Book 2021 Page 726

Document 2021 726 Type 06 006 Pages 6
Date 2/26/2021 Time 2:21:39PM
Rec Amt $32.00

Daneen Schindler, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

*(Recorder's Cover Sheet)*

AGREEMENT TO TERMINATE FENCING AGREEMENT

**Preparer information:** *(name, address & phone number)*
SHUTTLEWORTH + INGERSOLL, P.L.C.
115 THIRD STREET SE, SUITE 500
CEDAR RAPIDS, IA 52406
(319) 365-9461

**Taxpayer information:** *(name & complete address)*
JOHN J. CROCK AND KELLEY D. CROCK
130 WINSLOW DRIVE
MANCHESTER, IA 52057

**Return Document to:** *(name & complete address)*
JOHN J CROCK AND KELLEY D. CROCK
130 WINSLOW DRIVE
MANCHESTER, IA 52057

**Grantors:**
Eddie E. Horton, Trustee
Kelley D. Crock, Trustee
Kimberly G. Horton, Trustee
John J. Crock
Kelley D. Crock

**Grantees:**
JOHN J CROCK
KELLEY D. CROCK

**Legal Description is located on page:** SEE PAGE 4 AND PAGE 5

**Document or instrument number of previously recorded documents:**

**AGREEMENT TO TERMINATE FENCING AGREEMENT**

THIS AGREEMENT TO TERMINATE FENCING AGREEMENT is made and entered into this 1st day of February, 2021, by and among Eddie E. Horton, as Trustee of the Horton Family Trust B, Kelley D. Crock, as Trustee of the Kimberly G. Horton Trust, and Kimberly G. Horton, as Trustee of the Kelley D. Crock Trust (collectively the "Horton Trusts"), and John J. Crock and Kelley D. Crock, as joint tenants with full rights of survivorship and not as tenants in common ("Crock"):

WITNESSETH

WHEREAS, the Horton Trusts are, collectively, the owners of various undivided interests in certain property in Delaware County, Iowa, more particularly described on the attached Exhibit "A" (the "Horton Trusts Property"), and Crock is the owner of the real estate legally described on the attached Exhibit "B" (the "Crock Property");

WHEREAS, a certain Real Estate Contract dated February 24, 1976, was entered into by and between Ronald V. McGraw and Eileen McGraw, as sellers and Edward S. Brown and Irmalee L. Brown as buyers, which Real Estate Contract was recorded on February 26, 1976 in Book 98, Page 350 of the records of the Delaware County, Iowa Recorder (the "Real Estatse Contract");

WHEREAS, the Real Estate Contract sets forth at paragraph 7 a certain Fencing Agreement whereby the owner of the Crock Property agreed to erect and maintain a suitable livestock fence around the Crock Property for the benefit of what is now the Horton Trusts Property;

WHEREAS, the Horton Trusts and Crock have agreed that the Fencing Agreement is no longer necessary or required in light of the changed circumstances associated with the use to which the Horton Trusts Property and the Crock Property are now utilized.

NOW, THEREFORE, in consideration of the mutual agreements and covenants hereinafter set forth, and other good and valuable consideration, the receipt of which is hereby acknowledged, the Fencing Agreement set forth in the Real Estate Contract recorded on February 24, 1976 in Book 98, Page 350 is hereby cancelled and is rendered null and void and of no further force in effect.

IN WITNESS WHEREOF, the Horton Trusts and Crock have entered into this Termination Agreement as of February 1st, 2021.

HORTON FAMILY TRUST B

Eddie E. Horton, as Trustee

STATE OF Iowa, Delaware COUNTY, ss:

This instrument was acknowledged before me this 26 day of February, 2021 by Eddie E. Horton, as trustee of the Horton Family Trust B.

Notary Public

KRISTINE BALDWIN
Commission Number 742874
My Commission Expires
September 25, 2021

KIMBERLY HORTON TRUST

Kelley D. Crock, as Trustee

STATE OF IOWA, DELAWARE COUNTY, ss:

This instrument was acknowledged before me this 26 day of February, 2021 by Kelley D. Crock, as trustee of the Kimberly G. Horton Trust.

Notary Public in and for the State of Iowa

KRISTINE BALDWIN
Commission Number 742874
My Commission Expires
September 25, 2021

KELLEY D. CROCK TRUST

Kimberly G. Horton, as Trustee Trustee

STATE OF TEXAS, Bosque COUNTY, ss:

This instrument was acknowledged before me this 1st day of February, 2021 by Kimberly G. Horton, as trustee of the Kelley D. Crock Trust.

Notary Public - State of TEXAS

EVELYN HARVEY
Notary Public, State of Texas
My Commission Expires
June 15, 2023
NOTARY ID 424733-6

John J. Crock, Individually

STATE OF IOWA, DELAWARE COUNTY, ss:

This instrument was acknowledged before me this 26 day of February, 2021 by John J. Crock.

Notary Public in and for the State of Iowa

KRISTINE BALDWIN
Commission Number 742874
My Commission Expires
September 25, 2021

Kelley D. ~~Crock,~~ Individually

STATE OF IOWA, DELAWARE COUNTY, ss:

This instrument was acknowledged before me this 26 day of February, 2021 by Kelley D. Crock.

Notary Public in and for the State of Iowa

KRISTINE BALDWIN
Commission Number 742874
My Commission Expires
September 25, 2021

EXHIBIT A
Horton Trusts Property

The North One Hundred Forty (140) acres of the Northeast Quarter (NE ¼) except the South Seven Hundred Ten (710) feet of the East three hundred sixty two (362) feet thereof, in Section Eighteen (18), Township Eighty Eight (88) North, Range Six (6), West of the Fifth P.M., Delaware County, Iowa, subject to easements and restrictions of record; containing 134 acres, more or less.

EXHIBIT B
Crock Property

The South seven hundred ten (710) feet of the East three hundred sixty two (362) feet of the North one hundred forty (140) acres of the Northeast Quarter (NE¼) of Section Eighteen (18), Township Eighty Eight (88) North, Range Six (6), West of the Fifth P.M., Delaware County, Iowa.