

REC'D 20th
 AUD'S 1st
 R.M.F. \$ 1st

FILED NO. 003526

BOOK 142 PAGE 402

2000 MAR 23 AM 11:31

COMPUTER ☒
 RECORDED ☒
 UNRECORDED ☒

SHARLETT L. UTSLER
 RECORDER
 MADISON COUNTY, IOWA

Prepared By: Dean R. Nelson, P.O. Box 370, Earlham, IA 50072 (515) 758-2267
 ✓ Address Tax Statement: Michael H. Frey, 1365 Earlham Road, Earlham, IA 50072

EASEMENT

This Easement, is made and entered into this 20 day of March, 2000, by and between Harold A. Frey and Mary Louise Frey, husband and wife, hereinafter referred to as Grantors, and Michael H. Frey and Penny L. Frey, husband and wife, hereinafter referred to as Grantees,

WITNESSETH:

Grantors are the owners of the following described real estate, to-wit:

The Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$), and the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 24, Township 77 North, Range 29 West of the 5th P.M., Madison County, Iowa, EXCEPT Parcel "A" in the Northeast Quarter of the Southeast Quarter of Section 24, Township 77 North, Range 29 West of the 5th P.M., Madison County, Iowa, more particularly described as follows:

Beginning at the East Quarter Corner of Section 24, Township 77 North, Range 29 West of the 5th P.M., Madison County, Iowa; thence South 00°00'00" East 1010.01 feet along the centerline of a county road which is the East line of the Southeast Quarter of said Section 24; thence North 87°07'47" West 384.29 feet; thence North 01°05'57" East 642.44 feet; thence North 02°52'59" East 351.93 feet to the North line of said Southeast Quarter; thence South 89°30'30" East 353.80 feet along the centerline of a County Road to the Point of Beginning containing 8.567 acres including 1.389 acres of County Road Right-of-Way.

Grantees are the owners of the following described real estate, to-wit:

Parcel "A" in the Northeast Quarter of the Southeast Quarter of Section 24, Township 77 North, Range 29 West of the 5th P.M., Madison County, Iowa, more particularly described as follows:

Beginning at the East Quarter Corner of Section 24, Township 77 North, Range 29 West of the 5th P.M., Madison County, Iowa; thence South 00°00'00" East 1010.01 feet along the centerline of a county road which is the East line of the Southeast Quarter of said Section 24; thence North 87°07'47" West 384.29 feet; thence North 01°05'57" East 642.44 feet; thence North 02°52'59" East 351.93 feet to the North line of said Southeast Quarter; thence South 89°30'30" East 353.80 feet along the centerline of a County Road to the Point of Beginning containing 8.567 acres including 1.389 acres of County Road Right-of-Way.

The Grantor's property and the Grantee's property adjoin each other and share common boundary lines. A water well with appurtenant equipment situated on the Grantors' property provides water service to the Grantee's property. Grantors and Grantees desire to ensure the continuity of water service to the Grantee's property by means of the easement grant from Grantors to Grantees as herein provided.

Now, therefore, in consideration of One Dollar and other valuable consideration, and the mutual covenants contained herein, Grantors hereby grant and convey to Grantees an easement and a right of entry over and across the following described portion of Grantors' real estate, to-wit:

A strip of land 1 rod in width commencing approximately 17 feet West of the Southeast Corner, thence North 6 feet to a house well; thence commencing on the East side of the house well 9 feet from the East boundary; thence Northwesterly following a waterline 1480 feet to a point 11 feet from the East boundary line to a house pit; thence North 16 feet to a spring pit; thence West of the house pit 12 feet to a spring well; thence West 15 feet; thence North following the existing waterline approximately 155 feet to Grantee's property.

(Attached hereto is a drawing of the easement herebefore described).

1. The easement granted to Grantees one rod in width shall include the existing house well, house pit, spring pit, spring well and all existing waterlines.

2. The easement granted to Grantors is for the purpose of drawing water from a well located within the easement boundaries and shall include the right to install, maintain, repair and replace such pipes, lines, pumps, motors, electric cables and lines and appurtenant devices and equipment as are necessary to draw water from such well and transport such water to Grantors real estate which is above described.

3. This easement grants to Grantees the exclusive right to draw water from such well. The easement is not to be construed in any way to guarantee Grantees a water supply.

4. If any damage to the surface of the ground within the easement boundaries results from the exercise of the easement or right of entry by Grantees, Grantees shall restore the surface and Grantees shall be liable and pay for any damage to growing crops, fences, gates or other property belonging to Grantors or their successors in interest, resulting from or occasioned by Grantees' exercise of the easement and/or right of entry.

5. This easement shall be deemed to be a covenant running with the title to Grantors' and Grantees' real estate and shall be binding upon the parties hereto, and upon their heirs, successors and assigns unless terminated as provided in paragraph 4; provided, however, that this agreement and the easement created hereunder may be amended or released at any time by mutual agreement for that purpose entered into between Grantors and Grantees, their heirs, successors, and assigns, duly executed and acknowledged and filed for record in the Office of the Recorder of Madison County, Iowa.

IN WITNESS WHEREOF, the parties have entered into this easement agreement the day and year above written.

Harold A. Frey
Harold A. Frey

Michael H. Frey
Michael H. Frey

Mary Louise Frey
Mary Louise Frey

Penny L. Frey
Penny L. Frey

STATE OF IOWA)
) SS
MADISON COUNTY)

On this 20 day of March, 2000, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Harold A. Frey and Mary Louise Frey to me known to be the identical persons named in and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.



Dean R. Nelson
Notary Public in and for the State of Iowa.

STATE OF IOWA)
) SS
MADISON COUNTY)

On this 20 day of March, 2000, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Michael H. Frey and Penny L. Frey, to me known to be the identical persons named in and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.



Dean R. Nelson
Notary Public in and for the State of Iowa.

East

