

Madison TOWNSHIP, Madison COUNTY

Compared

Neil Day
Complaining Party

RR 1
Earlham
Address

vs.

Vernon White
Responding Party

RR 2
Earlham
Address

Compared

FILED NO. 1909
BOOK 2 PAGE 70
FENCE RECORD
1988 APR 20 AM 10:46

MARY E. WELTY
RECORDER
MADISON COUNTY, IOWA
Fee \$15.00

ORDER OF FENCE VIEWERS

Now on this 23 day of March, 1988, a controversy having arisen between the parties named above, adjoining landowners, as to the erection and maintenance of a partition fence, it comes on for hearing before Madison Township Trustees, Madison County, State of Iowa, acting as fence viewers upon the request of one of the landowners, pursuant to Chapter 113 of the Code.

The Trustees, after providing all parties in interest with due notice or accepting waiver of same, after inspection of the property and fences and being fully advised in the premises, FINDS:

That the complaining party is the owner of the following described real estate, to-wit: (Insert full legal description.)

NE 1/4 of the NW 1/4 Sec 34 and SW 1/4 of SE 1/4 Sec 27 and SE 1/4 of SW 1/4 Sec 27, township 77 north-range 28 west

and

That the responding party is the owner of the following described real estate, to-wit: (Insert full legal description.)

N 1/2 of NE 1/4 Sec 34, township 77 north-range 28 west

and

That there is a partition fence between said tracts of real estate which should be maintained and repaired according to Iowa law,

and

That the Trustees further find that the parties should build, repair and/or maintain their respective portions of said partition fence as is hereinafter ordered.

IT IS THEREFORE HEREBY ORDERED AND ADJUDGED by the Trustees of said Township as follows, to-wit:

1. That the complaining party, his/her grantees and successors in interest shall erect and/or maintain that part of the said partition fence described as follows, to-wit: *The north 40^{rod} which fully includes the north flood gap in the north south fence along the west side of the N $\frac{1}{2}$ of NE $\frac{1}{4}$ of sec 34, and, including the east $\frac{1}{2}$ of the east and west fence bordering the South side of the SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of sec 27, Twp 77, Range 28*

2. That the responding party, his/her grantees and successors in interest shall erect and/or maintain that part of the said partition fence described as follows, to-wit: *The south 40^{rod} in the north south fence along the west side of the N $\frac{1}{2}$ of NE $\frac{1}{4}$ of sec 34 and including the west $\frac{1}{2}$ of the east and west fence bordering the South side of the SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of sec 27, Twp 77, Range 28*

3. That said partition fence shall be a "lawful" fence.

4. (Insert other legal requirements to be made of one or both parties including date when work is to be completed.)

1) *Trustees feel the trees south of the east west fence are diseased and on the fence and pose a threat to the fence and require responding party to remove trees 20 feet south from fence - work to be complete by May!*
↳ on the white property

5. That the costs of this proceeding to be paid on entry of this Order shall be borne as follows:

<i>\$5.00/page</i>	Recording Fees \$ <u>15.00</u>	Copy Fees \$ <u>15.00</u>
	Trustee Fees \$ <u>32.00</u>	Clerk Fees \$ <u>32.00</u>

Complaining party shall pay \$ 30.25; responding party shall pay \$ 30.50.

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IN WITNESS WHEREOF, we have hereunto signed our names as
Trustees of Madison Township, Madison County,
State of Iowa.

Dated at Madison Earlham, Iowa, this March
day of 23, 1988.

TOWNSHIP TRUSTEES ACTING AS FENCE
VIEWERS

Marlin Bultman
TRUSTEE

Melvin Bultman
TRUSTEE

TRUSTEE

(At least two Trustees must sign.)

Attest:

Nicholas W. Price
Township Clerk

APPEALS MAY BE MADE BY FILING A NOTICE OF APPEAL WITH THE CLERK OF
DISTRICT COURT WITHIN 20 DAYS AFTER THE DATE OF THIS DECISION.

STATE OF IOWA, COUNTY OF Madison, SS.

I, Nick Price, being first duly
sworn on oath depose and state that I am the Township Clerk of
Madison Township, Madison County, Iowa; that I do hereby
certify that the foregoing Order of Fence Viewers was recorded in the
Township book under the date of March 23, 1988; and that
the foregoing Order is a true and correct copy of said Order as recorded
in said Township book.

Nick Price
Township Clerk

Subscribed and sworn to before me by Nick Price
this 20 day of April, 19 88.

Joseph W. White
Notary Public in and for the State
of Iowa

(File one copy in the Township book and file one copy with the County
Recorder. Each party to the Order should also have a copy for his or
her records.)