

ROADWAY EASEMENT and MAINTENANCE AGREEMENT

THIS INDENTURE WITNESSETH, that KATHRYN ESCHBACHER TIMBERLAKE, (being the surviving spouse of Arthur R. Timberlake, who died December 12, 2017) owner of a one-half (1/2) undivided interest, SCOTT HAYSE and ALICE C. HAYSE, husband and wife, owners of a one-half (1/2) undivided interest, with each one-half (1/2) interest being held as **joint tenants with full rights of survivorship with the other one-half (1/2) interest** (the “Grantors”), for and in consideration of ONE DOLLAR (\$1.00) and other good and valuable consideration, convey, transfer and set over to the **ESTATE OF CHARLES K. DENZINGER**, which said estate is currently pending before the Harrison Circuit Court as Cause No. 31CO1-2212-EU-000130, by and through **FRANK DENZINGER, Personal Representaitve** of said estate, (the “Grantee”), a certain sixty (60) feet wide non-exclusive easement, for ingress and egress over a portion of the below-described property located in Harrison County, Indiana. The property that is being burdened by the easement, which is owned by the Grantors, is more particularly described as follows:

PARCEL NO: 31-17-32-300-003.000-009

A part of the southeast and southwest quarters of Section 32, Township 5 south, Range 3 east; Beginning at a corner of the Floyd Cunningham land in the southeast quarter of said Section 32, said beginning point being 310 feet south and 495 feet east from the northwest corner of the southeast quarter of said Section 32; thence north 82 1/4° west, passing the east line of the southwest quarter, of said Section 32 at about 495 feet, in all 887 feet to a corner, of the lands of Helen Crayden; thence with 5 of Crayden's lines south 33 1/2 ° west 726 feet, south 22 1/4° west 81 feet, south 48 1/2° west 50.80 feet, north 48 1/2° west 165 feet and south 36° west 1,040 feet to the Ohio River; thence up the river along the bank south 53° east 905 feet and south 47° east 330 feet to the southwest corner of the Floyd Cunningham

land; thence with Cunningham north 38° east 2,343 feet to a stone corner to Cunningham, said stone being 33.50 rods south and 115 rods west from the northeast corner of the southeast quarter of said section 32; thence along another line of the Cunningham land north 42° west 330 feet to the place of beginning, containing 61.50 acres, more or less.

EXCEPTING FROM THE ABOVE-DESCRIBED 61.50 ACRES, ALL OF THE REAL ESTATE THAT LIES SOUTH OF RIVER ROAD IN THE SAID 61.50 ACRES, BEING 41.50 ACRES, MORE OR LESS.

(SAID 41.50 ACRES WAS CONVEYED AND SET OUT ON WARRANTY DEED FROM ARTHUR R. TIMBERLAKE AND KATHRYN ESCHBACHER-TIMBERLAKE, HUSBAND AND WIFE, AND ALICE C. HAYSE (FORMERLY KNOWN AS ALICE C. TIMBERLAKE) AND SCOTT HAYSE, WIFE AND HUSBAND, TO ARTHUR TIMBERLAKE AND KATHRYN ESCHBACHER-TIMBERLAKE, HUSBAND AND WIFE, A ONE-HALF UNDIVIDED INTEREST, AND ALICE C. HAYSE AND SCOTT HAYSE, WIFE AND HUSBAND, A ONE-HALF UNDIVIDED INTEREST, WITH EACH ONE-HALF INTEREST BEING HELD AS JOINT TENANTS WITH FULL RIGHTS OF SURVIVORSHIP WITH THE OTHER ONE-HALF INTEREST, PER WARRANTY DEED DATED JUNE 27, 2016, RECORDED JUNE 28, 2016, INSTRUMENT #201603097, HARRISON COUNTY RECORDER'S OFFICE.)

LEAVING HEREIN AFTER SAID EXCEPTION 20 ACRES, MORE OR LESS, AND BEING SHOWN ON THE HARRISON COUNTY AUDTIOR'S RECORDS AS 7 ACRES and 13 ACRES.

Reference Deed: 201200850

The non-exclusive easement hereby conveyed, is over and across the above-described property and is perpetual and shall run with the land and shall benefit the real estate of Grantee, its heirs, successors and assigns forever.

The easement over the above-described property is more particularly described as follows:

A sixty (60) feet wide non-exclusive easement running over the existing gravel driveway extending from the county roadway known as River Road SW, over and across the above-described property of Grantors to the northern most edge of the above-described property.

The centerline of the Easement shall be the center of the existing gravel driveway.

The location of the Easement is depicted in the attached Exhibits "A" & "B".

The real estate owned by Grantee that is benefited by the Easement is described as follows:

PARCEL NO: 31-17-32-400-002.000-009

A part of the southeast quarter of Section #32 and the southwest quarter of the northeast quarter of Section #32, Township 5 south, Range 3 east, Heth Township, Harrison County, Indiana, also being part of the lands described in Richard (DR K-7, page 349) described as follows: beginning at a ¾" pipe and cap at the northeast corner of the southeast quarter of Section #32, THE TRUE PLACE OF BEGINNING, thence S 00°00'00" W, a distance of 2136.83 feet along the section line dividing Section #32 and #33 to a mag nail in River Road, thence N 74°10'49" W, a distance of 194.16 feet along River Road to a mag nail, thence N 75°34'06" W, a distance of 942.50 feet along River Road to a mag nail, thence N 73°22'49" W, a distance of 70.26 feet along River Road to a mag nail, thence N 68°33'36" W, a distance of 79.52 feet along River Road to a mag nail, thence N 61°47'12" W, a distance of 106.67 feet along River Road to a mag nail, thence N 54°05'05" W, a distance of 96.90 feet along River Road to a mag nail, thence N 44°04'41" W, a distance 84.19 feet along River Road to a mag nail, thence N 35°47'50" W, a distance of 40.94 feet along River Road to a mag nail, thence N 34°38'16" W, a distance of 223.95 feet along River Road to a mag nail, thence N 44°00'39" W, a distance of 102.70 feet along River Road to a mag nail, thence N 54°29'48" W, a distance of 93.82 feet along River Road to a mag nail, thence N 61°32'40" W, a distance of 561.24 feet along River Road to a mag nail, thence N 38°07'47" E, a distance of 575.40 feet to a 6x8" stone, thence N 42°50'20" W, a distance of 247.98 feet to a 4x7" stone, thence N 80°05'17" W, a distance of 495.00 feet to a 5/8" rebar, thence N 00°48'06" W, a distance of 989.86 feet to a 5/8" rebar, thence N 89°54'43" E, a distance of 825.00 feet to a 5/8" rebar, thence S 07°01'14" W, a distance of 1267.58 feet to a 6x8" stone, thence S 89°10'01" E, a distance of 935.71 feet to a 5/8" rebar, thence N 00°00'00" E, a distance of 601.09 feet to a 5/8" rebar, thence S 88°45'00" E, a distance of 973.69 feet to THE TRUE PLACE OF BEGINNING, containing 88.1886 total acres, 76.6600 acres being in the southeast quarter of Section 32 and 11.5286 acres being in the northeast quarter of Section 32. Subject to the 33-foot-wide public right-of-way of River Road. This being a survey prepared by Bob Isgrigg & Associates on November 22, 1999.

EXCEPTING THEREFROM, a part of the southeast quarter of Section 32, Township 5 south, Range 3 east, Heth Township, Harrison County, Indiana, being described as follows: beginning at a ¾" pipe and cap at the northeast corner of the southeast quarter of Section 32, thence N 88°45'00" W, a distance of 973.69 feet to a 5/8" rebar, THE TRUE PLACE OF BEGINNING, thence S 00°00'00" W, a distance of 601.09 feet to a 5/8" rebar, thence N 89°10'01" W, a distance of 90.55 feet to a 5/8" rebar, thence N 00°00'00" E, a distance of 601.75 feet to a 5/8" rebar, thence S 88°45'00" E, a distance of 90.56 feet to THE TRUE PLACE OF BEGINNING, containing 1.2500 acres.

ALSO EXCEPTING THEREFROM, a part of the southeast quarter of Section 32, Township 5 south, Range 3 east, Heth Township, Harrison County, Indiana, also being part of the lands described in Richard (DR K-7, 349) described as follows: beginning at a ¾" pipe at the northeast corner of the southeast quarter of Section 32, THE TRUE PLACE OF BEGINNING, thence S 00°00'00" E, a distance of 2,136.83 feet to a mag nail, thence N 74°10'49" W, a distance of 194.16 feet to a mag nail, thence N 75°34'06" W, a distance of 462.91 feet to a mag nail, thence N 00°00'00" W, a distance of 1,982.39 feet to a 5/8" rebar, thence S 88°45'00" E, a distance of 88°45'00" E, a distance of 635.25 feet to a point to THE TRUE PLACE OF BEGINNING, containing 30.004 acres. Subject to the 33-foot-wide public right-of-way of River Road.

LEAVING IN ALL HEREIN AFTER SAID EXCEPTIONS, 45.406 ACRES, MORE OR LESS, IN THE SOUTHEAST QUARTER OF SECTION 32 and 11.5286 ACRES, MORE OR LESS, IN THE NORTHEAST QUARTER OF SECTION 32.

Deed Reference #20003435

The easement may be used for ingress and egress over the easement property for the benefit of the Grantee, its heirs, successors, or assigns.

In accordance with the foregoing, the grant, and other provisions of said easement and right-of-way, shall constitute a covenant running with the land for the benefit of the Grantee, its heirs, successors, and assigns. Grantors covenant and warrant that they are the owners of the above-described property and have full authority to convey this easement.

The parties acknowledge that the driveway is currently gravel. The parties agree that they shall jointly determine the manner of improvements and/or resurfacing needed on the shared driveway. Upon making such a joint determination, the parties agree that they shall share equally in the cost of any improvements and maintenance of said shared driveway.

The parties further agree that gravel shall be applied to the driveway as agreed to by the parties, but in the event that either party wishes to gravel the drive, the other party shall be obligated to pay one-half of the cost of the gravel, provided that the drive is not graveled more than once a year, unless heavy rains have caused excessive gravel runoff in which case both parties shall share equally in the associated costs.

The parties agree in the event that either party wishes to pave the driveway, they shall be permitted to do so, but shall bear, exclusively, the cost of that improvement.

If the maintenance of said shared driveway at any time is assumed by a governmental entity, this Road Maintenance Agreement and Access Agreement shall end and be of no further force or effect.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hand and seal this 23 day of April, 2024.


KATHRYN ESCHBACHER TIMBERLAKE, GRANTOR


SCOTT HAYSE, GRANTOR


ALICE C. HAYSE, GRANTOR

ESTATE OF CHARLES K. DENZINGER , GRANTEE

By:  PR
FRANK DENZINGER, PERSONAL REPRESENTATIVE

STATE OF INDIANA
COUNTY OF HARRISON

BEFORE ME, the undersigned, a Notary Public, in and for the above-named County and State, personally appeared KATHRYN ESCHBACHER TIMBERLAKE and acknowledged the execution of the foregoing Roadway Easement and Maintenance Agreement.

Signed and sealed this 23rd day of April, 2024.

Teresa Eschbacher
Signature of Notary Public
Teresa Eschbacher
Printed Name of Notary Public

STATE OF INDIANA
COUNTY OF HARRISON

BEFORE ME, the undersigned, a Notary Public, in and for the above-named County and State, personally appeared SCOTT HAYSE and acknowledged the execution of the foregoing Roadway Easement and Maintenance Agreement.

Signed and sealed this 23rd day of April, 2024.

Teresa Eschbacher
Signature of Notary Public
Teresa Eschbacher
Printed Name of Notary Public

STATE OF INDIANA
COUNTY OF HARRISON

BEFORE ME, the undersigned, a Notary Public, in and for the above-named County and State, personally appeared ALICE C. HAYSE and acknowledged the execution of the foregoing Roadway Easement and Maintenance Agreement.

Signed and sealed this 23rd day of April, 2024.

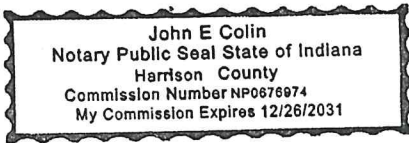
Teresa Eschbacher
Signature of Notary Public
Teresa Eschbacher

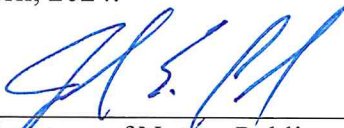
Printed Name of Notary Public

STATE OF INDIANA
COUNTY OF HARRISON

BEFORE ME, the undersigned, a Notary Public, in and for the above-named County and State, personally appeared FRANK DENZINGER, PERSONAL REPRESENTATIVE OF THE ESTATE OF CHARLES K. DENZINGER, and acknowledged the execution of the foregoing Roadway Easement and Maintenance Agreement.

Signed and sealed this 24 day of April, 2024.





Signature of Notary Public
John E. Colin

Printed Name of Notary Public

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. John E. Colin.

This Instrument Prepared By:
John E. Colin, Attorney at Law
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