

REAL ESTATE TRANSFER  
TAX PAID 17  
STAMP #  
\$ 135.20  
MICHELLE UTSLER  
RECORDER  
3-9-04 MADISON  
DATE COUNTY

REC \$ 10.00  
AUD \$ 5.00  
R.M.F. \$ 7.00  
5.00

COMPUTER   
RECORDED   
COMPARED

FILED NO. 1023  
2004  
BOOK PAGE 1023  
(PAGE 1023)  
2004 MAR -9 AM 11:55

Preparer Information John E. Casper, 223 E. Court Avenue, Winterset, (515) 462-4912  
Individual's Name Street Address City

MICKI UTSLER  
RECORDER  
MADISON Phone 7, IOWA  
SPACE ABOVE THIS LINE  
FOR RECORDER



Address Tax Statement : John and Heidie Swihart  
1621 Upland Trail  
Prole, Iowa 50229

**WARRANTY DEED - JOINT TENANCY**

For the consideration of Eighty-five Thousand and No Cents-----(\$85,000.00)  
Dollar(s) and other valuable consideration,  
Donald J. Lynch, a single person

do hereby Convey to  
John L. Swihart and Heidie S. Swihart, husband and wife

as Joint Tenants with Full Rights of Survivorship, and not as Tenants in Common, the following described  
real estate in Madison County, Iowa:

See 1 in Addendum

Grantors do Hereby Covenant with grantees, and successors in interest, that grantors hold the real estate by title in fee simple; that they have good and lawful authority to sell and convey the real estate; that the real estate is free and clear of all liens and encumbrances except as may be above stated; and grantors Covenant to Warrant and Defend the real estate against the lawful claims of all persons except as may be above stated. Each of the undersigned hereby relinquishes all rights of dower, homestead and distributive share in and to the real estate.

Words and phrases herein, including acknowledgment hereof, shall be construed as in the singular or plural number, and as masculine or feminine gender, according to the context.

STATE OF IOWA , Dated: November 26, 2003

MADISON COUNTY, ss: \_\_\_\_\_

On this 26 day of November,  
2003, before me, the undersigned, a Notary Public in and for said State, personally appeared  
Donald J. Lynch

Donald J. Lynch (Grantor)

\_\_\_\_\_  
(Grantor)

\_\_\_\_\_  
(Grantor)

\_\_\_\_\_  
(Grantor)

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.

Elisha R. Busch  
Notary Public

(This form of acknowledgment for individual grantor(s) only)



## Addendum

1. Parcel "D", located in the Southeast Quarter (1/4) of the Northwest Quarter (1/4) of Section Two (2), Township Seventy-six (76) North, Range Twenty-six (26) West of the 5th P.M., Madison County, Iowa, more particularly described as follows:

Commencing at the Center of Section Two (2), Township Seventy-six (76) North, Range Twenty-six (26) West of the 5th P.M., Madison County, Iowa; thence South 86°27'43" West along the South line of the Northwest Quarter (1/4) of said Section Two (2), 490.95 feet to the Point of Beginning; thence South 86°27'43" West along the South line of the Northwest Quarter of said Section Two (2), 562.50 feet; thence North 2°17'44" West, 288.67 feet; thence North 86°27'43" East 347.00 feet; thence South 39°28'50" East, 356.47 feet to the Point of Beginning. Said Parcel contains 3.013 acres, including 0.460 acres of County Road right-of-way.

This Deed is in fulfillment of the Real Estate Contract dated October 30, 1998 and filed for record with the Madison County Recorder's Office on November 16, 1998 in Record Book 139 at Page 788.

The Grantor shall grant and convey to the Grantees, their successor and assigns, a temporary easement over, along, under and across the Grantor's adjoining lands as access to the well system including all accessory equipment located approximately as follows:

Commencing at the Center of Section Two (2), Township Seventy-six (76) North, Range Twenty-six (26) West of the 5th P.M., Madison County, Iowa; thence South 86°27'43" West along the South line of the Northwest Quarter (1/4) of said Section Two (2) 490.95 feet; thence North 39°28'50" West 356.47 feet; thence South 86°27'43" West 257.00 feet to the point of beginning; thence North 02°17'44" West 315.00 feet; thence South 86°27'43" West 20.00 feet; thence South 02°17'44" East 315.00 feet; thence North 86°27'43" East to the point of beginning.

The Grantor further grants and conveys the Grantees, their successors and assigns, the temporary, nonexclusive right to the water from this well system subject to the duty of the Grantees, their successors and assigns bearing one-half (1/2) of the costs of repairing, replacing and reconstructing the well system. The Grantees, their successors and assigns shall not have the right to fence-in the easement area nor to otherwise limit Grantor's use of the easement area so long as such Grantor's use is consistent with this grant. These rights granted to the Grantees, their successors and assigns are temporary to be fully terminated upon rural water becoming available for the use of the Grantees, their successors or assigns.