

05-02588

INSTR NO. _____

PKL _____

05 MAY -5 AM 10: 56

JAN. TOSCHER
RECORDER
DICKINSON COUNTY, IOWA
FEE \$ 57.00

CLAIM

STATE OF IOWA)
) ss:
COUNTY OF DICKINSON)

I, Maurice Kramersmeier, being first duly sworn on oath, depose and state as follows:

Pursuant to Iowa Code Section 614.24 and 614.25, Code of Iowa 2005, Maurice Kramersmeier makes claim regarding the Amendment to Easement Agreement dated October 29, 1992 and filed for record November 23, 1992 in Miscellaneous Book 6, Page 55. The legal descriptions involved are shown in the Amendment to Easement Agreement referred to herein.

Claimant, Maurice Kramersmeier, is the owner of Unit 5A, of Summerview Heights Condominiums, a Condominium Development located on Parcel F in part of Government Lot One (1), in the Northeast Quarter of Section Fourteen (14), Township Ninety-Nine (99) North, Range Thirty-Seven (37), West 5th P.M., Dickinson County, Iowa, as the same appears in a Plat of Survey by Robert V. Bendixen, L.S., Jacobson-Westergard & Assoc., Inc., dated May 24, 2000, and filed August 10, 2000, in Survey Record 8, Page 19, in the Office of the Recorder of Dickinson County, Iowa, together with an undivided 18/24th interest in the general common elements and facilities appertaining to such unit as provided in the Declaration of Establishment of Horizontal Property Regime dated July 26, 2001, filed August 2, 2001, and recorded in Misc. Rec. 17, Page 149 and Plat Book 10, Page 14; and Amendment dated August 17, 2001, filed August 20, 2001, and recorded in Misc. Rec. 17, Page 225, Office of the Dickinson County Recorder.

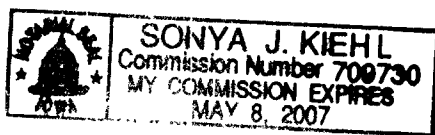
Contained in the chain of title to all lands set forth in the Amendment to Easement Agreement and Summerview Heights Condominiums, is a restrictive covenant restricting any construction of a building or structure on Parcel A of Exhibit C of the Amendment to Easement Agreement.

Maurice Kramersmeier now makes claim to the benefits of said restrictive covenant as above set forth, pursuant to Sections 614.24 and 614.25 of the Code of Iowa, 2005.

Maurice Kramersmeier
Maurice Kramersmeier

Subscribed and sworn to before me this 4th day of May, 2005.

[Signature]
Notary Public, Dickinson County, Iowa



FILE COPY

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AMENDMENT TO EASEMENT AGREEMENT

This Amendment is being made to an Easement dated August 29, 1985, and recorded at Miscellaneous Record Y, Page 819, of the records of the Dickinson County Recorder, the same being filed September 3, 1985.

Long Lines, Ltd. and Village Lakeshares, Inc., both Iowa corporations, are the owners of certain real property legally described on the attached Exhibit "A".

L. Paul Comeau and Westendorf Partnership hereinafter "owners" are the record title holders to certain real estate described as:

The South 40 feet of Lot 41, and all of Lot 42, Auditor's Plat No. 121, Dickinson County, Iowa; AND that part of Gov't Lot 1, Sec. 14, Twp. 99 North, Range 37, West 5th P.M., Dickinson County, Iowa, described as follows: Commencing at the northwest corner of said Gov't Lot 1; thence East 569.5 feet along the north line of said Gov't Lot 1 to the point of beginning of the southwest corner of Lot 42 of Aud. Plat #121, Dickinson County, Iowa, said point of beginning marked with a capped 5/8" rebar, Reg. #3869; thence South 5.84 feet; thence North 89°22' East to the west shoreline of West Okoboji Lake; thence North 3 feet, more or less, along said shoreline to the north line of said Gov't Lot 1 and the south line of said Lot 42 of Aud. Plat #121; thence West to the point of beginning and referred to herein as Duplex Lot.

The parties hereby agree to the following clarifications and amendment to the Easement noted above:

1. The initial Easement provided for a permanent easement "for ingress and egress from the existing road serving Parcel B across the property set forth on Exhibit "A" for the perpetual benefit of the owners of Parcel B." This Easement is modified to grant an ingress and egress easement for benefit of the Duplex Lot from the existing road which lies immediately to the west of the Duplex Lot and north of the property identified on Exhibit "A" south across the east one-half of a parcel identified as Tract 2 on the attached Plat of Survey by Jacobson-Westergard & Assoc., Inc. dated September 25, 1985, and attached hereto as Exhibit "B".

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VIOLA HARRINGTON REC.
DICKINSON COUNTY, IOWA
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2. The original Easement also provided an easement to the owners for a "parcel of ground 20 feet by 30 feet approximately 5 feet west of the existing access road, if such road were extended south onto the property shown on Exhibit "A" for purposes of a storage shed together with right of ingress and egress thereto." This Easement is hereby released and terminated. By separate agreement, Long Lines Ltd. and Village Lakeshores, Inc. together will provide free boat storage for 3 boats, whether denominated boat, pontoon, sailboat or waverunner, for a period of 6 years to L. Paul Comeau.

3. Long Lines, Ltd. and Village Lakeshores, Inc., do hereby grant an easement for the benefit of the Duplex Lot to maintain necessary culverts and other drain lines and tiles on that property described as Tract 2 as well as Tract 3 as shown on the Plat of Survey by Jacobson-Westergard & Assoc., Inc., dated September 25, 1985, as shown on Exhibit "B". The existing fence located on the south side of Tract 3 shall not be removed by Long Lines, Ltd. or Village Lakeshores, Inc. and shall be maintained by them. Said fence shall be extended and maintained by Long Lines, Ltd. or Village Lakeshores, Inc. from southeast to northwest along the west diagonal line of the east one-half of a parcel identified as Tract 2 on the attached Plat of Survey by Jacobson-Westergard & Assoc., Inc. dated September 25, 1985, and attached hereto as Exhibit "B".

4. As provided in the original Easement, the owners of the Duplex Lot shall continue to have an easement for purposes of maintenance and landscaping over that real property described as Parcel A on Exhibit "C" attached hereto, the same being a survey of Jacobson-Westergard & Assoc., Inc. dated February 19, 1985, except the west boundary line shall be that diagonal line shown in Tract 2 on Exhibit "B" and the southern boundary line shall be the southern most line which runs east and west of Tract 3 on Exhibit "B". The owners of the Duplex Lot shall also have the exclusive right to the utilization of the lakeshore frontage of Parcel A, but shall not install a boat lift south of the dock identified as a "walkway" closest to the area labeled as "B" on the drawing attached as Exhibit "D", nor shall owner park or tie a boat or waverunner on the south side of such dock or in the area "B" of the drawing attached as Exhibit "D". Except in the event of an emergency, Long Lines, Ltd. and/or Village Lakeshores, Inc. shall not permit their employees, agents, patrons, invitees and/or guests to use said dock in any way and shall enforce same. So long as Elaine M. Martin and Joy K. McCarthy, general partners of Westendorf Partnership, or their heirs own an interest in one or both of the Duplex units or own an interest in any entity owning an interest in one or both of the Duplex units on Duplex Lot, Long Lines, Ltd. and Village Lakeshores, Inc. do hereby agree to grant to the owners of the Duplex Lot the exclusive right to use the easement area namely Parcel A on Exhibit "C" with the above

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described west and southern boundaries. Thereafter, Long Lines, Ltd. and Village Lakeshires, Inc. and owners of Duplex Lot shall have a mutual right to use the easement area for recreational purposes only and neither party shall have the right to build any buildings or structures on the easement area.

5. All easements granted herein shall be permanent easements and shall run with the land and be binding upon the parties, their heirs, executors, successors, administrators, personal representatives and assigns.

DATED this 29th day of October, 1992.

LONG LINES, LTD.,

By: Melvin D. Meredith
Title: Senior Vice President
Melvin D. Meredith

VILLAGE LAKESHARES, INC.

By: Melvin D. Meredith
Title: Senior Vice President
Melvin D. Meredith

L. Paul Comeau
L. PAUL COMEAU a/k/a PAUL COMEAU

Lynnda M. Comeau
LYNDA M. COMEAU

WESTENDORF PARTNERSHIP,

By: Joy B. McCarthy
Joy B. McCarthy, General Partner

By: Elaine M. Martin
Elaine M. Martin, General Partner

AMENDMENT TO EASEMENT AGREEMENT

EXHIBIT "A"

That part of Government Lot 1 of the Northeast Quarter of Section 14, Township 99 North, Range 37 West of the 5th Principal Meridian, Dickinson County, Iowa, described as follows:

Commencing at the North quarter of said Section 14; thence South 88 degrees 55.2 minutes East (Section 14-99-37) Northeast Quarter westerly line is assumed to bear South 0 degrees 23.0 minutes West) 1898.09 feet along the northerly line of the Northeast Quarter of said Section 14 to the southwest corner of Lot 42 of Auditor's Plat #121, Dickinson County, Iowa, a Reg. #3869 capped 5/8" rebar 569.5 feet easterly of the northwest corner of said Government Lot 1; thence South 1 degree 04.2 minutes West 5.84 feet to the point of beginning; thence South 7 degrees 34.5 minutes East 147.64 feet; thence North 88 degrees 33.5 minutes East 304.01 feet to the Iowa State Conservation Commission West Okoboji Lake westerly shoreline; thence North 30 degrees 26.9 minutes West 90.77 feet along said shoreline; thence North 17 degrees 54.4 minutes West 61.45 feet along said shoreline to a point 3 feet southerly of the northerly line of said Government Lot 1; thence North 89 degrees 33.8 minutes West 258.50 feet to the point of beginning, containing 0.90 acre.

PLAN OF SURVEY

TRACT 1 - That part of Government Lot 1 of the Northeast Quarter of Section 14, Township 99 North, Range 37 West of the 5th Principal Meridian, Dickinson County, Iowa, described as follows:

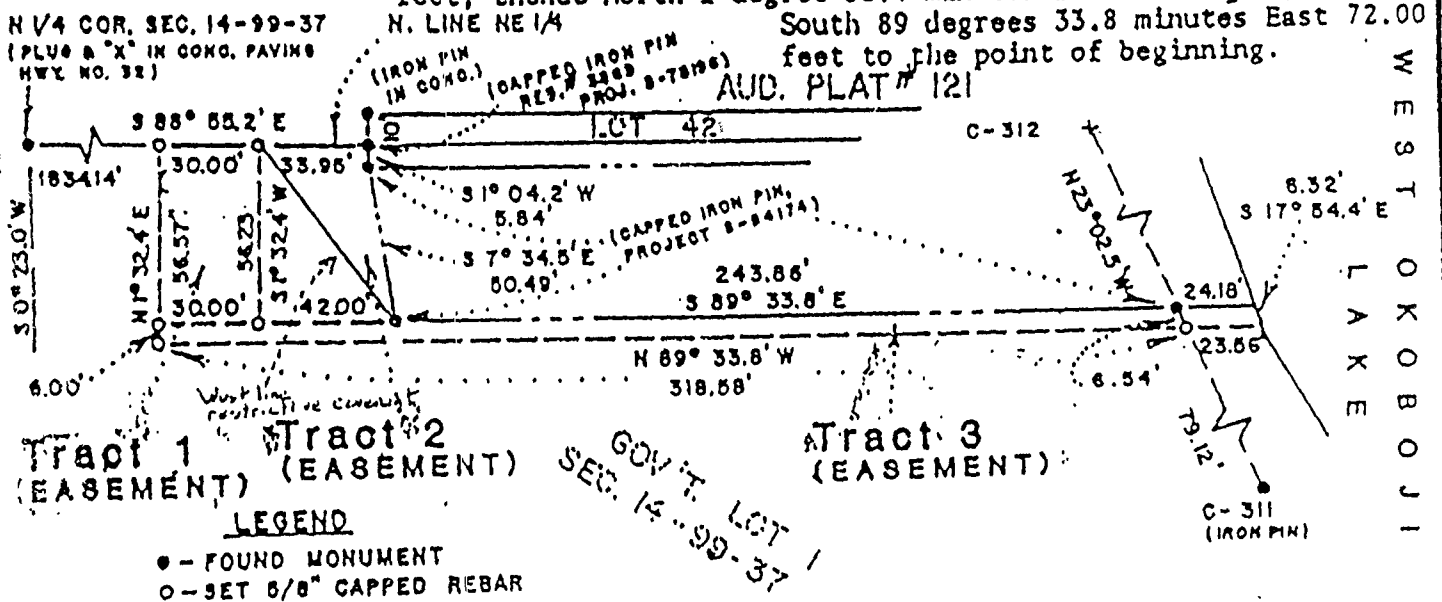
Commencing at the north quarter corner of said Section 14; thence South 88 degrees 55.2 minutes East (Section 14-99-37 Northeast Quarter westerly line is assumed to bear South 0 degrees 23.0 minutes West) 1834.14 feet along the northerly line of the Northeast Quarter of said Section 14 to the point of beginning; thence continuing South 88 degrees 55.2 minutes East 30.00 feet; thence South 1 degree 32.4 minutes West 56.23 feet; thence North 89 degrees 33.8 minutes West 30.00 feet; thence North 1 degree 32.4 minutes East 56.57 feet to the point of beginning.

TRACT 2 - That part of Government Lot 1 of the Northeast Quarter of Section 14, Township 99 North, Range 37 West of the 5th Principal Meridian, Dickinson County, Iowa, described as follows:

Commencing at the north quarter corner of said Section 14; thence South 88 degrees 55.2 minutes East (Section 14-99-37 Northeast Quarter westerly line is assumed to bear South 0 degrees 23.0 minutes West) 1864.14 feet along the northerly line of the Northeast Quarter of said Section 14 to the point of beginning; thence continuing South 88 degrees 55.2 minutes East 33.95 feet to the southwest corner of Lot 42 of Auditor's Plat #121, Dickinson County, Iowa, a Reg. #3869 capped 5/8" rebar 569.5 feet easterly of the northwest corner of said Government Lot 1; thence South 1 degree 04.2 minutes West 5.84 feet; thence South 7 degrees 34.5 minutes East 50.49 feet; thence North 89 degrees 33.8 minutes West 42.00 feet; thence North 1 degree 32.4 minutes East 56.23 feet to the point of beginning.

TRACT 3 - That part of Government Lot 1 of the Northeast Quarter of Section 14, Township 99 North, Range 37 West of the 5th Principal Meridian, Dickinson County, Iowa, described as follows:

Commencing at the north quarter corner of said Section 14; thence South 88 degrees 55.2 minutes East (Section 14-99-37 Northeast Quarter westerly line is assumed to bear South 0 degrees 23.0 minutes West) 1898.09 feet along the northerly line of the Northeast Quarter of said Section 14 to the southwest corner of Lot 42 of Auditor's Plat #121, Dickinson County, Iowa, a Reg. #3869 capped 5/8" rebar 569.5 feet easterly of the northwest corner of said Government Lot 1; thence South 1 degree 04.2 minutes West 5.84 feet; thence South 7 degrees 34.5 minutes East 50.49 feet to the point of beginning; thence South 89 degrees 33.8 minutes East 268.04 feet to the Iowa State Conservation Commission West Okoboji Lake westerly shoreline; thence South 17 degrees 54.4 minutes East 6.32 feet along said shoreline; thence North 89 degrees 33.8 minutes West 342.14 feet; thence North 1 degree 32.4 minutes East 6.00 feet; thence South 89 degrees 33.8 minutes East 72.00 feet to the point of beginning.



SCALE 1" = 60'

SURVEY 9/19/85

CLIENT: Paul Comeau
2514 South 119th St. Omaha, Ne.

Jacobson-Westergard & Assoc., Inc.
12 1/2 South 6th
Estherville, Iowa 51334
712/362/2647

I hereby certify that this plan, map, survey or report was made by me or under my direct personal supervision and that I am a duly registered Land Surveyor under the laws of the State of Iowa.

Signed R. V. Bendixen Date 9/25/85
R. V. BENDIXEN, L.S. Iowa Reg. No. 9017

	Survey Notes.	Drawn	Checked By	Project No.
	Book JW # 112 Page 72	Date 9/25/85 BY E.A.S.	R.V.B.	8-84174B

AMENDMENT TO EASEMENT AGREEMENT - EXHIBIT "B"

PARCEL A

That part of Government Lot 1 of the Northeast Quarter of Section 14, Township 99 North, Range 37 West of the 5th Principal Meridian, Dickinson County, Iowa, described as follows:

Commencing at the north quarter corner of said Section 14; thence South 88 degrees 55.2 minutes East (Section 14-99-37 Northeast Quarter westerly line is assumed to bear South 0 degrees 23.0 minutes West) 1898.09 feet along the northerly line of the Northeast Quarter of said Section 14 to the southwest corner of Lot 42 of Auditor's Plat #121, Dickinson County, Iowa, a Reg. #3869 capped 5/8" rebar 569.5 feet easterly of the northwest corner of said Government Lot 1; thence South 1 degree 04.2 minutes West 5.84 feet to the point of beginning; thence South 7 degrees 34.5 minutes East 50.49 feet; thence South 89 degrees 33.8 minutes East 268.04 feet to the Iowa State Conservation Commission West Okoboji Lake westerly shoreline; thence North 17 degrees 54.4 minutes West 52.67 feet along said shoreline to a point 3 feet southerly of the northerly line of said Government Lot 1; thence North 89 degrees 33.8 minutes West 258.50 feet to the point of beginning, containing 0.30 acre.

PARCEL B

That part of Government Lot 1 of the Northeast Quarter of Section 14, Township 99 North, Range 37 West of the 5th Principal Meridian, Dickinson County, Iowa, described as follows:

Commencing at the north quarter corner of said Section 14; thence South 88 degrees 55.2 minutes East (Section 14-99-37 Northeast Quarter westerly line if assumed to bear South 0 degrees 23.0 minutes West) 1898.09 feet along the northerly line of the Northeast Quarter of said Section 14 to the southwest corner of Lot 42 of Auditor's Plat #121, Dickinson County, Iowa, a Reg. #3869 capped 5/8" rebar 569.5 feet easterly of the northwest corner of said Government Lot 1; thence South 1 degree 04.2 minutes West 5.84 feet; thence South 7 degrees 34.5 minutes East 50.49 feet to the point of beginning; thence continuing South 7 degrees 34.5 minutes East 97.15 feet; thence North 88 degrees 33.5 minutes East 304.01 feet to the Iowa State Conservation Commission West Okoboji Lake westerly shoreline; thence North 30 degrees 26.9 minutes West 90.77 feet along said shoreline; thence North 17 degrees 54.4 minutes West 8.78 feet along said shoreline; thence North 89 degrees 33.8 minutes West 268.04 feet to the point of beginning, containing 0.60 acre.

NOTES:

- 1) No search of the records for easements or encumbrances was made as a part of this survey.
- 2) No investigation concerning zoning/land use was made as a part of this survey.
- 3) Distances measured in this survey varying from distances of record are inclusive of excesses/deficiencies of former surveys.

CLIENT:

Jacobson-Westergard & Assoc., Inc.
 12 1/2 South 6th
 Estherville, Iowa 51334
 712/382/2647

I hereby certify that this plat, map, survey or report was made by me or under my direct personal supervision and that I am a duly registered Land Surveyor under the laws of the State of Iowa.

Signed R. V. Bendixen Date 2/12/85
 R. V. BENDIXEN, L.S. Iowa Reg. No. 9017

JW	Survey Notes		Drawn		Checked By	Project No.
	Book	Page	Date	By		8-84174

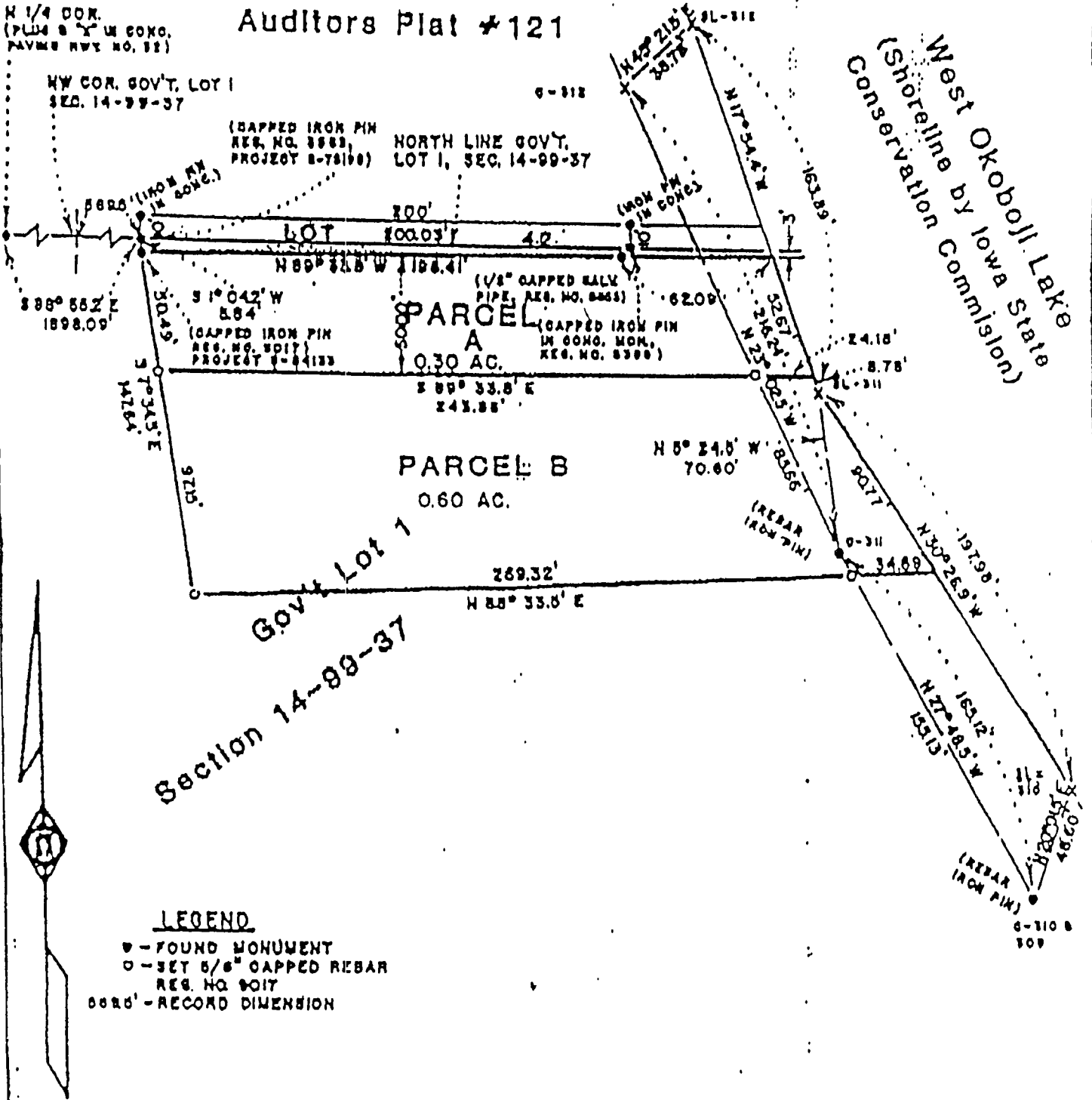
PLAT OF SURVEY

PART OF GOV'T. LOT 1 OF THE NORTHEAST QUARTER
OF SECTION 14-99-37, DICKINSON CO., IOWA

SEE SHEET 2 of 2 FOR DESCRIPTIONS

N 1/4 COR.
(PLUS 8" X 1/4" CONG.
PAVING HWY NO. 92)

Auditors Plat #121



LEGEND

- ◻ - FOUND MONUMENT
- - SET 5/8" CAPPED REBAR REG. NO. 9017
- - RECORD DIMENSION

SCALE 1" = 60'

SURVEY DECEMBER 1984

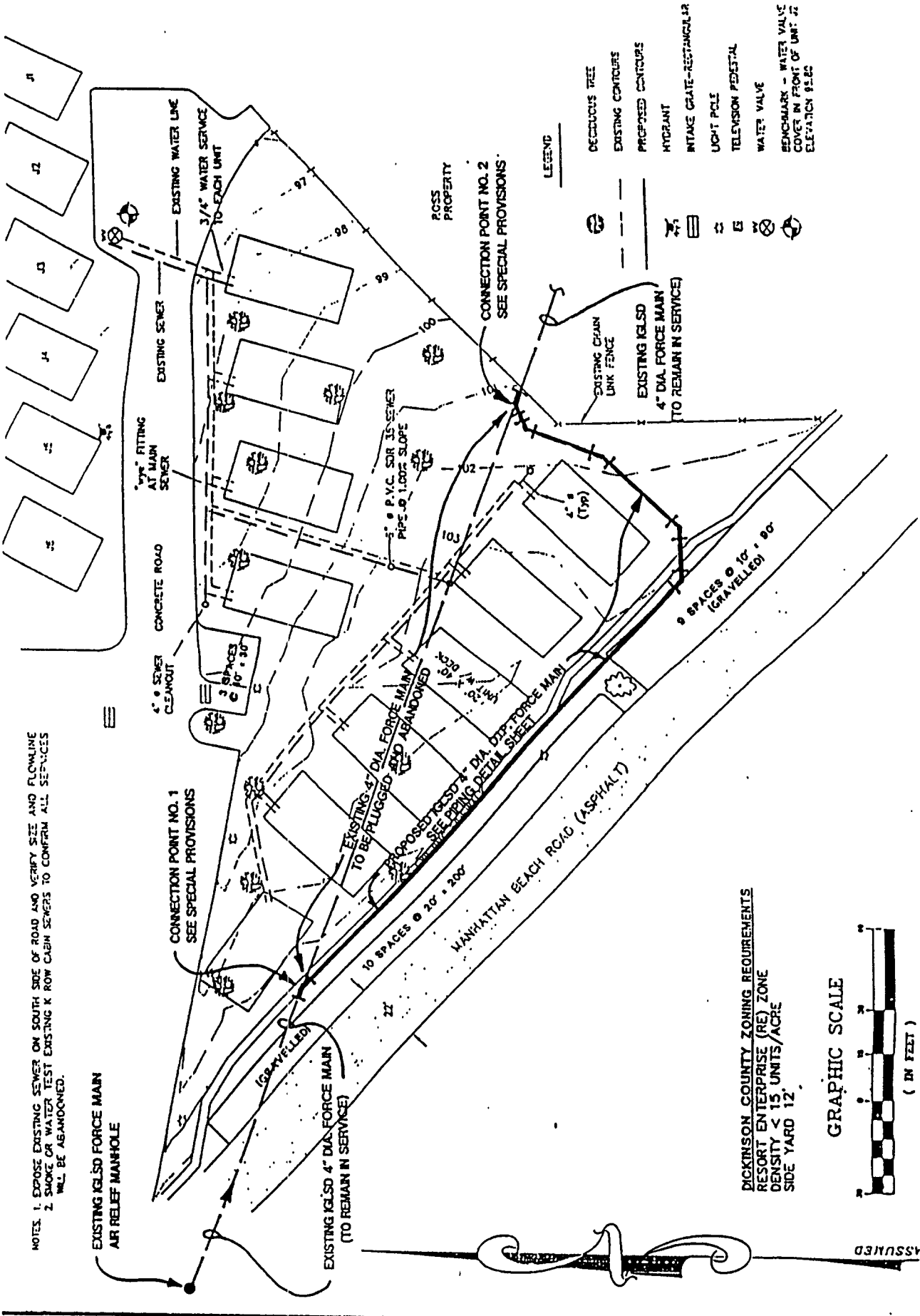
CLIENT: Paul Comeau

2514 South 119th St. Omaha, Ne.

Jacobson-Westergard & Assoc., Inc.

12 1/2 South 8th
Estherville, Iowa 51334
712/352/2847

JW	Survey Notes	Drawn	Checked By.	Project No.
	Book JW 112 Page 17	Date 2/19/85 By E.A.S.	R.V.B.	8-84174

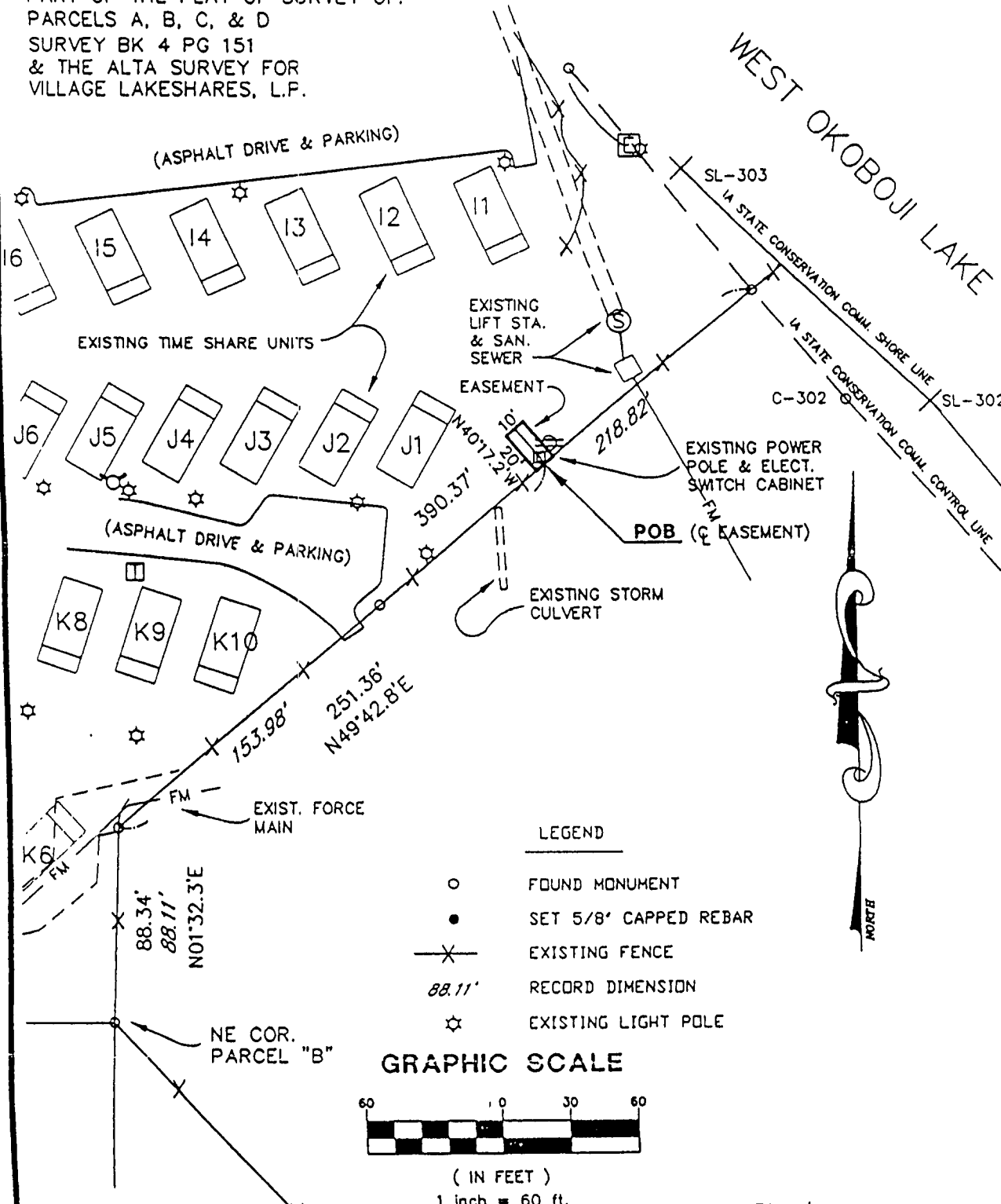


Jacobson-Westergard & Assoc., Inc. 105 S 6th Estherville, Iowa 51334 712/362/2647

EXHIBIT "A"

10' x 20' PERMANENT UTILITY EASEMENT

PART OF THE PLAT OF SURVEY OF:
 PARCELS A, B, C, & D
 SURVEY BK 4 PG 151
 & THE ALTA SURVEY FOR
 VILLAGE LAKESHARES, L.P.



CLIENT: I.E.S. UTILITIES, P.O. BOX AJ, SPIRIT LAKE, IA 51360					
R14\PROJ\599310\EAS\99310A					
	Survey Notes		Drawn	Checked By	Project No.
	Book	N/A	N/A 99	Date 10-05-99	By E.J.W.
					8-99310

(Extension of Entry No. 37.)

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