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MICKI UTSLER RÉCORDER MADISON COUNTY, 10WA

This instrument prepared by:

ROSS F. BARNETT, ABENDROTH & RUSSELL, P.C., 2536 - 73<sup>rd</sup> Street, Urbandale, Iowa 50322

IOWA REALTY CO., 3501 Westown Parkway, West Des Moines, Iowa 50266

Mail tax statements to:

BENJAMIN and TERRI JOHNSON, 2676 – 235<sup>th</sup> Street, Winterset, Iowa 50273

(WT) PH # (515) 453-6264

File #14212001

## SHARED FENCELINE EASEMENT AGREEMENT

WHEREAS, Russell W. Utsler and Jeannie M. Utsler, husband and wife, are the record titleholders of the real estate situated in Madison County, lowa, legally described as follows, to-wit:

Parcel "A", located in the Northeast Fractional Quarter of the Northeast Quarter of Section 1, Township 74 North, Range 28 West of the 5<sup>th</sup> P.M., Madison County, Iowa, more particularly described as follows: Beginning at the Northeast corner of Section 1, Township 74 North, Range 28 West of the 5<sup>th</sup> P.M., Madison County, Iowa; thence South 0°37'43" West, 332.21 feet along the East line of the Northeast Quarter of said Section 1; thence South 89°28'47" West, 338.54 feet along an existing fenceline; thence South 46°23'20" West, 24.54 feet along said fenceline; thence South 88°46'39" West, 253.85 feet along said fenceline; thence North 0°05'19" East, 358.87 feet to a point on the North line of the Northeast Quarter of said Section 1: thence South 89°52'55" East, 613.19 feet along the North line of the Northeast Quarter of said Section 1 to the Point of Beginning.

Parcel "B" located in the East Half (E 1/2) of the Northeast Quarter (NE 1/4) of Section One (1), Township Seventy-four (74) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, Iowa, containing 13.381 acres, as shown in Plat of Survey filed in Book 2003, Page 1057 on February 26, 2003 in the Office of the Recorder of Madison County, Iowa

WHEREAS, Benjamin W. Johnson and Terri J. Johnson, husband and wife, are the record titleholders of the real estate situated in Madison County, lowa, legally described as follows, to-wit:

The Northeast Quarter (NE 1/4) of Section One (1), Township Seventyfour (74) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, Iowa, EXCEPT Parcel "A" located in the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of said Section One (1), containing 4.822 acres, as shown in Plat of Survey filed in Book 2003, Page 1056 on February 26, 2003 in the Office of the Recorder of Madison County, Iowa; AND EXCEPT Parcel "B" located in the East Half (E  $\frac{1}{2}$ ) of the Northeast Quarter (NE  $\frac{1}{4}$ ) of said Section One (1), containing 13.381 acres, as shown in Plat of Survey filed in Book 2003, Page 1057 on February 26, 2003 in the Office of the Recorder of Madison County, Iowa

WHEREAS, the properties of the aforementioned titleholders share a common boundary,

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WHEREAS, the parties desire to bind themselves, their heirs and assigns, to an agreement for the construction and maintenance of a partition fence so that their

properties may hereinafter be separated by a good and sufficient fence and they and any future owners of their properties will have clearly-defined duties with respect to the maintenance of that fence, all to the end that good relations between owners and tenants of the respective properties may be maintained.

IT IS THEREFORE AGREED, in consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties agree as follows:

**Russell W. Utsler and Jeannie M. Utsler**, shall construct a fence, similar to the fence located on Parcel "B", onto Parcel "A".

Russell W. Utsler and Jeannie M. Utsler, shall maintain the fence dividing Parcel "B" from the property being acquired by Benjamin W. Johnson and Terri J. Johnson, consisting of a north-south fence and an east-west fence.

IT IS FURTHER AGREED THAT the fence shall be erected and maintained pursuant to this agreement shall be in compliance with the Code of Iowa, as amended.

IT IS FURTHER AGREED THAT this easement is for the benefit of and is an appurtenance to the above-described land, or any portion thereof. This easement shall run with the land and shall be binding upon both parties, their successors, heirs, assigns, and grantees.

STATE OF IOWA ) ) SS:	Dated: <u>3-14-03</u>
COUNTY OF March )	
On this <u>14 fh</u> day of <u>Anarch</u> , 2003, before me the undersigned, a Notary Public in and for said State, personally appeared Russell W. Utsler and Jeannie M. Utsler, husband	Bunell W. Utlu- Russell W. Utsler
and wife, 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.	Jeannie M. Utsler Jeannie M. Utsler
Meorge J. Bown  Notary Public in and for the State of Iowa	
STATE OF IOWA ) ) SS:	Dated: 3-/5-03
COUNTY OF Madison )	
On this 1516 day of March, 2003, before me the undersigned, a Notary Public in and for said State, personally appeared Benjamin W. Johnson and Terri J. Johnson,	Benjamin W. Johnson
husband and wife, 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.	Jeni J. Johnson Terri J. Johnson

Notary Public in and for the State of Iowa