DELAWARE COUNTY IOWA
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BOOK 2004 PAGE 1477
DEBORAH L. PETTON
DELAWARE CO. RECORDER
31.00

⊗Prepared By: Nancy Putz
2230 230th St.
Delhi IA 52223 Ph. 563-922-2830

EASEMENT AGREEMENT

AGREEMENT made April 30, 2004, of and between David Wendt and Debra A. Wendt, husband and wife, (Grantors) and David J. Schustersich, single, (Grantor) and Twin Farms, L.L.C. (Grantee), concerning an easement for possible flooding associated with an agricultural drainage tile, for the purposes of soil conservation and water management practices.

The Grantee has established a plan for the development of an improvement on an agricultural drainage tile that runs from Grantors property to Grantees property. A dike will be constructed as a potential obstruction to the agricultural drainage tile that formerly ran unobstructed across both the Grantors and Grantees properties.

The Grantors' property to be affected by the easement is described as follows:
The Northeast Quarter (NE ¼), except the Northeast Quarter (NE ¼) of the Northeast Quarter (NE ¼), and all that part of the Northwest fractional Quarter (NWfr ¼) lying East of the right-of-way of the Chicago, Milwaukee and St. Paul Railroad Company, all in Section Seven (7), Township Eighty Eight (88) North, Range Four (4), West of the Fifth P.M., except Parcel A Part of the NE ¼ of the NW ¼ and Part of the SE ¼ of the NW ¼ of Section 7, T88N, R4W, of the Fifth P.M., Delaware County, Iowa, according to plat recorded in Book 8 Plats, Page 11, also except Parcel B, Part of the NW ¼ of the NE ¼ Sec. 7, T88N, R4W of the Fifth P.M., Delaware County, Iowa according to plat recorded in Book 1999, Page 373, subject to easements of record.

The Grantee's property on which the improvement will be made is described as follows:
Parcel A of Part of the Northeast Quarter (NE ¼) of the Northwest Quarter (NW ¼) and part of the Southeast Quarter (SE ¼) of the Northwest Quarter (NW ¼) of Section Seven (7), Township Eighty Eight (88) North, Range Four (4), West of the Fifth P.M., in Delaware County, Iowa, according to plat recorded in Book 8 Plats, Page 11 of the records of the Delaware County Recorder, subject to easements of record, and

Abandoned railroad right-of-way lying across NE ¼, NW ¼ , SE ¼ NW ¼, NE ¼ SW ¼ and SE ¼ SW ¼, Section 7, Township 88N, Range 4 (approximately 12 acres), Delaware County, Iowa.

Therefore, for the sum of One Dollar ($1.00) and other valuable consideration, Grantors convey to Grantee a perpetual, non-exclusive easement allowing for the possibility of flooding on the Grantors property due to the creation on the Grantees property of a dike and other improvements across the aforementioned drainage tile.

Grantors hereby warrants and covenants that Grantors are the owners of the fee simple title to the premises in which the above-described easement is located, and that Grantors have full rights and lawful authority to grant and convey these easements to Grantee.

Grantors retain ownership of the land subject to the easement granted herein, and may continue to use same for any and all purposes which do not interfere with Grantees' easement rights.

Grantee will be solely responsible for the maintenance and repair of the dike and improvements made on the drainage tile on Grantee's property.

This agreement shall be binding upon the heirs, assigns, and successors in interest and/or title to the agreeing parties.

DATED this 30th of April, 2004

"GRANTORS"

X David Wendt
David Wendt

X Debra A. Wendt
Debra A. Wendt

David J. Schustersich
David J. Schustersich

"GRANTEE"

TWIN FARMS L.L.C

By: Terry Mohr, Member

By: Larry Mohr, Member

By: Patricia Mohr, Member

Grantors hereby warrants and covenants that Grantors are the owners of the fee simple title to the premises in which the above-described easement is located, and that Grantors have full rights and lawful authority to grant and convey these easements to Grantee.

Grantors retain ownership of the land subject to the easement granted herein, and may continue to use same for any and all purposes which do not interfere with Grantees' easement rights.

Grantee will be solely responsible for the maintenance and repair of the dike and improvements made on the drainage tile on Grantee's property.

This agreement shall be binding upon the heirs, assigns, and successors in interest and/or title to the agreeing parties.

DATED this 30th of April, 2004

"GRANTORS"

David Wendt

Debra A. Wendt

David J. Schustersich

"GRANTEE"

TWIN FARMS L.L.C

By: Terry Mohr, Member

By: Larry Mohr, Member

By: Patricia Mohr, Member

STATE OF IOWA

COUNTY OF DELAWARE

On this 3rd day of May, 2004, before me, the undersigned, a Notary Public in and for said County and State, personally appeared **David Wendt,** to me known to be the identical person named in and who executed the within and foregoing instrument and acknowledged that he executed the same as his voluntary act and deed.

CYNTHIA L. ORR
Commission Number 171430
MY COMMISSION EXPIRES
OCTOBER 6, 2005

Cynthia L. Orr
Notary Public

STATE OF IOWA

COUNTY OF DELAWARE

On this 30 day of April, 2004, before me, the undersigned, a Notary Public in and for said County and State, personally appeared **Debra A. Wendt,** to me known to be the identical person named in and who executed the within and foregoing instrument and acknowledged that she executed the same as her voluntary act and deed.

RABB
002679
My Comm. Exp. 6-14-05

Sharon MacCrabb
Notary Public

STATE OF IOWA

COUNTY OF DELAWARE

On this 11th day of MAY, 2004, before me, the undersigned, a Notary Public in and for said County and State, personally appeared **David J. Schustersich,** to me known to be the identical person named in and who executed the within and foregoing instrument and acknowledged that he executed the same as his voluntary act and deed.

Notary Public

LARRY R. HILLERS
Commission Number 004824
My Commission Expires
April 7, 2005

STATE OF IOWA

COUNTY OF DELAWARE

On this 5th day of May, 2004, before me, the undersigned, a Notary Public in and for said County and State, personally appeared **Terry Mohr, as member of Twin Farms, L.L.C, an Iowa limited liability company, on behalf of the company,** to me known to be the identical person named in and who executed the within and foregoing instrument and acknowledged that he executed the same as his voluntary act and deed.

Notary Public

LARRY R. HILLERS
Commission Number 004824
My Commission Expires
April 7, 2005

STATE OF IOWA

COUNTY OF Linn

On this 27 day of April, 2004, before me, the undersigned, a Notary Public in and for said County and State, personally appeared **Larry Mohr, as member of Twin Farms, L.L.C, an Iowa limited liability company, on behalf of the company,** to me known to be the identical person named in and who executed the within and foregoing instrument and acknowledged that he executed the same as his voluntary act and deed.

Julia A Hoover

Notary Public

JULIA A. HOOVER
NOTARIAL SEAL - STATE OF IOWA
COMMISSION NUMBER 174230
MY COMMISSION EXPIRES MAY 4, 2006

STATE OF IOWA

COUNTY OF Linn

On this 27 day of April, 2004, before me, the undersigned, a Notary Public in and for said County and State, personally appeared **Patricia Mohr, as member of Twin Farms, L.L.C, an Iowa limited liability company, on behalf of the company,** to me known to be the identical person named in and who executed the within and foregoing instrument and acknowledged that she executed the same as her voluntary act and deed.

Julia A Hoover

Notary Public

JULIA A. HOOVER
NOTARIAL SEAL - STATE OF IOWA
COMMISSION NUMBER 174230
MY COMMISSION EXPIRES MAY 4, 2006