

Phyllis Staley
Clerk & Ex-Officio Recorder Texas Co., Mo

EASEMENT

THIS AGREEMENT, made on this 23rd day of September, 2004, by and between Tod
Oran Davidson, Trustee of the E & S Revocable Trust dated March 16, 2004, hereinafter called Party of
the First Part/Grantor, and John Michael Tomicich and Mary Jane Tomicich, husband and wife, Parties
of the Second Part/Grantees.

WITNESSETH: That Party of the First Part does hereby dedicate, grant, assign and set over to
Parties of the Second Part an easement in perpetuity used for purposes of ingress and egress over and
across the 20 foot roadway that presently exists from Slaughter Road and meandering in a Northerly
direction across the following described land situated in Texas County, Missouri, to-wit:

The SE 1/4 of the SW 1/4 and the SE 1/4 all in Section 17, Township 32 North, Range 9.
and providing access to the following described land situated in Texas County, Missouri, to-wit:

The W 1/2 of the SW 1/4 of the NE 1/4 of Section 17, Township 32 North, Range 9 West.

IT IS FURTHER UNDERSTOOD AND AGREED that all parties shall refrain from placing any
gate or other obstacle in said roadway.

This is a non-exclusive grant, and Party of the First Part reserves the right to use said easement
for his own use and to authorize and convey such use to others.

IT IS HEREBY MUTUALLY agreed that this agreement shall be recorded with the Recorder of
Deed's office in Houston, Texas County, Missouri, and shall be binding upon the parties hereto, their
heirs, successors in title and assigns and shall run with the land.