Env. Michael Roling
Box 62
Earlville, IA 52041

Book 2010 Page 64

Document 2010 64 Type 03 006 Pages 2
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DEBORAH L PEYTON, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

Prepared by & return to: Carr & Carr Attorneys, 117 S. Franklin St., Box 333, Manchester, IA 52057 (563) 92704164

EASEMENT

WHEREAS Michael D. Roling, a single person, hereinafter First Party owns the following described real estate:

Lot 5 in Block 6 of Haskins Addition to the Town of Earlville, formerly Nottingham in Delaware County, Iowa.

WHEREAS Robert H. Miller and Janice Y. Miller, husband and wife, hereinafter Second Party own the following described real estate:

Lot Six, (6) Block Six (6), S.E. Haskins Addition to Nottingham, now Earlville, Iowa, same being a part of the North One-Half of the Northwest Quarter of Section 36, Township 89 North, Range 4 West of the 5th P.M., all in Delaware County, Iowa.

WHEREAS there are two small encroachments located on property of the First Party over onto property of the Second Party. The encroachment areas are shown on a Retracement Plat of Survey recorded in Book 2009, Page 4777.

It is therefore agreed between the parties in consideration of the promises and performances herein as follows:

1. Second Party grants to First Party an Easement on and over that part of their property where the encroachments exist.

2. This Easement shall remain effective for so long as encroaching structures remain in place including any reasonable repairs thereto.

3. First Party agrees that no further encroachment of any type will be constructed.

4. Upon the complete destruction or removal of either encroaching structure the Easement shall terminate as to that corresponding area but shall continue for the other until the same event occurs.

5. This Easement will run with the land for the above time period and be binding upon the heirs, successors and assigns of both parties hereto.

Dated this 7th day of January, 2010.

Michael D. Roling

Michael D. Roling

Robert H. Miller

Robert H. Miller

Janice Y. Miller

Janice Y. Miller

STATE OF IOWA)
DELAWARE COUNTY)

This instrument was acknowledged before me on this 7th day of January, 2010 by Michael D. Roling, a single person.

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

Steven E. Carr

Notary Public in and for the State of Iowa.

STATE OF IOWA)
DELAWARE COUNTY)

This instrument was acknowledged before me on this 7th day of January, 2010 by Robert H. Miller and Janice Y. Miller, husband and wife.

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

Steven E. Carr

Notary Public in and for the State of Iowa