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DEBORAH L. PEYTON, RECORDER/REGISTRA
DELAWARE COUNTY IOWA

Prepared By: City of Manchester, Laura Thomas, 208 E. Main Street, Manchester, Iowa, Ph. 563-927-3636
X Return To: Edward C. Poynor & Mary Ann Poynor, Manchester, Iowa, Ph. 563-927-5133
724 E. Howard St.

FENCE AGREEMENT

This agreement made this 26th day of Oct., 2006, by and between **Edward C. Poynor & Mary Ann Poynor**, Party of the First Part, and Michael K. Downs & Dorothy L. Downs, Party of the Second Part.

WHEREAS, the party of the first part wishes to build the fence on their property line, said fence being on the East property line of the party of the first part, in Manchester, Delaware County, Iowa, on a parcel of property legally described as follows:

South One-half of the East One-half of Lot 24,
Iowa Land Company's Addition to Manchester, Iowa
(aka, 724 E Howard Street)

AND WHEREAS, the said fence to be on the East property line of the party of the first part; West property line of the party of the second part:

AND WHEREAS, Section 12 ½ "FENCE REGULATIONS" of the Zoning Code of Ordinances of the City of Manchester, Iowa, requires that parties enter into an agreement regarding the erection of said fence on the property of the party of the first part due to the fact said fence is within 3 feet of the property of the party of the second part.

NOW, THEREFORE, in consideration of the mutual covenants and promises contained in this Agreement and in consideration of the mutual benefits to be gained by the parties, it is agreed as follows:

1. That said fence may be built on the property line of both parties. That said fence shall be erected and maintained solely at the expense of the party of the first part.
2. That the respective property owners are responsible for maintenance of the property on their respective sides of the property line.
3. That the party of the first part shall hold the party of the second part and their agents harmless from any and all liability, claims or suits for damages with respect to any claims, demands, or causes of action of any kind or nature with respect to said fence.
4. That this said written agreement shall be binding upon the parties to this agreement, their successors and assigns, and shall run with the land so long as the said fence remains in place.

PARTY OF THE FIRST PART

Edward C. Poynor

Edward C. Poynor
PARTY OF THE FIRST PART

State of Iowa)
) ss:
County of Delaware)

On this 26th day of Oct, 2006, before me, a Notary Public in and for the State of Iowa, personally appeared, **Edward C. Poynor** to me personally 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.

Patricia Lynn Conrad
Notary Public in and for the State of Iowa

PATRICIA LYNN CONRAD
Notarial Seal - Iowa
Commission # 197392
My Commission Expires 7-14-07

Mary Ann Poynor

Mary Ann Poynor
PARTY OF THE FIRST PART

State of Iowa)
) ss:
County of Delaware)

On this 26th day of Oct., 2006, before me, a Notary Public in and for the State of Iowa, personally appeared **Mary Ann Poynor**, to me personally known to be the identical person named in and who executed the foregoing instrument and acknowledged that she executed the same as her voluntary act and deed.

Patricia Lynn Conrad

Notary Public in and for the State of Iowa

PATRICIA LYNN CONRAD
Notarial Seal - Iowa
Commission # 197392
My Commission Expires 7-14-07

PARTY OF THE SECOND PART

Michael K Downs

Michael K. Downs
PARTY OF THE SECOND PART

State of Iowa)
) ss:
County of Delaware)

On this 27th day of October, 2006, before me, a Notary Public in and for the State of Iowa, personally appeared **Michael K. Downs,** to me personally 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.

LAURA K. THOMAS
Commission Number 718135
My Commission Expires
8-26-08

Laura K Thomas

Notary Public in and for the State of Iowa

Dorothy L. Downs

Dorothy L. Downs
PARTY OF THE SECOND PART

State of Iowa)
) ss:
County of Delaware)

On this 2nd day of November, 2006, before me, a Notary Public in and for the State of Iowa, personally appeared **Dorothy L. Downs,** to me personally 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.

LAURA K. THOMAS
Commission Number 718135
My Commission Expires
8-26-08

Laura K. Thomas

Notary Public in and for the State of Iowa