

## Deed Record, No. 78, Madison County, Iowa

ACRES-BLACKMAR CO., BURLINGTON, 23087

George H. Finney et al

To George H. Finney et al

#4126

# 4126

Fee \$1.30 ✓

Filed for record the 6 day of November

A.D. 1942 at 10:20 o'clock A.M.

6 day of Nov.

Pearl E. Shetterly, Recorder

Iowa Power and Light Company

GRANT OF RIGHT-OF-WAY

Easement No. 363

For and in consideration of the sum of Twenty-five and no/100 Dollars (\$25.00), receipt of which is hereby acknowledged, and the further consideration of Seventy-five and no/100 Dollars (\$75.00), to be paid to George H. Finney by IOWA POWER & LIGHT COMPANY, when and as construction of the transmission line hereinafter described shall commence, the undersigned does hereby grant, convey and warrant unto said Iowa Power & Light Company, its successors, assigns and lessees, the right and easement to erect, construct, reconstruct, operate and maintain, under varying conditions of operation, renew or remove an electric transmission and distribution line, consisting of wood and metal poles, anchors, guys, cross arms, insulators, conductors and other equipment appurtenant thereto, for the transmission and distribution of electric energy in, upon, across, over and beyond certain lands owned by the grantor, situated in Madison County, Iowa, more particularly described as follows, to-wit:

East One Hundred Six and two thirds acres (E1062/3A) of the Southwest Quarter (SW $\frac{1}{4}$ ) of Section Twenty-six (26), Township Seventy-six (76) North, Range Twenty-nine (29) West of the 5th P.M.,

together with the right of ingress to and egress from said lands over the lands of the grantor, and the right to trim or remove such trees, branches, bushes or shrubs as may interfere with the safe, proper and expeditious erection, construction, maintenance, operation and reconstruction, under varying conditions of operation and maintenance, renewal, removal or repair of said line, or any part thereof. Said transmission line shall enter the premises above described at the Northeast corner thereof and shall continue south along the east line of said premises to a point Three Hundred Thirty-four feet (334') North of the Southeast corner of said premises and then shall continue in a southwesterly direction and shall leave said premises at a point Six Hundred and Four feet (604') West of the Southeast corner of said premises.

The course of said transmission line, together with the number and location of poles, anchors and guys to be erected on the land above described, is shown by plat and blueprint thereof, which is hereto attached, marked Exhibit "A", and by this reference specifically made a part of this instrument. This instrument shall not confer the right to maintain any poles, guys or anchors, the location of which is not disclosed in the plat, Exhibit "A", hereto attached. The easement herein granted does not include the right to erect any poles along the East line of said premises, but is intended to vest in the grantee the right to "overhang" said premises with the wires and cross arms of said transmission line along said East line.

In the event that construction of the transmission line shall not commence within one year from the date of this instrument, then the grant herein contained shall terminate, and be of no force or effect, and grantor shall retain the initial payment referred to above, and Iowa Power & Light Company shall be under no obligation to construct said transmission line, or any part thereof. In the event that after erection, the transmission line above mentioned is entirely removed from the premises, and the same is abandoned by the grantee, or its successors or assigns, then the easement herein granted shall terminate, and be of no further force or effect.

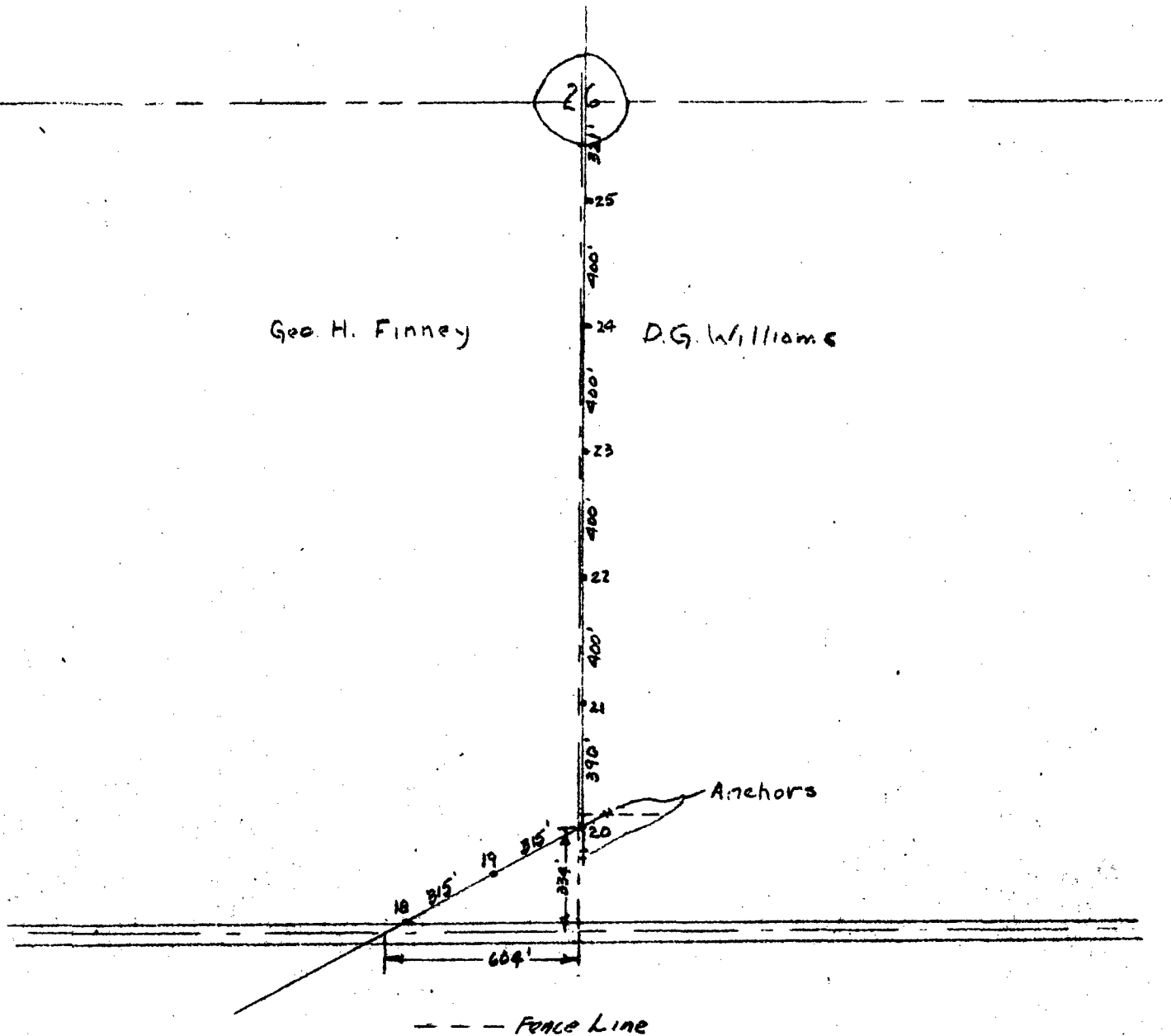
The grantee, Iowa Power & Light Company, shall repair any damage to property of grantor, or at grantor's option pay to grantor the fair and reasonable value of such repairs, and shall

R-29-W.

Geo. H. Finney

D.G. Williams

T 76 N



IDWA POWER AND LIGHT COMPANY

GEO. H. FINNEY - 106 3/8 A. IN S.W. 1/4 SEC. 26-T8-29  
D.G. WILLIAMS - SE. 1/4 SEC 26 T76N R29W

DRAWN BY *HE*

DATE 4-28-42

CHECKED BY *HE*

SCALE 1"=500'

CHECKED BY

APR 22 1942

APPROVED BY

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pay any damages which may be caused to any crops or other property of grantor by the erection, reconstruction, operation and maintenance under varying conditions of operation, renewal and removal of said line, said damages, if not mutually agreed upon, shall be ascertained by three disinterested persons, one of whom shall be selected by each, grantor and grantee, their heirs, successors or assigns and the third by the two so-selected. The damages determined by such persons or a majority of them, shall be conclusive as to the facts.

WITNESS, the hand and seal of the grantor, this 25th day of May, A.D. 1942.

Pd. 5/27/42  
ck. #32552  
Vo. #-5-18

George H. Finney  
Irma O Finney

STATE OF IOWA MADISON COUNTY )ss

On this 25th day of May, A.D. 1942, before me the undersigned, a Notary Public within and for Madison County, State of Iowa, personally came George H. Finney and Irma O. Finney husband and wife personally to me known to be the identical persons whose names are affixed to the above instrument as grantors and acknowledged the execution of the same to be their voluntary act and deed for the purposes therein expressed.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my seal on the date last above written.

(Notarial Seal)

Shirley A. Webster  
Notary Public Within and For Said County

Loan No.  
139,243

CONSENT TO POWER LINE EASEMENT

KNOW ALL MEN BY THESE PRESENTS that The Mutual Benefit Life Insurance Company, a corporation of New Jersey, owner and holder of a certain mortgage made by George H. Finney and Irma O. Finney, his wife, dated June 7, 1941, and recorded in Madison County, Iowa, in Mortgage Book 93, Page 387, covering certain lands in the County of Madison, State of Iowa, described as the east 106 2/3 acres of the southwest quarter of Section 26, Township 76 North, Range 29 west of the fifth P.M.; in consideration of one dollar (\$1.00);

DOES HEREBY CONSENT to the establishment, construction and maintenance of a certain electric transmission line with the rights and privileges appurtenant thereto, as granted by George H. Finney and wife to The Iowa Power and Light Company by easement bearing date May 25, 1942, across a portion of the lands described in the mortgage aforesaid. The right of way line hereby consented to, shall enter the mortgaged lands at the northeast corner of the east 106 2/3 acres of the southwest quarter of Section 26, Township 76 North, Range 29 west of the fifth P.M., and shall continue south along the east line of said lands to a point 334 feet north of the southeast corner of said lands and shall then continue in a southwesterly direction and shall leave said lands at a point 604 feet west of the southeast corner thereof.

This consent is executed upon the terms, provisions and limitations and with the rights, privileges and licenses as in said grant of easement set forth, to the same extent as if herein repeated at length, and upon the further understanding that in the event said Power Line Easement shall hereafter become abandoned or the use thereof terminated, then this consent shall become inoperative and all rights recognized hereunder and hereby shall cease.

IN WITNESS WHEREOF The Mutual Benefit Life Insurance Company pursuant to authority of its Board of Directors has caused these presents to be signed by its Vice President, its corporate seal to be hereto affixed, all attested by its Secretary this 17th day of June, A.D. 1942.

(CORPORATE SEAL)

THE MUTUAL BENEFIT LIFE INSURANCE COMPANY  
By Milo W. Wilder Jr Vice President

Attest: Harry A Allen Secretary

STATE OF NEW JERSEY COUNTY OF ESSEX )ss.

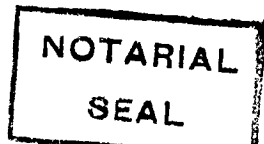
On this 18<sup>th</sup> day of June, A.D. 1942, before me, a Notary Public in and for said Company in the state aforesaid, personally appeared Milo W. Wilder, Jr., to me personally known, who being by me duly sworn did say that he is a Vice President of The Mutual Benefit Life

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ACRES-BLACKMAR CO., BURLINGTON. 23057

Insurance Company, the corporation which executed the foregoing instrument and that the seal affixed to said instrument is the corporate seal of said corporation, and that said instrument was signed, sealed, and delivered in the name and on behalf of said corporation by authority of its Board of Directors, and the said Milo W. Wilder, Jr., acknowledged said instrument to be the voluntary act and deed of said corporation by him and it voluntarily executed.

Witness my hand and seal the day and year last above written.



Selwyn L. Birrell  
Notary Public of New Jersey  
My Commission Expires: —  
Notary Public in New Jersey  
My Commission Expires Sept. 9. 1942