Abstract Co.

DELAWARE COUNTY IOWA
FILED
2001 JN 20 PM 2:41
BOOK 2001 PAGE 1942
DEBORAH L. PEYTON
DELAWARE CO. RECORDER
$ 11.00

Preparer Information: Kenneth L. Moss (Individual's Name) | 129 1st Avenue E (Street Address) | Dyersville (City) | (563) 875-7178 (Phone)

JOINT DRIVEWAY AGREEMENT

This agreement made this 18th day of June, 2001, by and between DAVID H. BRUNKAN REVOCABLE TRUST, hereinafter referred to as "TRUST", and NEIL L. HOEGER and LINDA HOEGER, husband and wife, hereinafter referred to as "HOEGER".

WHEREAS, the "TRUST" is the owner of the following described real estate, to wit:

Northeast Quarter (NE¼) of Section Fifteen (15), Township Eighty-eight (88) North, Range 3 West of the 5th P.M., Delaware County, Iowa, subject to easements of record, EXCLUDING Parcel "A" in the NE¼ of Section 15, Township 88 North, Range 3 West of the 5th P.M., according to the amended Plat of Survey filed on June 8, 2001, in Book of Plats 2001, at Page 1954, in the Delaware County Recorder's Office.

AND

WHEREAS, "HOEGER: is the owner of the following described real estate, to wit:

Parcel "A" in the NE¼ of Section 15, Township 88 North, Range 3 West of the 5th P.M., according to the amended Plat of Survey filed on June 8, 2001, in Book of Plats 2001, at Page 1954, in the Delaware County Recorder's Office.

AND

WHEREAS, the "TRUST" and "HOEGER" herein desire to create for themselves, their heirs, successors and assigns, a Joint Driveway Easement over and across the middle 25 feet (12½ feet on each side of the center line) of the 30 foot access easement located in the NE¼ of Section 15, Township 88 North, Range Three West of the 5th P.M., in Delaware County, Iowa, and as shown on (amended) Plat of Survey dated May 31, 2001, and filed on June 8, 2001, in Book of Plats 2001, at Page 1954, in the Delaware County Recorder's Office.

NOW THEREFORE, in consideration of the mutual promises, obligations and rights herein created, the "TRUST" does give, grant and convey to "HOEGER" and unto their heirs, successors, and assigns, a right of way or easement over, along, and across the middle 25 feet (12½ feet on each side of the center line) of the 30 foot access easement located in the NE¼ of Section 15, Township 88 North, Range Three West of the 5th P.M., in Delaware

2001-2940

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DYERSVILLE, IOWA
52040

County, Iowa, and as shown on (Amended) Plat of Survey dated May 31, 2001, and filed on June 8, 2001, in Book of Plats 2001, at Page 1954, int eh Delaware County Recorder's Office.

The driveway easement thus created shall be for the joint use of the parties hereto and for their heirs, successors and assigns, for joint driveway purposes for all and any kind of vehicles and trucks. Neither party hereto, their heirs, successors or assigns shall so use or leave any vehicle, or anything else on said driveway area as to prevent the free and uninterrupted use of said driveway by the other party for the purpose of which this Joint Driveway Easement is being created.

In regard to the driveway easement area, "HOEGER" shall bear 100 percent of the cost of maintaining said driveway in a reasonably good condition, including maintenance and reconstruction when reasonably necessary, EXCEPT "TRUST" agrees to pay for any repairs and maintenance for any extraordinary and unusual damage caused to the easement area by any tenants of the "TRUST" or by any subsequent owner. "HOEGER", at "HOEGER'S" expense, shall remove snow from the easement area and further control in a timely manner all weeds along the driveway easement area.

The grant of this easement is subject to any public utility easements on the driveway easement area existing on the date of this agreement.

This agreement shall be deemed to be a covenant running with the title to the land and shall be binding upon the parties hereto and upon their heirs, successors and assigns; however, this easement may be released at any time by appropriate agreement for that purpose entered into between the owners of the two respected parcels of property, duly executed and acknowledged and filed for record in the office of the Recorder for Delaware County, Iowa.

Signed this 18th day of JUNE, 2001.

DAVID H. BRUNKAN REVOCABLE TRUST

BY: David H Brunkan
David H. Brunkan, Trustee

Neil L Hoeger
Neil L. Hoeger

Linda Hoeger
Linda Hoeger

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STATE OF IOWA)
) SS
COUNTY OF DUBUQUE)

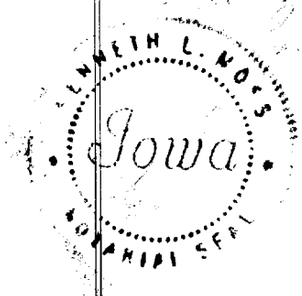
This instrument was acknowledged before me on the 18th day of JUNE, 2001, by David H. Brunkan, as Trustee of the David H. Brunkan Revocable Trust.



Kenneth L. Moss,
Notary Public in and for Said State

STATE OF IOWA)
) SS
COUNTY OF DUBUQUE)

On this 18th day of JUNE, 2001, before me the undersigned, a Notary Public in and for the State of Iowa, personally appeared Neil L. Hoeger and Linda Hoeger, husband and wife, to me known to be the identical persons named in and who executed the within foregoing instrument and acknowledged that they executed the same as their voluntary act and deed.



Kenneth L. Moss,
Notary Public in and for Said State

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