

FILED NO. 959
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1970 JUL 23 PM 4:30

MARY E. WILLY
RECORDER
MADISON COUNTY, IOWA

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KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, Gerdon H. Kirk and Ruby I. Kirk, husband and wife, are the owners of the following described real estate, to-wit:

West Half ($\frac{1}{2}$) of the Southwest Quarter ($\frac{1}{4}$) of Section Twenty-five (25) in Township Seventy-four (74) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, Iowa, except former school lot commencing 495 feet West of the Southeast Corner of said 80-acre tract and running thence North 153.78 feet, thence West 153.78 feet, thence South to the South line of said 80-acre tract, thence East to the point of beginning,

and,

WHEREAS, John A. Peterson is the owner of the following described real estate, to-wit:

Commencing 495 feet West of the Southeast corner of the West Half ($\frac{1}{2}$) of the Southwest Quarter ($\frac{1}{4}$) of Section Twenty-five (25), Township Seventy-four (74) North, Range Twenty-eight (28) West of the 5th P.M., and running thence North 153.78 feet, thence West 153.78 feet, thence South 153.78 feet, thence East 153.78 feet to the point of beginning,

and

WHEREAS, said John A. Peterson has a dwelling house on the tract owned by him which dwelling house is equipped with a septic tank which septic tank is also located on the real estate owned by the said John A. Peterson but which septic tank drains onto the property owned by the said Gerdon H. Kirk and Ruby I. Kirk.

NOW, THEREFORE, in consideration of the mutual covenants set forth herein, it is agreed between the parties hereto as follows:

Gerdon H. Kirk and Ruby I. Kirk hereby grant and convey unto John A. Peterson an easement for the purpose of draining a septic tank located on the real estate hereinbefore described belonging to John A. Peterson to a pit located on the property hereinbefore described belonging to Gerdon H. Kirk and Ruby I. Kirk.

John A. Peterson hereby agrees that he will maintain the partition fences between the property owned by him and the property owned by the said Gerdon H. Kirk and Ruby I. Kirk.

John A. Peterson
John A. Peterson

On this 14 day of July, 1970, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Gerdon H. Kirk, Ruby I. Kirk and John A. Peterson, 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.

Allan L. Kirkhart
Allan L. Kirkhart, Notary Public,
 In and for said County.

