ENV.
Koenck Realty
319 3rd Ave SE
Dyersville, IA 52040

Book 2010 Page 2110

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DEBORAH L PEYTON, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

AGREEMENT AND CONSENT
Recorder's Cover Sheet

Preparer Information:
Todd J. Locher, 202 2nd Ave. NW, Box 7, Farley, (563) 744-3359

Taxpayer Information:

Return Address
Todd J. Locher
Locher & Locher
P. O. Box 7
Farley, IA 52046

Grantors:
Jerome L. Koch and Jeanine Koch

Grantees:
Donald R. Scherrman, Mary S. Scherrman, Thomas H. Scherbring and Diane Scherbring

Legal Description: See page 2.

Document or instrument number if applicable:

AGREEMENT AND CONSENT

Whereas, David Meyer and Tina Meyer are considering purchasing a residential lot in Westridge Estates legally described as:

> Lot 6E of Westridge Estates 3rd Addition in the City of Dyersville, Iowa, according to the recorded plat thereof, subject to and together with easements and restrictions of record and
>
> Lot 6W of Westridge Estates 3rd Addition in the City of Dyersville, Iowa, according to the recorded plat thereof, subject to and together with easements and restrictions of record.

Whereas, the lots described above are subject to restrictive covenants dated April 9, 1999 and recorded as Instrument No. 6108-99 in the records of the Dubuque County Recorder.

Whereas, Jerome L. Koch and Jeanine Koch are the developer of the Westridge Estates Subdivision.

Whereas, Donald R. Scherrman and Mary S. Scherrman and Thomas H. Scherbring and Diane Scherbring own the lots bordering the lot referred to above that David Meyer and Tina Meyer are considering purchasing.

Whereas, David Meyer and Tina Meyer request interpretation of the covenants referred to above from the developer and the adjoining landowners as to the permissibility of utilizing the lot they are considering purchasing for driveway purposes for a home they are purchasing on an adjoining lot not subject to the covenants.

Now, therefore, Jerome L. Koch and Jeanine Koch, developer, Donald R. Scherrman and Mary S. Scherrman, adjoining landowner and Thomas H. Scherbring and Diane Scherbring, adjoining landowner, agree and consent as follows:

1. The existing covenants and restrictions recorded as Instrument No. 6108-99 of the records of Dubuque County, Iowa, do not contain any restrictions that would prevent the installation of a residential driveway on the above described lot.

2. Installing a driveway on the lot subject to the covenants is consistent with residential use even though the driveway will serve a lot not subject to the restrictive covenants.

3. The undersigned hereby consent to and agree that utilizing the lot described above for driveway purposes is consistent with and allowed under the restrictive covenants filed as Instrument No. 6108-99 of the records of Dubuque County, Iowa.

4. That the parties consent to and agree to the use of the lot described above being purchased by David Meyer and Tina Meyer for a residential driveway so that the Meyers may access 7th Street SW from their new residence located at 641 4th Avenue SW, Dyersville, IA 52040.

5. Buyers to install a permanent surfaced residential driveway at their expense and keep the remaining property groomed at all times.

Signed this 14th day of June, 2010.

DEVELOPERS OF WESTRIDGE SUBDIVISION:

Jerome L. Koch

Jeanine Koch

OWNERS OF ADJOINING LOT LOCATED AT 559 7th STREET SW, DYERSVILLE, IA 52040:

Donald R. Scherrman

Mary S. Scherrman

OWNERS OF ADJOINING LOT LOCATED AT 517 7TH STREET SW, DYERSVILLE, IA 52040:

Thomas H. Scherbring

Diane Scherbring

STATE OF IOWA, DUBUQUE COUNTY, SS:

Subscribed and sworn to before me on this 14th day of June, 2010, by Jerome L. Koch and Jeanine Koch, husband and wife.

HELEN WEGMANN
Commission Number 138438
My Commission Expires
1-23-13

Notary Public

STATE OF IOWA, DUBUQUE COUNTY, SS:

Subscribed and sworn to before me on this 14th day of June, 2010, by Donald R. Scherrman and Mary S. Scherrman, husband and wife.

HELEN WEGMANN
Commission Number 138438
My Commission Expires
1-23-13

Notary Public

STATE OF IOWA, DUBUQUE COUNTY, SS:

Subscribed and sworn to before me on this 15th day of June, 2010, by Thomas H. Scherbring and Diane Scherbring, husband and wife.

HELEN WEGMANN
Commission Number 138438
My Commission Expires
1-23-13

Notary Public