MAINTENANCE AND USE AGREEMENT

WHEREAS, Russell L. Reth and Dianne M. Reth, husband and wife, are the owners of the following described real property:

> Lot Six (6) of Arnold's Subdivision of part of the North One-half ($N\frac{1}{2}$) of the Northwest Quarter ($NW\frac{1}{4}$) of Section Twenty (20), Township Eighty-nine (89) North, Range Five (5), West of the Fifth Principal Meridian, according to Plat recorded in Plat Book 2, Page 85, of the records of Delaware County, Iowa,

hereinafter referred to as Reth property; and

WHEREAS La Vern M. Miller, is a married person and the owner of the following described real property: as follows:

> Lot Seven (7) of Arnold's Subdivision of part of the North One-half ($N\frac{1}{2}$) of the Northwest Quarter ($NW\frac{1}{4}$) of Section Twenty (20), Township Eighty-nine (89) North, Range Five (5), West of the Fifth Principal Meridian, according to Plat recorded in Plat Book 2, Page 85, of the records of Delaware County, Iowa,

hereinafter referred to as Miller property; and

WHEREAS there is a garage owned by the Reths which encroaches on the Miller property by approximately eight feet and ~~the parties~~s the parties are desirous of acknowledging the encroachment and entering into an agreement for its maintenance and use and an easement authorizing the encroachment.

FOR THE CONSIDERATION OF ONE DOLLAR AND OTHER GOOD AND VALUABLE CONSIDERATION, La Vern M. Miller & Donnabelle R. Miller, his spouse do hereby grant and convey unto Russell L. Reth and Dianne M. Reth, husband and wife, as joint tenants, with full rights of survivorship and not as tenants in common, and their successors in interest, an easement over the following described real property:

> The Westerly 13 feet of the South 35 feet of the North 65 feet of Lot Seven (7) of Arnold's Subdivision of part of the North one-half ($N\frac{1}{2}$) of the Northwest Quarter ($NW\frac{1}{4}$) of Section 20, Township 89 North, Range 5 West of the Fifth Principal Meridian, according to Plat recorded in Plat Book 2, Page 85 of the records of Delaware County, Iowa,

hereinafter referred to as easement property, for the continued location, maintenance and use of the garage owned by the Reths and encroaching on the Miller property.

Said grantor hereby covenants ~~and~~ that he holds legal and equitable title to the above described real property, he has good and lawful authority to grant and convey the aforementioned easement, and this easement shall be binding upon his successors in interest.

By their execution of this Maintenance and Use Easement, Russell L. Reth and Dianne M. Reth, husband and wife, and their successors in interest, covenant and agree that they will maintain said garage and the aforementioned easement and will hold harmless the owners of the Miller from property from any and all liability arising out of the maintenance or use of the garage and the easement property granted herein. Reths further agree that in the

FILE No. 42-668
RECORDING FEE $ 10.00
TRANSFER FEE $

FILED FOR RECORD THE 14 DAY OF September, 19 90 AT 9:52 O'CLOCK A. M. BOOK 2 PAGE 73

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

event the encroaching garage is destroyed or needs to be replaced its location will be moved completely onto the Reth property.

DATED this 6th day of September, 1990.

Russell L Reth
Russell L. Reth

La Vern M. Miller
La Vern M. Miller

Dianne M Reth
Dianne M. Reth

Donnabelle R. Miller
Donnabelle R. Miller

STATE OF IOWA)
) ss
COUNTY OF Delaware)

On this 7th day of September, 1990, before me the undersigned, a Notary Public in and for the State of Iowa, personally appeared Russell L. Reth and Dianne M. Reth, husband and wife, to me known the identical persons named in and who executed the foregoing instrument and acknowledged the same as their voluntary act and deed.

Steven L. Duncan
Notary Public
In and for the State of Iowa

STEVEN L. DUNCAN
MY COMMISSION EXPIRES
12/24/91

STATE OF IOWA)
) ss
COUNTY OF Blackhawk)

On this 6th day of September, 1990, before me the undersigned, a Notary Public in and for the State of Iowa, personally appeared La Vern M. Miller, to me known the identical person named in and who executed the foregoing instrument, and acknowledged the same as his voluntary act and deed.

R.J. Gloede
Notary Public R.J. Gloede
In and for the State of Iowa

Iowa
NOTARIAL SEAL

STATE OF IOWA)
) ss
COUNTY OF BLACK HAWK)

On this 11th day of September, 1990, before me the undersigned, a Notary Public in and for the State of Iowa, personally appeared Donnabelle R. Miller, to me known the identical person named in and who executed the foregoing instrument, and acknowledged the same as her voluntary act and deed.

Steven L. Duncan
Notary Public
In and for the State of Iowa

STEVEN L. DUNCAN
MY COMMISSION EXPIRES
12/24/91