

# Boyce

LAW FIRM LLP

[pwtschetter@boycelaw.com](mailto:pwtschetter@boycelaw.com)  
Direct Dial: 605-731-0205

November 30, 2022

Jackson Hegerfeld  
Megan Hammond  
Advantage Land Co.  
517 6th St  
Brookings, SD 57006

Re: Werner Property – Brule County, South Dakota

Jackson and Megan:

This letter is intended to provide clarity as to a couple of items that may appear to be outstanding, but are, in fact, resolved with respect to the Brule County property scheduled to be auctioned on December 1, 2022.

First, with respect to the pending lawsuit – *Werner v. Vaad, Burkard, et. al.* – all matters have been resolved. The lis pendens release was recorded on Monday, November 28 at Book 2022 and Page 0914 in the Brule County Register of Deeds Office. The lawsuit itself will be dismissed any day – and perhaps as soon as today, November 30, or tomorrow. There are no unresolved issues and all that remains is circulating papers amongst legal counsel and the Court to have the lawsuit dismissed.

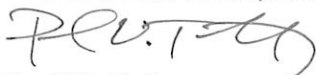
Second, as is reflected in the Auction Documents available on the Advantage Land Co. website, the Werners and Travis Vaad, the owner of the approximately 42.56 acres located within the same quarter section as the Werners, have agreed to grant each other easements. Although the easement locations are finalized and the terms of the easement are understood, the surveys, dated November 23, 2022, and prepared by Jeremy Wolbrink of SPN & Associates, have not yet been attached to formal easement agreement(s) and recorded against the properties. Vaad and the Werners have agreed to the following:

- a. Werners' property will be encumbered by a twenty-foot (20') wide easement in the S1/2 of the NW 1/4 of the NW 1/4 of the SW 1/4 benefiting Vaad's property for ingress and egress to Vaad's property from the unimproved section line right-of-way located contiguous to and along the west edge of Werners' property and Vaad's property as depicted on the SPN survey dated November 23, 2022;
- b. The south one hundred fifty feet (150') of Vaad's property will be encumbered by an easement benefiting Werners' property for the purposes of repairing, maintaining, and/or replacing the earthen dam, at least a portion of which is located within Vaad's property, as depicted on the SPN survey dated November 23, 2022.

The easements will be finalized and recorded prior to closing of the sale of Werners' property and the buyer will have the right to review the easement instrument prior to recording.

Nothing in this letter should be construed as legal advice. All of the above information is available as a public document or amongst the documents made available by Advantage Land Co.

BOYCE LAW FIRM, L.L.P.



Paul W. Tschetter