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FENCE AGREEMENTMICHELLE UTSLER
RECORDER
MADISON COUNTY, IOWA

AGREEMENT, dated this 19th day of January, 1994, ~~September, 1993~~, by and between ORVAL L. AUTEN and KATHERINE E. AUTEN, husband and wife, on behalf of themselves, their heirs and all successors and assigns to their Real Property, hereinafter described (collectively referred to as "AUTEN") and EARNEST A. KOPASKA and DOROTHY D. KOPASKA, husband and wife, on behalf of themselves, their heirs and all successors and assigns to their Real Property, hereinafter described (collectively referred to as "KOPASKA").

Whereas, AUTEN is the record Title Holder to a 7.084 acre, more or less, parcel of ground, (referred to herein as "ACREAGE"), and legally described to wit:

Parcel A in the Northwest Fractional Quarter (NW Frac. 1/4) of the Northwest Quarter (NW1/4) of Section Seven (7), Township Seventy-six (76) North, Range Twenty-nine (29) West of the 5th P.M., also known as;

A parcel of land in the Northwest Fractional Quarter (NW Frac. 1/4) of the Northwest Quarter of Section Seven (7), Township Seventy-six (76) North, Range Twenty-nine (29) West of the 5th P.M., Madison County, Iowa, more particularly described as follows:

Beginning at the Northwest Corner of Section Seven (7), Township Seventy-six (76) North, Range Twenty-nine (29) West of the 5th P.M., Madison County, Iowa; thence, along the North line of the Northwest Quarter (NW1/4) of Section Seven (7), North 90°00'00" East, 527.00 feet; thence South 00°50'55" West, 585.58 feet; thence South 90°00'00" West, 526.98 feet to the West line of said Northwest Quarter (NW1/4); thence North 00°50'47" East, 585.58 feet to the point of beginning. Said parcel of land contains 7.084 Acres including 0.985 Acres of County Road Right of Way,.

which property has been surveyed by a registered professional land surveyor and which survey appears of record in the office of the Madison County Recorder.

WHEREAS, KOPASKA is the record Title Holder to all of the North 116.8 acres of the Fractional Northwest Quarter of Section Seven (7) in Township Seventy-six (76) North, Range Twenty-nine (29) West of the 5th P.M., Madison County Iowa, except ACREAGE.

WHEREAS, AUTEN and KOPASKA wish to set down in this writing their agreement with respect to the construction and maintenance of a partition fence between ACREAGE and that property owned by KOPASKAS heretofore described.

NOW THEREFORE, it is hereby agreed between the parties hereto and pursuant to the provisions of Section 113.12 Code of Iowa (1993) as follows:

1. That AUTEN agrees to construct and maintain, at their full cost and responsibility a partition fence along the entire boundary between acreage and that property owned by KOPASKAS' heretofore described which shall be a "lawful fence" as defined by Section 113.18 Code of Iowa (1993) and shall bear the full cost and responsibility thereafter for maintaining said entire fence as a "tight fence" as defined by the provisions of Section 113.20 Code of Iowa (1993).

2. The parties further agree that in the event AUTEN maintains livestock of any type within ACREAGE, that AUTEN shall so modify and maintain the above described fence so as to properly restrain such livestock and pay any and all damage, to

KOPASKA arising from the failure of AUTEN to comply herewith.

In witness whereof the parties have executed this agreement on the date first written above.

Orval L. Auten

Orval L. Auten

Katherine E. Auten

Katherine E. Auten

Earnest Kopaska

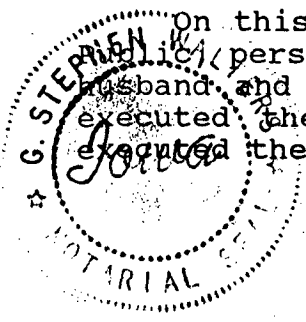
Earnest Kopaska

Dorothy Kopaska

Dorothy Kopaska

STATE OF IOWA Madison COUNTY ss-

On this 19th day of January, 1994, before me a Notary Public, personally appeared ORVAL L. AUTEN and KATHERINE E. AUTEN, 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.



G. Stephen Walters
Notary Public
in and for said State and County

STATE OF IOWA CUTHRIE COUNTY ss-

On this 19th day of JANUARY, 1994, before me a Notary Public, personally appeared EARNEST A. KOPASKA and DOROTHY D. KOPASKA, 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.



Penny S. Marsh
Notary Public
in and for said State and County