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MICHELLE OTSLEN
 RECORDER
 MADISON COUNTY, IOWA

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

EASEMENT

Sept This agreement is made and entered into this 1st day of ~~August~~, 1998, by and between Loyal Werts and Phyllis Werts, 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 Party, WITNESSETH:

WHEREAS, First Party owns and has legal title of record to that real estate in Madison County, Iowa, described as follows, to-wit:

Parcel "D", located in the Northeast Quarter of the Northwest Quarter of Section 7, Township 76 North, Range 28 West of the 5th P.M., Madison County, Iowa, more particularly described as follows:

Commencing at the Southeast corner of the Northeast Quarter of the Northwest Quarter of Section 7, Township 76 North, Range 28 West of the 5th P.M., Madison County, Iowa; thence South 89°35'41" West along the South line of the Northeast Quarter of the Northwest Quarter of said Section 7, 333.52 feet to the Point of Beginning; thence South 89°35'41" West along the South line of the Northeast Quarter of the Northwest Quarter of said Section 7, 488.32 feet; thence North 0°34'38" East along an existing fenceline, 427.47 feet; thence North 89°47'18" East along a projection of an existing fenceline, 485.06 feet; thence South 0°08'33" West along an existing fenceline, 425.79 feet to the Point of Beginning. Said parcel contains 4.766 acres, including 0.451 acres of County Road right-of-way.



WHEREAS, Second Party owns and has legal title of record to that real estate in Madison County, Iowa, described as follows, to-wit:

#2. Easement
Werts - Frey.

Parcel "F" located in the Southeast Quarter of the Southwest Quarter of Section 6 and the Northeast Quarter of the Northwest Quarter of Section 7, Township 76 North, Range 28 West of the 5th P.M., Madison County, Iowa, more particularly described as follows:

Beginning at the Southeast corner of the Northeast Quarter of the Northwest Quarter of Section 7, Township 76 North, Range 28 West of the 5th P.M., Madison County, Iowa; thence North 0°05'36" West along the East line of the Northeast Quarter of the Northwest Quarter of said Section 7 which is an existing fenceline, 1319.97 feet to the North Quarter corner of said Section 7; thence North 0°05'39" East along the East line of the Southeast Quarter of the Southwest Quarter of Section 6, Township 76 North, Range 28 West of the 5th P.M., Madison County, Iowa, which is an existing fence-line, 1305.56 feet to the Northeast corner of the Southeast Quarter of the Southwest Quarter of said Section 6; thence South 89°41'31" West along the North line of the Southeast Quarter of the Southwest Quarter of said Section 6 which is an existing fenceline, 1316.73 feet to the Northwest corner of the Southeast Quarter of the Southwest Quarter of said Section 6; thence South 0°10'17" West along the West line of the Southeast Quarter of the Southwest Quarter of said Section 6 which is an existing fenceline, 1313.25 feet to the Southwest corner of the Southeast Quarter of the Southwest Quarter of said Section 6; thence South 0°08'17" East along the West line of the Northeast Quarter of the Northwest Quarter of said Section 6 which is an existing fenceline, 885.42 feet; thence North 89°47'18" East along an existing fenceline; 986.06 feet; thence South 0°08'33" West along an existing fenceline, 425.79 feet to a point on the South line of the Northeast Quarter of the Northwest Quarter of said Section 7; thence North 89°35'41" East along the South line of the Northeast Quarter of the Northwest Quarter of said Section 7, 333.52 feet to the Point of Beginning. Said parcel contains 69.796 acres, including 0.311 acres of County Road right-of-way.



#3. Easement
Werts - Frey.

WHEREAS, Second Party desires a perpetual easement for the purpose of maintaining, repairing and replacing tile lines and a tile outlet on the real estate owned by First Party.

NOW, THEREFORE, IT IS HEREBY AGREED AS FOLLOWS:

1. 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 lines and a tile outlet located on the property owned by First Party, said easement being described as follows:

Tile lines and a tile outlet located approximately 333.52 feet West, 385.46 feet North, and approximately 200 feet West which is on the North boundary of First Party's real estate. The tile lines run in a Southerly direction from this point approximately 90 feet to the tile outlet. The easement area includes the tile lines that run from the fence to and including the tile outlet.

Said permanent easement shall be subject to the following terms and conditions:

1. Second Party shall have the right to repair, maintain and replace the tile lines and the tile outlet on First Party's real property as herebefore described.

2. Second Party shall pay for all costs incurred for the repair, maintenance and replacement of said tile lines and tile outlet.

3. Second Party shall restore the land to its then present condition after the tile lines and tile outlet have been repaired, maintained and replaced by Second Party.

4. First Party shall have possession, full use and enjoyment of the property owned by First Party, subject only to the rights granted to Second Party herein. Second Party, except for the rights granted to them herein, shall not interfere with the possession, use and enjoyment of the property owned by First Party, or their successors in interest.

5. This easement shall run with the land and shall be binding upon and inure to the benefit of Second Party's successors in interest.

#4. Easement
Werts - Frey.

IN WITNESS WHEREOF, the parties hereunto have set their hands
the day and year above written.

FIRST PARTY

SECOND PARTY

Loyal Werts
Loyal Werts

Michael H. Frey
Michael H. Frey

Phyllis Werts
Phyllis Werts

Penny L. Frey
Penny L. Frey

STATE OF IOWA :
 : SS
MADISON COUNTY :

On this 1st day of September, 1998, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Loyal Werts and Phyllis Werts 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.



James L. Adkins
Notary Public in and for the
State of Iowa.

(S E A L)