

# Agreement to Build Fence

**THIS AGREEMENT** dated as of \_\_\_\_\_ between \_\_\_\_\_, of \_\_\_\_\_ (the "First Party") and \_\_\_\_\_, of \_\_\_\_\_, (the "Second Party").

## WHEREAS:

- (A) The First Party is the registered owner of the property municipally known as \_\_\_\_\_ and legally described as \_\_\_\_\_ (the "First Party's Property");
- (B) The Second Party is the registered owner of the property municipally known as \_\_\_\_\_ and legally described as \_\_\_\_\_ (the "Second Party's Property"); and
- (C) The parties agree that a common fence will be built along the boundary between the First Party's Property and the Second Party's Property (the "Common Boundary");

**NOW THEREFORE** in consideration of the mutual covenants and conditions hereinafter set forth and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. The parties agree that a common fence will be built along the Common Boundary (the "Fence"), said fence shall be constructed in accordance with the drawings and specifications attached as Schedule "A".
2. The cost of the contractor, materials and other costs of constructing the Fence shall be borne by the First Party.
3. The First Party agrees to maintain the Fence in a good state of repair and to incur all costs associated with the maintenance and repair thereof.
4. This Agreement shall remain in full force and effect unless modified or terminated by mutual consent of the owners of record of the two described properties at the time of the proposed modification or termination.
5. This Agreement shall inure to the benefit of and be binding upon the respective heirs, executors, administrators and assigns of each of the parties hereto.

**IN WITNESS WHEREOF** this Agreement has been executed by the parties hereto as of the date first above written.

\_\_\_\_\_  
Witness

\_\_\_\_\_  
**[NAME OF FIRST PARTY]**

\_\_\_\_\_  
Witness

\_\_\_\_\_  
**[NAME OF SECOND PARTY]**

**Schedule "A"**  
**Drawings and Specification for Fence**

[ATTACH DRAWINGS AND SPECIFICATIONS FOR THE FENCE]