FENCE AGREEMENT

WHEREAS, the undersigned, Timothy P. Taylor and Linda S. Taylor of Delaware County, Iowa, are the owners of the real estate described as follows:

> That part of the South one-half (S 1/2) of the Southwest Quarter (SW 1/4) of Section Twenty (20), Township Eighty-nine (89) North, Range Five (5), West of the Fifth P.M. described as commencing at a point ten (10) feet South of the Northeast corner of the Southwest Quarter (SW 1/4) of the Southwest Quarter (SW 1/4) of said Section Twenty (20), and running thence West twenty-nine (29) feet and eight (8) inches, thence South on a line parallel to and twenty-nine (29) feet and eight (8) inches West of the East line of said Southwest Quarter (SW 1/4) of the Southwest Quarter (SW 1/4) a distance of one hundred ninety (190) feet, thence East to the West line of Lot Eighty-three (83) of Henry Acers' Addition to Manchester, Iowa, thence North along the West line of Lots Eighty-three (83) and Eighty-two (82) of said Henry Acers' Addition two hundred (200) feet to the North line of the Southeast Quarter (SE 1/4) of the Southwest Quarter (SW 1/4) of said Section Twenty (20), thence West along said North line thirty-three (33) feet, thence South ten (10) feet, thence West three hundred thirty (330) feet to the point of beginning.

and;

WHEREAS, the City of Manchester, Iowa is the owner of certain real estate described as:

> Lot Eighty-two (82), except the East one hundred twenty-four (124) feet thereof, and Lot Eighty-three (83), except the East one hundred twenty-four (124) feet thereof, and except the South eleven (11) feet thereof, all in Henry Acer's Addition to Manchester, Iowa, according to plat recorded in Book 1 Plats, Page 1, from the 4th day of October, 1990, at 8:00 o'clock a.m. to the 17th day of October, 1992, at 8:00 o'clock a.m.

and;

WHEREAS, the said two tracts of real estate adjoin each other and it is desirable and necessary that there be maintained by the parties between the same a lawful partition fence;

FILE No. 259-2371
RECORDING FEE $ 15.00
TRANSFER FEE $
FILED FOR RECORD THE 9 DAY OF Feb, 1993 AT 9:51 O'CLOCK A. M. BOOK 3 PAGE 214
STATE OF IOWA, DELAWARE COUNTY
Deborah L. Peyton, Recorder
Misc.

NOW, THEREFORE, IT IS NOW AND HEREBY AGREED by the said parties hereto that said partition fence shall be located between said tracts and constructed and maintained by them as follows:

(a) The City of Manchester, Iowa shall relocate the existing wood fence between the two properties to a location determined to be one (1) foot West of the Easterly property line held by Timothy P. and Linda S. Taylor. Said fence shall be relocated on or before October 1, 1993. The relocated fence shall be constructed in substantially the same manner and appearance as the existing wood fence between the properties.

(b) Timothy P. and Linda S. Taylor shall be responsible for maintenance, repairs, or replacement of the fence.

IT IS FURTHER AGREED by and between said parties that the District Court of Iowa in and for Delaware County shall have full and complete authority to enforce this agreement or any part thereof and to do so in such a manner as may be just and equitable in the premises.

IT IS FURTHER AGREED between the parties hereto that this agreement shall be binding upon them, their grantees, executors, administrators, heirs, devisees, successors or assigns, and shall constitute and be construed as a covenant running with the said real estate.

IT WITNESS WHEREOF we have hereunto affixed our signatures this 8 day of February, 1993.

Timothy P. Taylor
Timothy P. Taylor

Linda S. Taylor
Linda S. Taylor

Subscribed and sworn to before me by Timothy P. Taylor and Linda S. Taylor this 8th day of February, 1993.

Merri Bohrenkamp
Notary Public in and for the State of Iowa

CITY OF MANCHESTER, IOWA

BY: Milt Kramer
Milt Kramer, Mayor

BY: Karen K. Cole
Karen Cole, City Clerk

STATE OF IOWA )
) SS:
COUNTY OF DELAWARE )

On this 2nd day of February, 1993, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Milt Kramer and Karen Cole, to me personally known, and, who, being by me duly sworn, did say that they are the Mayor and City Clerk, respectively, of the City of Manchester, Iowa; that the seal affixed to the foregoing instrument is the corporate seal of the corporation, and that the instrument was signed and sealed on behalf of the corporation, by authority of its City Council, as contained in R-940-93 passed (the Resolution adopted) by the City Council, under Roll Call No. _____ of the City Council on the 1st day of February, 1993, and that Milt Kramer and Karen Cole acknowledged the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of the corporation, by it voluntarily executed.



Linda K. Tutton
Notary Public in and for the
State of Iowa
Linda K. Tutton; Commission expires 8-29-93