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DEBORAH L PEYTON, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

Legal Description on Page 2 & 3

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Prepared by: Ann Nurre, Elk Township Clerk, 2418 147th St., Greeley, IA 52050 (563) 925-2294

AFFIDAVIT OF RECORDING

STATE OF IOWA, COUNTY OF DELAWARE, SS.

I, Ann Nurre, being first duly sworn on oath depose and state that I am the Township Clerk of Elk Township, Delaware County, Iowa; that I do hereby certify that the foregoing Order of Fence Viewers was recorded in the Township book under the date of July 15, 2013; and that the foregoing Order is a true and correct copy of said Order as recorded in said Township book.

Ann Nurre
Elk Township Clerk

Subscribed and sworn to before me, a Notary Public, in and for the State of Iowa, on this 6th day of August, 2013.

ANNE RAVE
Commission Number 757587
MY COMMISSION EXPIRES
MARCH 25, 2015

Notary Public

NOTICE OF FINDINGS

ELK TOWNSHIP, DELAWARE COUNTY

Mark Fitzpatrick (Complaining Party)
2386 State Highway 3
Greeley, IA 52050

John Tyrrell (Complaining Party)
Clarine E. Tyrrell Family Trust
410 North Franklin Street
Manchester, IA 52057

vs.

Dick Bockenstedt (Responding Party)
1623 State Highway 38
Greeley, IA 52050

Now on this 15th day of July, 2013, a controversy having arisen between the adjoining landowners named above, as to the erection and maintenance of a partition fence, it comes on for hearing before the Elk Township Trustees, Delaware County, State of Iowa, acting as fence viewers upon the request of at least one of the landowners, pursuant to Chapter 113 of the Code.

The Trustees, after providing all parties in interest with due notice or accepting waiver of the same, after inspection of the property and fences, and being fully advised in the premises, FINDS:

That the Complaining Parties are the owners of the following-described real estate, to-wit:

Fitzpatrick – The East one-half (E ½) of the Northeast Quarter (NE ¼) of Section 8, Township 90 North, Range 4 West of the 5th P.M., in Delaware County, Iowa.

Tyrrell – The Northeast Quarter (NE ¼) of the Northwest Quarter (NW ¼) and the South One-Half (S ½) of the Northwest Quarter (NW ¼) and the Southwest Quarter (SW ¼) of the Northeast Quarter (NE ¼), all in Section 8, Township 90 North, Range 4 West of the 5th P.M., in Delaware County, Iowa,

And,

That the Responding Party is the owner of the following-described real estate, to-wit:

Bockenstedt: The Southwest Quarter (SW ¼) and the Southeast Quarter (SE ¼) of Section 8, Township 90 North, Range 4, West of the 5th P.M., in Delaware County, Iowa,

And,

That there is a partition fence between said tracts of real estate which should be maintained and repaired according to Iowa law.

IT IS THEREFORE HEREBY ORDERED AND ADJUDGED by the Trustees of said Township as follows, to-wit:

1. That the Responding Party, his grantees and successors in interest shall erect and/or maintain his part of said partition fence.
2. That the Responding Party has temporarily repaired his portion of the partition fence and has agreed to have Palas Custom Fencing & Supplies, LLC, build a new fence this fall (2013) after the crops are out.
3. That since the fence is currently repaired, the Trustees have agreed that building the new fence in the fall of 2013 is adequate. If, however, livestock get through the fence prior to that time, Palas will be contacted to construct the fence at their earliest possible convenience.
4. That the new fence **must be constructed by November 19, 2013,** regardless of crop and/or weather conditions, as this gives the Responding Party twelve (12) months from the initial fence dispute request.
5. That said partition fence shall be a "lawful" fence.

IN WITNESS WHEREOF, we have hereunto signed our names as Trustees of Elk Township, Delaware County, State of Iowa.

Dated at Greeley, Delaware County, Iowa, this 15th day of July, 2013.

ELK TOWNSHIP TRUSTEES ACTING AS FENCE VIEWERS

Dave Pierschbacher, Trustee

Charlie Robinson, Trustee

John Wiley, Trustee

Attest: _____
Ann Nurre, Elk Township Clerk