

E A S E M E N T

This instrument entered into by and between Robert L. Pettit and Helen M. Pettit, husband and wife, jointly and severally, hereinafter referred to as "Grantors", and Eldon B. Evans, hereinafter referred to as "Grantee", WITNESSETH:

WHEREAS, Grantors are purchasing real estate situated in Council Bluffs, Pottawattamie County, Iowa, described as:

A parcel of land situated in the North Half (N 1/2) of the Southwest Quarter (SW 1/4) of Section 35, Township 75, Range 44 in Council Bluffs, Pottawattamie County, Iowa; and being all that part of the right of way of the Union Pacific Railroad Company that is bounded on the North by the East and West centerline of said Section 35; bounded on the South by the North line of Ninth Avenue as now located; bounded on the West by a line parallel with and 1209.0 feet, more or less; East at right angles from the West line of said Section 35, and being the East line of Twenty-First Street as now located; bounded on the East by a line parallel with and 55.5 feet East from said East line of Twenty-First Street as now located.

under real estate contract dated July 1, 1973, by and between Eldon B. Evans and Margaret H. Evans, husband and wife, Sellers, and Robert L. Pettit and Helen M. Pettit, husband and wife, as joint tenants and not as tenants in common, with full right of ownership in the survivor, Buyers; and,

WHEREAS, Grantee, who is one and the same person as Eldon B. Evans, the contract seller under the above-described real estate contract, and the surviving spouse of Margaret H. Evans, deceased, the remaining contract seller in the above-described real estate contract, is the owner of real estate immediately adjacent to the real estate described above; and,

WHEREAS, above-described real estate being purchased by Grantors from Grantee is presently used as a business parking lot and is used by Grantee for ingress and egress to business premises owned by Grantee adjacent to said real estate; and,

WHEREAS, it is the wish of the parties that Grantee have the permanent right of ingress and egress to and from his business premises across the above-described real estate being purchased by Grantors from Grantee; and,

STATE OF IOWA, Pottawattamie County
Filed for recording on the 17th day of February
1974 at 7:30 o'clock A.M. and recorded
in book 85 page 15212
W. G. Larson
Recorder
By J. H. [Signature] Deputy

FEB 19 1974

Entered for Record

80 15212

80-15212

PREPARED

WHEREAS, in consideration of the sum of One Dollar (\$1.00) paid by Grantee to Grantors, receipt of which being hereby acknowledged by Grantors, Grantors have agreed to grant to Grantee an easement across the above-described real estate for purposes of ingress and egress to Grantee's adjacent property; now,

THEREFORE, pursuant to said agreement and in consideration of the sum of One Dollar (\$1.00) paid by Grantee to Grantors, receipt of which is hereby acknowledged, Grantors hereby grant to Grantee an Easement and Right-of-Way across the real estate described as:

A parcel of land situated in the North Half (N 1/2) of the Southwest Quarter (SW 1/4) of Section 35, Township 75, Range 44 in Council Bluffs, Pottawattamie County, Iowa; and being all that part of the right of way of the Union Pacific Railroad Company that is bounded on the North by the East and West centerline of said Section 35; bounded on the South by the North line of Ninth Avenue as now located; bounded on the West by a line parallel with and 1209.0 feet, more or less; East at right angles from the West line of said Section 35, and being the East line of Twenty-First Street as now located; bounded on the East by a line parallel with and 55.5 feet East from said East line of Twenty-First Street as now located.

together with the full and free right for him, his tenants, servants, visitors and licensees, in common with all others having the like right, at all times hereafter, with or without automobile or other vehicles or on foot, for the purposes of ingress and egress to and from the premises owned by Grantee adjacent to the said real property and immediately east thereof.

It is further understood and agreed by Grantors that the easement herein granted is to be held by the Grantee, and by his heirs and assigns as appurtenant to and running with the land, and not as a personal grant only. It is specifically understood and agreed that no deed, however absolute in form, delivered pursuant to the real estate contract above referred to shall in any way operate to limit or extinguish the Easement and Right-of-Way herein granted, it being the intent of the parties hereto that the Grantee and his heirs and assigns shall hereby acquire a permanent means of ingress and egress to and from the premises adjacent to the above-described premises and immediately east thereof.

The Grantee shall not do or suffer to be done any act or conduct whereby the above-described premises being purchased by

RECORDED

Grantors under real estate contract shall in any wise be damaged or rendered unstable or unsafe.

IT IS FURTHER UNDERSTOOD by and between the parties that Eldon B. Evans, herein referred to as "Grantee", has remarried and his present wife's name is Diana D. Evans, and that she hereby assents in the granting of this Easement as above set forth.

GRANTORS:

GRANTEES:

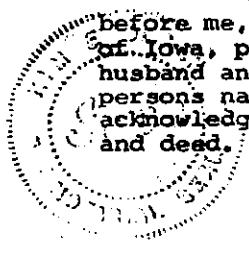
Robert L. Pettit
Robert L. Pettit

Eldon B. Evans
Eldon B. Evans

Helen M. Pettit
Helen M. Pettit

Diana B. Evans
Diana B. Evans

STATE OF IOWA)
POTTAWATTAMIE COUNTY) ss.



On this 24 day of February, 1980, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared ROBERT L. PETTIT and HELEN M. PETTIT, husband and wife, Grantors herein, to me known to be the identical persons named in and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

Robert L. Pettit
Notary Public in and for the State of Iowa

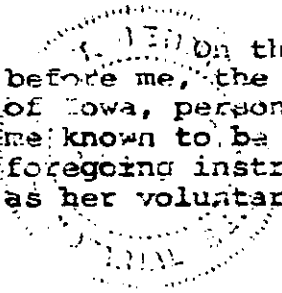
STATE OF IOWA)
POTTAWATTAMIE COUNTY) ss.

On this 1 day of February, 1980, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared ELDON B. EVANS, Grantee herein, to me known to be the identical person named in and who executed the foregoing instrument, and acknowledged that he executed the same as his voluntary act and deed.

Robert L. Pettit
Notary Public in and for the State of Iowa

STATE OF IOWA)
) 31.
POTTAWATTAMIE COUNTY)

On this 1 day of February, 1930,
before me, the undersigned, a Notary Public in and for the State
of Iowa, personally appeared DIANA B. EVANS, Grantee herein, to
me known to be the identical person named in and who executed the
foregoing instrument, and acknowledged that she executed the same
as her voluntary act and deed.



Diana B. Evans
Notary Public in and for the
State of Iowa