

Deed Record, No. 77, Madison County, Iowa

Bankers Life Company et al
To
NATURAL GAS PIPELINE COMPANY
OF AMERICA ET AL

#2182
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Filed for record the 5 day of April
A.D. 1940 at 10:48 o'clock A.M.
Pearl E. Shetterly, Recorder

AGREEMENT FOR MODIFICATION OF EASEMENT AND WAIVER
OF PRIORITY OF MORTGAGE

THIS AGREEMENT, made this 7th day of March, 1940, between Natural Gas Pipeline Company of America (formerly Continental Construction Corporation), a Delaware Corporation, of Chicago, Illinois, first party, and Bankers Life Company, an Iowa Corporation, of Des Moines, Iowa, second party, WITNESSETH:

That on October 7, 1930, Sarah D. Null and L. A. Null, wife and husband, who were on that date the record title owners of the following described land,

The East Fractional Half of the Southwest Quarter
of Section 19, Township 74 North, Range 28, West
of the Fifth P.M., in Madison County, Iowa,

executed and delivered to the first party a certain easement grant, whereunder the first party acquired the right and privilege to construct, maintain and operate its pipeline over and through said real estate, which said easement grant was filed for record on October 22, 1930, with the recorder of Madison County, Iowa, and recorded in Book 70, Page 72 of the Deed Records of said office, and

That pursuant to said easement grant the first party has constructed its pipeline over and through said land and is now maintaining and operating the same, and

That at the time of execution of said easement grant, the second party was the owner and holder of a certain mortgage upon said real estate, recorded in Book 77, Page 2, of the Mortgage Records of Madison County, Iowa, and has now undertaken the acquisition of legal title to and possession of said real estate by foreclosure of its said mortgage or by deed, and that said second party, if and when it acquires title to said real estate, is willing to acquire such title subject to the right and easement heretofore granted to the first party, subject to certain modifications and restrictions hereinafter specified.

NOW, THEREFORE, for and in consideration of the sum of \$30.45, in hand paid by the first party to the second party, receipt of which is hereby acknowledged, and in further consideration of their mutual promises and agreements as herein expressed, the parties agree:

1. That the aforesaid easement grant shall remain in full force and effect, except as herein otherwise provided, and the second party by these presents waives the priority of its said mortgage in so far as the same may affect the right and easement of the first party, its successors and assigns.
2. That the first party shall have the right to maintain and operate its existing 24 inch natural gas pipeline only on said real estate, as the same is presently located, more particularly designated as follows, to-wit:

Beginning at a point on the West line of said East Fractional Half of the Southwest Quarter of Section 19-74-28, thence in a Northeasterly direction a distance of 72.9 rods to a point on the center line of said Section 19 881 feet North of the South Quarter corner of said Section 19,

and that any other or additional rights which the first party shall have acquired under said ease-

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ment grant are hereby surrendered to the second party at such time as it shall acquire legal title to said real estate.

5. That except as herein modified, said easement grant shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have caused this agreement to be executed by their respective officers duly authorized, and their respective corporate seals hereunto affixed, the day and year first above written.

ATTEST: (CORPORATE SEAL)
S. E. Campbell Secretary

NATURAL GAS PIPELINE COMPANY OF AMERICA
By Floyd C. Brown Vice President

ATTEST:
R. W. Hatton (CORPORATE SEAL)
Assistant Secretary

BANKERS LIFE COMPANY
G. W. Fowler Vice President

STATE OF ILLINOIS COUNTY OF COOK)ss.

On this 20th day of March, A.D. 1940, before me, a Notary Public in and for Cook County, Illinois, personally appeared Floyd C. Brown and S. E. Campbell, to me personally known, who being by me duly sworn did say that they are Vice President and Secretary, respectively, of Natural Gas Pipeline Company of America, a corporation, that the seal affixed to the foregoing instrument is the seal of said corporation, and that said instrument was signed and sealed on behalf of the said corporation by authority of its Board of Directors, and the said Floyd C. Brown and S. E. Campbell acknowledged^{the} execution of said instrument to be the voluntary act and deed of said corporation, by it and by them voluntarily executed.

(Notarial Seal)

Esther M. Wilson Notary Public in and for
Cook County, Illinois.
My Commission expires May 27, 1945

STATE OF IOWA COUNTY OF POLK)ss.

On this 25th day of March, A.D. 1940, before me, a Notary Public in and for Polk County, Iowa, personally appeared G. W. Fowler and R. W. Hatton, to me personally known, who being by me duly sworn did say that they are Vice President and Assistant Secretary of Bankers Life Company, a corporation, that the seal affixed to the foregoing instrument is the seal of said corporation, and that said instrument was signed and sealed on behalf of the said corporation by authority of its Board of Directors, and the said G. W. Fowler and R. W. Hatton acknowledged^{the} execution of said instrument to be the voluntary act and deed of said corporation, by it and by them voluntarily executed.

NOTARIAL
SEAL

Ethel J. Brewer Notary Public in and
for Polk County, Iowa.