DELAWARE COUNTY IOWA
FILED
2004 AP 27 PM 1:21
BOOK 2004 PAGE 1405
DEBORAH L. PEYTON
DELAWARE CO RECORDER
17.00

William D. Werger 401 East Main Manchester (563) 927-5920
Preparer Information

ENCROACHMENT AGREEMENT

Concerning:

Parcel 1: Parcel Y Amended, part of Lot 8 and part of Lot 9 of the Cedars Subdivision, Section Fourteen (14), Township Eighty-eight North (T88N), Range Five West (R5W) of the Fifth Principal Meridian, as recorded in Book 2004, Page 1010 of the Delaware County records.

Parcel 2: The Southeasterly one-half (SE'LY ½) of Lot 9 of the Cedars Subdivision, Section Fourteen (14), Township Eighty-eight North (T88N), Range Five West (R5W) of the Fifth Principal Meridian, as recorded in Book 2, Plats Page 91-92 of the Delaware County records.

FOR MUTUAL CONSIDERATIONS, THE PARTIES HERETO AGREE AS FOLLOWS:

1. Roger C. Schnittjer and Marilyn L. Schnittjer are the owners of Parcel 1.

2. Shane P. Chesmore is the owner of Parcel 2.

3. Certain improvements been constructed on Parcel 1 which encroach onto Parcel 2, including: House, septic tank and field and LP Tank.

4. Chesmore desires to give to the Schnittjers an easement to continue this encroachment for so long as the existing encroaching improvements remain in place and are not voluntarily removed or involuntarily substantially destroyed.

5. Chesmore further grants to the Schnittjers a right of reasonable access to maintain and repair such improvements at Schnittjers' expense.

6. In the event that the improvements are destroyed or removed, the Schnittjers agree not to rebuild or reposition in any way that would encroach on Parcel 2.

7. This encroachment agreement is binding on the parties hereto and their successors and assigns.

AGREED THIS 14 DAY OF April, 2004.

STATE OF IOWA)
) ss:
COUNTY OF DELAWARE)

Roger C. Schnittjer

Marilyn L. Schnittjer

Subscribed and sworn to before me by Roger C. Schnittjer and Marilyn L. Schnittjer this 14 day of Apr, 2004

NOTARIAL SEAL IOWA
CARI J. WRIGHT
COMMISSION NUMBER 141516
MY COMMISSION EXPIRES
11-6-04

Cari J Wright
Notary Public in and for the State of Iowa

STATE OF IOWA)
) ss:
COUNTY OF DELAWARE)

Shane P. Chesmore

Subscribed and sworn to before me by Shane P. Chesmore this 14 day of April, 2004.

NOTARIAL SEAL IOWA
CARI J. WRIGHT
COMMISSION NUMBER 141516
MY COMMISSION EXPIRES
11-6-04

Cari J Wright
Notary Public in and for the State of Iowa