Entered for taxation 30 day
of December A.D., 2009
Carla Becker, Auditor
By PHarycraft, Deputy
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DEBORAH L PEYTON, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

Prepared by & Return to Carr & Carr Lawyers, 117 S. Franklin St., Box 333, Manchester, IA 52057, (563) 927-4164
Grantors: William H. Humphreys & Debra K. Humphreys Grantee: Thomas D. Cook, and Marilyn P. Cook
Kenneth W. Furst and Marian L. Furst

DRIVEWAY EASEMENT

William H. Humphreys and Debra K. Humphreys husband and wife, hereinafter Humphreys, Thomas D. Cook and Marilyn P. Cook, husband and wife, hereinafter Cook, and Kenneth W. Furst and Marian L. Furst, husband and wife, hereinafter Furst in consideration of the matters stated herein agree as follows:

1. Humphreys owns the following described real estate:

   Amended Parcel GG, Part Of Lot 2 Of Stone's Fourth Addition Sec. 25, T88N, R5W Of The Fifth P.M., Delaware County, Iowa, according to plat recorded in Book 2006, Page 1482

2. Cook owns the following described real estate:

   Lot Two of "Stone's First Addition to Delaware County, Iowa," a subdivision of parts of the Southeast Quarter of the Northwest Quarter and Southwest Quarter of Northwest Quarter of Section Twenty Five, Township Eighty Eight North, Range Five West of the Fifth p.m., according to the plat thereof recorded in Plat Record 2, page 90, in office of Recorder of Delaware County, Iowa; together with use of the roadway from the public highway to said subdivision, and the use of the roadway as traveled or marked in Lots Twenty Seven and Twenty Eight of said subdivision, for ingress and egress to said Lot Two, all in common with others rightfully using the same.

3. Furst owns the following described real estate:

   Lot Three (3) of Stone's First Addition to Delaware County, Iowa, according to plat recorded in Book 2 Plats,

Page 90 and re-recorded in Book 3 Plats, Page 109; also Parcel MM, Part Of Lot 2 of Stone's Fourth Addition Sec. 25, T88N, R5W Of The Fifth P.M., Delaware County, Iowa, according to plat recorded in Book 2007, Page 1384.

4. Humphreys grant to Cook and Furst an access easement 12' in width adjacent to or very near the entire Southern boundary of Humphreys property described above. Each end of the easement shall be 18' in width to accommodate wide turns by trailers. The driveway shall be constructed by Humphreys and the exact course will be determined by the terrain. It will be graded and filled to fit the contours of the land and have a 6" base of 2" rock and be topped with 2" – 4" of road rock finish. The ground disturbed by the construction will be groomed and seeded with grass. Any roadbed repair needed in the spring of 2010 shall be the responsibility of Humphreys. Future roadbed repair beyond the spring of 2010 shall be shared equally between Cook and Furst.

5. In addition to the above Humphreys grants to Cook and Furst an access easement and to Cooks, an easement for the temporary parking of vehicles and recreational trailer(s), as long as a route for ingress and egress by vehicles to Furst's property is not blocked by said parking of vehicles and recreational trailers over an area described as follows:

Commencing at the Northeast Corner of Cook property thence East to the Eastern boundary of existing paved drive, thence Southeasterly along the Eastern boundary of said drive to the Southern boundary of Humphreys property, thence West along said boundary to the Eastern boundary of Cook property thence Northwesterly along the west boundary of Humphreys property to the point of beginning

6. Cook and Furst waive any and all interest in the gravel drive shown in the Plat of Survey of Amended Parcel GG recorded in Book 2006, Page 1482 except for that portion included in the easement conveyed herein.* This waiver includes any prescriptive interest and interest obtained through reference in ~~xxxxxxxxxxxxxxxxxx~~ previously recorded instruments.

7. Both easements described herein shall run with the land and be binding upon the heirs, successors and assigns of each of the parties hereto.

Dated this 9th day of October, 2009.

William H. Humphreys Grantor

Debra K. Humphreys Grantor

* and any ~~subsequently~~ recorded instruments.

Thomas D. Cook Grantee

Marilyn P. Cook Grantee

Kenneth W. Furst Grantee

Marian L. Furst Grantee

STATE OF IOWA, DELAWARE COUNTY, ss.

This instrument was acknowledged before me on this 9th day of October, 2009 by William H. Humphreys and Debra K. Humphreys.

STEVEN E. CARR
Commission Number 713328
My Commission Expires
October 30, 2010

Notary Public in and for the State of Iowa.

STATE OF IOWA, ~~DELAWARE~~ LINN COUNTY, ss.

This instrument was acknowledged before me on this 9th day of October, 2009 by Thomas D. Cook and Marilyn P. Cook.

Jennifer Smith
Commission Number 725060
My Commission Expires
October 17, 2012

Notary Public in and for the State of Iowa

STATE OF IOWA, DELAWARE COUNTY, ss.

This instrument was acknowledged before me on this 24th day of ~~October~~ December, 2009 by Kenneth W. Furst and Marian L. Furst.

SUSAN M. O'HARA
Commission Number 748438
My Comm. Exp. 8/16/2010

Susan M. O'Hara

Notary Public in and for the State of Iowa