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2019 1434 Type 06 014 Pages 3

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Daneen Schindler, RECORDER/REGISTRAR  
DELAWARE COUNTY IOWA

Prepared By: <sup>aw</sup> Philip Ott 219 Mary St EARLville IA. 52041  
Return To: Philip Ott 219 Mary St EARLville IA. 52041

### FENCE, WALL, AND HEDGE AGREEMENT

This agreement made this 5<sup>th</sup> day of June 2019 by and between  
Philip Ott + Jennifer Ott, Party of the First Part and  
ELENE O'CONNELL, Party of the Second Part

Whereas, the party of the first part wishes to place a Fence  
fence, wall, or hedge  
on the PROPERTY Line, running along the  
on the agreed property line or give a distance to the agreed property line  
North side of the property of the party of the first part  
North, South, East, West  
and along the South side of the party of the second part on a  
North, South, East, West  
parcel of land legally described as follows:

SEE Attached

**AND WHEREAS, Section 121.18A Fences, Walls, And Hedges** of the Zoning Code of Ordinances of the City of Earlville, Iowa, requires that parties enter into an agreement regarding the placement of said fence, wall, or hedge on the property of the party of the first part due to the fact said fence, wall, or hedge is within close proximity of the property line of the party of the second part.

**NOW, THEREFORE**, in consideration of the mutual covenants and promises contained in this Agreement and in consideration of the mutual benefits to be gained by the parties, it is agreed as follows:

1. That said Fence  
fence, wall, or hedge may be placed on the property line or distance agreed to by both parties. That said Fence  
fence, wall, or hedge shall be maintained solely at the expense of the party of the first part.
2. That the respective property owners are responsible for maintenance of the property on their respective sides of the property line.
3. That this said written agreement shall be binding on all current owners of the property and all subsequent owners of the property so long as the Fence  
fence, wall, or hedge remains in place.

8013-3815  
37-866  
8-15

PARTY OF THE FIRST PART

Philip Ott

PARTY OF THE FIRST PART

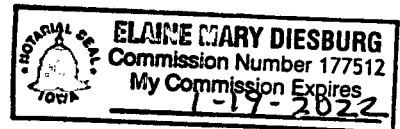
State of Iowa )  
 ) ss:  
County of Delaware )

On this 5 day of June, 2019, before me, a Notary Public in and for the State of Iowa, personally appeared, Philip Ott, to me personally known to be the identical person named in and who executed the foregoing instrument and acknowledged that he executed the same as his voluntary act and deed.

Elaine Mary Diesburg  
Notary Public in and for the State of Iowa

Jennifer Ott

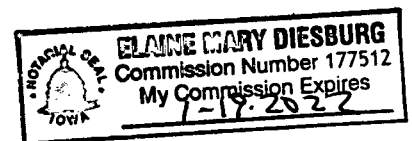
PARTY OF THE FIRST PART



State of Iowa )  
 ) ss:  
County of Delaware )

On this 5<sup>th</sup> day of June, 2019, before me, a Notary Public in and for the State of Iowa, personally appeared, Jennifer Ott, to me personally known to be the identical person named in and who executed the foregoing instrument and acknowledged that she executed the same as her voluntary act and deed.

Elaine Mary Diesburg  
Notary Public in and for the State of Iowa



PARTY OF THE SECOND PART

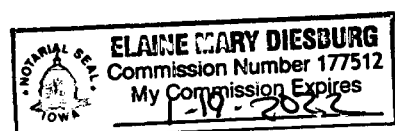
Elene O'Connell

PARTY OF THE SECOND PART

State of Iowa )  
 ) ss:  
County of Delaware )

On this 5 day of June, 2019, before me, a Notary Public in and for the State of Iowa, personally appeared, Elene O'Connell, to me personally known to be the identical person named in and who executed the foregoing instrument and acknowledged that he executed the same as his voluntary act and deed.

Elaine Mary Diesburg  
Notary Public in and for the State of Iowa



Philip B. Ott and Jennifer D. Ott, husband and wife,

as

Joint Tenants with Full Rights of Survivorship, and not as Tenants in Common, the following described real estate in Delaware County, Iowa:

Lot Three (3) and Four (4), Block Six (6), in S.E. Haskin's Addition to Nottingham, now Earlville, Iowa, according to plat recorded in Book 1 Plats, Page 32

*O'Connell Property.*

Lots One (1) and Two (2), except the East Sixty (60) feet of said lots, in Block Six (6), S. E. Haskin's Addition to Nottingham, now Earlville, Iowa.