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Daneen Schindler, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

Prepared By: City of Manchester, Laura Thomas, 208 E. Main Street, Manchester, Iowa, Ph. 563-927-3636
Return To: William B. Turner, 108 Circle Drive, Manchester, Iowa, Ph. 515-491-3821

SW (X)

FENCE AGREEMENT

This agreement made this 15 day of April 2016, by and between **Alaina C. and William B. Turner**, Party of the First Part, and, **Edmund P. & Sherry A. Schaul Trustees, Uta**, Party of the Second Part.

WHEREAS, the party of the first part wishes to build the fence on their property line, said fence being on the **West** property line of the party of the first part, in Manchester, Delaware County, Iowa, on the parcel legally described as follows:

That part of Lots Eleven (11) and Twelve (12) of the Subdivision of the North Half (N ½) of the Southeast Quarter (SE ¼) and the South Half (S ½) of the Northeast Quarter (NE ¼) of Section Twenty Nine (29), Township Eight Nine (89) North, Range Five (5), West of the Fifth P.M., described as commencing at a point thirty three (33) feet North and one hundred sixty eight and five-tenths (168.5) feet East from the Southwest corner of said Lot Twelve (12), and running thence East sixty three (63) feet, thence North one hundred twenty (120) feet, thence West sixty three (63) feet, thence South one hundred twenty (120) feet to the point of beginning. (aka 108 Circle Drive, Manchester, Delaware County, Iowa)

sixty five and one-half (65½)

AND WHEREAS, the party of the second part agrees to said fence being on the **East** property line of the party of the second part, in Manchester, Delaware County, Iowa, on the parcel legally described as follows:

The West ninety five (95.0) feet of that part of Lots Eleven (11) and Twelve (12) of the Subdivision of the North one-half (N ½) of the Southeast Quarter (SE ¼) and the South one-half (S ½) of the Northeast Quarter (NE ¼) of Section Twenty Nine (29), Township Eighty Nine (89) North, Range Five (5), West of the Fifth P.M. according to plat recorded in Book A Plats, Page 6, described as commencing at a point thirty three (33.0) feet North of the Southwest corner of said Lot Twelve (12), thence East one hundred sixty eight and five-tenths (168.5) feet, thence North ninety five (95.0) feet, thence West one hundred sixty eight and five-tenths (168.5) feet, thence South ninety five (95.0) feet to the point of beginning in Delaware County, Iowa. (aka 821 N Franklin Street, Manchester, Delaware County, Iowa)

AND WHEREAS, the said fence to be on the **East** property line of the party of the first part; and the **West** property line of the party of the second part:

AND WHEREAS, Section 165.25.10(g)(2) "Fence Regulations" of the Zoning Code of Ordinances of the City of Manchester, Iowa, requires an agreement in writing be established for the erection of a fence or wall on the property line.

NOW, THEREFORE, in consideration of the mutual covenants and promises contained in this Agreement and in consideration of the mutual benefits to be gained by the parties, it is agreed as follows:

1. That said fence may be built on the property line of both parties. That said fence shall be erected and maintained solely at the expense of the party of the first part.
2. That the respective property owners are responsible for maintenance of the property on their respective sides of the property line.
3. That the party of the first part shall hold the party of the second part and their agents harmless from any and all liability, claims or suits for damages with respect to any claims, demands, or causes of action of any kind or nature with respect to said fence.
4. That this said written agreement shall be binding upon the parties to this agreement, their successors and assigns, and shall run with the land so long as the said fence remains in place.
5. Both parties warrant title to their property is sufficient authority for them to enter into this agreement agree the City is not responsible for any title issues that may arise.

PARTY OF THE FIRST PART

William B. Turner
PARTY OF THE FIRST PART

State of Iowa)
) ss:

County of Delaware)

On this 23 day of June 2016, before me, a Notary Public in and for the State of Iowa, personally appeared, **William B. Turner,** to me personally known to be the identical person named in and who executed the foregoing instrument and acknowledged that he executed the same as **his** voluntary act and deed.

Teresa Turnis
Notary Public in and for the State of Iowa

TERESA TURNIS
Commission Number 723636
My Comm. Exp. 7-25-18

Printed Notary Name Teresa Turnis

PARTY OF THE FIRST PART

Alaina Turner

TERESA TURNIS
Commission Number 723636

Alaina C. Turner
PARTY OF THE FIRST PART

State of Iowa)
) ss:
County of Delaware)

On this 23 day of June, 2016, before me, a Notary Public in and for the State of Iowa, personally appeared, **Alaina C. Turner**, to me personally known to be the identical person named in and who executed the foregoing instrument and acknowledged that he executed the same as **her** voluntary act and deed.

Teresa Turnis
Notary Public in and for the State of Iowa

TERESA TURNIS
Commission Number 723636
My Comm. Exp. 7-25-18

Printed Notary Name Teresa Turnis

PARTY OF THE SECOND PART

Edmund P. Schaul

Edmund P. Schaul, Trustee of Edmund P. Schaul Trust (an undivided one-half interest)
PARTY OF THE SECOND PART

TERESA TURNIS
Commission Number 723636
My Comm. Exp. 7-25-18

State of Iowa)
) ss:
County of Delaware)

On this 20 day of May, 2016, before me, a Notary Public in and for the State of Iowa, personally appeared, **Edmund P. Schaul, Trustee of Edmund P. Schaul Trust (an undivided one-half interest)**, to me personally known to be the identical person named in and who executed the foregoing instrument and acknowledged that she executed the same as **his** voluntary act and deed.

Teresa Turnis
Notary Public in and for the State of Iowa

Printed Notary Name Teresa Turnis

PARTY OF THE SECOND PART

Sherry A. Schaul

Sherry A. Schaul, Trustee of Sherry A. Schaul Trust (an undivided one-half interest)
PARTY OF THE SECOND PART

TERESA TURNIS
Commission Number 723636
My Comm. Exp. 7-25-18

State of Iowa)
) ss:
County of Delaware)

On this 20 day of May, 2016, before me, a Notary Public in and for the State of Iowa, personally appeared, **Sherry A. Schaul, Trustee of Sherry A. Schaul Trust (an undivided one-half interest)** , to me personally known to be the identical person named in and who executed the foregoing instrument and acknowledged that she executed the same as **her** voluntary act and deed.

Teresa Turnis
Notary Public in and for the State of Iowa

Printed Notary Name Teresa Turnis