IN THE MATTER OF THE TRUSTEES OF JEFFERSON TOWNSHIP, MADISON COUNTY, IOWA, SITTING AS FENCEVIEWERS

LEWIS D. VAN ALSTINE, As Complainant,	:	
-vs-	:	ORDER FIXING OBLIGATIONS, RIGHTS, DUTIES AND SHARES OF DIVISION OF PARTITION FENCE.
ELAINE B. BUMP, As Adjoining Landowner	:	

Now on this 19th day of October, A.D., 1974, this matter comes before the undersigned Board of Township Trustees of Jefferson Township, Madison County, Iowa, sitting as fenceviewers upon the request of the above named Lewis D. VanAlstine, as Complainant, and owner of the following real estate:

> A parcel of land described as commencing at the North Quarter Corner of Section 19, Township 77 North, Range 27 West of the 5th P.M., Madison County, Iowa, thence N90°00'W. 1099.9 feet along the North line of said Section 19 to Point of Beginning; thence S0°25'W. 935.5 feet; thence N90°00'E. 47.7 feet; thence S0°15'E. 344.7 feet; thence N90°00'W. 250.6 feet to a point on the West line of the Northeast Quarter of the Northwest Quarter of said Section 19; thence N0°15'W. 1280.2 feet along West line of said Northeast Quarter of Northwest Quarter to the North line of said Section 19; thence N90°00'E. 213.8 feet to Point of Beginning. Said parcel contains 6.4577 acres including 0.1618 acres of County Road Right-of-Way. North line of Northwest Quarter of said Section 19 is assumed to bear due East and West,

and requesting that this Board of Trustees, as fenceviewers, fix and determine the respective obligations, rights and duties of the owner of said real estate and the owner of the adjoining land described as follows:

> The Northeast Quarter (NE¼) of the Northwest Quarter (NW¼) of Section Nineteen (19), Township Seventy-seven (77) North, Range Twenty-seven (27) West of the 5th P.M., Madison County, Iowa, except the 6.4577 acres above described.

That in reference to the division or partition of the fence between the real estate of the Complainant described

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MARY E. WELTY
RECORDER
MADISON COUNTY, IOWA
Fee #10.50

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above, and the real estate of the Adjoining Landowner described above, the Board of Trustees finds as follows:

1. That said respective owners have each been served with an Original Notice of this action before the Board of Trustees.

2. That the owners of the above described real estate have appeared in person and are subject to the order of this Board of Trustees.

3. That the fenceviewers have heard the evidence and the testimony of the owners and have examined the record and have viewed the fence in question and now being fully advised as to the requirements and the use and maintenance of said fence between the aforedescribed tracts of real estate, finds that this Board has full and complete jurisdiction herein.

The Board of Trustees of Jefferson Township hereby order and direct as follows:

1. The division or partition fence between the tracts of real estate owned by Lewis D. VanAlstine and Elaine B. Bump, said partition fence to be described as:

> Commencing at the North Quarter Corner of Section 19, Township 77 North, Range 27 West of the 5th P.M., Madison County, Iowa, thence West 1099.9 feet along the North line of said Section 19, thence South 33 feet to the point of beginning of said partition fence; thence South 902.5 feet; thence East 47.7 feet; thence South 344.7 feet; thence West 250.6 feet to the end of said common boundary which consists of 1545.5 feet.

The Board of Trustees hereby orders and directs that said division or partition fence above described shall be assigned to Lewis D. VanAlstine and Elaine B. Bump as follows:

A. Lewis D. VanAlstine shall keep and maintain that part of the partition fence beginning 475.1 feet South of the point of beginning as above described, thence South 427.4 feet, thence East 47.7 feet, thence South 297.65 feet,

for a total distance of 772.75 feet. This distance represents one-half of the total boundary of 1545.5 feet.

It is further ordered by the Board of Trustees that Lewis D. VanAlstine shall set a corner post, brace and brace post at the beginning of his end of the partition fence above described and further that Lewis D. VanAlstine shall set a corner, brace and brace post at the south end of his part of said partition fence, said corner post, brace and brace post to be supplied to Lewis D. VanAlstine by Elaine B. Bump.

B. That Elaine B. Bump shall keep and maintain that part of the division or partition fence beginning at the point of beginning as above described, thence South for a distance of 475.1 feet. That Elaine B. Bump shall have the right to attach her fence to the corner post set by Lewis D. VanAlstine as herebefore ordered.

That Elaine B. Bump shall keep and maintain that part of said division or partition fence beginning at the end of said partition fence above described, thence running East 250.6 feet; thence North 47.05 feet, for a total distance of 297.65 feet. It is further ordered by the Board of Trustees that Elaine B. Bump shall have the right to attach said fence to the corner post set by Lewis D. VanAlstine.

That the two portions of fence assigned to Elaine B. Bump to keep and maintain shall equal 772.75 feet, or one-half of the total partition fence above described.

It is further ordered by the Board of Trustees that the parties hereto may keep and maintain the present fence existing on said boundary between the adjoining properties above described. The parties shall keep and maintain three strands of barbed wire on said existing fence if three strands are not presently erected.

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Any new fence erected by the parties or any fence in the future replaced by the parties shall consist of 32-inch woven wire with three strands of barbed wire and shall be repaired and maintained in good repair.

It is further ordered and directed by the Board of Trustees that all work directed by this order shall be completed by the 10th day of December, 1974, or the Board of Trustees will order the work done according to the Statute of the State of Iowa. All new fences directed by this order shall be erected by said date and repairs and upkeep shall be completed at said time. It is further ordered that said fences directed in this order be kept in good condition and repair at all times.

It is further ordered that this order shall be entered of record at length in the records of the Township Clerk of said Township and County, and that a certified copy thereof be filed by said Clerk with the Recorder of Madison County, Iowa, as provided by law.

Russell Wright (Russell Wright) George Muller (George Muller) Don Ziemann (Don Ziemann)

Board of Trustees of Jefferson Township, Madison County, Iowa, Sitting as Fenceviewers

M. F. Cushing
(M. F. Cushing)
Jefferson Township Clerk

CERTIFICATION

I, M. F. Cushing, hereby certify that I am the Township Clerk for the Board of Trustees of Jefferson Township. I

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further certify the aforegoing order of the Board of Trustees of Jefferson Township is a true and correct copy of the proceedings thereof.

Dated this 11 day of November, 1974.

M F Cushing
(M. F. Cushing)
Jefferson Township Clerk