

COMPARED

INST # 22904
RECORDING FEE 15.00
AUDITOR FEE 1
RMA FEE 1

Preparer: Matthew D. Wilber, 222 South 6th Street, Council Bluffs, Iowa 51501; (712) 322-2002

EASEMENT

1. For the consideration of \$ 1.00 Dollars and other valuable consideration, William Betz for BADD, Inc., on behalf of the property legally described as follows (hereinafter referred to as the "Servient Estate"):

Original Plat, Lots 3 and 4 of Lot 207, Lot 1 of Lot 208 and Lot 1 of Lot 209, all located in the City of Council Bluffs, Pottawattamie County, Iowa (commonly referred to as 142 West Broadway, Council Bluffs, Iowa),

does hereby grant an Easement for access to the sewer and water lines located on such property to Greg Poor and Brough Pickrell, on behalf of the property legally described as follows (hereinafter referred to as the "Dominant Estate"):

Original Plat, Lot 2 of Lot 207, all located in the City of Council Bluffs, Pottawattamie County, Iowa (commonly referred to as 144 West Broadway, Council Bluffs, Iowa).

2. Such easement shall be limited solely to allow the water and sewer lines located on the dominant estate to connect to the City sewer and water lines located on the servient estate. Furthermore, the dominant and servient estates shall each remain separately metered with the sewer and water bills for each respective property to remain the sole responsibility of the respective property owners. Further, the dominant estate shall be permitted reasonable use of said water and sewer lines and the grantee shall be permitted (upon proper notice to the grantor) to enter onto the servient estate for the purpose of maintaining and repairing the water and/or sewer lines connecting from the dominant estate to the servient estate.

3. This easement shall run with the land and shall be binding on and shall inure to the benefit of the parties to this agreement, their respective heir, successors or assigns.

4. This agreement shall constitute the entire agreement between the parties and any prior understanding or representation of any kind preceding the date of this agreement shall not be binding upon either party except to the extent incorporated in this agreement.

DATED this 30 day of Apr 2002.

William J. Betz
WILLIAM BETZ on behalf of BADD, INC., Grantor

STATE OF IOWA)
) ss.
POTTAWATTAMIE COUNTY)

On this ___ day of January, 2002, before me, the undersigned, a Notary Public in and for said State, personally appeared William Betts to me known to be the identical person named in and who executed the foregoing instrument, who stated that he is the _____ of BADD, Inc. and that the above instrument was signed on behalf of said corporation by authority of its Board of Directors, and acknowledged that he executed the same as his (and the corporation's) voluntary act and deed.

NOTARY PUBLIC

FILED FOR RECORD
POTTAWATTAMIE CO. IA.
03 APR 15 PM 12: 23
JOHN SCIORTINO
RECORDER
APR 15 2003

AFFIDAVIT OF GREG POOR

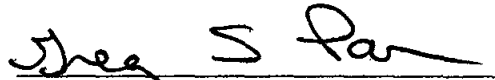
I, GREG POOR, being first duly sworn depose and state as follows:

1. That on or about the 30th of April, 2002 I was a record owner in real property located at 144 West Broadway, Council Bluffs, Pottawattamie County, Iowa and legally described to wit:

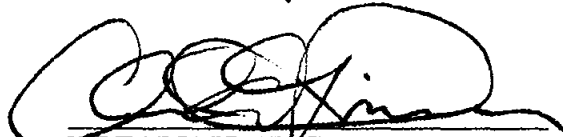
Original Plat, Lot 2 of Lot 207, all located in the City of Council Bluffs, Pottawattamie County, Iowa.
2. That on or about the 30th day of April Bill Betz was the owner of real property commonly known as 142 West Broadway, Council Bluffs, Pottawattamie County, Iowa and legally described to wit:

Original Plat, Lots 3 and 4 of Lot 207, Lot 1 of Lot 208 and Lot 1 of Lot 209, all located in the City of Council Bluffs, Pottawattamie County, Iowa.
3. That on or about the 30th day of April, 2002 Bill Betz granted an easement, as attached hereto, for the purpose of allowing water and sewer lines located on the dominant estate (1444 West Broadway) to connect to the City sewer and water lines located on the servient estate (142 West Broadway).
4. That the document was executed and acknowledged to before myself, Greg Poor, and Brough Pickrill, as owners of property in joint tenancy commonly known as 144 West Broadway, Council Bluffs, Pottawattamie County, Iowa.
5. That said easement was granted voluntarily and upon his own accord.
6. That I, Greg Poor, am now the sole owner of property commonly known as 144 West Broadway, Council Bluffs, Pottawattamie County, Iowa.

7. That Bill Betz has subsequently refused to come forward and sign an affidavit acknowledging his signature as there has arisen a dispute between the parties over certain sums to matters unrelated to the execution of the easement which is the subject matter of this affidavit.


GREG POOR

Subscribed to and sworn before me by Greg Poor this 17 day of April, 2003.


NOTARY PUBLIC

