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BOOK 2004 PAGE 620

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MICKI UTSLER
RECORDER
MADISON COUNTY, IOWA

CC

Prepared by : Dean R. Nelson, P.O. Box 370, Earlham, Iowa 50072, (515) 758-2267

SECOND AMENDMENT TO EASEMENT

This Second Amendment To Easement is made and entered into this 27th day of January, 2004, by and between Albert Charles Fagen and Pamela Crystine Fagen, husband and wife, of Madison County, Iowa, hereinafter referred to as First Party, and Michael H. Frey and Penny L. Frey, husband and wife, of Madison County, Iowa, hereinafter referred to as Second Part, WITNESSETH:

WHEREAS, First Party and Second Party entered into an easement dated September 1, 1998 and filed of record September 1, 1998 in the Office of the Madison County Recorder in Book 139 Page 510, and

WHEREAS, First Party and Second Party entered into an amendment to easement dated the 7th day of April, 1999, and filed of record the 8th day of April, 1999, in the Office of the Madison County Recorder in Book 141, Page 310, and

WHEREAS, the legal description set forth in both the easement filed of record September 1, 1998, in the Office of the Madison County Recorder in Book 139, Page 510, and Amendment to Easement filed of record April 8, 1999, in the Office of the Madison County Recorder in Book 141, Page 310, contained scrivener's errors and the legal description for said easement was not correctly described, and

WHEREAS, the true and correct legal description for the easement being described should have been described as follows, to-wit:

Commencing at the Southeast corner of the Northeast Quarter (1/4) of the Northwest Quarter (1/4) of Section 7, Township 76 North, Range 28 West of the 5th P.M., Madison County, Iowa, thence West 333.52 feet. thence North 425.79 feet, thence West 986.06 feet to existing fenceline, thence North 35 feet along said existing fenceline to the point of beginning of easement area, thence in a Westerly direction from this point approximately 220 feet to the tile outlet. This easement area includes the tile line that runs from the fence to and including the tile outlet.

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

(1) First Party and Second Party hereby amend the easement described in paragraph 1 on page 3 of the Easement dated September 1, 1998, and filed of record September 1, 1998, in the Office of the Madison County Recorder in Book 139, Page 510, and paragraph 1 on page 2 of the Amendment to Easement dated April 7, 1999, and filed of record April 8, 1999, in the Office of the Madison County Recorder in Book 141, Page 310, by deleting the easements described therein and in lieu thereof, the following easement is inserted

(a) First Party for valuable consideration hereby acknowledged as received from Second Party, does hereby grant and assign to Second Party a permanent easement for the right to repair, maintain and replace tile line and a tile outlet located on the property owned by First Party, said easement being described as follows:

Commencing at the Southeast corner of the Northeast Quarter (1/4) of the Northwest Quarter (1/4) of Section 7, Township 76 North, Range 28 West of the 5th P.M., Madison County, Iowa, thence West 333.52 feet. thence North 425.79 feet, thence West 986.06 feet to existing fenceline, thence North 35 feet along said existing fenceline to the point of beginning of easement area, thence in a Westerly direction from this point approximately 220 feet to the tile outlet. This easement area includes the tile line that runs from the fence to and including the tile outlet.

(2) That nothing in this Second Amendment to Easement will in any way change or alter any of the other conditions or terms contained in said Easement, this Second Amendment to Easement being made for the purpose of correcting the legal description of the easement granted from First Party to Second Party as described in said easement.

(3) First Party and Second Party hereto and hereby reaffirm all other provisions of said original Easement not amended hereinabove.

Dated this 27th day of January, 2004.

FIRST PARTY

Albert Charles Fagen
Albert Charles Fagen

Pamela Crystine Fagen
Pamela Crystine Fagen

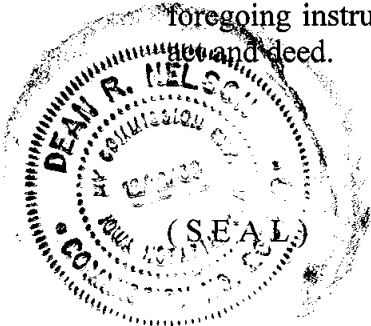
SECOND PARTY

Michael H. Frey
Michael H. Frey

Penny L. Frey
Penny L. Frey

STATE OF IOWA :
: SS
MADISON COUNTY:

On this 27th day of January, 2004, before me, then undersigned, a Notary Public in and for the State of Iowa, personally appeared Albert Charles Fagen and Pamela Crystine Fagen to me known to be 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.

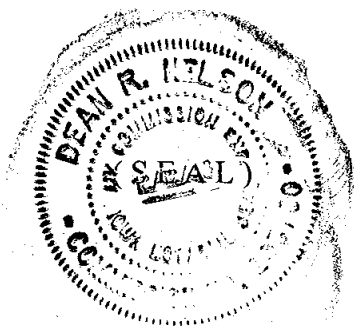
STATE OF IOWA:

:

SS

MADISON COUNTY:

On this 29 day of January, 2004, before me, then 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 identical persons named in and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.




Notary Public in and for the
State of Iowa.