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BOOK 48 PAGE 800

1979 FEB 14 PM 4:30

MARY E. WELTY
RECORDER
MADISON COUNTY, IOWA

Fee $9.00

MUTUAL EASEMENT FOR ACCESS AND FOR SEWER AND WATER LINES

This agreement, dated this 14th day of February, 1979, is entered into by J & B Stores, Inc., First Party, and Gary Arnburg and Sheryl F. Arnburg, husband and wife, ~~and Earlham Savings Bank,~~ Second Parties, to-wit:

WHEREAS, First Party, is owner of the following described real estate: designated, parcel #1:

> Beginning at a point 1208.81 feet West and 336 feet North of the Center of Section Six (6), in Township Seventy-seven (77) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, Iowa, thence North 126 feet, thence East 135 feet, thence South 126 feet, thence West 135 feet to the point of beginning, subject to the easements of record.

WHEREAS, Second Parties, are owners of the following adjoining real estate designated parcel #2:

> Beginning at a point 1208.81 feet West and 336 feet North of the center of Section Six (6), in Township Seventy-seven (77) North, Range Twenty-eight (28) West of the the 5th P .M., Madison County, Iowa, thence North 126 feet, thence East 135 feet, to the point of beginning, thence East 178.91 feet, thence South 126.0 feet, thence West 178.91 feet, thence North 126 feet to the point of beginning.

WHEREAS, the First Party and Second Parties desire to enhance the values of both of the above described parcels of real estate by granting various easements.

NOW THEREFORE, First Party grants to Second Parties a permanent easement for access over and through Parcel #1 in favor of Parcel #2 as follows:

Easement for private road and driveway over and on the South 20 feet of Parcel #1 is hereby granted and shall run with the land

Said easement shall provide a driveway and access to apartment buildings to be located on parcel #2 and shall extend to any tenant residing in said apartments and to their bona fide guests.

Second Parties grant to First Party an easement for sewer lines and water lines on a parcel described as the South 20 feet of the West 35 feet of Parcel #2 described above. First Party also retains the right to use the easement of access on Parcel #1 for his own

purposes including installation of sewer and water lines to serve his property described above as Parcel #1.

Said water and sewer lines can be located anywhere within the boundaries of the foregoing 20 x 35 foot strip, and shall also be for the purposes of inspection and for any and all necessary repair and maintenance on said lines.

IN WITNESS WHEREOF, the Grantors hereunto set their hands and Seals the day and year first above written.

J & B Stores, Inc.

By Jerry D. Stone
Jerry D. Stone, President

Gary A. Arnburg

Sheryl F. Arnburg

~~Earlham Savings Bank~~

~~By~~ _____

~~By~~ _____

STATE OF IOWA, DALLAS COUNTY, ss:

On this 14th day of February, A.D. 1979, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Jerry D. Stone, President, to me personally known, who, being by me duly sworn, did say that he is the President of J & B Stores, Inc., executing the within and foregoing instrument, that said instrument was signed (and sealed) on behalf of said corporation by authority of its Board of Directors; and that said Jerry D. Stone, President, as such officer, acknowledged the execution of said instrument to be the voluntary act and deed of said corporation, by it and by him voluntarily executed.

Peter A. Keller

Peter A. Keller
Notary Public in and for the State of Iowa.

STATE OF IOWA :
: ss.
COUNTY OF DALLAS:

On this ____ day of _____, A.D. 1979, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared _____ and _____ to me personally known, who, being by me duly sworn, did say that they are the _____ and _____ respectively, of said corporation executing the within and foregoing instrument. that said instrument was signed (and sealed) on behalf of said corporation by authority of its Board of Directors; and that the said _____ and _____ 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.

_____

_____, Notary Public in and for the State of Iowa.

STATE OF IOWA :
: ss.
COUNTY OF DALLAS:

On this 14 day of February, A.D. 1979, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Gary A. Arnburg and Sheryl F. Arnburg, husband and wife, to me known to be the identical persons named and who executed the within and foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

_____

_____ Notary Public in and for the State of Iowa.