

FILED NO. 1658
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MARY E. WELTY
RECORDER
MADISON COUNTY, IOWA

EASEMENT

WHEREAS, grantors, Richard L. James and Judy A. James, husband and wife, are the owners of the following-described real estate:

The Northeast Quarter (NE $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of Section Twelve (12), in Township Seventy-five (75) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, Iowa,

and,

WHEREAS, Dennis H. Jungman and Rita M. Jungman, grantees are the owners of the following-described real estate:

All that part of the Southeast Quarter (SE $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of Section Twelve (12) in Township Seventy-five (75) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, Iowa, which lies North and West of the public highway,

and,

WHEREAS, grantors are desirous of granting to grantees an easement over, under and across a portion of the above-described real estate owned by grantors for the construction, maintenance, operation and repair of a well and waterline for the purpose of providing water to the grantees' property.

NOW, therefore, for valuable consideration, grantors, Richard L. James and Judy A. James, husband and wife, hereby grant unto Dennis H. Jungman and Rita M. Jungman, grantees, an easement over and across the following-described real estate:

Commencing at the Northeast Corner of all that part of the Southeast Quarter (SE $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of Section Twelve (12) in Township seventy-five (75) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, Iowa, which lies North and West of the public highway, and running thence North 185 feet along the center of the public road, thence West 70 feet, thence South 185 feet to a point 70 feet West of the point of beginning, thence East 70 feet to the point of beginning,

for the purpose of installing, repairing, operating and maintaining a well and waterline upon said easement strip, which waterline shall run from the well to be constructed on said easement strip to the above-described real estate owned by grantees.

Grantees shall be responsible for all repair, maintenance and upkeep to said well and waterline and grantees are hereby granted the right of ingress and egress to said waterline and well for the purpose of repair and maintenance. In the construction of said well and waterline or in the event of any repair and maintenance after said construction is completed, grantees shall restore the surface of the easement strip to the same condition, as nearly as possible, that existed prior to the construction, repair or maintenance upon, over and across said easement strip.

Grantees shall have the exclusive right to use water from said well with the exception that grantors shall have the right to use water from said well to be constructed by grantees in the event the existing well now being used by grantors fails. In such event, the use of water by grantors from the well to be constructed by grantees shall be limited to general purposes of grantors and the family of grantors. Said use of water shall not be used by grantors for large-scale livestock operations.

This easement shall run with the land and shall be binding on the heirs, executors and assigns of grantors and grantees.

Dated this 12 day of November, 1975.

Richard L. James
Richard L. James

Judy A. James
Judy A. James

STATE OF IOWA :
: ss
MADISON COUNTY :

On this 12 day of November, 1975, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Richard L. James and Judy A. James 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.



Terri Walker
Notary Public in and for the State of Iowa