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MICHELLE "MICKI" UTSLER. COUNTY RECORDER
MADISON IOWA

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EASEMENT AGREEMENT
Recorder's Cover Sheet

TRCA

Preparer Information:

Jerrold B. Oliver, P.O. Box 230, Winterset, (515) 462-3731

Taxpayer Information:

PATRICK J. MCGINN AND JULIA D. MCGINN
2567 CLARK TOWER RD.
WINTERSET, IA 50273

Return Address

✓ JERROLD B. OLIVER
PO BOX 230
WINTERSET, IA 50273

Grantors:

James Eller

Grantees:

Patrick J. McGinn and Julia D. McGinn

Legal Description: See Page 2

Document or instrument number if applicable:

EASEMENT AGREEMENT

James Eller, single, hereinafter called "Grantor, for valuable consideration, does hereby grant to Patrick McGinn and Julia D. McGinn as Joint Tenants with Full Rights of Survivorship and Not as Tenants in Common, hereinafter called "Grantees:, and to their heirs, successors or assigns, the perpetual right and easement upon and under the following described real estate:

See Exhibit "A" Attached

together with the right of ingress and egress over and across said easement area for the purpose of construction, repairing and maintaining an ingress and egress easement upon said easement area.

The Grantor warrants and covenants to the Grantees that he is the owner of the real estate upon which said easement area is situated, that he has full right and authority to validly grant this easement, and the Grantees may quietly enjoy their estate in the premises.

Grantor covenants that no act will be permitted within the easement area which is inconsistent with the rights hereby granted; and no buildings or structures will be erected upon said easement area, and that the present grade or ground level thereof will not be changed by excavation or filling. This easement shall run with the land and bind and inure to the benefit of the heirs, successors and assigns of the parties.

Grantees and Grantor shall be equally responsible for the repair and maintenance of the easement area and shall, upon installation, maintenance or repair of any item installed in the easement area, restore the surface of the easement area to its condition existing prior to such installation, repair or maintenance.

Dated this 11 day of July, 2005.

James Eller
James Eller

Patrick J. McGinn
Patrick J. McGinn
Julia D. McGinn
Julia D. McGinn

STATE OF IOWA, COUNTY OF MADISON

This instrument was acknowledged before me on this 13 day of July, 2005 by James Eller.

Carol E. Landis
Notary Public in and for said State of Iowa



STATE OF IOWA, COUNTY OF MADISON

This instrument was acknowledged before me on this 13 day of July, 2005 by Patrick J. McGinn and Julia D. McGinn.

Carol E. Landis
Notary Public in and for said State of Iowa



EXHIBIT "A"

LEGAL DESCRIPTION:

A 30.00 foot wide ingress/egress easement over and across Parcel "A" in the Southwest Quarter of the Southwest Quarter of Section 19, Township 75 North, Range 27 West of the 5th P.M., Madison County, Iowa to provide access to Parcel "E" in the Southeast Quarter of the Southeast Quarter of Section 24, Township 75 North, Range 28 West of the 5th P.M., Madison County, Iowa the centerline of which is described as follows:

Beginning at a point on the common line between Parcel "E" in the Southeast Quarter of the Southeast Quarter of Section 24, Township 77 North, Range 28 West of the 5th P.M., and Parcel "A" in the Southwest Quarter of the Southwest Quarter of Section 19, Township 75 North, Range 27 West of the 5th P.M., all in Madison County, Iowa which is 277.65 feet South 00°05'00" West of the Northeast Corner of said Parcel "E"; thence South 82°47'58" East 31.01 feet; thence South 88°40'36" East 125.04 feet; thence North 82°01'27" East 55.67 feet; thence North 66°38'26" East 58.95 feet; thence North 51°11'58" East 51.55 feet; thence North 63°34'47" East 48.19 feet; thence North 78°57'40" East 22.28 feet to a point on the West right-of-way line of Madison County Highway P-71 (Clark Tower Road) which is the end of the easement.