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Carlah Locher, Auditor
By D. Hilgebrand, Deputy
88-37

Book 2011 Page 3755

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DEBORAH L PEYTON, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

CHG
EAV

Prepared by/Return to: Todd J. Locher, Locher & Locher, Box 7, Farley, IA 52046 (563) 744-3359

## ACCESS EASEMENT

I, James Patrick McDermott, am the sole owner of the following described property which will be hereinafter referred to as the "McDermott Property:"

Parcel E, Part of the Southeast Quarter (SE¼) of the Southwest Quarter (SW¼) of Section Thirty Six (36), Township Eighty-Eight North (T88N), Range Three West of the Fifth Principal Meridian Delaware County, Iowa, containing 14.88 acres, including 0.47 acres of public road right of way, subject to easements of record as recorded in Book 8 Plats, Page 158

I hereby grant an easement in favor of the following described property owned by Daniel A. Thier and Eileen C. Thier, husband and wife, and David F. Thier and Marie E. Thier, husband and wife, hereinafter referred to as the "Thier Property:"

The South Thirty (30) acres of the Southwest Quarter (SW¼) of the Southeast Quarter (SE¼) and the South Sixteen (16) feet of the Southeast Quarter (SE¼) of the Southwest Quarter (SW¼) and that part of the Southwest Quarter (SW¼) of the Southwest Quarter (SW¼) lying South and East of the Railroad right-of-way, all in Section Thirty Six (36), Township Eighty Eight (88), North, Range Three (3), West of the Fifth P.M., except that part condemned by Delaware County, Iowa, by condemnation proceedings recorded in Bk. P Misc., Page 115

Recitals

1. James Patrick McDermott purchased the McDermott Property on April 10, 2001. James Patrick McDermott constructed a lane on the McDermott Property. The lane is shown on Exhibit A attached hereto.

2. James Patrick McDermott has given the owners of the Thier Property permission to use said lane for access to the Thier Property.

3. James Patrick McDermott wishes to clarify the terms of the easement in writing.

The terms of the easement are set forth as follows:

1. The owner of the McDermott Property hereby grants unto the owners of the Thier Property an easement over the McDermott for ingress and egress over the McDermott Property to the Thier Property.

2. This easement is personal to the owners of the Thier Property only and is not a perpetual easement. Further, this easement may be terminated by the owner of the McDermott Property at any time for any reason. The owners of the Thier Property have no claim to the McDermott Property, including, but not limited to claims of prescriptive easement.

3. The access easement shall be over the lane that is shown on the attached Exhibit A.

DATED THIS 31 day of October, 2011.

OWNER OF THE McDERMOTT PROPERTY

James Patrick McDermott

OWNERS OF THE THIER PROPERTY

Daniel A. Thier

Eileen C. Thier

David F. Thier

Marie E. Thier

STATE OF IOWA )
) ss:
DUBUQUE COUNTY )

This instrument was acknowledged before me on 11-18-11, by James Patrick McDermott as Owner of the McDermott Property.

Notary Public



SUSAN R. BURGER
Commission Number 159950
My Commission Expires
2-21-12

STATE OF IOWA )
) ss:
DUBUQUE COUNTY )

This instrument was acknowledged before me on 11-14-11, by Daniel A. Thier and Eileen C. Thier, husband and wife, as Owners of the Thier Property.

Susan R. Burger
Notary Public

SUSAN R. BURGER
Commission Number 159950
My Commission Expires
2-21-12

STATE OF IOWA )
) ss:
DUBUQUE COUNTY )

This instrument was acknowledged before me on 11-14-11, by David F. Thier and Marie E. Thier, husband and wife, as Owners of the Thier Property.

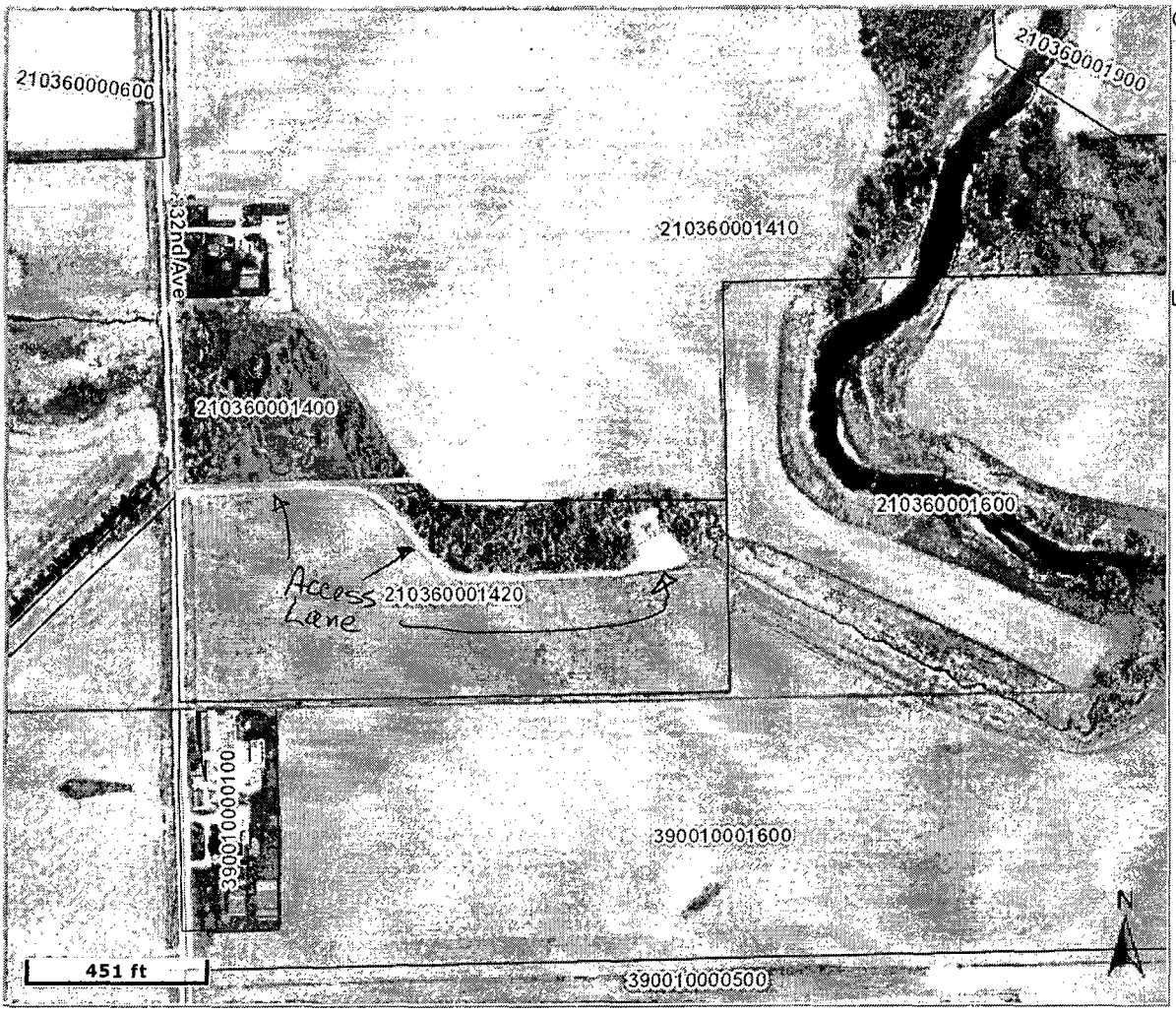
Susan R. Burger
Notary Public

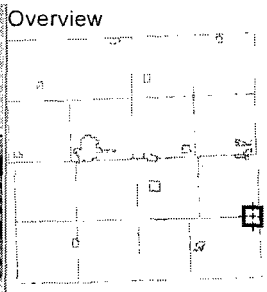
SUSAN R. BURGER
Commission Number 159950
My Commission Expires
2-21-12

# Delaware County, IA

beacon™

Date Created: 9/19/2011




Legend

- Corporate Limits
- Political Townships
- Parcels
- Roads

| | | | | | |
|---|---|---|---|---|---|
| **Parcel ID** | 210360001400 | **Alternate ID** | n/a | **Owner Address** | McDermott, James Patrick |
| **Sec/Twp/Rng** | 36-88-3 | **Class** | R | | 2780 332nd Ave |
| **Property Address** | 2780 332ND AVE WORTHINGTON | **Acreage** | 5.47 | | Worthington, IA 52078- |

**District** NORTH FORK

**Brief Tax Description** PARCEL D PT SE SW

(Note: Not to be used on legal documents)

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EXHIBIT

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