FENCE AGREEMENT

This Fence Agreement is made and entered into this 1 day of February, 1986, by and between Randy J. Stiles, single, Joseph P. Dacre and Pamela J. Dacre, husband and wife; and John S. Mills, single, WITNESSETH:

Randy J. Stiles, Joseph P. Dacre and Pamela J. Dacre, all of Dallas County, Iowa, are the owners of the real estate described as follows, to-wit:

> The South 87½ acres of the Southwest Fractional Quarter (¼) of Section Eighteen (18) excepting therefrom a parcel of land described as follows to-wit: Commencing at the Southwest corner of Section Eighteen (18), thence South 89°49' East 2,464.30 feet to the South Quarter (¼) Corner of said Section Eighteen (18), thence North 01° 03' West 425.20 feet, thence North 89°49' West 2,456.51 feet to the West line of said Section Eighteen (18), thence South 425.10 feet to the point of beginning, containing 24.01 acres including 0.50 acres of public road right-of-way; and the following described tract of land, to-wit: Commencing at a point 1,049 feet South of the Northwest Corner of the Southwest Fractional Quarter (¼) of said Section Eighteen (18), running thence North 1,049 feet to the said Northwest Corner, thence East 2,163 feet, thence in a Southeasterly direction in a straight line 1,103.7 feet to a point 2,428.8 feet East of the Point of Beginning, thence West 2,428.8 feet to the point of beginning, containing 56.41 acres, more or less; all in Township Seventy-seven (77) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, Iowa.

John S. Mills of Madison County, Iowa, is the owner of the real estate described as follows, to-wit:

> The Northwest Fractional Quarter (¼) of Section Eighteen (18) in Township Seventy-seven (77) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, Iowa.

Inasmuch as the two (2) tracts of real estate above described adjoin each other, and since it is desirable and necessary that there be maintained by the parties between the same a lawful partition fence;

NOW, THEREFORE, pursuant to Sections 113.12 and 113.13, Code of Iowa (1985), it is now and hereby agreed by the said parties hereto that the partition fence between the above described tracts of land shall be maintained by them as follows:

(A) John S. Mills shall maintain and at all times keep in repair so as to constitute a statutory partition fence, the East one-half of said fence;

(B) Randy J. Stiles, Joseph P. Dacre and Pamela J. Dacre shall maintain and at all times keep in repair so as to constitute a statutory partition fence, the West one-half of said fence.

It is further agreed by and between said parties that the Iowa District Court For Madison County shall have full and complete authority to enforce this agreement or any part thereof and to do

Compared

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BOOK 2 PAGE 61
FENCE RECORD
1986 FEB 14 PM 2:20

MARY E. WELTY
RECORDER
MADISON COUNTY, IOWA
Fee $10.00

#2. Fence Agreement

so in such manner as may be just and equitable in the premises.

It is further agreed between the parties hereto that this agreement shall be binding upon them, their grantees, executors, administrators, heirs, devisees, successors, or assigns and shall constitute and be construed as a covenant running with the said real estate.

IN WITNESS WHEREOF, we have hereunto affixed our signatures the date above referenced.

Randy J. Stiles
(Randy J. Stiles)

John S Mills
(John S. Mills)

Joseph P. Dacre
(Joseph P. Dacre)

Pamela J Dacre
(Pamela J. Dacre)

STATE OF IOWA :
: SS
DALLAS COUNTY :

On this 5 day of February, 1986, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Randy J. Stiles, Joseph P. Dacre and Pamela J. Dacre 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.

CHARLENE COWAN NOTARIAL SEAL IOWA

Charlene Cowan
Notary Public in and for the State of Iowa.

(S E A L)

STATE OF IOWA :
: SS
MADISON COUNTY :

On this 1 day of February, 1986, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared John S. Mills to me known to be the identical person named in and who executed the within and foregoing instrument, and acknowledged that he executed the same as his voluntary act and deed.

SAMUEL H. BRALAND NOTARIAL SEAL IOWA

Samuel H. Braland
Notary Public in and for the State of Iowa.

(S E A L)