Book 2016 Page 2078
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Date 8/10/2016 Time 1:07:45PM
Rec Amt $82.00*

Daneen Schindler, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

Prepared by: Ron Domeyer, Bremen Township Clerk, 2935 210th St., Earlville, IA 52041 (563) 923-2402

# AFFIDAVIT OF RECORDING

STATE OF IOWA, COUNTY OF DELAWARE, SS.

I, Ron Domeyer, being first duly sworn on oath depose and state that I am the Township Clerk of Bremen 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 May 25, 2016; and that the foregoing Order is a true and correct copy of said Order as recorded in said Township book.

Ron Domeyer
Ron Domeyer
Bremen Township Clerk

Subscribed and sworn to before me, a Notary Public, in and for the State of Iowa, on this 1st day of June, 2016.

NOTARIAL SEAL IOWA
ANNE RAVE
Commission Number 757587
My Commission Expires
March 25, 2018

Anne Rave
Notary Public

*Form FV-I*
*Page 1 of 2*

**NOTICE TO ADJOINING LANDOWNER(S)**

TO: Mark Westoff
Name(s)

1734 310th Ave Dyersville, Iowa 52040
Address

You are hereby notified that a partition line fence between your real estate and that owned by Complainant is in need of erection, maintenance, rebuilding or repair. The legal description of the partition line fence in issue is as follows: N½ of NW ¼, and NW ¼ of NE ¼, and W ½ of NE¼ of NE ¼ sec 10, 89N, 3 West

The nature of the complaint is:

Mark Westoff removed our woven wire fence without our permission.

We disagree with their complaint because it was our fence put in in summer of 1981 by us

Mark & Joyce would agree to view fence on May 25th to get a speedy result to the fence dispute.

Clerk ~~Frost~~.
Ron Dreyer

You are further notified that this complaint made pursuant to Chapter 113 of the Iowa Code will be turned over to the Township Trustees, Delaware County County, acting as fence viewers, if no action is taken to remedy the problem within thirty (30) days of the mailing of this notice.

Dated this 16 day of May, 2016

Very truly yours,

Jon K. Volkert
792 5 St SW Dyersville, Ia.

Complainant(s)

Kuth Bockenstedt
1674 310th Ave Dyersville IA

Address

Acknowledgment of Notice

The undersigned landowner(s) hereby accepts notice of a partition line fence complaint made by John Volkert, Complainant(s), this ___ day of May 9, 2016 at 7:45.

Mark A Westhoff
Joyce Westhoff

Respondent(s)

(Have Acknowledgment of Notice signed by Respondent(s) or send by certified mail, return receipt requested, or give to Sheriff for personal service. Keep duplicate copy with proof of notice and return to Township Clerk.)

*Form FV-2*
*Page 1 of 2*

**BEFORE THE TOWNSHIP TRUSTEES**

Bremen TOWNSHIP Delaware COUNTY, IOWA

Jon Vollmens — Keith Bockenstedt

Complaining Party

792 5 ST SW — 1674 310th Ave

Dyersville, Ia. 52040 — Dyersville, IA 52040

Address

Responding Party

Mark D Niesthoff

Address

Now comes the above named Complainant(s) and respectfully makes application to the Bremen Township Trustees, Delaware County, pursuant to Chapter 359A, Iowa Code, to act as Fence Viewers to determine a fence controversy with the above named Respondents, and do state to the Trustees as follows:

1. These Complainant(s) own the following described parcel:
N 1/2 of NW 1/4, and NW 1/4 of NE 1/4, and W 1/2 of NE 1/4 of NE 1/4 Sec 10, T89 N R3 West

2. Adjoining the ownership of these Complainant(s), the Respondent(s) own the following described parcel:
S 1/2 of NW 1/4 Sec 10 Township 89 N R 3 except W 436 ft. of S 200 ft of N 550 ft. of the SW 1/4 of NW 1/4 10-89-3

We disagree with the complaint because it was a fence put in by us in summer of 1981.

***Form FV-2***
***Page 2 of 2***

3. A controversy has developed between the two adjoining owners in the following respects: (Explain inadequacy of fence.)

Dated this 16 day of May, 2016.

Mark Westoff removed our woven wire fence without permission.

Complaint(s)

State of Iowa, Dubuque County, SS.

On this 16th day of May, 2016, before the undersigned, a Notary Public in and for the State of Iowa, personally appeared known to me to be the identical person(s) named in and who executed the within and foregoing instrument, and acknowledged that he/she executed the same as a voluntary act and deed.

BOBBI JO VOLKENS
Commission Number 726881
My Comm. Exp. 1-29-16

Bobbi Jo Volkens

Notary Public in and for the State of Iowa

Jon K. Volkens
Keith Bockenstedt

**NOTICE**

TO: John Volken
Complaining Party

Dyersville, Iowa 52040
Address

Mark Westhoff
Responding Party

1734 310th Ave. Dyersville Ia 52040
Address

You are hereby notified that the Township Trustee,s Bremen of Delaware County, acting as fence viewers under Chapter 113 of the Iowa Code, will meet to hear the fence viewers' controversy between the above named adjoining landowners on the 25th day of May, 2016, at 7:00 o'clock PM

You may be present and present any facts you desire for consideration in connection therewith.
The partition fence in dispute is located at:
North side of 310th Ave. boundry between Mark Westhoff
1734
and John Volken
Govern yourselves accordingly.

Township Clerk
Ron Domgore

**ACKNOWLEDGMENT OF SERVICE**

The undersigned landowner(s) hereby accepts due, timely and legal service of notice of the above and foregoing Notice of Hearing this 19 day of May, 2016, at 8:15 Am.

Jon Volkens
POA Keith Borkenstein

Complaining Parties

**ACKNOWLEDGMENT OF SERVICE**

The undersigned landowner(s) hereby accepts due, timely and legal service of notice of the above and foregoing Notice of Hearing this 19th day of May, 2016, at 7:45.

Mark A Westhoff
Joyce Westhoff

Responding Parties

NOTE: If all interested parties do not sign Acknowledgment of Service, those not signing must be served personally by the Sheriff at least five (5) days prior to date set for hearing.

If notice is to be served on nonresidents, see Section 359A.7 for publication requirements.

*(Copy of this Notice to each party acknowledged or with proof of service shall be placed on record with County Recorder.)*

**NOTICE OF FINDINGS**

Bremen TOWNSHIP, Delaware COUNTY

Jon Volkens

Complaining Party

792 5ST SW
Dyersville Iowa 52040.

Address

vs.

Mark Westhoff

Responding Party

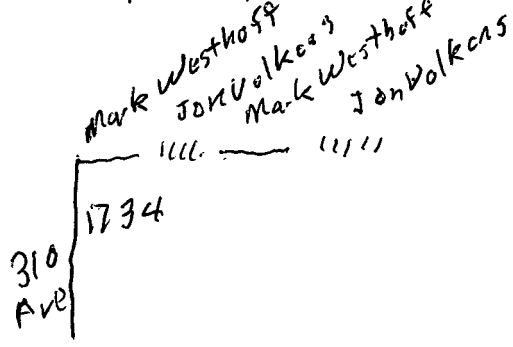
1734 310 St
Dyersville Ia 52040

Address

Now on this 25th day of May, 2016, a controversy having arisen between the parties named above, adjoining landowners, as to the erection and maintenance of a partition fence, it comes on for hearing before Bremen Township Trustees, Delaware County, State of Iowa, acting as fence viewers upon the request of one of the landowners, pursuant to Chapter 359A of the Code.

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

See atachment A



That the complaining party is the owner of the following described real estate, to-wit: (Insert full legal description.)

and

That the responding party is the owner of the following described real estate, to-wit: (Insert full legal description).

and

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

and

That the Trustees further find that the parties should build, repair and/or maintain their respective portions of said partition fence as is hereinafter ordered.

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

1. That the complaining party, his/her grantees and successors in interest shall erect and/or maintain that part of the said partition fence described as follows, to-wit:

2. That the responding party, his/her grantees and successors in interest shall erect and/or maintain that part of the said partition fence described as follows, to-wit:

3. That said partition fence shall be a "lawful" fence.

4. (Insert other legal requirements to be made of one or both parties including date when work is to be completed.)

5. That the costs of this proceeding to be paid on entry of this Order shall be borne as follows:

Recording Fees $ $87.72 Copy Fees $ 10 00/100

Trustee Fees $ ~~$140.00~~ $90 Clerk Fees $ ~~$150.00~~ $120

Complaining party shall pay $ ~~311.72/100~~ ~~302~~ $302; Responding party shall pay $ $0.

IN WITNESS WHEREOF, we have hereunto signed our names as Trustees of Bremen Township, Delaware County, State of Iowa. Dated at 9:00 PM, Iowa, this 25th day of May, 2016.

**TOWNSHIP TRUSTEES ACTING AS FENCE VIEWERS**

John Bagge
TRUSTEE

Bob Bonert
TRUSTEE

Dan Deutmeyer
TRUSTEE

*(At least two Trustees must sign.)*

**Attest:**

Ron Domeyer
Township Clerk

APPEALS MAY BE MADE BY FILING A **NOTICE OF APPEAL** WITH THE **CLERK OF DISTRICT COURT** WITHIN **20 DAYS** AFTER THE DATE OF THIS DECISION.

**STATE OF IOWA, COUNTY OF** Delaware **, SS.**

I, Ron Domeyer, being first duly sworn on oath depose and state that I am the Township Clerk of Bremen 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 May 25 2016; and that the foregoing Order is a true and correct copy of said Order as recorded in said Township book.

Ron Domeyer
Township Clerk

Subscribed and sworn to before me by Ron Domeyer this 1st day of June, 2016.

Anne Rave
Notary Public in and for the State of Iowa

NOTARIAL SEAL IOWA
ANNE RAVE
Commission Number 757587
My Commission Expires
March 25, 2018

*(File one copy in the Township book and file one copy with the County Recorder. Each party to the Order should also have a copy for his or her records.)*

*Form FV-5*
*Page 1 of 2*

**CERTIFICATE TO COUNTY TREASURER FOR NON-PAYMENT OF COSTS**

Pursuant to the provisions of Chapter 359A.6 of the Iowa Code the undersigned Township Trustees hereby certify to the _____ County Treasurer as follows:

That on the _____ day of _____, 20____, the _____ Township Trustees, _____ County, entered an Order as Fence Viewers in the dispute between _____, Complainant, and _____, Respondent.

That the Respondent has failed to carry out the requirements set forth in said Order.

That the Complainant has deposited a sum of money sufficient to carry out said Order.

That the Fence Viewers have caused said Order to be carried out and have paid the costs of work completed.

That the Respondent has not paid said costs and remains in default for a period of more than ten (10) days.

That the full amount due from said party is in the amount of $_____.

That this certificate is made for the purpose of entering said amount upon the tax list to be collected as other taxes as by law provided.

Dated this _____ day of _____, 20____.

John Bagge — John Bagge
TRUSTEE

Bob Bonert — Bob Bonert
TRUSTEE

Dan Deutmeyer
TRUSTEE

*(At least two Trustees must sign.)*

**Attest:**

Ron Domeyer — Ron Domeyer
Township Clerk

Attachment A

Breman Township Trustees had a fence viewing between Jon Volkens and Mark Westhoff on May 25th, 2016 to settle a complaint between Keith Bockenstedt as Power of Attorney for Jon Volkens concerning a fence taken out by Mark Westhoff. Mark Westhoff claims the fence was his. Keith acting as Power of Attorney for Jon Volkens claims the fence taken out by Mark Westhoff was Jon Volkens fence.

After listening to the explanations of both parties involved and viewing the remaining fence and posts, because of seeing that the fence and remaining posts indicated the first twenty acre length had no fence or posts remaining. Westhoff could provide a documentation of putting a fence in between Westhoff and the previous adjoining neighbor, Lawrence Deppe. The second twenty acre length had the wire on Jon Volkens side of the posts as it still remains. Volkens agreed it was his. The third twenty acre length, Westhoff removed leaving brace posts and a middle post with staple marks on Westhoff's side of the post indicating it should belong to Westhoff. The fourth twenty acre length had an old fence with steel posts and wire fastened on the Volkens side of the posts. Also, the fourth twenty acre length of fence continues past the end of the Westhoff property onto the property joining Volkens and Brad Koopman with no ending or corner post indicating the fourth twenty acres and the fence between Volkens and Brad Koopman should belong to the same property owner. Keith Bockenstedt as Power of Attorney for Jon Volkens agreed the fence starting at the Westhoff - Koopman boundary going east belonged to Jon Volkens therefore the fourth twenty acre section of fence should also belong to Jon Volkens. Westhoff has the boundary marked by posts spaced out to keep lines straight.

Trustees decided the first twenty acre length from 310th Ave should belong to Mark Westhoff. The second twenty acre length belongs to Jon Volkens. The third twenty acre length belongs to Mark Westhoff. The fourth twenty acre length belongs to Jon Volkens. Mark Westhoff will be obligated to replace the fence if Volkens demands. Volkens will also be obligated to replace the fence if Weshoff demands.