#250-25-07-006-00
#250-25-07-005-10
Parcel # 250-25-07-007-00
Carla K Becker Auditor
Verified By: A Rave

Book 2009 Page 3170

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DEBORAH L PEYTON, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

EW

return to: James Driscoll, 2990 Meadow Glen St., Marion, IA 52302

Preparer Information James C. Holmes, Holmes Law Office, 222 3rd St. SE #314, Cedar Rapids, IA 52401 (319) 365-6259
Individual's Name Street Address City Phone

James C. Holmes ISBA # AT0003604

SPACE ABOVE THIS LINE FOR RECORDER

DRIVEWAY ENCROACHMENT EASEMENT

WHEREAS, William L. Ballou and Linda L. Ballou, husband and wife (hereafter, ***Ballou***), are the owners of the following described real estate:

Lot 66 and Lot 67, EXCEPT Parcel I being part of said Lot 67, of Turtle Creek Camp Replat being part of the Southwest Quarter (SW¼) of the Northwest Quarter (NW¼) of Section Twenty-five (25), Township Eighty-eight North (T88N), Range 5 West (R5W) of the Fifth Principal Meridian, Delaware County, Iowa, according to plat recorded in Book 1999, Page 4340, also all lake frontage running to the waterfront and then at right angles to the middle of Delhi Lake in respect to and adjoining said Lot 66 and Lot 67, EXCEPT Parcel I;

and

WHEREAS, James J. Driscoll and Mary C. Driscoll, husband and wife (hereafter, ***Driscoll***) are the owners of the following described real estate:

Lot 65 of Turtle Creek Camp Replat being part of the Southwest Quarter (SW¼) of the Northwest Quarter (NW¼) of Section Twenty-five (25), Township Eighty-eight North (T88N), Range 5 West (R5W) of the Fifth Principal Meridian, Delaware County, Iowa, according to plat recorded in Book 1999, Page 4340, also all lake frontage running to the waterfront and then at right angles to the middle of Delhi Lake in respect to and adjoining said Lot 65;

and

WHEREAS, the westerly lines of the Ballou parcel are the easterly lines of the Driscoll parcel;

and

WHEREAS, upon the belief and information of Ballou and Driscoll, the existing driveway serving the Ballou parcel is encroaching upon the Driscoll parcel, however, the extent of the encroachment appears to be so insignificant that the parties are not going to pay the expense of a surveyor to identify the exact area of the encroachment;

and

WHEREAS, the parties desire to enter into an agreement to provide for a permanent driveway encroachment easement.

NOW THEREFORE, in consideration of One Dollar and other good and valuable consideration paid to Driscoll by Ballou, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. Driscoll hereby grants Ballou a permanent easement to allow the portion of the Ballou driveway which encroaches upon the Driscoll property, as it presently exists today, to remain in place, including the right to repair or replace the driveway in the same location as that task becomes necessary, granting, also, an easement to Ballou to encroach onto the Driscoll property beyond

the driveway encroachment if reasonably necessary to maintain, repair or replace the driveway.

2. Ballou agrees to indemnify and hold Driscoll harmless from any injuries, damages or claims that arise due to the use, maintenance, repair or replacement of the portion of the driveway within the encroachment by Ballou, by the agents or contractors of Ballou, and/or by the invitees of Ballou.

3. This agreement is binding upon Ballou and their successors and assigns in the Ballou parcel, and is binding upon Driscoll and their successors and assigns in the Driscoll property, and runs with both parcels of land as described above.

Dated this 10 Aug, 2009.

William L. Ballou

James J. Driscoll

Linda L. Ballou

Mary C. Driscoll

State of Iowa, County of Jones : ss:

This instrument was acknowledged before me on August 10, 2009 by William L. Ballou and Linda L. Ballou, husband and wife.

Sharon Weideman

NOTARIAL SEAL IOWA Sharon Weideman Commission Number 715457 Iowa Notary Public My Commission Expires 3-8-11

State of Iowa, County of LINN : ss:

This instrument was acknowledged before me on Aug 18th, 2009 by James J. Driscoll and Mary C. Driscoll, husband and wife.

BRIAN K. MONTZ Commission Number 723814 My Commission Expires 3/8/2011

Iowa Notary Public