

Doc. No. A 824025

**OFFICE OF THE COUNTY RECORDER
SCOTT COUNTY, MINNESOTA**



Certified Filed and/or Recorded on

04-29-2009 at 11:00 Receipt: 700927

Janice From, Acting County Recorder 01

Fee: \$ 46.00

This document is being re-recorded to correct the omission of the expiration date of the restrictive covenant contain in Document Number 821433 recorded March 30, 2009

X
Title Recording Services, Inc. 576779
79 Western Ave N
St. Paul, MN 55102 2699441
SCOTT A CHIC EDINA JUNIOR



RES COVENA

Restrictive Covenant

Ritchie Bros. Properties Inc. (the "Grantor") being the owner and grantor of the property as shown on Exhibit A attached, reserves the following rights as a restrictive covenant on the property running with the land:

- 1. The property as shown on Exhibit A herein, shall not be used for the purpose of conducting public or private auctions of industrial, construction, agricultural, transportation or other commercial or personal property or equipment prior to March 17, 2059; and,
- 2. Any violation of this Covenant shall permit the Grantors to (a) obtain injunctions against such auction sales with or without a breach and without a bonding requirement;(b) for each breach or threatened breach of this Covenant, the Grantee shall pay as liquidated damages and not as a penalty, the sum of \$10,000 per day for each day the breach or threatened breach continues and until the threat or the breach is abated; and,
- 3. The Grantee shall pay all costs and attorney fees of the Grantor for enforcing this Restrictive Covenant, obtaining judgment for the aforesaid damages (including interest at 18% per annum until paid) and complete collection and satisfaction of the judgment plus earned interest; and,
- 4. This Restrictive Covenant shall run with the Property and be binding on the Grantee and grantee's heirs, representatives, successors and assigns and inure to the benefit of the Grantor, its successors and assigns until its termination date as set forth above.

EXECUTED this 17 day of March, 2009.

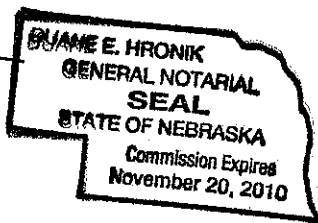
Ritchie Bros. Properties Inc.

By: James J. Olmstead
 Name: JAMES J. OLMSTEAD
 Title: SECRETARY

STATE OF Nebraska)
)ss.
 COUNTY OF Lancaster)

The foregoing instrument was acknowledged before me this 17th day of March, 2009 by James J. Olmstead, the Secretary for Ritchie Bros. Properties Inc.

[Signature]
 Notary



Legal Description

That part of the North 1066 feet of the Northwest Quarter (NW1/4) of the Northwest Quarter (NW1/4) of Section 1, Township 113, Range 21, lying East of the easterly right-of-way line of Interstate Highway 35, Scott County, Minnesota, subject to easements, highways, restrictions and covenants of record, if any.

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