FENCE AGREEMENT

THIS AGREEMENT made this 25th day of April, 1990, by and between Tracy B. and Linda A. Bessey, husband and wife, Parties of the First Part, and Richard L. and Celia J. Dichtelmiller, husband and wife, Parties of the Second Part.

WHEREAS, the party of the first part wishes to build the fence on their East and West Property Line, said fence being on the property of the party of the first part, in Manchester, Delaware County, Iowa, on a parcel legally described as follows:

Lot Two Hundred Twenty Six (226), Manchester, Iowa, according to plat recorded in Book I L.D., Pages 284-285.

AND WHEREAS, the said fence to be on the West property line of the party of the First part; East property line of the party of the Second Part;

AND WHEREAS, Section 12½ "FENCE REGULATIONS" of the Zoning Code of Ordinances of the City of Manchester, Iowa, requires that parties enter into an agreement regarding the erection of said fence on the property of party of the second part due to the fact that said fence is within 3 feet of the property line dividing the property of party of the second part from property of the first part.

NOW, THEREFORE, in consideration of the mutual covenants and promises contained in this Agreement and in consideration of the mutual benefits to be gained by the parties, it is agreed as follows:

1. That said fence may be built on the property line of both parties. That said fence shall be erected and maintained solely at the expense of the party of the first part.
2. That the respective property owners are responsible for maintenance of the property on their respective sides of the property line.
3. That the party of the first part shall hold the party of the second part and their agents harmless from any and all liability, claims or suits for damages with respect to said fence.
4. That this said written agreement shall be binding upon the parties to this agreement, their successors and assigns, and shall run with the land so long as the said fence remains in place.

Tracy B. Bessey

Linda A. Bessey

Linda A. Bessey
PARTIES OF THE FIRST PART

Richard L. Dichtelmiller

Celia J. Dichtelmiller

Richard L. Dichtelmiller
Celia J. Dichtelmiller
PARTIES OF THE SECOND PART

State of Iowa

County of Delaware

On this 25th day of April, 1990, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Tracy B. and Linda A. Bessey to me personally known to be the identical persons named in and who executed the foregoing instrument and acknowledged that they executed the same as their voluntary act and deed.

Audrey A. Hale
Notary Public in and for the State of Iowa
Audrey A. Hale

State of Iowa

County of Delaware

On this 25th day of April, 1990, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Richard L. and Celia J. Dichtelmiller, to me personally known, to be the identical persons names in and who executed the foregoing instrument and acknowledged that they executed the same as their voluntary act and deed.

Audrey A. Hale
Notary Public in and for the State of Iowa
Audrey A. Hale

FILE No. 10-2547
RECORDING FEE $ 5.00
TRANSFER FEE $

FILED FOR RECORD THE 1 DAY OF May, 1990 AT 3:40 O'CLOCK P. M. BOOK 1 PAGE 259

STATE OF IOWA, DELAWARE COUNTY
Joan Sheppard, Recorder
Misc.