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Prepared by and when recorded return to: Kum & Go, L.C., Attn: Charles W. Campbell,; 6400 Westown Parkway, West Des Moines, IA 50266

### **DECLARATION OF USE RESTRICTION**

THIS INSTRUMENT effective the 11th day of May, 2012, (the "Effective Date") is made by the undersigned owner of the Restricted Parcel (hereinafter referred to as the "Burdened Party"); WITNESSETH:

#### **RECITALS**

- A. Burdened Party is the owner of the Restricted Parcel (defined below); and
- B. Burdened Party desires to place certain use restrictions on the Restricted Parcel.

NOW, THEREFORE, BURDENED PARTY HEREBY DECLARES AND IMPOSES THE FOLLOWING:

1. Recitals. The Recitals set forth above are incorporated by this reference.
2. Benefitted Parcel. The use restrictions imposed herein are imposed for the benefit of the following parcel of real estate (the "Benefitted Parcel"), to-wit:

Lots 13, 14 and 15 of Second Resubdivision of Lot 1 of the Turner Subdivision, Campbell County, Wyoming according to the official plat thereof recorded January 9, 1978 in Book 2 of Plats, Page 100 of the records of Campbell County, Wyoming

3. Restricted Parcel. The use restrictions imposed herein are imposed upon the following parcels of real estate (the "Restricted Parcel"), to-wit:

All property owned or controlled by Burdened Party and/or its affiliates within one mile of the Benefitted Parcel.

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4. Use Restrictions. During the term of this declaration and for the benefit of the Benefitted Parcel, the Restricted Parcel shall not be used for any of the following:

- a. A gasoline station, including any type of business that sells diesel fuel, ethanol fuel, bio-fuel or any other type of fuel used to power motorized vehicles designed primarily for use on public streets and highways.
- b. A convenience store.
- c. A cigar, tobacco or pipe shop.
- d. A business that generates more than fifty percent (50%) of its gross revenue from the sale of beer or liquor products for off premise consumption.

5. Term. Unless sooner terminated by the owner or owners, from time-to-time, of the Benefitted Parcel as provided herein, the use restrictions imposed against the Restricted Parcel shall remain in full force and effect for a period of 20 years from the Effective Date, at which time said use restrictions shall automatically expire. Burdened Party shall not revoke, and hereby relinquishes any right to revoke, the use restrictions imposed by this instrument.

6. Termination. The owner or owners, from time-to-time, of the Benefitted Parcel may terminate any one or more of said use restrictions at any time prior to the expiration date as set forth in Section 5 by the filing of a use restriction termination document with the office of the Recorder of the county and state in which the Restricted Parcel is located.

7. Restrictions Run with Land. The use restrictions imposed by this instrument shall constitute covenants running with the land and, as such, shall be binding upon the owners from time-to-time of the Restricted Parcel and their respective heirs, successors and assigns.

8. Severability. If any provision of this instrument is invalid, illegal or incapable of being enforced by any law or public policy, all other provisions of this declaration shall remain in full force and effect.

[REMAINDER OF PAGE LEFT INTENTIONALLY BLANK]

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IN WITNESS WHEREOF, the Burdened Party has caused this Declaration of Use Restriction to be executed on or as of the day and year first above written.

ELLIOTT INVESTMENTS, LLC, a Wyoming  
limited liability company.

By: 

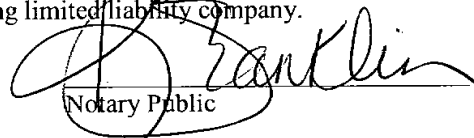
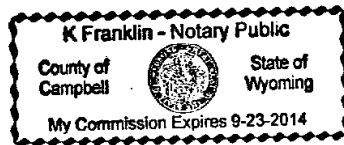
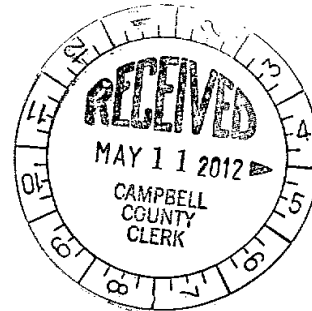
Steven K Elliott

Its: Member/Manager

BURDENED PARTY

STATE OF WYOMING, COUNTY OF CAMPBELL – ss:

This instrument was acknowledged before me on  
May 11, 2012, by Steven K Elliott as Member/Manager  
of Elliott Investments, LLC, a Wyoming limited liability company.

  
Notary Public

970073 Recorded on 5/11/2012 at 4.32.00  
Book 2708 of PHOTOS  
Susan F. Saunders, Campbell County Clerk

Fee 14.00  
Pages 276 to 278  
by: A. CARTWRIGHT

RECORDED  
ABSTRACTED  
INDEXED  
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