Book 2008 Page 1393
Document 2008 1393 Type 05 010 Pages 5
Date 5/01/2008 Time 10:25:29AM
Rec Amt $27.00

DEBORAH L PEYTON, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

AMENDMENT TO EASEMENT AGREEMENT

Recorder's Cover Sheet

Preparer Information:
Thomas J. Hanson
401 East Main Street
Manchester, Iowa 52057
(563) 927-5920

Taxpayer Information:
John T. Mack
24899 208th Avenue
Delhi, Iowa 52223

Return Address
John T. Mack
24899 208th Avenue
Delhi, Iowa 52223

Grantors:
Bill D. Heims
Jo Lynn M. Heims

Grantees:
John T. Mack
Catherine M. Mack

Legal Description: See Page 2

AMENDMENT TO EASEMENT AGREEMENT

This Amendment to Easement Agreement entered into this 15th day of May, 2008, by and between John T. Mack and Catherine M. Mack, husband and wife (hereinafter "Mack") and Bill D. Heims and Jo Lynn M. Heims, husband and wife (hereinafter "Heims").

WHEREAS, Mack is the owner of the following described real estate located in Delaware County, Iowa:

> Lot Ten (10) of the plat and survey of Petlon's River Subdivision a part of the SE 1/4 of the SE 1/4 of Section Fourteen (14), Township Eighty-Eight (88) North, Range Five (5), West of the 5th P.M. in Delaware County, Iowa, according to plat recorded in Book 6 Plats, Page 43 of the records of the Delaware County Recorder; except Parcel A located in the Northwest corner thereof, (hereinafter referred to as the "Mack property")

AND WHEREAS, Heims is the owner of the following described real estate located adjacent to the above described Lot Ten (10) and is legally described as follows:

> That part of the SW ¼ of the SW ¼ of Section 13, Township Eighty-eight (88) North, Range Five (5), West of the 5th P.M. in Delaware County, Iowa located West of Delaware County road D5X, (hereinafter referred to as the "Heims property")

AND WHEREAS, the parties wish to amend the Agreement so as to incorporate the survey of an easement referred to in said Agreement.

NOW, THEREFORE, in consideration of the mutual benefit to be gained by the parties they agree as follows:

1. On March 23, 2006, the parties entered into an Agreement regarding the above described parcel of real estate which included the grant of an easement by Heims to Mack over and across a portion of the Heims property and referred to in paragraph one (1) of said Agreement. Said Agreement is recorded March 23, 2006 in Book 2006, Page 1079 of the records of the Delaware County Recorder.

2. That Mack, pursuant to paragraph one (1) of said Agreement, retained Gibbs Engineering & Surveying to survey the location of the 20 foot easement referred to in paragraph one (1) of said prior Agreement. The parties hereto hereby agree that the easement referred to in paragraph one (1) of the Agreement dated March 23, 2006, is in the location as indicated on the attached 20 foot Access Aasement across SW¼ SW¼ 13-88-5, Delaware County, Iowa as per the survey of said easement certified by J. David Gibbs on December 26, 2007.

3. That this Agreement in no way changes the prior Agreement of the parties as referred to herein. This Agreement is only for the purpose of recording the attached Plat of the easement area and indicating that said easement area is in fact the easement area referred to in the Agreement recorded in Book 2006, Page 1079 of the records of the Delaware County Recorder.

Dated this 1 day of May, 2008.

John T. Mack

Bill D. Heims

Catherine M. Mack

Jo Lynn M. Heims

STATE OF IOWA, COUNTY OF DELAWARE, ss:

On this 1st day of May, 2008, before me, the undersigned, a Notary Public in and for said State, personally appeared John T. Mack and Catherine M. Mack, husband and wife to me known to be the identical persons named in and who executed the foregoing instrument and acknowledged that they executed the same as their voluntary act and deed.

THOMAS J. HANSON
Commission Number 115040
My Commission Expires
September 22, 2010

Notary Public in and for the State of Iowa

STATE OF IOWA COUNTY OF DELAWARE, ss:

On this 29th day of March, 2008, before me, the undersigned, a Notary Public in and for said State, personally appeared Bill D. Heims and Jo Lynn M. Heims, husband and wife to me known to be the identical persons named in and who executed the foregoing instrument and acknowledged that they executed the same as their voluntary act and deed.

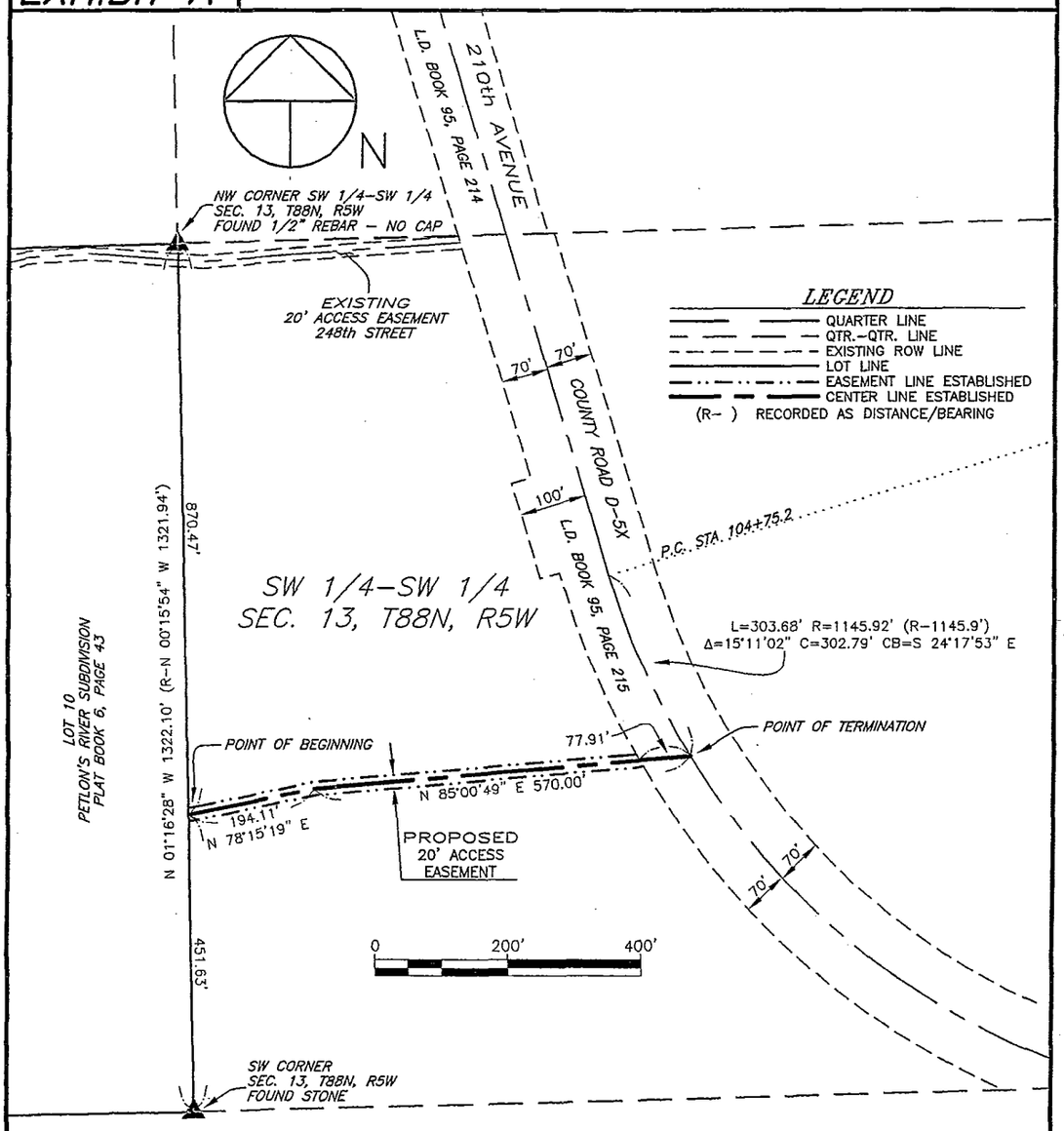
TRACY L. FONCK
Commission Number 223445
My Commission Expires

Notary Public in and for the State of Iowa

PREPARED BY/RETURN TO: J DAVID GIBBS; 105 W. MAIN ST., MANCHESTER, IA 52057 563-927-2434

EASEMENT EXHIBIT A

20' ACCESS EASEMENT ACROSS THE SW 1/4 – SW 1/4
SEC. 13, T88N, R5W OF THE FIFTH P.M., DELAWARE COUNTY, IOWA



SURVEY REQUESTED BY: JOHN MACK

PROPRIETORS: BILL D. HEIMS & JO LYNN M. HEIMS

PROJECT NO. 07–65

I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED AND THE RELATED SURVEY WORK WAS PERFORMED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

SCALE: 1"=200'

DATE: 12/20/2007

DRAWN BY: RLR

J. DAVID GIBBS, P.E., L.S. LIC. #8419 DATE 12/26/07

CHECKED BY: JDG

MY LICENSE RENEWAL DATE IS DECEMBER 31, 2008

FIELD BK: D.L.

REVISED

GIBBS ENGINEERING & SURVEYING
105 WEST MAIN STREET
MANCHESTER, IA 52057

SHEET 1 OF 2

LICENSED LAND SURVEYOR
J. DAVID GIBBS
8419
IOWA

PAGES OR SHEETS COVERED BY THIS SEAL: 1–2

LEGAL DESCRIPTION: EASEMENT EXHIBIT A

20' ACCESS EASEMENT ACROSS THE SOUTHWEST QUARTER (SW ¼) OF THE SOUTHWEST QUARTER (SW ¼) OF SECTION THIRTEEN (13), TOWNSHIP EIGHTY-EIGHT NORTH (T88N), RANGE FIVE WEST (R5W) OF THE FIFTH PRINCIPAL MERIDIAN, DELAWARE COUNTY, described by metes and bounds as follows;

COMMENCING at the Southwest Corner of Section Thirteen (13), Township Eighty-eight North (T88N), Range Five West, (R5W) of the Fifth Principal Meridian, Delaware County, Iowa;

THENCE along the Westerly Line of the Southwest Quarter (SW ¼) of the Southwest Quarter (SW ¼) of said Section Thirteen (13), North 01° 16' 28" West, 451.63 feet to the **POINT OF BEGINNING**;

THENCE North 78° 15' 19" East, 194.11 feet;

THENCE North 85° 00' 49" East, to the centerline of 210th Avenue, also known as County Road D-5X, 570.00 feet to the **POINT OF TERMINATION**;

The Westerly Line of the Southwest Quarter (SW ¼) of the Southwest Quarter (SW ¼) of Section Thirteen (13), Township Eighty-eight North (T88N), Range Five West (R5W) of the Fifth Principal Meridian, Delaware County is assumed to bear North 01° 16' 28" West.