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DEBORAH L PEYTON, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

Preparer/Return To Information: Jeffrey P. Taylor, 401 Old Marion Rd. NE, Cedar Rapids, IA 52402 (319) 395-7400

Taxpayer Information:

Grantor: Grantee:

SPACE ABOVE THIS LINE FOR RECORDER

MODIFICATION TO WELL AGREEMENT

This Agreement is between William E. McEnany (hereinafter referred to as "McEnany") and Christopher R. Walton (hereinafter referred to as "Walton"), and for their Modification to the Well Agreement entered into on April 14, 1999, filed with the Delaware County Recorder on August 5, 1999 at Book ~~199~~ 1999 and at Page 2754, hereby agree as follows:

1. This modified Well Agreement pertains to the property legally described as follows:

THE NORTH 305.00 FEET OF THE SOUTH 1,070.00 FEET OF THE EAST 146.00 FEET OF THE NE¼ OF THE SE¼ OF SECTION 20, TOWNSHIP 87 NORTH, RANGE 6, WEST OF THE 5TH P.M., SUBJECT TO ROADWAYS AND EASEMENTS OF RECORD.

2. At the time the original Well Agreement was entered into, Tammy L. Evanson held an interest in the real estate described above. She has now quit-claimed that interest to Walton and therefore is no longer a party to this Agreement.

3. At the time of the original Well Agreement, McEnany was using the well on the property to water livestock.

4. In the summer of 2008, McEnany ceased feeding and watering livestock at his property, and as a result, no longer used or continues to use the well located on the land which he owns surrounding the real estate described above.

5. As a result of the foregoing, the parties, in 2008, agreed that Walton would be responsible for payment of all costs to maintain the well, including its replacement if necessary, as well as maintaining insurance on the well, and the light pole located on the real estate.

6. The parties hereby memorialize this modification of the agreement reached in 2008 and place it of record with the Delaware County Recorder.

7. This Modification Agreement shall run with the land and shall be binding upon the parties hereto, their heirs, successors, and assigns.

8. To the extent the original Well Agreement dated April 14, 1999 has not been modified by the terms of this document, it shall remain in full force and effect.

9-22-10
Date

TERESA MEFFERD
Notarial Seal - IOWA
Commission No. 757710
My Commission Expires 4-2-12

William E. McEnany
William E. McEnany

Subscribed and sworn to before me by William E. McEnany on this 22nd day of September, 2010.

TERESA MEFFERD
Notarial Seal - IOWA
Commission No. 757710
My Commission Expires

Teresa Mefferd
NOTARY PUBLIC IN AND FOR THE STATE OF IOWA

9-22-10
Date

Christopher R. Walton
Christopher R. Walton

Subscribed and sworn to before me by Christopher R. Walton on this 22nd day of September, 2010.

Teresa Mefferd
NOTARY PUBLIC IN AND FOR THE STATE OF IOWA

TERESA MEFFERD
Notarial Seal - IOWA
Commission No. 757710
My Commission Expires 4-2-12