DELAWARE COUNTY IOWA
FILED
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DEBORAH PETTON
DELAWARE RECORDER
DELAWARE
51.00

(X) William D. Werger 401 East Main St. Manchester, IA 52057 (563) 927-5920
Preparer Information

Tile Easement Agreement

THIS AGREEMENT is made and entered into effective the 15th day of August 2002, by and between EJZ, L.L.C. ("EJZ"), Steven J. and Mary Sheppard, husband and wife ("Sheppard"), Albin M. Bries, a single person, individually and John A. Bries and Janet L. Pollock as co-trustees of the Trust Under the Last Will and Testament of Geralda L. Bries ("Bries"), James H. Eike and Doris J. Eike, husband and wife ("Eike"), and Bacon Farms, Inc. ("Bacon").

WHEREAS, EJZ is the owner of real estate legally described as follows:

The Northeast Quarter of the Southeast Quarter (NE¼SE¼), except commencing at a point six hundred (600) feet North of the Southeast corner thereof, and running thence North a distance of three hundred fifty (350) feet, thence West one hundred twenty-four and five-tenths (124.5) feet, thence South three hundred fifty (350) feet, thence East one hundred twenty-four and five-tenths (124.5) feet to the point of beginning, and the South Half of the Northeast Quarter (S½NE¼) and the South Half of the Northwest Quarter (S½NW¼), all in Section Thirteen (13), Township 87 North, Range Five (5) West of the 5th P.M.

WHEREAS, Sheppard is the contract purchaser of real estate legally described as follows:

The South one-half (S½) of the Southeast Quarter (SE¼), the Northwest Quarter (NW¼) of the Southeast Quarter (SE¼) and the Southeast Quarter (SE¼) of the Southwest Quarter (SW¼) of Section Thirteen (13), Township 87 North, Range Five (5) West of the 5th P.M., except the South five hundred seventy (570) feet of the East nine hundred thirty five (935) feet of the Southeast Quarter (SE¼) of the Southeast Quarter (SE¼) of said Section Thirteen (13).

WHEREAS, Bries is the owner of real estate legally described as follows:

The North Half of the Northwest Quarter (N½NW¼) of Section Thirteen (13), Township 87 North, Range Five (5) West of the 5th P.M.

WHEREAS, Eike is the owner of real estate legally described as follows:

The North Half (N½) of the Southwest Quarter (SW¼) and the Southwest Quarter (SW¼) of the Southwest Quarter (SW¼) of Section Thirteen (13), Township 87 North, Range Five (5) West of the 5th P.M.

WHEREAS, Bacon is the owner of real estate legally described as follows:

The South one-half (S½) of the Southeast Quarter (SE¼) and the Northeast Quarter of the Southeast Quarter (NE¼SE¼) of Section Twelve (12) and the North one-half (N½) of the Northeast Quarter (NE¼) of Section Thirteen (13), Township 87 North, Range Five (5) West of the 5th P.M.

WHEREAS, all five parties wish to enter into an agreement with each other regarding the installation and maintenance of drainage tile on the herein described premises.

NOW, THEREFORE, in consideration of the mutual benefits to be gained by the parties and the mutual promises contained herein the parties agree as follows:

1. Attached hereto is a detailed map of the location of the drainage tile lines on the respective properties. The tile lines are separately described and labeled A, B, C, D and E respectively. Each will be maintained as herein set forth. Mutual easements are hereby granted for the benefit of all parties for the tile lines as constructed.

2. Area A is a sub-main to the southeast from the end of the 18 inch dual wall main and will benefit EJZ and Bacon. The cost of maintenance will be allocated as follows:

Bacon	51%
EJZ	49%

3. Area B is a continuation of 10-inch and 8-inch main lines from the 18-inch main and will benefit EJZ, Sheppard and Bacon. The cost of maintenance will be allocated as follows:

Bacon	2.32 %
EJZ	71.32 %
Sheppard	26.36 %

4. Area C is the 15-inch dual wall line to the southwest from the 18-inch dual wall and will benefit EJZ, Sheppard, Eike and Bacon. The cost of maintenance will be allocated as follows:

Eike	23.17%
Bacon	17.07 %
EJZ	51.26 %
Sheppard	08.50 %

5. Area D is the 15-inch single wall line from the west and south from the 15-inch dual wall and will benefit EJZ, Sheppard, Eike and Bries. The cost of maintenance will be allocated as follows:

EJZ	45.36 %
Sheppard	15.46 %
Eike	39.18 %

6. Area E is the mutual main and will benefit EJZ, Sheppard, Eike and Bacon. The cost of construction and maintenance will be allocated as follows:

Eike	13.00%
Bacon	23.60 %
EJZ	51.40 %
Sheppard	12.00 %

7. The Parties agree that the provisions of this Agreement shall be enforceable by and shall remain an obligation on their heirs, successors and assigns.

IN WITNESS WHEREOF, the Parties sign their names making this agreement effective and binding as of the date first written above.

EJZ, L.L.C.

Jeff Zumbach
By: Jeff Zumbach, Manager Date

James H. Eike 8-19-02
James H. Eike Date

Doris J. Eike 8/19/02
Doris J. Eike Date

Steven J. Sheppard 9-13-02
Steven J. Sheppard Date

Mary Sheppard 9-13-02
Mary Sheppard Date

Geralda L. Bries Trust

Janet L. Pollock - Trustee Date

John A. Bries – Trustee Date

Albin M. Bries
Albin M. Bries Date

Bacon Farms, Inc.

Rodney Bacon aug 12-02
By: Rodney Bacon Date

STATE OF IOWA)
) ss:
DELAWARE COUNTY)

On this 13th day of August, 2002, before me, the undersigned, a Notary Public in and for said State, personally appeared Jeff Zumbach, to me personally known, who being by me duly sworn, did say that he is the Manager of EJZ, L.L.C., the limited liability company executing the within and foregoing instrument, that the instrument was signed on behalf of the company by authority of its Operating Agreement and that Jeff Zumbach as Manager acknowledged the execution of the foregoing instrument to be the voluntary act and deed of the company, by it and by him voluntarily executed.

NOTARIAL SEAL IOWA
TERRI L. PHILGREEN
COMMISSION # 703495
MY COMMISSION EXPIRES
06-05-03

Terri L. Philgreen
Notary Public in and for the State of Iowa

STATE OF IOWA)
) ss:
DELAWARE COUNTY)

On this 19th day of August, 2002, before me, the undersigned, a Notary public in and for said State, personally appeared James H.Eike and Doris J. Eike, husband and wife, 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.

NOTARIAL SEAL IOWA
WILLIAM D. WERGER
COMMISSION NO. 129812
MY COMMISSION EXPIRES
10-6-04

Notary Public in and for the State of Iowa

STATE OF IOWA)
) ss:
DELAWARE COUNTY)

On this 13th day of ~~August~~ September, 2002, before me, the undersigned, a Notary public in and for said State, personally appeared Steven J. Sheppard and Mary Sheppard, husband and wife, 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.

NOTARIAL SEAL IOWA
TERRI L. PHILGREEN
COMMISSION # 703495
MY COMMISSION EXPIRES
06-05-03

Terri L. Philgreen
Notary Public in and for the State of Iowa

STATE OF ILLINOIS)
) ss:
COUNTY OF _____)

On this _____ day of August, 2002, before me, the undersigned, a Notary Public in and for said State, personally appeared Janet L. Pollock, to me known to be the identical person named in and who executed the foregoing instrument, and acknowledged that the person, as trustee, executed the instrument as the voluntary act and deed of the Geralda L. Bries Trust.

_____
Notary Public in and for the State of Illinois

STATE OF IOWA)
) ss:
COUNTY OF DUBUQUE)

On this _____ day of August, 2002, before me, the undersigned, a Notary Public in and for said State, personally appeared John A. Bries, to me known to be the identical person named in and who executed the foregoing instrument, and acknowledged that the person, as trustee, executed the instrument as the voluntary act and deed of the Geralda L. Bries Trust.

_____
Notary Public in and for the State of Iowa

STATE OF IOWA)
) ss:
COUNTY OF DELAWARE)

On this 23rd day of August, 2002, before me, the undersigned, a Notary Public in and for said State, personally appeared Albin M. Bries, to me known to be the identical person named in and who executed the foregoing instrument, and acknowledged that he executed the instrument as his voluntary act and deed.

NOTARIAL SEAL IOWA
TERRI L. PHILGREEN
COMMISSION # 703495
MY COMMISSION EXPIRES
06-05-03

Terri L. Philgreen
Notary Public in and for the State of Iowa

STATE OF IOWA)
) ss:
COUNTY OF DELAWARE)

On this 12th day of August, 2002, before me, the undersigned, a Notary Public in and for said State, personally appeared Rodney Bacon, to me personally known, who being by me duly sworn, did say that he is the President of the corporation executing the within and foregoing instrument, that (no seal has been procured by the) (the seal affixed thereto is the seal of the) corporation; that the instrument was signed (and sealed) on behalf of the corporation by authority of its Board of Directors; and that Rodney Bacon as an officer acknowledged the execution of the foregoing instrument to be the voluntary act and deed of the corporation, by it and by him voluntarily executed.

NOTARIAL SEAL IOWA
TERRI L. PHILGREEN
COMMISSION # 703495
MY COMMISSION EXPIRES
06-05-03

Terri L. Philgreen
Notary Public in and for the State of Iowa

EJZ	45.36 %
Sheppard	15.46 %
Eike	39.18 %

6. Area E is the mutual main and will benefit EJZ, Sheppard, Eike and Bacon. The cost of construction and maintenance will be allocated as follows:

Eike	13.00%
Bacon	23.60 %
EJZ	51.40 %
Sheppard	12.00 %

7. The Parties agree that the provisions of this Agreement shall be enforceable by and shall remain an obligation on their heirs, successors and assigns.

IN WITNESS WHEREOF, the Parties sign their names making this agreement effective and binding as of the date first written above.

EJZ, L.L.C.

_____

By: Jeff Zumbach, Manager Date

_____ _____

James H. Eike Date Doris J. Eike Date

_____ _____

Steven J. Sheppard Date Mary Sheppard Date

Geralda L. Bries Trust

Janet L. Pollock 8/27/02

Janet L. Pollock - Trustee Date John A. Bries – Trustee Date

_____

Albin M. Bries Date

Bacon Farms, Inc.

_____

By: Rodney Bacon Date

STATE OF ILLINOIS)
) ss:
COUNTY OF Winnebago)

On this 27th day of August, 2002, before me, the undersigned, a Notary Public in and for said State, personally appeared Janet L. Pollock, to me known to be the identical person named in and who executed the foregoing instrument, and acknowledged that the person, as trustee, executed the instrument as the voluntary act and deed of the Geralda L. Bries Trust.

"OFFICIAL SEAL"
ELLEN L. PARLAPIANO
Notary Public, State of Illinois
My Commission Expires 02/01/04

Ellen L Parlapiano
Notary Public in and for the State of Illinois

STATE OF IOWA)
) ss:
COUNTY OF DUBUQUE)

On this _____ day of August, 2002, before me, the undersigned, a Notary Public in and for said State, personally appeared John A. Bries, to me known to be the identical person named in and who executed the foregoing instrument, and acknowledged that the person, as trustee, executed the instrument as the voluntary act and deed of the Geralda L. Bries Trust.

_____
Notary Public in and for the State of Iowa

STATE OF IOWA)
) ss:
COUNTY OF DELAWARE)

On this _____ day of August, 2002, before me, the undersigned, a Notary Public in and for said State, personally appeared Albin M. Bries, to me known to be the identical person named in and who executed the foregoing instrument, and acknowledged that he executed the instrument as his voluntary act and deed.

_____
Notary Public in and for the State of Iowa

EJZ	45.36 %
Sheppard	15.46 %
Eike	39.18 %

6. Area E is the mutual main and will benefit EJZ, Sheppard, Eike and Bacon. The cost of construction and maintenance will be allocated as follows:

Eike	13.00%
Bacon	23.60 %
EJZ	51.40 %
Sheppard	12.00 %

7. The Parties agree that the provisions of this Agreement shall be enforceable by and shall remain an obligation on their heirs, successors and assigns.

IN WITNESS WHEREOF, the Parties sign their names making this agreement effective and binding as of the date first written above.

EJZ, L.L.C.

_____

By: Jeff Zumbach, Manager Date

_____ _____

James H. Eike Date Doris J. Eike Date

_____ _____

Steven J. Sheppard Date Mary Sheppard Date

Geralda L. Bries Trust

_____ John A. Bries 8-22-02

Janet L. Pollock - Trustee Date John A. Bries – Trustee Date

_____

Albin M. Bries Date

Bacon Farms, Inc.

_____

By: Rodney Bacon Date

STATE OF ILLINOIS)
) ss:
COUNTY OF _____)

On this _____ day of August, 2002, before me, the undersigned, a Notary Public in and for said State, personally appeared Janet L. Pollock, to me known to be the identical person named in and who executed the foregoing instrument, and acknowledged that the person, as trustee, executed the instrument as the voluntary act and deed of the Geralda L. Bries Trust.

_____
Notary Public in and for the State of Illinois

STATE OF IOWA)
) ss:
COUNTY OF DUBUQUE)

On this 22 day of August, 2002, before me, the undersigned, a Notary Public in and for said State, personally appeared John A. Bries, to me known to be the identical person named in and who executed the foregoing instrument, and acknowledged that the person, as trustee, executed the instrument as the voluntary act and deed of the Geralda L. Bries Trust.

CONSTANCE A. VAASSEN
Commission Number 221440
My Commission Expires
March 16, 2005

Constance A. Vaassen
Notary Public in and for the State of Iowa

STATE OF IOWA)
) ss:
COUNTY OF DELAWARE)

On this _____ day of August, 2002, before me, the undersigned, a Notary Public in and for said State, personally appeared Albin M. Bries, to me known to be the identical person named in and who executed the foregoing instrument, and acknowledged that he executed the instrument as his voluntary act and deed.

_____
Notary Public in and for the State of Iowa