

Recorded: 1/14/2022 at 9:19:56.0 AM
County Recording Fee: \$17.00
Iowa E-Filing Fee: \$3.00
Combined Fee: \$20.00
Revenue Tax:
Delaware County, Iowa
Daneen Schindler RECORDER
BK: 2022 PG: 166

Prepared By: Brian C. Eddy of Roberts & Eddy, P.C., 2349 Jamestown Ave. #4, Independence, IA 50644
Return To: Brian C. Eddy of Roberts & Eddy, P.C., 2349 Jamestown Ave. #4, Independence, IA 50644

EASEMENT AGREEMENT

THIS EASEMENT AGREEMENT ("Easement Agreement") is made this 26th day of August, 2021, by and between Randolph Lee Mormann, a single person ("First Party") and Deborah A. Anstoetter, as Executor of the Estate of Alvera J. Mormann ("Second Party")

WHEREAS, First Party is the owner of the following-described real estate:

Lot Five (5), Six (6), and Ten (10) of the Plat of the Fractional Southeast Quarter (SE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$), the same being a part of Lot One (1) of the Southeast Quarter (SE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$), all in Section Five (5), Township Eighty Nine (89) North, Range Three (3), West of the Fifth P.M. according to plat recorded in Book 2 Plats, Page 3 (hereafter referred to as "First Party's Property");

WHEREAS, Second Party is the owner of the following-described real estate:

Lot Four (4) of the Subdivision of the Fractional Southeast Quarter (FrSE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$), same being a part of Lot One (1) of the Southeast Quarter (SE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$), all in Section Five (5), Township Eighty Nine (89) North, Range Three (3), West of the Fifth P.M. according to plat recorded in Book 2 Plats, Page 3 (hereafter referred to as "Second Party's Property");

WHEREAS, a review of the local assessor website indicates a potential encroachment of the garage on Second Party's Property encroaching on to First Party's Property.

WHEREAS, no survey has been obtained to determine whether an encroachment actually exists.

WHEREAS, First Party agrees to grant an Easement over the area where the garage encroaches onto First Party's property, if at all.

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

1. Grant of Easement. First Party hereby grants to Second Party an easement over that portion of the garage on Second Party's Property that encroaches upon First Party's property, if any.
2. Encroachment unknown. No survey has been completed to determine whether an encroachment actually exists. In the event a survey is completed in the future and it is determined that an encroachment exists, First Party agrees to work with Second Party to grant a more specific easement.
3. Governing Law. This Easement Agreement shall be constructed and enforced in accordance with the laws of the State of Iowa. The prevailing party in any legal action brought to enforce this Easement shall be entitled to reasonable attorneys' fees and costs.
4. Entire Agreement and Counterparts. This Easement Agreement sets for 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 herein. This Easement Agreement may be executed simultaneously in any number of counterparts, each of which will be deemed an original but all of which will together constitute one and the same instrument.
5. Binding Effect. This easement shall be a covenant running with the land and shall be binding upon the parties hereto, their heirs, successors, and assigns.

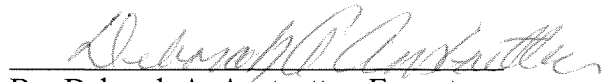
This Easement Agreement shall be effective as of the date first written above.

FIRST PARTY:


Randolph Lee Mormann

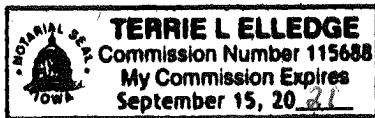
SECOND PARTY:

Estate of Alvera J. Mormann


By: Deborah A. Anstoetter, Executor

STATE OF IOWA)
) ss
COUNTY OF DUBUQUE)

This instrument was acknowledged before me on the 26th day of August, 2021, by
Randolph Lee Mormann, a single person.



Terrie L. Elledge
Notary Public in and for the State of Iowa

STATE OF IOWA)
) ss
COUNTY OF DUBUQUE)

This instrument was acknowledged before me on the 26th day of August, 2021, by Deborah
A. Anstoetter, as Executor of the Estate of Alvera J. Mormann.



Tara Baker
Notary Public in and for the State of Iowa