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SETTLEMENT AGREEMENT CONCERNING LOCATION OF PROPERTY LINE

THIS AGREEMENT made and entered into on this 31st day of May, 1977, by and between Clara M. Brittain, a widow and unmarried, as FIRST PARTY, and R. Gary Watson and Jeanne C. Watson, husband and wife, as SECOND PARTIES,

W I T N E S S E T H:

WHEREAS, First Party is the owner of the following-described real estate, to-wit:

> Lot Eight (8) and the South 78 feet of Lot Seven (7) in Block Three (3) of W. A. Jenkins Addition to the Town of Winterset, Madison County, Iowa;

and

WHEREAS, Second Parties are the owners of the following-described real estate, to-wit:

> Lot Nine (9) in Block Three (3) of W. A. Jenkins Addition to the Town of Winterset, Madison County, Iowa;

and

WHEREAS, a controversy exists between the parties hereto as to the exact location of the boundary line between said properties; and

WHEREAS, the parties are desirous of resolving the location of said boundary line without further cost and delay;

NOW, THEREFORE, IT IS AGREED between the parties hereto as follows:

1. The boundary line between the two properties is established as being located three feet (3') east of the east wall of the garage or carport located on First Party's premises. The boundary line is to be established by iron stakes located at the north and south ends of said boundary line, said stakes to be placed by the parties hereto. If the parties hereto cannot mutually agree as to the exact location of said stakes, then said stakes shall be placed by Vance and Hochstetler, of Winterset, Iowa, licensed surveyors, and the cost of the survey locating said stakes shall be equally borne by the parties hereto.

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MARY E. WELTY
RECORDER
MADISON COUNTY, IOWA
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2. Second Parties, their successors and assigns, agree to maintain the present retaining wall located approximately two feet (2') east of the boundary line as herein established or to fill their lot to the level of the First Party's present lot so as to provide lateral support for First Party's lot.

Clara M. Brittain
Clara M. Brittain FIRST PARTY

R. Gary Watson
R. Gary Watson

Jeanne C. Watson
Jeanne C. Watson SECOND PARTIES

STATE OF IOWA :
: ss
COUNTY OF MADISON :

On this 1st day of June, 1977, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Clara M. Brittain, to me known to be the identical person named in and who executed the foregoing instrument, and acknowledged that she executed the same as her voluntary act and deed.

SHIRLEY A. WEBSTER NOTARY PUBLIC IOWA

Shirley A. Webster
Shirley A. Webster, Notary Public in and for the State of Iowa

STATE OF IOWA :
: s
COUNTY OF MADISON :

On this 3rd day of June, 1977, before me, the undersigned, a Notary Public in and for said County and State, personally appeared R. Gary Watson and Jeanne C. Watson, to me known to be the identical persons named in and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

John E Lesser
Notary Public in and for the State of Iowa.

9-30-77