

ROADWAY EASEMENT AGREEMENT

This agreement is made by the undersigned owners of Lots 1, 2, 3A, 3B, 4, 5, 6 and A of OAK TREE ACRES, an Official Plat in Warren County, Iowa.

WHEREAS, the parties desire to create for themselves, their heirs, successors and assigns a right-of-way or easement on Lot A in Oak Tree Acres, an Official Plat, now included in and forming a part of Warren County, Iowa.

NOW, THEREFORE, the undersigned parties do hereby give grant and convey unto themselves and their heirs, successors and assigns a right-of-way or easement over, along and across Lot A of Oak Tree Acres, an Official Plat in Warren County, Iowa.

The easement thus created shall be for the joint use of the parties hereto and for their heirs, successors and assigns, for roadway purposes. No party hereto, their heirs, successors or assigns, shall use or leave any vehicle, or anything else on said roadway so as to prevent the free and uninterrupted use of said roadway by the other parties for the purpose for which this easement was created.

Each lot owner using the roadway for access to their property, which is currently the owners of Lots 1, 2, 3A, 4 and 5, their heirs, successors or assigns, shall bear their prorata share of the cost of maintaining said roadway in a reasonably good condition, and such cost of maintenance shall include reconstruction when reasonably necessary. The owners of Lots 3B and 6 do not currently use the roadway, however, if in the future the owners of those lots use the roadway, they shall pay their prorata share of the cost of maintenance of the roadway. Notwithstanding the above provisions, any party causing damage, other than ordinary wear and tear, to said roadway through negligence on the part of the party themselves or others for them or on their behalf shall be wholly responsible for any damage resulting from such negligence.

A majority of the parties hereto, then using the roadway, their heirs, successors or assigns, shall have the right to do such work on said roadway and make such repairs thereon as are reasonably necessary to maintain said roadway in a reasonably good condition, and upon the completion of such repairs, the parties making such repairs shall be entitled to recover from the other parties then using the roadway for access to their property the cost thereof.

This agreement shall be deemed to be a covenant running with the title to the land and shall be binding upon the parties hereto, and upon their heirs, successors and assigns, provided, however, that this easement may be released at any time by appropriate agreement for that purpose entered into between the owners of said lots, duly

executed and acknowledged and filed for record in the office of the recorder of Warren County, Iowa.

This agreement is intended to implement the agreement dated March 11, 1975 filed April 7, 1975 in Book 37, page 15 in the office of the recorder of Warren County, Iowa.

Dated this 31 day of October, 1990.

Deborah A. Lancaster
Deborah A. Lancaster (Lot 1)

Elwood E. Fogle
Elwood E. Fogle (Lot 3A)

Allan D. Hudson
Allan D. Hudson (Lot 3B)

Jerry G. Kenworthy
Jerry G. Kenworthy (Lot 4)

Michael D. Fogle
Michael D. Fogle (Lot 5)

Virginia A. Hardersen
Virginia A. Hardersen (Lot 6)

Christie J. Scase
Christie J. Scase (Lot 2)

Peggy S. Fogle
Peggy S. Fogle (Lot 3A)

Sue Ellen Hudson
Sue Ellen Hudson (Lot 3B)

Linda R. Kenworthy
Linda R. Kenworthy (Lot 4)

Debra S. Fogle
Debra S. Fogle (Lot 5)

STATE OF IOWA)
) ss.
COUNTY OF WARREN)

On this 31 day of October, 1990, before me, the undersigned a Notary Public in and for the State of Iowa, personally appeared Deborah A. Lancaster, single, to me known to be the person named in and who executed the foregoing instrument, and acknowledged that she executed the same as her voluntary act and deed.



Lynda Miller
Notary Public

STATE OF IOWA)
) ss.
COUNTY OF WARREN)

On this 31 day of October, 1990, before me, the undersigned a Notary Public in and for the State of Iowa, personally appeared Christie J. Scase, single, to me known to be the person named in and who executed the foregoing instrument, and acknowledged that she executed the same as her voluntary act and deed.



Lynda Miller
Notary Public

STATE OF IOWA)
) ss.
COUNTY OF WARREN)

On this 31 day of October, 1990, before me, the undersigned a Notary Public in and for the State of Iowa, personally appeared Edward E. Fogle and Peggy S. Fogle, husband and wife, to me known to be the persons named in and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.



Lynda Miller
Notary Public

STATE OF IOWA)
) ss.
COUNTY OF WARREN)

On this 31 day of October, 1990, before me, the undersigned a Notary Public in and for the State of Iowa, personally appeared Allan D. Hudson and Sue Ellen Hudson, husband and wife, to me known to be the persons named in and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.



Lynda Miller
Notary Public

STATE OF IOWA)
) ss.
COUNTY OF WARREN)

On this 31 day of October, 1990, before me, the undersigned a Notary Public in and for the State of Iowa, personally appeared Jerry G. Kenworthy and Linda R. Kenworthy, tenants in common, to me known to be the persons named in and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.



Lynda Miller
Notary Public

STATE OF IOWA)
) ss.
COUNTY OF WARREN)

On this 31 day of October, 1990, before me, the undersigned a Notary Public in and for the State of Iowa, personally appeared Michael D. Fogle and Debra S. Fogle, husband and wife, to me known to be the persons named in and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.



Lynda Miller
Notary Public

STATE OF IOWA)
) ss.
COUNTY OF POLK)

On this 31 day of October, 1990, before me, the undersigned a Notary Public in and for the State of Iowa, personally appeared Virginia A. Hardersen, single, to me known to be the person named in and who executed the foregoing instrument, and acknowledged that she executed the same as her voluntary act and deed.



Lynda Miller
Notary Public