Env.
Moyer + Bergman
P.O. Box 1943
Cedar Rapids, IA
52406-1943

DELAWARE COUNTY IOWA
FILED
2001 DEC 28 AM 9:03
BOOK 2004 PAGE 4604
DEBORAH L. PEYTON
DELAWARE CO RECORDER
12.00

Prepared by: Stephen D. Saunders, Clefisch & Saunders, Attorneys, P.O. Box 514, Elkader, Iowa 52043 (563) 245-1858

EASEMENTS AND ENCROACHMENT WAIVER

Eldon M. Fenton and Sue E. Fenton, of Clayton County, Iowa, in consideration of One Dollar and other good and valuable consideration, receipt of which is hereby acknowledged, hereby grants, bargains, sells and conveys to Rock Corp. and Nine M Corp., an easement over and across the following real estate:

Parcel J; Lot 38 in Ballard Subdivision, except Parcel No. 1 of River Corridor Trail-Phase 1, & except State Highway Row, City of Manchester, Iowa; Section 32, T89N, R5W of the Fifth P.M. according to plat recorded in Book 2004, Page 1300.

for the purpose of ingress and egress, said easement shall be 9 feet on either side of a centerline marked with an "X" as shown on the proposed road marked as Exhibit A attached.

Further, Grantors hereby also grant and convey an easement five (5) feet in width along the west side of the existing building on Lot 37 of the above parcel for the purpose of maintenance and mowing and waives any claim relating to the existing building encroachment. Grantors shall be responsible for all easement maintenance expenses, including snow removal.

The Easement granted hereby is for the benefit of and appurtenant to the following real estate purchased by grantees for grantor:

Lots 37 and 36 in Ballard Subdivision, except Parcel No. 1 of River Corridor Trail-Phase 1, & except State Highway Row, City of Manchester, Iowa; Section 32, T89N, R5W of the Fifth P.M

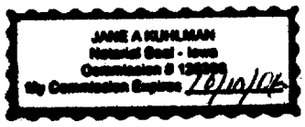
All provisions of this instrument, including the benefits and burdens, run with the land and are binding upon and inure to the heirs, assigns, successors, tenants and personal representatives of the parties hereto.

Eldon M. Fenton, Grantor

Sue E. Fenton, Grantor

STATE OF IOWA, COUNTY OF DELAWARE, SS:

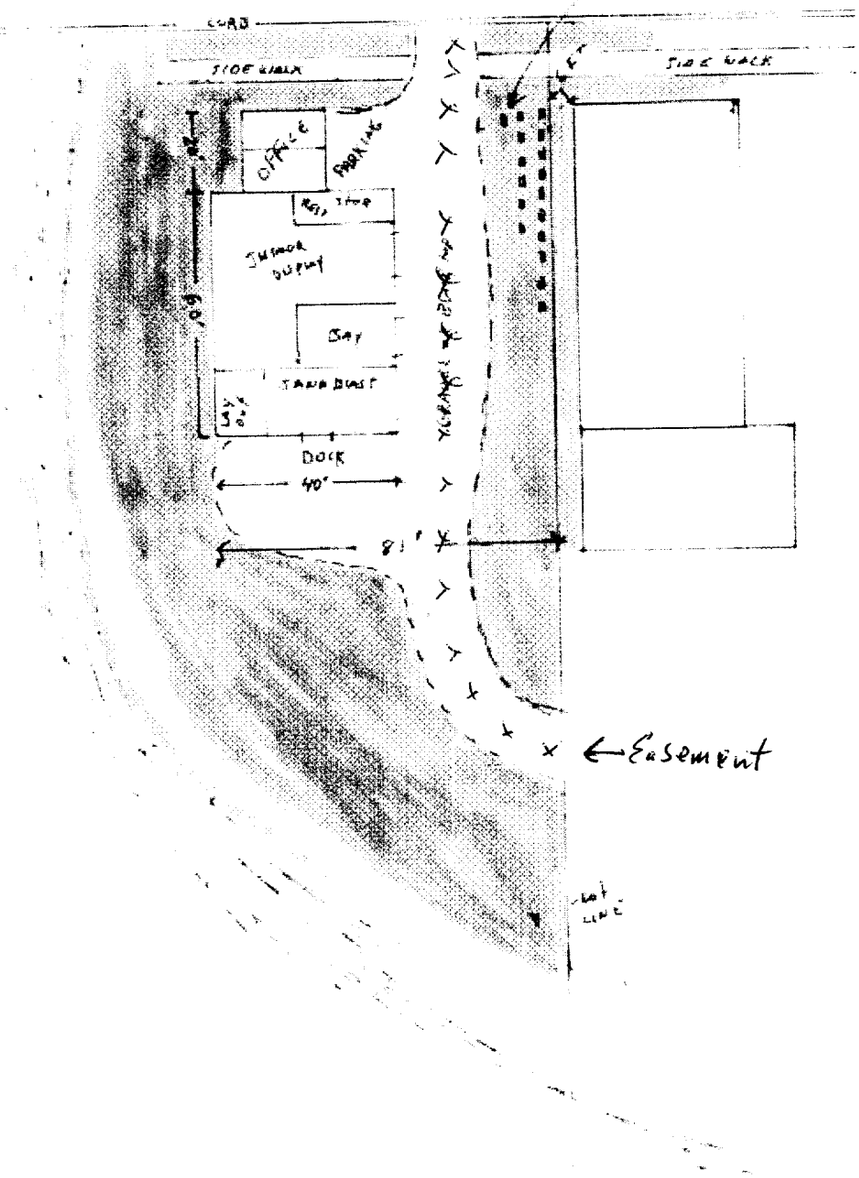
On this 30th day of November, 2004, before me, the undersigned, a Notary Public in and for said State, personally appeared Eldon M. Fenton and Sue E. Fenton, to me known to be the identical persons named in and who executed the forgoing instrument and acknowledged that they executed the same as their voluntary act and deed.



Delaware County, Iowa
Jane A Kuhlman, Notary Public
In and for said County and State

F:\WP\WSV\Rock Corp\Fenton\Easements and Encroachment Waiver.Final 11-16-04.doc

Exhibit A



X - Easement Route