

MICHELLE "MICKI" UTSLER, COUNTY RECORDER  
MADISON IOWA

COMPUTER	<input checked="" type="checkbox"/>
RECORDED	<input checked="" type="checkbox"/>
COMPARED	<input type="checkbox"/>

**Preparer Information:** James D. Beatty, 2829 Westown Parkway Ste #310, West Des Moines, Iowa 50266 Phone: (515) 255-1100  
James D. Beatty ISBA#8223

**Space above this line for Recorder**

**After recording, please return to:** James D. Beatty, 2829 Westown Parkway, West Des Moines, Iowa 50266. Phone: (515) 225-1100

**FENCE AGREEMENT**

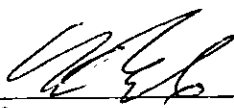
This Agreement, made and entered into, by and between adjoining property owners, Kevin S. Fifo and Jean A. Sherrard-Fifo, individually, and the Kiowa Valley Subdivision, Kevin S. Fifo and Jean A. Sherrard-Fifo proprietors and owners of all lots in said subdivision. The parties share a mutual property line along the East 327.86 feet of the 946.17' projection that establishes the North property line of the Kiowa Valley subdivision described in the following:

See Exhibit A attached hereto and incorporated herein by this reference,

Now therefore it is agreed as follows:

1. The parties agree that at the time of the creation of the Kiowa Valley Subdivision there is no need to establish a fence along their mutual property line.
2. Either party, upon written notification to the other, may request that a partition fence along their mutual property line be established and maintained pursuant to Iowa Code Chapter 359A.
3. In the event of the transfer of ownership of either property along the mutual property line, the new property owners may request that a partition fence along their mutual property line be established and maintained pursuant to Iowa Code Chapter 359A.
4. This Agreement shall be considered a covenant running with the land and permanently binding and benefiting the property of each party to this Agreement. This Agreement shall permanently bind the heirs, successors and assigns of the parties and shall be recorded immediately in the Office of the Madison County Recorder.


Dated this 23<sup>rd</sup> day of July, 2005.

  
\_\_\_\_\_  
Kevin S. Fifo

  
\_\_\_\_\_  
Jean A. Sherrard-Fifo

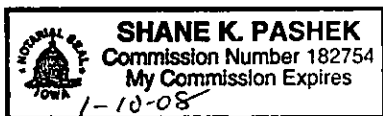
Kiowa Valley Subdivision

By:   
Kevin S. Fifo

By:   
Jean A. Sherrard-Fifo

STATE OF IOWA, COUNTY OF Madison

This instrument was acknowledged before me on the 23<sup>rd</sup> day of July, 2005, by Kevin S. Fifo and Jean A. Sherrard-Fifo, individually and Kevin S. Fifo and Jean A. Sherrard-Fifo, as proprietors and owners of all lots of Kiowa Valley Subdivision.



  
Notary Public

## EXHIBIT A

### LEGAL DESCRIPTION:

A parcel of land in the Southeast Quarter of the Southeast Quarter and the Northeast Quarter of the Southeast Quarter of Section 15, Township 76 North, Range 28 West of the 5<sup>th</sup> P.M., Madison County, Iowa more particularly described as follows:

Beginning at the Southeast Corner of Section 15, Township 76 North, Range 28 West of the 5<sup>th</sup> P.M., Madison County, Iowa; thence North 89°58'39" West 1319.10 feet to the Southwest Corner of the Southeast Quarter of the Southeast Quarter of said Section 15; thence North 00°08'21" East 1314.78 feet to the Northwest Corner of said Southeast Quarter of the Southeast Quarter; thence continuing North 00°08'20" East 262.96 feet to the Northwest Corner of the South 3 ¼ acres of the West 18 ¾ acres of the Northeast Quarter of the Southeast Quarter of said Section 15; thence South 89°53'42" East 946.17 feet along a projection of the North line of said South 3 ¼ acres of the West 18 ¾ acres to the Westerly line of the former railroad right-of-way; thence South 29°38'05" East 750.94 feet along the Westerly line of the former railroad right-of-way to a point on the East line of said Southeast Quarter of the Southeast Quarter; thence South 00°08'15" West 923.80 feet to the Point of Beginning containing 49.957 acres. The parcel is divided into 4 lots the dimensions and area of which are shown on the attached plat.