Book 2013 Page 1037
Document 2013 1037 Type 03 006 Pages 7
Date 3/25/2013 Time 9:11:36AM
Rec Amt $37.00

DEBORAH L PEYTON, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

Preparer Information: Dan McClean, 401 First Avenue East, Dyersville, Iowa 52040
563-875-6002
& Return to:

Grantor: Duane Thole
Mary B. Thole

EASEMENT

Grantee: Jason S & Judith M. Waterman
William A. & Robin K. Bauer

Duane Thole and Mary B. Thole (Grantors), husband and wife, are the owners of real estate described as:

Parcel X and Parcel Y of the Northeast Quarter (NE ¼) of the Northeast Quarter (NE ¼), Section Twenty-Five (25), Township Eighty-Nine North (T89N), Range Three West (R3W) of the Fifth Principal Meridian, Delaware County, Iowa.

Lot 9 of Hickory Hills Estates, A subdivision of Lot One (1) of the Northeast Quarter (NE ¼) of the Northeast Quarter (NE ¼), Section Twenty-Five (25), Township Eighty-Nine North (T89N), Range Three West (R3W) of the Fifth Principal Meridian, Delaware County, Iowa.

Parcel Z, part of the Northeast Quarter (NE ¼) of the Northeast Quarter (NE ¼), Section Twenty-Five (25), Township Eighty-Nine North (T89N), Range Three West (R3W) of the Fifth Principal Meridian, Delaware County, Iowa.

And

The Southeast Quarter (SE ¼) of the Southeast Quarter (SE ¼) of Section Twenty-Four (24), Township Eighty-Nine North (T89N), Range Three West (R3W) of the Fifth Principal Meridian, Delaware County, Iowa.

This Easement is made this 20 day of March, 2013 for the purpose of granting a permanent easement to the record title holders (Grantees) of Parcels A, B, F, X, Y, in the Northeast Quarter of the Northeast Quarter, Section Twenty-Five (25), Township Eighty-Nine North (T89N), Range Three West (R3W) of the Fifth Principal Meridian, Delaware County, Iowa, and to The Southeast Quarter (SE ¼) of the Southeast Quarter (SE ¼) of Section Twenty-Four (24), Township Eighty-Nine North (T89N), Range Three West (R3W) of the Fifth Principal Meridian, Delaware County, Iowa. The Easement, known as "Easement C" is a 66.0' wide access and utility easement created across Parcel X and Parcel Y as described in Plat of Survey filed on the 25th Day of February, 2013 in Book 2013, Page 730 in Delaware County, Iowa.

"Easement C" shall be a permanent easement for right of way for roadway purposes to the above described real estate. It is agreed that the maintenance of said Easement C roadway shall be shared equally on a pro rata basis between the owners of Parcels A, B, F, X, Y, in the Northeast Quarter of the Northeast Quarter, Section Twenty-Five (25), Township Eighty-Nine North (T89N), Range Three West (R3W) of the Fifth Principal Meridian, Delaware County, Iowa, and to The Southeast Quarter (SE ¼) of the Southeast Quarter (SE ¼) of Section Twenty-Four (24), Township Eighty-Nine North (T89N), Range Three West (R3W) of the Fifth Principal Meridian, Delaware County, Iowa.

That the above agreement is the understanding of the parties and is binding between the parties, their heirs, executors, administrators, agents or assigns and shall run with the land.

If any of the above described real estate is sold in parcels for residential development, the owners of said parcels shall share equally on a pro rata basis the cost of maintenance of said Easement C roadway.

Grantors warrant that they are the fee simple record owners of the real property to be subjected to this Easement, that such real property is not subject to any liens, that such real property is not encumbered by any restrictions, easements, covenants, leases or other rights that are in any way conflicting with or inconsistent with the conveyance herein made, and that Grantors have the right and authority to execute this Easement and to grant, sell and convey the rights set forth herein to Grantees.

TO HAVE AND TO HOLD the Easement, together with all and singular the rights and appurtenances thereto in any way belonging unto the Grantees, their successors and assigns, forever; and Grantors do hereby bind Grantors, Grantors' successors and assigns, TO WARRANT and FOREVER DEFEND all and singular the Easement and rights appurtenant unto Grantees, their successors and assigns, against every person whosoever lawfully claiming or to claim the same or any part thereof.

Jason S. Waterman
Parcel A

Judith M. Waterman
Parcel A

William A. Bauer
Parcels B & F

Robin K. Bauer
Parcels B & F

Duane Thole, Grantor

Mary B. Thole, Grantor

STATE OF IOWA, _____ COUNTY, SS:

On this _____ day of _____, 2013, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Jason S. Waterman and Judith M. Waterman, husband and wife, to me known to be the persons named in and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

_____
Notary Public in and for
State of Iowa

STATE OF IOWA, _____ COUNTY, SS:

On this _____ day of _____, 2013, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared William A. Bauer and Robin K. Bauer, husband and wife, to me known to be the persons named in and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

_____
Notary Public in and for
State of Iowa

STATE OF IOWA, Dubuque COUNTY, SS:

On this 20 day of March, 2013, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Duane Thole and Mary B. Thole, husband and wife, to me known to be the persons named in and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

NOTARIAL SEAL IOWA
JOANN K. HAWKINS
COMMISSION NO. 101422
MY COMMISSION EXPIRES
12-10-13

JoAnn K. Hawkins
Notary Public in and for
State of Iowa

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Jason S. Waterman
Parcel A

Judith M. Waterman
Parcel A

William A. Bauer
Parcels B & F

Robin K. Bauer
Parcels B & F

Duane Thole, Grantor

Mary B. Thole, Grantor

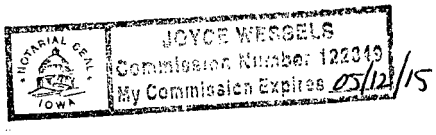
STATE OF IOWA, _____ COUNTY, SS:

On this _____ day of _____, 2013, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Jason S. Waterman and Judith M. Waterman, husband and wife, to me known to be the persons named in and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

_____
Notary Public in and for
State of Iowa

STATE OF IOWA, Dubuque COUNTY, SS:

On this 8th day of March, 2013, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared William A. Bauer and Robin K. Bauer, husband and wife, to me known to be the persons named in and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.



Joyce Wessels
Notary Public in and for
State of Iowa

STATE OF IOWA, _____ COUNTY, SS:

On this _____ day of _____, 2013, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Duane Thole and Mary B. Thole, husband and wife, to me known to be the persons named in and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

_____
Notary Public in and for
State of Iowa

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Jason S. Waterman
Parcel A

Judith M. Waterman
Parcel A

William A. Bauer
Parcels B & F

Robin K. Bauer
Parcels B & F

Duane Thole, Grantor

Mary B. Thole, Grantor

STATE OF IOWA, Dubuque COUNTY, SS:

On this 4th day of March, 2013, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Jason S. Waterman and Judith M. Waterman, husband and wife, to me known to be the persons named in and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

NANCY BURGER
Commission Number 189493
My Commission Expires
4-2-15

Notary Public in and for
State of Iowa

STATE OF IOWA, _____ COUNTY, SS:

On this _____ day of _____, 2013, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared William A. Bauer and Robin K. Bauer, husband and wife, to me known to be the persons named in and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

_____
Notary Public in and for
State of Iowa

STATE OF IOWA, _____ COUNTY, SS:

On this _____ day of _____, 2013, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Duane Thole and Mary B. Thole, husband and wife, to me known to be the persons named in and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

_____
Notary Public in and for
State of Iowa