

IND.
REC.
PAGE

MONROE TOWNSHIP, MADISON COUNTY

 STEVE AND BECKY MCDONALD *
 Complaining Party *
 R.R. 1, Box 55 *
 Lorimor, IA 50149 *
 vs. *
 A & M Trust/A.J. Severeid *
 Responding Party *
 Box 156 *
 Patterson, IA 50218 *

ORDER OF FENCE VIEWERS **1088**
 FILED NO. _____
 BOOK 2 PAGE 110
 90 NOV 19 PM 2:39
 MARY E. WELTY
 RECORDER
 MADISON COUNTY, IOWA
 Fee \$ 20.00

Now on this 22nd day of September, 1990, 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 Monroe 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 part is the owner of the following described real estate to-wit:

SEE EXHIBIT "A"

and

That the responding party is the owner of the following described real estate, to-wit:

SEE EXHIBIT "B"

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 herein-after 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

said partition fence described as follows, to-wit:

Steve McDonald shall erect and maintain 210' of the East West fence on the North side of the parcel described in Exhibit "A", including the corner post, braces and anchors. Also McDonald shall erect and maintain 260' of the North South fence on the West side of the parcel described in Exhibit "A". McDonald will erect and maintain the West 415' of the East West fence on the South side of the parcel described in Exhibit "A". McDonald will furnish the labor to install the original East 185' feet of the East West fence on the South side of the parcel described in Exhibit "A", A & M Trust/A.J. Severeid will furnish the post and wire and maintain the same after installation.

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:

A & M Trust/A.J. Severeid shall erect and maintain 700' of the North South Fence on the East side of the parcel described in Exhibit "A". Also A & M Trust/A.J. Severeid shall maintain the East 185' of the East West fence on the South side of the parcel described in Exhibit "A". Steve McDonald will furnish labor to install the original East 185' of the East West fence on the South side of the parcel described in Exhibit "A", A & M Trust/A.J. Severeid will furnish the post and wire.

3. That said partition of fence shall be a "lawful" or "tight" fence.

4. The wooden line posts will be 4 1/2" by 6' with wood and steel post alternating in line every 12'. The wire will be 39" heavy woven wire with two heavy barb wires on the top. Either party has the right to clear brush and weeds on both sides of the fence. The materials used will be in new or near new condition.

The date fence is to be completed by Dec 15, 1990.

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

Recording Fees \$ 20⁰⁰ Copy Fees \$ _____

Trustee Fees \$ 24⁰⁰ Clerk Fees \$ 8⁰⁰

Complaining party shall pay \$ 26⁰⁰; responding party shall pay \$ 26⁰⁰.

EXHIBIT "A"

A parcel of land located in the Northwest Quarter of the Northeast Quarter, in the Southwest Quarter of the Northeast Quarter and in the Southeast Quarter of the Northwest Quarter, all in Section 23, Township 74 North, Range 28 West of the 5th Principal Meridian, Madison County, Iowa, more particularly described as follows:

Beginning at the Southwest Corner of the NW.¼ of the NE.¼ of Section 23, T74N, R28W of the 5th P.M., Madison County, Iowa; thence North 00°00'00" 440.00 feet; thence North 89°59'50" East 270.00 feet; thence South 00°00'00" 700.00 feet; thence South 89°59'50" West 600.00 feet; thence North 00°00'00" 260.00 feet to the North line of the SE.¼ of the NW.¼; thence, along said North line, North 89°59'50" East 330.00 feet to the Point of Beginning. Said parcel of land contains 6.308 acres, including 0.633 acres of county road right of way.

EXHIBIT "B"

The West Half (1/2) of the Northeast Quarter (1/4) and the Southeast Quarter (1/4) of the Northwest Quarter (1/4) and the East Half (1/2) of the Southwest Quarter (1/4) of Section Twenty-three (23), except a tract commencing at the Southwest corner of the Northwest Quarter (1/4) of the Northeast Quarter (1/4) of said Section, running thence North 440 feet, thence East 270 feet, thence South 700 feet, thence West 600 feet, thence North 260 feet, thence East 330 feet to the point of beginning, and the Northeast Quarter (1/4) of the Northwest Quarter (NE 1/4) of Section Twenty-six (26), all in Township Seventy-four (74) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, Iowa, except that part thereof deeded to State of Iowa for highway purposes.