DELAWARE COUNTY IOWA
FILED
2004 OCT 14 PM 3:23
BOOK 4 PAGE 378
DEBORAH L. FRYTON
DELAWARE CO RECORDER
12.00

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

WELL AGREEMENT

THIS AGREEMENT is made by and between Gary J. Engelken and Julie K. Engelken, husband and wife, as Joint Tenants with Full Rights of Survivorship, and not as Tenants in Common (hereafter "Engelkens") as the owners of the following parcel:

Parcel 1: Lots Six (6) and Seven (7), Block Four (4) of Sunset Beach, a Subdivision of parts of Sections Seventeen (17), Eighteen (18), and Twenty (20) Township Eighty Nine (89) North, Range Five (5), West of the Fifth Principal Meridian, according to plat recorded in Book 2 Plats, Page 20.

And Joshua J. Fuller and Mary E. Fuller, husband and wife, as Joint Tenants with Full Rights of Survivorship, and not as Tenants in Common (hereafter "Fullers") as owners of the following parcel:

Parcel 2: Lot Eight (8), Block Four (4), of Sunset Beach, a Subdivision of parts of Sections Seventeen (17), Eighteen (18) and Nineteen (19), Township Eighty Nine (89) North, Range Five (5), West of the Fifth P.M.; and commencing at the Northwest corner of Lot One (1), Block Three (3), Sunset Beach Subdivision, Delaware County, Iowa, thence South 2° 19' West along the Easterly line of Lakeview Road, three hundred seventy (370.0) feet to the point of beginning; thence South 87° 41' East one hundred (100.0) feet, thence South 2° 19' West forty one (41.0) feet, thence North 78° 36' West one hundred one and twenty seven one hundredths(101.27) feet, thence North 2° 19' East twenty five (25.0) feet to the point of beginning; and Lot Five (5) of One (1) of the plat of the Subdivision of Lot One (1) of Frankenfeld's replat of part of Block Three (3) of Sunset Beach Subdivision, Delaware County, Iowa.

WHEREAS a well is located on Parcel 2 which serves the house on Parcel 2 presently;

WHEREAS the parties are in agreement that Engelkens shall hereafter share the well on Parcel 2 and an agreement is necessary to establish the rights and obligations with regards to the owners of both parcels and said well.

IT IS THEREFORE AGREED as follows:

1. The owners of Parcel 1 shall have the right to use the well and pump located on Parcel 2 and shall be entitled to maintain a water line from

the well on Parcel 2 to their home on Parcel 1. Engelkens are hereby granted an easement for said water line across Parcel 2.

2. The owners of each parcel shall pay one-half of the expenses of repair and replacement of the pump and motor and the well. Each of the owners shall be responsible for their own water line.

3. The parties agree that the electric bill for the pump shall be maintained by the owners of Parcel 2, who shall be reimbursed for ½ of the cost by the owners of Parcel 1.

4. In the event the well becomes unusable at any time in the future, this Agreement shall terminate and both parties shall be free to construct their own well or to contract together to construct a replacement pursuant to terms and conditions to be agreed upon in that circumstance.

5. This Agreement shall be binding on successors and assigns of the owners of both parcels and shall be considered easement rights which run with the land.

This agreement is hereby made upon the date hereafter noted.

Dated 9-30-04

Gary J. Engelken

Julie K. Engelken

Subscribed, sworn and acknowledged to me by Gary J. Engelken and Julie K. Engelken on the 30th day of ~~August~~ September, 2004.

Notary Public in and for ~~the State of Iowa~~

REGINA R. SELOOVER
Commission Number 196498
My Commission Expires
8/18/07

Dated Sept. 30, 2004

Joshua J. Fuller

Mary E. Fuller

Subscribed, sworn and acknowledged to me by Joshua J. Fuller and Mary E. Fuller, on the 30 day of ~~August~~ September, 2004.

ANN M. SPERFSLAGE
NOTARIAL SEAL
IOWA

Notary Public in and for the State of Iowa