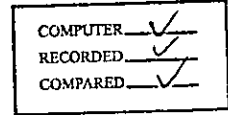


MICHELLE UTSLER, COUNTY RECORDER  
MADISON IOWA



Prepared by and after recording return to: Adam C. Van Dike, 317 Sixth Avenue, Suite 300, Des Moines, Iowa 50309 (515) 243-8157

SATC

**DECLARATION OF EASEMENT**

THIS DECLARATION is made on the date set forth below, by Marnix A. Verhofste and Hilde M.L. Debruyne, husband and wife (hereinafter referred to as "Declarants").

**WHEREAS**, Declarants are the owner of certain real property more legally and particularly described as:

(See Exhibit "A" attached hereto)

and

**WHEREAS**, Declarants do hereby covenant that Declarants hold said property by title in fee simple and have the good and lawful authority to execute this Declaration.

**NOW, THEREFORE**, Declarants hereby declare that all of the property described above shall be held, sold and conveyed subject to the following easements and covenants, which shall run with the land and be binding on all parties having any right, title or interest in the above described property or any part thereof, their heirs, successors and assigns, tenants, lessees, and occupants.

1. The owners, invitees, guests, and permittees of the Property described in Exhibit "B" attached hereto (hereinafter referred to as "Benefited Property") shall have a non-exclusive right to use to the area described in said Exhibit "C" (hereinafter referred to as "Easement Area") to either traverse by pedestrian or use of motor vehicles for the purpose of ingress and egress to the residential home(s) constructed, or to be constructed, on said Benefited Property.

2. The Declarants shall not park any motor vehicles on the Easement Area, nor place signs or any fences, utility poles or lines, or structures of any kind or nature which would prohibit the free ingress and/or egress by the owner of the Benefited Property, their successors in interest and/or assigns.

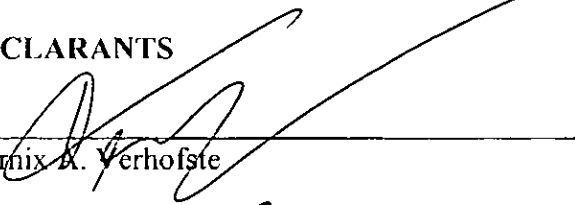
3. The Declaration hereby created is and shall be a covenant running with the land.


4. Nothing in this Declaration shall be construed to confer upon the public in general any right to use the Easement Area as a public way.

5. This Declaration may be modified from time to time or terminated by an appropriate written instrument executed by the Declarants and/or their successors in interest, heirs or assigns, if any, and the owners or their successors, assigns, or invitees, or heirs, if any of the Benefited Property.

Signed this 25 day of January, 2006.

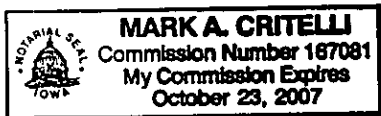
**DECLARANTS**

  
\_\_\_\_\_  
Marnix A. Verhofste

  
\_\_\_\_\_  
Hilde M.L. Debruyne

STATE OF IOWA :  
: SS  
COUNTY OF POLK :

Subscribed in my presence and sworn to (affirmed) before me by Marnix A. Verhofste and Hilde M.L. Debruyne, husband and wife, on this 25<sup>th</sup> day of January, 2006.



  
\_\_\_\_\_  
Notary Public in and for the State of Iowa

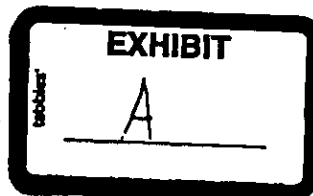
**Legal Description - Parcel "B":**

THE NORTHEAST 1/4 AND THE EAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 14, TOWNSHIP 77 NORTH, RANGE 26 WEST OF THE FIFTH PRINCIPAL MERIDIAN, MADISON COUNTY, IOWA, EXCEPT A TRACT COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION, THENCE SOUTH 57 1/2 RODS, THENCE WEST PARALLEL WITH THE NORTH LINE OF SAID SECTION 80 RODS, THENCE NORTH 37 1/2 RODS, THENCE WEST PARALLEL WITH SAID NORTH LINE 10 RODS, THENCE NORTH 20 RODS TO SAID NORTH LINE OF SAID SECTION, THENCE EAST ON SAID SECTION LINE 90 RODS TO THE POINT OF BEGINNING, CONTAINING 30 ACRES MORE OR LESS.

ALL NOW MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTH 1/4 CORNER OF SAID SECTION 14; THENCE N 83°57' 26" E, ALONG THE SECTION LINE, 1,158.21 FEET;  
THENCE S 0°18' 51" W, 330.00 FEET;  
THENCE N 83°57' 26" E, 165.00 FEET;  
THENCE S 0°18' 51" W, 618.75 FEET;  
THENCE N 83°57' 26" E, 1320.00 FEET;  
THENCE S 0°18' 51" W ALONG THE SECTION LINE 1,701.02 FEET;  
THENCE S 83°59' 58" W ALONG THE 1/4 SECTION LINE 2,637.82 FEET;  
THENCE S 84°06' 41" W ALONG THE 1/4 SECTION LINE 654.55 FEET;  
THENCE N 0°04' 43" W, 2,847.28 FEET;  
THENCE N 84°10' 00" E ALONG THE SECTION LINE 660.27 FEET TO THE POINT OF BEGINNING, AND EXCEPTING THEREFROM A 7.029 ACRES PARCEL DESCRIBED AS FOLLOWS:  
COMMENCING AT THE N 1/4 CORNER OF SAID SECTION 14 THENCE S 64°10' 00" W ALONG THE SECTION LINE 860.27 FEET;  
THENCE S 0°04' 43" W, 1,767.27 FEET;  
THENCE N 90°00' 00" E, 440.00 FEET TO THE POINT OF BEGINNING (P.O.B.);  
THENCE N 0°00' 00" E, 280.00 FEET;  
THENCE N 20°33' 22" E, 170.88 FEET;  
THENCE N 90°00' 00" E, 780.00 FEET;  
THENCE S 60°15' 18" E, 80.82 FEET;  
THENCE S 47°43' 35" W, 594.64 FEET;  
THENCE N 90°00' 00" W, 470.00 FEET TO THE POINT OF BEGINNING.

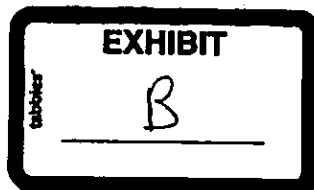
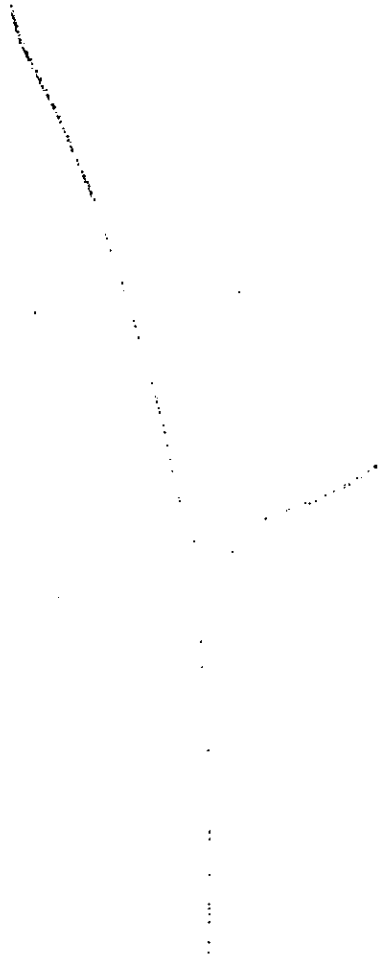
THE TOTAL AREA OF PARCEL B IS 162.472 ACRES.



**Legal Description - Parcel "A":**

PART OF THE NORTH 1/2 OF SECTION 14, TOWNSHIP 77 NORTH, RANGE 26 WEST OF THE FIFTH PRINCIPAL MERIDIAN, IS DESCRIBED AS FOLLOWS:

COMMENCING AT THE N 1/4 CORNER OF SAID SECTION 14 THENCE S 84°10' 00" W  
ALONG THE SECTION LINE 660.27 FEET;  
THENCE S 0°04' 43" W, 1,767.27 FEET;  
THENCE N 90°00' 00" E, 440.00 FEET TO THE POINT OF BEGINNING (P.O.B.);  
THENCE N 0°00' 00" E, 280.00 FEET;  
THENCE N 20°33' 22" E, 170.88 FEET;  
THENCE N 90°00' 00" E, 780.00 FEET;  
THENCE S 60°15' 18" E, 80.62 FEET;  
THENCE S 47°43' 35" W, 594.64 FEET;  
THENCE N 90°00' 00" W, 470.00 FEET TO THE POINT OF BEGINNING. ALL  
NOW INCLUDED IN AND FORMING A PART OF MADISON COUNTY, IOWA AND  
CONTAINING 7.029 ACRES.



**Legal Description - Access Easement:**

THE CENTERLINE OF A 66 FOOT WIDE EASEMENT FOR ACCESS AND UTILITY SERVICE TO PARCEL "A" IS DESCRIBED AS FOLLOWS:

COMMENCING AT THE N 1/4 CORNER OF SECTION 14, TOWNSHIP 77 NORTH, RANGE 26 WEST OF THE FIFTH PRINCIPAL MERIDIAN:  
THENCE N 83°57' 26" E ALONG THE SECTION LINE, 749.07 FEET TO THE POINT OF BEGINNING;

THENCE SOUTH 13°49' 48" EAST A DISTANCE OF 277.39 FEET TO A POINT ON A CURVE;

THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 280.00 FEET, A DELTA OF 55°24' 01", AN ARC LENGTH OF 270.74 FEET, AND A CHORD WHICH BEARS SOUTH 40°15' 48" EAST HAVING A CHORD DISTANCE OF 260.31 FEET TO A POINT ON A CURVE;

THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 335.00 FEET, A DELTA OF 41°39' 52", AN ARC LENGTH OF 243.81 FEET, AND A CHORD WHICH BEARS SOUTH 41°15' 07" EAST HAVING A CHORD DISTANCE OF 238.27 FEET TO A POINT ON A LINE;

THENCE SOUTH 25°45' 10" EAST A DISTANCE OF 141.79 FEET TO A POINT ON A CURVE;

THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 78.00 FEET, A DELTA OF 42°45' 00", AN ARC LENGTH OF 58.20 FEET, AND A CHORD WHICH BEARS SOUTH 00°09' 13" EAST HAVING A CHORD DISTANCE OF 56.86 FEET TO A POINT ON A LINE;

THENCE SOUTH 24°40' 53" WEST A DISTANCE OF 117.04 FEET TO A POINT ON A CURVE;

THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 160.00 FEET, A DELTA OF 26°22' 21", AN ARC LENGTH OF 73.65 FEET, AND A CHORD WHICH BEARS SOUTH 38°30' 12" WEST HAVING A CHORD DISTANCE OF 73.00 FEET TO A POINT ON A CURVE;

THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 1,890.00 FEET, A DELTA OF 10°35' 20", AN ARC LENGTH OF 349.30 FEET, AND A CHORD WHICH BEARS SOUTH 47°56' 58" WEST HAVING A CHORD DISTANCE OF 348.80 FEET TO A POINT ON A CURVE;

THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 330.00 FEET, A DELTA OF 40°05' 43", AN ARC LENGTH OF 230.93 FEET, AND A CHORD WHICH BEARS SOUTH 62°50' 50" WEST HAVING A CHORD DISTANCE OF 226.25 FEET TO A POINT ON A LINE;

THENCE SOUTH 78°11' 12" WEST A DISTANCE OF 88.57 FEET TO A POINT ON A CURVE;

THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 555.00 FEET, A DELTA OF 13°52' 57", AN ARC LENGTH OF 134.47 FEET, AND A CHORD WHICH BEARS SOUTH 71°23' 09" WEST HAVING A CHORD DISTANCE OF 134.14 FEET TO A POINT ON A LINE;

THENCE SOUTH 61°38' 35" WEST A DISTANCE OF 64.74 FEET TO A POINT ON A CURVE;

THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 175.00 FEET, A DELTA OF 35°32' 48", AN ARC LENGTH OF 108.57 FEET, AND A CHORD WHICH BEARS SOUTH 83°34' 47" WEST HAVING A CHORD DISTANCE OF 106.84 FEET TO A POINT ON A CURVE;

THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 155.00 FEET, A DELTA OF 34°50' 11", AN ARC LENGTH OF 94.24 FEET, AND A CHORD WHICH BEARS SOUTH 66°07' 47" WEST HAVING A CHORD DISTANCE OF 92.80 FEET TO THE TERMINUS ON THE NORTH LINE OF PARCEL "A".

