

20 421 Par 243  
**LETTER REPORT OF TITLE**

File Number: F512399L



Port Abstract & Title LLC  
P.O.Box 974  
West Bend, WI 53095  
262-335-2999  
Fax:262-335-3966

Refer Inquiries to: Mike Thorn (miket@knightbarry.com)

Completed on:5/4/10 8:24 am

Last Revised on:5/4/10 8:24 am

Printed on:5/4/10 8:24 am

**Applicant Information**

Kristin Schrader  
Wisconsin Dept of Transportation - Project #1440-15-00  
944 Vanderperrin Way  
Green Bay, WI 54304

Sales Representative:Craig Haskins

**Property Information**

Owner(s) of record:Bernard H. and Katherine R. Halbur Living Trust, dated March 22, 2001, and any amendments thereto

Property address:W3558 State Road 23, Fond du Lac, WI 54937

Land value: \$24,500.00

Improvement value: \$141,200.00

Total value: \$165,700.00

Fair market value: \$165,200.00

Legal description: Lot 1 of Certified Survey Map No. 7084, recorded in the Fond du Lac Registry on July 7, 2006 in Volume 50 of Certified Survey Maps on pages 91, 91A and 91B, as Document No. 875550, and being a part of the Northwest 1/4 of the Southeast 1/4 of Section 9, Township 15 North, Range 18 East, in the Townof Empire, Fond du Lac County, Wisconsin.

Tax Key No: T08-15-18-09-14-006-00

**Mortgages, Judgments, Liens, Taxes**

1. General Taxes for the year 2010 .
2. Taxes for the year 2009 in the amount of \$2,646.87 are being paid on a payment plan. The balance due is \$1,292.66 . All installments that are due have been paid and there are no delinquent balances.
3. Easements, Restrictions and other matters shown on Certified Survey Map No. 7084 recorded July 7, 2006 as Document No. 875550 .
4. Restrictions contained in Quit Claim Deed and other matters contained in the instrument recorded June 13, 1988 in Volume 973, page 620 as Document No. 453438 .
5. Right of Way Grant and other matters contained in the instrument recorded October 29, 1990 in Volume 1028, page 651 as Document No. 484642 .

**Other Matters and Footnotes**

Recordable documents must be delivered to the address shown on the top of this report.

In accordance with applicant's request, we have made a search of the records in the various public offices of Fond du Lac County, and find (i) title to the property described above to be in the owner or owners of record set forth above and (ii) no change of record affecting such property, since the above-mentioned owners of record took title through 4/22/10 at 8:00 am , the effective date of this report, except those matters shown above .

Please read the "Terms and Conditions - Letter Report of Title" set forth on the Knight-Barry Title Group website at [www.knightbarry.com/termsletterreport](http://www.knightbarry.com/termsletterreport) (the "Terms and Conditions"). By accepting this Letter Report of Title, you represent that you have read and understand the Terms and Conditions and that you agree to be bound by the Terms and Conditions. The Knight-Barry Title Group reserves the right to update the Terms and Conditions as necessary - it is your responsibility to review them periodically.

# Fond du Lac County Real Estate Tax Record Detail

Property Record for Parcel Number: T08-15-18-09-14-006-00

Page 1 of 2

## Location Information



Municipality: TOWN OF EMPIRE  
Primary Owner Name: BERNARD H HALBUR LIV TR  
Secondary Owner Name: KATHERINE HALBUR LIV TR  
Location Address: W3858 STATE ROAD 23  
Mailing Address: W3858 STATE ROAD 23  
City, State, Zip: FOND DU LAC WI 54937

## Property Description (As of Last Tax Bill Issued)

### Legal Description:

(Please refer to original source document for actual legal description)

S9 T15N R18E LOT 1 CSM #7084-50-91 LOC IN NW 1/4 SE 1/4 (812432) 1.74A

(The last line of the legal description contains the volume & page numbers for recorded documents in the Register of Deeds Office.)

Section, Town, Range: S.9, T.15, R.18 Volume: 0 Document Number: 875550  
Total Acres: 1.74 Page: 0

Note: Fair Market Value is not shown for Agricultural Land because of Use Value Assessment per State law.

## Assessment Information

	<u>2009</u>	<u>2008</u>
Assessed Acres	1.74	1.74
Land Value	\$24,500.00	\$17,000.00
Improvement Value	\$141,200.00	\$124,900.00
Total Value	\$165,700.00	\$141,900.00
Fair Market Value	\$165,200.00	\$171,500.00
Fair Market Ratio	1.0032	0.8272

## Real Estate Tax Information

	<u>2009</u>	<u>2008</u>
Original Tax	\$2,646.87	\$2,630.36
Lottery Credit	\$70.21	\$0.00
First Dollar Credit	\$61.54	\$31.89
Net Tax	\$2,515.12	\$2,598.47
Special Assessments	\$0.00	\$0.00
Total Taxes	\$2,515.12	\$2,598.47
Total Payments	\$1,222.46	
Balance Due	\$1,292.66	

WARRANTY DEED

TO REVOCABLE LIVING TRUST

DOC# 812432

Recorded

FEB. 03, 2004 AT 03:22PM

DOCUMENT NO.

THIS CONVEYANCE IS A CONTRIBUTION TO A REVOCABLE LIVING TRUST.

This Warranty Deed, made between

Bernard H. Halbur and Katherine R. Halbur, his wife

, Grantor,

and BERNARD H. AND KATHERINE R. HALBUR LIVING TRUST,

dated March 22, 2001, and any amendments thereto.

, Grantee,

Witnesseth, that the said Grantor, for a valuable consideration does hereby convey and Warrant to Grantee and Grantee's successors-in-trust and assigns, all Grantor's interest in the following described real estate in, Fond du Lac County, State of Wisconsin:

The East 15 rods of the West Half (W 1/2) of the Southeast Quarter (SE 1/4) of Section 9, Township 15 North of Range 18 East, Town of Empire, Fond du Lac County, WI, excepting land conveyed for highway purposes by deed recorded in Vol. 226 on pages 428-429. Also excepting therefrom Certified Survey Map No. 141, recorded in Vol. Two (2) of Certified Survey Maps on pages 141 and 141A as conveyed by Warranty deed recorded in Vol. 713 of Records on page 206.

The West 1/2 of the Southeast 1/4 of Section 9, Township 15 North of Range 18 East, except the East 15 rods thereof and also excepting that piece and parcel of land described as: Beginning at a point in the North and South center line of said Section 9, 33 feet South from the point of intersection of this line with the center line of the concrete pavement slab on State Highway 23, as now located and running thence South along said North and South center line of said Section 9, 180 feet, thence South 88° 51' East parallel with the center line of said pavement slab, 155 feet, thence North parallel with the North and South center line of Section 9, 180 feet to a point 33 feet South of the center line of the above mentioned pavement slab, thence North 88° 51' West parallel with the center line of said pavement slab, 155 feet to place of beginning. Further excepting therefrom Lot 2 and Lot 3 of Certified Survey Map No. 1597 recorded in Vol. 9 of Certified Survey Maps of Fond du Lac County, WI, on pages 97 and 97A.

THIS DEED IS PREPARED FOR ESTATE PLANNING PURPOSES.

SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

Scrivener hereby certifies that this instrument was prepared based upon information supplied by the parties hereto. Scrivener does not guarantee either marketability of title or accuracy of description since examination of title of property was not performed.

The Property conveyed by this deed is according to the recorded plat, if any, and further subject to all easements, restrictions, reservations and covenants of record.

This is Homestead Property.

To have and to hold, the Property with the appurtenances upon the trusts and for the uses and purposes set out in this deed and in the terms and provisions of said Revocable Living Trust agreement. Full power and authority is hereby granted to the Trustee to improve, manage, protect and subdivide the Property or any part thereof, to dedicate parks, streets, highways or alleys and to vacate any subdivision or part thereof, and to resubdivide the Property as often as desired, to contract to sell, to grant options to purchase, to sell on any terms, to convey either with or without consideration, to convey the Property or any part thereof to a successor- or successors-in-trust and to grant to such successor- or successors-in-trust all the title, estate, powers and authorities vested in the Trustee, to donate, to dedicate, to mortgage, pledge or otherwise encumber the Property, or any part thereof, to lease the Property, or any part thereof, from time to time, in possession or reversion, by leases to commence in present or future, and upon any terms and for any period or periods of time, and to renew or extend leases upon any terms and for any period or periods of time and to amend, change or modify leases and the terms and provisions thereof at any time or times hereafter, to contract to make leases and to grant options to lease and options to renew purchase the whole or any part of the reversion and to contract respecting the manner of fixing the amount of the present or future rentals, to partition or to exchange the Property, or any part thereof, for other real or personal property, to grant easements or charges of any kind, to release, convey or assign any right, title or interest in or about or easement appurtenant to the Property or any part thereof, and to deal with the Property and every part thereof in all other ways and for such other considerations as it would be lawful for any person owning the same to deal with the same, whether similar to or different from the ways above specified, at any time or times thereafter.

*Sally Barbeau*

SALLY BARBEAU

REGISTER OF DEEDS

FOND DU LAC COUNTY

Fee Amount: \$13.00

Fee Exempt 77.25-(16)

THIS SPACE RESERVED FOR RECORDING DATA

NAME AND RETURN ADDRESS

W3858 STATE RD 23 E

FOND DU LAC WI 54935

BERNARD & KATHERINE HALBUR

T08-15-18-09-15-001-00; T08-15-18-09-14-001-00

PARCEL IDENTIFICATION NUMBER

In no case shall any party dealing with the Trustee in relation to the Property, or to whom the Property or any part thereof shall be conveyed, contracted to be sold, leased or mortgaged by the Trustee, be obliged to see the application of any purchase money, rent, or money borrowed or advanced on the Property, or be obligated to see that the terms of this trust have been complied with, or be obligated to inquire into the necessity or expediency of any act of the Trustee, or be obligated or privileged to inquire into any of the terms of said trust agreement; and every deed, trust deed, mortgage, lease or other instrument executed by the Trustee in relation to said real estate shall be conclusive evidence in favor of every person relying upon or claiming under such conveyance, lease or other instrument, (a) that at this time of the delivery thereof the trust created by this indenture and by the trust agreement was in full force and effect, (b) That such conveyance or other instrument was executed in accordance with the trust's condition and limitations contained in this indenture and in the trust agreement or in some amendment thereof and binding upon all beneficiaries thereunder, (c) that the Trustee was duly authorized and empowered to execute and deliver every such deed, trust deed, lease, successors-in-trust have been properly appointed and are fully vested with all the title, estate, rights, powers, authorities, duties and obligations of its, his or their predecessors in trust.

The interest of each and every beneficiary thereunder and of all persons claiming under them or any of them shall be only in the earnings, avails and proceeds arising from the sale or other disposition of the real estate, and such interest is hereby declared to be such, but only an interest in the earnings, avails and proceeds thereof as aforesaid.

To have and to hold, the Property together with all and singular, the rights, privileges, appurtenances and immunities thereto belonging or in any wise appertaining unto Grantee and unto Grantee's successors-in-interest and assigns forever; so that neither Grantor, Grantor's successors-in-interest or assigns nor any other person or persons for Grantor or in Grantor's name or behalf, shall or will hereafter claim or demand any right or title to the property or any part thereof, but they and each of them shall, be these presents, be excluded and forever barred

In Witness Whereof, Grantor has executed this instrument the date indicated below.

Dated this 22 day of March, 20 01.

\_\_\_\_\_(SEAL)

\* \_\_\_\_\_

\_\_\_\_\_(SEAL)

\* \_\_\_\_\_

Bernard H. Halbur (SEAL)

\* Bernard H. Halbur

Katherine R. Halbur (SEAL)

\* Katherine R. Halbur

#### AUTHENTICATION

Signature(s) Bernard H. & Katherine R. Halbur

authenticated this 22 day of March, 20 01

[Signature]

\* William R. Slate

TITLE: MEMBER STATE BAR OF WISCONSIN  
authorized 706.06 Wis. Stats.

THIS INSTRUMENT PREPARED BY:

William R. Slate, Attorney at Law  
SLATE LAW OFFICE  
33 N. Bridge Street  
Markesan, WI 53946

\* Names of persons signing in any capacity should be typed or printed  
below their signatures

(Signatures may be authenticated or acknowledged. Both are not  
necessary.)

#### ACKNOWLEDGMENT

STATE OF WISCONSIN;

\_\_\_\_\_. County.) ss.

Personally came before me, this \_\_\_\_\_ day

of \_\_\_\_\_, 20 \_\_\_\_\_, the above named

\_\_\_\_\_ to me

known to be the person who executed the foregoing  
and acknowledged the same.

\* \_\_\_\_\_

Notary Public, \_\_\_\_\_ County, Wis.  
My commissions is permanent. If not, state expiration date

DOCUMENT NO.	Personal	STATE BAR OF WISCONSIN - FORM 2 Rep. <del>WARRANTY DEED</del> THIS SPACE RESERVED FOR RECORDING DATA
	319989	VOL 752 PAGE 354
By This Deed, Herbert R. Mueller and Virginia Rabe, Personal Representatives of the Estate of Herbert A. Mueller, deceased		REGISTER'S OFFICE Fond du Lac County, Wis. Recorded at 9:10 AM. MAR 3 1 1977 Vol. 752, Records Page 354, 355 GEORGE H. OTTERY REGISTER OF DEEDS
Grantor convey <del>XXXXXX</del> to Bernard H. Halbur		
Grantor for <del>XXXXXX</del> One Dollar (\$1.00) and other good and valuable consideration		
the following described real estate in Fond du Lac County, State of Wisconsin:		RETURN TO Sec. Land Bank P.O. Box 46 204 9-10-AM
The East 15 rods of the West Half (W $\frac{1}{2}$ ) of the Southeast Quarter (SE $\frac{1}{4}$ ) of Section 9, Township 15 North, of Range 18 East, Town of Empire, Fond du Lac County, Wisconsin, excepting land conveyed for highway purposes by deed recorded in Vol. 226 on pages 428-429. Also excepting therefrom Certified Survey Map No. 141, recorded in Volume Two (2) of Certified Survey Maps on pages 141 and 141A as conveyed by warranty deed recorded in Vol. 713 of Records on page 206.		Tax Key # This is <u>non</u> homestead property.
The West $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of Section 9, Township 15 North, of Range 18 East, except the East 15 rods thereof and also excepting that piece and parcel of land described as: Beginning at a point in the North and South center line of said Section 9, 33 feet South from the point of intersection of this line with the center line of the concrete pavement slab on State Highway 23, as now located and running thence South along said North and South center line of said Section 9, 180 <del>XXXXXXXXXXXX</del> feet, thence South 88 degrees 51 minutes East parallel with the center line of said pavement slab, 155 feet, thence North parallel with the North and South center line of Section 9, 180 feet to a point (continued on reverse side)		TRANSFER \$ 52.00 FEE
Executed at Fond du Lac, Wis. this 25 <sup>th</sup> day of March, 1977		
SIGNED AND SEALED IN PRESENCE OF <u>Karen M. Wagner</u> Karen M. Wagner <u>Patricia M. Jarvis</u> Patricia M. Jarvis		<u>Herbert R. Mueller</u> (SEAL) Herbert R. Mueller, Personal Representative of the Estate of Herbert A. Mueller, deceased <u>Virginia Rabe</u> (SEAL) Virginia Rabe, Personal Representative of the Estate of Herbert A. Mueller, deceased
Signatures of Herbert R. Mueller and Virginia Rabe, Personal Representatives of the Estate of Herbert A. Mueller, deceased, authenticated this 25 <sup>th</sup> day of March, 1977		<u>Karen M. Wagner</u> Karen M. Wagner Title: Member State Bar of Wisconsin or Other Party Authorized under Sec. 706.06 viz.
STATE OF WISCONSIN } ss. County.		
Personally came before me, this _____ day of _____, 19____ the above named _____ to me known to be the person _____ who executed the foregoing instrument and acknowledged the same.		

33 feet South of the center line of the above mentioned pavement slab, thence North 88 degrees and 51 minutes West parallel with the center line of said pavement slab, 155 feet to place of beginning. Further excepting therefrom Lot 2 and Lot 3 of Certified Survey Map No. 1597 recorded in Volume 9 of Certified Survey Maps of Fond du Lac County, Wisconsin, on pages 97 and 97A.

RECORDED  
INDEXED  
FOND DU LAC COUNTY  
WISCONSIN  
JUN 1 1907

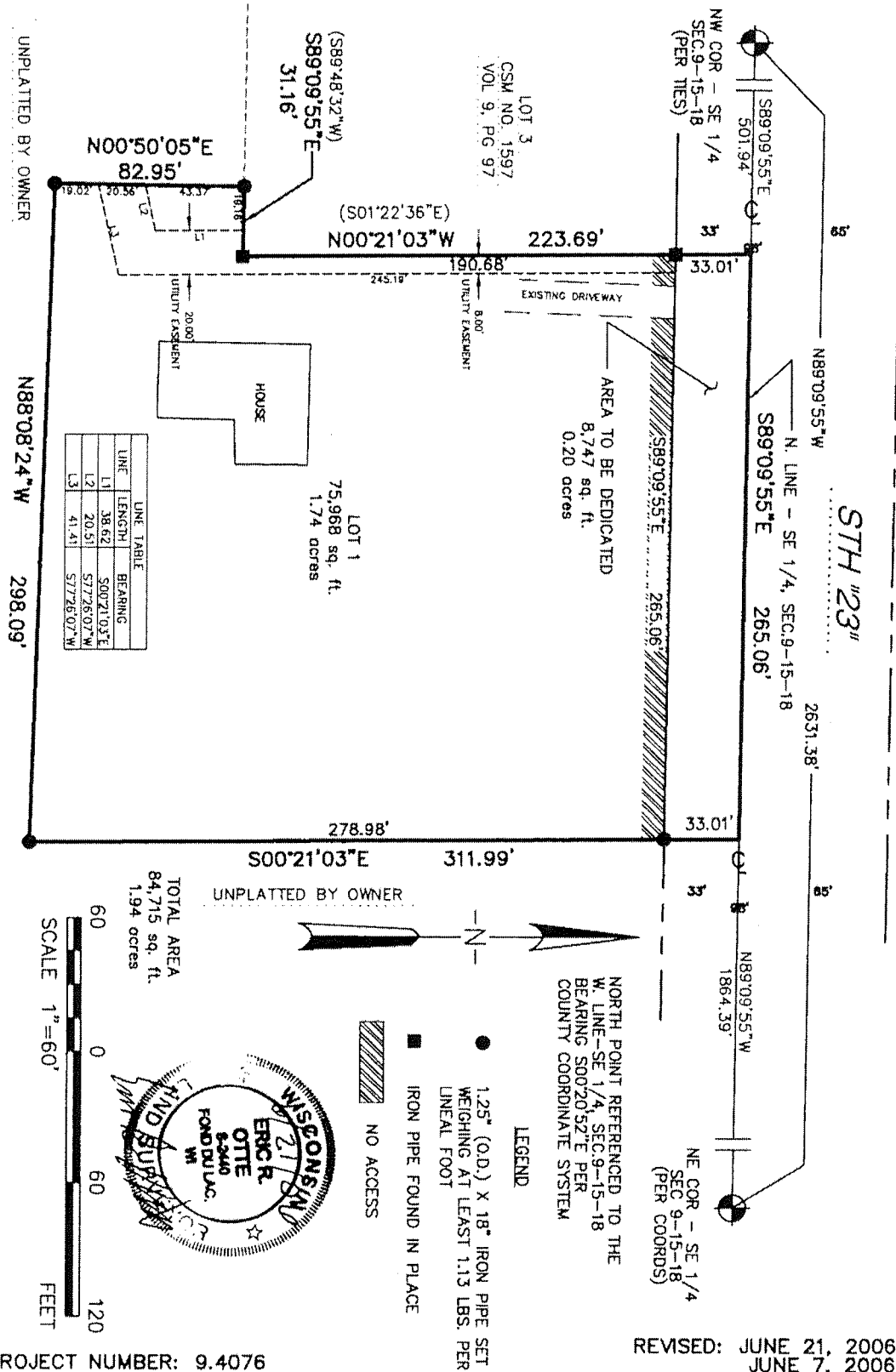
VOL 752 PAGE 355

Filed  
JULY 07, 2006 AT 01:39PM

FOR

PART OF THE NW 1/4 OF THE SE 1/4,  
SECTION 9, T. 15 N - R.18 E.  
TOWN OF EMPIRE, FOND DU LAC COUNTY, WISCONSIN

PATRICIA KRAUS  
REGISTER OF DEEDS  
FOND DU LAC COUNTY  
VOLUME 30 CERTIFIED SURVEY MAPS  
PAGES 91 - 91A - 91B  
Fee Amount: \$15.00



CERTIFIED SURVEY MAP # 7084

VOLUME 50 PAGE 91

SHEET 1 OF 3 SHEETS

REVISED: JUNE 21, 2006  
JUNE 7, 2006

SURVEYOR'S CERTIFICATE

I, Eric R. Otte, Registered Land Surveyor, hereby certify:

That I have surveyed, divided, and mapped a parcel of land described below.

That I have made such Certified Survey by the direction of Bernard H. and Katherine R. Halbur Living Trust, bounded and described as follows:

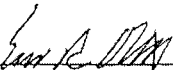
A part of the Northwest 1/4 of the Southeast 1/4 of Section 9, T. 15 N. - R. 18 E., Town of Empire, Fond du Lac County, Wisconsin and more particularly described as follows:

Commencing at the Northeast corner of the Southeast 1/4 of said Section 9; thence North 89°-09'-55" West along the North line of the Southeast 1/4 of said Section 9, 1864.39 feet to the point of beginning; thence South 00°-21'-03" East, 311.99 feet; thence North 88°-08'-24" West, 298.09 feet; thence North 00°-50'-05" East, 82.95 feet to a point on the South line of Lot 3, Certified Survey Map No. 1597, recorded in Volume 9, Page 97, Certified Survey Maps, Fond du Lac County Register of Deeds Office; thence South 89°-09'-55" East along said South line, 31.16 feet to the Southeast corner of said Lot 3; thence North 00°-21'-03" West along the East line of said Lot 3 and its extension Northerly, 223.69 feet to a point on the North line of the Southeast 1/4 of said Section 9; thence South 89°-09'-55" East along said North line, 265.06 feet to the point of beginning and containing 1.94 acres (84,715 sq. ft.) of land, more or less.

That such is a correct representation of all the exterior boundaries of the land surveyed and the subdivision thereof made.

That I have fully complied with the provisions of Section 236.34 of the Wisconsin Statutes and the Subdivision Ordinance of Fond du Lac County, City of Fond du Lac, and the Town of Empire in surveying, dividing, and mapping the same.



  
Eric R. Otte, R.L.S No. S-2440

J.E. Arthur and Associates, Inc.  
Fond du Lac, Wisconsin 54935

Dated this 7<sup>TH</sup> day of  
JUNE, 2006

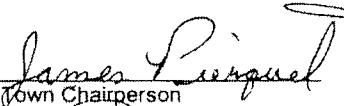
Project No. 9.4067  
Field Notes: Volume 133, Page 57


JW.Roets / Field Asst.

TOWN BOARD RESOLUTION

RESOLVED, that this Certified Survey Map, in the Town of Empire, is hereby approved and the dedication of roadway shown thereon is approved by the Town Board of the Town of Empire, Fond du Lac County, Wisconsin.

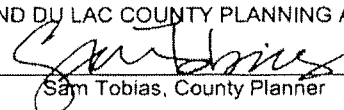
Dated: 6/14/2006

Signed:   
Town Chairperson

Signed:   
Town Clerk

STATE OF WISCONSIN)  
FOND DU LAC COUNTY) SS

Approved in accordance with the Subdivision Ordinance of Fond du Lac County this 29<sup>th</sup>  
Day of June, 2006.

FOND DU LAC COUNTY PLANNING AGENCY  
BY   
Sam Tobias, County Planner

P:\JEEAAA Documents\BACKUPS\Survey Documents\CSMC 4000-14076\CSMC.DOC

CERTIFIED SURVEY MAP # 7084

VOLUME 50 PAGE 91A

SHEET 2 OF 3 SHEETS



OWNER'S CERTIFICATE OF DEDICATION

As owner, I hereby certify that I caused the land described on this plat to be surveyed, divided, mapped and dedicated as represented on the plat. I also certify that this plat is required by s.236.10 or s.236.12 to be submitted to the following for approval or objection:

1. Fond du Lac County Planning Commission
2. Town of Empire
3. Fond du Lac County Highway Commission
4. City of Fond du Lac

WITNESS the hand and seal of said owner this 22<sup>nd</sup> day of

June, 2006.

In the presence of:

Joanne M. Peschke  
Susan B. Perry

**Bernard H. and Katherine R. Halbur Living Trust**

Bernard H. Halbur  
Bernard H. Halbur

Katherine R. Halbur  
Katherine R. Halbur

STATE OF WISCONSIN)  
FOND DU LAC COUNTY) SS

Personally came before me this 22<sup>nd</sup> day of June, 2006  
the above named Benard H. and Katherine R. Halbur, to me known to be the person who executed the foregoing instrument and acknowledged the same.

Aren V. Henning  
Notary Public, Fond du Lac County Wis.

My Commission Expires: 10-21-07

CITY OF FOND DU LAC APPROVAL CERTIFICATE

Approved in accordance with the Subdivision Ordinance of the City of Fond du Lac this 28<sup>th</sup> day of

JUNE, 2006.

Richard E. Goding  
Richard E. Goding, City Engineer



Eric R. Otte  
6-7-06

CERTIFIED SURVEY MAP # 7084

VOLUME 50

PAGE 91B

SHEET 3 OF 3 SHEETS

DOCUMENT NO.	QUIT CLAIM DEED STATE OF WISCONSIN - FORM 13	THIS SPACE RESERVED FOR RECORDING DATA
453438		RECORDED VOL 973 PAGE 620 JUN 13 8 23 AM '88 Mary C. Lischke REGISTER OF DEEDS FOND DU LAC COUNTY, WI
THIS INDENTURE, Made by... Bernard H. Halbur		
..... grantor.....		
of Fond du Lac County, Wisconsin, hereby quit-claims to		
Wisconsin Department of Transportation		
grantee, of... County, Wisconsin, for the sum of		RETURN TO Wisconsin Department of Transportation, 141 N.W. Barstow St., P.O. Box 649, Waukesha, WI 53187
One Hundred and No/100 (\$100.00)		Dollars,
the following tract of land in... Fond du Lac County, State of Wisconsin:		
This is non-homestead property.		
This is not residential rental property.		
All existing future or potential common law or statutory easements or rights of access between the right of way of the highway, currently designated as S.T.H. 23, and all of the abutting real property of the owner, whether acquired by separate conveyance or otherwise, where the following described real estate abuts on the said highway: the east 696.01 feet of the west 1197.95 feet of the north-west one-quarter of the southeast one-quarter of Section 9, Township 15 North, Range 18 East.		
Except the right of access to S.T.H. 23 from said abutting real estate on the south side of said highway, by means of one access point, pursuant to the provisions of Section 86.07(2), Wisconsin Statutes.		
THIS CONVEYANCE IS EXEMPT FROM THE TRANSFER FEE PURSUANT TO SEC. 77.25(12)		FEE # 77.25(12) EXEMPT
(IF NECESSARY, CONTINUE DESCRIPTION ON REVERSE SIDE)		
In Witness Whereof, the said grantor... has... hereunto set... his... hand... and seal... this... 17...		
day of... May... A. D., 19... 88...		
SIGNED AND SEALED IN PRESENCE OF		
x Bernard H. Halbur (SEAL) Bernard H. Halbur		
..... (SEAL)		
..... (SEAL)		
..... (SEAL)		
State of Wisconsin, } Fond du Lac County. } ss. Personally came before me, this... 17th day of... May...		
A. D., 19... 88, the within named... Bernard H. Halbur		
to me known to be the person... who executed the foregoing instrument and acknowledged the same.		
THIS INSTRUMENT WAS DRAFTED BY... Arlene Abler		
NOTARY PUBLIC, ... Fond du Lac County, Wis.		
My commission (expires) (is) ... 8/11/91		
Project I.D. 1442-01-21 Parcel 64		
(Section 19.31 (1) of the Wisconsin Statutes provides that all instruments to be recorded shall have plainly printed or typewritten thereon the names of the grantors, grantees, witnesses and notary. Section 19.313 similarly requires that the name of the person who...		

Wisconsin Bell, Inc.

484642

Right-of-Way Grant

M-3979  
(5-84)

394-18-9254

In consideration of the sum of EIGHTY FIVE AND NO/100 Dollars (\$ 85.00), the undersigned grant and convey unto Wisconsin Bell, Inc. an exclusive right of way and easement to place, replace, maintain and remove an underground cable line, including associated appliances such as conduits, marker posts and pressure alarm apparatus, on and through certain lands owned by the grantor S in the Town of Empire, Fond du Lac County, Wisconsin, and described as:

The northerly 10 feet abutting the highway (S.T.H. "23") of the northwest quarter of the southeast quarter of Section 9, Township 15 North, Range 18 East, except the west 155 feet, Lots 2 and 3 of Certified Survey Map # 1597, Volume 9, Page 97, and except Certified Survey Map Volume 2, Page 141.

This grant includes the right, on and through the lands hereinbefore described, to place, replace, maintain and remove additional underground cable lines, together with associated appliances, subsequent to the placing of the line to be initially installed hereunder, it being understood, however, that such additional lines shall be located roughly parallel to, and not more than about 5 feet distant from, the first line installed hereunder.

This grant likewise includes the right of ingress and egress on the lands of the undersigned for the purpose of exercising the rights herein granted; the right to install a gate or to make a temporary opening in any fence on said lands at the point where such fence crosses the route of said line or lines; and the right to cut down and, by continued cutting or by chemical treatment, to control the future growth of all trees and brush which may, in the judgment of the grantee, interfere with the exercise of the rights herein granted.

The rights herein granted may be assigned by the grantee in whole or in part.

The grantor S covenant not to erect any structure on said lands that would interfere with the installation, replacement, maintenance or removal hereunder of said line or lines and associated appliances.

The grantee covenants that it will pay the reasonable value of any crops destroyed and of other physical damage done to the property of the grantor S, arising at any time out of the exercise by it of the rights herein granted.

Signed this 11th day of October 19 90.

Witness:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Bernard H. Halbur  
Bernard H. Halbur

Katherine Halbur  
Katherine Halbur

BADGER RIGHT-OF-WAY, INC.  
2323 Skewis Avenue  
Eau Claire, WI 54701

VOL 1028 PAGE 651

FCC Form No 4842

State of Wisconsin )  
County of Fond du Lac ) ss.

Personally appeared before me this 11th day of October, 19 90,  
Bernard H. Halbur and Katherine Halbur

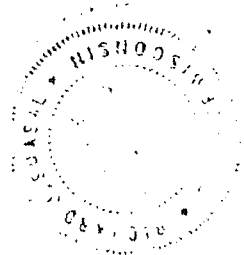
to me known to be the person S who executed the foregoing instrument and acknowledged the same.

RECORDED  
VOL 1028 PAGE 651-652  
OCT 29 8 21 AM '90

*Mary J. Schell*  
REGISTERED CLERK  
FOND DU LAC, WIS.

Richard J. Smasal  
Notary Public, State of Wisconsin  
Richard J. Smasal  
My commission expires May 2, 19 93.

Document Drafted By  
**Wisconsin Bell, Inc.**  
By RICHARD J. SMASAL



100-856

VOL 1028 PAGE 652