FENCE AGREEMENT

THIS AGREEMENT made this 15th day of July, 1992, by and between Delaware County Association For Retarded Citizens, an Iowa Corporation, Party of the First Part, and LaVerne Vaske and Frances J. Vaske, husband and wife, Parties of the Second Part.

WHEREAS, Party of the First Part wishes to build a fence on their West property line, said fence being on the property line of First Party legally described as follows:

> Lot Two Hundred Ninety Seven (297) and the South One-Half (S 1/2) of the vacated alley adjoining and abutting said lot on the North, and the West ten (10.0) feet of Lot Two Hundred Ninety Eight (298), Manchester, Iowa, according to plat recorded in Book I, L.D., Page 284.

AND WHEREAS, said fence will be on the East property line of the property of the Second Part legally described as follows:

> The South Seventy One (71.0) feet, two (2) inches of Lot Two Hundred Ninety Six (296), Manchester, Iowa, according to plat recorded in Book I, L.D., Page 284,

AND WHEREAS, Section 125.05 "Fences and Walls" of the 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 Parties of the Second Part due to the fact that said fence is within three feet of the property line dividing the property of the Second Parties 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.

FILE No. 208-342
RECORDING FEE $ 15.00
TRANSFER FEE $

FILED FOR RECORD THE 15 DAY OF July, 19 92 AT 4:24 O'CLOCK P. M. BOOK 3 PAGE 123

STATE OF IOWA, DELAWARE COUNTY
Jane A. Lloyd, Recorder
Misc,

3. That the Second Parties shall hold the First Party, and their agents harmless from any and all liability, claims or suits for damages with respect to any claims, demands, or causes of action of any kind or nature 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.

DELAWARE COUNTY ASSOCIATION
FOR RETARDED CITIZENS, an
Iowa Corporation

By JoAnn Besler
JoAnn Besler - President

By MarJean M Billhorn, Sec.
MarJean M Billhorn- Secretary
FIRST PARTY

LaVerne Vaske
LaVerne Vaske

Frances J. Vaske
Frances J. Vaske
SECOND PARTIES

STATE OF IOWA)
) ss:
COUNTY OF DELAWARE)

On this 2nd day of July, 1992, before me, a Notary Public in and for the State of Iowa, personally appeared LaVerne Vaske and Frances J. Vaske, husband and wife, to me 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.

SANDRA A. FELDMANN
MY COMMISSION EXPIRES
May 25, 1995

Sandra A. Feldmann
Notary Public in and for the State of Iowa

Sandra A. Feldmann

STATE OF IOWA)
) ss:
DELAWARE COUNTY)

On this 15th day of July, 1992, before me, the undersigned, a Notary Public in and for said State, personally appeared JoAnn Besler and MarJean Billhorn to me personally known, who being by me duly sworn did say that they are the President and Secretary respectively of said corporation; that (no seal has been procured by the said) (~~the seal affixed thereto is the seal of said~~) corporation; that said instrument was signed (~~and sealed~~) XXXXXXXXXXX on behalf of said corporation by authority of its Board of Directors, and that the said JoAnn Besler and Luetta Clute as such officers acknowledged the execution of said instrument to be the voluntary act and deed of said corporation, by it and by them voluntarily executed.

VONDA BILLHORN NOTARIAL SEAL IOWA

Vonda Billhorn

Notary Public in and for the State of Iowa
Vonda Billhorn