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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, 114 E. Jefferson Street, P.O. Box 67, Winterset, IA 50273-0067

Phone: (515) 462-4912

Taxpayer Information: (name and complete address)

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

Return Document To: (name and complete address)

Jane E. Rosien, 114 E. Jefferson Street, P.O. Box 67, Winterset, IA 50273-0067

Grantors:

Mildred I. Kirk

J. Larry Kirk

Grantees:

Vernon Miller

Emma Miller

Legal Description: See Page 2

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

FENCE DIVISION AGREEMENT

January 2019

This Fence Division Agreement is made this 17th day of ~~October 2018~~ between Mildred I. Kirk and J. Larry Kirk, wife and husband, and Vernon Miller and Emma Miller, husband and wife;

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

The Southwest Quarter (1/4) of the Southeast Quarter (1/4) of Section Twenty-two (22) and the Northwest Quarter (1/4) of the Northeast Quarter (1/4) of Section Twenty-Seven (27), all in Township Seventy-four (74) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, Iowa.

WHEREAS, Vernon Miller and Emma Miller, are the owners of certain real estate legally described as follows:

Parcel "C" located in the East Half (1/2) of the Southwest Quarter (1/4) and in the Southeast Quarter (1/4) of the Northwest Quarter (1/4) of Section Twenty-two (22), and in the Northeast Quarter (1/4) of the Northwest Quarter (1/4) of Section Twenty-seven (27), ALL in Township Seventy-four (74) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, Iowa, containing 70.08 acres, as shown in Plat of Survey filed in Book 2015, Page 3657 on December 10, 2015, in the Office of the Recorder of 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. Mildred I. Kirk and J. Larry Kirk, their successors and assigns, shall own and be responsible for the erection, maintenance, repair and replacement of the North one-half (1/2) of the partition fence between the above described real estate parcels.

2. Vernon Miller and Emma Miller, their successors and assigns, shall own and be

responsible for the erection, maintenance, repair and replacement of the South 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.

Mildred I. Kirk
Mildred I. Kirk

J. Larry Kirk
J. Larry Kirk

Vernon Miller
Vernon Miller

Emma Miller
Emma Miller

STATE OF IOWA, MADISON COUNTY, ss

On this 6th day of December, 2018, before me, the undersigned, a Notary Public in and for said State, personally appeared Mildred I. Kirk and J. Larry 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.



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

STATE OF IOWA, MADISON COUNTY, ss

On this 17th day of January, ²⁰¹⁹~~2018~~, before me, the undersigned, a Notary Public in and for said State, personally appeared Vernon Miller and Emma Miller 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.

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