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Daneen Schindler, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

AGREEMENT & COVENANTS
Recorder's Cover Sheet

Preparer Information: Patrick B Dillon, 209 E 1st St, Sumner, IA 50674 Phone: 563 578-1850

Taxpayer Information: Matthew J. Heer, 1243 Hwy 38, Greeley, IA 52050

Return Document To: Patrick B. Dillon, 209 E 1st Street, Sumner, IA 50674

Grantors: James F Funke & Elaine Funke
Michael J Funke & Stephanie Funke

Grantees: Matthew J Heer

Legal Description: See Page 2

Document or instrument number of previously recorded documents: _____

5/1/22
Michael Funke
228 Bailey Drive
Manchester, IA 52057

Agreements and covenants

IT IS AGREED this 19th day of October, 2021, by and between James F Funke and his wife, Elaine Funke, and Michael J Funke and his wife, Stephanie Funke, of the County Delaware State of Iowa, Sellers; and Matthew J Heer of the County of Delaware, State of Iowa, Buyer;


Matthew Heer is the contract purchaser of

Parcel 2021-78 in the Southwest Quarter of the Northeast Quarter in Section 18, Township 90 North, Range 4 West of the 5th P.M., Delaware County, Iowa

James F Funke and his wife, Elaine Funke, and Michael J Funke and his wife, Stephanie Funke (herein Funke) are the owners of the adjoining parcel :

Parcel 20-91 in the Southwest Quarter of the Northeast Quarter in Section 18, Township 90 North, Range 4 West of the 5th P.M., Delaware County, Iowa

The parties have agreed to the following agreements, covenants and obligations to one another.

- a. Matthew Heer's property is currently subject to manure easement and the surrounding ground will continue to be subject to manure spreading activities.
- b. Matthew Heer warrants and covenants that:
 1. He is aware of the manure easement on the property and the surrounding property.
 2. He and his successors or assigns are barred from bringing suit for damages or injunctive relief related to or incidental to the smell, nuisances or other theories of recovery for damages and injunctive relief against the adjoining property owner ,their successors and assigns or the easement holder who applies the manure.
- c. Matthew Heer agrees to grant Funke, and its successors and assigns, an easement to access waterways through the Heer property and surrounding crop ground. Any gates/gateways erected are erected at the Heer's expense and must be accessible by Funke. This easement includes, but is not limited to manure pumping hoses that may be used, waterways, fence lines, road ditches and culverts.
- d. Matthew Heer's property that does not have any fences. If Matthew Heer, his successors or assigns desire fencing, the construction and maintenance of all fences are at Matthew Heer's expense without contribution from Funke, its successors or assigns.
- e.  Funke has a first right of refusal to purchase the property of Matthew Heer, in the event the buyer decides to sell the property . This right shall exist for the maximum time allowed under Iowa law following the receipt of a deed in completion of the real estate contract that Matthew Heer is currently purchasing the property under.
- f. Matthew Heer, his successors and assigns, grant to Funke, 40% of any mineral royalties or rights that are derived from the Matthew Heer property.

Dated:

10-19-21

Matthew J Heer
Matthew J Heer,

James F Funke
James F Funke, Seller

Elaine M. Funke
Elaine Funke, Seller

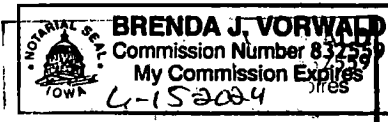
Michael J Funke
Michael J Funke, Seller
1008 Clearview Dr.
Manchester, IA 52057

Stephanie J Funke
Stephanie Funke, Seller

INDIVIDUAL NOTARY

STATE OF IOWA, COUNTY OF Delaware

This record was acknowledged before me on 10-21-2021 by
James F. Funke, and his wife, Elaine Funke.



Brenda J. Vorwald
Signature of Notary Public

STATE OF IOWA, COUNTY OF Delaware

This record was acknowledged before me on 3-26-22 by
Michael J. Funke, and his wife, Stephanie Funke.

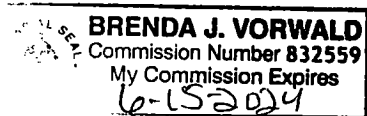




Signature of Notary Public

STATE OF IOWA, COUNTY OF Delaware

This record was acknowledged before me on 10-20-21 by
Matthew J. Heer.





Signature of Notary Public