STATE OF IOWA, MADISON COUNTY, ss.

Inst. No. 238 Filed for Record this 24 day of August 19 82 at 9:10 AM
Book 2 Page 21 Recording Fee $9.00 Mary E. Welty, Recorder, By Shirley A. Henly Deputy

FENCE DIVISION AGREEMENT

This FENCE DIVISION AGREEMENT is made and entered into as of August 1, 1982, by and between Dale Boston, of Dallas County, Iowa, hereinafter for convenience referred to as FIRST PARTY; and Lawrence P. Van Werden and James E. Van Werden of Clarke County and Dallas County, Iowa, respectively, hereinafter for convenience referred to as SECOND PARTY:

WITNESSETH

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

> The East Half of the Southeast Quarter (E½ SE¼) of Section Seventeen (17) in Township Seventy-six (76) North, Range Twenty-seven (27) West of the 5th P. M., Madison County, Iowa; and

WHEREAS, Second Party owns the following described real estate located in Madison County, Iowa, which adjoins First Party's above described real estate, and which is legally described as follows:

> The West Half of the Southwest Quarter (W½ SW¼) of Section Sixteen (16) in Township Seventy-six (76) North, Range Twenty-seven (27) West of the 5th P. M., Madison County, Iowa; 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 described tracts of land and to fix the rights, duties and obligations of the parties with respect thereto.

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

1. First Party, their grantees, assigns and successors in interest shall own and be responsible for the erection, maintenance and repair of the South 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, assigns and successors in interest, shall own and be responsible for the erection, maintenance and repair of the North one-half of the partition fence situated between First Party's and Second Party's respective tracts of land hereinbefore described.

3. Both First Party and Second Party shall have the right and privilege of placing a culvert with or without a dirt fill, in any of the water gaps or drainage ways along the entire partition fence, at the expense of the party so constructing or erecting the same, as long as such culvert and/or dirt fill are constructed of such size and such manner as not to interfere with or change the natural water flow or materially damage the other party's property. Any culverts so used shall be installed in a manner to prevent escape of livestock through the culvert and may extend through the partition fence the distance reasonably necessary to provide for its proper functioning and permit a fence built over the culvert on the partition line. The party installing a culvert shall retain ownership thereof.

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

Signed by Dale Boston this 26 day of July, 1982.

Signed by James E. Van Werden this 16 day of July, 1982.

Signed by Lawrence P. Van Werden this 15 day of July, 1982.

Dale Boston
Dale Boston

James E Van Werden
James E. Van Werden

Lawrence P Van Werden
Lawrence P. Van Werden

FIRST PARTY SECOND PARTY

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

STATE OF IOWA, DALLAS COUNTY, ss:

On this 16th day of July, A. D. 1982, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared James E. Van Werden

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.

Arlene B. Cook
ARLENE B. COOK Notary Public in and for the State of Iowa

IOWA STATE BAR ASSOCIATION
Official Form No. 11 (Trade-Mark Registered, State of Iowa, 1967)
F-7783 This Printing: August 4, 1969 (Section 558.39, Code of Iowa)

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

STATE OF IOWA, Dallas COUNTY, ss:

On this 15th day of July, A. D. 1982, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Lawrence P. Van Werden

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.

Arlene B. Cook
ARLENE B. COOK Notary Public in and for the State of Iowa

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STATE OF IOWA, DALLAS COUNTY, ss:

On this 26 day of July, A. D. 1982, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Dale Boston

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.

GREGORY A. HULSE Notary Public in and for the State of Iowa

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