DELAWARE COUNTY IOWA
FILED
2003 DEC -3 PM 2:51
DEBORAH L. [illegible]
DELAWARE COUNTY, IOWA
IDOC 2004 PAGE 329
36.00

Preparer Information Thomas J. Hanson, 401 East Main Street, Manchester, (563) 927-5920
Individual's Name | Street Address | City | Phone

Thomas J. Hanson, ISBA # 02110

SPACE ABOVE THIS LINE FOR RECORDER

AGREEMENT

This Agreement, entered into this 16th day of November, 2003 by and between Bennett Family Farms Limited Partnership, an Iowa Limited Partnership (hereinafter "Bennett") and Kevin L. Offerman and Mary E. Offerman, husband and wife (hereinafter "Offerman").

WHEREAS, Bennett is the owner of the following described real estate located in Delaware County, Iowa:

> The East one-half (E½) of the Southwest Quarter (SW¼) of Section 27, Township 89 North, Range 5, West of the 5th P.M., except the East 330 feet of the West 350 feet of the South 345 feet thereof, and further excepting the East 565 feet of the West 981.0 feet of the South 462.0 feet thereof.

AND WHEREAS, Offerman's are the owners of the following described real estate located in Delaware County, Iowa:

> That part of the Southeast Quarter (SE¼) of the Southwest Quarter (SW¼) of Section 27, Township 89 North, Range 5, West of the 5th P.M. described as commencing at the Southwest corner of said Southeast Quarter (SE¼) of the Southwest Quarter (SW¼) and running thence East on the South line of said Southeast Quarter (SE¼) of the Southwest Quarter (SW¼) a distance of 416 feet to the point of beginning, thence North 462 feet, thence East 565 feet, thence South 462 feet to the South line of said Southeast Quarter (SE¼) of the Southwest Quarter (SW¼), thence West on said South line 565 feet to the point of beginning.

AND WHEREAS, the parties wish to enter into an agreement under the provisions of Section 650.17 of the Code of Iowa establishing the boundaries separating the Bennett property from the Offerman property.

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

1. The parties agree that the West boundary of the Offerman property is located 66 feet East of the East fence, which establishes the East boundary of the Charles W. and Helen M. Gritzner property located in the Southeast Quarter (SE¼) of the Southwest Quarter (SW¼) of Section 27, Township 89 North, Range 5, West of the 5th P.M.

2. The parties further agree that TeKippe Engineering P.C., on behalf of Offerman, shall mark the Northerly point and Southerly point of the West boundary of the Offerman property at points 66 feet East of the Gritzner fence and, upon confirmation of Bennett and Offerman, TeKippe shall then place surveyor pins at those locations which shall mark the West boundary of the Offerman property. A fence shall then be placed along said Westerly boundary by Bennett, or agents for Bennett, and the construction of said fence shall be completed no later than June 1, 2004.

3. Following the establishment of the Westerly boundary line of the Offerman property as provided herein, TeKippe shall also mark the Northerly and Southerly points of the East boundary of the Offerman property which said points shall be 565.0 feet directly East of the Northerly and Southerly points of the established West boundary of the Offerman property. Thereafter, Offerman, or agents for Offerman, may place a fence along the Northern and Eastern boundary of the Offerman property as established by TeKippe Engineering under the provisions of this agreement.

4. The parties agree that Bennett shall be owner of the West boundary fence of the Offerman property and shall be responsible for any further repair and maintenance of the same. The parties further agree that Offerman shall be the owner of the Northern and Eastern boundary fence of the Offerman property and shall be responsible for the construction and any further repair and maintenance of the same.

5. The parties further agree that upon the signing of this Agreement and the completion of a plat by TeKippe (under the provisions of Section 650.17 of the Code of Iowa marking the boundaries of the property) that the same shall be recorded at the Delaware County Recorder's Office.

6. The parties further agree that Offerman and Bennett shall share equally the expense and costs for TeKippe Engineering, P.C. services.

Bennett Family Farms Limited Partnership
an Iowa Limited Partnership

H. B. Bennett
By: H.B. Bennett – General Partner

Kevin L. Offerman

Sara W. Bennett
By: Sara W. Bennett – General Partner

Mary E. Offerman

STATE OF ~~ARIZONA~~ Iowa)
) ss:
COUNTY OF Delaware)

On this 8th day of ~~November~~ December, 2003, before me, a Notary Public in and for the said State, personally appeared H.B. Bennett and Sara W. Bennett, to me personally known, who, being by me duly sworn, did say that the persons are the General Partners of Bennett Family Farms Limited Partnership, an Iowa Limited Partnership, executing the foregoing instrument, that the instrument was signed on behalf of the Limited Partnership by authority of the Limited Partnership; and the General Partners acknowledge the execution of the instrument to be the voluntary act and deed of the Limited Partnership, by it and by the General partners voluntarily executed.

NOTARIAL SEAL IOWA
THOMAS J. [illegible]
COMMISSION # 110040
MY COMMISSION EXPIRES
9/22/04

Notary Public in and for said State

STATE OF IOWA)
) ss:
COUNTY OF DUBUQUE)

On this 16th day of November, 2003, before me, the undersigned, a Notary Public in and for said State, personally appeared Kevin L. Offerman and Mary E. Offerman, husband and wife, to me known to be the 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
TOM JENK
Commission Number 203901
My Comm. Exp. SEP 15, 2006

Notary Public in and for said State

Tom Hansen

FILED
SHARON McCRABB
DELAWARE COUNTY AUDITOR

FEB 3 2004

FILED
JOHN R. KLAUS
DELAWARE COUNTY ASSESSOR

FEB 3 2004

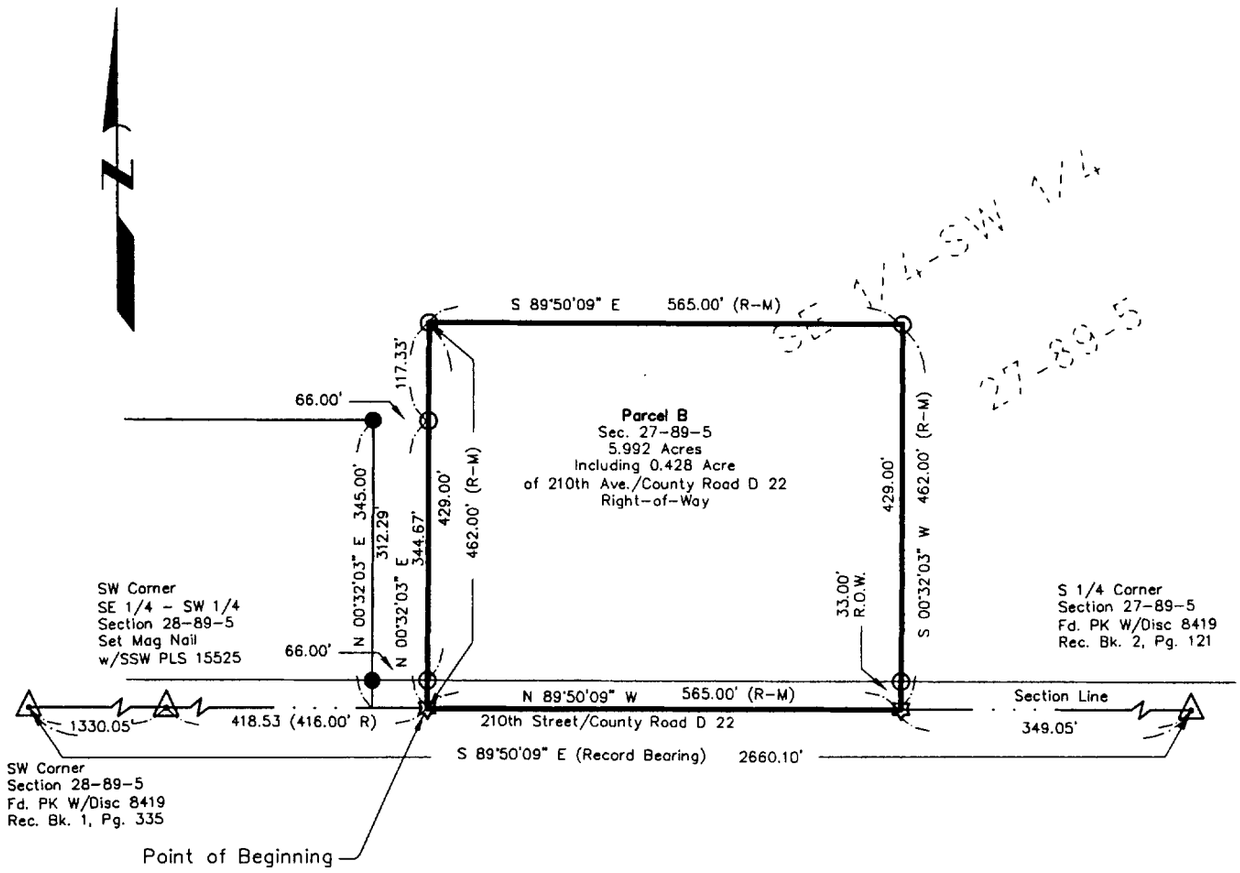
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DEBORAH L. FRIEDL
DELAWARE CO. RECORDER
31.00

DELAWARE COUNTY IOWA
FILED
2004 FE -3 PM 2:50

TeKIPPE ENGINEERING, P.C., 1919 – 210th Street P.O. Box 357, Manchester, Iowa 52057

Plat of Survey

Parcel B in the SE 1/4 – SW 1/4 Section 27 – T89N – R5W Delaware County, Iowa



Proprietors:
Kevin L. Offerman
and
Mary E. Offerman

Requested by:
Kevin L. Offerman

100' 0 100' 200' 400'

1 inch = 200 ft.

Survey was completed on September 23, 2003.

LEGEND

Section Corner	△
Recorded as	R
Fd. 1/2" Rebar	●
Set 1/2"ø Rebar w/RPC PLS 15525	⊙
Set Mag Nail w/SSW PLS 15525	☆
Survey Boundary	———
Red Plastic Cap	RPC
Stainless Steel Washer	SSW
Recorded and Measured	(R–M)

LICENSED LAND SURVEYOR
PAUL R. HEROLD
15525
IOWA

I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Land Surveyor under the laws of the State of Iowa.

Paul R. Herold 1-23-04

Paul R. Herold Date:
License number 15525
My license renewal date is December 31, 2004.
Sheets covered by this seal: Sheet P1

TeKIPPE ENGINEERING, P.C.

128 South Vine Street
West Union, IA 52175
PH. (563) 422–5131
FAX (563) 422–5884

1919 210th Street
P.O. Box 357
Manchester, IA 52057
PH. (563) 927–2060
FAX (563) 927–3603

X:_Projects\2003\03640\dwg\03640LS.dwg

Field Book Delaware Twp. 1 Pages 2–4

Project No. 03640.LS Sheet P1

BOOK 2004 PAGE 328

LICENSED LAND SURVEYOR
PAUL R. HEROLD
15525
IOWA

I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Land Surveyor under the laws of the State of Iowa.

Paul R. Herold — 1-23-04

Paul R. Herold — Date

License Number 15525
My license renewal date is December 31, 2004.
Pages covered by this seal: SD-1 through SD-2

State of Iowa)
ss.
County of Fayette)

Subscribed and sworn to before me by Paul R. Herold this 23rd day of January, 2004.

SANDRA J KLOSTERMAN
Iowa Notarial Seal
Commission Number: 706806
My Commission Expires: 11-9-2006

Sandra J Klosterman
Notary Public

SURVEY AND PLAT OF:

Deed Description:

That part of the Southeast Quarter (SE 1/4) of the Southwest Quarter (SW 1/4) of Section Twenty Seven (27), Township Eighty Nine (89) North, Range Five (5), West of the Fifth Principal Meridian described as commencing at the Southwest corner of said Southeast Quarter (SE 1/4) of the Southwest Quarter (SW 1/4) and running thence East on the South line of said Southeast Quarter (SE 1/4) of the Southwest Quarter (SW 1/4) a distance of four hundred sixteen (416.0) feet to the point of beginning, thence North four hundred sixty two (462.0) feet , thence East five hundred sixty five (565.0) feet, thence South four hundred sixty two (462.0) feet to the South line of said Southeast Quarter (SE 1/4) of the Southwest Quarter (SW 1/4), thence West on said South line five hundred sixty five (565.0) feet to the point of beginning.

Hereinafter known as Parcel B
and more particularly described as follows:

Commencing at the Southwest Corner of the Southeast Quarter of the Southwest Quarter of Section 27, Township 89 North, Range 5 West of the 5th P.M., Delaware County, Iowa;

Thence **South 89°-50'-09" East (Record Bearing) 418.53 feet** along the South Line of said Section and Centerline of 210th Street/County Road D 22 to the Point of Beginning;

Thence **North 00°-32'-03" East 462.00 feet**;

Thence **South 89°-50'-09" East 565.00 feet**;

Thence **South 00°-32'-03" West 462.00 feet** to said South Line and Centerline;

Thence **North 89°-50'-09" West 565.00 feet** along said South line and centerline to the Point of Beginning.

Containing **5.992 Acres (261,030 Square Feet)**, including 0.428 Acre of County Road D-22.

Subject to the attached Boundary Agreement and any easements of record. (See plat attached to this original survey description.)

Reference is hereby made to a Survey and Plat made by J. David Gibbs, Recorded May 5, 1998, Book 8, Page 122, and to a Warranty Deed, Recorded December 29, 1999, Book 2000, page 7, and to a Warranty Deed, Recorded May 25, 2001, Book 2001, page 1760, on file in the Delaware County Recorder's Office, Manchester, Iowa.