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COMPUTER ✓
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FILED NO. 2230

BOOK 2 PAGE 168

97 DEC 10 PH 3: 29

REC \$ 15.00
AUD \$ _____
R.M.F. \$ 1.10

MICHELLE UTSLEN
RECORDER
MADISON COUNTY, IOWA

Prepared by Marcus F. Abels, 1200 Hub Tower, 699 Walnut Street, Des Moines, Iowa 50309-3940, 515-288-5000

WHEN RECORDED RETURN TO: Marcus F. Abels, 699 Walnut Street, 1500 Hub Tower, Des Moines, Iowa, 50309

FENCE AGREEMENT

WHEREAS, the undersigned, Elizabeth A. Reimann, single, is the owner of the real estate described as follows:

The East Half (E 1/2) of the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of Section Twenty-five (25), Township Seventy-seven (77) North, Range Twenty-seven (27) West of the 5th P.M., Madison County, Iowa, except for the real estate legally described on Exhibit "A" attached hereto. (herein referred to as Parcel "1").

WHEREAS, the undersigned Robert R. Warner and Madonna K. Warner, Husband and Wife, are the owners of the real estate described as follows:

(See Exhibit "A" attached hereto, which is herein referred to as Parcel "2").

WHEREAS, Parcel 1 lies both to the North and to the South of Parcel 2 and it is desirable and necessary that there be maintained by the parties between Parcel 1 and Parcel 2 a lawful partition fence;

NOW, THEREFORE, it is now and hereby agreed by the said parties hereto that the said partition fence between said tracts shall be constructed and maintained by them as follows:

The fence along the North boundary of Parcel 2, or a total of 660 feet, to be erected, maintained, and at all times kept in repair so as to constitute a statutory partition fence at the expense of Robert R. Warner and Madonna K. Warner, and their successors in title, to Parcel 2; and

The fence along the South boundary of Parcel 2, or a total of 660 feet, to be erected, maintained and at all times kept in repair so as to constitute a statutory partition fence at the expense of Elizabeth A. Reimann, and her successors in title to Parcel 1, and both parties to have their share of said fence so completed in 1998, weather permitting; and, thereafter properly maintained as per this agreement.

IT IS FURTHER AGREED between the parties hereto that this agreement shall be binding upon them, their grantees, executors,

administrators, heirs, devisees, successors or assigns and shall constitute and be construed as a covenant running with the said real estate.

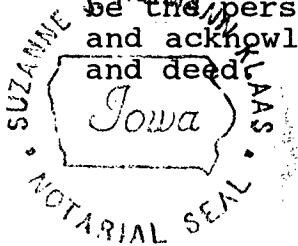
Elizabeth A. Reimann
Elizabeth A. Reimann

Robert R. Warner
Robert R. Warner

Madonna K. Warner
Madonna K. Warner

STATE OF IOWA)
) ss.
COUNTY OF POLK)

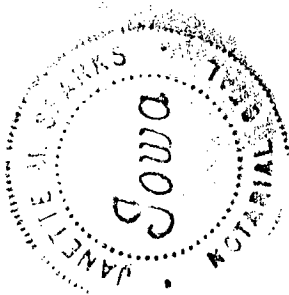
On this 8th day of December, 1997, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Elizabeth A. Reimann, single, to me known to be the person named in and who executed the foregoing instrument, and acknowledged that she executed the same as her voluntary act and deed.



Suzanne J. Reimann-Kloss
NOTARY PUBLIC IN AND FOR SAID
COUNTY AND STATE

STATE OF IOWA)
) ss.
COUNTY OF WARREN)

On this 9th day of December, 1997 before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Robert R. Warner and Madonna K. Warner, 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.



Janette M. Sparks
NOTARY PUBLIC IN AND FOR SAID
COUNTY AND STATE

17276.FA

EXHIBIT "A"

DESCRIPTION - PARCEL A

That part of the Northeast Quarter of the Northeast Quarter of Section 25, Township 77 North, Range 27 West of the Fifth Principal Meridian, Madison County, Iowa, described as follows:

*Commencing at the southeast corner of the Northeast Quarter of the Northeast Quarter of said Section 25;
thence on an assumed bearing of North 00 degrees 00 minutes 00 seconds East along the east line of the Northeast Quarter of the Northeast Quarter of said Section 25 a distance of 505.69 feet to the point of beginning;
thence South 90 degrees 00 minutes 00 seconds West 660.00 feet;
thence North 00 degrees 00 minutes 00 seconds East 198.00 feet;
thence North 90 degrees 00 minutes 00 seconds East 660.00 feet to east line of the Northeast Quarter of the Northeast Quarter of said Section 25;
thence South 00 degrees 00 minutes 00 seconds East along the east line of said Northeast Quarter of the Northeast Quarter a distance of 198.00 feet to the point of beginning.*

Said tract contains 3.00 acres and is subject to a Madison County Easement over the easterly 0.15 acres thereof.

