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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:

Valentine Borntreger

Laura Borntreger

Marvin J. Yoder

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 11th day of September, 2017 between J. Larry Kirk and Mildred I. Kirk, husband and wife, and Valentine Borntreger and Laura Borntreger, husband and wife; and, Marvin J. Yoder, a single person;

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

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

WHEREAS, Valentine Borntreger, Laura Borntreger and Marvin J. Yoder, are the owners of certain real estate legally described as follows:

The Northwest Quarter (NW $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of Section Fifteen (15), Township Seventy-four (74) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, Iowa, except that part conveyed for road purposes and Public Highway, described as beginning at the northwest corner of the Northwest Quarter (NW $\frac{1}{4}$) of said Section Fifteen (15); thence South 75.0 feet; thence East 330.4 feet; thence North 5.0 feet; thence East 1003.0 feet; thence North 70.0 feet; thence West 1333.4 feet to the point of beginning and containing 0.65 acres, more or less, exclusive of the present established highway.

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 West one-half ($\frac{1}{2}$) of the partition fence between the above described real estate parcels.

2. Valentine Borntreger, Laura Borntreger and Marvin J. Yoder, their successors and assigns, shall own and be responsible for the erection, maintenance, repair and replacement of the East one-half (1/2) of the partition fence between the above described real estate parcels.

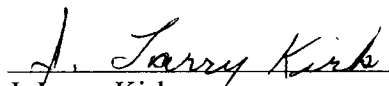
3. The partition fence shall be, at a minimum, five strands of barbed wire firmly fastened to steel and wood posts not less than ten feet (10') apart; or, another form of a lawful fence as defined by Iowa Code Chapter 359A and mutually agreed upon by the parties.

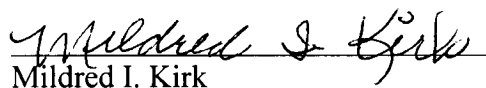
4. The partition fence shall be installed upon the boundary line between these two real estate parcels and each party shall be allowed to clear any brush, undergrowth and trees overhanging or falling in or onto the fence.

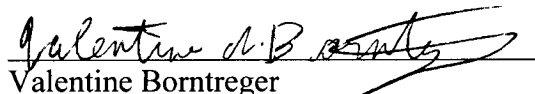
5. The parties agree this Agreement is a covenant running with the real estate described above and binding upon these parties, their legal representatives, successors and assigns.

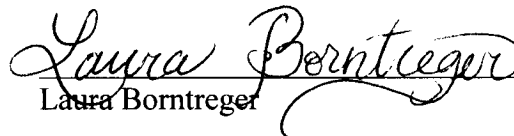
6. The parties declare this instrument as a Fence Division Agreement under Iowa Code Chapter 359A.

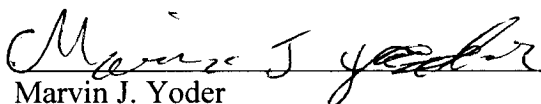
WHEREAS, the parties desire to set forth their respective responsibilities and obligations for the erection, maintenance, repair and replacement of partition fence between the tracts of land described above.


J. Larry Kirk


Mildred I. Kirk

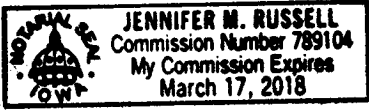

Valentine Borntreger


Laura Borntreger


Marvin J. Yoder

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

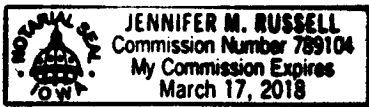
On this 17th day of August, 2017, before me, the undersigned, a Notary Public in and for said State, personally appeared Valentine Borntreger and Laura Borntreger to me known to be the identical persons named in and who executed the foregoing instrument, and acknowledged to me that they executed the 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 9th day of August, 2017, before me, the undersigned, a Notary Public in and for said State, personally appeared Marvin J. Yoder to me known to be the identical person named in and who executed the foregoing instrument, and acknowledged to me that he executed the same as his voluntary act and deed.



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