

EASEMENT AGREEMENT

JOHN L. ROZMAN, JR. and MARILYN K. ROZMAN (Grantors), for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, do hereby grant **OLDCASTLE SW GROUP, INC. a Colorado corporation** (Grantee), a non-exclusive easement and right of way for ingress and egress only to any and all property shown on the survey attached hereto as EXHIBIT A, which is currently leased by Grantor to Grantee or previously leased from Grantor to Grantee and subject to Reclamation Permit No. M1981014 (the "Benefitted Property").

Said easement and right-of-way traverses the following described property owned by Grantors in Gunnison County, Colorado:

Two parcels of land located within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 13, T14S, R86W and within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 18, T14S, R85W, of the 6th Principal Meridian, Gunnison County, Colorado.

The exact location of the easement and right of way granted herein is described in EXHIBIT B and EXHIBIT C (each consisting of two pages) attached hereto and incorporated herein by this reference.

Grantee, at Grantee's expense, shall construct and shall have the right to operate, use, maintain, and repair a roadway within said easement and right of way for the purpose of accessing the Benefitted Property.

In exchange for the easement and right of way granted herein, Grantee agrees that all costs associated with the easement and right of way granted herein, including construction, repair, and maintenance shall be borne by Grantee, and Grantee hereby indemnifies and holds Grantors harmless from and against all liabilities arising out of any intentionally wrongful or negligent acts of Grantee. Additionally, Grantors hereby indemnify and hold Grantee harmless from and against all liabilities arising out of any intentionally wrongful or negligent acts of Grantors.

Grantee shall not allow any condition from Grantee's operation, use, construction, repair, and maintenance on or over the Easement to result in an unpaid debt which results in a lien on Grantors' property.

The easement and right of way granted herein shall expire when all of the property shown on Exhibit A which was leased by Grantor to Grantee, is no longer leased by Grantor to Grantee, and such property is no longer subject to Reclamation Permit No. M1981014. The parties may, by mutual written consent, agree to terminate this easement agreement earlier.

Upon expiration or termination of this Easement Agreement pursuant to the terms and conditions set forth above, Grantee shall record in the Gunnison County Clerk and Recorder's Office a "Notice of Termination of Easement Agreement," which shall state that this easement

agreement has terminated, and which shall conclusively and irrefutably establish that this easement agreement has terminated.

No access is being granted herein to the real property encumbered by that certain Amended and Restated Deed of Conservation Easement, dated August 18, 2011, and recorded in the Office of the Gunnison County Clerk and Recorder's office at Reception Number 607494

IN WITNESS WHEREOF, Grantors and Grantee have executed this Easement Deed and Agreement this 18th day of August, 2011.

GRANTORS:

John L. Rozman, Jr.
John L. Rozman, Jr.

Marilyn K. Rozman
Marilyn K. Rozman

GRANTEE:

Oldcastle SW Group, Inc.,
a Colorado Corporation

Peter J. Siegmund
By: Peter J. Siegmund, Vice President



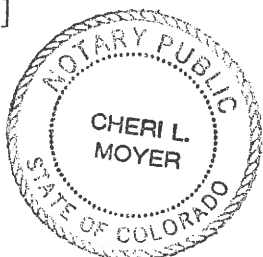
STATE OF COLORADO)
) ss.
COUNTY OF GUNNISON)

The foregoing instrument was acknowledged before me this 18th day of August, 2011 by John L. Rozman, Jr. and Marilyn K. Rozman.

Witness my hand and official seal.

My Commission expires: 3-31-15

[SEAL]



Cheri L. Moyer
Notary Public

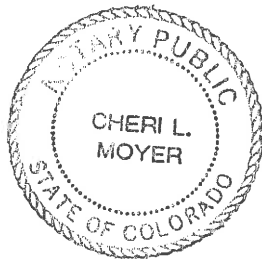
STATE OF COLORADO)
) ss.
COUNTY OF GUNNISON)

The foregoing instrument was acknowledged before me this 18th day of August, 2011
by Peter J. Siegmund, Vice President of Oldcastle SW Group, Inc., a Colorado Corporation.

Witness my hand and official seal.

My Commission expires: 3-31-15

[SEAL]



Cheri L. Moyer
Notary Public

Exhibit A

[illegible]

**EXHIBIT B, PAGE 1 OF 2**

6/22/11

Rozman to RIP Lot 4

An 80 foot Access Easement located within the NE1/4 NE1/4 Section 13, T14S, R86W and within the NW1/4 NW1/4 Section 18, T14S, R85W, of the 6th Principal Meridian, Gunnison County, Colorado, being more particularly described as follows:

Beginning at the west corner of Lot 4, Riverland-an industrial park; thence S59°08'23"E along said Lot 4, a distance of 98.35 feet to a point of curve to the left; thence along said curve and said Lot 4 52.55 feet, said curve having a radius of 210.00 feet, a central angle of 14°20'15", and a chord of S66°18'31"E, 52.41 feet; thence S73°28'38"E along said Lot 4 a distance of 157.18 feet to a point of a non-tangent curve to the right and a point on the right-of-way of Buckley Drive; thence along said curve and right-of-way an arc length of 77.94 feet, said curve having a central angle of 23°30'13", a radius of 190.00 feet, a chord bearing of N40°25'40"E and a chord distance of 77.40 feet to the north corner of RU Subdivision; thence N52°10'47"E along RU Subdivision a distance of 24.01 feet to a point of a non-tangent curve to the left; thence along said curve and RU Subdivision an arc length of 80.81 feet, said curve having a central angle of 28°03'34", a radius of 165.00 feet, a chord bearing of S37°51'43"E and a chord distance of 80.00 feet; thence S52°10'47"W a distance of 24.06 feet to a point of curve to the left; thence along said curve 109.39 feet, said curve having a radius of 110.00 feet, a central angle of 56°58'50", and a chord of S23°41'22"W, 104.94 feet; thence N73°28'38"W a distance of 240.45 feet to a point of curve to the right; thence along said curve 72.57 feet, said curve having a radius of 290.00 feet, a central angle of 14°20'15", and a chord of N66°18'30"W, 72.38 feet; thence N59°08'23"W a distance of 98.35 feet; thence N30°51'37"E a distance of 80.00 feet to the POINT OF BEGINNING.

Containing 37,587 square feet or 0.863 acres, more or less.

EXHIBIT B, PAGE 2 OF 2

Rozman to RIP Lot 4

6/22/11

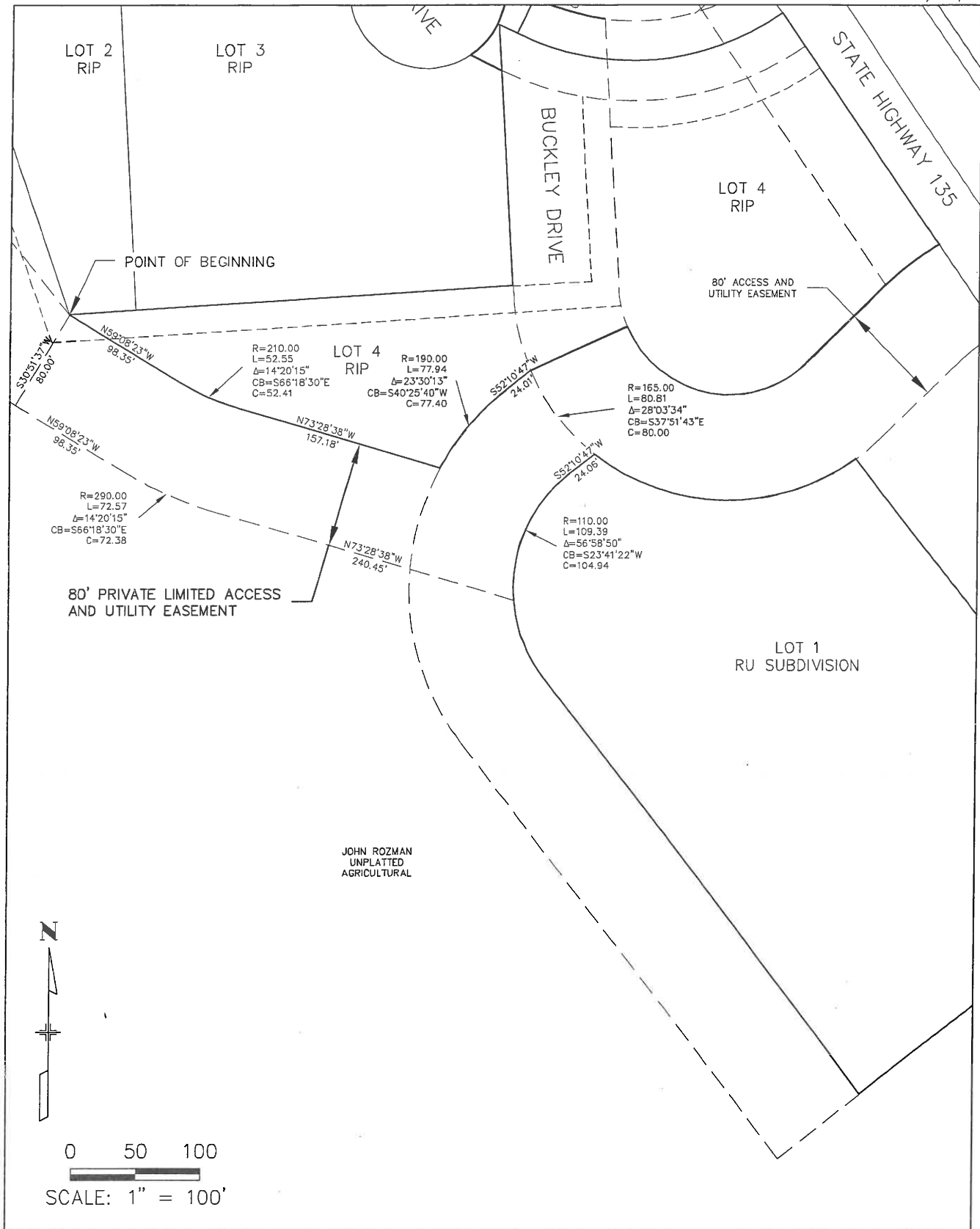


EXHIBIT C, PAGE 1 OF 2

6/22/11

Rozman to UC Pit

An 80 foot Access Easement located within the NE1/4 NE1/4 Section 13, T14S, R86W and within the NW1/4 NW1/4 Section 18, T14S, R85W, of the 6th Principal Meridian, Gunnison County, Colorado, being more particularly described as follows:

Beginning at the west corner of Lot 4, Riverland-an industrial park; thence S59°08'23"E a distance of 98.35 feet to a point of curve to the left; thence along said curve 52.55 feet, said curve having a radius of 210.00 feet, a central angle of 14°20'15", and a chord of S66°18'30"E, 52.41 feet; thence S73°28'38"E a distance of 157.18 feet to a point of a non-tangent curve to the left and to a point on the right-of-way line of the RU Subdivision Access Easement; thence along said curve and Easement an arc length of 80.60 feet, said curve having a central angle of 24°18'23", a radius of 190.00 feet, a chord bearing of S16°31'22"W and a chord distance of 80.00 feet; thence N73°28'38"W a distance of 157.18 feet to a point of curve to the right; thence along said curve 72.57 feet, said curve having a radius of 290.00 feet, a central angle of 14°20'15", and a chord of N66°18'30"W, 72.38 feet; thence N59°08'23"W a distance of 98.35 feet to a point of curve to the right; thence along said curve 27.66 feet, said curve having a radius of 80.00 feet, a central angle of 19°48'26", and a chord of N49°14'10"W, 27.52 feet; thence N39°19'57"W a distance of 121.40 feet to a point of curve to the left; thence along said curve 74.42 feet, said curve having a radius of 110.00 feet, a central angle of 38°45'40", and a chord of N58°42'47"W, 73.01 feet; thence N78°05'37"W a distance of 82.52 feet to a point of curve to the right; thence along said curve 104.22 feet, said curve having a radius of 140.00 feet, a central angle of 42°39'03", and a chord of N56°46'05"W, 101.83 feet; thence N35°26'34"W a distance of 186.56 feet to an point on the existing 60 foot access easement to the gravel pit; thence N87°00'05"E along said easement a distance of 15.93 feet; thence N87°58'18"E along said easement a distance of 44.29 feet; thence N84°00'59"E along said easement a distance of 33.98 feet; thence S35°26'34"E a distance of 136.91 feet to a point of curve to the left; thence along said curve 44.66 feet, said curve having a radius of 60.00 feet, a central angle of 42°39'03", and a chord of S56°46'06"E, 43.64 feet; thence S78°05'37"E a distance of 82.52 feet to a point of curve to the right; thence along said curve 128.54 feet, said curve having a radius of 190.00 feet, a central angle of 38°45'40", and a chord of S58°42'47"E, 126.10 feet; thence S39°19'57"E a distance of 121.40 feet to the POINT OF BEGINNING.

Containing 69,592 square feet or 1.598 acres, more or less.

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R: \$46.00 D: \$0.00




EXHIBIT C, PAGE 2 OF 2

Rozman to UC Pit

6/22/11

