6. Lots Twelve (12) and Thirteen (13) in Block Two (2) in the Original Town of Story City, Iowa.
7. The North 150 feet of the East 150 feet of Lot One (1) in PARKVIEW TERRACE PLAT NO. 13, an Official Plat, now included in and forming a part of the City of Ankeny, Polk County, Iowa.
8. Lots 14, 15 and 16 in Block 19 in the Original Town of Stuart, Guthrie County, Iowa.
9. Lots 1, 2, 3, and 4, Block 7, Willson, Funk & Company's Addition to Webster City, Iowa.
10. Lots 1, 2, 3 and the North 10 feet of Lot 4 in Block 1 of Breen's First Addition to the Town of Armstrong, Emmet County, Iowa.
11. Lots Fifteen (15) and Sixteen (16) and West 23.4 feet of Lot Seventeen (17) of Irregular Survey of Northwest Quarter (NW1/4NW1/4) of Section Thirty-two (32), Township Sixty-nine (69) North, Range Thirty-six (36) West of the 5th P.M., in city of Clarinda, Page county, Iowa.
12. The East 87 feet of Lot One (1) and all of Lot Four (4), and the East Half (E1/2) of vacated alley lying between Lots Four (4) and Five (5), all in Block Forty-nine (49), Forrest City, Winnebago County, Iowa.
13. The West 62.00 feet of Lots Seven (7) and Eight (8) in Block Nineteen (19) of the Original Town of Glenwood, Iowa.
14. Lots One (1) and Two (2) in Block Five (5) in Martin and McCollom's Third Addition to the Town of Greenfield, Iowa, subject to the rights of the State of Iowa, obtained under one certain Condemnation Proceedings dated October 6, 1976 and recorded in Book 226 Page 119 in the Office of the County Recorder of Adair County, Iowa.
15. Lot Twenty-nine (29) and the West Twenty-three (23) Feet of Lot Thirty (30), Block Seven (7), Original Town (now City) of Jefferson, Greene County, Iowa.

16. Lot 1 in Lane's Third Addition to the Town of Norwalk, Iowa; AND Commencing at a point 863 feet West of the Northeast corner of the Northwest Quarter of the Southeast Quarter (NW1/4 SE1/4) of Section 13, Township 77 North, Range 25 West of the 5th P.M. Iowa; Thence South 206.25 feet, thence West 227.2 feet to the East line of the present right of way of Highway #28, thence Northeasterly along the East line of said right of way to the North line of said 40 acre tract at a point 104.2 feet West of the place of beginning, thence East to the place of beginning EXCEPT that part deeded to the State of Iowa recorded in Book 213, Page 386-387, Warren County, Iowa.
17. PART OF LOTS ONE (1) AND TWO (2) OF HOBBS AND SUTFINS SUBDIVISION OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER (NW1/4 NW1/4) OF SECTION TWO (2), TOWNSHIP NINETY (90) NORTH, RANGE THIRTY-SEVEN (37) WEST OF THE 5TH P.M., BUENA VISTA COUNTY, IOWA AND A PART OF THE CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD COMPANY'S RIGHT OF WAY, AND BEING MORE FULLY DESCRIBED AS FOLLOWS: Commencing at the Northwest (NW) corner of the NW1/4 of said Section 2; thence on an assumed bearing of south, along the West line of said NW1/4, 128.15 feet; thence South 61 degrees 58'57" East, 44.20 feet to the East right of way line of Russell Street also being the point of beginning; thence along the arc of a 2 degree curve whose radius is 2915 feet and whose short chord bears South 61 degrees 58'57" East, 224.85 feet; thence South 60 degrees 19'05" East, 81.23 feet; thence South 29 degrees 40'55" West, 100.34 feet; thence North 60 degrees 24'15" West, 86.00 feet; thence along the arc of a 2 degree curve whose radius is 2815 feet and whose short chord bears North 61 degrees 54'22" West, 163.92 feet to the East right of way line of Russell Street; thence North, along the East right of way line of Russell Street, 113.36 feet to the point of beginning.
18. Lot Eight (8) and the East Half (E1/2) of Lot Seven (7) in Block Twenty-four (24), of the Original Town of Winterset, Madison County, Iowa.
19. The North Two Hundred (200) feet of the West Half (W1/2) of Lot Numbered Ten (10) in DeVoe's First Addition to Creston, Union County, Iowa, EXCEPT the following: Commencing at a point at the intersection of the centerline of DeVoe and Hall (Now Sumner) Streets in DeVoe's First Addition to Creston, Iowa, the point of beginning; thence N 0 Degrees 7 Minutes E 338 feet along the centerline of Hall (Now Sumner) Street; thence S 88 Degrees 54 Minutes E 43.5 feet; thence S 0 Degrees 43 Minutes W 338 feet to the centerline of DeVoe Street; thence N 88 Degrees 54 Minutes W 40 feet along the centerline of DeVoe Street to the point of beginning.
20. Lots 1 and 2 and the North 30 feet of Lot 3, in Block 51 in the City of Atlantic, Cass County, Iowa.
21. Lot 2 and the North 25 feet of Lot 1 in Block 1 in Denison's Addition to Clarion, Wright County, Iowa.
22. The Southeast Quarter (SE1/4) of Block Four (4), Highland View Addition to Emmetsburg, Palo Alto County, Iowa.

23. That part of the SW 1/4 of the SE1/4 of Section 32, Township 80 North, Range 25 West of the 5th P.M., in Grimes, Polk County, Iowa, described as follows: Beginning 75.00 feet North and 33.00 feet East of the South 1/4 corner of said Section; thence N 0° 02' W, 125.36 feet; thence N 90° 00' E, 205.00 feet; thence S 0° 02' E, 125.36 feet; thence N 90° 00' W, 205.00 feet to the Point of Beginning.
24. Lot 3 of Adair Development Company, Inc. Addition to the City of Adair, Adair County, Iowa.