



Book 2019 Page 2083

2019 2083 Type 06 006 Pages 4

Date 8/06/2019 Time 12:31:00PM

Rec Amt \$22.00

Daneen Schindler, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

Prepared by/Return to: Brooke Trent, 3429 Midway Dr. Cedar Falls, Iowa 50613 (319)277-1610
Address Tax Statement to: Terrance A. Walen, 20641 261st St. Delhi, Iowa 52223

EASEMENT AGREEMENT

THIS EASEMENT AGREEMENT is entered into effective as of June 28, 2019, by Sheree Cupps, Jarald Walen, Barry Walen, Karen Newman & Terrance A. Walen (collectively hereinafter "Walen Siblings") and Barry Walen (hereinafter "Barry") and Gerald L. Horkheimer Revocable Trust (hereinafter "Horkheimer").

WHEREAS, Walen Siblings are the owner of certain real estate commonly known as 20641 261st St. Delhi, Iowa, which is legally described as follows:

Lots Eight-nine (89) and Ninety-two (92) of "Clair View Acres at Delhi, Iowa" in Section Twenty-three (23) and Twenty-six (26), Milo Township, Delaware County, Iowa, according to plat recorded in Book 2 Plats, Page 200; same being a part of the Northwest Quarter (NW ¼) of the Northeast Quarter (NE ¼) of Section Twenty-six (26), Township Eighty-eight (88) North, Range Five (5), West of the Fifth Principal Meridian.

(hereinafter "20641 261st St."); and

WHEREAS, Barry Walen is the owner of certain real estate commonly known as 20654 261st St. Delhi, Iowa, which is legal described as follows:

Lot One Hundred Eighteen (118) according to the Plat of Clair View Acres at Delhi, Iowa, in Sections Twenty Three (23) and Twenty Six (26), Milo Township, Delaware County, Iowa, as prepared by Bartels, McMahan, LeMay, Haas & Baule Engineering Company dated June 16, 1970, as filed in the Delaware County Recorder's Office in Book 2 Plats, Page 200.

(hereinafter "20654 261st St."); and

WHEREAS, Horkheimer is the owner of certain real estate commonly known as 20655 261st St. Delhi, Iowa, which is legally described as follows:

1 (Each party shall initial each page above this line)

[Handwritten signatures and initials]

31
Terrance Walen
P.O. Box 191
Delhi, IA
50634

Lot 93 according to the Plat of Clair View Acres at Delhi, Iowa, in Sections 23 and 26, Milo Township, Delaware County, Iowa, as prepared by Bartels, McMahan, LeMay, Haas, and Baule Engineering Company dated June 6, 1971, as filed in Delaware County Recorder's Office in Book 2 Play, Page 200.

(hereinafter "20655 261st St.");

WHEREAS, 20641 261st St., 20654 261st St., and 20655 261st St. are adjacent parcels; and

WHEREAS, a shared well and septic system serves all three properties; the shared well and septic system is located on 20641 261st St.; and

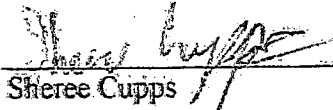
WHEREAS, the parties wish to acknowledge the existence of said shared well and septic system, formalize an easement for the shared well and septic in favor of 20654 261st St. and 20655 261st St., and provide for terms which will govern if repairs or maintenance are required for such shared well and septic in the future.

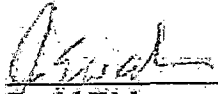
NOW THEREFORE IT IS HEREBY AGREED by the parties as follows:

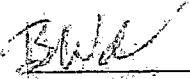
1. **Easement.** The parties agree to the establishment of an easement for said shared well and septic system located at 20641 261st St.
2. **Repairs and Maintenance.** If replacement, repairs or maintenance are required for the shared well and septic system in the future, said costs will be divided among all three properties as follows: 60% of the cost for replacement, repairs or maintenance to 20641 261st St., 20% of the cost for replacement, repairs or maintenance to 20654 261st St., and 20% of the cost of replacement, repairs or maintenance to 20655 261st St.
3. **Yearly Fee.** 20654 261st St. and 20655 261st St. will each pay \$100.00 per year beginning on June 15, 2019 to 20641 261st St. for use of the shared well and septic system.
4. **Running of Benefit and Burdens.** All the provisions of this agreement, including the benefits and burdens, run with the land and are binding on the heirs, assigns, and successors of the parties.
5. **Miscellaneous.**
 - a. This Agreement shall be constructed, construed, and enforced in accordance with the laws of the State of Iowa.
 - b. This Agreement sets forth the entire understanding of the parties and no terms, conditions, or warranties other than those contained herein and no amendments thereto shall be valid unless made in writing and signed by the parties hereto.
 - c. The prevailing party in any legal action brought to enforce this Agreement shall be entitled to reasonable attorney fees and costs.
 - d. Trent Law Firm, PLLC drafted this agreement as the request of its client, Terrance Walen. No other party herein has obtained any legal advice from Trent Law Firm, PLLC.

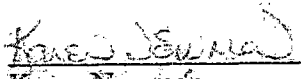
[Handwritten initials: RU, P, and a circled mark]
[Handwritten signature: Terrance Walen] *[Handwritten signature: J. H. Hall]*

- e. The parties agree this Agreement replaces a Well, Water and Septic Tank Agreement filed July 25, 2014 as Doc. No. 2014-1814 in the office of the Delaware County Recorder.
- g. The signature of Barry Walen below is intended to bind Barry Walen in both his capacity as one of the "Walen Siblings" as described above and as "Barry" as described above.

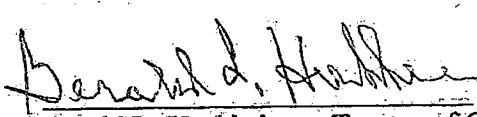

Sheree Cupps


Gerald Walen


Barry Walen

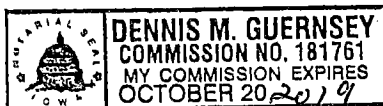

Karen Newman

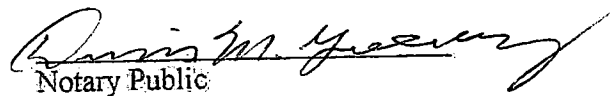

Terrance A. Walen

 Trustee of Gerald L. Horkheimer Revocable Trust
Gerald L. Horkheimer, Trustee of Gerald L. Horkheimer Revocable Trust

STATE OF IOWA, COUNTY OF DELAWARE) ss.

This record was acknowledged before me on this 3rd day of August, 2019, by Sheree Cupps, a married person.

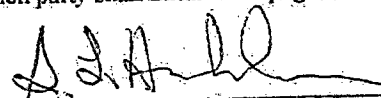


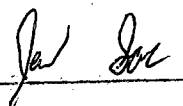

Notary Public





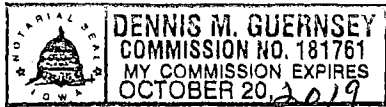






STATE OF IOWA, COUNTY OF DELAWARE) ss.

This record was acknowledged before me on this 3rd day of August, 2019, by Jerald Walen, a married person.



Dennis M. Guernsey
Notary Public

STATE OF IOWA, COUNTY OF DELAWARE) ss.

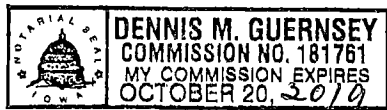
This record was acknowledged before me on this 3rd day of August, 2019, by Barry Walen, a married person.



Dennis M. Guernsey
Notary Public

STATE OF IOWA, COUNTY OF DELAWARE) ss.

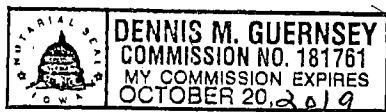
This record was acknowledged before me on this 3rd day of August, 2019, by Karen Newman, a married person.



Dennis M. Guernsey
Notary Public

STATE OF IOWA, COUNTY OF DELAWARE) ss.

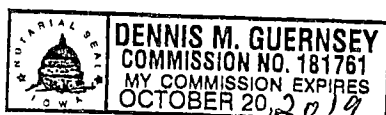
This record was acknowledged before me on this 3rd day of August, 2019, by Terrance A. Walen, a married person.



Dennis M. Guernsey
Notary Public

STATE OF IOWA, COUNTY OF BUCHANAN) ss.

This record was acknowledged before me on this 6th day of August, 2019, by Gerald L. Horkheimer as Trustee of the above entitled trust.



Dennis M. Guernsey
Notary Public

Shelley

John Salt