

INDEXED  
 RECORDED  
 ADDED

REC \$10.00  
 AUD       
 FEE \$1.00

FILED NO. 2541BOOK 2 PAGE 158

97 MAR 24 PM 4:12

MICHELLE UTSLER  
 RECORDER  
 MADISON COUNTY, IOWA

## FENCE AGREEMENT

This partition fence agreement made on the 19 day of March, 1997, by Vincent C. Wildin and Katherine K. Wildin, husband and wife, of Madison County, Iowa (First Party) and Claude Grout and Eleanor Grout, husband and wife, of Madison County, Iowa (Second Party).

The parties are adjoining landowners of real estate bounded in part by a common boundary, the descriptions of which are as follows:

**FIRST PARTY:** The East Half of the Southwest Quarter ( $E\frac{1}{2}SW\frac{1}{4}$ ) except the following parcel described as beginning at the Northwest corner of the  $SE\frac{1}{4}SW\frac{1}{4}$ , thence along the west line of said  $SE\frac{1}{4}SW\frac{1}{4}$ , S  $00^{\circ}00'25''$  E 406.50 feet, thence S  $89^{\circ}43'52''$  E 191.75 feet, thence N  $00^{\circ}41'28''$  E 104.45 feet, thence N  $90^{\circ}00'00''$  E 17.11 feet, thence N  $15^{\circ}18'16''$  E 99.72 feet, thence S  $89^{\circ}02'09''$  E 194.32 feet, thence N  $01^{\circ}08'32''$  W 211.21 feet to the North line of said  $SE\frac{1}{4}SW\frac{1}{4}$ , thence along said North line S  $89^{\circ}51'00''$  W 426.57 feet to the point of beginning, said excepted parcel containing 3.000 acres, including 0.325 acres of county road right of way; all in Section One (1), Township Seventy-four (74) North, Range Twenty-eight (28) West of the 5th P.M..

**SECOND PARTY:** Beginning at the Northwest corner of the  $SE\frac{1}{4}SW\frac{1}{4}$ , thence along the west line of said  $SE\frac{1}{4}SW\frac{1}{4}$ , S  $00^{\circ}00'25''$  E 406.50 feet, thence S  $89^{\circ}43'52''$  E 191.75 feet, thence N  $00^{\circ}41'28''$  E 104.45 feet, thence N  $90^{\circ}00'00''$  E 17.11 feet, thence N  $15^{\circ}18'16''$  E 99.72 feet, thence S  $89^{\circ}02'09''$  E 194.32 feet, thence N  $01^{\circ}08'32''$  W 211.21 feet to the North line of said  $SE\frac{1}{4}SW\frac{1}{4}$ , thence along said North line S  $89^{\circ}51'00''$  W 426.57 feet to the point of beginning, said parcel containing 3.000 acres, including 0.325 acres of county road right of way; all in Section One (1), Township Seventy-four (74) North, Range Twenty-eight (28) West of the 5th P.M..

The maintenance of partition fences is not and has not been regulated nor previously agreed upon.

The parties desire to bind themselves, their heirs and assigns to an agreement for the construction and maintenance of a partition fence so that their properties may hereinafter be separated by a good and sufficient fence and they and any future owners of their properties will have clearly defined duties with respect to the maintenance of that fence, all to the end that good relations between owners and tenants of the respective properties may be maintained.

In consideration of the mutual covenants contained herein, the parties agree as follows:

Second Party covenants for himself, his heirs and assigns to erect and maintain a fence from the corner post located S 00°00'25" E 406.50 feet from the Northwest corner of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ , thence S 89°43'52" E 191.75 feet, thence N 00°41'28" E 104.45 feet, thence N 90°00'00" E 17.11 feet, thence N 15°18'16" E 99.72 feet, thence S 89°02'09" E 194.32 feet, to the corner post on the common boundary.

First Party covenants for himself, his heirs and assigns to erect and maintain a fence from the corner post mentioned above on-the common boundary, thence N 01°08'32" W 211.21 feet to the North line of said SE $\frac{1}{4}$ SW $\frac{1}{4}$ , thence along said North line S 89°51'00" W 426.57 feet.

The fence erected and maintained pursuant to this agreement shall be in compliance with the Code of Iowa, as amended.

IN WITNESS WHEREOF, the parties have executed this agreement on the date first above written.

Vincent C. Wildin  
Vincent C. Wildin

Claude Grout  
Claude Grout

Katherine K. Wildin  
Katherine K. Wildin

Eleanor Grout  
Eleanor Grout

STATE OF IOWA, MADISON COUNTY, ss:

On this 19 day of March, 1997, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Vincent C. Wildin and Katherine K. Wildin, 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.

Lynn D. Utsler  
NOTARY PUBLIC IN AND FOR SAID STATE

STATE OF IOWA, MADISON COUNTY, ss:

On this 19 day of March, 1997, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Claude Grout and Eleanor Grout, 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.

Lynn D. Utsler  
NOTARY PUBLIC IN AND FOR SAID STATE

