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FILED NO. **4098**BOOK **141** PAGE **310**

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MICHELLE UTSLER
RECORDER
MADISON COUNTY, IOWA

REC. \$ 25.00
AUD. \$
S.M.F. \$

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

AMENDMENT TO EASEMENT

This Amendment To Easement is made and entered into this 7th day of April, 1999, 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, by the terms of said easement First Party granted and assigned 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:

Tile line and a tile outlet located approximately 333.52 feet West, 385.46 feet North, 986.06 feet West, and approximately 35 feet North of the Southeast corner of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 7, Township 76 North, Range 28 West of the 5TH P.M., Madison County, Iowa. The tile line runs in a Westerly direction from this point approximately 220 feet to the tile outlet. The easement area includes the tile line that runs from the fence to and including the tile outlet,

AND WHEREAS, the legal description for said easement described in the preceding paragraph contained a scrivener's err and was not correct, and

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

Tile line and a tile outlet located approximately 333.52 feet West, 425.79 feet North, 986.06 feet West, and approximately 35 feet North of the Southeast corner of the NE¼ of the NW¼ of Section 7, Township 76 North, Range 28 West of the 5TH P.M., Madison County, Iowa. The tile line runs in a Westerly direction from this point approximately 220 feet to the tile outlet. The 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 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 which reads 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 line and a tile outlet located on the property owned by First Party, said easement being described as follows:

Tile line and a tile outlet located approximately 333.52 feet West, 385.46 feet North, 986.06 feet West, and approximately 35 feet North of the Southeast corner of the NE¼ of the NW¼ of Section 7, Township 76 North, Range 28 West of the 5TH P.M., Madison County, Iowa. The tile line runs in a Westerly direction from this point approximately 220 feet to the tile outlet. The easement area includes the tile line that runs from the fence to and including the tile outlet,

is hereby deleted and in lieu thereof, the following paragraph 1 is inserted.

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

Tile line and a tile outlet located approximately 333.52 feet West, 425.79 feet North, 986.06 feet West, and approximately 35 feet North of the Southeast corner of the NE¼ of the NW¼ of Section 7, Township 76 North, Range 28 West of the 5TH P.M., Madison County, Iowa. The tile line runs in a Westerly direction from this point approximately 220 feet to the tile outlet. The easement area includes the tile line that runs from the fence to and including the tile outlet.

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

3. First Party and Second Party hereto and hereby reaffirm all other provisions of said original Easement not amended herein above.

Dated this 7th day of April, 1999.

FIRST PARTY

SECOND PARTY

Albert Charles Fagen
Albert Charles Fagen

Michael H. Frey
Michael H. Frey

Pamela Crystine Fagen
Pamela Crystine Fagen

Penny L. Frey
Penny L. Frey

STATE OF IOWA :

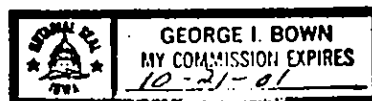
SS

MADISON COUNTY:

On this 7th day of April, 1999, 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.

(S E A L)

George I. Bown
Notary Public in and for the
State of Iowa.



STATE OF IOWA:

SS

MADISON COUNTY:

On this 6th day of April, 1999, 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.

(SEAL)

George I. Bown
Notary Public in and for the
State of Iowa.

