

Miscellaneous Record, No. 26, Madison County, Iowa

William B. Huenkemeier died January 20, 1955, a resident of the City of Freeport, Stephenson County, Illinois; William B. Huenkemeier left him surviving no widow, no child natural or adopted, no brother, no parent, but left him surviving his sisters, Etta L. Beckmire and Genevieve Aylward; William B. Huenkemeier left him surviving no other sister, and no descendant of a deceased brother or sister. Etta L. Beckmire and Genevieve Aylward are living. Florence Ascher Robertson is living; she was first married to Charles Ascher, by whom she had three children, John Ascher, this affiant, William Ascher, and Leonard Ascher, all of whom are living; Florence Ascher Robertson is now married to John Robertson who is living; Florence Ascher Robertson had no other children, and never adopted any children.

John S. Ascher

Subscribed and sworn to before me this 10th day of March A.D. 1956.

L.S.

Robert P. Ellert Notary Public

State of Iowa, County of Cass:

I hereby certify that the foregoing is a true and correct copy of Affidavit which was filed in the office of the County Recorder of Cass County on 5-9-57 and duly recorded in Book 373; Page 120 and same remains a matter of record on this date.

I further certify that I am the duly elected qualified and acting County Recorder of Cass County, Iowa, and as such officer am authorized to make this certification, and said Recorder's office has No Seal.

Dated at Atlantic, Cass County, Iowa, this 3 day of April A.D. 1959.

Fee \$2.80 1673

COMPARED

Esther Reeves
Esther Reeves Recorder, Cass County, Iowa
Jeanne Brodersen, Deputy

Dale Irwin Potter & wife
To

#3711

Filed for record the 23 day of September
A. D. 1960 at 10:33 o'clock A. M.

Fee \$2.00

Mary E. Welty, Recorder
Shirley G. Henry, Deputy

W. C. & Mary Jane Coleman

GRANT OF EASEMENT

WHEREAS, W. C. Coleman and Mary Jane Coleman, husband and wife, are the owners of real estate in Madison County, Iowa, described as Southeast Quarter of the Southeast Quarter of Section 25, Township 75 North, Range 26 West of the 5th P. M., and,

WHEREAS, the undersigned Dale Irwin Potter is the owner of the Southwest Quarter of the Southeast Quarter of Section 25, Township 75 North, Range 26 West of the 5th P. M., and Cleona Potter is his wife, and,

WHEREAS, said W. C. Coleman and Mary Jane Coleman desire to impound water behind a dam constructed in the eastern part of said Southeast Quarter of the Southeast Quarter of Section 25, Township 75 North, Range 26 West of the 5th P.M., constructed across a water-course, and it is expected that said dam will cause water to back up and be impounded upon the said real estate owned by said Dale Irwin Potter,

NOW, THEREFORE, We, the undersigned Dale Irwin Potter, and Cleona Potter, his wife, for value received, and in consideration of One Dollar and other good and valuable consideration, receipt of which is hereby acknowledged, hereby give and grant to said W. C. Coleman and Mary Jane Coleman, as joint tenants with right of survivorship, and not as tenants in common, the permanent and perpetual right and easement to cause water to be backed up upon and be impounded upon and remain impounded upon that portion of said real estate owned by said Dale Irwin Potter which is bounded by and included within a line running as follows: Commencing at the Southeast corner of said Southwest Quarter of the Southeast Quarter of Section 25, Township 75 North, Range 26 West of the 5th P. M. and running thence north 625 feet, thence in a southwesterly direction to a point 475 feet north of the Southwest corner of said Southwest Quarter of the Southeast Quarter of Section 25, Township 75 North, Range 26 West of the 5th P. M., thence South to said corner last

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referred to, thence in a northeasterly direction along the south line of said Southwest Quarter of the Southeast Quarter of Section 25, Township 75 North, Range 26 West of the 5th P.M., to the point of beginning;

and, as part of the consideration for this grant of easement, the said Dale Irwin Potter shall have the right to use, without charge, water impounded upon his said real estate by said dam, for the purpose of watering livestock on said premises as part of the farming operations of himself and his family, and may use, without charge, such water on his land for recreational uses, including fishing, by himself and his family, and personal guests of himself and his family, but not any guests for hire or on a commercial basis, but this right of use shall not extend to or continue for the benefit of any successor or successors in interest as owner or owners of said land referred to as the Potter land, and such uses hereinbefore referred to do not extend to the said real estate referred to as the Coleman land, but shall be limited to the exercise thereof on the real estate referred to as the Potter land, only, but said Dale Irwin Potter and the members of his immediate family shall have the right to go upon and use the water impounded on the said Coleman land, hereinbefore described, for recreational purposes, including fishing, without charge, but this right shall not extend to anybody except said Dale Irwin Potter and the members of his immediate family, and said W. C. Coleman and Mary Jane Coleman and the members of their immediate family shall have the right to go upon and use the water impounded by their dam on said Potter land hereinbefore described, for recreational purposes, including fishing, without charge, but this right shall not extend to anybody except the said W. C. Coleman and Mary Jane Coleman and the members of their immediate family, and said right of said Dale Irwin Potter and the members of his immediate family to go upon and use the water on the Coleman land for recreational purposes, as aforesaid, is personal to them only, and the right of W. C. Coleman and Mary Jane Coleman and the members of their immediate family to go upon and use the water on the Potter land, as aforesaid, is personal to them only, and, being personal rights, such rights shall not pass to any successor or successors in interest of any of said parties.

The right and easement given and granted by said Dale Irwin Potter and Cleona Potter hereby are imposed upon said real estate referred to as the Potter land as servient real estate, and in favor of said real estate referred to as the Coleman land, and in favor of the present owners thereof and of any successor or successors in interest thereof. Said right and easement given and granted hereby do not put any requirement upon said Colemans, or any successor or successors in interest of them, or either of them, to cause water to back up upon or be impounded upon or remain impounded upon said real estate referred to as the Potter land, and such right and easement may be used if and whenever said Colemans, or their successor or successors in interest, see fit to use the same, and intermittently, if they see fit to do so.

Dated the 14th day of May, 1960.

Dale Irwin Potter
(Dale Irwin Potter)
Cleona Potter
(Cleona Potter)

State of Iowa, Madison County, ss;

On this 14th day of May, 1960, before me, a Notary Public in and for Madison County, Iowa, personally appeared Dale Irwin Potter and Cleona Potter, to me known to be the persons named in and who executed the above and foregoing instrument and acknowledged that they executed the same as their voluntary act and deed.

Daniel J. Gallery Notary Public
in and for Madison County, Iowa.

NOTARIAL
SEAL