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Document 2012 2401 Type 06 006 Pages 3
Date 7/23/2012 Time 3:53:28PM
Rec Amt $17.00

DEBORAH L PEYTON, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

DRIVEWAY EASEMENT AGREEMENT
Recorder's Cover Sheet

Preparer Information: (name, address and phone number)
Robert J. O'Shea, 2735 First Ave. SE, Cedar Rapids, IA 52402, Phone: (319) 866-9277

Taxpayer Information: (name and complete address)
N/A

Return Document To: (name and complete address)
Harold M. Tenney, 20587-247th Street, Delhi, IA 52223

Grantors:

Lawrence F. Whiting
Joyce A. Whiting

Grantees:
Harold M. Tenney

Legal Description: See Page 2

Document or instrument number of previously recorded documents:

DRIVEWAY EASEMENT AGREEMENT

This agreement is entered into this 18 day of July, 2012 by and between Harold M. Tenney ("the Tenney's") and Lawrence F. Whiting and Joyce A. Whiting ("the Whitings").

WHEREAS, Tenney is the owner of the following described property located in Delaware County, Iowa:

> **Lot One (1) of The Cedars Second Subdivision - A Subdivision of Lot 19, Lot 20 and part of Lot 30 of The Cedars Subdivision, part of the NW ¼ of the SE ¼, Section 14, T88N, R5W of the Fifth P.M., Delaware County, Iowa, according to plat recorded in Book 1999, Page 3702 as corrected by Affidavit recorded in Book 2003, Page 103. (Parcel #1)**

WHEREAS, the Whiting's are the owners of the following described property located in Benton County, Iowa:

> **Lots Two (2) and Three (3) of The Cedars Second Subdivision - A Subdivision of Lot 19, Lot 20 and part of Lot 30 of The Cedars Subdivision, part of the NW ¼ of the SE ¼, Section 14, T88N, R5W of the Fifth P.M., Delaware County, Iowa, according to plat recorded in Book 1999, Page 3702 as corrected by Affidavit recorded in Book 2003, Page 103. (Parcel #2)**

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the parties hereto agree as follows:

1. An angled 10 foot wide driveway currently crosses over the southwest corner of parcel #2 thereby providing access to parcel #1 from the roadway at the front of the property facing the Maquoketa river.

2. The Whiting's hereby grant to Tenney, and his successors and assigns, an easement for ingress and egress over and across the southwest corner of parcel #2 for purposes of providing Tenney with a driveway access to parcel #1. The easement shall include the triangular shaped area formed in the southwest corner of parcel #2 when extending a straight line from a point 30 feet north and east of the southwest corner of parcel #2 along and on the property line separating parcel #1 and #2 to a point 40 feet south and east of the southwest corner of parcel #2 along and on the front property line facing the Maquoketa river. Tenney shall be responsible for the maintenance and repair of the driveway and landscaping in the triangular area.

3. Tenney shall not hold the Whiting's responsible for any or all damages occurring within the easement area caused by Tenney's use as a driveway access from the roadway. This agreement shall be binding upon the heirs, successors and assigns of the parties hereto.

HAROLD M. TENNEY

LAWRENCE F. WHITING

JOYCE A. WHITING

STATE OF IOWA)
) ss.
COUNTY OF Delaware)

On this 18 day of July, 2012, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Harold M. Tenney, a single person, to me known to be the identical person named herein, who executed the foregoing instrument and acknowledged that he executed the same as his voluntary act and deed.

WARREN WORTMAN
Commission Number 183254
My Commission Expires
February 14

Notary Public in and for the State of Iowa

STATE OF IOWA)
) ss.
COUNTY OF Linn)

On this 17 day of July, 2012, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared and Joyce A. Whiting, a married person, to me known to be the identical person named herein, who executed the foregoing instrument and acknowledged that she executed the same as her voluntary act and deed.

WARREN WORTMAN
Commission Number 183254
My Commission Expires
February 14 2014

Notary Public in and for the State of Iowa

STATE OF IOWA)
) ss.
COUNTY OF Linn)

On this 17 day of July, 2012, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared and Lawrence F. Whiting, a married person, to me known to be the identical person named herein, who executed the foregoing instrument and acknowledged that he executed the same as his voluntary act and deed.

SUMMER L. VANDINE
Commission Number 225665
My Commission Expires
11/22/2014

Notary Public in and for the State of Iowa