Recorded: 7/14/2023 at 11:20:14.0 AM

County Recording Fee: \$12.00 lowa E-Filing Fee: \$3.00 Combined Fee: \$15.00

Revenue Tax:

Delaware County, Iowa Daneen Schindler RECORDER

BK: 2023 PG: 1638

Prepared by: Janette S. Voss, 301 E. Main Street, P. O. Box 138, Anamosa, IA 52205 - (319) 462-4935

DRIVEWAY AND WELL AGREEMENT

WHEREAS, Marti Petlon and Peggy S. Petlon, husband and wife (hereinafter referred to as "Petlons"), are the owners of the following described real estate located in Delaware County, Iowa:

The North Four Hundred (400) feet of the West Four Hundred Nine (409) feet of the Northwest Quarter (NW½) of the Northwest Quarter (NW½) of Section Eleven (11), Township Eighty Nine (89) North, Range Five, West of the 5th P.M., Delaware County, Iowa, subject to roadways and easements of record. (hereinafter referred to as "Petlon Land"); and

WHEREAS, Patrick Behlman and Stephanie Behlman, husband and wife, (hereinafter referred to as "Behlmans"), are purchasing from the Petlons the following described real estate located in Delaware County, Iowa:

The North four hundred (400.0) feet of the West six hundred sixty seven (667) feet and two (2) inches of the Northwest Quarter (NW½) of the Northwest Quarter (NW½) of Section Eleven (11), Township Eighty Nine (89) North, Range Five (5), West of the Fifth P.M., except the West four hundred nine (409) feet thereof (hereinafter referred to as "Behlman Land"); and,

WHEREAS, there presently is a well situated on Petlon Land which provides water service to both Petlon Land and Behlman Land and there presently is a driveway located west of the northeast corner of Petlon Land which provides access from Honey Creek Road to Petlon Land and Behlman Land, and the parties wish to confirm the respective rights and responsibilities as to the existing water service and driveway.

IT IS THEREFORE MUTUALLY AGREED AS FOLLOWS:

- 1. Petlons and Behlmans are each granted a twenty foot (20') wide easement for access from Honey Creek Road on the existing driveway and then continuing over and across Petlon Land and Behlman Land. Behlmans shall be responsible for the maintenance of the driveway and easement, despite the fact that the northerly portion of the easement is on Petlon Land.
- 2. Petlons grant Behlmans a twenty foot (20') wide easement centering on the existing water service line from Behlman Land over and across Petlons Land to the existing water well. All costs for electricity to operate the pump for the well shall be paid by Petlons with reasonable reimbursement being made to Petlons

by Behlmans as the parties agree. All expenses for maintenance and repairs for the well, pump or pressure system located at the well head, and for any jointly used water line shall be paid one-half by each party. In the event it is necessary to drill a new well, either party may elect to terminate this agreement upon sixty (60) days advance notice in writing to the other party, or the parties may mutually agree in writing to drill a new well and share the costs equally.

3. This agreement may be terminated at any time by mutual agreement of the parties. All terms of

this agreement shall be binding upon the heirs, assigns and successors in interest of the parties hereto and any easement created hereby shall run with the land. Dated this // day of July, 2023. Dated this day of July, 2023. MaxIRSe Marti Petlon STATE OF IOWA) ss. COUNTY OF DELAWARE day of July, 2023, before me, the undersigned, a Notary Public in and for said State, personally appeared Marti Petlon and Peggy S. Petlon, husband and wife, to me known to be the identical persons named in and who executed the foregoing instrument and acknowledge that they executed the same as their voluntary act and deed. SUSAN K MEYER Notary Public in and For the State of Iowa Commission Number 798639 My Commission Expires STATE OF IOWA COUNTY OF DELAWARE On this 13 day of July, 2023, before me, the undersigned, a Notary Public in and for said State, personally appeared Patrick Behlman and Stephanie Behlman, husband and wife, to me known to be the identical persons named in and who executed the foregoing instrument and acknowledge that they executed

SUSAN K MEYER
Commission Number 798639
My Commission Expires

the same as their voluntary act and deed.

Notary Public in and For the State of Iowa