

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 OCTOBER 31, 1989, AND RECORDED IN THE MADISON COUNTY RECORDER'S OFFICE ON NOVEMBER 9, 1989, IN BOOK 121, PAGE 498.

Three parcels of land located in the NE 1/4 NE 1/4 of Sec. 13, the SE 1/4 SE 1/4 and NE 1/4 SE 1/4 of Sec. 12, all in T76N, R28W of the 5th P.M., Madison County, Iowa, as shown on Right of Way Plat Exhibit "A" (1 of 3, 2 of 3 and 3 of 3) attached hereto and by reference made a part hereof.

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

Plat 1 of 3: Commencing at the NW Corner of the NE 1/4 NE 1/4 of said Sec. 13; thence N89°32'51"E, 309.54 ft. along the north line of said NE 1/4 NE 1/4 to a point on the former centerline of Primary Road No. U.S. 169; thence southeasterly 329.43 ft. along said former centerline along a 1637.02 foot radius curve, concave northeasterly and having a chord bearing S39°20'14"E, 328.88 ft. to the Point of Beginning; thence continuing southeasterly 153.40 ft. along said former centerline along a 1637.02 foot radius curve, concave northeasterly and having a chord bearing S47°47'12"E, 153.34 ft.; thence S50°28'16"E, 72.06 ft. along said former centerline; thence N39°31'44"E, 50.00 ft. to a point on the present northeasterly right of way line of Primary Road No. U.S. 169; thence N38°45'43"W, 90.47 ft.; thence N55°24'28"W, 132.45 ft. to a point on the present northeasterly right of way line of Primary Road No. U.S. 169; thence S44°53'52"W, 50.00 ft. along said present northeasterly right of way line and its southwesterly extension to a point on the former centerline of Primary Road No. U.S. 169, the Point of Beginning, excepting therefrom present easements of record; containing 0.05 acre, exclusive of said exceptions.

Plat 2 of 3: 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 centerline of Relocated Primary Road No. U.S. 169; thence northwesterly 541.52 ft. along said centerline along a 1637.02 foot radius curve, concave northeasterly and having a chord bearing N25°38'27"W, 539.05 ft. to the Point of Beginning; thence continuing northwesterly 75.42 ft. along said centerline along a 1637.02 foot radius curve, concave northeasterly and having a chord bearing N14°50'39"W, 75.42 ft.; thence N76°28'32"E, 71.52 ft. to a point on the present easterly right of way line of Primary Road No. U.S. 169; thence S42°19'03"E, 83.54 ft. to a point on said present easterly right of way line; thence S75°20'14"W, 110.04 ft. along said present easterly right of way line and its westerly extension to a point on the centerline of Relocated Primary Road No. U.S. 169, the Point of Beginning, excepting therefrom present easements of record; containing 0.04 acre, exclusive of said exceptions.

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

Computer

FILED NO. 1400
BOOK 121 PAGE 755
90 JAN -4 PM 2:16

IND.
REC.
PAGE

MARY E. WELTY
RECORDER
MADISON COUNTY, IOWA
Fee \$25.00

Plat 3 of 3: Commencing at the NW Corner of the NE 1/4 SE 1/4 of said Sec. 12; thence S0°11'22"W, 1069.49 ft. along the west line of said NE 1/4 SE 1/4 to the Point of Beginning; thence continuing S0°11'22"W, 127.94 ft. along said west line to a point on the present westerly right of way line of Primary Road No. U.S. 169; thence N17°18'08"E, 320.72 ft. along said present westerly right of way line; thence S28°02'38"W, 201.99 ft. to a point on the west line of the NE 1/4 SE 1/4 of said Sec. 12, the Point of Beginning; containing 0.14 acre, 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. and June A. Friend, dated April 21, 1986, recorded in the Madison County Recorder's Office, State of Iowa, in Book 145, Page 289, and a mortgage 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.

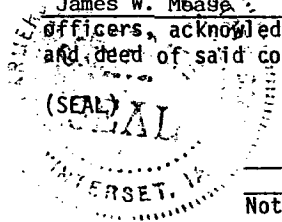
Dated this 26th day of December, 1989. (SIGN IN INK)

FARMERS AND MERCHANTS STATE BANK:

By: James W. Mease Pres. Title
James W. Mease President
By: David M. Nicholl Exec. Vice President
David M. Nicholl Exec. Vice President

STATE OF IOWA, MADISON COUNTY, ss:

On this 26th day of December, A.D. 19 89, before me, the undersigned, a Notary Public in and for said state, personally appeared James W. Mease and David M. Nicholl to me personally known, who, being by me duly sworn, did say that they are the President and Exec. Vice President, respectively, of said corporation; that ~~the 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 David M. Nicholl 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.



Vicki L. Allen (Sign in Ink)
Vicki L. Allen (Print/Type Name)
Notary Public in and for said State of Iowa

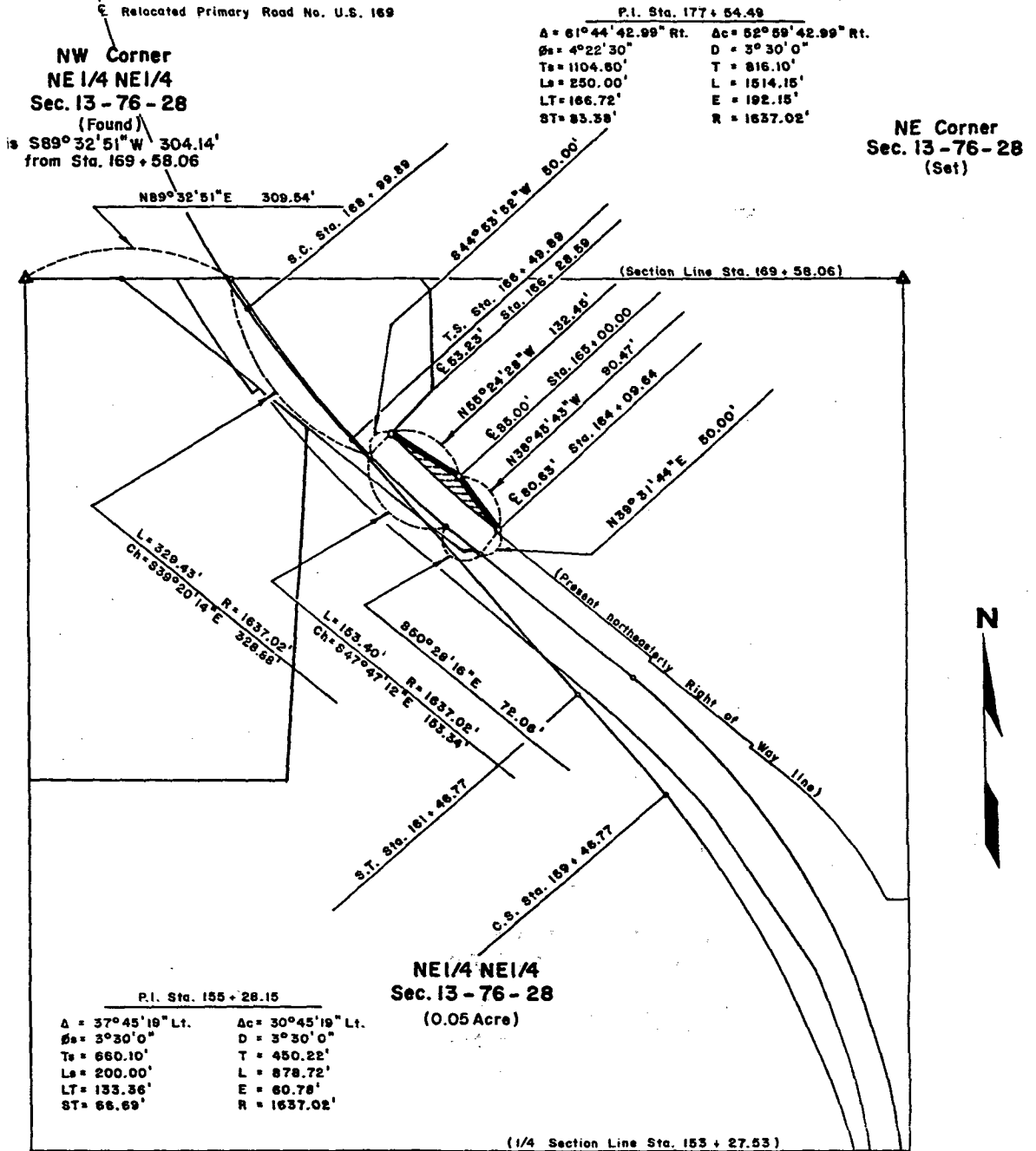


IOWA DEPARTMENT OF TRANSPORTATION



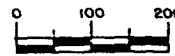
RIGHT OF WAY PLAT (1 OF 3)
EXHIBIT "A"

COUNTY MADISON STATE CONTROL NO. 61-1100
 PROJECT NO. FN-169-3 (29) -- 21-61 PARCEL NO. 23
 SECTION 13 TOWNSHIP 76 N RANGE 28 W
 ROW - FEE AC, EASE 0.05 AC, EXCESS - FEE AC
 ACQUIRED FROM Byron L. Friend



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 2-14-89
 Leslie J. Marousek, Reg. No. 6263 Date



1" = 200'



IOWA DEPARTMENT OF TRANSPORTATION



RIGHT OF WAY PLAT (2 OF 3)
EXHIBIT "A"

COUNTY MADISON STATE CONTROL NO. 61-1100
 PROJECT NO. FN-169-3(29)--21-61 PARCEL NO. 23
 SECTION 12 TOWNSHIP 76 N RANGE 28 W
 ROW - FEE _____ AC, EASE 0.04 AC, EXCESS - FEE _____ AC
 ACQUIRED FROM Byron L. Friend

Relocated Primary Road No. U.S. 169

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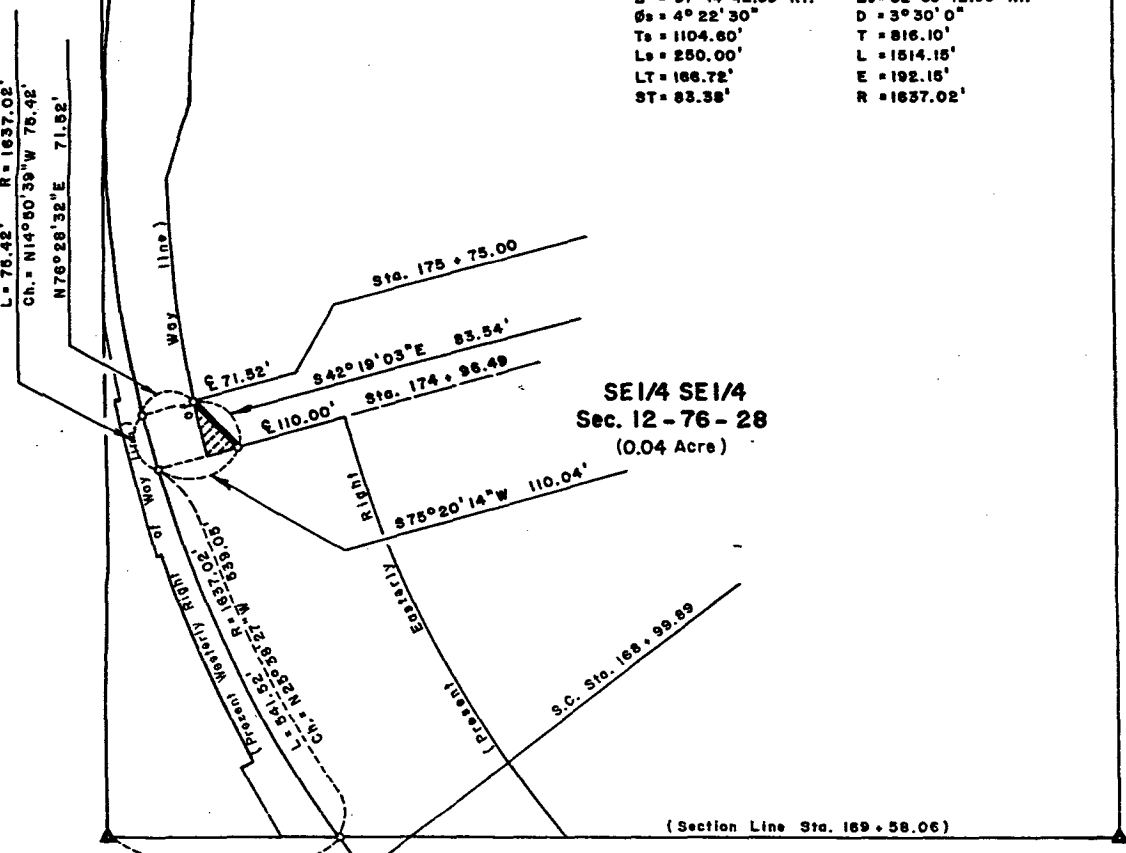
Leslie J. Marousek 2-14-89
 Leslie J. Marousek, Reg. No. 6263 Date



C.S. Sta. 184 + 14.04 (1/4 Section Line Sta. 183 + 36.83)

P.I. Sta. 177 + 54.49

$\Delta = 61^{\circ}44'42.99''$ Rt.	$\Delta c = 52^{\circ}59'42.99''$ Rt.
$\phi_s = 4^{\circ}22'30''$	$D = 3^{\circ}30'0''$
$T_s = 1104.60'$	$T = 816.10'$
$L_s = 250.00'$	$L = 1514.15'$
$LT = 166.72'$	$E = 192.15'$
$ST = 83.38'$	$R = 1637.02'$

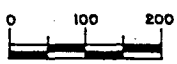


SE 1/4 SE 1/4
 Sec. 12 - 76 - 28
 (0.04 Acre)

SW Corner
 SE 1/4 SE 1/4
 Sec. 12 - 76 - 28
 (Found)
 S 89° 32' 51" W 304.14'
 from Sta. 169 + 58.06

SE Corner
 Sec. 12 - 76 - 28
 (Set)

Relocated Primary Road No. U.S. 169



1" = 200'

DATE DRAWN _____ SCALE _____

IOWA DEPARTMENT OF TRANSPORTATION

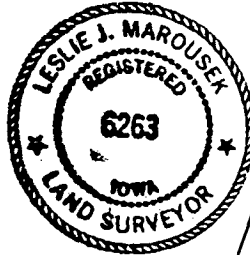


RIGHT OF WAY PLAT (3 OF 3)

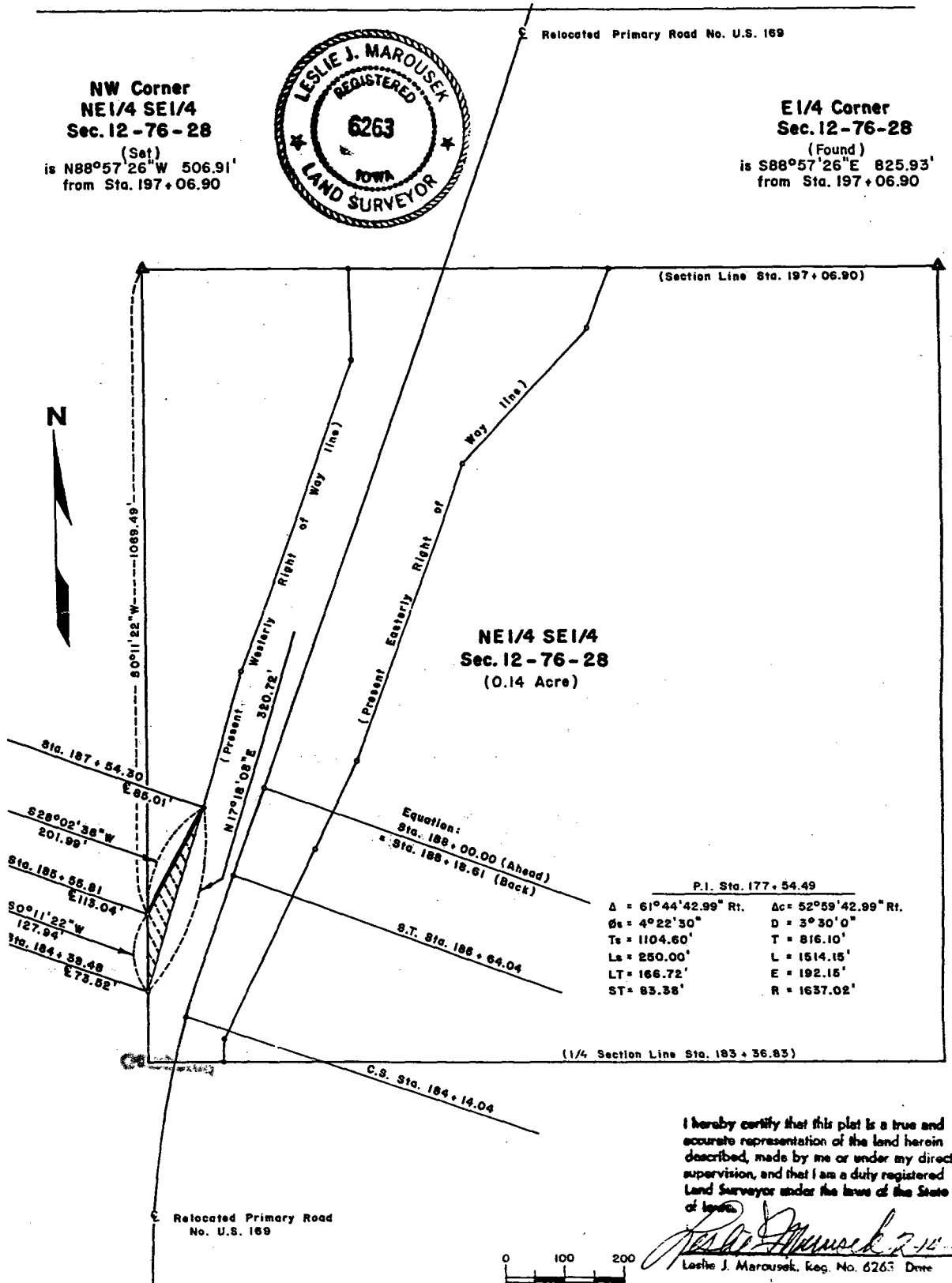
EXHIBIT "A"

COUNTY MADISON STATE CONTROL NO. 61-1100
 PROJECT NO. FN-169-3 (29) -- 21-61 PARCEL NO. 23
 SECTION 12 TOWNSHIP 76 N RANGE 28 W
 ROW - FEE _____ AC, EASE 0.14 AC, EXCESS - FEE _____ AC
 ACQUIRED FROM Byran L. Friend

NW Corner
NE 1/4 SE 1/4
Sec. 12-76-28
(Set)
is N88°57'26"W 506.91'
from Sta. 197+06.90



E 1/4 Corner
Sec. 12-76-28
(Found)
is S88°57'26"E 825.93'
from Sta. 197+06.90



NE 1/4 SE 1/4
Sec. 12-76-28
(0.14 Acre)

P.I. Sta. 177+54.49	
$\Delta = 61^{\circ}44'42.99''$ Rt.	$\Delta c = 52^{\circ}59'42.99''$ Rt.
$\theta_s = 4^{\circ}22'30''$	$D = 3^{\circ}30'0''$
$T_s = 1104.60'$	$T = 816.10'$
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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



DATE DRAWN _____

DEED REC. 121

SCALE

1" = 200'