

FILED NO. 677

BOOK 127 PAGE 362

90 SEP 21 AM 11:41

MARY E. WELTY
RECORDER
MADISON COUNTY, IOWA

Fee \$ 15.00, Trans \$5.00

EASEMENT PRIORITY AGREEMENT

Know All Men By These Presents: That the undersigned, the present owner(s) of the mortgage hereinafter described, for valuable consideration, receipt of which is hereby acknowledged, do hereby acknowledge that the following described real estate situated in Madison County, Iowa, to-wit:

THE FOLLOWING LANDS, RIGHTS TO LAND AND COVENANTS ARE CONTAINED IN A CERTAIN EASEMENT FOR PUBLIC HIGHWAY TO THE STATE OF IOWA, GIVEN IN FULFILLMENT OF A CERTAIN REAL ESTATE CONTRACT DATED JULY 11, 1990, AND RECORDED IN THE MADISON COUNTY RECORDER'S OFFICE ON AUGUST 3, 1990, IN BOOK 127, PAGE 312.

A parcel of land located in the NE 1/4 SE 1/4 and the SE 1/4 SE 1/4 of Sec. 12, T76N, R28W of the 5th P.M., Madison County, Iowa, as shown on Acquisition Plat Exhibit "A" attached hereto and by reference made a part hereof.

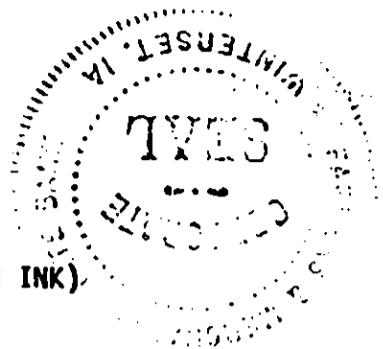
THE EASEMENT RIGHT, FOR HIGHWAY PURPOSES, GRANTED IS TO LAND DESCRIBED AS FOLLOWS:

Commencing at the SW Corner of the SE 1/4 SE 1/4 of said Sec. 12; thence N89°32'51"E, 304.14 ft. along the south line of the SE 1/4 SE 1/4 of said Sec. 12 to a point on the relocated centerline of Primary Road No. U.S. 169; thence northerly, along said centerline, 541.52 ft. along a 1637.02 ft. radius curve, concave easterly, and having a chord bearing N25°38'27"W, 539.05 ft.; thence N75°20'14"E, 110.04 ft. to a point on the present easterly right of way line of Primary Road No. U.S. 169, the Point of Beginning; thence N42°19'03"W, 83.54 ft. along said present easterly right of way line; thence northerly 287.88 ft. along said present easterly right of way line, along a 1587.02 ft. radius curve, concave easterly, having a chord bearing N6°47'38"W, 287.48 ft.; thence N16°42'45"E, 104.59 ft. along said present easterly right of way line; thence N03°08'38"E, 290.31 ft. along said present easterly right of way line; thence N01°33'48"W, 99.45 ft. along said present easterly right of way line; thence N26°13'08"E, 265.60 ft. along said present easterly right of way line; thence S20°04'56"W, 242.23 ft.; thence S00°51'53"E, 847.56 ft. to the Point of Beginning; containing 1.14 acres, more or less.

is hereby subordinated to the interests of the State of Iowa, from the lien of the real estate mortgage, executed by Byron L. Friend and June A. Friend, dated December 22, 1986, recorded in the Madison County Recorder's Office, State of Iowa, in Book 147, Page 119, specifically reserving and retaining the mortgage lien and all mortgage rights against all of the remaining property embraced in the mortgage above described.

Words and phrases herein, including acknowledgment hereof, shall be construed as in the singular or plural, and as masculine, feminine, or neuter gender according to the context.

Madison County Project No. FN-169-3(29)--21-61
Byron L. Friend and June A. Friend (Parcel 23)



Dated this 30th day of August, 1940. (SIGN IN INK)

FARMERS AND MERCHANTS STATE BANK:

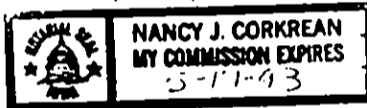
By: James W. Mease Pres
Title

By: William L. Davis Sr VP
Title

STATE OF Iowa, COUNTY OF Madison, ss:

On this 30th day of August, A.D. 1940, before me, the undersigned, a Notary Public in and for said state, personally appeared James W. Mease and William L. Davis to me personally known, who, being by me duly sworn, did say that they are the President and Sr Vice President, respectively, of said corporation; that ~~(no seal has been procured by the said)~~ (the seal affixed thereto is the seal of said) corporation; that said instrument was signed (and sealed) on behalf of said corporation by authority of its Board of Directors; and that the said James W. Mease and William L. Davis as such officers, acknowledged the execution of said instrument to be the voluntary act and deed of said corporation, by it and by them voluntarily executed.

(SEAL)



Nancy J. Corkrean (Sign in Ink)
NANCY J. CORKREAN (Print/Type Name)
Notary Public in and for said State of Iowa

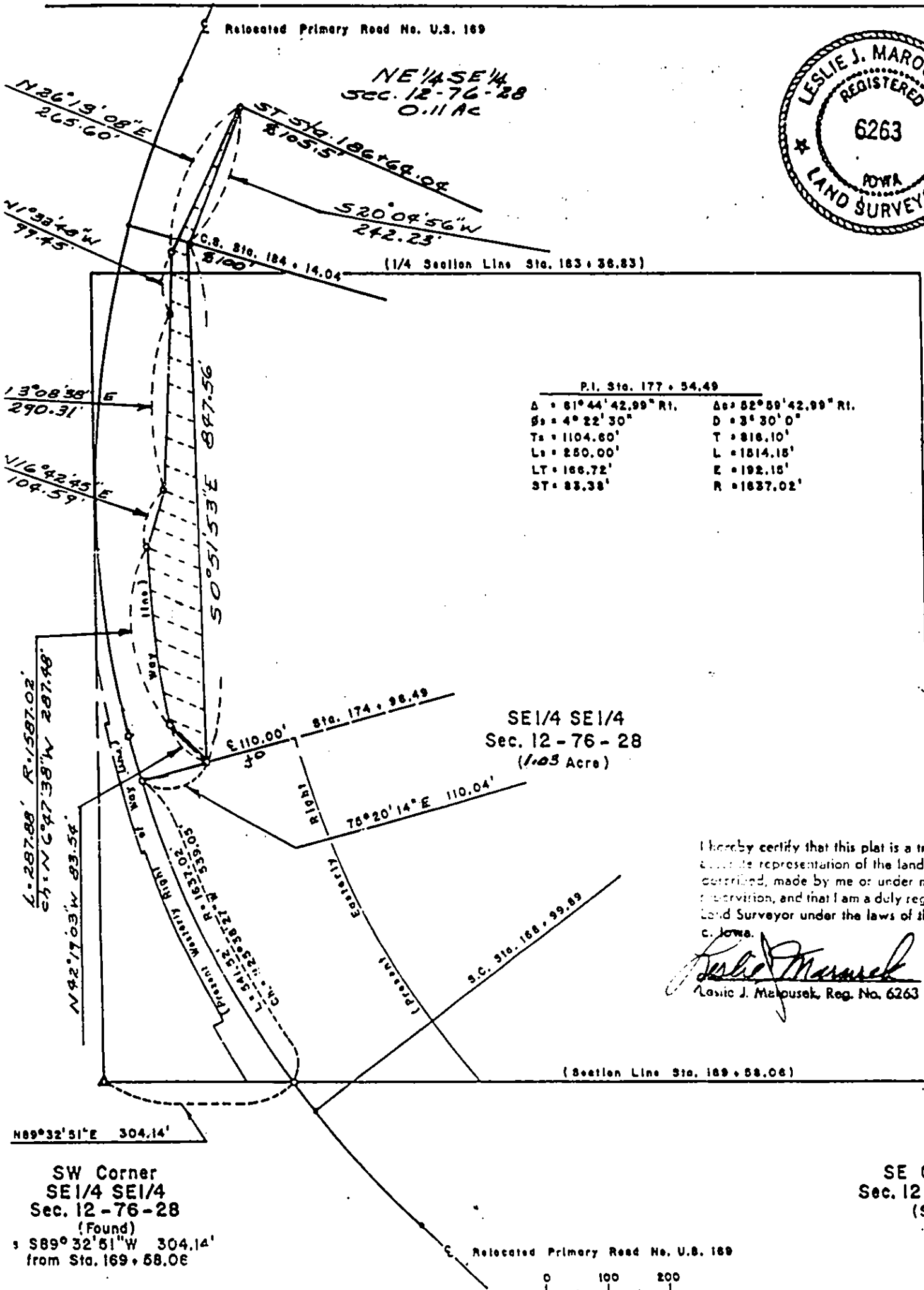
Madison County Project No. FN-169-3(29)--21-61
Byron L. Friend and June A. Friend (Parcel 23)

IOWA DEPARTMENT OF TRANSPORTATION

ACQUISITION PLAT
EXHIBIT "A"



COUNTY MADISON STATE CONTROL NO. 61-1100
 PROJECT NO. FN-169-3(29)--21-61 PARCEL NO. 23 S
 SECTION 12 TOWNSHIP 76 N RANGE 28 W
 ROW-FEE AC, EASE 1.14 AC, EXCESS-FEE AC
 ACQUIRED FROM Byron L. and June A. Friend



I hereby certify that this plat is a true and accurate representation of the land herein contained, made by me or under my direct supervision, and that I am a duly registered Land Surveyor under the laws of the State of Iowa.

Leslie J. Marousek 6-11-90
 Leslie J. Marousek, Reg. No. 6263 Date

DATE DRAWN _____ SCALE _____