

Tract No: _____

WAIVER AGREEMENT

In association with the NST Express Pipeline Project, NST Express, LLC ("Grantee") is proposing to install a pipeline in an area that falls within five-hundred feet of an inhabited rural residence located on the property described below, hereinafter referred to as the "Property":

That certain tract of land situated in the NE1/4 of the NE1/4 of Section 30, Township 152 North, Range 101 West of the 5th P.M., McKenzie County, North Dakota, as described in that certain Quit Claim Deed, dated November 30, 1990, from Cassandra Kay Figaro, formerly known as Cassandra Kay Souigny and Cassandra Kay Nelson, married to Edward P. Figaro, recorded as Microfilm Document No. 308901, Office of Register of Deeds, McKenzie County, North Dakota, less and except any conveyances heretofore made

As part of the regulatory approvals that Grantee is seeking for the NST Express Pipeline Project, Grantee is required to adhere to the five hundred foot avoidance-area criterion for an inhabited rural residence, as set forth in North Dakota Century Code (N.D.C.C.) § 49-22-05.1 and North Dakota Administrative Code (N.D.A.C.) § 69-06-08-02.

N.D.C.C. § 49-22-05.1 allows a landowner to waive the five hundred foot avoidance-area criterion for an inhabited rural residence, stating:

The five hundred foot [152.4 meter] avoidance area criteria for an inhabited rural residence may be waived by the owner of the inhabited rural residence in writing.

By signing this Waiver Agreement the undersigned, Cassandra Figaro as "Trustee" under the provisions of a trust agreement dated November 29, 1989 and known as the Cassandra Figaro Trust ("Grantor"), acknowledges that Grantor owns an inhabited rural residence located on the Property that is within five hundred feet of the proposed location of Grantee's pipeline and voluntarily agrees to waive the five hundred foot inhabited rural residence avoidance-area criterion set forth in N.D.C.C. § 49-22-05.1 and N.D.A.C. § 69-06-08-02

Dated this 23 day of Aug, 2015.

GRANTOR

GRANTOR

Signature:

Cas Figaro

Signature: _____

Print Name:

CAS FIGARO

Print Name: _____

Address:

W 5425 SHAGBARK
21K WORN, WI 53121

Address: _____

Telephone:

305-393-3003

Telephone: _____

Tract No: _____

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N.D.C.C. § 49-22-05.1 allows a landowner to waive the five hundred foot avoidance-area criterion for an inhabited rural residence, stating:

The five hundred foot [152.4 meter] avoidance area criteria for an inhabited rural residence may be waived by the owner of the inhabited rural residence in writing.

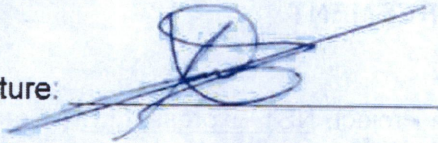
By signing this Waiver Agreement the undersigned, Tom Van Kerckhoven, President and Ken Gagon, BU director and Executive member of ECS aka Environmentally Clean Systems, a business unit of Tessengerlo Kerley, inc., 2255 N. 44th Street, Suite 300, Phoenix, AZ 85008-3279 ("Grantor"), acknowledges that Grantor owns an inhabited rural residence located on the Property that is within five hundred feet of the proposed location of Grantee's pipeline and voluntarily agrees to waive the five hundred foot inhabited rural residence avoidance-area criterion set forth in N.D.C.C. § 49-22-05.1 and N.D.A.C. § 69-06-08-02

Dated this 2 day of September, 2016

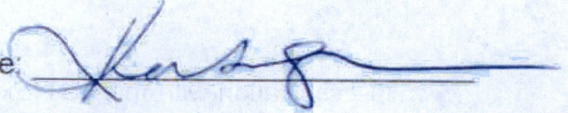
GRANTOR

GRANTOR

Signature:



Signature:



Print Name: TOM VAN KERCKHOVE

Print Name: Ken Coagon

Address: 2255 N 44TH
STREET, PHOENIX AZ
85008

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Phoenix, AZ. 85008

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