

Document 2005 3799

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MICHELLE "MICKI" UTSLER, COUNTY RECORDER
MADISON IOWA

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

JOINT DRIVEWAY EASEMENT
Recorder's Cover Sheet

Preparer Information: (name, address and phone number)

David M. Erickson
666 Walnut Street, Suite 2500
Des Moines, IA 50309
Phone: (515) 288-2500

Taxpayer Information: (name and complete address)

Donald and Lisa Brittain
1169 Kiowa Avenue
Earlham, Iowa

Return Document To: (name and complete address)

David M. Erickson
666 Walnut Street, Suite 2500
Des Moines, Iowa 50309

Legal Description: See Page 2

DRIVEWAY AND GARAGE EASEMENT

THIS DRIVEWAY AND GARAGE EASEMENT is made and entered into this ____ day of July, 2005, by Donald R. Brittain and Lisa M. Brittain, husband and wife (hereinafter referred to as "Brittain").

WHEREAS, Brittain is the owner of the following described property located in Madison County, Iowa, to-wit:

The Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) of Section Ten (10) in Township Seventy-seven (77) North, Range Twenty-eight (28) west of the 5th P.M., Iowa, EXCEPT the South 165 feet thereof;

locally known as 1167 Kiowa Avenue, Earlham, Iowa, hereinafter referred to as "1167 Kiowa"; and

WHEREAS, Brittain is also the owner of the following described property, to-wit:

The South 165 feet of the NE 1/4 of the SE 1/4 of Section 10, Township 77 North, Range 28 West of the 5th P.M., Iowa,

locally known as to as 1169 Kiowa Avenue, Earlham, Iowa, hereinafter referred to as "1169 Kiowa"; and

WHEREAS, a driveway and a portion of the garage for 1169 Kiowa exists on both properties described above, as more fully described on Exhibit "A" attached hereto; which is the Real Property Inspection Report of Associated Company of Iowa; and

WHEREAS, Brittain desires that "1169 Kiowa" have an easement for the garage encroachment and appropriate access across a portion of 1167 Kiowa to Kiowa Avenue, in Earlham, Iowa;

NOW, THEREFORE, in consideration of the mutual covenants and conditions contained herein, Brittain agrees as follows:

1. **DRIVEWAY EASEMENT.** Brittain, their successors and assigns, hereby declare for the benefit of 1169 Kiowa, an affirmative and perpetual easement for ingress and egress, for access to and from Kiowa Avenue in Earlham, Iowa, over, through and across 1167 Kiowa Avenue, as shown on Exhibit "A" attached hereto (the Easement Area), subject to the following terms and conditions:

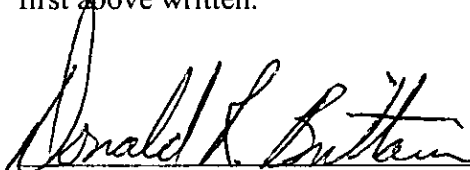
- (a) The owner of 1169 Kiowa, and their successors and/or assigns, shall assume all responsibility for the maintenance, repair and replacement of the driveway in the Easement Area.
- (b) The Easement Area shall remain free from obstruction at all times so as to not interfere with the use of the easement declared herein.

2. **GARAGE ENCROACHMENT.** Brittain hereby declares and establishes a perpetual garage easement on the area set forth on Exhibit "A" attached hereto where the garage encroaches. Brittain also grants and establishes an easement for access to the owner of 1169 Kiowa to repair and maintain the garage.

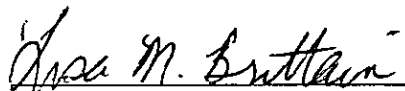
3. **BINDING EFFECT.** This Easement shall be deemed to be a covenant running with the title to the land herein described, and shall bind the heirs, representatives, successors, and assigns of the owners of said land hereto until modified or terminated by mutual agreement of the owners.

4. **WORDS AND PHRASES.** Words and phrases herein, including any acknowledgment hereof, shall be construed as in the singular or plural number, and as masculine, feminine or neuter gender, according to the context.

IN WITNESS WHEREOF, this Driveway and Garage Easement is executed on the date first above written.



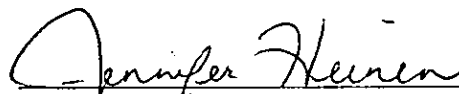
 Donald R. Brittain



 Lisa M. Brittain

STATE OF IOWA)
) ss:
 COUNTY OF Polk)

This instrument was acknowledged before me on the 29th day of July, 2005, by Donald R. Brittain and Lisa M. Brittain, husband and wife.



 Notary Public, State of Iowa



Associated Company of Iowa

2917 M. L. King, Jr. Parkway, Des Moines, Iowa 50310

Real Property Inspection

LENDING INSTITUTION.....: Wells Fargo Home Mortgage

PROPERTY ADDRESS.....: 1169 Kiowa Avenue, Earlham, Iowa

BUYER-REFINANCER.....: Donald Brittian, Loan #127392793

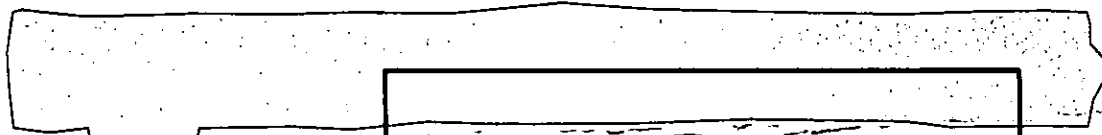
Legal Description

The South 165 feet of the NE 1/4 of the SE 1/4 of Section 10,
Township 77 North, Range 28 West of the 5th P.M., Madison County, Iowa

Kiowa Avenue

165.00'

30' GRAVEL ROAD



ROCK DRIVE

20' CONC. DRIVE

GARAGE

HOUSE #1169

ENCLOSED PORCH

WOOD DECK

1320' ±

1320' ±

165.00'

GRAPHIC SCALE

1" = 50'



0

50

100



SCALE: 1" = 50'

WARNING: THIS INSPECTION REPORT AND THE DRAWINGS, LINES AND DIMENSIONS SHOWN HEREON ARE RENDERED FOR MORTGAGE PURPOSES ONLY. THIS REPORT IS INTENDED SOLELY FOR THE USE AND BENEFIT OF THE MORTGAGEE, ITS SUCCESSORS, AND ITS ASSIGNS. NO OTHER PERSON, INCLUDING THE PROPERTY OWNER IS ENTITLED TO RELY UPON THIS REPORT. THIS REPORT IS NOT INTENDED AS A LAND OR PROPERTY SURVEY. A SEPARATE PROPERTY SURVEY WILL BE NECESSARY TO ACCURATELY ESTABLISH PROPERTY LINES, EASEMENTS, SETBACK LINES, BUILDING LINES, ETC. THIS REPORT SHOULD NOT BE RECORDED FOR ANY PURPOSE. THIS DRAWING/INSPECTION, VOID AFTER 90 DAYS. THIS INSPECTION FOR USE BY ABOVE LISTED LENDING INSTITUTION, FOR THIS LOAN AND ONE LOAN ONLY.

Any Questions Please Contact Above.

PROJECT NO. 115442

Fri Apr 18 08: 23: 28 2003