

REC \$ 35⁰⁰
AUD \$ 1⁰⁰
R.M.F. \$ 1⁰⁰

COMPUTER
RECORDED
COMPARED

FILED NO. 001576
BOOK 2001 PAGE 1576
2001 APR 20 AM 10:53

MICKI UTSLER
RECORDER

Prepared by Scott W. Anderson, Dorsey & Whitney LLP, 801 Grand, Suite 3900, Des Moines, Iowa 50309 MADISON COUNTY, IOWA

EASEMENT AGREEMENT AND ASSUMPTION

WHEREAS Max Z. Steigleder and Tracy D. Steigleder, husband and wife, (collectively, "Seller") is the owner of real property legally described as Parcel G on Exhibit A attached hereto (the "Parcel G Property"); and

WHEREAS Seller is the owner of real property described on Exhibit B attached hereto (the "Creek Property"); and

WHEREAS there currently exists a gravel road (the "Road") approximately thirty feet in width leading from Quarry Trail, a public roadway, over the Creek Property and onto portions of the Parcel G Property and property described as Parcel F (the "Parcel F Property"), which gravel road and Parcel F Property are illustrated on the Plat of Survey attached hereto as Exhibit C (the "Parcel G Plat") and the Plat of Easement attached hereto as Exhibit D and recorded in Book 3 at page 503; and

WHEREAS Seller and Linda Packila ("Packila") have previously entered into an Easement Agreement dated September 15, 1999, filed September 15, 1999 and recorded in Book 3 at page 485 of the Madison County records (the "Original Easement"); and

WHEREAS the Original Easement permits Seller and any future owner of the Parcel G Property to use the portions of the Road that encroach on the Parcel F Property; and

WHEREAS the Original Easement permits Packila and any future owner of the Parcel F Property to use the portions of the Road that encroach on the Parcel G Property; and

WHEREAS the Original Easement apportions the costs of maintaining the Road between the owners of the Parcel F Property and the owners of the Parcel G Property; and

WHEREAS Buyer desires to obtain an easement from Seller for the use of the part of the Road that crosses over the Creek Property; and

WHEREAS Seller desires that Buyer assume Seller's responsibility to maintain portions of the Road.

NOW, THEREFORE Seller and Buyer agree as follows:

1. Seller's Grant of Easement. Seller grants to Buyer, and to any future owner of the Parcel G Property, the right to use any of the Road that crosses over the Creek Property. The

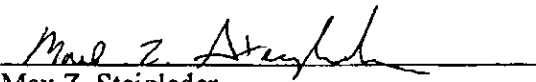
scope of the easement shall be limited to the use a reasonable landowner of residential property and the landowner's invitees would make of a private driveway.

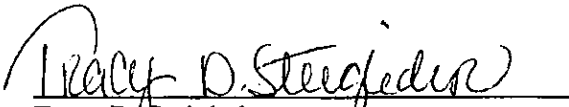
2. Duration of Easement. The duration of the easement for the Road shall be perpetual.

3. Assumption of Seller Obligations. The Original Easement places certain obligations on Seller to, among other things, maintain the Road. Buyer agrees to assume all of Seller's obligations under the Original Easement.

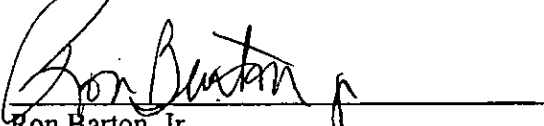
Executed this 13 day of March, 2000.


SELLER


Max Z. Steigleder

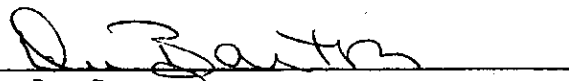

Tracy D. Steigleder

BUYER


Ron Barton, Jr.



Tina Barton



Ron Barton, Sr.


Dee Barton

STATE OF IOWA, POLK COUNTY, ss:

This instrument was acknowledged before me on the 13 day of March, 2000, by Max Z. Steigleder and Tracy D. Steigleder.



 Notary Public

STATE OF IOWA, POLK COUNTY, ss:

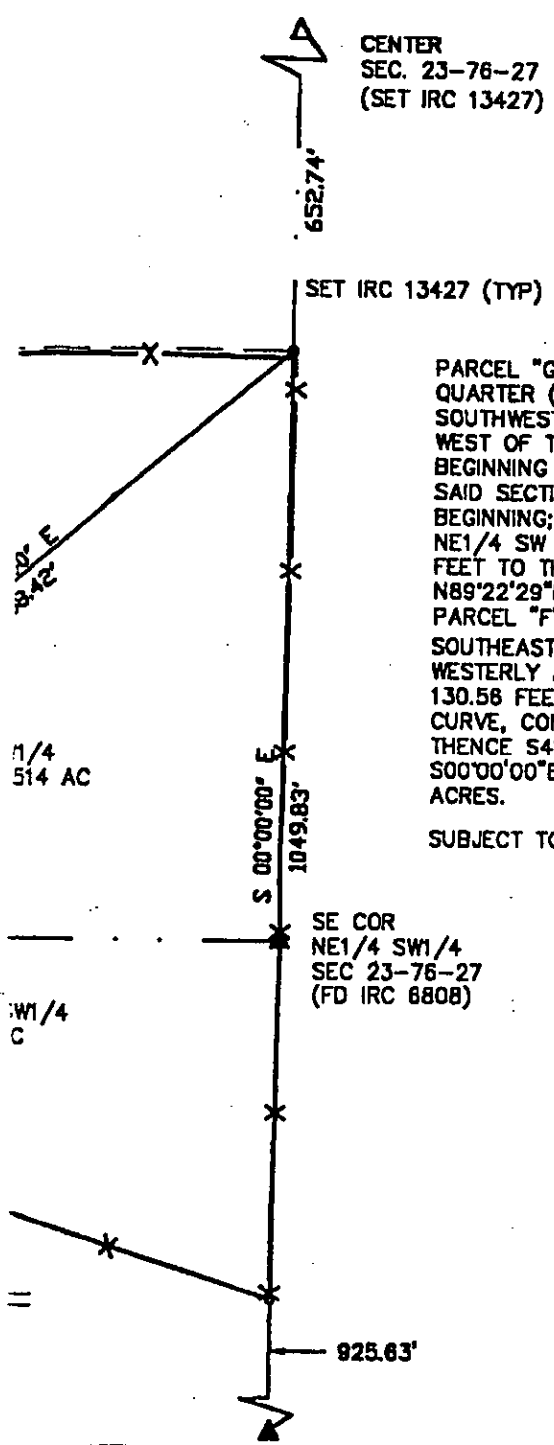
This instrument was acknowledged before me on the 13 day of March, 2000, by Ron Barton, Jr. and Tina Barton.



 Notary Public

Exhibit A

CENTER
SEC. 23-76-27
(SET IRC 13427)



PARCEL "G" PART OF THE NORTHEAST QUARTER (NE1/4) OF THE SOUTHWEST QUARTER (SW1/4) AND PART OF THE SOUTHEAST QUARTER (SE1/4) OF THE SOUTHWEST QUARTER (SW1/4) IN SECTION 23, TOWNSHIP 76 NORTH, RANGE 27 WEST OF THE 5TH P.M., MADISON COUNTY, IOWA DESCRIBED AS FOLLOWS: BEGINNING AS A POINT OF REFERENCE THE SOUTH QUARTER (S1/4) CORNER OF SAID SECTION 13; THENCE N00°00'00"E, 925.63 FEET TO THE POINT OF BEGINNING; THENCE N73°37'02"W, 1377.17 FEET TO THE WEST LINE OF SAID NE1/4 SW 1/4; THENCE N00°18'19"E, ALONG THE WEST LINE THEREOF, 647.03 FEET TO THE NORTH LINE OF THE SOUTH HALF OF SAID NE1/4 SW1/4; THENCE N89°22'29"E, ALONG SAID NORTH LINE, 356.63 FEET TO THE WEST LINE OF PARCEL "F"; THENCE S00°37'31"E, ALONG SAID WEST LINE, 224.48 FEET; THENCE SOUTHEASTERLY 46.83 FEET ALONG A 75.00 FOOT RADIUS CURVE, CONCAVE SOUTH WESTERLY AND HAVING A CENTRAL ANGLE OF 35°48'42"; THENCE S58°05'57"E, 130.58 FEET; THENCE SOUTHEASTERLY 63.87 FEET ALONG A 250.00 FOOT RADIUS CURVE, CONCAVE SOUTHWESTERLY AND HAVING A CENTRAL ANGLE OF 14°38'20"; THENCE S41°27'37"E, 210.50 FEET; THENCE N49°56'50"E, 808.42 FEET; THENCE S00°00'00"E, 1048.83 FEET TO THE POINT OF BEGINNING, CONTAINING 19.387 ACRES.

SUBJECT TO A 30.00' EASEMENT FOR INGRESS AND EGRESS.

PLAT OF SURVEY

FIELD BOOK: 2	DRAWN BY: CSB
DATE: 2/18/00	SCALE: 1"=200'
OWNER: MAX STEIGLEDER R.E. CONTRACT	JOB NUMBER: 00-014

I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED 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.

SIGNATURE: Craig S. Boldman
 NAME: CRAIG S. BOLDMAN
 DATE: 2/13/00
 MY LICENSE RENEWAL DATE IS: DECEMBER 31, 2000

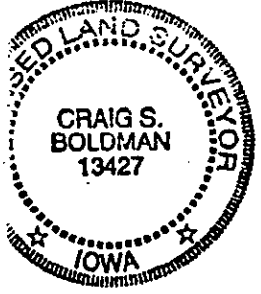


Exhibit B

attached

The South one-half of the Northeast Quarter of the Southwest Quarter (S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$), and, All that part of the southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$) lying North of the center of the channel of Cedar Creek, and, Commencing at a point 58 rods and 40' South and 69 rods East of the Northwest Corner of the West one-half of the Southwest Quarter (W $\frac{1}{2}$ SW $\frac{1}{4}$) and running thence South 40 rods, thence West 69 rods, thence South to the center of Cedar Creek, thence following the meanderings of said Cedar Creek to a point where it crosses the East line of said West one-half of the Southwest Quarter (W $\frac{1}{2}$ SW $\frac{1}{4}$), thence North to a point 58 rods and 40' South of the Northeast Corner of said 80 acre tract, thence West to the place of beginning, all in Section Twenty-three (23), Township Seventy-six (76) North of Range Twenty-seven (27) West of the 5th P.M., Madison County, Iowa.

