

LISA SMITH, COUNTY RECORDER
MADISON IOWA

PREPARER *John E. Casper*
INFORMATION John E. Casper, 223 East Court, Winterset, IA 50273-0067 (515) 462-4912

WATER LINE RIGHT-OF-WAY EASEMENT

Know all people by these presents, that the undersigned, Randall W. Berch and Andrea J. Berch, husband and wife, their successors and assigns (hereafter the Grantor), for a good and valuable consideration, the receipt whereof is hereby acknowledged, do hereby grant unto Michael L. Berch, his successors and assigns (hereafter the Grantee), the right to enter upon the lands of the undersigned, situated in the County of Madison and the State of Iowa, more particularly described as follows:

A public utilities easement in the North Half of the Southwest Quarter of the Southwest Quarter of Section 36, Township 75 North, Range 27 West of the 5th P.M., Madison County, Iowa, which is 40.00 feet in total width and being 20.00 feet wide on each side of the center of the waterline running from the Grantee's adjoining real estate to the wellhead located upon the above described real estate with the wellhead easement being described as a circle 40 feet in diameter measured from the center of the well,

and to place, operate, repair, maintain, and replace along and under this land a water transmission or distribution line or system including the wellhead pump and accessory equipment. This grant includes the exclusive right to the withdrawal and use of the water at the location of the existing wellhead, which water the Grantor does not warrant in any manner as to quantity or quality. The Grantee shall bear all costs of installation, use, maintenance and replacement of the water system and shall be responsible to the Grantor for any costs to restore any disturbed land surface and for any damages to crops arising out of the Grantee's exercise of the rights granted under this Agreement. The Grantor does not grant the Grantee the right to fence-in the easement area described herein. The Grantee is to place all electrical transmissions lines and equipment below the ground level or in the wellhead.

This grant is for the exclusive benefit of the real estate legally described as:

Beginning at the Southwest Corner of the North 35 acres of the Southwest Quarter (1/4) of the Southwest Quarter (1/4) running thence North 1155 Feet on the West Section line, thence East 310 Feet, thence South 555 Feet, thence East 130 Feet, thence South 600 Feet, thence West 440 Feet to the point of beginning, all in Section Thirty-six (36), Township Seventy-five (75) North, Range Twenty-seven (27) West of the 5th P.M., Madison County, Iowa. The West Section line is assumed to run due North and South.

The undersigned covenants that they are the owner of the above-described lands and that these lands are free and clear of encumbrances and liens of whatsoever character except for a mortgage lien.

This easement shall terminate within ninety (90) days after the residence is connected to an alternate water supply such as Warren Water District, but the Grantee is not obligated to connect to the alternate water supply even if such water supply becomes available.

This agreement shall be a covenant running with the above described land binding upon and benefitting the parties, their successors and assigns.

It is further understood that, whenever necessary, words used in this instrument in the singular shall be construed to read in the plural and the words used in the masculine gender shall be construed to read in the feminine.

IN THE WITNESS WHEREOF, the undersigned has set his hand this 10th day of July, 2007.

Grantors:

Randall W. Berch

Randall W. Berch

Andrea J. Berch

Andrea J. Berch

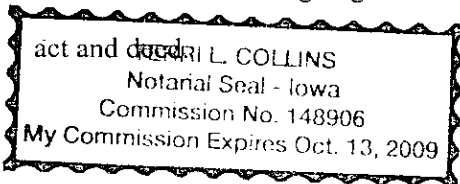
Grantee:

Michael L. Berch

Michael L. Berch

STATE OF IOWA, COUNTY OF MADISON, ss:

On this 10th day of July, 2007, before me, the undersigned, a Notary Public in and for said State, personally appeared Randall W. Berch and Andrea J. Berch, to me known to be the persons named in and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary



Terri L. Collins

NOTARY PUBLIC IN AND FOR THE STATE OF IOWA

STATE OF IOWA, COUNTY OF MADISON, ss:

On this 13 day of July, 2007 before me, the undersigned, a Notary Public in and for said State, personally appeared Michael L. Berch to me known to be the person named in and who executed the foregoing instrument, and acknowledged that he executed the same as his voluntary act and deed.

Carla J. Vasey

NOTARY PUBLIC IN AND FOR THE STATE OF IOWA

