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DEBORAH L. PEYTON, RECORDER/REGISTRA
DELAWARE COUNTY IOWA

FENCE AGREEMENT

Recorder's Cover Sheet

Preparer Information:

Timothy T. Schloss, 118 West Mission Street, P.O. Box 560, Strawberry Point, IA 52076 (563) 933-2029

Taxpayer Information:

James J. Koch
1401 Washington Avenue
Lamont, Iowa 50650

Return Document To:

Timothy T. Schloss
P.O. Box 560
Strawberry Point, Iowa 52076

Grantors:

James J. Koch

Grantees:

Cameron Schulte

Legal description: See Page 2

Prepared by: Timothy T. Schloss, 118 W. Mission St., Strawberry Point, IA 52076 (319) 933-2029

FENCE AGREEMENT

THIS AGREEMENT, made and entered into this 28 day of October, 2005, by and between James J. Koch and Cameron Schulte, as follows:

WHEREAS, James J. Koch is the purchaser under contract of certain real estate in Delaware County, Iowa, described as:

The West one-half (W ½) of the Southwest Quarter (SW ¼) and the Southeast Quarter (SE ¼) of the Southwest Quarter (SW ¼) of Section One (1), and the North Half (N ½) of the Northwest Quarter (NW ¼) of Section 12, Township Ninety (90) North, Range Six (6) West of the 5th P. M., except the South four hundred seventy (470) feet of the East six hundred eighty eight (688) feet of the Southeast Quarter (SE ¼) of the Southwest Quarter (SW ¼) of said Section One (1) and also except Parcel D Being Part of the Southwest Quarter (SW ¼) of the Southwest Quarter (SW ¼) And Part Of The Southeast Quarter (SE ¼) of the Southwest Quarter (SW ¼) in Section 1, Township 90 North, Range Six (6) West of the Fifth Principal Meridian, Delaware County, Iowa, according to the plat recorded in Book 1999, Page 477.; and

WHEREAS, Cameron Schulte is the owner of certain real estate described as: Parcel D Being Part of the Southwest Quarter (SW ¼) of the Southwest Quarter (SW ¼) And Part Of The Southeast Quarter (SE ¼) of the Southwest Quarter (SW ¼) in Section 1, Township 90 North, Range Six (6) West of the Fifth Principal Meridian, Delaware County, Iowa, according to the plat recorded in Book 1999, Page 477; and

WHEREAS the real estate owned by James J. Koch abuts the real estate owned by the said Cameron Schulte; and

WHEREAS, the said Cameron Schulte wants James K. Koch to put fencing around part of his real estate, but James J. Koch does not have livestock nor does he plan to have livestock in the future; and

WHEREAS the parties hereto desire to enter into this written agreement concerning placement, care, upkeep and replacement of the fence lines between James J. Koch and Cameron Schulte; now

THEREFORE, the parties hereto, in an effort to make installation, care, upkeep and replacement of fences more efficient both of the parties, and in consideration of the mutual promises made herein, do hereby agree as follows:

1. That any and all previous oral and written agreements concerning maintenance of the fence line, if any, between James J. Koch and Cameron Schulte are now considered to be void and of no effect.

2. James J. Koch agrees to pay to Cameron Schulte the sum of Four Hundred Dollars ($400.00) the receipt of which is here acknowledged by Cameron Schulte.

3. From this day forward, Cameron Schulte shall install, care, maintain and replace any and all fences between his real estate, described above, and the real estate owned by James J. Koch, described above.

4. James J. Koch shall have no obligation to Cameron Schulte, or his successors in interest, to place, install, care, maintain, keep up, replace or in any other manner deal with any fence between the real estate owned by James J. Koch and the real estate owned by Cameron Schulte.

5. All fences place, installed, cared for, kept up or replaced shall be maintained as lawful fences and shall be maintained and replaced promptly as needed.

7. Cameron Schulte shall be responsible for his own costs of placement, installation, care, keeping up and/or maintenance of his fence.

8. This agreement shall run with the land and be binding on the parties hereto, theirs heirs, successors, and assigns.

James J. Koch

James J. Koch

Cameron Schulte

Cameron Schulte

STATE OF IOWA)
) ss.
COUNTY OF CLAYTON)

On this 28th day of October, 2005, before me the undersigned, a Notary Public in and for said State, personally appeared James J. Koch, single, to me known to be the identical person named in and who executed the foregoing instrument and acknowledged that he executed the same as his voluntary act and deed.



Carol J. Ealy

Notary Public in and for the
State of Iowa.

STATE OF IOWA)
) ss.
COUNTY OF CLAYTON)

On this 7th day of ~~October~~ November, 2005, before me the undersigned, a Notary Public in and for said State, personally appeared Cameron Schulte, single, to me known to be the identical person named in and who executed the foregoing instrument and acknowledged that he executed the same as his voluntary act and deed.

SANDRA R. WEGMANN
Commission Number 150
My Commission Expires
2-16-07

Sandra R Wegmann
Notary Public in and for the
State of Iowa.