OF IOWA, ss. Inst. No. 1764 Filed for Record this 18 day of April 19 80 at 10:33 A.M.
N COUNTY, Book 1 Page 237 Recording Fee 6.00 Mary E. Welty, Recorder, By Shirley D. Beaty Deputy

IND. V
REC.
PAGE VI

Compared

PARTITION FENCE AGREEMENT

Whereas, the undersigned Floyd G. Carter and Goldie Carter, husband and wife, are the owners of the real estate described as follows:

The Fractional West Half of the Northwest Quarter, the West Half of the Southwest Quarter and the Southeast Quarter of the Southwest Quarter of Section 5; and a tract of land described as follows: Commencing at the Southeast corner of the Southeast Quarter of the Northeast Quarter of Section 6, running thence North 20 rods, thence West of the edge of the water in North River at low water mark, thence in a Southerly direction along the East edge of the water in said North River to half section line; thence East to the place of beginning; all in Township 76 North, Range 29 West of the 5th P. M., Madison County, Iowa, and

Whereas, the undersigned Carroll W. Kopaska and LuGene Kopaska, husband and wife, are the owners of the real estate described as follows:

The Northeast Fractional Quarter (NE fr 1/4) and the East Fractional Half (E fr 1/2) of the Northwest Fractional Quarter (NW fr 1/4) and the Southeast Quarter (SE 1/4) and the Northeast Quarter (NE 1/4) of the Southwest Quarter (SW1/4) of Section Five (5) in Township Seventy-six (76) North, Range Twenty-nine (29) West of the 5th P. M., Madison County, Iowa.

Whereas the said tracts of real estate adjoin each other and it is desirable and necessary that there be maintained by the parties between the same a lawful partition fence.

Now, therefore it is now and hereby agreed by the said parties hereto that the said partition fence between said tracts shall be constructed and maintained by them as follows:

Floyd G. Carter and Goldie Carter, husband and wife, are to maintain and build, where necessary, the south one-half (S1/2) of all fences running north and south and the east one-half (E1/2) of all fences running east and west, and Carroll W. Kopaska and LuGene Kopaska, husband and wife are to maintain and build where necessary, the north one-half (N1/2) of all fences running north and south and the west one-half (W1/2) of all fences running east and west.

It is understood and agreed that there is presently one-half (1/2) to three-fourths (3/4) of an acre belonging to Carroll W. Kopaska and LuGene Kopaska which is situated south of the river and the mere building of a fence on the north side of the river will not establish a new boundary but that said one-half to three-fourths acre will continue to belong to Carroll W. Kopaska and LuGene Kopaska.

It is understood and agreed that said fences are to be good fences suitable to the fence viewers.

It is further agreed between the parties hereto that this agreement shall be binding upon their heirs, successors, assigns and legal representatives.

In witness whereof we have hereunto affixed our signatures this 17th day of April, 1980.

Floyd G. Carter

Carroll W. Kopaska

Goldie Carter

LuGene Kopaska

JOYCE NOTARIAL SEAL

FOR THE LEGAL EFFECT OF THE USE OF THIS FORM, CONSULT YOUR LAWYER

STATE OF IOWA, GUTHRIE COUNTY, ss:

On this 17th day of April, A. D. 19 80, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Floyd G. Carter and Goldie Carter, husband and wife; Carroll W. Kopaska and LuGene Kopaska, husband and wife

to me known to be the identical persons named in and who executed the within and foregoing instrument, **to which** this is attached, and acknowledged that they executed the same as their voluntary act and deed.

Joyce A Hicks Notary Public in and for said County and State

IOWA STATE BAR ASSOCIATION
Official Form No. 11 (Trade-Mark Registered, State of Iowa, 1967)
809250 This Printing: September, 1978

(Section 558.39, Code of Iowa)