

LISA SMITH, COUNTY RECORDER  
MADISON IOWA

✓ PREPARED BY: Rachel L. Totel, 2222 Grand Avenue, Des Moines, IA 50312; Tel. 245-4300

+ Returned to

MODIFICATION OF EASEMENT

THIS MODIFICATION OF EASEMENT, made this 24<sup>th</sup> day of August, 2008, by and between Benjamin D. Totel and Rachel L. Totel, husband and wife, parties of the first part, and Benjamin D. Totel and Rachel L. Totel, husband and wife, parties of the second part, and Clifford Newman, party of the third part,

WITNESSETH:

WHEREAS, the parties of the first part are the owners of the property located in Madison County, Iowa, legally described as follows and hereinafter referred to as "Burdened Property":

Lot Three (3) of Replat of Lots Three (3), Four (4), Eleven (11) and Twelve (12) of Plat No. 1 of the Woodland Valley Estates Subdivision located in the South Half (1/2) of the Northeast Quarter (1/4) of Section Twenty (20) and in the South Half (1/2) of the Northwest Quarter (1/4) of Section Twenty-one (21), ALL in Township Seventy-seven (77) North, Range Twenty-six (26) West of the 5<sup>th</sup> P.M., Madison County, Iowa, together with an undivided 1/31st interest in all common areas as set forth in the Declaration of Association for Woodland Valley Estates Subdivision filed in Book 2004, Page 6107 of the Madison County Recorder's Office, and as amended by the First Amendment thereto filed in Book 2006, Page 4296 of the Madison County Recorder's Office.

WHEREAS, the parties of the second part are the owners of the property located in Madison County, Iowa, legally described as follows and hereafter referred to as "Benefitted Property":

Lot 3A of Replat of Lots Three (3), Four (4), Eleven (11) and Twelve (12) of Plat No. 1 of the Woodland Valley Estates

Subdivision located in the South Half (1/2) of the Northeast Quarter (1/4) of Section Twenty (20) and in the South Half (1/2) of the Northwest Quarter (1/4) of Section Twenty-one (21), ALL in Township Seventy-seven (77) North, Range Twenty-six (26) West of the 5<sup>th</sup> P.M., Madison County, Iowa, together with an undivided 1/31st interest in all common areas as set forth in the Declaration of Association for Woodland Valley Estates Subdivision filed in Book 2004, Page 6107 of the Madison County Recorder's Office, and as amended by the First Amendment thereto filed in Book 2006, Page 4296 of the Madison County Recorder's Office.

WHEREAS, the party of the third part is the duly authorized agent of Woodland Valley Estates Homeowners Association.

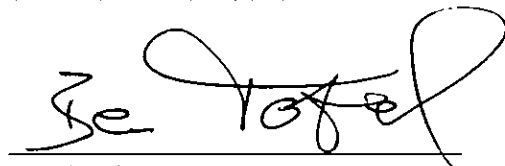
WHEREAS, it is the intention of the parties hereto to modify the driveway access Easement established in the First Amendment to Declaration of Associations for Woodland Valley Estates Subdivision in Madison County Iowa, recorded at Book 2006, Page 4296. Said Easement is incorporated by reference and shown on the subdivision plat for the Replat of Lot 3, Lot 4, Lot 11 and Lot 12 in Woodland Valley Estates Plat 1, recorded at Book 2006, page 4148, as being located on the West 50 feet of the Burdened Property. The parties, being owners of both the Benefitted Property and the Burdened Property, in order to make the best use of their property, wish to modify the driveway access Easement located on the West 50 feet of the Burdened Property to be instead located on the West 20 feet of the Burdened Property.

NOW, THEREFORE, in consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties of the first and second parts do hereby modify the driveway access Easement currently located on the West 50 feet of the Burdened Property to be instead located on only the West 20 feet of the Burdened Property.

The party of the third part does hereby consent to the modification of said driveway access Easement.

1. Running of Benefits and Burdens. All provisions of this instrument, including the benefits and burdens, run with the land and are binding upon and enure to the heirs, assigns, successors, tenants and personal representatives of the parties hereto.

IN WITNESS WHEREOF, the parties have duly executed this Modification of Easement on the date first above written.

  
Benjamin D. Totel

