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PREPARER:
A.N. STRITTMATTER, P.O. Box 229, MONTICELLO, IA (319)465-3531

WATER LINE EASEMENT AND AGREEMENT

This AGREEMENT is made between MAURICE G. KIRKWOOD and MARILYN J. KIRKWOOD, husband and wife, hereinafter referred to as KIRKWOODS, the owners of the following described real estate located in South Fork Township, Delaware County, Iowa:

PARCEL #1:

Southwest Quarter (SW 1/4) Northeast Quarter (NE 1/4) (EXCEPT that portion deeded to the Sternhagens) and the Southeast Quarter (SE 1/4) Northeast Quarter (NE 1/4) all in Section Seventeen (17), Township Eighty Seven (87) North, Range Three (3), West of the Fifth P.M.

AND, KEVIN STERNHAGEN and KATHY STERNHAGEN, husband and wife, hereinafter referred to as STERNHAGENS, the owners of the following described real estate located in South Fork Township, Delaware County, Iowa:

PARCEL #2:

The East two hundred eight (208) feet of the West seven hundred fifty (750) feet of the North two hundred eight (208) feet of the Southwest Quarter (SW 1/4) of the Northeast Quarter (NE 1/4) of Section Seventeen (17), Township Eighty Seven (87) North, Range Three (3), West of the Fifth P.M. being the same land referred to as an Exception in the Kirkwood land and described in Parcel #1, and,

WHEREAS, there is a well in the above Southeast Quarter (SE 1/4) Northeast Quarter (NE 1/4) which serves the house of the KIRKWOODS, and located in the Southwest Quarter (SW 1/4) of the Northeast Quarter (NE 1/4), and

WHEREAS, the water line from the well to the KIRKWOODS' house is located in the South 25 feet of the North 65 feet of the STERNHAGENS' land above-referred to in Parcel #2,

NOW, THEREFORE, in consideration of the gift and deed by the KIRKWOODS to STERNHAGENS of the above-referred to STERNHAGENS land, it is agreed between the parties that the KIRKWOODS hereby retain a water line easement in and through the South 25 feet of the North 65 feet of the STERNHAGENS land and the STERNHAGENS do grant and deed a permanent easement through this South 25 feet of the North 65 feet of their property for the maintenance of a water line to serve the KIRKWOODS property.

The KIRKWOODS hereby give to the STERNHAGENS the right to hook on to the water line now running through their property. This is a personal right each to Kevin and Kathy Sternhagen as long as they or either of them own the property. This remains a personal right, and does not run with the land. The STERNHAGENS hereby acknowledge that the right to hook on to the water line above-referred to and to use the water therefrom is a personal right only, and not a permanent easement running with the land.

STERNHAGENS do hereby give and grant to the KIRKWOODS a permanent easement, to run with the land, in the South 25 feet of the North 65 feet of their property described in Parcel #2 for the maintenance of the water line including the repair or replacement thereof.

Dated this 27th day of August, 1997.

Maurice G. Kirkwood
MAURICE G. KIRKWOOD

Kevin Sternhagen
KEVIN STERNHAGEN

Marilyn J. Kirkwood
MARILYN J. KIRKWOOD

Kathy L. Sternhagen
KATHY STERNHAGEN

STATE OF IOWA, COUNTY OF DELAWARE) §

On this 27th day of August, 1997, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Maurice G. Kirkwood and Marilyn J. Kirkwood, to me known to be the identical persons named in and who executed the within and foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

KEITH A. KRAMER
MY COMMISSION EXPIRES
2-19-98

Keith A. Kramer
NOTARY PUBLIC IN AND FOR STATE OF IOWA

STATE OF IOWA, COUNTY OF DELAWARE) §

On this 27th day of August, 1997, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Kevin Sternhagen and Kathy Sternhagen, to me known to be the identical persons named in and who executed the within and foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

KEITH A. KRAMER
MY COMMISSION EXPIRES
2-19-98

Keith A. Kramer
NOTARY PUBLIC IN AND FOR STATE OF IOWA