DELAWARE COUNTY IOWA
FILED
2002 SEP 19 AM 11: 3
BOOK 2002 PAGE 3379
DEBORAH L. PETTON
DELAWARE COUNTY RECORDER
7.00

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

Modification to Drain Tile Agreement

This modification 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 Mary Bender, Marjorie Hicks, Miles McDonald, Dennis McDonald, Patricia McDonald Silins and Marcella Colagrosso ("McDonald").

WHEREAS, EJZ is the successor in interest to Paul and Georgia Swanson and owner of real estate legally described as follows:

The South Half of the Northeast Quarter (S½NE¼) and the South Half of the Northwest Quarter (S½NW¼) in Section Thirteen (13), Township 87 North, Range Five (5) West of the 5th P.M.

WHEREAS, Sheppard is the successor in interest to Ralph G. and Ona Wilson and Bessie E. Wilson and contract purchaser of real estate legally described as follows:

The Northwest Quarter (NW¼) of the Southeast Quarter (SE¼) of Section Thirteen (13), Township 87 North, Range Five (5) West of the 5th P.M.

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

The Northwest Quarter (NW¼) of the Southwest Quarter (SW¼) and the South Half (S½) of the Southwest Quarter (SW¼) of Section Twelve (12) and the North Half of the Northwest Quarter (N½NW¼) of Section Thirteen (13), all in Township 87 North, Range Five (5) West of the 5th P.M.

WHEREAS, Eike is the successor in interest to LaVerne Sabers and Ida Rose Sabers and owner of real estate legally described as follows:

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

WHEREAS, McDonald is the successor in interest to Rose McDonald and owner of real estate legally described as follows:

The East Half (N½) of the Northwest Quarter (NW¼), the Northeast Quarter (NE¼) of the Southwest Quarter (SW¼), the Northwest Quarter (NW¼) of the Southeast Quarter (SE¼), and the West Three Quarters (W¾) of the West Half (W½) of the Northeast

Quarter (NE ¼) all in Section Twelve (12), Township 87 North, Range Five (5) West of the 5th P.M.

WHEREAS, There is presently a Drain Tile Agreement recorded originally in Book L, Misc., Page 244 and rerecorded in Book N, Misc., Page 102 that involves the above properties that the parties wish to modify by deleting the property owned by Sheppard.

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. The parties agree that the property owned by Sheppard is no longer served by the drain tile subject to the agreement and that said property should be removed from said agreement and that Sheppard and his heirs and assigns shall no longer be responsible for maintenance of said tile lines.
2. The remaining parties to said agreement shall assume any maintenance costs in proportion to their respective obligations as set forth in the agreement.

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 08/13/02
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

Quarter (NE ¼) all in Section Twelve (12), Township 87 North, Range Five (5) West of the 5th P.M.

WHEREAS, There is presently a Drain Tile Agreement recorded originally in Book L, Misc., Page 244 and rerecorded in Book N, Misc., Page 102 that involves the above properties that the parties wish to modify by deleting the property owned by Sheppard.

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. The parties agree that the property owned by Sheppard is no longer served by the drain tile subject to the agreement and that said property should be removed from said agreement and that Sheppard and his heirs and assigns shall no longer be responsible for maintenance of said tile lines.
2. The remaining parties to said agreement shall assume any maintenance costs in proportion to their respective obligations as set forth in the agreement.

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

x Janet A. Pollock 8/27/02

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

_____

Albin M. Bries Date

Quarter (NE ¼) all in Section Twelve (12), Township 87 North, Range Five (5) West of the 5th P.M.

WHEREAS, There is presently a Drain Tile Agreement recorded originally in Book L, Misc., Page 244 and rerecorded in Book N, Misc., Page 102 that involves the above properties that the parties wish to modify by deleting the property owned by Sheppard.

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. The parties agree that the property owned by Sheppard is no longer served by the drain tile subject to the agreement and that said property should be removed from said agreement and that Sheppard and his heirs and assigns shall no longer be responsible for maintenance of said tile lines.
2. The remaining parties to said agreement shall assume any maintenance costs in proportion to their respective obligations as set forth in the agreement.

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

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

William D. Werger
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

Mary Bender	Date	Marjorie Hicks	Date
Miles McDonald	Date	Dennis McDonald	Date
Patricia McDonald Silins	Date	Marcella Colagrosso	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 Dane L Pollock, 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.

"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 _____)
) ss:
COUNTY OF _____)

On this _____ day of _____, 2002, before me, the undersigned, a Notary Public in and for said State, personally appeared _____, 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 _____

Mary Bender	Date	Marjorie Hicks	Date
Miles McDonald	Date	Dennis McDonald	Date
Patricia McDonald Silins	Date	Marcella Colagrosso	Date

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 he executed the instrument as his voluntary act and deed.

CONSTANCE A. VAASSEN
Commission Number 221449
My Commission Expires
March 16, 2005

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

STATE OF _____)
) ss:
COUNTY OF _____)

On this _____ day of _____, 2002, before me, the undersigned, a Notary Public in and for said State, personally appeared _____, 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 _____

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

x Mary Bender 9-3-02
Mary Bender Date

Marjorie Hicks Date

Miles McDonald Date

Dennis McDonald Date

Patricia McDonald Silins Date

Marcella Colagrosso Date

STATE OF x Iowa)
) ss:
COUNTY OF x Linn)

On this x 3 day of x September, 2002, before me, the undersigned, a Notary Public in and for said State, personally appeared x Mary Bender, 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.

SHELLEY FRONDLE
Commission Number 139196
My Commission Expires
April 10, 2004

x Shelley Frondle
Notary Public in and for the State of x Iowa

STATE OF _____)
) ss:
COUNTY OF _____)

On this _____ day of _____, 2002, before me, the undersigned, a Notary Public in and for said State, personally appeared _____, 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 _____

Mary Bender	Date	Marjorie Hicks	Date
Miles McDonald 8-13-02			
Miles McDonald	Date	Dennis McDonald	Date
Patricia McDonald Silins	Date	Marcella Colagrosso	Date

STATE OF Iowa)
) ss:
COUNTY OF Delaware

On this 13th day of August, 2002, before me, the undersigned, a Notary Public in and for said State, personally appeared Miles McDonald 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.



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

STATE OF _____)
) ss:
COUNTY OF _____)

On this _____ day of _____, 2002, before me, the undersigned, a Notary Public in and for said State, personally appeared _____, 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 _____

STATE OF _____)
) ss:
COUNTY OF _____)

On this _____ day of _____, 2002, before me, the undersigned, a Notary Public in and for said State, personally appeared _____, 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 _____

Mary Bender	Date	Marjorie Hicks	Date
Miles McDonald	Date	Dennis McDonald	Date
x Patricia McDonald 8/27/02			
Patricia McDonald Silins	Date	Marcella Colagrosso	Date

STATE OF x Arizona)
) ss:
COUNTY OF x Maricopa)

On this x 27 day of x August, 2002, before me, the undersigned, a Notary Public in and for said State, personally appeared x Patty McDonald, 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.

x Judy K. Metcalf
Notary Public in and for the State of x Arizona

OFFICIAL SEAL
JUDY K. METCALF
Notary Public - State of Arizona
MARICOPA COUNTY
My Comm. Expires June 29, 2004

STATE OF _____)
) ss:
COUNTY OF _____)

On this _____ day of _____, 2002, before me, the undersigned, a Notary Public in and for said State, personally appeared _____, 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 _____

Mary Bender	Date	x Marjorie McDonald Hicks -08-28-02 Marjorie Hicks	Date
Miles McDonald	Date	Dennis McDonald	Date
Patricia McDonald Silins	Date	Marcella Colagrosso	Date

STATE OF x Georgia)
) ss:
COUNTY OF x Fulton)

On this x 28th day of x August 2002, before me, the undersigned, a Notary Public in and for said State, personally appeared x Marjorie McDonald 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.

OFFICIAL SEAL
Notary Public, Georgia
Fulton County
SOPHIA GARRIQUES
My Commission Expires January 4, 2005

x _____
Notary Public in and for the State of x GA

STATE OF _____)
) ss:
COUNTY OF _____)

On this _____ day of _____, 2002, before me, the undersigned, a Notary Public in and for said State, personally appeared _____, 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 _____

Mary Bender	Date	Marjorie Hicks	Date
Miles McDonald	Date	Dennis McDonald	Date 8/19/02
Patricia McDonald Silins	Date	Marcella Colagrosso	Date

STATE OF Michigan)
) ss:
COUNTY OF Washtenaw

On this, 19th day of August, 2002, before me, the undersigned, a Notary Public in and for said State, personally appeared Dennis McDonald 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.

Joan A Lutz
Notary Public in and for the State of Mich.
JOAN A. LUTZ
Notary Public, Washtenaw County, MI
My Commission Expires Dec. 27, 2005

JOAN A. LUTZ NOTARY PUBLIC WASHTENAW COUNTY, MI

STATE OF _____)
) ss:
COUNTY OF _____)

On this _____ day of _____, 2002, before me, the undersigned, a Notary Public in and for said State, personally appeared _____, 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 _____

Mary Bender	Date	Marjorie Hicks	Date
Miles McDonald	Date	Dennis McDonald	Date
Patricia McDonald Silins	Date	x Marcella R. Colagrosso 8/29/02 Marcella Colagrosso	Date

STATE OF x Colorado)
) ss:
COUNTY OF x Jefferson)

On this 29th day of x August, 2002, before me, the undersigned, a Notary Public in and for said State, personally appeared x Marcella R Colagrosso 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.

SUSAN K. GARNER NOTARY PUBLIC STATE OF COLORADO

x Susan K Garner
Notary Public in and for the State of x Colorado
My Commission Expires Feb. 3, 2003
7530 Grandview Avenue
Arvada, CO 80002

STATE OF _____)
) ss:
COUNTY OF _____)

On this _____ day of _____, 2002, before me, the undersigned, a Notary Public in and for said State, personally appeared _____, 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 _____