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DEBORAH L PEYTON, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

Prepared By: City of Manchester, Laura Thomas, 208 E. Main Street, Manchester, Iowa, Ph. 563-927-3636
Return To: Michael Tegeler, 153 Delhi Rd., Manchester, IA 52057

FENCE AGREEMENT

This agreement made this 26 day of MAY, ~~2010,~~ 2011 by and between Michael Tegeler, Party of the First Part, and, Richard & Constance Saunders, Party of the Second Part.

WHEREAS, the party of the first part wishes to build the fence on their property line, said fence being on the WEST property line of the party of the first part, in Manchester, Delaware County, Iowa, on a parcel of property legally described as follows:

That part of the Southeast Quarter (SE ¼) of the Northwest Quarter (NW ¼) of Section Thirty Three (33), Township Eighty Nine (89) North, Range five (5), West of the Fifth Principal Meridian described as commencing at the center of said Section Thirty Three (33), thence North four hundred eighty nine and two-tenths (489.2) feet, thence North fifty four degrees four minutes (54°04') West five hundred ninety two and one-tenth (592.1) feet to the point of beginning, thence South thirty five degrees fifty six minutes (35° 56') West one hundred fifty eight and five-tenths (158.5) feet, thence North two hundred sixty one and two-tenths (261.2) feet to the Northeast corner of Lot One (1) of Harold J. Miller's Subdivision, thence South fifty four degrees four minutes (54° 04') East two hundred twenty seven and four-tenths (227.4) feet to the point of beginning.

AKA: 153 Delhi Rd

AND WHEREAS, the said fence to be on the WEST property line of the party of the first part; EAST property line of the party of the second part:

AND WHEREAS, Section 169.05 "FENCES AND WALLS" of the Zoning Code of Ordinances of the City of Manchester, Iowa, requires an agreement in writing be established for the erection of a fence or wall on the property line.

NOW, THEREFORE, in consideration of the mutual covenants and promises contained in this Agreement and in consideration of the mutual benefits to be gained by the parties, it is agreed as follows:

1. That said fence may be built on the property line of both parties. That said fence shall be erected and maintained solely at the expense of the party of the first part.

2. That the respective property owners are responsible for maintenance of the property on their respective sides of the property line.

3. That the party of the first part shall hold the party of the second part and their agents harmless from any and all liability, claims or suits for damages with respect to any claims, demands, or causes of action of any kind or nature with respect to said fence.

4. That this said written agreement shall be binding upon the parties to this agreement, their successors and assigns, and shall run with the land so long as the said fence remains in place.

PARTY OF THE FIRST PART

Michael J. Tegeler

PARTY OF THE FIRST PART

State of Iowa)
) ss:
County of Delaware)

On this 26 day of May, ~~2010~~ 2011, before me, a Notary Public in and for the State of Iowa, personally appeared Michael J. Tegeler, to me personally known to be the identical person named in and who executed the foregoing instrument and acknowledged that he executed the same as his voluntary act and deed.

Iowa
Notary Public in and for the State of Iowa

Printed Notary Name Janet M Tegeler

JANET M. TEGELER
Commission Number 176135
My Comm. Exp. 9-22-12

PARTY OF THE SECOND PART

Richard Saunders
PARTY OF THE SECOND PART

State of Iowa)
) ss:
County of Delaware)

On this 26 day of May, ~~2010~~ 2011, before me, a Notary Public in and for the State of Iowa, personally appeared Richard Saunders, to me personally known to be the identical person named in and who executed the foregoing instrument and acknowledged that he executed the same as his voluntary act and deed.

Iowa
Notary Public in and for the State of Iowa

Printed Notary Name Janet M Tegeler

JANET M. TEGELER
Commission Number 176135
My Comm. Exp. 9-22-12

PARTY OF THE SECOND PART

Constance Saunders
PARTY OF THE SECOND PART

State of Iowa)
) ss:
County of Delaware)

On this 21 day of May, ~~2010~~ 2011, before me, a Notary Public in and for the State of Iowa, personally appeared, Constance Saunders, to me personally known to be the identical person named in and who executed the foregoing instrument and acknowledged that she executed the same as her voluntary act and deed.

Iowa
Notary Public in and for the State of Iowa

Printed Notary Name Janet M Tegeler

JANET M. TEGELER
Commission Number 176135
My Comm. Exp. 9-22-12