

# FENCE AGREEMENT

**THIS AGREEMENT** made and entered into by and between Halden Clair Bertholf, Linda Jean Johnson and Daryle L. Johnson, Trustees of the Trust created under the Will of Halden S. Bertholf, deceased hereinafter called the "Trustees" and Lester Bigelow and Mary Kathryn Bigelow, hereinafter called "Bigelows".

**WHEREAS** the Trustees are the owners of:

The West Half of the Southwest Quarter (SW $\frac{1}{4}$ ) of Section 34, Township 75 North, Range 28 West of the 5th P.M., Madison County, Iowa.

**WHEREAS** Bigelows are the owners of:

The East Half of the Southwest Quarter (SW $\frac{1}{4}$ ) of Section 34, Township 75 North, Range 28 West of the 5th P.M., Madison County, Iowa.

**WHEREAS** the parties desire to enter into this agreement to determine the responsibility for the erection and maintenance of the boundary line fence located on the boundary line running North and South between the above two described tracts of real estate.

## NOW THEREFORE IT IS AGREED AS FOLLOWS:

1. The Trustees, their heirs, successors and assigns shall be responsible for the erection and maintenance of a lawful fence for the North one-half (N $\frac{1}{2}$ ) of said boundary line.
2. The Bigelows, their heirs, their successors and assigns shall be responsible for the erection and maintenance of a lawful fence for the South one-half (S $\frac{1}{2}$ ) of said boundary line.

Dated this 23<sup>rd</sup> day of OCTOBER, 1996.

The Trust created under the Will of  
Halden S. Bertholf, deceased.

By: Halden C. Bertholf  
Halden Clair Bertholf, Trustee

By: Linda J. Johnson  
Linda Jean Johnson, Trustee

By: Daryle L. Johnson  
Daryle L. Johnson, Trustee

REC \$ 10.00  
AUD \$ \_\_\_\_\_  
R.M.F. \$ 4.00

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BOOK 2 PAGE 149  
96 OCT 29 PM 12: 51  
MICHELLE UTSLER  
RECORDER  
MADISON COUNTY, IOWA

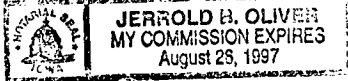
Lester Bigelow  
Lester Bigelow

Mary Kathryn Bigelow  
Mary Kathryn Bigelow

COMPUTER   
RECORDED   
COMPARED

STATE OF IOWA :  
: SS  
MADISON COUNTY :

On this 23 day of Oct, 1996, before me, the undersigned, a Notary Public in and for said State, personally appeared, Lester Bigelow and Mary Kathryn Bigelow, to me known to be the person or persons who executed the above foregoing instrument, and acknowledged to me that they executed the same as their voluntary act and deed.

Jerrold B. Oliver  
Notary Public in and for said State  


STATE OF IOWA :  
: SS  
MADISON COUNTY :

On this 27 day of Oct, 1996, before me, the undersigned, a Notary Public in and for said State, personally appeared, Halden Clair Bertholf, Linda Jean Johnson, and Daryle L. Johnson, Trustees of the Trust created under the Will of Halden S. Bertholf, deceased, to me known to be the identical persons named in and who executed the above foregoing instrument, and acknowledged that the persons, as the fiduciaries, executed the instrument as the voluntary act and deed of the persons and of the fiduciaries.

Jerrold B. Oliver  
Notary Public in and for said State  
