PENN TOWNSHP, MADISON COUNTY

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MARY E. WELTY
RECORDER
MADISON COUNTY, IOWA

Fee $10.00

JAN B. GODBY
and
JOHN F. GODBY
Complaining Party

vs

ARTHUR NEAL DAY
and
MARILYN MARIE DAY,
Responding Party

ORDER OF FENCE VIEWERS

On the 22 day of July , 1985, the Penn Township Trustees of Madison County, Iowa, meeting as fence viewers under Iowa Code Chapter 113 held a hearing to determine a controversy existing between the aforesaid parties. Upon hearing, the Trustees hereby find as follows:

The complaining parties, referred to as Godby, own the following described real estate:

> The Southeast Quarter (1/4) of the Southeast Quarter (1/4) of Section Two (2) and all that part of the Northeast Quarter (1/4) of the Southeast Quarter (1/4) of Section Two (2) lying South of the Chicago, Rock Island & Pacific Railroad, right-of-way, all in Township Seventy-seven (77) North, Range Twenty-nine (29) West of the 5th P.M., Madison County, Iowa.

The responding party, referred to as Day, own the real estate legally described as:

> The West Half (1/2) of the Southeast Quarter (1/4) of Section Two (2) in Township Seventy-seven (77) North, Range Twenty-nine (29) West of the 5th P.M., Madison County, Iowa, except that portion lying north of the Chicago, Rock Island and Pacific Railroad right-of-way.

The respective parties have made written demand upon the other to erect and install a proper partition fence as prescribed by law. The fence controversy therefore exists subject to the jurisdiction of the Penn Township Fence Viewers. The Fence Viewers have set a time and place of hearing upon such controversy and have prescribed the notice to be given to the above interested parties. The Township Clerk thereupon duly and timely served Notice of Hearing upon these interested parties. The returns of service on such notices are now on file with the Township Clerk. At such hearing the above parties appeared and presented evidence relating to the controversy. Upon considering such evidence and having heard the statements of all parties, the Fence Viewers do hereby render the following determination concerning the division of this partition fence.

IT IS HEREBY ORDERED that Godby, their successors and assigns, shall own, erect and maintain a legal fence on the North one-half (1/2) of the partition fence described as being upon the west boundary of the Northeast Quarter (1/4) of the Southeast Quarter (1/4) of said Section Two (2) lying South of the Chicago, Rock Island & Pacific Railroad right-of-way.

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IT IS FURTHER ORDERED that Day, their successors and assigns, shall own, erect and maintain a legal fence on the South One-half (1/2) of this partition fence upon the West boundary of the aforesaid Northeast Quarter (1/4) of the Southeast Quarter (1/4) of Section Two (2).

IT IS FURTHER ORDERED that Godby, their successors and assigns, shall own, erect and maintain a legal fence on the North Half (1/2) of the partition fence upon the West boundary of the Southeast Quarter (1/4) of the Southeast Quarter (1/4) of said Section Two (2).

IT IS FURTHER ORDERED that Day, their successors and assigns, shall own, erect and maintain a legal fence on the South Half (1/2) of this partition fence upon the West boundary of the Southeast Quarter (1/4) of the Southeast Quarter (1/4) of said Section Two (2).

IT IS FURTHER ORDERED that this division shall bind the makers, their heirs and all subsequent grantees.

IT IS FURTHER ORDERED that the Clerk shall enter this division of record and shall certify a true copy thereof to the Madison County Recorder as provided by law.

IT IS FURTHER ORDERED that the costs of this action are hereby taxed to the complaining party. Costs are $200.00

Dated on this 19 day of Aug, 1985.

PENN TOWNSHIP TRUSTEES

By Dale R Boyle
Dale R. Boyle, Trustee

Alden C Lorimor
Alden C. Lorimor

Donald Ross
Donald Ross, Trustee

ATTEST:

Fred Morford
Fred Morford
Penn Township Clerk

STATE OF IOWA)
) ss
MADISON COUNTY)

I, Fred Morford, being first duly sworn on oath, depose and state that the undersigned is the Township Clerk of Penn Township, Madison County, Iowa; that the undersigned does hereby certify the foregoing Order of fence viewers was recorded in the Township Book; and that the foregoing Order is a true and correct copy of said Order as recorded in said Township Book.

Fred Morford
Fred Morford, Penn Township Clerk

On this 19 day of August, 1985, before me, the undersigned, a Notary Public in and for said State, personally appeared Fred Morford, to me known to be the identical persons named in and who executed the foregoing instrument and acknowledged that he executed the same as his voluntary act and deed.

JOAN CURRY NOTARY PUBLIC IOWA

Joan Curry
Notary Public