

Miscellaneous Record, No. 24, Madison County, Iowa

I further state that the above named Gladys Marie Nelson. is the same and identical

Eldon Thomas et al
To
Robert G Hoffman & wife

#1428

Fee \$.50

AGREEMENT

Filed for record the 18 day of March
A. D. 1947 at 10:46 o'clock A. M.

Wilma M. Wade, Recorder

THIS AGREEMENT made this 15th day of March, A. D. 1947 by and between Eldon Thomas and wife, Beulah Thomas, and Irene Thomas, single, (grantees in the Warranty Deed from Eddie Kipp and wife dated July 10, 1946 and the present owners of the real estate described in said Deed) hereafter referred to as first parties, and Robert G. Hoffman and wife, Louise F. Hoffman, (vendees of said Eddie Kipp and wife for the purchase of a certain tract of land

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adjoining the real estate above mentioned and more particularly described in the Land Contract dated December 4, 1943 and recorded in Town Lot Deed Record 30, page 271 of the records in the Office of the Recorder of Madison County, Iowa,) hereafter referred to as second parties, WITNESSETH,-

That Whereas, there is now a pipe line for water from the said premises of said first parties to the said premises of the said second parties; And,

Whereas, second parties never at any time by said above mentioned Land Contract or otherwise ever acquired any water right or easement on the real estate above mentioned owned by first parties from the said Eddie Kipp and wife and now make no claim of any kind whatever to said real estate last referred to,

Now, Therefore, the said first parties hereby agree that the said second parties may continue to use water as now piped and used by the said second parties in the past with the express understanding that this agreement shall not be construed as a perpetual or continuous easement or water right; that the privileges hereby given by first parties to second parties are exclusive only to the said second parties; and further that this agreement shall in no way make first parties liable or responsible to second parties for the supply of water to the premises of said second parties, but at any time the water supply proves inadequate in the judgment of first parties or either of them then it is understood and agreed by and between the parties hereto that the above mentioned pipe line is to be disconnected at once and thereafter the said second parties will arrange for their water supply on their own premises.

Eldon Thomas
Beulah Thomas
Irene Thomas

Robert G Hoffman
Louise F. Hoffman

First Parties

Second Parties

State of Iowa, Madison County, ss:

BE IT REMEMBERED, That on this 17th day of March, A. D. 1947, before the undersigned a Notary Public in and for Madison County, Iowa, personally appeared ELDON THOMAS and wife, BEULAH THOMAS; IRENE THOMAS, single; and ROBERT G. HOFFMAN and wife, LOUISE F. HOFFMAN, to me personally known to be the identical persons whose names are subscribed to the foregoing instrument and acknowledged the execution of the said instrument to be their voluntary act and deed, and that they executed the same for the purposes therein mentioned.

NOTARY
SEAL

my hand and Notarial Seal on the day and year last above written.

Harry F. Anderson Notary Public
in and for Madison County, Iowa.