

DRAIN TILE AGREEMENT

THIS AGREEMENT made and entered into on this 4th day of August, 1981 by and between Marvin Busch ~~for Tri-B-Limited husband and wife~~, Parties of the First Part; David Baier and Maurine A. Baier, husband and wife, Parties of the Second Part; E. H. Lohmann, single, Party of the Third Part; Edward P. Brandt and Carol Ann Brandt, husband and wife, Parties of the Fourth Part; and Ottersberg Farms, Inc., Party of the Fifth Part, all of Bremer County, Iowa, WITNESSETH:

WHEREAS, each of the parties hereto is the owner of a portion of real estate located in Section Two (2), Township Ninety-two (92) North, Range Fourteen (14), West of the 5th P.M., LaFayette Township, Bremer County, Iowa; and

WHEREAS, the parties have installed field drain tile mains in said Section Two (2), Township Ninety-two (92) North, Range Fourteen (14), West of the 5th P.M., as shown in the aerial plat thereof hereto attached as Exhibit "A", the various segments of said drain tile mains being designated by letters A-G to show the exact location of the various drain tile segments; and

WHEREAS, the parties hereto have reached an oral understanding and agreement concerning the sharing of expense for the installation of said drain tile lines and the cost of future repair and maintenance thereof, and are now desirous of setting forth their agreement in writing to avoid any future misunderstanding:

NOW, THEREFORE, for and in consideration of the mutual covenants and agreements hereinafter set forth, and the benefits to be derived therefrom, it is agreed by and between the parties hereto as follows:

1. Each of the parties hereby gives and grants to the other party an easement 20 feet in width (10 feet on either side of the tile line) under, over and across their respective properties for the purpose of installing and maintaining the drain tile lines shown on Exhibit "A" attached.

2. Each party will pay a share of the cost of future repair and maintenance of said drain tile main in the following proportions as indicated for that Section as shown on Exhibit "A" attached:

Section A: First Parties--11.6%; Second Parties--47.8%; Third Party--20.3%; Fourth Parties--11.6%; Fifth Party---8.7%. Total--100%.

Section B: Second Parties--25.4%; Third Party--35.4%; Fourth Parties--20.2%; Fifth Party--19%. Total--100%.

Section C: Second Parties-27.3%; Third Party--72.3%. Total--100%.

Section D: Second Parties--20.3%; Fourth Parties--45.5%; Fifth Party--34.2%. Total--100%.

Section E: Third Party--33.3%; Fourth Parties--66.6%. Total--100%.

Section F: Fourth Parties--59.6%; Fifth Party--40.4%. Total--100%.

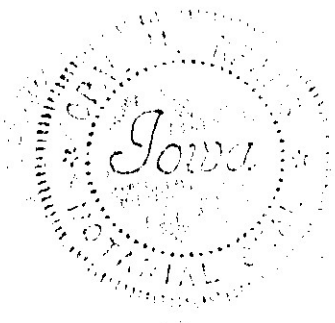
Section G: Fourth Parties--50%; Fifth Party--50%. Total--100%.

Section H: Fourth Parties--47.3%; Fifth Party--52.7%. Total--100%.

259-136/139

STATE OF IOWA)
) SS:
BREMER COUNTY)

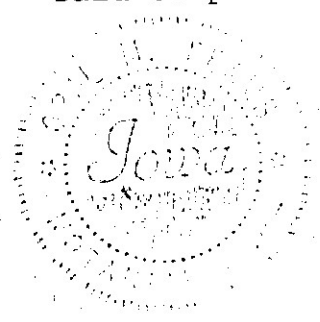
On this 4th day of August, 1981, before me, the undersigned, a Notary Public in and for the State of Iowa personally appeared Gerhard Ottersberg and Margaret Ottersberg, to me personally known, who being by me duly sworn, did say that they are the President and Secretary, respectively, of said corporation executing the within and foregoing instrument, that no seal has been procured by the said corporation, that said instrument was signed on behalf of said corporation by authority of its Board of Directors; and that the said Gerhard Ottersberg and Margaret Ottersberg as such officers acknowledged the execution of said instrument to be the voluntary act and deed of said corporation, by it and by them voluntarily executed.



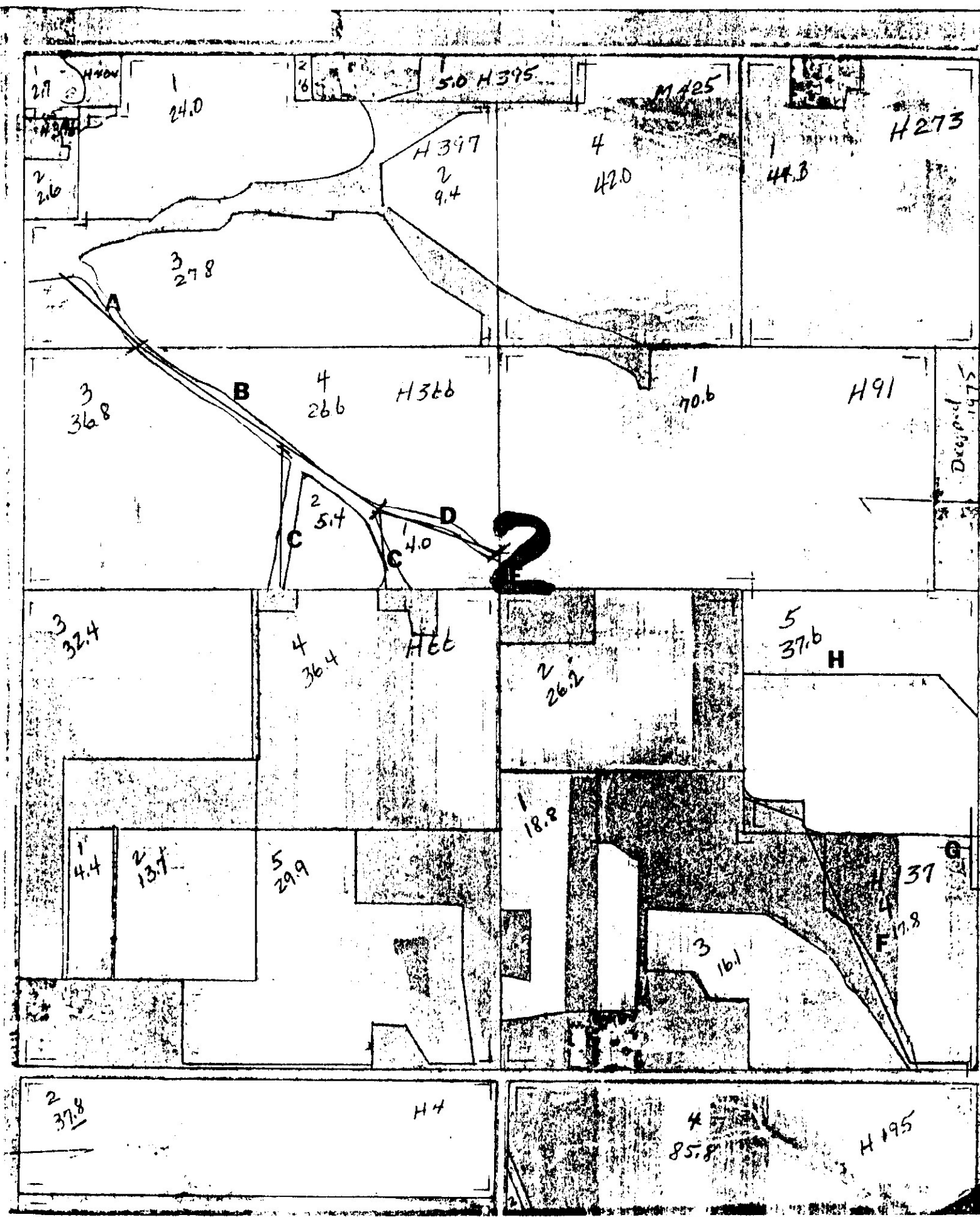
Opal M. Reams
NOTARY PUBLIC, STATE OF IOWA

STATE OF IOWA)
) SS:
BREMER COUNTY)

On this 4th day of August, 1981, before me, the undersigned a Notary Public in and for the State of Iowa, personally appeared Marvin F. Busch, to me personally known, who being by me duly sworn did say that he is the President of said corporation executing the within and foregoing instrument, that no seal has been procured by the said corporation, that said instrument was signed on behalf of said corporation by authority of its Board of Directors; and that the said Marvin F. Busch, as such officer acknowledged the execution of said instrument to be the voluntary act and deed of said corporation, by it and by him voluntarily executed.



Opal M. Reams
Opal M. Reams, Notary Public



TO SCALE (1979 FLIGHT) CROP YEAR - Bremer C-5 30

EXHIBIT "A"