

EASEMENT

THIS EASEMENT, is made and entered into this 10th day of February, 1994, by and between Gary F. Cassady, Sr. and Nancy J. Cassady, husband and wife (herein referred to as "Cassadys"), and Eleanor M. Slavens, a single person (herein referred to as "Slavens"), WITNESSETH:

Cassadys are the owners of the following described real estate, to-wit:

The East Ninety-five (95) feet of Lot Two (2) in Block Four (4) of Academy Addition to the Original Town of Earlham, Madison County, Iowa.

Slavens is the owner of the following described real estate, to-wit:

The West Half (1/2) of Lot One (1) in Block Four (4) of Academy Addition to the Town of Earlham, Madison County, Iowa.

Cassadys and Slavens are adjoining property owners. Their common boundary line is the west edge of Slavens' real estate and the east edge of Cassadys' real estate.

Slavens has erected a privacy fence separating the parties' respective properties. It was the intent of Slavens to erect the privacy fence on her real estate to the east of the common boundary line, but as a result of error Slavens erected her privacy fence approximately seventeen (17) inches west of the common boundary line so that the fence is situated on Cassadys' real estate.

Cassadys desire to grant Slavens an easement for maintenance of the fence erected on their real estate and for use of their real estate lying east of the fence.

NOW, THEREFORE, in consideration of the sum of One Dollar, and other good and valuable consideration, the receipt of which is hereby acknowledged, Cassadys do by these presents, give, grant and convey unto Slavens an easement, for the purposes hereinafter set forth, over and across the following described portion of Cassadys' real estate, to-wit:

The East Seventeen (17) inches, more or less, of the East Ninety-five (95) feet of Lot Two (2) in Block Four (4) of Academy Addition to the Original Town of Earlham, Madison County, Iowa.

COMPUTER
RECORDED
COMPARED

REC \$ 15.00
AUD \$ _____
R.M.F. \$ 1.00

FILED NO. 547
BOOK 59 PAGE 532

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MICHELLE UTSLER
RECORDER
MADISON COUNTY, IOWA

#2. Easement
Slavens - Cassady

1. The easement created shall be used by Slavens for maintenance of the existing privacy fence heretofore erected by Slavens on the easement strip. Slavens may use the easement strip for any lawful purpose provided that she not use it so as to interfere with Cassadys' quiet enjoyment of their property. Slavens shall mow and otherwise maintain the easement strip and the privacy fence erected thereon. No other structures shall be erected on the easement strip.
2. This easement shall terminate when Eleanor M. Slavens ceases to reside on her real estate described herein. On such termination, Slavens or her successors in interest shall dismantle the privacy fence erected by Slavens on the easement strip upon demand of Cassadys or their successors in interest.
3. This easement shall be deemed to be a covenant running with the title to Cassadys' land and Slavens' land, and shall be binding upon the parties' heirs, successors, and assigns, provided, however, that this easement may be amended or released at any time by appropriate agreement for that purpose entered into between the owners of said land, duly executed and acknowledged and filed for record in the Office of the Recorder of Madison County, Iowa.

IN WITNESS WHEREOF, the parties herein have set their hands this 10th day of February, 1994.

Gary F. Cassady, Sr.
Gary F. Cassady, Sr.

Eleanor M. Slavens
Eleanor M. Slavens

Nancy J. Cassady
Nancy J. Cassady

STATE OF IOWA :
 : SS
MADISON COUNTY :

On this 10th day of February, 1994, before me, the undersigned, a Notary Public in and for the State of Iowa, personally

#3. Easement
Slavens - Cassady

appeared Eleanor M. Slavens to me known to be the identical person named in and who executed the within and foregoing instrument, and acknowledged that she executed the same as her voluntary act and deed.



Susan Apple
Notary Public in and for the
State of Iowa.

STATE OF IOWA :
 : SS
MADISON COUNTY :

On this 18th day of August, 1994, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Gary F. Cassady, Sr. and Nancy J. Cassady to me known to be the identical persons named in and who executed the within and foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.



Samuel H. Braland
Notary Public in and for the
State of Iowa.