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Cedar Rapids IA 52403

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DEBORAH L PEYTON, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

Prepared by & return to: Steven E. Carr, PO Box 333, Manchester, Iowa 52057 (563) 927-4164

EASEMENT

James K. Schnoor and Pamela K. Schnoor, husband and wife (hereinafter first parties), and Charles M. McNally and Glee I. McNally, husband and wife (hereinafter second parties) agree as follows:

1. First parties are the owners of the following described real estate:

Lot 5 of HLC Third Subdivision to Section 30, Township 88 North, Range 4, and West of the 5th P.M. in Delaware County, Iowa according to plat recorded in Book 2004, Page 1965 of the records of the Delaware County Recorder

2. Second parties are the owners of the following described real estate:

Lot 4 of HLC Third Subdivision to Section 30, Township 88 North, Range 4, and West of the 5th P.M. in Delaware County, Iowa according to plat recorded in Book 2004, Page 1965 of the records of the Delaware County Recorder

3. Second parties are owners of a septic system and light pole that slightly encroach onto adjoining real estate owned by first parties.

4. First parties grant an easement to second parties for the encroachment of the septic system and light pole, including the right to make reasonable repairs thereto, for the purpose of allowing both to remain in place until replaced. Each shall be moved completely back onto real estate of second parties as each is replaced.

5. Second parties agree to maintain at their sole expense the embankment where the septic system encroaches.

6. Second parties agree to hold harmless and save in full first parties from any and all liability whatsoever arising from the encroaching septic system and light pole.

7. This easement shall be deemed to be perpetual and shall be binding upon the parties hereto, their respective heirs, successors and assigns unless otherwise no longer necessary by the terms of this agreement.

Dated this 25 day of July, 2012.

First Parties:

James K. Schnoor

Pamela K. Schnoor

Second Parties:

Charles M. McNally

Glee I. McNally

STATE OF IOWA)
) ss.
DELAWARE COUNTY)

This instrument was acknowledged before me on this 25 day of July, 2012, by James K. Schnoor and Pamela K. Schnoor, husband and wife.

Notary Public in and for the State of Iowa

STATE OF IOWA)
) ss.
DELAWARE COUNTY)

This instrument was acknowledged before me on this 25 day of July, 2012, by Charles M. McNally and Glee I. McNally, husband and wife.

Notary Public in and for the State of Iowa