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Daneen Schindler, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

Prepared By and Return To: Nathan D. Runde - #AT0001534,
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SEPTIC SYSTEM EASEMENT/AGREEMENT

2020-3094
2020-4703

This Easement is made and entered into this 18 day of December, 2020 by and between Jon Wedewer and Darla Wedewer, husband and wife, (hereinafter referred to as "Wedewer") and Breanna Vaske, a single person (hereinafter referred to as "Vaske")

RECITALS:

WHEREAS, Wedewer is the owner of the real estate legally described as follows and hereinafter referred to as "Parcel 1":

Lot 28 of the Plat of Hartwick Lake club West Subdivision of Part of the South One-Half (S½) of Section Twenty-Four (24) and Part of the North One-Half (N ½) of Section Twenty-Five (25), all in Township Eighty-Eight North (T88N), Range Five West (R5W) of the Fifth P.M., Delaware County, Iowa, according to plat recorded in Book 5 Plats, Page 40; also all lake frontage, running to the waterfront and then at right angles to the middle of Hartwick Lake, in respect to and adjoining said Lot Twenty Eight (28); also Parcel A – Part of the NE ¼ - NE ¼ Section 25 and Parcel B – Part of the SE ¼ - SE ¼ Section 24, All in T88N, R5W of the Fifth P.m., Delaware County, Iowa according to plat recorded in Book 6 Plats, Page 175 EXCEPT Parcel 2020-107, a part of Lot 28 of Hartwick Lake Club West Subdivision and Part of the SE ¼ - SE ¼ of Section 24 and Parcel 2020-108 a part of Lot 28 of Hartwick Lake Club West Subdivision and Part of the NE ¼ - NE ¼ of Section 25, all in T88N, R5W of the 5th P.M., Delaware County, Iowa; and

WHEREAS, Vaske owns the real estate legally described as follows, hereinafter referred to as "Parcel 2":

Parcel 2020-107, a part of Lot 28 of Hartwick Lake Club West Subdivision and Part of the SE ¼ - SE ¼ of Section 24 and Parcel 2020-108 a part of Lot 28 of Hartwick Lake Club West Subdivision and Part of the NE ¼ - NE ¼ of Section 25, all in T88N, R5W of the 5th P.M., Delaware County, Iowa

WHEREAS, the parties agree to an easement related to a joint septic system that lies on the Vaske property but services both properties as more specifically described herein; and

WHEREAS, it is necessary and desirable that an easement agreement be in writing and that the rights and obligations of the lot owners be established with the intent that all future heirs, successors and assigns, by accepting Deed or title to the property described herein, accept the terms, restrictions, rights and obligations of this easement.

THEREFORE, IT IS HEREBY AGREED BY THE PARTIES AS FOLLOWS:

1. Wedewer and Vaske have adjacent properties that currently share a septic system.
2. The parties agree to be jointly and equally responsible for any and all repairs and maintenance to said system.
3. The parties hereby grant to each other an easement, as necessary, over and across each other's property for the maintenance and repair of said system.
4. In the event the septic system fails, the parties may replace the system with a joint septic system (consistent with the current system) and be equally responsible for the cost. Alternatively, the parties may each install their own system at their own cost. If each party installs their own system, Wedewer and Vaske hereby grant an easement to the other over each property to ensure there is enough space to install proper septic systems and leach fields to service each property.
5. This easement may be amended from time to time by agreement of the respective owners of the lots identified herein. To be effective, an amendment must be in writing and filed with the Delaware County Recorder.
6. This easement shall be a covenant running with the land and shall bind heirs, executors, administrators, agents, successors in interest or assigns of the owners of the property subject to this easement.

OWNERS OF PARCEL 1

Jon Wedewer

Darla Wedewer

OWNER OF PARCEL 2

Breanna Vaske

STATE OF IOWA)
) ss:
Delaware COUNTY)

This document was acknowledged before me on this 18 day of December, 2020 by Jon Wedewer and Darla Wedewer, husband and wife.

Notary Public in and for said state

SARAH ELIZABETH MAURER
Commission Number 779196
My Commission Expires
01-02-2022

STATE OF IOWA)
) ss:
Delaware COUNTY)

This document was acknowledged before me on this 18 day of December, 2020 by Breanna Vaske.

Sarah Elizabeth Maurer
Notary Public in and for said state

SARAH ELIZABETH MAURER
Commission Number 779196
My Commission Expires
01-02-2022