

IND. REC. PAGE FILED NO. BOOK 121 PAGE 702

89 DEC 15 AM 9:44

MARY E. WELTY RECORDER MADISON COUNTY, IOWA Fee \$10.00

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 NOVEMBER 14, 1989, AND RECORDED IN THE MADISON COUNTY RECORDER'S OFFICE ON NOVEMBER 28, 1989, IN BOOK 121, PAGE 649.

A parcel of land located in the NW 1/4 NW 1/4 of Sec. 6, T76N, R27W and in the SW 1/4 SW 1/4 of Sec. 31, T77N, R27W all of the 5th P.M., Madison County, Iowa, as shown on Right of Way 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:

Beginning at the NW Corner of said Sec. 6; thence S0°07'00"E, 1304.82 ft. along the west line of the NW 1/4 NW 1/4 of said Sec. 6 to a point on the south line thereof; thence S89°56'00"E, 85.32 ft. along said south line; thence N0°07'50"W, 42.34 ft.; thence N21°55'55"W, 53.85 ft.; thence N0°07'50"W, 450.00 ft.; thence N47°35'45"E, 222.91 ft.; thence N0°07'50"W, 100.00 ft.; thence N38°00'47"W, 244.28 ft.; thence northerly 641.12 ft. along a 42,521.32 foot radius curve, concave westerly and having a chord bearing N0°33'45"W, 641.12 ft.; thence N0°59'40"W, 67.28 ft.; thence N12°18'42"W, 101.98 ft. to a point on the present easterly right of way line of Primary Road No. U.S. 169; thence S89°00'20"W, 53.08 ft. to a point on the west line of the SW 1/4 SW 1/4 of said Sec. 31; thence S0°10'52"E, 487.29 ft. along said west line to the NW Corner of said Sec. 6, the Point of Beginning, excepting therefrom present easements of record; containing 0.84 acre, more or less, exclusive of said exceptions.

is hereby subordinated to the interests of the State of Iowa, from the lien of the real estate mortgage, executed by Joan K. Acela, dated October 12, 1988, recorded in the Madison County Recorder's Office, State of Iowa, in Mortgage Record 151, Page 411, 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.

Dated this 5th day of December, 1989. (SIGN IN INK)

BRENTON BANK AND TRUST COMPANY, ADEL, IOWA:

By: [Signature] K. E. Hykes, Sr. Vice Pres. Title

By: [Signature] David A. Koch, Vice Pres. Title

STATE OF Iowa, Dallas COUNTY, ss:

On this 5th day of December, A.D. 1989, before me, the undersigned, a Notary Public in and for said state, personally appeared K. E. Hykes and David A. Koch to me personally known, who, being by me duly sworn, did say that they are the Sr. Vice President and 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 K. E. Hykes and David A. Koch 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.



[Signature] (Sign in Ink) Janice Kusel (Print/Type Name) Notary Public in and for said State of Iowa

IOWA DEPARTMENT OF TRANSPORTATION

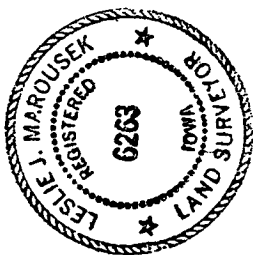
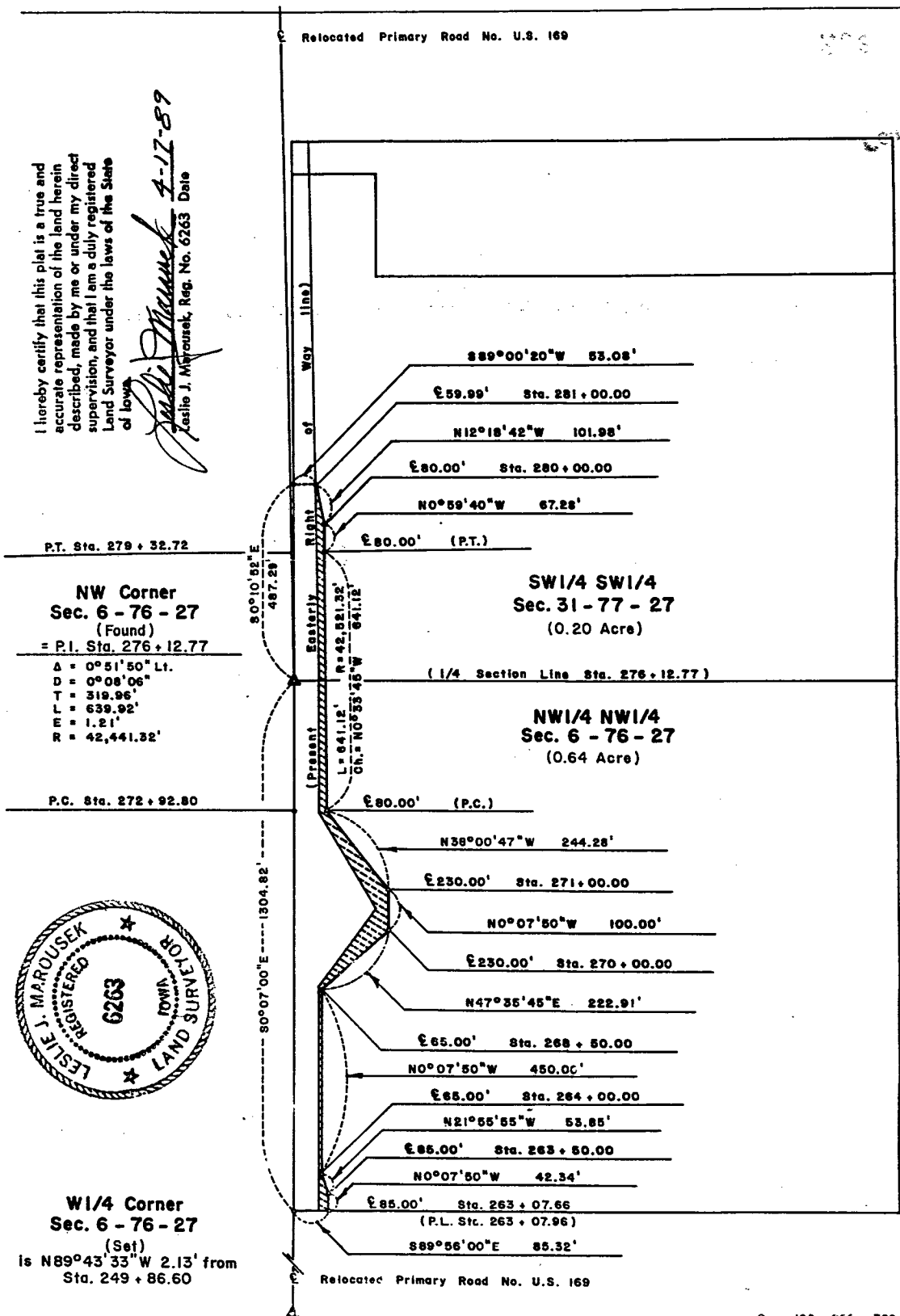


RIGHT OF WAY PLAT  
EXHIBIT "A"

COUNTY MADISON STATE CONTROL NO. 61-1100  
 PROJECT NO. FN-169-3(29)--21-61 PARCEL NO. 31  
 SECTION 6 / 31 TOWNSHIP 76N / 77N RANGE 27 W  
 ROW - FEE AC, EASE 0.84 AC, EXCESS - FEE AC  
 ACQUIRED FROM JOAN K. ACELA

I hereby certify that this plat is a true and accurate representation of the land herein described, 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*  
 Leslie J. Marousek, Reg. No. 6263 Date 4-17-89



W1/4 Corner Sec. 6 - 76 - 27 (Set)  
 is N89°43'33"W 2.13' from Sta. 249 + 86.60

DATE DRAWN \_\_\_\_\_ SCALE 1" = 300'

