

[Compared]

STATE OF IOWA, ss.
MADISON COUNTY,Inst. No. 1432 Filed for Record this 9 day of January 19 90 at 3:30 PM
Book 121 Page 760 Recording Fee \$10.00 Mary E. Welty, Recorder, By Shirley B. Hens
Deputy

EASEMENT AGREEMENT

AGREEMENT made this 5 day of January, 1990, between Eugene Armstrong and Eloise Armstrong, husband and wife, hereinafter referred to as Grantors, and Timothy J. Armstrong, hereinafter referred to as Grantee.

WHEREAS Grantors own the following described property situated in ~~Dallas~~ County, Iowa, to-wit:
Madison

Government Lot Four (4) in Section Seven (7) in Township Seventy-seven (77) North, Range Twenty-six (26) West of the Fifth P.M., except the following described tract of land: Commencing at the Southeast corner of said Government Lot Four (4) running thence North five (5) rods, thence West Twelve (12) rods, thence South five (5) rods, thence East twelve (12) rods to the place of beginning,

hereinafter referred to as Grantors' property, and

WHEREAS, Grantee is the owner of the following described property situated in ~~Dallas~~ County, Iowa, to-wit:
Madison

A parcel of land in Government Lot Four (4) in Section Seven (7), Township Seventy-seven (77) North, Range Twenty-six (26) West of the 5th P.M., Madison County, Iowa, more particularly described as follows:

Commencing at the Southeast Corner of Government Lot Four (4) in Section Seven (7), Township Seventy-seven (77) North, Range Twenty-six (26) West of the 5th P.M., thence S 84°57'W 1002.61 feet along the South line of said Government Lot Four (4) to the point of beginning; thence N 0°00' 440.06 feet, thence N 90°00'W 288.55 feet, thence S 06°32'W 255.03 feet, thence S 12°02'E 64.4 feet, thence S 16°33'E 155.1 feet, thence N 84°57'E 261.39 feet along the South line of said Government Lot Four (4) to the point of beginning. Said parcel contains 3.09 acres, more or less, including 0.24 acres, more or less, of county road right-of-way,

hereinafter referred to as Grantee's property, and

WHEREAS, the well which serves Grantee's property is located on Grantors' property and Grantors and Grantee are desirous of confirming the right of the Grantee to the exclusive use of the well and the exclusive right to withdraw water from the well.

NOW, THEREFORE, IN CONSIDERATION of the sum of One Dollar (\$1.00) and other good and valuable consideration, receipt of which Grantors hereby acknowledge, Grantors grant and sell to Grantee, his heirs, successors and assigns, the exclusive right to use the well and the exclusive right to withdraw water from the well which is presently being used to furnish water to Grantee's property. Said well is located on Grantors' property described above and directly north of Grantee's house. Grantors further grant to Grantee, his

heirs, successors and assigns, an easement extending twenty-five feet (25') on each side of the present existing water line for installation, repair, maintenance and replacement of said water line between Grantee's property and the well. Grantors further grant to Grantee, his heirs, successors and assigns, a fifty foot (50') easement on all sides of said well for installation, repair and maintenance of said well. Grantee shall be responsible and shall pay for all damage to Grantors' property, including growing crops, which may result from Grantee's installation, repair, maintenance and replacement of said water line and the well.

This agreement shall inure to and bind the heirs, executors, administrators and assigns of the parties, and shall constitute a covenant running with the said lands of Grantors and Grantee.

GRANTORS

GRANTEE

Eugene Armstrong
Eugene Armstrong

Timothy J. Armstrong
Timothy J. Armstrong

Eloise Armstrong
Eloise Armstrong

STATE OF IOWA)
)ss:
COUNTY OF DALLAS)

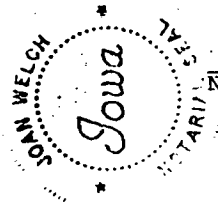
On this 5th day of January, 1990, before me, a Notary Public in and for the State of Iowa, personally appeared Eugene Armstrong and Eloise Armstrong, husband and wife, to me known to be the persons named in and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

 GREGORY A. HULSE

Gregory A. Hulse
Notary Public in and for the State of Iowa

STATE OF IOWA)
)ss:
COUNTY OF Madison

On this 9 day of January, 1990, before me, a Notary Public in and for the State of Iowa, personally appeared Timothy J. Armstrong, to me known to be the person named in and who executed the foregoing instrument, and acknowledged that he executed the same as his voluntary act and deed.

 JOAN WELCH
Iowa
NOTARY PUBLIC

Joan Welch
Notary Public in and for the State of Iowa