Midland Energy Services Inc
100 1st Ave NE Ste 109
Cedar Rapids IA
52401

DELAWARE COUNTY IOWA
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2001 SP -5 AM 10:05
BOOK 2001 PAGE 3195
DIEDRA L. HEYROSE
DELAWARE CO. RECORDER
$11.00

William D. Werger 401 East Main Manchester (319) 927-5920
Preparer Information

AFFIDAVIT REGARDING ACCESS
TO THE FOLLOWING DESCRIBED PARCEL

RE: That part of the Northwest Quarter (NW¼) of the Northeast Quarter (NE¼) of Section Thirty (30), Township Eighty Eight (88) North, Range Four (4), West of the Fifth Principal Meridian described as commencing at a point that is South 88° 08' East three hundred fifty and one-tenth (350.1) feet of the Northwest corner of said Northwest Quarter (NW¼) of the Northeast Quarter (NE¼), and running thence South 88° 08' East approximately two hundred sixty eight and five-tenths (268.5) feet to the low water line of the Maquoketa River, thence South 1° 52' West one hundred forty seven and nine-tenths (147.9) feet along said low water line, thence North 88° 08' West approximately two hundred thirty eight and fifty nine one-hundredths (238.59) feet, thence North 9° 38' West one hundred fifty (150.0) feet to the point of beginning, except the Southerly fifty five (55.0) feet thereof,

STATE OF IOWA)
)ss.
DELAWARE COUNTY)

The undersigned, Archie W. Cooey, Jr. and Marcheta R. Cooey, husband and wife, state that we were the original developers of the above-described property as well as the following subdivisions in Sections Thirty (30) and Nineteen (19), Township Eighty Eight (88) North, Range Four (4), West of the 5th P.M. in Delaware County, Iowa:

1. H.L.C. Fourth Subdivision at Book 1999, Page 1559.
2. H.L.C. Deer Run Addition at Book 1999, Page 1213.
3. H.L.C. South Addition at Book 6 Plats, Page 164.
4. H.L.C. Third Subdivision at Book 5 Plats, Page 24.
5. H.L.C. Second Subdivision at Book 4 Plats, Page 76.
6. H.L.C. First Subdivision in Section 30 at Book 3 Plats, Page 43.

As a part of the development of said subdivisions, the same access road from the county road to each subdivision was connected and intended to be used by all owners of any lots within said subdivisions for access to and from the county road. The property

described above was actually platted in 1974 and recorded in Book 3, Plats, Page 29. This property has also used the access road within the subdivisions for access to and from the county road and was intended to have legal right of use of said road subject to the obligation to help maintain said roadway.

As owners of the forty-foot wide right of way across Lot 15 of H.L.C. South Addition, and as owners of property adjacent to and westerly of H.L.C. First and Second Subdivision and the above described property, we hereby grant unto the owners of the above-described property and lot owners in the various H.L.C. subdivisions, a perpetual right of access over and across our property as those access roads presently exist, and to the access easements shown on the plats of the various H.L.C. subdivisions connecting the county road with the referenced property.

Dated this 31 day of Aug, 2001.

Archie W. Cooey, Jr.

Marcheta R. Cooey

On this 31 day of Aug, 2001, before me, the undersigned, a Notary Public in and for said State, personally appeared Archie W. Cooey, Jr. and Marcheta R. Cooey 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.

Notary Public in and for the State of Iowa

Commission #178592
Expires Mar 22, 2004