

CROSS-ACCESS AND UTILITY AGREEMENT

THIS CROSS-ACCESS AND UTILITY AGREEMENT ("Agreement") is made this ____ day of January 2025, by Nicholas and Hayley Chisholm, husband and wife, and Osage Hills Reserve, LLC, an Oklahoma limited liability company.

RECITALS:

A. Nicholas and Hayley Chisholm ("Chisholms") are the owners of certain real property located in Osage County, Oklahoma more particularly described in Exhibit A attached hereto ("Tracts 3A and 9A"). The Chisholms in their capacity as the owners of Tracts 3A and 9A are referred hereinafter as "Owners of Tracts 3A and 9A."

B. Osage Hills Reserve, LLC ("OHR") is the owner of certain real property located in Osage County, Oklahoma more particularly described in Exhibit B (10A) and Exhibit C ("the Remaining Tracts") attached hereto. OHR in its capacity as the owner of the land described in Exhibits B and C is referred hereinafter as "Owner of Tract 10A and the Remaining Tracts."

C. The Tract Owners (collectively Chisholms and OHR) intend to give each other a cross-access easement for purposes of ingress and egress to/over a portion of their respective tracts. Said easement is more particularly described in Exhibit D as a shared cross-access and utility easement.

D. The Tract Owners also intend to grant these same easement rights to the owner of Tract 8A, more particularly described in Exhibit E.

E. The Tract Owners intend that each of them and their respective successors-in-interest and assigns and their respective lessees, occupants, licensees, tenants and invitees shall at all times enjoy the benefits of and shall at all times hold their interests subject to, the rights, easements, privileges and restrictions set forth hereinafter.

AGREEMENT

NOW THEREFORE IT IS HEREBY AGREED AS FOLLOWS:

1. **Grant of Easement.** The Owners of Tracts 3A and 9A and the Owner of Tract 10A and the Remaining Tracts grant to each other and to the owner of Tract 8A, and their successive owners, assigns and heirs, a perpetual, non-exclusive easement for continued uninterrupted access

1

RECORD & RETURN TO:

First Title
1401 S. Boulder Ave.
Tulsa, OK 74119

3062167758

I-2025-000497

01/27/2025 8:11am

Fee: \$36.00 Doc: \$0.00

Christina Talburt - Osage County Clerk
State of OK

Book 1945 Pg 6

Pg 0006-0015



for pedestrian and vehicular ingress, egress, passage, and traffic over the shared Easement Area depicted in Exhibit D. The foregoing easement is granted subject to all existing easements, encumbrances and restrictions of record.

2. **Use of Easement.** The Easement Area shall be used solely for: (a) vehicular and pedestrian access between adjoining properties and the county road; and (b) installing, maintaining, and repairing utilities serving adjoining properties. "Utilities" means water, sewer, gas, electricity, telecommunications, and similar services. Each Party, at their own expense, agrees to make any necessary improvements to their respective properties to allow the ingress and egress as set forth herein.

3. **Binding Effect.** The easement shall burden and benefit Tracts 3A, 8A, 9A, 10A and the Remaining Tracts. The easements shall run with the land and shall be binding on and shall inure to the benefit of the parties, their respective heirs, successors or assigns.

4. **Termination.** The shared easements granted herein shall continue until expressly terminated by written agreement between the parties, their successors, or their assigns. Any agreement to terminate or modify the easements granted herein shall be approved in writing by the Parties.

5. **Maintenance.** Each Party agrees to maintain the Easement Area in a reasonable manner. Said maintenance shall also require snow and ice removal from the same when necessary, and shall always be kept the same in a clean, slightly, safe, unobstructed, good and usable condition. Furthermore, each Party agrees to keep the shared drive free of any and all obstructions, including, but not limited to, vehicles, trailers, etc. to insure continuous egress and ingress for both parties across said drive at all times. All maintenance and repair required hereunder shall be made so as to interfere as little as practicable with the rights pursuant to this Agreement and with the operations on the respective Tracts. The owners of the Tracts shall use every effort to coordinate maintenance and repairs with the other Tract owners. Each Party shall equally share any and all expenses required to maintain the shared driveway. All expenses to maintain the Easement Area, including the road, shall be shared on a pro-rata basis between Owners of Tracts 3A, 8A, 9A, 10A and the Remaining Tracts. Pro-rated cost share will be based upon the size of each parcel owner's tract sharing said road, wherein the larger the tract, the more costs will be incurred in maintenance.

6. **Governing Law.** This Agreement shall be construed and enforced in accordance with the laws of the State of Oklahoma without regard to its conflict of laws provisions.

7. **Indemnification.** Each party to this Agreement will indemnify, defend, and hold harmless the other for, from, and against any and all claims suffered or incurred in connection with any alleged bodily injury or property damage arising out of use or enjoyment of the Tracts, unless caused by the negligence or willful misconduct of one of the Parties.

8. **Recording.** This easement shall be recorded with the Osage County Clerk's Office.

[SIGNATURE PAGE FOLLOWS]

WITNESSED:

Owners of Tracts 3A and 9A

By: Nicholas Chisholm
Nicholas Chisholm

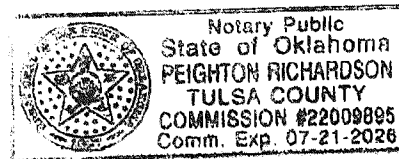
By: Hayley Chisholm
Hayley Chisholm

STATE OF OKLAHOMA)
)ss.
COUNTY OF TULSA)

On this 15 day of January, 2025, before me, a Notary Public in and for the County of Tulsa, personally appeared Nicholas and Hayley Chisholm, to me known to be the same person who signed and is described in the above instrument and acknowledged the same to be his/her free act and deed.

Reigther Richardson
Notary Public
Tulsa County, Oklahoma

My Commission expires: _____



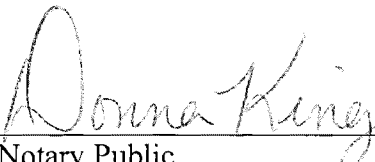
WITNESSED:

Owner of Tract 10A and the Remaining Tracts

By: 
Donald Lepp, Manager of Osage Hills Reserve, LLC

STATE OF OKLAHOMA)
)ss.
COUNTY OF TULSA)

On this 15th day of January, 2025, before me, a Notary Public in and for the County of Tulsa, personally appeared Donald Lepp, Manager of Osage Hills Reserve LLC, to me known to be the same person who signed and is described in the above instrument and acknowledged the same to be his/her free act and deed


Notary Public
Tulsa County, Oklahoma

My Commission expires: _____

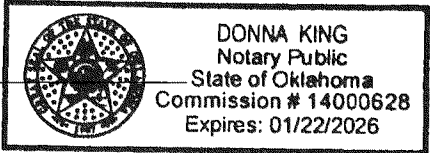


EXHIBIT A

A TRACT OF LAND IN THE N/2 SW/4 AND THE S/2 SW/4 NW/4 AND THE SE/4 NW/4 OF SECTION 3, TOWNSHIP 20 NORTH, RANGE 12 EAST OF THE INDIAN MERIDIAN, OSAGE COUNTY, OKLAHOMA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SW/4 OF SAID SECTION 3: THENCE N88°59'24"E ALONG THE SOUTH LINE OF SAID SW/4 A DISTANCE OF 1384.49 FEET; THENCE N01°31'40"W PARALLEL WITH THE WEST LINE OF SAID E/2 SW/4 OF SAID SECTION 3, A DISTANCE OF 1988.62 FEET TO THE POINT OF BEGINNING; THENCE N44°08'05"E A DISTANCE OF 79.25 FEET; THENCE N65°17'46"E A DISTANCE OF 171.60 FEET; THENCE N51°40'59"E A DISTANCE OF 121.43 FEET; THENCE N78°26'04"E A DISTANCE OF 296.10 FEET; THENCE N01°34'08"W A DISTANCE OF 1722.52 FEET TO THE NORTH LINE OF SAID SE/4 NW/4; THENCE S88°44'48"W ALONG SAID NORTH LINE A DISTANCE OF 659.60 FEET TO THE NORTHWEST CORNER OF SAID SE/4 NW/4; THENCE S01°19'07"E ALONG THE WEST LINE OF SAID SE/4 NW/4 A DISTANCE OF 661.37 FEET TO THE NORTHEAST CORNER OF THE S/2 SW/4 NW/4; THENCE S88°46'14"W ALONG THE NORTH LINE OF SAID S/2 SW/4 NW/4 A DISTANCE OF 727.24 FEET; THENCE LEAVING SAID NORTH LINE S01°29'46"E A DISTANCE OF 1224.42 FEET; THENCE N88°46'21"E A DISTANCE OF 807.92 FEET; THENCE S01°31'40"E A DISTANCE OF 86.80 FEET TO THE POINT OF BEGINNING.
CONTAINING 48.67 ACRES, MORE OR LESS.

TRACT "3A & 9A" COMBINED DESCRIPTION:

I-2025-000497

01/27/2025 8:11am

Book 1945 Pg 10

Pg 0006-0015

Fee: \$36.00 Doc: \$0.00

Christina Talburt - Osage County Clerk

State of OK

EXHIBIT B

A TRACT OF LAND IN THE SE/4 NW/4 AND THE E/2 SW/4 OF SECTION 3, TOWNSHIP 20 NORTH, RANGE 12 EAST OF THE INDIAN MERIDIAN, OSAGE COUNTY, OKLAHOMA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SW/4 OF SAID SECTION 3: THENCE N88°59'24"E ALONG THE SOUTH LINE OF SAID SW/4 A DISTANCE OF 1354.49 FEET; THENCE CONTINUING N88°59'24"E ALONG SAID SOUTH LINE A DISTANCE OF 30.00 FEET; THENCE N01°31'40"W PARALLEL WITH THE WEST LINE OF SAID E/2 SW/4 A DISTANCE OF 1988.62 FEET; THENCE N44°08'05"E A DISTANCE OF 79.25 FEET; THENCE N65°17'46"E A DISTANCE OF 171.60 FEET; THENCE N51°40'59"E A DISTANCE OF 121.43 FEET; THENCE N78°26'04"E A DISTANCE OF 290.88 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING N78°26'04"E A DISTANCE OF 50.77 FEET THENCE N01°34'08"W A DISTANCE OF 30.46 FEET; THENCE N78°29'55"E A DISTANCE OF 202.18 FEET; THENCE S79°03'45"E A DISTANCE OF 86.43 FEET; THENCE S54°20'39"E A DISTANCE OF 409.48 FEET TO THE EAST LINE OF SAID E/2 SW/4; THENCE N01°34'08"W ALONG THE EAST LINE OF SAID E/2 SW/4 AND THE EAST LINE OF SAID SE/4 NW/4 A DISTANCE OF 1911.16 FEET TO THE NORTHEAST CORNER OF SAID SE/4 NW/4; THENCE S88°44'48"W ALONG THE NORTH LINE OF SAID SE/4 NW/4 A DISTANCE OF 659.59 FEET; THENCE LEAVING SAID NORTH LINE S01°34'08"E A DISTANCE OF 1722.51 FEET THE POINT OF BEGINNING. CONTAINING 26.18 ACRES, MORE OR LESS

TRACT "10A" DESCRIPTION:

I-2025-000497

01/27/2025 8:11am

Book 1945 Pg 11

Pg 0006-0015

Fee: \$36.00 Doc: \$0.00

Christina Talburt - Osage County Clerk

State of OK

EXHIBIT C

A TRACT OF IN THE SW/4 AND THE S/2 SW/4 NW/4 OF SECTION 3, TOWNSHIP 20 NORTH, RANGE 12 EAST, OSAGE COUNTY, OKLAHOMA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SW/4 SW/4: THENCE N88°59'24"E ALONG THE SOUTH LINE OF SAID SW/4 A DISTANCE OF 330.99 FEET TO THE SOUTHEAST CORNER OF THE SW/4 SW/4 SW/4 SW/4 AND THE POINT OF BEGINNING; THENCE CONTINUING N88°59'24"E ALONG SAID SOUTH LINE A DISTANCE OF 1053.50 FEET; THENCE N01°31'40"W A DISTANCE OF 2075.42 FEET; THENCE S88°46'21"W A DISTANCE OF 807.92 FEET; THENCE N01°29'46"W A DISTANCE OF 1224.42 FEET TO THE NORTH LINE OF SAID S/2 SW/4 NW/4; THENCE S88°46'14"W ALONG SAID NORTH LINE A DISTANCE OF 573.33 FEET TO THE NORTHWEST CORNER OF SAID S/2 SW/4 NW/4; THENCE S01°05'43"E ALONG THE WEST LINE OF SAID S/2 SW/4 NW/4 A DISTANCE OF 661.19 FEET TO THE NORTHWEST CORNER OF SAID SW/4; THENCE S01°33'06"E ALONG THE WEST LINE OF SAID SW/4 A DISTANCE OF 2304.25 FEET TO THE NORTHWEST CORNER OF SAID SW/4 SW/4 SW/4 SW/4; THENCE N88°57'17"E ALONG THE NORTH LINE OF SAID SW/4 SW/4 SW/4 SW/4 A DISTANCE OF 330.97 FEET TO THE NORTHEAST CORNER OF SAID SW/4 SW/4 SW/4 SW/4; THENCE S01°33'31"E ALONG THE EAST LINE OF SAID SW/4 SW/4 SW/4 SW/4 A DISTANCE OF 329.32 FEET TO THE POINT OF BEGINNING.

REMAINING TRACTS DESCRIPTION

I-2025-000497

01/27/2025 8:11am

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Fee: \$36.00 Doc: \$0.00

Christina Talburt - Osage County Clerk

State of OK

EXHIBIT D

AN ACCESS AND UTILITY EASEMENT IN THE SW/4 OF SECTION 3, TOWNSHIP 20 NORTH, RANGE 12 EAST OF THE INDIAN MERIDIAN, OSAGE COUNTY, OKLAHOMA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SW/4; THENCE N88°59'24"E ALONG THE SOUTH LINE OF SAID SW/4 A DISTANCE OF 754.18 FEET TO THE POINT OF BEGINNING; THENCE LEAVING SAID SOUTH LINE N13°28'33"W A DISTANCE OF 325.56 FEET; THENCE N12°14'59"W A DISTANCE OF 216.75 FEET; THENCE N09°27'23"W A DISTANCE OF 176.83 FEET; THENCE N06°37'01"W A DISTANCE OF 124.76 FEET; THENCE ON A CURVE TURNING TO THE LEFT, HAVING A RADIUS OF 1017.16 FEET, WITH AN ARC LENGTH OF 166.26 FEET, A CHORD BEARING OF N15°12'45"W, AND A CHORD DISTANCE OF 166.07 FEET; THENCE N22°13'39"W A DISTANCE OF 132.38 FEET; THENCE ON A CURVE TURNING TO THE RIGHT, HAVING A RADIUS OF 920.57 FEET, WITH AN ARC LENGTH OF 0.02 FEET, A CHORD BEARING OF N22°59'26"W, AND A CHORD DISTANCE OF 0.02 FEET; THENCE ON A COMPOUND CURVE TURNING TO THE RIGHT, HAVING A RADIUS OF 920.57 FEET, WITH AN ARC LENGTH OF 205.81 FEET, A CHORD BEARING OF N16°35'07"W, AND A CHORD DISTANCE OF 205.38 FEET; THENCE ON A REVERSE CURVE TURNING TO THE LEFT, HAVING A RADIUS OF 63.45 FEET, WITH AN ARC LENGTH OF 62.95 FEET, A CHORD BEARING OF N43°35'53"W, AND A CHORD DISTANCE OF 60.40 FEET; THENCE N73°24'10"W A DISTANCE OF 46.83 FEET; THENCE S82°06'38"W A DISTANCE OF 160.28 FEET; THENCE ON A CURVE TURNING TO THE RIGHT, HAVING A RADIUS OF 35.75 FEET, WITH AN ARC LENGTH OF 44.51 FEET, A CHORD BEARING OF N41°11'04"W, AND A CHORD DISTANCE OF 41.69 FEET; THENCE N08°37'49"W A DISTANCE OF 78.02 FEET; THENCE ON A CURVE TURNING TO THE LEFT, HAVING A RADIUS OF 45.82 FEET, WITH AN ARC LENGTH OF 61.25 FEET, A CHORD BEARING OF N47°07'56"W, AND A CHORD DISTANCE OF 56.79 FEET; THENCE S87°19'19"W A DISTANCE OF 151.09 FEET TO THE WEST LINE OF SAID SW/4; THENCE N01°33'06"W ALONG THE WEST LINE OF SAID SW/4 A DISTANCE OF 705.34 FEET; THENCE LEAVING SAID WEST LINE N88°26'54"E A DISTANCE OF 40.00 FEET; THENCE S01°33'06"E A DISTANCE OF 414.10 FEET; THENCE N88°26'54"E A DISTANCE OF 98.21 FEET; THENCE S09°23'10"W A DISTANCE OF 254.08 FEET; THENCE N87°19'19"E A DISTANCE OF 62.43 FEET; THENCE ON A CURVE TURNING TO THE RIGHT, HAVING A RADIUS OF 85.82 FEET, WITH AN ARC LENGTH OF 117.73 FEET, A CHORD BEARING OF S48°04'53"E, AND A CHORD DISTANCE OF 108.71 FEET; THENCE S08°37'49"E A DISTANCE OF 73.44 FEET; THENCE N82°06'38"E A DISTANCE OF 194.25 FEET; THENCE ON A CURVE TURNING TO THE RIGHT, HAVING A RADIUS OF 101.34 FEET, WITH AN ARC LENGTH OF 156.51 FEET, A CHORD BEARING OF S45°52'29"E, AND A CHORD DISTANCE OF 141.41 FEET; THENCE ON A REVERSE CURVE TURNING TO THE LEFT, HAVING A RADIUS OF 860.57 FEET, WITH AN ARC LENGTH OF 187.40 FEET, A CHORD BEARING OF S16°46'45"E, AND A CHORD DISTANCE OF 187.03 FEET; THENCE S22°13'39"E A DISTANCE OF 133.99 FEET; THENCE ON A CURVE TURNING TO THE RIGHT, HAVING A RADIUS OF 1077.16

FEET, WITH AN ARC LENGTH OF 179.38 FEET, A CHORD BEARING OF S15°11'24"E, AND A CHORD DISTANCE OF 179.17 FEET; THENCE S06°37'01"E A DISTANCE OF 91.52 FEET; THENCE N75°22'55"E A DISTANCE OF 117.72 FEET; THENCE N57°19'26"E A DISTANCE OF 112.93 FEET; THENCE N71°47'37"E A DISTANCE OF 129.60 FEET; THENCE N67°59'49"E A DISTANCE OF 128.45 FEET; THENCE N56°32'57"E A DISTANCE OF 176.69 FEET; THENCE N01°31'40"W A DISTANCE OF 1062.57 FEET; THENCE N88°46'21"E A DISTANCE OF 100.00 FEET; THENCE N84°24'57"E A DISTANCE OF 34.16 FEET; THENCE N65°17'46"E A DISTANCE OF 174.30 FEET; THENCE N51°40'59"E A DISTANCE OF 126.17 FEET; THENCE N78°26'04"E A DISTANCE OF 312.66 FEET; THENCE S01°34'08"E A DISTANCE OF 40.62 FEET; THENCE S78°26'04"W A DISTANCE OF 296.10 FEET; THENCE S51°40'59"W A DISTANCE OF 121.43 FEET; THENCE S65°17'46"W A DISTANCE OF 171.60 FEET; THENCE S44°08'05"W A DISTANCE OF 79.25 FEET; THENCE S01°31'40"E A DISTANCE OF 983.63 FEET; THENCE S56°32'57"W A DISTANCE OF 263.14 FEET; THENCE S67°59'49"W A DISTANCE OF 136.46 FEET; THENCE S71°47'37"W A DISTANCE OF 123.97 FEET; THENCE S57°19'26"W A DISTANCE OF 114.85 FEET; THENCE S75°22'55"W A DISTANCE OF 134.35 FEET; THENCE S09°27'23"E A DISTANCE OF 147.21 FEET; THENCE S12°14'59"E A DISTANCE OF 214.64 FEET; THENCE S13°28'33"E A DISTANCE OF 338.19 FEET TO THE SOUTH LINE OF SAID SW/4; THENCE S88°59'24"W ALONG SAID SOUTH LINE A DISTANCE OF 61.45 FEET TO THE POINT OF BEGINNING.

UTILITY EASEMENT DESCRIPTION:

EXHIBIT E

A TRACT OF LAND IN THE E/2 SW/4 OF SECTION 3, TOWNSHIP 20 NORTH, RANGE 12 EAST OF THE INDIAN MERIDIAN, OSAGE COUNTY, OKLAHOMA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SW/4 OF SAID SECTION 3; THENCE N88°59'24"E ALONG THE SOUTH LINE OF SAID SW/4 A DISTANCE OF 1384.49 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING N88°59'24"E ALONG SAID SOUTH LINE A DISTANCE OF 30.00 FEET; THENCE N01°31'40"W PARALLEL TO THE WEST LINE OF SAID E/2 SW/4 A DISTANCE OF 1780.26 FEET; THENCE N88°53'36"E A DISTANCE OF 1233.19 FEET TO THE EAST LINE OF SAID E/2 SW/4; THENCE N01°34'08"W ALONG THE EAST LINE OF SAID E/2 SW/4 A DISTANCE OF 273.14 FEET; THENCE LEAVING SAID EAST LINE N54°20'39"W A DISTANCE OF 409.48 FEET; THENCE N79°03'45"W A DISTANCE OF 86.43 FEET; THENCE S78°29'55"W A DISTANCE OF 202.18 FEET; THENCE S01°34'08"E A DISTANCE OF 30.46 FEET; THENCE S78°26'04"W A DISTANCE OF 346.87 FEET; THENCE S51°40'59"W A DISTANCE OF 121.43 FEET; THENCE S86°17'46"W A DISTANCE OF 171.60 FEET; THENCE S44°08'05"W A DISTANCE OF 79.25 FEET; THENCE S01°31'40"E PARALLEL TO THE WEST LINE OF SAID E/2 SW/4 A DISTANCE OF 1988.62 FEET TO THE POINT OF BEGINNING CONTAINING 13.23 ACRES, MORE OR LESS.

TRACT 8A DESCRIPTION: