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LISA SMITH, COUNTY RECORDER  
MADISON COUNTY IOWA

**CORRECTED - RIGHT OF WAY EASEMENT**

**Recorder's Cover Sheet**

**Preparer Information:** (name, address and phone number)

John E. Casper, 223 East Court Avenue, P.O. Box 67,  
Winterset, Iowa 50273-0067  
(515) 462-4912

**Taxpayer Information:** (name and complete address)

United States Department of Agriculture  
Natural Resources Conservation Service  
815 East Highway 92  
Winterset, IA 50273

✓ **Return Document To:** (name and complete address)

John E. Casper, 223 E. Court Avenue, P.O. Box 67, Winterset, Iowa 50273-0067

**Grantors:**

Cunningham Ranch, Inc.  
P.J. Cunningham

**Grantees:**

United States Department of Agriculture  
Natural Resources Conservation Service

**Legal Description:** Page Two

**Document or instrument number of previously recorded documents:** N/A

CORRECTED RIGHT OF WAY ACCESS EASEMENT

KNOW ALL PEOPLE BY THESE PRESENCE:

The undersigned owners, P.J. Cunningham; and Cunningham Ranch, Inc., hereafter called the Grantor, in consideration of the sum of one dollar and other valuable considerations, receipt of which is acknowledged, does hereby grant to the United States Department of Agriculture Natural Resources Conservation Service (NRCS), their agents, employees and representative, hereafter called the Grantee, the right to enter upon, over and along the following described property situated in Madison County, Iowa, to-wit:

**The existing private lane running in a North-South direction and being about fifteen (15) feet in width through the Northwest Quarter of Section Eight (8) and continuing into, upon and through the Southeast Quarter of the Southwest Quarter and the West Fractional Half of the Southwest Quarter of Section Five (5), all in Township Seventy-six (76) North, Range Twenty-six (26) West of the 5<sup>th</sup> P.M., Madison County, Iowa,**

for use of this real estate as an ingress and egress private right-of-way to the real estate described below.

The Grantor warrants and covenants to the Grantee that, subject to liens and encumbrances of record at the date of this easement, they are the owner of the above described land; have full right and authority to validly grant this easement; and, the Grantee may quietly enjoy their estate in the premises.

Grantee is given the right to use of the right-of-way as access to the real estate legally described as:

**West Half (1/2) Northwest Fractional Quarter (1/4) and Southeast Quarter (1/4) Northwest Quarter (1/4) and Northeast Quarter (1/4) Southwest Quarter (1/4) and all that part of the Northwest Quarter (1/4) Southwest Quarter (1/4) lying N. of North River, and West Half (1/2) Southeast Quarter (1/4), all in Section Five (5), Township Seventy-six (76) North, Range Twenty-six (26) West of the 5<sup>th</sup> P.M., Madison County, Iowa, also all rights in the easement for a right-of-way in, upon, along and over the E. 49 1/2 feet of the West Half (1/2) Southwest Quarter (1/4), Section Thirty-two (32), Township Seventy-seven (77), Range Twenty-six (26) for the passage of vehicles, machinery, equipment, animals and persons on foot or by other means of travel, as existing, and as expressed by the instrument entitled "Grant of Right of Way" made by Margaret Tiernan and John M. Tiernan, her husband, recorded in Book 91 of Deeds in the office of the County Recorder of Madison County, Iowa, at page 374.**

In consideration of such grant, Grantee agrees the Grantor reserves the right to use the easement area as access to the Grantor's real estate; the Grantee agrees not to fence-in the easement area; and, the Grantee agrees not to change or disturb the real estate grade or to hard-surface the easement area.

The Grantor and Grantee covenant that no act will be permitted within the easement property which is inconsistent with the rights hereby granted; that no buildings or structures or other improvements, except partition fencing and culvert-type structures, will be erected upon or along the easement property; and, that the present grade or ground level thereof will not be changed by excavation or filling.

This Corrected Right of Way Access Easement corrects and supersedes the legal description of the Grantor's real estate first described above that is subject to this right of way easement in favor of the Grantee, which prior Easement Agreement is dated and filed for record on April 7, 2010 in the Madison County Recorder's Office in Book 2010 at Page 763.

Dated this 17<sup>th</sup> day of June, 2010.

Grantor:

P. J. Cunningham  
P. J. Cunningham

Terry Lyons  
Cunningham Ranch, Inc.  
By: Terry Lyons, Vice President

STATE OF IOWA            )  
  ) ss  
MADISON COUNTY        )

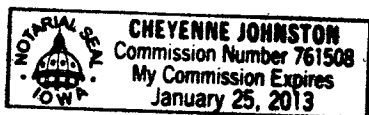
This instrument was acknowledged before me on the 14 day of June, 2010 by Terry Lyons as Vice President of Cunningham Ranch, Inc.



Carla J Vasey  
Notary Public in and for the State of Iowa

STATE OF IOWA            )  
  ) ss  
MADISON COUNTY        )

This instrument was acknowledged before me on the 17 day of June, 2010 by P. J. Cunningham.



Cheyenne Johnston  
Notary Public in and for the State of Iowa