

ACCESS AGREEMENT

4/26/2023

THIS ACCESS AGREEMENT (this “**Agreement**”) is made effective this 26th day of April, 2023 (the “**Effective Date**”) by and between Owl Mountain Ranch, LLC an individual protected series of Foxmoore Properties, LLC an Oklahoma series LLC (“**Owner**”) and Corner Properties, LLC (“**Operator**”), collectively (the “**Parties**”).

WITNESSETH:

WHEREAS, Owner owns certain real property, located in Jackson County, Colorado attached hereto as Exhibit “A” (the “**Property**”) and;

WHEREAS, Owner desires to grant access to the Property to Operator for the purpose of operating that certain gravel pit, located on the Property known as the “Fairbanks Pit” permit number (M-2003-058) (the “**Gravel Pit**”) whose legal description is attached hereto as Exhibit “B”.


NOW, THEREFORE, in consideration of the premises herein contained and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:


AGREEMENT:

1. Owner shall allow Operator reasonable access to, on, across, over or through the Property listed in Exhibit “A”, for the purpose of operating the Gravel Pit.
2. Commencing on the Effective Date, this Agreement shall be considered perpetual unless terminated by mutual agreement of Parties.
3. Parties agree to indemnify and hold each other harmless against any and all liability or claims of loss which may arise against either party in connection with this Agreement.

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SIGNATURE PAGE TO FOLLOW

Owner Initials: 

Operator Initials: 

OWNER:

Owl Mountain Ranch, LLC an individual protected series of Foxmoore Properties, LLC an Oklahoma series LLC

By: James R Moore, President
Mountain Enterprises, Inc., Manager

STATE OF OKLAHOMA }
 } ss.
COUNTY OF TULSA }

The foregoing instrument was acknowledged before me this 26th day of April, 2023 by James R Moore, President of Mountain Enterprises, Inc., Manager of Owl Mountain Ranch, LLC an individual protected series of Foxmoore Properties, LLC an Oklahoma series LLC.

Witness my hand and official seal.


Notary Public

My commission expires: 2/26/2025



OPERATOR:

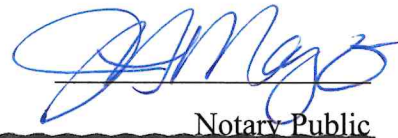
Corner Properties, LLC

By: Tristan Koch, Manager

STATE OF OKLAHOMA }
 } ss.
COUNTY OF TULSA }

The foregoing instrument was acknowledged before me this 26th day of April, 2023 by Tristan Koch, Manager of Corner Properties, LLC.

Witness my hand and official seal.


Notary Public

My commission expires: 2/26/2025

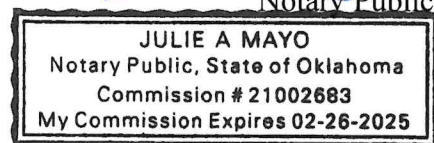


EXHIBIT A

Legal Description

Township 6 North, Range 77 West of the 6th P.M.

Section 3: All that portion of Lots 3 and 4 and the S1/2NW1/2 lying westerly of Colorado State Highway No. 14
Section 4: Lots 3 and 4, S1/2NW1/4

Township 7 North, Range 77 West of the 6th P.M.

Section 17: All that portion of the S1/2 and the NW1/4 lying westerly of Colorado State Highway No. 14
Section 18: Lots 1, 2, 3 and 4, E1/2W1/2, SE1/4 and all that portion of the NE1/4 lying westerly of Colorado State Highway No. 14
Section 19: Lots 1, 2, 3 and 4, E1/2W1/2, E1/2
Section 20: All that portion of the entire section lying westerly and southerly of Colorado State Highway No. 14
Section 21: All that portion, if any, of the W1/2 lying southerly of Colorado State Highway No. 14
Section 28: All that portion of the W1/2 lying southerly of Colorado State Highway No. 14
Section 29: All that portion of the entire section lying southerly of Colorado State Highway No. 14
Section 30: Lots 1, 2, 3 and 4, E1/2W1/2, E1/2
Section 31: Lot 1, E1/2NW1/4, N1/2NE1/4
Section 32: N1/2, NE1/4SW1/4, SE1/4
Section 33: All that portion lying westerly of Colorado State Highway No. 14
Section 34: All that portion lying westerly of Colorado State Highway No. 14

Township 7 North, Range 78 West of the 6th P.M.

Section 25: N1/2SE1/4, SE1/4SE1/4

Excepting therefrom, the following described tracts of land:

1. A strip of land conveyed to The Board of County Commissioners of Jackson County in the deed recorded in Book 7 at Page 298 and being more particularly described as follows:
A strip of land 60 feet wide through the SE1/4NW1/4 of Section 3, Township 6 North Range 77 West of the 6th P.M., the center line of which Beginning at 80 feet north of the SE corner of SE1/4NW1/4, runs N36deg 49' W 1320 feet, thence N 45deg 53' W 260 feet to a point 340 feet East of the NW corner of said 40 acres.
Also a strip of land 60 feet wide through the NW1/4NW1/4 of Section 3, Township 6 North, Range 77 West of the 6th P.M., the center line of which: Beginning at 310 feet north of the SE corner of said 40 acres, runs N 45deg 53' W 1414 feet to a point 280 feet east of the NW corner of Section 3.
2. A strip of land conveyed to The Board of County Commissioners of Jackson County, Colorado in the deed recorded in Book 7 at Page 310 and being more particularly described as follows:
A strip of land 60 feet in width being 30 feet wide on each side of the center line of the public highway known as the Cameron Pass Highway as the same is now located and constructed in, over and across the E1/2 of Section 33, Township 7 North, Range 77 West of the 6th P.M.
3. A strip of land conveyed to The Board of County Commissioners of Jackson County in the deed recorded in Book 7 at Page 313 and being more particularly described as follows:
A portion of the SW1/4SW1/4 of Section 34, Township 7 North, Range 77 West of the 6th P.M., described as follows:
A strip of land 60 feet wide the center line of which beginning at 280 feet east of the SW corner of Section 34, thence N 46deg 36' W 382 feet to a point 260 feet north of the SW corner of Section 34.

4. A tract of land as conveyed in the deed recorded in Book 44 at Page 131 and being more particularly described as follows:

A tract of land in the SE1/4NW1/4 of Section 3, Township 6 North, Range 77 West of the 6th P.M., bounded by a line described as follows:

Commencing at the SE corner of said SE1/4NW1/4, thence northwesterly along the southerly boundary of State Highway 14, 870 feet; thence southwesterly and at right angles to the southerly boundary of said State Highway 14, 210 feet; thence northwesterly and parallel with said State Highway 14, 210 feet; thence northeasterly and at right angles to the southerly boundary of said State Highway 14, 210 feet to the southerly boundary of said Highway; thence southeasterly along the southerly boundary of said State Highway 14, 210 feet to the point of beginning.

5. Tract of land conveyed in the deed recorded in Book 49 at Page 358, and being more particularly described as follows: Located in the NE1/4, Section 18, Township 7 North, Range 77 West of the 6th P.M., County of Jackson and State of Colorado, to-wit:

Measuring from the U.S. Survey Stake at SE corner of the northeast Quarter of Section 18, Township 7 North, Range 77 West of the 6th P.M., north of Section Line 677 feet to the fence line on Highway 14, thence northwest on Highway line 300 feet to a starting point of tract deeded, northwest from starting point on highway line 206 feet, thence at right angle southwest 140 feet, thence southeast 206 feet, thence northeast 182 feet to point of beginning.

6. A tract of land as conveyed in the deed recorded in Book 49 at Page 360 and being more particularly described as follows:

A tract of land in the SW1/4NE1/4 of Section 3, Township 6 North, Range 77 West of the 6th P.M., bounded by a line described as follows:

Beginning at a point where the East line of the county road crosses the south line of said SW1/4NE1/4, 75 feet east of the center of Section 3, thence east 385 feet, thence north 385 feet, thence west 251 feet, thence north 209 feet, thence west 209 feet to the west line of said SW1/4NE1/4, thence south along said west line to where said east line of the county road crosses the west line of said SW1/4NE1/4, thence southeast along said county road right of way line to the point of beginning.

7. A tract of land as conveyed to Jackson County, Colorado in the deed recorded in Book 84 at Page 357 and being more particularly described as follows:

A tract of land in the NW1/4NW1/4 of Section 3, Township 6 North, Range 77 West of the 6th P.M., bounded by a line described as follows:

Beginning at the northwest corner of said Section 3, thence East 242 feet, thence S 47deg E 110 feet, thence west 322 feet, thence north 75 feet to the place of beginning.

8. Intentionally deleted.

9. A tract of land as conveyed to Jackson County, Colorado, in the deed recorded in Book 96 at Page 359 and bounded by a line described as follows:

A tract of land in the SW1/4 of Section 34, Township 7 North, Range 77 West of the 6th P.M., being more particularly described as follows:

Beginning at a point on the South line of Section 34, Township 7 North, Range 77 West of the 6th P.M., 247.85 feet east of the southwest corner of Section 34; thence N 46deg 47'11" W a distance of 345.03 feet to a point on the west line of Section 34; thence along said west line of Section 34, N 00deg 52'15" W a distance of 123.20 feet; thence S 46deg 47'11" E a distance of 523.63 feet to a point on the South line of Section 34; thence along said south line of Section 34, S 89deg 36'00" W a distance of 128.30 feet, more or less, to the point of beginning.

10. A tract of land as conveyed in the deed recorded in Book 115 at Page 285 and being more particularly described as follows:

A tract of land in the SE1/4SE1/4 of Section 33, Township 7 North, Range 77 West of the 6th P.M., bounded by a line

described as follows:

Commencing at the southeast corner of said Section 33; thence N 4deg 32'56" W 239.30 feet the true Point of Beginning; thence N 45deg 53'53" W along the southerly right of way of State Highway No. 14, a distance of 623.13 feet; thence S 44deg 6'7" W a distance of 279.62 feet; thence S 45deg 53'53" E a distance of 623.13 feet; thence N 44deg 6'7" E a distance of 279.62 feet to the true Point of Beginning.

11. Tracts of land conveyed to the department of Highways, State of Colorado, in the deed recorded in Book 125 at Page 358, and being more particularly described as follows:

A tract of land located in the SW 1/4SW 1/4 of Section 21 and the NW 1/4NW 1/4 of Section 28, Township 7 North, Range 77 West, of the 6th P.M., Jackson County, Colorado, said tract or parcel being more particularly described as follows: Beginning at a point from which the SW corner of Section 21, Township 7 North, Range 77 West, bears S 87deg 00'45" W a distance of 753.8 feet; thence N 89deg 16'15" E a distance of 300.0 feet; thence S 00deg 43'45" E a distance 37.6 feet to the south line of Section 21; thence S 89deg 42' W along the south line of Section 21, a distance of 300.0 feet; thence N 00deg 43'45" W a distance of 35.3 feet, more or less, to the point of beginning. Also beginning at a point from which the NW corner of Section 28, Township 7 North Range 77 West, bears N 83deg 53'30" W a distance of 758.6 feet; thence N 00deg 43'45" W a distance of 84.7 feet to the north line of Section 28; thence N 88deg 42' E along the north line of Section 28, a distance of 300.0 feet; thence S 00deg 43'45" E a distance of 82.4 feet; thence S 89deg 16'15" W a distance of 300.0 feet, more or less, to the point of beginning.

12. Tracts of land conveyed to The State Department of Highways, Division of Highways, State of Colorado, in the deed recorded in Book 141 at Page 327, and being more particularly described as follows:

A tract of land located in the SE 1/4SW 1/4 of Section 21, Township 7 North, Range 77 West of the 6th P.M., in Jackson County, Colorado, said tract or parcel being more particularly described as follows: Beginning at a point on the northerly right of way line of SH 14 (Aug. 1979), Township 7 North, Range 77 West, of the 6th P.M., from which the SW corner of Section 21 bears S 88deg 56'00" W a distance of 1,723.8 feet; thence N 50deg 27'30" W a distance of 85.1 feet; thence N 89deg 07'30" W a distance of 155.0 feet; thence S 52deg 15' W a distance of 99.4 feet to a point on the northerly line of SH 14 (Aug. 1979); thence N 89deg 11' E along said northerly line a distance of 299.2 feet, more or less, to the point of beginning.

Also a tract or parcel of land located in the NE 1/4NW 1/4 of Section 28, Township 7 North, Range 77 West, of the 6th P.M., Jackson County, Colorado, being more particularly described as follows:

Beginning at a point on the westerly line of Colorado State Forest, from which the NW corner of Section 28, Township 7 North, Range 77 West of the 6th P.M., bears N 78deg 17'30" W a distance of 2,585.2 feet; thence N 0deg 40' W along the westerly line of Colorado State Forest, a distance of 380.5 feet to a point on the southerly right of way line of SH 14 (Aug. 1979); thence N 42deg 36'30" W along said right of way line, a distance of 20.4 feet; thence N 72deg 39'30" W continuing along said line, a distance of 96.0 feet; thence S 43deg 17'30" W a distance of 122.9 feet; thence along the arc of a curve to the left, having a radius of 1,195.9 feet, a distance of 318.7 feet (the chord of this arc bears N 61deg 56' W a distance of 317.8 feet) to a point on the southerly right of way line of SH 14 (Aug. 1979); thence S 88deg 24'30" W along said southerly right of way line a distance of 102.9 feet; thence S 87deg 58'30" W continuing along said line a distance of 528.8 feet; thence S 68deg 55' E a distance of 136.6 feet; thence N 83deg 08' E a distance of 264.8 feet; thence along the arc of a curve to the right, having a radius of 1,095.9 feet, a distance of 865.0 feet (the chord of this arc bears S 58deg 07' E a distance of 842.7 feet), more or less, to the point of beginning.

13. Tract of land for 4.95 acres for road right of way lying in Section 20, Township 7 North, Range 77 West of the 6th P.M., and as excepted from the legal description in the deed to The Fourth National Bank and Trust Company, Wichita, as Trustee under the Will of Ernest Blaine Shawver, recorded in Book 152 at Page 901, and mesne other document, in which the specific location is not defined.

14. Tract of land, if any, acquired by the State of Colorado, Department of Highways, Division of Highways in the deed

recorded in Book C at Page 28, Reception No. 2216, as identified in Exhibit B-2 of the Decree Quieting Title recorded in Book 153 at Page 181.

15. Tract of land conveyed in the deed recorded in Book 161 at Page 952, and being more particularly described as follows:

A tract of land located in the SE1/4NE1/4 and the NE1/4SE1/4 Section 18, Township 7 North, Range 77 West of the 6th P.M., Jackson County, Colorado, From the Northeast section corner of said Section 18, proceed S 15deg 43'21" W 2111.62 feet to the point of beginning; thence S 8deg 37'30" W 470.08 feet to a point; thence S 1deg 59'30" W 658.24 feet to a point; thence N 87deg 25'30" W 400.00 feet to a point; thence N 4deg 44'27" E 1144.09 feet to a point; thence S 84deg 54'30" E 400.00 feet to the point of beginning.

16. Tract of land conveyed to The County of Jackson, State of Colorado, in the instrument recorded in Book 164 at Page 321, and being more particularly described as follows:

A portion of Jackson County Road No. 27, located in the NW1/4NW1/4 Section 20, NE1/4, NE1/4NW1/4 Section 19, SE1/4SW1/4, SE1/4 Section 18, Township 7 North, Range 77 West of the 6th P.M., Jackson County, Colorado, and whose centerline is more particularly described as follows: From the section corner common to Section 17, 18, 19 and 20 proceed S 80deg 27'30" E 1285.5 feet to the West right of way fence of Colorado Highway 14 and point of beginning; thence N 82deg 35'00" W 1287.1 feet to Section line common to Sections 19 and 20 at which point said section corner bears N 01deg 32' W 48.6 feet; thence N 82deg 35'00" W 1030.1 feet to a point; thence N 85deg 38'00" W 1350.8 feet to a point where the quarter corner common to Sections 18 and 19 bears North 8.0 feet; thence N 85deg 38'00" W 346.3 feet to a point; thence S 88deg 41'30" W 1024.9 feet to a point where the West 1/16 corner common to Sections 18 and 19 bears South 5.0 feet and end of right of way.

17. Tract of land conveyed to the County of Jackson, State of Colorado, in the deed recorded in Book 165 at Page 679 and being more particularly described as follows:

A tract of land lying in the SW1/4SW1/4 Section 34, Township 7 North, Range 77 West of the 6th P.M., Jackson County, Colorado and bounded by a line described as follows:

From the southwest corner of said Section 34 proceed N 89deg 36' E 373.78 feet to the intersection of the section line and northeast right of way of Colorado Highway 14; thence N 46deg 47'11" W 232.82 feet along said right of way to the Point of Beginning; thence N 46deg 47'11" W 176.20 feet along said right of way to a point; thence N 39deg 43'14" E 139.80 feet to a point; thence S 50deg 47'28" E 210.94 feet to a point; thence S 52deg 40'29" W 156.40 feet to the Point of Beginning.

18. A parcel of land located in Section 20 and Section 29, Township 7 North, Range 77 West of the 6th P.M., County of Jackson, State of Colorado, more particularly described as follows:

Commencing at the South Quarter Corner of said Section 20; thence N 89deg 35'56" W, along the south line of the southwest quarter of said Section 20, a distance of 10.39 feet to the point of beginning, said point also being on the southerly right of way of Colorado State Highway No. 14; thence along the southerly right of way of said Colorado State Highway the following 3 courses: 1. S 88deg 23'27" E a distance of 273.43 feet; 2. S 49deg 32'35" E a distance of 46.20 feet; 3. N 86deg 25'39" E a distance of 95.10 feet; thence S 01deg 46'56" E a distance of 328.83 feet; thence N 80deg 53'04" W a distance of 888.17 feet; thence N 12deg 37'42" W a distance of 324.44 feet to a point on the south line of the southwest quarter of said Section 20; thence continuing N 12deg 37'42" W a distance of 570.93 feet; thence N 83deg 23'43" E a distance of 330.43 feet to a point on the southerly right of way of Colorado State Highway No. 14; thence along the southerly right of way of Colorado State Highway No. 14 the following 4 courses: 1. along the arc of a curve to the left having a central angle of 16deg 46'28" a radius of 1017.48 feet, and arc length of 297.89 feet, and whose chord bears S 25deg 17'54" E a distance of 288.64 feet; 2. S 22deg 52'56" E a distance of 295.07 feet; 3. S 43deg 26'22" E a distance of 34.36 feet; 4. S 88deg 23'27" E a distance of 91.50 feet to the point of beginning.

Basis of bearings is the south line of the southwest quarter of said Section 20 being S 89deg 35'56" E.

19. A tract of land lying in the SE1/4NE1/4 and the NE1/4SE1/4 Section 18, Township 7 North, Range 77 West of the 6th P.M., Jackson County, Colorado, and more particularly described as follows:
From the NE section corner of said Section 18, proceed S 15deg 43' 21" W, 2111.62 feet, thence S 8deg 37'30" W a distance of 470.08 feet, thence S 1deg 59'30" W a distance of 504.10 feet to the point of beginning, thence S 57deg 23'59" E a distance of 198.16 feet, thence S 1deg 59'30" W a distance of 255.04 feet, thence N 87deg 24'23" W a distance 580.15 feet, thence N 4deg 44'27" E a distance of 200.00 feet, thence S 87deg 25'30" E a distance of 400.00 feet, thence N 1deg 59'30" E a distance of 154.14 feet to the point of beginning.

20. A tract of land lying in the SE1/4NE1/4 and the NE1/4SE1/4 Section 18, Township 7 North, Range 77 West of the 6th P.M., Jackson County, Colorado described as follows:
from the NE section corner of Section 18, thence S 15deg 43'21" W a distance of 2111.62 feet to the point of beginning, thence N 67deg 06'15" E a distance of 328.34 feet to the Colorado Highway 14 right of way, thence SE along the south right of way line a distance of 84 feet, thence S 38deg 58'01" W a distance of 680.11 feet, thence N 8deg 37'30" E a distance of 470.08 feet to the point of beginning.

21. The traverse and right of way for Colorado State Highway No. 14. NOTE: A portion of said highway was abandoned in the instrument recorded in Book 156 at Page 278.

22. The traverse and right of way for Jackson County Roads No. 21, 27 and No. 41.

County of Jackson, State of Colorado

EXHIBIT B

Legal Description of Gravel Pit

SW4NE4 and NW4SE4, Section 33, Township 7 North, Range 77 West



COLORADO

**Division of Reclamation,
Mining and Safety**

Department of Natural Resources

Documentation of Legal Authority to Execute Financial Warranty Documents

The Colorado Mined Land Reclamation Board ("Board") has adopted the attached Affidavit of Authority to Execute Financial Warranty Documents pursuant to the Mined Land Reclamation Act (C.R.S. § 34-32-101 et. seq.) and the Land Reclamation Act for the Extraction of Construction Materials (C.R.S. § 34-32.5-101 et. seq.). The Board and the Division of Reclamation Mining and Safety ("Division") have determined that, in order to carry out the financial warranty requirements set forth in C.R.S. §§ 34-32-117 and 34-32.5-117 with reasonable diligence, it is prudent to verify the legal authority of the individual signing all necessary documents.

Accordingly, you must provide confirmation of the legal authority of the individual signing all Financial Warranty Documents to the Division. You may do so either by submitting a resolution of the decision-making body of your company that authorizes an individual to sign the Financial Warranty Documents on the company's behalf, or by completing and notarizing the attached affidavit. The Division reserves the right to require the attached affidavit in all circumstances. Please note that if you are a sole proprietor who is executing documents on your own behalf, documentation of legal authority is unnecessary.



Affidavit of Authority to Execute Financial Warranty Documents

Before me this day, the undersigned Tristan Koch [name of authorized person], in his/her capacity as Manager [title of authorized person] ("Affiant"), personally appeared and, being first duly sworn upon oath said:

1. This affidavit is being executed and submitted on behalf of Corner Properties, LLC [name of business organization], a(n) limited liability company [legal form of business organization, e.g., corporation, partnership, limited liability company, etc.], in good standing in the State of Colorado (the "Company").
2. It is in the interest of the Company to execute certain financial warranty documents associated with file number M-2003-056 (DRMS file number), which are required by the Colorado Mined Land Reclamation Board and Division of Reclamation Mining and Safety pursuant to Colorado law ("Financial Warranty Documents").
3. Affiant is duly authorized to sign such Financial Warranty Documents on behalf of the Company and to bind the Company to the same.
4. Affiant is not prohibited or limited by the Company's governing documents or by any applicable law from executing the Financial Warranty Documents.
5. Affiant will inform the Division of Reclamation Mining and Safety within thirty (30) days in the event that his/her authorization to execute Financial Warranty Documents on the Company's behalf is terminated.

Further, Affiant sayeth not.

Tristan Koch
Affiant's Name

[Signature]
Signature

STATE OF Oklahoma)
) ss.:
COUNTY OF Tulsa)

The foregoing instrument was acknowledged before me this 20th day of April, 2023,
by Tristan Koch as Manager of Corner Properties, LLC

Notary Public

My Commission Expires

Dana S. Mims
April 4, 2027