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TE OF IOWA, ss. Inst. No. 1578 Filed for Record this 24 day of April 19 81 at 10:00 A.M.
DISON COUNTY Fence Book 1 Page 246 Recording Fee 9.00 Mary E. Welty, Recorder, By Deputy

FENCE AGREEMENT

This FENCE AGREEMENT is made and entered into this _____ day of March, 1981, by and between MARY K. WRIGHT, of Earlham, Iowa, and DIXIE L. SMITH and MORRIS D. SMITH, wife and husband, of Eagle Grove, Iowa, hereinafter referred to as First Party; and RAYMOND E. THOMPSON, JR., and JOANNE M. THOMPSON, husband and wife, R. R., Earlham, Iowa, hereinafter referred to as Second Party:

WHEREAS, First Party owns the following described real estate located in Madison County, Iowa:

That part of the W½ of the SE¼, and the E½ of the SW¼ of Section 2, T77N, R29W of the Fifth Principal Meridian, described as follows: Beginning at the SW Corner of the E½ of the SW¼ of said Section 2, proceed North along the West line of the E½ of the SW¼ of said Section 2 (N 00°09'E 2231.2') to a point 401.6 Feet South of the NW Corner thereof; Thence N 89°36'E 620 Feet; Thence N 04°54'W 37.9 Feet; Thence N 89°33'E 1483 Feet; Thence S 00°17'W 1132.8 Feet; Thence S 39°19'W 61.6 Feet; Thence S 87°05'W 295.1 Feet; Thence S 06°11'E 494 Feet; Thence S 47°48'W 322 Feet; Thence S 62°48'W 837 Feet to the South line of said Section 2; Thence N 89°57'W 836.4 Feet to the Point of Beginning, all now being in and forming a part of Madison County, Iowa, containing 95.80 Acres, more or less, subject to 33 Feet of Road right-of-way on the West side.

WHEREAS, Second Party owns the following described real estate located in Madison County, Iowa:

A tract of land described as follows: Commencing 1305.2 feet West of the center of Section Eleven (11) in Township Seventy-seven (77) North, Range Twenty-nine (29) West of the 5th P.M., Madison County, Iowa, thence East 426.7 feet, thence North 1°09' East, 1703 feet, thence North 87°55' East, 712 feet, thence North 49°46' East, 286.2 feet, thence North 0°23' East, 705 feet, thence North, 89°21' West, 481 feet, thence South, 0° 39' West, 148.5 feet, thence North 89°21' West, 183.1 feet, thence South, 75°53' West, 511.9 feet, thence South, 82°31' West, 233.35 feet, thence South, 0°16' East, 2287.5 feet to the point of beginning and containing 40.82 acres, more or less,

and

The West Half (W½) of the Northwest Quarter (NW¼), and commencing at the Northwest corner of the East Half (E½) of the Northwest Quarter (NW¼) thence East 909.1 feet, thence South 148½ feet, thence West 183.1 feet, thence Southwest to a point 231 feet East and 313½ feet South of the Northwest corner of the East Half (E½) of the Northwest Quarter (NW¼), thence Southwest to a point 346½ feet South of the point of beginning, thence North to the point of beginning, all in Section Eleven (11), in Township Seventy-seven (77) North, Range Twenty-nine (29) West of the 5th P.M., Madison County, Iowa.

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#2. Fence Agreement

WHEREAS, the real property owned by the First Party is adjoining, abutting, adjacent and contiguous with the property owned by Second Party, and

WHEREAS, First Party and Second Party for themselves, their assigns and successors in interest desire to legally divide and to provide for the ownership and maintenance of the partition fence between the above tracts of real property and to fix rights, duties and obligations of the parties with respect thereto.

NOW, THEREFORE, in consideration of the mutual promises and agreement hereinafter set forth, these parties do hereby agree and contract as follows:

1.- First Party, their grantees, heirs, devisees, personal representatives, assigns and successors in interest shall own and be responsible for the erection, maintenance and repair of the East One-Half of the partition fence situated between First Party's and Second Party's respective tracts of land hereinbefore described.

2.- Second Party, their grantees, heirs, devisees, personal representatives, assigns and successors in interest shall own and be responsible for the erection, maintenance and repair of the West One-Half of the partition fence situated between First Party's and Second Party's respective tracts of land hereinbefore described.

3.- It is expressly agreed between First Party and Second Party that if the partition fence situated between said parties is reconstructed, that said new partition fence shall meet the following minimum requirements:

> Any new partition fence erected by the parties shall be constructed of 47" woven wire with one barb wire at the top or if said woven wire is less than 47", there shall be at least two barb wires located at the top.

4.- It is further stipulated and agreed that this instrument shall constitute a permanent and binding agreement which shall run with the ownership of the two tracts of real estate above described.

FIRST PARTY

Mary K Wright
(Mary K. Wright)

Dixie L. Smith
(Dixie L. Smith)

Morris D Smith
(Morris D. Smith)

SECOND PARTY

Raymond E. Thompson Jr.
(Raymond E. Thompson, Jr.)

Joanne M Thompson
(Joanne M. Thompson)

STATE OF IOWA :
: SS
MADISON COUNTY :

On this 17th day of April, 1981, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Mary K. Wright to me known to be the identical person named in and

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who executed the within and foregoing instrument, and acknowledged that she executed the same as her voluntary act and deed.

Notary Public in and for the
State of Iowa.

DEAN R. NELSON NOTARIAL SEAL Iowa (SEAL)

STATE OF IOWA :
: SS
WRIGHT COUNTY :

On this 10 day of April, 1981, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Dixie L. Smith and Morris D. Smith to me known to be the identical persons named in 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.

DARCIA CHRISTENSEN NOTARIAL SEAL Iowa (SEAL)

STATE OF IOWA :
: SS
MADISON COUNTY :

On this 2nd day of April, 1981, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Raymond E. Thompson, Jr., and Joanne E. Thompson, to me known to be the identical persons named in 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.

DEAN R. NELSON NOTARIAL SEAL Iowa (SEAL)