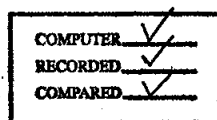


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MICKI UTSLER
RECORDER
MADISON COUNTY, IOWAREC \$ 15⁰⁰
AUD \$ _____
R.M.F. \$ 1⁰⁰Preparer
Information

John E. Casper, 223 E. Court Avenue, Winterset, (515) 462-4912

PRIVATE ACCESS EASEMENT**KNOW ALL PERSONS BY THESE PRESENCE:**

The undersigned owners, Ray J. McLaughlin and Agnes C. McLaughlin, Husband and Wife, hereafter called the Grantor, in consideration of the sum of one dollar and other valuable considerations, receipt of which is acknowledged, does hereby grant to Arlan Herzberg and Diane Herzberg, husband and wife, as joint tenants with full rights of survivorship and not as tenants in common, hereafter called the Grantee, the perpetual and exclusive right and easement to use the following described real estate as ingress and egress access to the Grantee's adjoining real estate, which is described on Exhibit "A" attached hereto and incorporated herein by this reference, and incident to such easement rights to have the right to construct, repair, maintain, operate, inspect, patrol, replace and remove hard surface road surface and utilities such as electricity over, along, across and under the following described property situated in Madison County, Iowa, to-wit:

A 20 foot wide ingress/egress easement for Parcel "A", located in the Southeast Quarter of the Southeast Quarter of Section 25, Township 77 North, Range 26 West of the 5th P.M., Madison County, Iowa, the centerline of which is more particularly described as follows:

Commencing at the Southeast corner of Section 25, Township 77 North, Range 26 West of the 5th P.M., Madison County, Iowa; thence South 0°21'32" East, 2.57 feet along the East line of the Northeast Quarter of Section 36, Township 77 North, Range 26 West of the 5th P.M., Madison County, Iowa to the Easement Point of Beginning; thence South 85°41'08" West, 158.73 feet; thence South 89°14'30" West, 63.39 feet; thence North 13°57'32" West, 112.75 feet; thence South 64°21'33" West, 79.97 feet to the termination point of said easement, with said termination point being North 12°20'20" West, 97.65 feet from the Southeast corner of Parcel "A".

The Grantor warrant and covenant to the Grantee that, subject to liens and encumbrances of record at the date of this easement, they are the owner of the above described land and has full right and authority to validly grant this easement, and the Grantee may quietly enjoy its estate in the premises.

Grantee is given the right to trim, cut and clear away any trees, limbs and brush, whether located on the above described easement property or overhanging the same, and the right to remove from the above described easement property any obstruction including inflammable materials, brush,

structures of any kind or other obstructions wherever in its judgment such will interfere with or endanger the construction, operation or maintenance of the right of way access; and, to renew, replace, and to otherwise change the location of the road within the easement property.

In consideration of such grant, the parties agree that the Grantee shall have the right to fence the perimeter of the above described easement property and to have the exclusive right of access over, along, across, and under the above described easement property.

The Grantor covenants that no act will be permitted within the easement property which is inconsistent with the rights hereby granted; that no buildings or structures or other improvements will be erected upon the easement property; and, that the present grade or ground level thereof will not be changed by excavation or filling or other means.

This Agreement shall run with the land and bind and inure to the benefit of the parties, their heirs, successors and assigns of the parties.

Dated this 30 day of September, 2002.

Grantor:

Ray J. McLaughlin
Ray J. McLaughlin
Agnes C. McLaughlin
Agnes C. McLaughlin

Grantee:

Arlan Herzberg
Arlan Herzberg
Diane Herzberg
Diane Herzberg

STATE OF IOWA)
) ss
MADISON COUNTY)

On this 30 day of Septm, 2002, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Ray J. McLaughlin, Agnes C. McLaughlin, Arlan Herzberg and Diane Herzberg, to me personally known, who, being by me duly sworn, did say that they acknowledged the execution of the instrument to be their voluntary act and deed, by them voluntarily executed.

Charles E. Pettit
Notary Public in and for the State of Iowa



EXHIBIT "A"

Parcel "A", located in the Southeast Quarter of the Southeast Quarter of Section 25, Township 77 North, Range 26 West of the 5th P.M., Madison County, Iowa, more particularly described as follows:

Commencing at the Southeast corner of Section 25, Township 77 North, Range 26 West of the 5th P.M., Madison County, Iowa; thence South $83^{\circ}10'22''$ West, 302.21 feet along the South line of the Southeast Quarter of said Section 25 to the Point of Beginning; thence South $83^{\circ}10'22''$ West, 195.13 feet along the South line of the Southeast Quarter of said Section 25 to a point in an existing fenceline; thence North $15^{\circ}28'03''$ West, 105.97 feet along said fenceline; thence North $13^{\circ}05'33''$ East, 61.71 feet along said fenceline; thence South $84^{\circ}44'48''$ West, 53.18 feet along said fenceline; thence North $16^{\circ}00'48''$ West, 33.25 feet along said fenceline; thence North $38^{\circ}20'59''$ West, 367.68 feet along said fenceline; thence North $73^{\circ}42'48''$ East, 243.72 feet to a point in an existing fenceline; thence South $47^{\circ}53'08''$ East, 95.00 feet along said fenceline; thence South $45^{\circ}29'14''$ East, 118.36 feet along said fenceline; thence South $19^{\circ}27'50''$ East, 214.18 feet along said fenceline; thence South $12^{\circ}20'20''$ East, 178.32 feet to the Point of Beginning. Said Parcel contains 3.001 acres.