Margaret Tiernan & hsb.
To
Luke L. Caffrey, Referee

#3278

Fee $2.50 VJS

Filed for record the 8 day of August A. D. 1961 at 9:10 o'clock A. M.

Mary E. Welty, Recorder

GRANT OF RIGHT OF WAY

We, Margaret Tiernan and John W. Tiernan, her husband, of Madison County, Iowa, in consideration of the sum of One Dollar and other good and valuable consideration, receipt

FIDLAR & CHAMBERS CO., DAVENPORT, IOWA 84101

of which is hereby acknowledged, hereby grant, give and convey to Luke L. Caffrey, Referee in the case of Francis X. Tiernan, et al., Plaintiffs, vs. John Morrissey, et al., Defendants, No. 18551 Equity in Madison County, Iowa, District Court, for the use and benefit of said Referee, and for the use and benefit of the owners of the real estate described in said case No. 18551 Equity in Madison County, Iowa, District Court, and for the use and benefit of the real estate described in case No. 18551 Equity in Madison County, Iowa, District Court, and for the use and benefit of any purchaser or purchasers of the West Half of the Northwest Fractional Quarter of Section 5, in Township 76 North, Range 26 West of the 5th P. M., in Madison County, Iowa, and any other land in said section 5 described in the decree in said case No. 18551 Equity in Madison County, Iowa, District Court, so long as such other land in said Section 5 is not separated by difference of ownership from said West Half of the Northwest Fractional Quarter of Section 5, in Township 76 North, Range 26 West of the 5th P. M., and of any successor or successors in interest of theirs, a permanent and perpetual easement for a right of way in, upon, along, and over the East Forty-nine and one-half (49½) feet of the West Half of the Southwest Quarter of Section 32, Township 77 North, Range 26 West of the 5th P. M., in Madison County, Iowa, for the passage of vehicles, machinery, equipment, animals and persons on foot or by other means of travel as a right of way for ingress to and egress from the West Half of the Northwest Fractional Quarter of Section 5, in Township 76 North, Range 26 West of the 5th P. M., and other land in said Section 5, described in the decree in said case No. 18551 Equity in Madison County, Iowa, District Court, connected therewith, and as an easement appurtenant to and running with said land which receives the use and benefit thereof, such easement for a right of way to be subject, however, to the right of the grantors, or their successor or successors in interest, owning said West Half of the Southwest Quarter of Section 32, Township 77 North, Range 26 West of the 5th P.M., in Madison County, Iowa, and any lessees or occupants or users thereof, to use said East forty-nine and one-half (49½) feet aforesaid for similar right of way purposes for themselves and for the use and benefit of said West Half of the Southwest Quarter of Section 32, Township 77 North, Range 26 West of the 5th P. M., and to maintain the drainage ditch now located along and inside of said East forty-nine and one-half (49½) feet aforesaid, for the drainage of water in and by means of said ditch as now located, and subject to the provision that neither these grantors nor any person obtaining any rights for an easement under this instrument shall be under any obligation to maintain any fence or gates along the west side of said East forty-nine and one-half (49½) feet aforesaid, or at either the north or south end thereof, but this does not change or affect any duties or provisions of the owners of said West Half of the Southwest Quarter of Section 32, Township 77 North, Range 26 West of the 5th P. M., to maintain any partition fence, or part thereof, between said 80 acre tract last described and the East Half of the Southwest Quarter of Section 32, Township 77 North, Range 26 West of the 5th P. M. At the request of any purchaser or purchasers from said Luke L. Caffrey, Referee, of real estate for the use and benefit of which this easement is granted, these grantors will without any additional consideration, make, execute and deliver another instrument expressing this same grant of easement to such purchaser or purchasers, specifically, and to their successor or successors in interest.

Dated and signed the 7th day of August, 1961.

Margaret Tiernan
(Margaret Tiernan)
John W. Tiernan
(John W. Tiernan)

STATE OF IOWA, Madison County, ss:

On this 7th day of August, 1961, before me, the undersigned, a Notary Public in and for

FIDLAR & CHAMBERS CO., DAVENPORT, IOWA 84101

Madison County, Iowa, personally appeared Margaret Tiernan and John W. Tiernan, her husband to me known to be the identical persons named in and who executed the above and foregoing instrument and acknowledged that they executed the same as their voluntary act and deed.

NOTARIAL SEAL

Daniel J. Gallery Notary Public
in and for Madison County, Iowa.