

Recorded: 12/12/2023 at 9:15:39.0 AM
County Recording Fee: \$17.00
Iowa E-Filing Fee: \$3.00
Combined Fee: \$20.00
Revenue Tax: \$0.00
Delaware County, Iowa
Daneen Schindler RECORDER
BK: 2023 PG: 3097

Preparer/Return Document To: Scott M. O'Shea, 1007 Longfellow Drive, Hiawatha, IA 52233, (319) 362-3640

DRIVEWAY EASEMENT AND MAINTENANCE AGREEMENT

THIS DRIVEWAY EASEMENT AND MAINTENANCE AGREEMENT ("Agreement") made this 5 day of December, 2023, by and between Tointon LLC Limited, an Iowa limited liability company ("Tointon LLC"), and Brian E. Mustard and Candie R. Mustard, husband and wife ("Mustards").

WITNESSETH

WHEREAS, Tointon LLC owns and is the legal titleholder of record of the real property locally known as 145 Gay Street, Manchester, Iowa 52057, and legally described as follows, to-wit:

The East one-half (E ½) of the West one-half (W ½) of the North one-half (N ½) of Lot Thirteen (13) of Burrington's Addition to Manchester, Iowa, according to the plat recorded in Book I, L.D., Page 245

WHEREAS, Mustards own and are legal titleholders of record of the real property locally known as 143 Gay Street, Manchester, Iowa 52057, and legally described as follows, to-wit:

The West one-half (W ½) of the West one-half (W ½) of the North one-half (N ½) of Lot Thirteen (13) of Burrington's Addition to Manchester, Iowa, according to the plat recorded in Book I, L.D., Page 245, except the East five (5.0) feet thereof for driveway purposes

and

The East five (5.0) feet of the West one-half (W ½) of the West one-half (W ½) of the North one-half (N ½) of Lot Thirteen (13) of Burrington's Addition to Manchester, Iowa, according to the plat recorded in Book I, L.D., Page 245

WHEREAS, the real property belonging to Tointon LLC is adjacent to the real property belonging to Mustards.

WHEREAS, access to the Tointon LLC property is through a driveway located upon the Mustards' property.

WHEREAS, Mustards, in consideration herein and other good and valuable consideration,

have agreed to grant to an easement or right of way to the driveway running through their property.

NOW THEREFORE, in consideration of the mutual covenants, agreement, conditions and stipulations therein contained, it is mutually covenanted, stipulated and agreed by and between the parties hereto as follows, to-wit:

1. Mustards hereby grant unto Tointon LLC, its tenants, visitors, agents, successors and assigns, an easement for ingress and egress over and across the driveway located on the Mustards' property and adjacent to the Tointon LLC's property.

2. It is further understood and agreed by and between the parties hereto that Tointon LLC will and does hereby assume and agree to pay any and all costs necessary to maintain and keep the driveway in good repair.

3. The rights and obligations of this Agreement are hereby perpetual, shall run with the land, shall be binding upon and shall inure to the benefit of the parties hereto, and the terms hereof shall extend to and be binding upon the respective successors, heirs, administrators, executors, and assigns of the parties hereto.

4. This is the entire agreement of the parties as to the subject matter hereof and supersedes all prior negotiations and agreements. No amendment to this Agreement is valid unless in writing and signed by the parties. This Agreement may be executed in counterparts, all of which, taken together, shall be deemed to be one original document.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

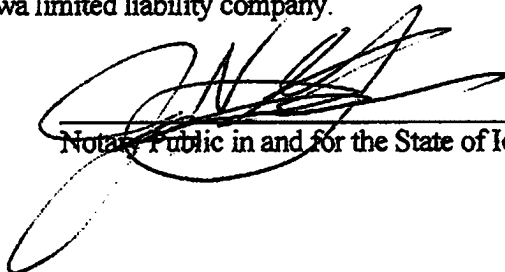
TOINTON LLC LIMITED

By: 
Shane Tointon, Managing-Member

STATE OF IOWA, COUNTY OF *Delaware*) ss:


This record was acknowledged before me on December 5, 2023, by Shane Tointon, Managing Member of Tointon LLC Limited, an Iowa limited liability company.




Notary Public in and for the State of Iowa

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

MUSTARDS



Brian E. Mustard

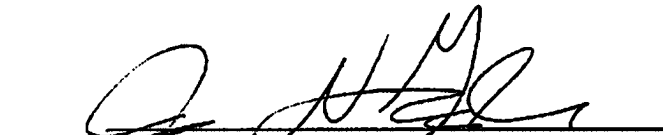


Candie R. Mustard

STATE OF IOWA, COUNTY OF Delaware ss:

This record was acknowledged before me on December 6, 2023, by Brian E. Mustard and Candie R. Mustard, husband and wife.





Notary Public in and for the State of Iowa