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DELAWARE COUNTY IOWA
FILED

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BOOK 2000 PAGE 2489
DEBORAH L. PEYTON
DELAWARE CO. RECORDER
$10.00

William D. Werger 401 East Main Manchester (319) 927-2920
Preparer Information

EASEMENT AGREEMENT

WHEREAS, Carole A. Soppe, herein known as Grantee, is owner of Lot One Hundred Thirteen (113) and a portion of Lot One Hundred Seventeen (117) of "Clair-View Acres at Delhi, Iowa" in Sections Twenty Three (23) and Twenty Six (26), Milo Township, Delaware County, Iowa, according to plat thereof recorded in Book 2, Plats, Page 200; same being a part of the Northwest Quarter (NW ¼) of the Northeast Quarter (NE ¼) of Section Twenty Six (26), Township Eighty Eight (88) North, Range 3 five (5) West of the Fifth Principal Meridian; and

WHEREAS, Kristine A. Cooey, herein known as Grantor, is owner of Lot Thirty Two (32) of "Clair-View Acres at Delhi, Iowa" in Sections Twenty Three (23) and Twenty Six (26), Milo Township, Delaware County, Iowa, according to plat thereof recorded in Book 2, Plats, Page 200; same being a part of the Northwest Quarter (NW ¼) of the Northeast Quarter (NE ¼) of Section Twenty Six (26), Township Eighty Eight (88) North, Range 3 Five (5) West of the Fifth Principal Meridian; and

WHEREAS, the parties desire to revise their easement agreement dated May 21, 1996 and recorded in the records of Delaware County in Book 6, Page 123 on May 21, 1996.

NOW, THEREFORE, in consideration of the agreements stated herein and other good and valuable consideration, on this 29th day of July, 2000, it is agreed that:

1. The Easement reserved by Carole A. Soppe as dated and filed May 21, 1996 in the office of the Delaware County, Iowa Recorder in Book 6, Page 123 is hereby terminated.

2. Grantor Kristine A. Cooey, a single person, grants and conveys to Grantee and her heirs a non-exclusive easement for ingress and egress across the westerly side of Lot Thirty Two (32), along and adjacent to the westerly boundary of said Lot (32), between Vine Avenue on the north and the water's edge on the south.

3. Grantor Kristine A. Cooey grants and conveys to Grantee Carole A. Soppe and her heirs, a non-exclusive easement and right of use of the water area on the southerly boundary or portion of said Lot Thirty Two (32) on, in and over the area thirty feet wide running from the westerly boundary of the Lot Thirty Two (32) to a line thirty (30) feet east thereof, and from the shoreline or waterline to the center of Lake Delhi, formerly known as Maquoketa River.

4. Grantor Kristine A. Cooey grants and conveys to Grantee Carole A. Soppe and her heirs a non-exclusive easement on and over the beach and consisting of an area running from the westerly boundary of Lot Thirty Two (32) to a line thirty (30) feet east thereof, and from the shoreline or waterline to a line twenty (20) feet north, being a beach area thirty feet by twenty feet.

5. Grantor, Kristine A. Cooey, shall build, install, maintain and repair a dock and two boat stalls for the exclusive use of Grantee Carole A. Soppe and her heirs and any guests. All permits, fees and expenses related to the erection or use of the dock shall be borne by Grantor. Grantor shall be responsible to keep the dock in a good and safe condition. Any structural changes must be agreed upon by both parties.

6. All responsibilities of the Grantor herein shall be binding on her heirs, assigns and successors in interest. All rights of the Grantee shall flow to her heirs as provided herein. Grantee's family and guests shall be entitled to use of the easements granted herein during the term of the easement.

7. This agreement shall terminate when Grantee or any of her heirs no longer own any ownership interest in Lot One Hundred Thirteen (113) or any portion of Lot One Hundred Seventeen (117) of "Clair-View Acres at Delhi, Iowa" in Sections Twenty Three (23) and Twenty Six (26), Milo Township, Delaware County, Iowa.

Carole A. Soppe

Kristine A. Cooey, a single person

Ted Soppe, Her spouse

STATE OF IOWA, Delaware COUNTY: ss

On this 29 day of July, 2000, before me, the undersigned Notary Public in and for said State, personally appeared Carole A. Soppe and Ted Soppe, her spouse, 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.

Marcheta R. Cooey
Notary Public, State of Iowa
My Commission Expires Sept. 28, 2001

Marcheta R. Cooey
Notary Public In And For The State
Of Iowa

STATE OF IOWA, Delaware COUNTY: ss

On this 29 day of July, 2000, before me, the undersigned Notary Public in and for said State, personally appeared Kristine A. Cooey, single, to me known to be the identical person named in and who executed the foregoing instrument and acknowledged that she executed the same as her voluntary act and deed.

Marcheta R. Cooey
Notary Public, State of Iowa
My Commission Expires Sept. 28, 2001

Marcheta R. Cooey
Notary Public In And For The State
Of Iowa