



Document 2020 796

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INDX
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LISA SMITH, COUNTY RECORDER
MADISON COUNTY IOWA

Prepared By: Mark L. Smith, P.O. Box 230, Winterset, IA 50273 Telephone: 515/462-3731
Return Document To: Mark L. Smith, POB 230, Winterset, IA 50273

CB 71428

1/15

**TERRACE MAINTENANCE AGREEMENT
AND EASEMENT**

Todd C. Town and Deborah A. Town, Trustees of the Town Family Trust, hereinafter called ‘Sellers’, and Kyle Freeman and Ashlee Freeman, hereinafter called ‘Buyers’, hereby agree as follows:

Sellers are contemplating selling the following described real property to Buyers:

See Attached Plat of Survey

Said ground contains on the eastern side a terrace, which keeps the water on the property flowing north and south. If such terrace were to become damaged or removed, it would dramatically affect the property to the east also owned by the Sellers. In consideration for the sale of this property to the Buyers, the Parties agree as follows:

Buyers hereby agree to maintain the terrace located on the property at their own expense and keep it in working order. Buyers covenant that no act will be taken on or around the terrace that is inconsistent with the rights hereby granted. This Maintenance Agreement and Easement shall run with the land and be binding upon successors in interest. If Buyers do not maintain said terrace after being given a 20-day written notice by Sellers, Sellers are hereby granted a

temporary access easement to enter upon the property and repair the terrace. All such costs for those repairs, shall be paid by the Buyers.

Dated this 11th day of MARCH, 2020.

SELLERS:

Todd C. Town Trustee
TODD C. TOWN, TRUSTEE
Deborah A. Town Trustee
DEBORAH A. TOWN, TRUSTEE

BUYERS:

Kyle Freeman
KYLE FREEMAN
Ashlee Freeman
ASHLEE FREEMAN

STATE OF IOWA :
: SS
COUNTY OF MADISON :

On the 11th day of MARCH, 2020, before me, the undersigned, a Notary Public in and for said State, personally appeared Todd C. Town and Deborah A. Town, Trustees of the Town Family Trust, to me known to be the identical persons named in and who executed the foregoing instrument and acknowledged that they executed the same as their voluntary act and deed.

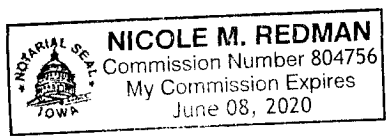
Kenny Herring
Notary Public in and for the State of Iowa

STATE OF IOWA :
Polk : SS
COUNTY OF MADISON :



On the 13th day of March, 2020, before me, the undersigned, a Notary Public in and for said State, personally appeared Kyle Freeman and Ashlee Freeman to me known to be the identical persons named in and who executed the foregoing instrument and acknowledged that they executed the same as their voluntary act and deed.

Nicole M. Redman
Notary Public in and for the State of Iowa



BK: 2020 PG: 531
 Recorded: 2/19/2020 at 3:37:58.0 PM
 Pages 2
 County Recording Fee: \$12.00
 Iowa E-Filing Fee: \$3.00
 Combined Fee: \$15.00
 Revenue Tax:
 LISA SMITH RECORDER
 Madison County, Iowa

PLAT OF SURVEY	SURVEY LEGEND
INDEX LEGEND	() - Recorded Distance/Bearing - - - - - 33' Road Easement - - - - - Section line - x - x - Fence line Monuments ▲ - Found section corner ● - Set 1/2" red plastic capped rebar, #17532
LOCATION: S 1/2 OF NW 1/4 & NE 1/4 OF SW 1/4 OF SECTION 17 T 76N, R 26W, MADISON COUNTY, IOWA	
OWNER: TOWN FAMILY TRUST 2563 225TH STREET, WINTerset IA 50273	
SURVEY FOR: (OWNER)	
PREPARED BY CHAD A. DANIELS DANIELS LAND SURVEYING, 22598 18TH AVE, NEW VIRGINIA IA 50210 RETURN TO: 515-577-2583	BASIS OF BEARINGS IS IA RCS ZONE 8

DESCRIPTION - PARCEL B:

That part of the Southeast Quarter of the Northwest Quarter and that part of the Northeast Quarter of the Southwest Quarter and all of the South Three Quarters of the East Half of the Southwest Quarter of the Northwest Quarter of Section 17, Township 76 North, Range 26 West of the 5th P.M., Madison County, Iowa, described as follows:
 Beginning at the Southwest corner of said Northeast Quarter of the Southwest Quarter; thence North 00 degrees 09 minutes 10 seconds West, 1,319.45 feet to the Northwest corner of said Northeast Quarter of the Southwest Quarter; thence South 84 degrees 44 minutes 06 seconds West, 650.93 feet to the Southwest corner of said South Three Quarters of the East Half of the Southwest Quarter of the Northwest Quarter; thence North 00 degrees 16 minutes 55 seconds West, 985.91 feet to the Northwest corner of said South Three Quarters of the East Half of the Southwest Quarter of the Northwest Quarter; thence North 84 degrees 41 minutes 03 seconds East, 656.81 feet to the Northeast corner of said South Three Quarters of the East Half of the Southwest Quarter of the Northwest Quarter; thence South 55 degrees 58 minutes 32 seconds East, 403.49 feet; thence South 32 degrees 39 minutes 29 seconds East, 547.23 feet; thence South 00 degrees 40 minutes 21 seconds West, 829.86 feet; thence South 18 degrees 47 minutes 54 seconds West, 34.42 feet; thence South 00 degrees 44 minutes 15 seconds East, 700.89 feet to the South line of said Northeast Quarter of the Southwest Quarter; thence South 84 degrees 43 minutes 44 seconds West, 617.95 feet to the Point of Beginning, having an area of 43.33 Acres including 0.47 acres of Madison County Road Easement.



AREA BY TRACT:					I hereby certify that this surveying document was prepared by me and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Land Surveyor under the laws of the State of Iowa. Signed <u>Chad A. Daniels</u> 2/19/20 Chad A. Daniels Date Iowa License No. 17532 My license renewal date is 12-31-2020 Page No.'s covered by this seal: 1 and 2
TRACT:	NET (AC):	R.O.W. (AC):	TOTAL (AC):		
NE SW	18.23	0.47	18.70		
SE NW	9.88	0.00	9.88		
SW NW	14.75	0.00	14.75		
TOTAL	42.86	0.47	43.33		

