Prepared by: Nathan C. Moonen, 204 So. Center Ave, Box 57, Epworth, IA 52045 563-876-3451
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ENV.

Book 2008 Page 1895

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DEBORAH L PEYTON, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

Easement Agreement

This Easement Agreement is hereby made between Jason R. Gibbs and Connie S. Gibbs, husband and wife (hereinafter "benefitted parcel owners") and John Kash and Carol Kash, husband and wife, Ray Johnston and Alice Johnston, husband and wife, and Edward A. Bergfeld and Carolyn Bergfeld, husband and wife (hereinafter "servient parcel owners") as follows:

A. The subject easement is as platted of record in Book 2008 Page 207 of the records of Delaware County;

B. The benefitted parcel of real estate under this agreement, owned by the benefitted parcel owners as listed above, is legally described as Parcel 'C' being part of the Northeast Quarter of the Northwest Quarter (NE1/4-NW 1/4), being part of the Southeast Quarter of the Northwest Quarter (SE1/4-NW 1/4), and part of the Northeast Quarter of the Southwest Quarter (NE 1/4-SW 1/4); All in Section 8, Township 90 North, Range 6 West of the Fifth Principal Meridian, Delaware county, Iowa; and

C. The servient estate parcel(s) of real estate under this agreement, owned by the servient parcel owners as listed above, is shown on the plat of record in Book 2008 Page 207 of the records of Delaware County:

1. Benefitted parcel owners shall have the right to gravel, grade or otherwise improve and maintain all or any selected portion(s) of the easement in any manner they deem necessary or fit, at their cost, but they (and their successors in interest) shall have no obligation of any type to make surface improvements in any manner at any time;

2. Benefitted parcel owners shall have the right to fence any portion of the easement in any manner they deem necessary or fit, but they (and their successors in interest) shall have no obligation of any type to fence any portion of the easement in any manner at any time;

3. Servient parcel owners shall fix the "turn" washout problem, at servient parcel owners' sole expense, to the satisfaction of the benefitted parcel owners; and

4. Rights to use the easement shall be exclusive to the benefitted parcel owners, subject to authority in benefitted parcel owners to conditionally permit use thereof by other persons for ingress or egress. Portions of this subject easement are also subject to the Right-of-Way

Easement dated 09/16/1968 and recorded in book L, Page 240.

This agreement shall be perpetual, binding on all successors in interest to the parties hereto (including provisions of all numbered paragraphs above). This agreement shall forever run with the title to each described parcel of land, and is a complete manifestation of the parties intent. This agreement supercedes any and all previous easement agreements, whether written or oral.

Jason R. Gibbs

Connie S. Gibbs

John Kash

Carol Kash

Ray Johnston

Alice Johnston

Edward A. Bergfeld

Carolyn Bergfeld

STATE OF IOWA, COUNTY OF CLINTON

Subscribed and sworn to before me, a Notary Public this 12 day of May, 2008, by JOHN KASH and CAROL KASH, Husband and Wife.

WAYNE WILLIAMS
Commission Number 401914
My Commission Expires
4-5-09

Notary Public

STATE OF IOWA, COUNTY OF FAYETTE

Subscribed and sworn to before me, a Notary Public this 8 day of May, 2008, by RAY JOHNSTON and ALICE JOHNSTON, Husband and Wife.

Notary Public

MARY P. THOMAS
Commission Number 220249
My Commission Expires
7-15-2011

STATE OF IOWA, COUNTY OF BUCHANAN

Subscribed and sworn to before me, a Notary Public this 9th day of May, 2008, by EDWARD A. BERGFELD and CAROLYN BERGFELD, Husband and Wife.



Carol J Ealy
Notary Public

STATE OF IOWA, COUNTY OF DELAWARE

Subscribed and sworn to before me, a Notary Public this 16th day of May, 2008, by JASON R. GIBBS and CONNIE S. GIBBS, Husband and Wife.



Laura L Beitzel
Notary Public