

CHATHAM & BARICEVIC

Attorneys at Law
107 West Main Street
Belleville, Illinois 62220

GREY CHATHAM
CHARLES J. BARICEVIC
GREY CHATHAM JR.
BRIAN A. BABKA
JOHN BARICEVIC
BENEDICT Y. SONG

PHONE (618) 233-2200
FAX (618) 233-1589

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rusty@520training.com

Mr. Rusty Redman
Operating Engineers Local 520
520 Engineers Road
Pontoon Beach, Illinois 62040

RE: SALE OF TRAINING SITE/ENGELMAN TOWNSHIP

Dear Mr. Redman:

I have been asked to review documents memorializing rights of ownership of certain parcels owned by Local 520 and the right of access attached. Specifically, as to the tract designated as 1 in the documents provided and known as parcel 15-19.0-400-005 in the parcel map maintained by St. Clair County, reviewing documents provided, I understand that access to this parcel is by use of Lischer Road, a privately maintained road that is located on property to the east beginning at State Route 4 and proceeding through your property also providing access to property owned by Robert Garrison, Ronald Hass and Kenneth Rasp. That prior to purchase by Local 520, contracted for on 11-7-2001, access to the property for farm purposes was by Lischer Road. Finally, that access since then has also been through Lischer Road which has been open, known to landowners and no restriction on use has been asserted by Mr. Rasp, the adjoining landowner.

An easement by prescription, in my opinion, existed when Local 520 bought the property and continues to exist. An easement by prescription requires a claimant to show the use was open, exclusive and uninterrupted. That it was adverse to the servient landowner's (Rasp) interest and with full knowledge of the owner for a period of 20 years. The actual use determines the scope of the easement which cannot be increased. Though the easement is not reduced to writing the manner of use implies an acquisition of right or title by the usage as no restriction on that use was indicated during the 20 years of 520 ownership.

Though the easement is limited to the current use, which is what is needed for farming purposes and what is required to manage the ownership of that interest, you may advertise access to the property through Lischer Road. If asked about a recorded easement there is none and the easement is by prescription.

If need be, I have no objection to you sharing my letter with any possible purchaser.

Sincerely,

A handwritten signature in cursive script that reads "John Baricevic".

JOHN BARICEVIC

JB/bi