

FILED-NO. 447
BOOK 127 PAGE 330
90 AUG 27 AM 10:30

Fee \$5.00

FOR TELEPHONE CO. REFERENCE
L- _____
Stk. Sht. No. _____ & _____
Ease. No. B1208.01 of _____
FA

MARY E. WELTY
RECORDER
MADISON COUNTY, IOWA

TELEPHONE BURIED PLANT RIGHT-OF-WAY EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that we, the undersigned, (whether one or more)

FAIN FARMS, INC.

(unmarried) (husband and wife) for a good and valuable consideration, the receipt whereof is hereby acknowledged, to hereby grant unto CONTEL OF IOWA, INC., a corporation, (hereinafter called the Corporation), whose post office address is 1214 WEST JACKSON STREET, KNOXVILLE, IOWA 50138, and to its successors or assigns the right to enter upon the lands of the undersigned, situated in the County of MADISON, State of IOWA, and more particularly described as follows:

A tract of land approximately 238 acres in area, located 3 miles in a SOUTH direction from Town of MACKSBURG, and further described as being

SW 1/4

all in Section 34, Township 74N, Range 29W, and to construct, reconstruct, operate and maintain a buried telephone plant within the EAST 250 feet from the center of the road on the above described land and/or in, upon or under all streets, roads or highways abutting said lands.

In consideration of such grant, the Corporation agrees that it will repair or pay for any damage which may be caused to crops, fences or to the property of the undersigned by the construction, maintenance or removal of said telephone plant. The Corporation specifically agrees to repair damage to tile drainage lines resulting from the installation of buried telephone plant regardless of when said damage becomes apparent. The Corporation agrees that no telephone plant will be placed above the surface of the ground, on said property in any area that will affect farming operations.

The undersigned, future owners and/or tenants will not be held responsible for accidental damage to said telephone plant which might occur during normal building construction, farming or soil improvement operations or excavation for the repair and maintenance of drainage tile lines. They agree that all telephone plant installed on the above described premises at the Corporation's expense, shall remain the property of the Corporation, removable at the option of the Corporation.

The undersigned covenant that they are the owners of the above described lands. The words and phrases herein, including acknowledgment hereof, shall be construed as in the singular or plural number, and as masculine or feminine gender, according to the context.

Signed Iowa 25 day of April, 1990.

Fain Farms, Inc.
FAIN FARMS, INC.
Dan Fain, Treas.

STATE OF IOWA Madison COUNTY, ss:

On this 25 day of APRIL, A.D. 1990, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared DAN FAIN and _____, to me personally known, who, being by me duly sworn, did say that they are the _____, and _____, respectively, of said corporation executing the within and foregoing instrument to which this is attached, that (no seal has been procured by the said) corporation; that said instrument was signed (and sealed) on behalf of (the seal affixed thereto is the seal of said) said corporation by authority of its Board of Directors; and that the said _____ 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.

MADISON, D W Archibold
Notary Public in and for said County and State.

ASSIGNED
2-14-00
RECORDED
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SEE