

Document 2008 341

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LISA SMITH, COUNTY RECORDER  
MADISON IOWA

## EASEMENT

### Recorder's Cover Sheet

**Preparer Information:** (Name, address and phone number)

Dean R. Nelson, P.O. Box 370, Earlham, Iowa 50072 (515) 758-2267

**Taxpayer Information:** (Name and complete address)

Nickolas L. Boyle  
1319 Pitzer Road  
Earlham, Iowa 50072

✓ **Return Document To:** (Name and complete address)

Nickolas L. Boyle  
1319 Pitzer Road  
Earlham, Iowa 50072

**Grantors:**

Gary Rumley

**Grantees:**

Nickolas L. Boyle  
Beverly A. Boyle

**Legal description:** See Page 2

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

EASEMENT

This easement, made this 28 day of January, 2008 by and between Gary Rumley, a single person, hereinafter referred to as Grantor, and Nickolas L. Boyle and Beverly A. Boyle, husband and wife, hereinafter referred to as Grantees,

WITNESSETH

WHEREAS, Grantor is the owner of the following described real estate, to wit:

Parcel "C" in the Southeast Quarter of the Northeast Quarter of Section 21, Township 77 North, Range 29 West of the 5<sup>th</sup> P.M., Madison County, Iowa, more particularly described as follows: Beginning at the East Quarter Corner of Section 21, Township 77 North, Range 29 West of the 5<sup>th</sup> P.M., Madison County, Iowa; thence North 00°00'00" East 458.00 feet along the East line of the Northeast Quarter of said Section 21 which is the center line of a County Road; thence North 90°00'00" West 288.00 feet; thence South 00°00'00" East 452.24 feet to a point on the South line of the Northeast Quarter of said Section 21; thence South 88°51'15" East 288.06 feet to the Point of Beginning containing 3.009 acres including 0.578 acres of County Road Right-of-Way AND Parcel "D", located in the Southeast Quarter of the Northeast Quarter of Section 21, Township 77 North, Range 29 West of the 5<sup>th</sup> P.M., Madison County, Iowa, more particularly described as follows: Commencing at the East Quarter corner of Section 21, Township 77 North, Range 29 West of the 5<sup>th</sup> P.M., Madison County, Iowa; thence North 88°51'15" West, 288.04 feet along the South line of the Northeast Quarter of said Section 21 to the Point of Beginning; thence North 88°51'15" West, 52.00 feet along the South line of said Section 21; thence North 00°00'05" West, 451.30 feet; thence North 90°00'00" East, 52.00 feet; thence South 00°00'00" West, 452.32 feet to the Point of Beginning. Said parcel contains 0.54 acres.

WHEREAS, Grantees are the owners of the following described real estate, to wit:

The South 110 acres of the Northeast Quarter (NE¼) of Section Twenty-one (21), Township Seventy-seven (77) North, Range Twenty-nine (29) West of the 5<sup>th</sup> P.M., Madison County, Iowa, EXCEPT a tract described as follows: Commencing at the Northeast Corner of the South

110 acres of the Northeast Quarter (NE $\frac{1}{4}$ ) of Section Twenty-one (21), Township Seventy-seven (77) North, Range Twenty-nine (29) West of the 5<sup>th</sup> P.M., running thence South five (5) chains, thence West six (6) chains, thence North five (5) chains, thence East six (6) chains to the point of beginning, AND EXCEPT a tract described as follows: Commencing at a point 458 feet North of the Southeast Corner of the Northeast Quarter (NE $\frac{1}{4}$ ) of Section Twenty-one (21), Township Seventy-seven (77) North, Range Twenty-nine (29) West of the 5<sup>th</sup> P.M., thence West 340 feet, thence North 246 feet, thence West 52 feet, thence North 263 feet, thence East 255 feet, thence North 47 feet, thence East 137 feet to the East line of said Northeast Quarter (NE $\frac{1}{4}$ ) thence South along the East line of said Northeast Quarter (NE $\frac{1}{4}$ ) 556 feet to the point of beginning, AND EXCEPT Parcel "C" in the Southeast Quarter of the Northeast Quarter of Section 21, Township 77 North, Range 29 West of the 5<sup>th</sup> P.M., Madison County, Iowa, more particularly described as follows: Beginning at the East Quarter Corner of Section 21, Township 77 North, Range 29 West of the 5<sup>th</sup> P.M., Madison County, Iowa; thence North 00°00'00" East 458.00 feet along the East line of the Northeast Quarter of said Section 21 which is the center line of a County Road; thence North 90°00'00" West 288.00 feet; thence South 00°00'00" East 452.24 feet to a point on the South line of the Northeast Quarter of said Section 21; thence South 88°51'15" East 288.06 feet to the Point of Beginning containing 3.009 acres including 0.578 acres of County Road Right-of-Way AND EXCEPT Parcel "D", located in the Southeast Quarter of the Northeast Quarter of Section 21, Township 77 North, Range 29 West of the 5<sup>th</sup> P.M., Madison County, Iowa, more particularly described as follows: Commencing at the East Quarter corner of Section 21, Township 77 North, Range 29 West of the 5<sup>th</sup> P.M., Madison County, Iowa; thence North 88°51'15" West, 288.04 feet along the South line of the Northeast Quarter of said Section 21 to the Point of Beginning; thence North 88°51'15" West, 52.00 feet along the South line of said Section 21; thence North 00°00'05" West, 451.30 feet; thence North 90°00'00" East, 52.00 feet; thence South 00°00'00" West, 452.32 feet to the Point of Beginning. Said parcel contains 0.54 acres.

WHEREAS, Grantees were granted a 30 foot easement pursuant to an Easement dated the 25<sup>th</sup> day of July, 2000 and filed of record the 28<sup>th</sup> day of July, 2000 in the office of the Madison County Recorder in Book 142, Page 787.

WHEREAS, Grantees are desirous of obtaining an easement for an additional five feet over and across Grantor's real estate described as Parcel "C" as herebefore set forth for the purpose of ingress and egress to and from Grantee's real estate above described.

NOW, THEREFORE, in consideration of the sum of One Dollar and other good and valuable consideration, the receipt of which is hereby acknowledged, Grantor does by these presents, give, grant and convey unto Grantees a permanent easement, for the purpose of ingress and egress over, and across the following described portion of Grantor's real estate, to wit:

A 5.00 foot wide easement over and across the North 5 feet of the South 35 feet of the following described real estate, to wit;

Parcel "C" in the Southeast Quarter of the Northeast Quarter of Section 21, Township 77 North, Range 29 West of the 5<sup>th</sup> P.M., Madison County, Iowa, more particularly described as follows: Beginning at the East Quarter Corner of Section 21, Township 77 North, Range 29 West of the 5<sup>th</sup> P.M., Madison County, Iowa; thence North 00°00'00" East 458.00 feet along the East line of the Northeast Quarter of said Section 21 which is the center line of a County Road; thence North 90°00'00" West 288.00 feet; thence South 00°00'00" East 452.24 feet to a point on the South line of the Northeast Quarter of said Section 21; thence South 88°51'15" East 288.06 feet to the Point of Beginning containing 3.009 acres including 0.578 acres of County Road Right-of-Way.

This easement created shall be used by the Grantees for ingress and egress to and from Grantees' real estate, and for no other purpose. Grantees may allow other persons to use the easement for access to Grantees' property, provided that such persons shall use the easement for ingress and egress only, and for no other purpose. Grantor, his heirs, successors and assigns may use the easement strip for any purpose provided that they do not use it so as to prevent the free and uninterrupted use of said easement by the Grantees for the purpose for which the easement was created. Grantees shall have the right to repair and maintain the easement strip for the purpose for which this easement is created.

This easement shall inure to the benefit of the owners of the Grantee's real estate described above and shall be deemed to be a covenant running with the title to the land of the Grantor and Grantees, and shall be binding upon the parties, heirs, successors, and assigns, provided, however, that this easement may be amended or released at any time by the appropriate agreement for that purpose entered into by and between the owners of said land, duly executed and filed of record in the Office of the Recorder of Madison County, Iowa.

IN WITNESS WHEREOF, the parties herein have set their hands this 28 day of January, 2008.

GRANTORS

Gary Runley  
Gary Runley.

GRANTEES

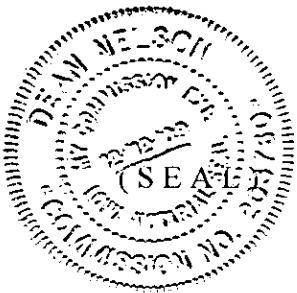
Nickolas L. Boyle  
Nickolas L. Boyle

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Beverly A. Boyle  
Beverly A. Boyle

STATE OF IOWA            )  
                                  ) SS  
MADISON COUNTY        )

On this 28 day of January, 2008 before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Nickolas L. Boyle and Beverly A. Boyle 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.




Debra Nelson  
Notary Public in and for the State of Iowa.

STATE OF IOWA            )  
  ) SS  
MADISON COUNTY         )

On this 28 day of January, 2008 before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Gary Rumley, a single person to me 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.



  
Notary Public in and for the State of Iowa.