



Form 635-052
Return 1995
Treva T. Petersen
Office of Right of Way
Iowa DOT
Ames, IA 50010

REC \$ 10.00
AUD \$ _____
R.M.F. \$ 1.00

COMPUTER
RECORDED
COMPARED

FILED NO. 1824
BOOK 175 PAGE 306
95 JAN 16 AM 11:27
MICHELLE UTSLER
RECORDER
MADISON COUNTY, IOWA

EASEMENT PRIORITY AGREEMENT

Know All Men By These Presents: That the undersigned, the present owner(s) of the mortgage hereinafter described, for valuable consideration, receipt of which is hereby acknowledged, do hereby acknowledge that the following described real estate situated in Madison County, Iowa, to-wit:

THE FOLLOWING LANDS, RIGHTS TO LAND AND COVENANTS ARE CONTAINED IN A CERTAIN EASEMENT FOR PUBLIC HIGHWAY TO THE STATE OF IOWA, GIVEN IN FULFILLMENT OF A CERTAIN REAL ESTATE CONTRACT DATED NOVEMBER 21, 1994, AND RECORDED IN THE MADISON COUNTY RECORDER'S OFFICE ON NOVEMBER 30, 1994, IN BOOK 133, PAGE 620.

A parcel of land located in the SE 1/4 NE 1/4 of Frl Sec. 30, and in the SW 1/4 NW 1/4 of Sec. 29, all in T76N, R26W of the 5th P.M., Madison County, Iowa, as shown on Acquisition Plat Exhibit "A" attached hereto and by reference made a part hereof, and more particularly described as follows:

Beginning at the E 1/4 Corner of said Frl Sec. 30; thence S83°12'49"W, 1321.86 ft. along the south line of the SE 1/4 NE 1/4 of said Frl Sec. 30 to the SW Corner of said SE 1/4 NE 1/4; thence N1°39'02"W, 342.75 ft. along the west line of said SE 1/4 NE 1/4; thence easterly 389.88 ft. along a 1412.89 foot radius curve, concave northerly and having a chord bearing S79°47'10"E, 388.65 ft.; thence N89°47'03"E, 192.44 ft.; thence S89°32'18"E, 722.66 ft.; thence N88°33'31"E, 658.97 ft.; thence S1°41'11"E, 54.68 ft. to a point on the south line of the SW 1/4 NW 1/4 of said Sec. 29; thence S83°19'49"W, 639.79 ft. along said south line to the E 1/4 Corner of said Frl Sec. 30, the Point of Beginning, excepting therefrom present easements of record; containing 3.66 acres, exclusive of said exceptions.

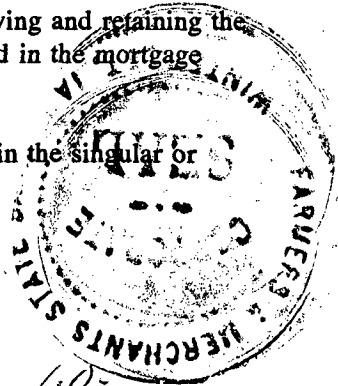
is hereby subordinated to the interests of the State of Iowa, from the lien of the real estate mortgage, executed by John LaFratte and Shirley LaFratte, dated December 31, 1993, recorded in the Madison County Recorder's Office, State of Iowa, in Book 170, Page 590, specifically reserving and retaining the mortgage lien and all mortgage rights against all of the remaining property embraced in the mortgage above described.

Words and phrases herein, including acknowledgment hereof, shall be construed as in the singular or plural, and as masculine, feminine, or neuter gender according to the context.

Dated this 10th day of JANUARY, 1995. (SIGN IN INK)

FARMERS AND MERCHANTS STATE BANK:

By: James W. Mease Pres. Title President By: Shane Pashek L.O. Title Loan Officer

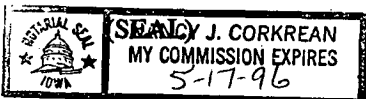


STATE OF Iowa, COUNTY OF Madison, ss:

On this 10th day of JANUARY, A.D. 1995, before me, the undersigned, a Notary Public in and for said state, personally appeared

James W. Mease and Shane Pashek to me personally

known, who, being by me duly sworn, did say that they are the President and Loan Officer, respectively, of said corporation; that ~~(no seal has been procured by the said)~~ (the seal affixed thereto is the seal of said) corporation; that said instrument was signed (and sealed) on behalf of said corporation by authority of its Board of Directors; and that the said James W. Mease and Shane Pashek as such officers, acknowledged the execution of said instrument to be the voluntary act and deed of said corporation, by it and by them voluntarily executed.



Nancy J. Corkrean (Sign in Ink)
NANCY J. CORKREAN (Print/Type Name)
Notary Public in and for said State of Iowa

CADD Produced
District 4 ROW



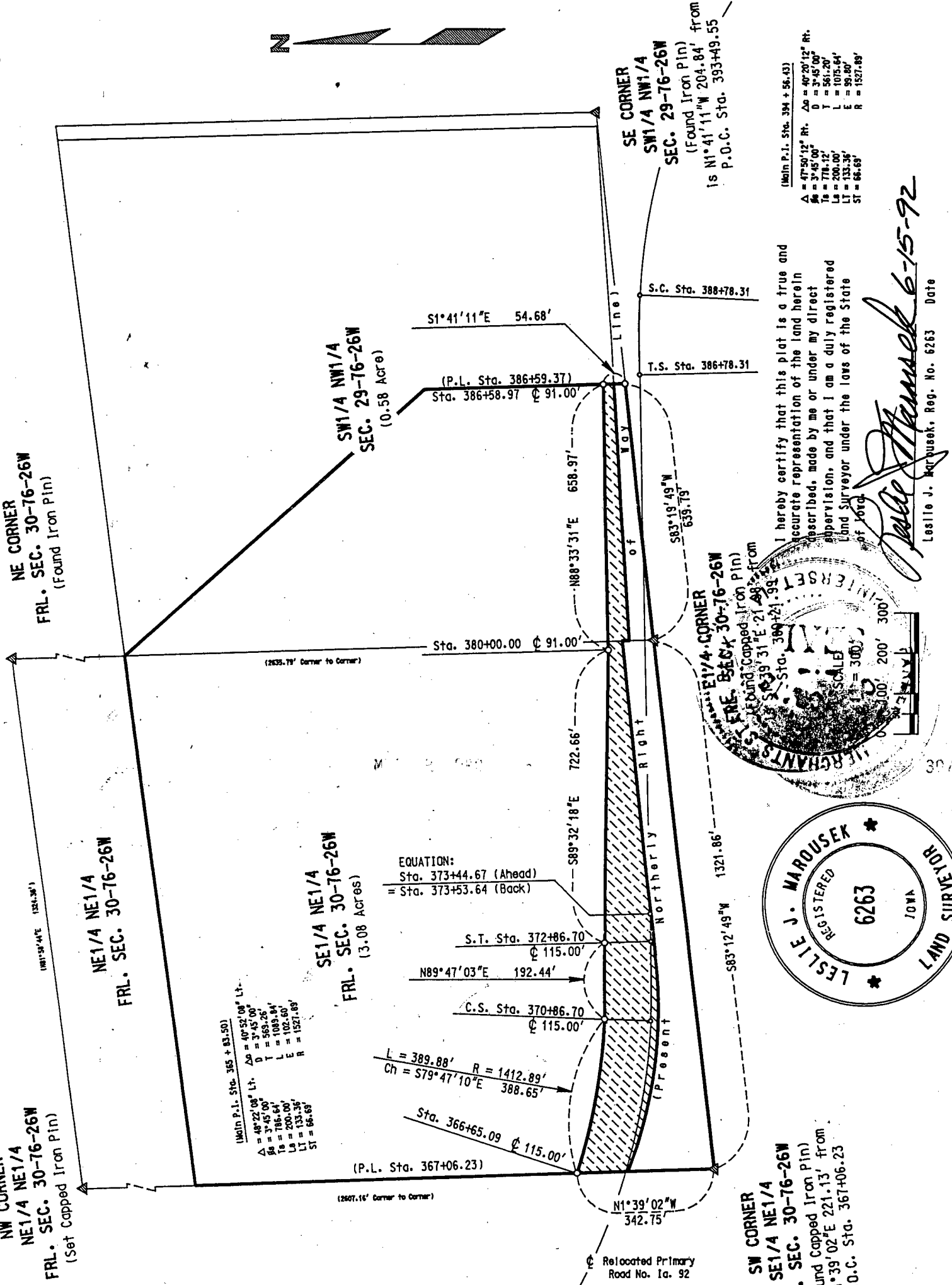
IOWA DEPARTMENT OF TRANSPORTATION

ACQUISITION PLAT

EXHIBIT "A"

COUNTY MADISON STATE CONTROL NO. 61-0600
 PROJECT NO. FN-92-4(15)--21-61 PARCEL NO. 48
 SECTION 29 & 30 TOWNSHIP 76 N RANGE 26 W
 ROW-FEE _____ AC, EASE 3.66 AC, EXCESS - FEE _____ AC
 ACQUIRED FROM John P. & Shirley M. LaFratte

Relocated Primary Road No. Ia. 92

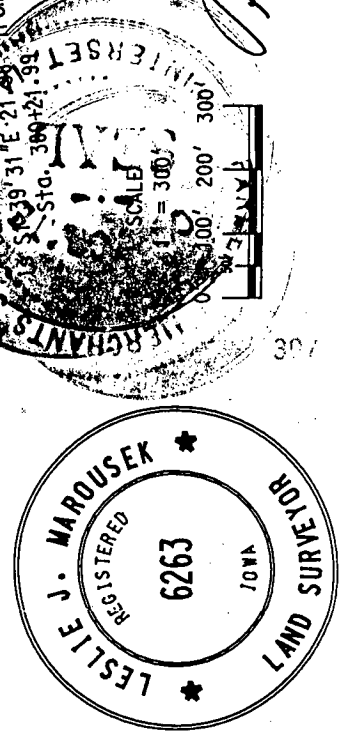


(Main P.I. Sta. 394 + 56.43)

Δ	= 47°50'12" Rt.	Δa	= 40°20'12" Rt.
Da	= 3°45'00"	D	= 3°45'00"
Ta	= 778.12'	T	= 561.20'
Lt	= 200.00'	L	= 1075.64'
LT	= 133.36'	LE	= 99.80'
ST	= 66.63'	R	= 1527.89'

I hereby certify that this plat is a true and accurate representation of the land herein described, made by me or under my direct supervision, and that I am a duly registered Land Surveyor under the laws of the State of Iowa.

Leslie J. Marousek
 Leslie J. Marousek, Reg. No. 6263 Date 6-15-92



EQUATION:
 Sta. 373+44.67 (Ahead)
 = Sta. 373+53.64 (Back)

(Main P.I. Sta. 385 + 83.50)

Δ	= 48°22'08" Lt.	Δa	= 40°52'08" Lt.
Da	= 3°45'00"	D	= 3°45'00"
Ta	= 786.64'	T	= 563.84'
Lt	= 200.00'	L	= 1085.64'
LT	= 133.36'	LE	= 102.66'
ST	= 66.63'	R	= 1527.89'

SW CORNER
 SE 1/4 NE 1/4
 SEC. 30-76-26W
 Found Capped Iron Pin)
 S 51°39'02"E 221.13' from
 P.O.C. Sta. 367+06.23

Relocated Primary Road No. Ia. 92