

Miscellaneous Record, "O"

Subscribed and sworn to before me this the 27th day of April, 1943.

H. F. MULLEN NOTARIAL SEAL (Commission Expires Oct. 7, 1947) Dodge County, Nebr.

H. F. Mullen, Notary Public

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EASEMENT AGREEMENT

HENRY A. RUWE AND MARTHA M. RUWE } Filed for record on this 29th day of April, A. D. 1943, at
to } 3 o'clock and 35 minutes P. M. and recorded in Book O at
WILLIAM M. CUNNINGHAM, and } Page 41.
MATILDA CUNNINGHAM. }

KITTY A. ROUSH, Register of Deeds

THIS AGREEMENT made and entered into this 17th day of March, 1942, by and between Henry A. Ruwe and Martha M. Ruwe, husband and wife, parties of the first part, of Washington County, Nebraska, and William M. Cunningham and Matilda Cunningham, husband and wife, of Washington County, Nebraska, parties of the second part,

WITNESSETH:

WHEREAS, parties of the first part owned the following described real estate situated in Washington County and Dodge County, Nebraska, to-wit:

The Northwest Quarter (NW1/4) and that part of the Northwest Quarter of the Southeast Quarter (NW1/4SE1/4) lying North and East of the Elkhorn River in Section Thirty-one (31), Township Nineteen (19) North, Range Nine (9) East of the Sixth Principal Meridian; and

WHEREAS, parties of the second part own the following described real estate situated in Washington County, Nebraska, to-wit:

The North Half of the Southwest Quarter (N1/2SW1/4) of Section Thirty-two (32); the Northeast Quarter of the Southeast Quarter (NE1/4SE1/4) and the Southwest Quarter of the Northeast Quarter (SW1/4NE1/4) of Section Thirty-one (31), all in Township Nineteen (19) North, Range Nine (9) East of the Sixth Principal Meridian; and

WHEREAS, the land owned by parties of the first part is not accessible to a public road or highway except through the land owned by parties of the second part and by using a long established roadway through and across such land owned by parties of the second part; and

WHEREAS, parties of the second part have no access to part of their farm described as the Southwest Quarter of the Northeast Quarter (SW1/4NE1/4) of Section Thirty one (31), Township Nineteen (19) North, Range Nine (9) East of the Sixth Principal Meridian, except by using the same roadway referred to above which was established and has been used for a good many years, which roadway crosses part of the land owned by parties of the first part described as that part of the Northwest Quarter of the Southeast Quarter (NW1/4SE1/4) of Section Thirty-one (31), Township Nineteen (19) North, Range Nine (9) East of the Sixth Principal Meridian, lying North and East of the Elkhorn River; and

WHEREAS, it is the desire of all parties that such long established roadway be kept open to said parties, and it would be a great convenience to the parties hereto for each to have a right of ingress and egress over that portion of the land of the other now used as a roadway.

NOW, THEREFORE, in consideration of the mutual covenants and agreements hereinabove and hereinafter set forth, it is mutually agreed by and between the parties hereto as follows, to-wit:

That parties of the first part hereby grant a right of ingress and egress to parties of the second part, their servants, agents, tenants, heirs and assigns, for the purpose of going upon and farming the property described as the Southwest Quarter of the Northeast Quarter (SW1/4NE1/4) of Section Thirty-one (31), Township Nineteen (19), North, Range Nine (9) East of the Sixth Principal Meridian. Said course of ingress and egress shall be confined to the present existing roadway which is approximately sixteen (16) feet in width across the Northwest Quarter of the Southeast Quarter (NW1/4SE1/4) of Section Thirty-one (31), Township Nineteen (19) North, Range Nine (9) East of the Sixth Principal Meridian, all in Washington County and Dodge County,

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State of Nebraska.

That parties of the second part hereby grant a right of ingress and egress to parties of the first part, their servants, agents, tenants, heirs and assigns, for the purpose of going to public highway No. ... and returning to the property owned by parties of the first part. Said course of ingress and egress from the public road shall enter the land owned by parties of the second part about midway on the North line of the North Half of the Southwest Quarter (NW1/4SW1/4) of Section Thirty-two (32), Township Nineteen (19) North, Range Nine (9) East of the Sixth Principal Meridian, and shall follow the long established roadway which proceeds from that point South to the farmstead of parties of the second part and then further proceeds in a Westerly direction through the Northwest Quarter (NW1/4SW1/4) of Section Thirty-two (32) and the Northeast Quarter of the Southeast Quarter (NE1/4SE1/4) of Section Thirty-one (31) and northerly through the Southwest Quarter of the Northeast Quarter (SW1/4NE1/4) of Section Thirty-one (31) all in Township Nineteen (19) North, Range Nine (9) East of the Sixth Principal Meridian, all in Washington County and Dodge County, State of Nebraska.

The spirit of this agreement is a neighborly one of mutual helpfulness and contemplates that none of the parties shall do any unnecessary damage to the property of the others, and in the event gates are placed by any of such parties, the other parties will properly close such gates immediately after passing through.

IN WITNESS WHEREOF, the parties hereto, have hereunto subscribed their hands the date and year first above written in duplicate.

Philip O'Hanlon
Witness

Henry A. Ruwe
Henry A. Ruwe
Martha M. Ruwe
Martha M. Ruwe
Parties of the First Part

Philip O'Hanlon
Witness

William M. Cunningham
William M. Cunningham
Matilda Cunningham
Matilda Cunningham
Parties of the Second Part.

STATE OF NEBRASKA
COUNTY OF WASHINGTON) SS ACKNOWLEDGMENT

On this 17th day of March, A. D. 1942, before me the undersigned, a Notary Public in and for said county and state, personally appeared HENRY A. RUWE AND MARTHA M. RUWE, husband and wife, parties of the first part and WILLIAM M. CUNNINGHAM AND MATILDA CUNNINGHAM, husband and wife, parties of the second part, to me personally known and known to me to be the same persons who executed the within and foregoing instrument and acknowledged to me that they executed the same as their free and voluntary act and deed.

(PHILIP O'HANLON NOTARIAL SEAL)
Washington County, Nebraska

Philip O'Hanlon, Notary Public
My commission expires May 29, 1946.

AFFIDAVIT

EARL J. LEE) Filed for record on this 5th day of May, A. D. 1943, at 11:00 o'clock
to) A. M. and recorded in Book O of Miscellaneous Records, page 42.
DANIEL E. REIDER)
JESSIE I. REIDER)
STATE OF NEBRASKA)
COUNTY OF DODGE) ss

Earl J. Lee, being first duly sworn, on his oath deposes and says that he has been a resident of Fremont, Dodge County, Nebraska, for many years last past; that he lived neighbor to Daniel E. Reider, husband of Jessie I. Reider and one of the grantees in warranty deed dated January 25, 1938, and recorded in Book 73 of the Deed Records of Dodge County, Nebraska, on Page 469, which deed conveyed the East 100 feet of Lot 7, Block 12, Nye Hawthorne Addition to the City of Fremont, Dodge County, Nebraska; that affiant lived on the adjacent lot.

Affiant further states that said Daniel E. Reider died on the 2d day of January, 1943, leaving surviving him his widow Jessie I. Reider. Further affiant sayeth not.

Earl J. Lee.

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District of ...
Lincoln, Nebraska

Subscribed in my presence
HENRY A. RUWE
MARTHA M. RUWE
WILLIAM M. CUNNINGHAM
MATILDA CUNNINGHAM
COUNTY OF WASHINGTON, NEBRASKA
FILED FOR RECORD
CLOCK P.M.
STATE OF NEBRASKA
COUNTY OF DODGE
I, Henry Schaub, being first
and for more than 25 years last past
for many years I have lived in the vicin
of the North Half of the Northeast
and the South Half of the Southeast
of Section 16 in Township 20,
all that part of the North Half
Section 21, Township 20 North
center of Logan Drainage Dist
less and all that part of the
west Quarter of Section 16,
east of the center of
17.11 acres, more or less, a
COUNTY, Nebraska,
which farm is now owned by Mrs. Mary
after refer to as the Rogers Farm, an
quainted with the various owners of t
title to same.
Under date of June 30, 1879
of the records in the office of the R
Freese and Sophia Freese, husband and
Rogers Farm described as the South Hal
Range 8, on or about May 8, 1888 by
77 1/2 the said Dietrich G. Kuhlmann, by
conveyed said South Half of the South
Cottman. The undersigned was well a
and know of its own personal knowled
Kuhlman, notwithstanding the discrepa
On or about August 14, 1869
title to the South Half of the Southw
of said records at Page 281. On or
same Henry Von Saggern, conveyed the
said Section 16 to Heinrich Von Segge
at Page 445. On or about February 23
of the South Half of the Southwest Qu
deed recorded in Book 2 of said recor
qualified with the said Menke Von Seg
known as Henry Von Saggern, and know
one and the same person, to witi Me
grantee in the warranty deed record
of the records of said County, and