

Jewell Lutz, Collins  
Fee pd \$30.50 C 739

STATE OF NEBRASKA This instru filed for record  
MADISON COUNTY ss this 4 (Mar 97) at  
9:00 o'clock A.M. and recorded in 7-3 page 118 - 123  
Betty M. Eucher Deputy  
Register of Deeds

118

Paid \$30.50 No. 1070

aged general Indexed

RESTRICTIVE COVENANT/DEED RESTRICTION

In re:

West 1500 feet of the South Half of the Southwest Quarter of Section 3, Township 23, North Range 1, West of the 6th P.M., in Madison County, Nebraska, except a tract of land conveyed to the State of Nebraska by Warranty Deed dated November 3, 1956, and recorded on December 1, 1956 in Book 97 at Page 278 of the Deed records of Madison County, Nebraska, and except a tract of land conveyed to the State of Nebraska by Corporation Warranty Deed dated June 25, 1992, and recorded September 18, 1992 as Document M92-9 at page 886 of the Deed records of Madison County, Nebraska.

SHERWOOD MEDICAL COMPANY, a Delaware Corporation, formerly known as Sherwood Medical Industries Inc., a Delaware Corporation, formerly known as Argyle Medical Industries Inc., a Delaware Corporation, formerly known as Roehr Products Company, Inc., a Delaware Corporation, the record title owner of the above described premises, which is described by metes and bounds as follows:

A tract of land commencing at a point Forty (40') feet North and Sixty (60') feet East of the Southwest corner of the Southwest Quarter of Section Three (3), Township Twenty-three (23) North, Range One (1) West of the 6th P.M., Madison County, Nebraska, thence East on a line parallel to and Forty (40') feet North of the Section line, a distance of 1440 feet, thence North on an interior angle of 90 degrees 45 minutes, a distance of 1278.9 feet to a point on the North line of the South Half of the Southwest Quarter of Section Three (3), Township Twenty-three (23) North, Range One (1) West of the 6th P.M., thence West on said line at an interior angle of 89 degrees, 15 minutes, a distance of 1440 feet, thence South 1278.9 feet to the place of beginning, containing 42.28 acres, more or less.

HEREBY GIVES NOTICE TO ALL SUBSEQUENT PURCHASERS, GRANTEES, LESSEES, MORTGAGEES AND BENEFICIARIES OF DEEDS OF TRUST, AND ALL OTHERS WHO HEREAFTER MAY ACQUIRE, HOLD, OR OTHERWISE CLAIM AN INTEREST IN THE ABOVE DESCRIBED PREMISES THAT PURSUANT TO A CERTAIN CONSENT DECREE ENTERED ON THE 7TH DAY OF NOVEMBER, 1996, BY THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA, IN A

CAUSE ENTITLED, *UNITED STATES OF AMERICA, Plaintiff, v. SHERWOOD MEDICAL COMPANY, Defendant*, CASE NO. 8:CV96-486, A COPY OF WHICH WAS DULY RECORDED ON THE 5TH DAY OF DECEMBER, 1996 IN M96-12 AT PAGES 332-539 INCLUSIVE OF THE RECORDS OF THE REGISTER OF DEEDS OF MADISON COUNTY, NEBRASKA, OF THE FOLLOWING RESTRICTIVE COVENANT/DEED RESTRICTION IMPOSED BY SAID CONSENT DECREE UPON THE ABOVE DESCRIBED PREMISES, AS FOLLOWS:

A. Restrictive Covenant/Deed Restriction for soil disturbances in the Underground Storage Tank (UST) and CS/CN areas of the above described premises prohibiting the following:

1. Land disturbance activities not related to the Remedial Action (RA), at the CS/CN area (See Exhibit "A") until completion of the soil excavation and treatment actions;

2. Land disturbance activities not related to the RA or to the servicing of Sherwood Medical Company's underground utilities, at the UST area (See Exhibit "B"), until completion of the soil excavation and treatment actions.

3. This Restrictive Covenant/Deed Restriction prohibiting soil disturbance in the CS/CN and UST areas shall run with the above described land until such time that Sherwood Medical Company receives written approval pursuant to Section II.A.1. of the Statement of Work (SOW) as provided in said Consent Decree, from the United States Environmental Protection Agency (EPA), AND the recording of notice of receipt of said approval TOGETHER WITH A COPY OF SAID APPROVAL with the Register of Deeds of Madison County, Nebraska, at which time this Restrictive Covenant/Deed Restriction shall terminate.

B. Restrictive Covenant/Deed Restrictions for groundwater use on the Sherwood Medical Company property (above described) which is identified as containing VOCs (an acronym for Volatile Organic Compounds. VOCs are a class of organic chemicals which tend to evaporate a normal atmospheric conditions) above the groundwater performance standards, prohibiting the following:

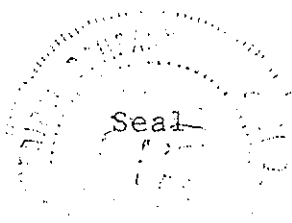
4. Installation and/or use of groundwater supply wells, located on the Sherwood Medical Company property, which are not a part of the RA, and which are operated in such a manner as to negatively impact the contaminated groundwater cleanup.

5. This Restrictive Covenant/Deed Restriction for installation or use of groundwater supply wells shall run with the above described land until such time that Sherwood Medical Company receives written approval pursuant to Section II.A.1. of the Statement of Work (SOW) as provided in said Consent Decree, from the United States Environmental Protection Agency (EPA), AND the recording of notice of receipt of said approval TOGETHER WITH A COPY OF SAID APPROVAL with the Register of Deeds of Madison County, Nebraska, at which time this Restrictive Covenant/Deed Restriction shall terminate.

SHERWOOD MEDICAL COMPANY FURTHER NOTIFIES ALL SUBSEQUENT PURCHASERS, GRANTEES, MORTGAGEES, OR BENEFICIARIES OF DEEDS OF TRUST, AND ALL OTHERS WHO HEREAFTER MAY ACQUIRE, HOLD, OR OTHERWISE CLAIM AN INTEREST IN THE ABOVE DESCRIBED PREMISES THAT SAID REAL PROPERTY (PREMISES) IS SUBJECT TO THE ABOVE IDENTIFIED CONSENT DECREE, AND

SHERWOOD MEDICAL COMPANY FURTHER NOTIFIES ALL SUBSEQUENT PURCHASERS, GRANTEES, MORTGAGEES, OR BENEFICIARIES OF DEEDS OF TRUST, AND ALL OTHERS WHO HEREAFTER MAY ACQUIRE, HOLD, OR OTHERWISE CLAIM AN INTEREST IN THE ABOVE DESCRIBED PREMISES THAT THE ABOVE DEFINED RESTRICTIVE COVENANTS/DEED RESTRICTIONS SHALL REMAIN AND RUN WITH THE ABOVE DESCRIBED PREMISES UNTIL SUCH TIME THAT SUCH RESTRICTIONS ARE REMOVED UPON THE WRITTEN APPROVAL OF THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (EPA), AND WRITTEN NOTICE OF RECEIPT OF SUCH APPROVAL HAS BEEN DULY RECORDED WITH THE REGISTER OF DEEDS OF MADISON COUNTY, NEBRASKA, PERTAINING TO THE ABOVE DESCRIBED PREMISES. ALL SUBSEQUENT PURCHASERS, GRANTEES, MORTGAGEES, BENEFICIARIES OF DEEDS OF TRUST, AND ALL OTHERS WHO HEREAFTER MAY ACQUIRE, HOLD, OR OTHERWISE CLAIM AN INTEREST IN THE ABOVE DESCRIBED PREMISES SHALL TAKE SUCH PREMISES OR INTEREST THEREIN SUBJECT AND SUBORDINATE TO THE ABOVE DEFINED RESTRICTIVE COVENANTS/DEED RESTRICTIONS AND THE PROVISIONS OF SAID CONSENT DECREE UNTIL SUCH TIME THAT SUCH RESTRICTIONS ARE REMOVED UPON THE WRITTEN APPROVAL OF EPA, AND WRITTEN NOTICE OF APPROVAL OF THE SAME HAS BEEN RECORDED WITH THE REGISTER OF DEEDS OF MADISON COUNTY, NEBRASKA.

Dated this 28<sup>th</sup> day of February, 1997  
~~December, 1996~~



SHERWOOD MEDICAL COMPANY,  
 A Delaware Corporation, formerly  
 known as Roehr Products Company, Inc.

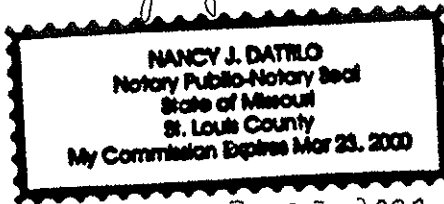
BY [Signature]  
 Authorized Officer

STATE OF Missouri )  
   ) ss.  
COUNTY OF St. Louis )

February, 1997

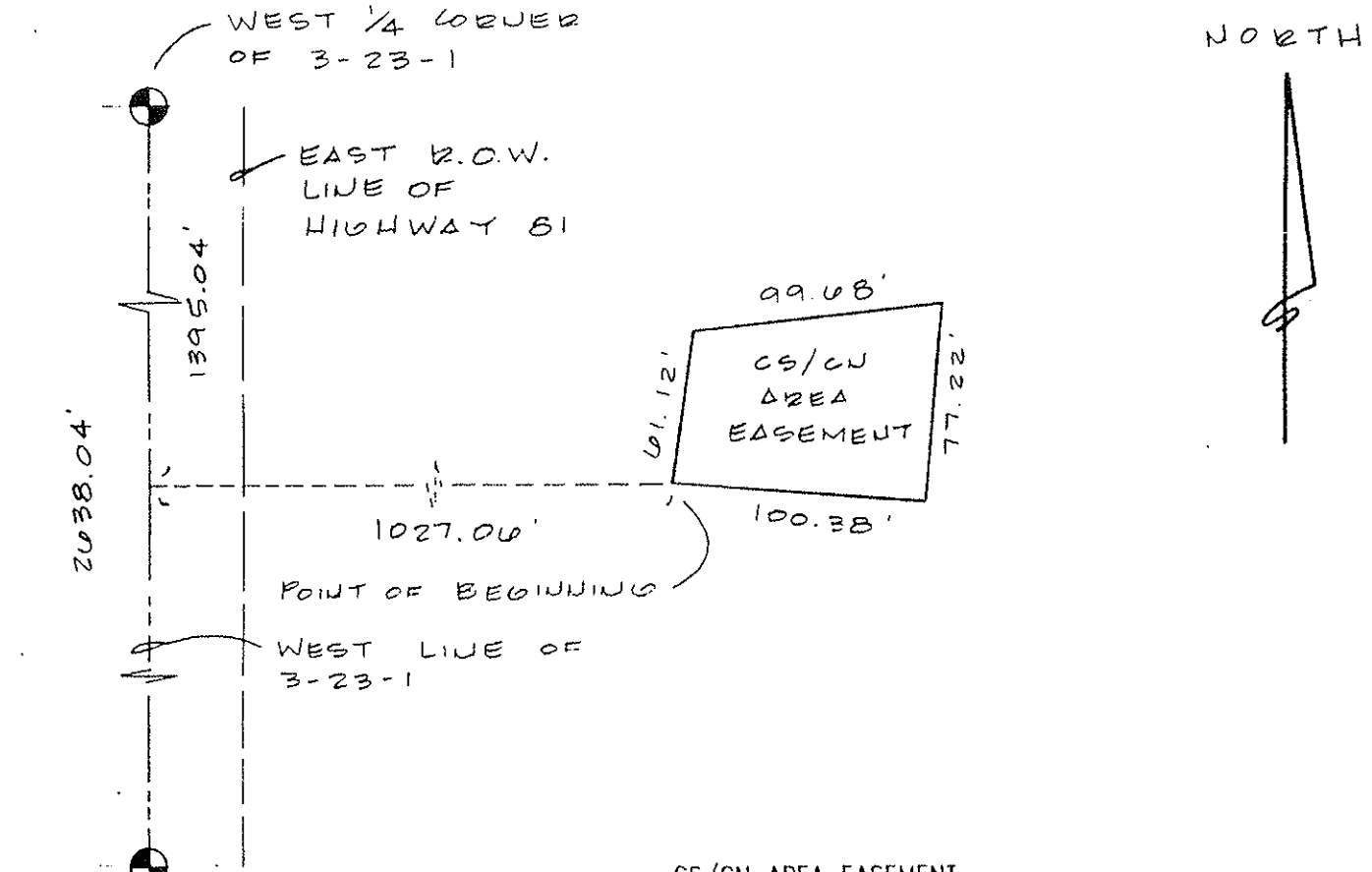
Acknowledged to before me this 28th day of December, 1996, by Edwin Weichselbaum, known to me to be the Vice President of Sherwood Medical Company, A Delaware Corporation, as his/her voluntary act and the voluntary act and deed of Sherwood Medical Company, A Delaware Corporation, formerly known as Roehr Products Company, Inc.

Nancy J. Datilo  
( Notary Public



3 - 23 - 2000

PROJECT NO. 3708SK DATE 11-27-96 BOOK 103 PAGE 23 SCALE NONE  
 DRAWN D. BERGLUND CHECKED M.J. OEHME SHEET 1 OF 1



SOUTHWEST  
 CORNER  
 OF 3-23-1

**CS/CN AREA EASEMENT**

PART OF THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 23 NORTH, RANGE 1 WEST OF THE 6th P.M., MADISON COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 3, THENCE S 00° 00' 10" W (ASSUMED BEARING), ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER OF SECTION 3, A DISTANCE OF 1,395.04 FEET; THENCE S 89° 59' 50" E, ALONG A LINE EAST OF AND PERPENDICULAR TO SAID WEST LINE, A DISTANCE OF 1,027.06 FEET TO THE POINT OF BEGINNING; THENCE N 07° 19' 45" E A DISTANCE OF 61.12 FEET; THENCE N 84° 22' 04" E A DISTANCE OF 99.68 FEET; THENCE S 05° 04' 18" W A DISTANCE OF 77.22 FEET; THENCE N 86° 16' 28" W A DISTANCE OF 100.38 FEET TO THE POINT OF BEGINNING. CONTAINING 6,843 SQUARE FEET (0.157 ± ACRES) MORE OR LESS.

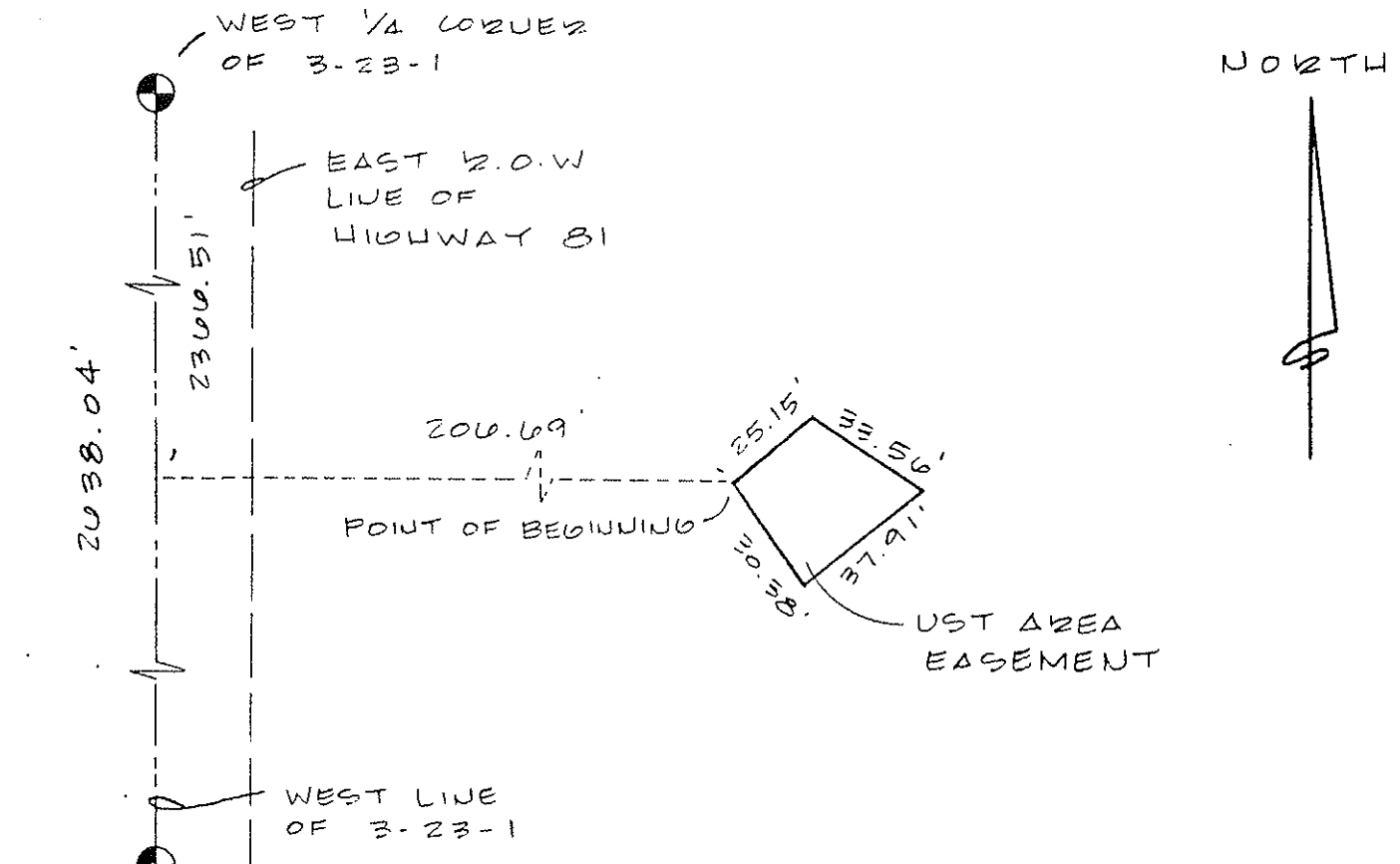
I, MYRON R. KAUSS, A REGISTERED LAND SURVEYOR IN THE STATE OF NEBRASKA, HEREBY STATE THAT THE SURVEY OF THIS PARCEL LOCATION WAS ACCOMPLISHED UNDER MY SUPERVISION, AND THAT THE DIMENSIONS SHOWN ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

*[Signature]*

MYRON R. KAUSS  
 NOVEMBER 27, 1996

RLS-286

PROJECT NO. 3708SK DATE 11-27-96 BOOK 103 PAGE 23 SCALE NONE  
 DRAWN B. BERGLUND CHECKED M.J. OELME SHEET 1 OF 1



SOUTHWEST CORNER OF 3-23-1

**UST AREA EASEMENT**

PART OF THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 23 NORTH, RANGE 1 WEST OF THE 6th P.M., MADISON COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 3; THENCE S 00° 00' 10" W (ASSUMED BEARING), ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER OF SECTION 3, A DISTANCE OF 2,366.51 FEET; THENCE S 89° 59' 50" E, ALONG A LINE EAST OF AND PERPENDICULAR TO SAID WEST LINE, A DISTANCE OF 206.69 FEET TO THE POINT OF BEGINNING; THENCE N 48° 35' 37" E A DISTANCE OF 25.15 FEET; THENCE S 57° 19' 47" E A DISTANCE OF 33.56 FEET; THENCE S 51° 45' 45" W A DISTANCE OF 37.91 FEET; THENCE N 34° 48' 01" W A DISTANCE OF 30.38 FEET TO THE POINT OF BEGINNING. CONTAINING 981 SQUARE FEET (0.023 ± ACRES) MORE OR LESS.

I, MYRON R. KAUSS, A REGISTERED LAND SURVEYOR IN THE STATE OF NEBRASKA, HEREBY STATE THAT THE SURVEY OF THIS PARCEL LOCATION WAS ACCOMPLISHED UNDER MY SUPERVISION, AND THAT THE DIMENSIONS SHOWN ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

*Myron R. Kauss*  
 MYRON R. KAUSS  
 NOVEMBER 27, 1996  
 RLS-286