Abstract Co.

DELAWARE COUNTY IOWA
FILED
2000 OCT 11 PM 3:51
BOOK 2000 PAGE 3038
DEBORAH L. PEYTON
DELAWARE CO. RECORDER
36.00

William D. Werger 401 East Main Manchester (319) 927-3920
Preparer Information

EASEMENT AGREEMENT

Concerning:

Parcel 1: Lot One Hundred Twenty Seven (127) of Clair-View Acres at Delhi, Iowa in Sections Twenty Three (23) and Twenty Six (26), Milo Township, Delaware County, Iowa, according to plat recorded in Book 2 Plats, Page 200 #2;

Parcel 2: Lot One Hundred Twenty Seven (128) of Clair-View Acres at Delhi, Iowa in Sections Twenty Three (23) and Twenty Six (26), Milo Township, Delaware County, Iowa, according to plat recorded in Book 2 Plats, Page 200 #2;

Parcel 3: Lot One Hundred Twenty Two (122) of Clair-View Acres at Delhi, Iowa in Sections Twenty Three (23) and Twenty Six (26), Milo Township, Delaware County, Iowa, according to plat recorded in Book 2 Plats, Page 200;

Parcel 4: Iowa Avenue and Guadalcanal Avenue of Clair-View Acres at Delhi, Iowa in Sections Twenty Three (23) and Twenty Six (26), Milo Township, Delaware County, Iowa, according to plat recorded in Book 2 Plats, Page 200;

Parcel 5: The East five-eighths (5/8) of the Northeast quarter of the Southeast quarter of Section Twenty Three (23), except the South two (2) acres thereof and except that part lying east of the centerline of the county road, Township Eighty Eight (88) North, Range Five (5), West of the 5th P.M.

FOR MUTUAL CONSIDERATIONS, THE PARTIES HERETO AGREE AS FOLLOWS:

1. James V. Freiburger and Cindy J. Freiburger are the owners of Parcel 1 and desire an access easement, as it presently exists across Parcels 2-5 above, between Parcel 1 and the county road located on Guadalcanal Avenue (Parcel 4) in Clair-View Acres.
2. Kevin K. Topping and Barbara A. Topping, husband and wife, and Elaine Gail Oberreuter and Steven Oberreuter, wife and husband, are the owners of Parcel 2 and consent to the location of this easement as described herein.

3. The Julia Mae Letchford Revocable Trust is the owner of Parcel 3 and the trustee thereof consents to the location of this easement as described herein.

4. Kristine Cooey, a single person, and Frederick R. "Ross" Thomas, Jr. and Jill R.Thomas, husband and wife, are the owners of Parcel 4 and consent to the location of this easement as described herein.

5. John R. Woodhouse and Edna Kathleen Woodhouse are the owners of Parcel 5 and consent to the location of this easement as described herein.

6. The center line of the present access road to Parcel 1 and the easement to be granted herein begins at a point on the centerline of 210th Avenue (Guadalcanal Avenue) located approximately 245 feet south of the Southerly Line of the Northeast Quarter (NE¼) of the Southeast Quarter (SE¼) of Section 23, and continues thence northwesterly across Guadalcanal Avenue (Parcel 4), Lot 122 (Parcel 3), Iowa Avenue (Parcel 4) and across Parcel 5 to the intersection of the center line of the easement for ingress and egress and the westerly line of Lot 128 (Parcel 2), said intersection being approximately 15 feet north of the northeast corner of Lot 127 (Parcel 1). The access then follows the existing roadway set forth on the plat across Lot 128 (Parcel 2) to Parcel 1. Said easement will be platted and filed for record herewith.

7. Said easement where not following an existing platted easement, shall be 20 feet in width centered along the line described in 7 above and shall constitute a permanent right of access for the benefit of the owners of Parcel 1, their successors and assigns.

8. The owners of Parcels 2-5 shall have no obligation for maintenance of said access, unless they use the access for ingress and egress, at which point said owners should pay a proportionate share of such expenses, except that the owners of Parcel 5 shall be entitled to use the easement for access to their adjoining timber without liability.

9. The owners of Lot 126 of Clair View Acres shall be entitled to access the easement across the platted easement on Lot 127 (Parcel 4). If the road is used by such owners of Lot 126, they shall pay a proportionate share of maintenance expenses.

10. Attached hereto marked Exhibit A is a drawing showing the approximate location of the easement granted herein.

11. This agreement shall be binding on all parties hereto and their successors and assigns.

AGREED THIS 10th DAY OF July, 2000.

PARCEL 1

STATE OF IOWA)
) ss:
COUNTY OF DELAWARE)

James V. Freiburger

Cindy J. Freiburger

Subscribed and sworn to before me by this 10 day of July, 2000

Notary Public in and for the State of Iowa
Expires March 22, 2001

PARCEL 2

STATE OF IOWA)
) ss:
COUNTY OF DELAWARE)

Kevin K. Topping

Barbara A. Topping

Subscribed and sworn to before me by this 26th day of June, 2000

TERRI L. PHILGREEN
MY COMMISSION EXPIRES
6-5-03

Notary Public in and for the State of Iowa

Steven Oberreuter

Elaine Gail Oberreuter

Subscribed and sworn to before me by this 26th day of June, 2000

TERRI L. PHILGREEN
MY COMMISSION EXPIRES
6-5-03

Notary Public in and for the State of Iowa

PARCEL 3

STATE OF IOWA)
) ss:
COUNTY OF DELAWARE)

Julia Mae Letchford Revocable Trust

By Julia Mae Letchford, Trustee
Julia Mae Letchford, Trustee

Subscribed and sworn to before me by this 14 day of JUNE, 2000

Notary Public in and for the State of Iowa
Expires Mar 22, 2001

PARCEL 4

STATE OF IOWA)
) ss:
COUNTY OF DELAWARE)

Kristine Cooey

Subscribed and sworn to before me by this 20 day of June, 2000

Notary Public in and for the State of Iowa
Expires Mar 22, 2001

Frederick R. Thomas, Jr.

Jill R. Thomas

Subscribed and sworn to before me by this 20 day of June, 2000

Notary Public in and for the State of Iowa
Expires Mar 22, 2001

~~PARCEL 6~~

~~STATE OF IOWA)~~
~~) ss:~~
~~COUNTY OF DELAWARE)~~

~~John R. Woodhouse~~ ~~Edna Kathleen Woodhouse~~

~~Subscribed and sworn to before me by this ____ day of _____, 2000~~

~~Notary Public in and for the State of Iowa~~

PARCEL 5

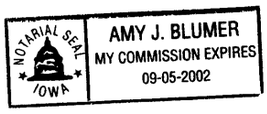
STATE OF IOWA)
) ss:
COUNTY OF DELAWARE)

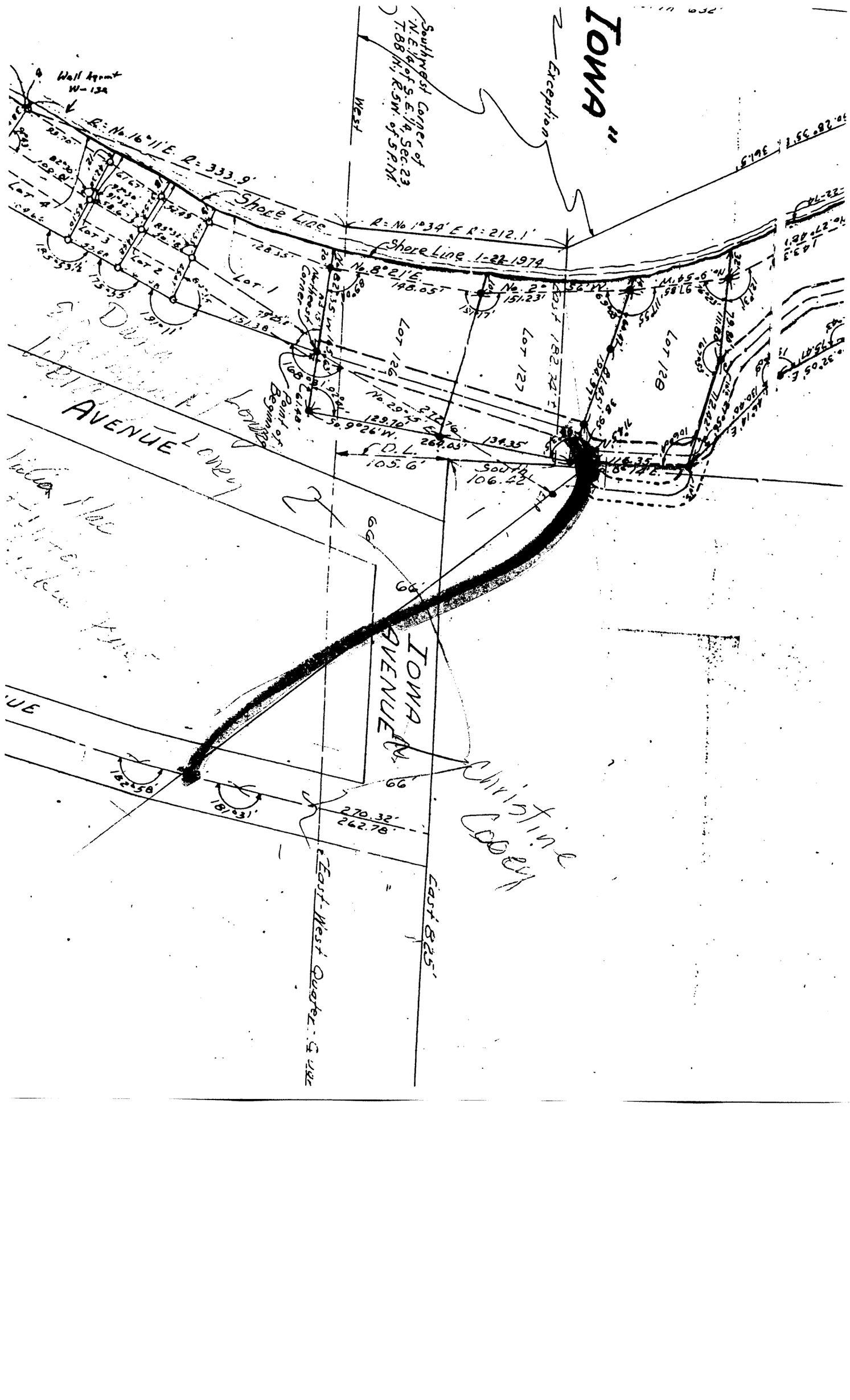
John R. Woodhouse

Edna Kathleen Woodhouse

Subscribed and sworn to before me by this 7th day of July, 2000

Notary Public in and for the State of Iowa




Wall Agmt W-13A
R: No. 16°11'E. R: 333.9'
Shore Line
R: No. 1°34'E R: 212.1'
Shore Line 1-22-1974
Southwest Corner of N.E.¼ of S.E.¼, Sec. 23, T. 88 N., R. 9 W. of 5 P.M.
West
Excepting
Iowa
Lot 1
Lot 2
Lot 3
Lot 4
Lot 126
Lot 127
Lot 128
No. 8°21'E. 148.05'
No. 2° 151.23'
No. 29°45' E. 129.70'
S. 9°26' W.
Point of Beginning
Northwest Corner
D. L. 105.6'
South 106.22'
East 182.22'
East 825'
AVENUE
IOWA AVENUE
66'
182°58'
181°31'
270.32'
262.78'
East-West Quarter
Christine Lodge