

Prepared by: Heidi Swenson
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RECORDED 15⁰⁰
AND
FILED 1⁰⁰

SHARED DRIVEWAY EASEMENT
AND
MAINTENANCE AGREEMENT

COMPUTER
RECORDED
COMPARED

FILED NO. 004973
BOOK 64 PAGE 96
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THIS AGREEMENT made and entered into this 30th day of June 2000, by and between Michael & Kathleen McLaughlin and Gene & Gretchen Marsh

MICHELLE UTSLER
RECORDER
MADISON COUNTY, IOWA

WITNESSETH:

WHEREAS, Michael & Kathleen McLaughlin are the owners of the following described real estate situated in Madison County, Iowa, to-wit:

xxx NE Birch, Earlham, IA 50072, Legally known as:

Outlot "B" of McLaughlin Subdivision, an Official Plat in the City of Earlham, Madison County, Iowa, located in a part of the South Half (1/2) of the Northwest Quarter (1/4) of the Northeast Quarter (1/4) of the Southeast Quarter (1/4) of Section Six (6), Township Seventy-seven (77) North, Range Twenty-eight (28) West of the 5th P.M., City of Earlham, Madison County, Iowa, more particularly described as follows: Commencing at the East Quarter Corner of Section Six (6), Township Seventy-seven (77) North, Range Twenty-eight (28) West of the 5th P.M., City of Earlham Madison, County, Iowa;... see attached legal.

WHEREAS, Gene & Gretchen Marsh are the owners of the following described real estate situated in Madison County, Iowa, to-wit:

415 NE Birch, Earlham, IA 50072, Legally known as:

Lot 3 of McLaughlin Subdivision, and Official Plat in the City of Earlham, Madison County, Iowa, located in a part of the South Half (1/2) of the Northwest Quarter (1/4) of the Northeast Quarter (1/4) of the Southeast Quarter (1/4) of Section Six (6), Township Seventy-seven (77) North, Range Twenty-eight (28) West of the 5th P.M., City of Earlham, Madison County, Iowa, more particularly described as follows: Commencing at the East Quarter Corner of Section Six (6), Township Seventy-seven (77) North, Range Twenty-eight (28) West of the 5th P.M., City of Earlham, Madison County, Iowa, ... see attached legal.

WHEREAS, the parties hereto desire to establish of record the existence of a shared driveway easement over, along and across portions of the aforesaid-described parcels of real estate as the same is hereinafter more particularly described.

NOW, THEREFORE, in consideration of the mutual promises and covenants of the parties,

IT IS AGREED:

1. That Gene & Gretchen Marsh do hereby grant unto Mike & Kathy McLaughlin the nonexclusive right and easement to use the

following described real estate for driveway purposes only:

2. That Michael & Kathleen McLaughlin do hereby grant unto Gene & Gretchen Marsh the nonexclusive right and easement

to use the following described real estate for driveway purposes only:

3. The parties hereby agree and covenant with one another to share equally the maintenance and repair of the aforesaid established driveway.

4. The parties further agree that the driveway shall be kept and free for the use of each of the parties hereto and neither party shall allow vehicles to be parked or left in the shared driveway in such manner as to obstruct the use thereof by either party.

These grants of easement and agreement shall be binding upon the heirs, successors, and assigns of the parties hereto and shall run with the land.

Dated at Des Moines, Iowa, as of the day and year first above written.

Mike McLaughlin Kathy McLaughlin
Mike & Kathy McLaughlin
Gene & Gretchen Marsh
Gene & Gretchen Marsh

STATE OF IOWA

ss:

COUNTY OF POLK

On this 30th day of June, 2000, before me, a Notary Public in the State of Iowa, personally appeared Mike & Kathy McLaughlin And Gene & Gretchen Marsh to me personally known to be the person(s) named in and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

Yvonne Swanson
Notary Public in and for said County and State

EXHIBIT "A"

Lot Three (3) of McLaughlin Subdivision, an Official Plat in the City of Earlham, Madison County, Iowa, located in a part of the South Half (1/2) of the Northwest Quarter (1/4) of the Northeast Quarter (1/4) of the Southeast Quarter (1/4) of Section Six (6), Township Seventy-seven (77) North, Range Twenty-eight (28) West of the 5th P.M., City of Earlham, Madison County, Iowa, more particularly described as follows: Commencing at the East Quarter Corner of Section Six (6), Township Seventy-seven (77) North, Range Twenty-eight (28) West of the 5th P.M., City of Earlham, Madison County, Iowa; thence North 90°00'00" West 622.19 feet along the North line of the Southeast Quarter (1/4) of said Section Six (6); thence South 00°12'37" West 321.93 feet to the Southeast Corner of Cook's Addition to the City of Earlham, which is the Point of Beginning; thence continuing South 00°12'37" West 321.93 feet along the West right-of-way line of NE Birch Avenue; thence South 89°49'20" West 138.00 feet along the South line of the Northwest Quarter (1/4) of the Northeast Quarter (1/4) of the Southeast Quarter (1/4) of said Section Six (6); thence North 00°12'37" East 82.55 feet; thence Westerly 43.74 feet along a 230.00 feet radius curve concave Northerly with a 43.68 feet chord bearing North 74°45'51" West; thence North 69°18'58" West 21.15 feet; thence North 00°12'37" East 220.55 feet to the South line of said Cook's Addition; thence North 89°54'41" East 200.00 feet to the Point of Beginning, containing 1.35 acres and is divided into 4 lots numbered 1 through 4 and Outlots "A" and "B",