

200700002387  
Filed for Record in  
BROWN COUNTY, IN  
GLEND STODSDILL  
07-12-2007 At 09:06 am.  
AGREEMENT 17.00  
OR Book 129 Page 807 - 810

## ROAD MAINTENANCE AND EASEMENT AGREEMENT

THIS ROAD MAINTENANCE AGREEMENT is made this 22 day of June, 2007 by Paul M. Colvin and Adeana S. Colvin, husband and wife, (hereafter "Colvin"), J. L. Depew and Suzanne Depew, husband and wife, (hereafter "Depew"), and G. Daly Walker, (hereafter "Walker");

WHEREAS, Colvin acquired title to 7.24 acres in the Northwest Quarter of the Southwest Quarter of the Northwest Quarter of Section 35, Township 10 North, Range 2 East, by Warranty Deed recorded January 15, 1990 in Deed Record 145, Pages 19 - 20, as Instrument #90-160 in the Office of the Recorder of Brown County, Indiana;

Depew acquired title to 6.82 acres in the Northwest Quarter of the Southwest Quarter, and a part of the Southwest Quarter of the Northwest Quarter of Section 35, Township 10 North, Range 2 East, by Warranty Deed recorded March 24, 2003 in Deed Record Book 68, Page 870 as Instrument #200300001739 in the Office of the Recorder of Brown County, Indiana.

Walker acquired title to 30.70 acres as hereby described in attached Exhibit "A".

WHEREAS, access to the property is by an unmaintained highway and roadway easement from Helmsburg Road as conveyed in the above referred deeds.

WHEREAS, said deeds do not provide for maintenance of the roadway easement for ingress and egress.

NOW THEREFORE, the parties hereto agree that the aforementioned roadway shall be and forever remain a roadway for the use of said parties, their heirs and assigns, for ingress and egress.

And the parties do hereby agree that if it shall hereafter become necessary or desirable to repair or rebuild the whole or any portion of said roadway, the expense of such repairing shall be borne by the parties, their heirs and assigns, and that whenever said roadway, or such portion thereof, shall be rebuilt, it shall be erected on the same spot, and on the same line, and be of the same size, and the same or similar material, and of like quality with the present roadway.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement this 22 day of June, 2007.

Signature: Paul M. Colvin  
Paul M. Colvin

Signature: Adeana S. Colvin  
Adeana S. Colvin

Signature: J. L. Depew  
J. L. Depew

Signature: Suzanne Depew  
Suzanne Depew

Signature: G. Daly Walker  
G. Daly Walker

DULY ENTERED  
FOR TAXATION

JUL 04 2007

Mari H. Miller  
AUDITOR OF BROWN COUNTY

STATE OF INDIANA

SS:  
COUNTY OF Bartholomew

Before me, a Notary Public in and for said County and State, personally appeared Paul M. Colvin and Adeana S. Colvin, husband and wife, (hereafter "Colvin"), J. L. Depew and Suzanne Depew, husband and wife, (hereafter "Depew"), and G. Daly Walker, (hereafter "Walker"), who acknowledged the execution of the foregoing ROAD MAINTENANCE AGREEMENT.

Witness my hand and Notarial Seal this 22 day of June, 2007.

My Commission Expires: 6/25/11 Signature

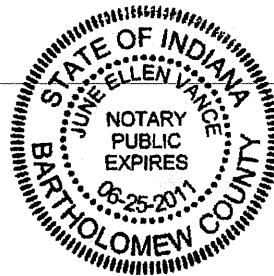
My County of Residence: Bartholomew  
Printed: JUNE ELLEN VANCE

Prepared by:

Robert R. Thomas, Attorney at Law, 540 Westfield Road, Noblesville, IN 46060.

File No. COLVIN

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law J Vance.



**FILED**  
JUL 09 2007  
ASSESSOR  
BROWN CO.

Exhibit "A"

File No. 160610328

A PART OF THE SOUTH HALF OF THE NORTHWEST QUARTER AND PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 10 NORTH, RANGE 2 EAST, LYING IN JACKSON TOWNSHIP, BROWN COUNTY, INDIANA, AND DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIPE FOUND AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION; THENCE SOUTH 89 DEGREES 03 MINUTES EAST (BEARING TAKEN FROM PREVIOUS SURVEY) ALONG THE SOUTH LINE OF SAID QUARTER QUARTER 659.3 FEET TO AN IRON PIPE; THENCE NORTH 00 DEGREES 26 MINUTES EAST A DISTANCE OF 660.7 FEET TO AN IRON PIPE; THENCE SOUTH 89 DEGREES 03 MINUTES EAST A DISTANCE OF 659.3 FEET TO AN IRON PIPE; THENCE NORTH 00 DEGREES 56 MINUTES EAST A DISTANCE OF 351.8 FEET TO AN IRON PIPE; THENCE NORTH 87 DEGREES 59 MINUTES WEST A DISTANCE OF 1859.0 FEET (FIELD) (2046.1 FEET WELLS SURVEY) TO AN IRON PIPE FOUND; THENCE SOUTH 57 DEGREES 07 MINUTES WEST A DISTANCE OF 742.6 FEET A 5/8 INCH REBAR FOUND; THENCE SOUTH 64 DEGREES 05 MINUTES EAST A DISTANCE OF 659.6 FEET TO A 5/8 INCH REBAR FOUND; THENCE SOUTH 69 DEGREES 09 MINUTES EAST A DISTANCE OF 100.0 FEET TO A 5/8 INCH REBAR FOUND; THENCE NORTH 87 DEGREES 54 MINUTES EAST A DISTANCE OF 315.0 FEET TO A 5/8 INCH REBAR FOUND; THENCE SOUTH 04 DEGREES 10 MINUTES EAST A DISTANCE OF 405.0 FEET TO A 5/8 INCH REBAR FOUND; THENCE NORTH 62 DEGREES 37 MINUTES EAST A DISTANCE OF 136.7 FEET TO THE POINT OF BEGINNING, CONTAINING 36.0 ACRES, MORE OR LESS.

EXCEPT:

PART OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 10 NORTH, RANGE 2 EAST, BROWN COUNTY, INDIANA, DESCRIBED AS FOLLOWS:

BEGINNING SOUTH 62 DEGREES 37 MINUTES WEST 136.7 FEET AND NORTH 04 DEGREES 10 MINUTES WEST 405.00 FEET FROM THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 35; THENCE NORTH 330 FEET; THENCE EAST 660 FEET; THENCE SOUTH 330 FEET; THENCE WEST 660 FEET TO THE BEGINNING, CONTAINING 5.0 ACRES, MORE OR LESS.

LEAVING AFTER SAID EXCEPTION 31.00 ACRES MORE OR LESS.

EXCEPT, PART OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 10 NORTH, RANGE 2 EAST OF THE SECOND PRINCIPAL MERIDIAN, JACKSON TOWNSHIP, BROWN COUNTY, INDIANA DESCRIBED AS FOLLOWS:

COMMENCING AT A 1 INCH ID IRON PIPE FOUND MARKING THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 35; THENCE SOUTH 00 DEGREES 56 MINUTES 01 SECONDS WEST (BEARING FROM DEED) ON AND ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER, NORTHWEST QUARTER 334.40 FEET TO A 3/4 INCH ID IRON PIPE FOUND MARKING THE SOUTHEAST CORNER OF THE NORTH HALF OF THE NORTH HALF OF SAID SOUTHEAST QUARTER, NORTHWEST QUARTER AND THE SOUTHEAST CORNER OF A TRACT DESCRIBED TO FLEENER IN DEED RECORD NUMBER 129, PAGE 573 IN THE OFFICE OF THE RECORDER OF BROWN COUNTY, INDIANA AND THE BEGINNING; THENCE CONTINUING SOUTH 00 DEGREES 56 MINUTES 01 SECONDS WEST ON AND ALONG SAID EAST LINE 334.41 FEET (351.8 FEET RECORD) TO A 1/2 INCH REBAR FOUND WITH 1/2 INCH ID IRON PIPE MARKING THE NORTHEAST CORNER OF A TRACT DESCRIBED TO HOFF IN INSTRUMENT NUMBER 2006-4870 IN THE OFFICE OF THE RECORDER OF BROWN COUNTY, INDIANA; THENCE SOUTH 88 DEGREES 11 MINUTES 49 SECONDS WEST WITH THE

NORTH LINE OF SAID HOFF AND THE NORTH LINE OF A TRACT DESCRIBED TO SCHAFFNER AND SAGE IN DEED RECORD NUMBER 123, PAGE 381 IN THE OFFICE OF THE RECORDER OF BROWN COUNTY, INDIANA 86.92 FEET (659.3 FEET RECORD) TO A 1/2 INCH REBAR FOUND MARKING THE NORTHWEST CORNER OF SAID SCHAFFNER AND SAGE; THENCE NORTH 10 DEGREES 34 MINUTES 34 SECONDS EAST 377.79 FEET TO A 5/8 INCH CAPPED REBAR SET (STAMPED BENNETT S0438) ON THE SOUTH LINE OF SAID FLEENER; THENCE SOUTH 88 DEGREES 35 MINUTES 04 SECONDS EAST WITH SAID SOUTH LINE 622.88 FEET TO THE BEGINNING, CONTAINING 5.300 ACRES, MORE OR LESS.

ALSO

PART OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 10 NORTH, RANGE 2 EAST, BROWN COUNTY, INDIANA, DESCRIBED AS FOLLOWS:

BEGINNING SOUTH 62 DEGREES 37 MINUTES WEST 136.7 FEET AND NORTH 04 DEGREES 10 MINUTES WEST 405.00 FEET FROM THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 35; THENCE NORTH 330 FEET; THENCE EAST 660 FEET; THENCE SOUTH 330 FEET; THENCE WEST 660 FEET TO THE BEGINNING, CONTAINING 5.0 ACRES, MORE OR LESS.

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