



Document 2017 3374

Book 2017 Page 3374 Type 06 013 Pages 4

Date 10/26/2017 Time 3:22:30PM

Rec Amt \$22.00

INDX
ANNO
SCAN

LISA SMITH, COUNTY RECORDER
MADISON COUNTY IOWA

CHEK

FENCE DIVISION AGREEMENT

Recorder's Cover Sheet

Preparer Information: (name, address and phone number)

Jane E. Rosien, 223 E. Court Avenue, P.O. Box 67, Winterset, IA 50273-0067

Phone: (515) 462-4912

Taxpayer Information: (name and complete address)

J. Larry Kirk and Mildred I. Kirk, 1925 305th Street, Lorimor, IA 50149

Return Document To: (name and complete address)

Jane E. Rosien, 223 E. Court Avenue, P.O. Box 67, Winterset, IA 50273-0067

Grantors:

J. Larry Kirk

Mildred I. Kirk

Grantees:

Kathleen A. Ridout

Legal Description: See Page 2

Document or instrument number of previously recorded documents: N/A

FENCE DIVISION AGREEMENT

This Fence Division Agreement is made this 25th day of October, 2017 between J. Larry Kirk and Mildred I. Kirk, husband and wife, and Kathleen A. Ridout, a single person;

WHEREAS, J. Larry Kirk and Mildred I. Kirk, are the owners of certain real estate legally described as follows:

The North Half (N $\frac{1}{2}$) of the Northwest Quarter (NW $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of Section Fifteen (15), Township Seventy-four (74) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, Iowa.

WHEREAS, Kathleen A. Ridout, is the owner of certain real estate legally described as follows:

Northeast Quarter (1/4) of the Southeast Quarter (1/4) of Section Sixteen (16), Township Seventy-four (74) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, Iowa.

Whereas, these two parcels of real estate have a common boundary;

Whereas, the parties mutually desire to set forth their agreement concerning the fence division responsibilities upon and along this common boundary;

NOW THEREFORE, in consideration of this writing and the mutual promises contained herein, it is agreed as follows:

1. J. Larry Kirk and Mildred I. Kirk, their successors and assigns, shall own and be responsible for the erection, maintenance, repair and replacement of the North one-half ($\frac{1}{2}$) of the partition fence between the above described real estate parcels.

2. Kathleen A. Ridout, her successors and assigns, shall own and be responsible for the erection, maintenance, repair and replacement of the South one-half ($\frac{1}{2}$) of the partition fence between the above described real estate parcels.

3. The partition fence shall be, at a minimum, five strands of barbed wire firmly fastened to steel and wood posts not less than ten feet (10') apart; or, another form of a lawful fence as defined by Iowa Code Chapter 359A and mutually agreed upon by the parties.

4. The partition fence shall be installed upon the boundary line between these two real estate parcels and each party shall be allowed to clear any brush, undergrowth and trees overhanging or falling in or onto the fence.


5. The parties agree this Agreement is a covenant running with the real estate described above and binding upon these parties, their legal representatives, successors and assigns.

6. The parties declare this instrument as a Fence Division Agreement under Iowa Code Chapter 359A.

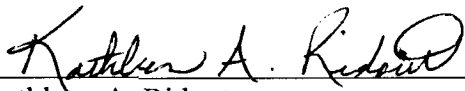
WHEREAS, the parties desire to set forth their respective responsibilities and obligations for the erection, maintenance, repair and replacement of partition fence between the tracts of land described above.



J. Larry Kirk



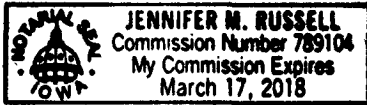
Mildred I. Kirk



Kathleen A. Ridout

STATE OF IOWA, MADISON COUNTY, ss

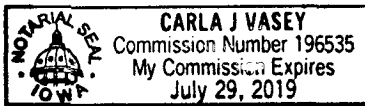
On this 11th day of September, 2017, before me, the undersigned, a Notary Public in and for said State, personally appeared J. Larry Kirk and Mildred I. Kirk to me known to be the identical persons named in and who executed the foregoing instrument, and acknowledged to me that they executed the same as their voluntary act and deed.



J. M. Russell
Notary Public in and for the State of Iowa

STATE OF IOWA, MADISON COUNTY, ss

On this 25th day of October, 2017, before me, the undersigned, a Notary Public in and for said State, personally appeared Kathleen A. Ridout to me known to be the identical person named in and who executed the foregoing instrument, and acknowledged to me that she executed the same as her voluntary act and deed.



Carla J. Vasey
Notary Public in and for the State of Iowa