STATE OF SOUTH DAKOTA)

SS

COUNTY OF TRIPP)

IN CIRCUIT COURT

SIXTH JUDICIAL CIRCUIT

TRANSCANADA KEYSTONE PIPELINE,

CIV. 11-62

LP,

VS.

Plaintiff,

ORDER GRANTING MOTION

TO ENFORCE

SETTLEMENT AGREEMENT

JOHN H. HARTER, TAMMY L. HARTER, and FARM CREDIT SERVICES OF AMERICA.

Defendants.

On April 8, 2014, Plaintiff TransCanada Keystone Pipeline, LP, moved that the Court enforce a settlement agreement between the parties entered into on November 27, 2012. The Court held a hearing on the motion on April 28, 2014, at which Keystone was represented by counsel of record, and Plaintiff John Harter appeared pro se. Harter did not submit a written response to the motion, but at the hearing he requested an additional 60 days to sign an easement and other necessary settlement documents. After considering the motion and written submissions, the oral arguments of the parties, and all of the documents of record, the Court orally granted Harter's request and gave the parties until July 1, 2014, to finalize the settlement. If the settlement were not finalized within that time, the Court indicated that it would rule on the pending motion. Based on the

EXHIBIT D

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Case Number: 11-62
Name of Document: Order Granting Motion to Enforce Seitlement Agreement and Judgment

Affidavit of James E. Moore dated July 14, 2014, the Court has been advised that the case was not resolved by July 1, 2014. Accordingly, it is hereby

ORDERED AND ADJUDGED that Keystone's motion to enforce the settlement is granted; it is further

ORDERED AND ADJUDGED that the settlement terms dated November 27, 2012, which are hereby directed to be filed with the clerk under seal because the parties agreed to confidentiality, are declared to constitute an enforceable agreement; it is further

ORDERED AND ADJUDGED that Keystone's easement rights will be stated in a separate judgment.

Dated this 5 day of July, 2014.

BY THE COURT:

JOHN L. BROWN CIRCUIT COURT JUDGE

ATTEST:
Marcha Hodic MARSHA HODGE, CLERK

By_____ Deputy

State of South Dakota County of _____ }ss. Filed in this office

AUG 07 2014

Marsha Hodge Clerk of Courts

By_____Deputy

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