RESTRICTIVE COVENANTS

The undersigned, EDWARD D. TSCHIGGFRIE and JOAN C. TSCHIGGFRIE, being the owners of the following described real property in Delaware County, Iowa:

> Lots 8, 11, 12, and 13 of State's Subdivision of Part of Section 9, Township 88 North, Range 5 West of the 5th Principal Meridian in Delaware County, Iowa, according to the plat recorded in Book 3 Plats, page 228, of the Delaware County records, except that portion of the above referred to lots consisting of a private road and legally described as follows:
>
> > Parcel A, Part of Lots Eight (8), Eleven (11) and Twelve (12) of State's Subdivision of the South one-half (S 1/2) of the Northwest Quarter (NW 1/4); the North half (N 1/2) of the Southwest Quarter (SW 1/4); The West twenty-two fortieths (22/40) of the Southwest Quarter (SW 1/4) of the Northeast Quarter (NE 1/4); the Northwest Quarter (NW 1/4) of the Southeast Quarter (SE 1/4); the West three-eighths (3/8) of the Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4); and the West twenty-two fortieths (22/40) of the Northwest Quarter (NW 1/4) of the Northeast Quarter (NE 1/4), all in Section Nine (9), Township Eighty Eight (88) North, Range Five (5) West of the Fifth Principal Meridian, Delaware County, Iowa, according to plat recorded in Book 7 Plats, Page 20

hereby make the following declarations as to limitations, restrictions and uses to which the above described lots in State's Subdivision, or any subdivision of said lots, may be put, hereby specifying that said declarations and restrictions shall constitute covenants to run with all of said lots, or any subdivision thereof, as provided by law, and shall be binding upon the heirs, successors and assigns of all parties and all persons claiming under them and for the benefit and limitation upon all future owners of said lots, or any additional lots resulting from the subdivision of said lots.

1. No quarrying or mining activity may be conducted or carried on upon that portion of Lots 8 and 11 of State's Subdivision which is within 300 feet of the roadway described as Parcel A.

2. No quarrying or mining activity may be conducted or carried on upon any portion of Lots 12 and 13 of State's Subdivision.

FILE No. 328-1273
RECORDING FEE $ 11.00
TRANSFER FEE $

FILED FOR RECORD THE 27 DAY OF October, 1993 AT 9:21 O'CLOCK A M. BOOK 4 PAGE 122

STATE OF IOWA, DELAWARE COUNTY
Deborah L. Peyton, Recorder
Misc.

3. Any residence dwelling constructed or erected upon Lots 8, 11, and 12 of State's Subdivision and within 300 feet of Parcel A shall have a minimum living area of not less than 1,400 square feet, excluding basement and garage. This restriction as to minimum dwelling size shall have no application to any residence constructed more than 300 feet away from Parcel A and shall expire and terminate on the date 20 years following the recording of these restrictive covenants.

4. These covenants and restrictions shall run with the land and shall be binding upon all parties hereto, their heirs, successors and assigns, and on persons claiming under them, for a period of 20 years from the date these covenants are recorded, at which time the covenants and restrictions shall be automatically extended for successive periods of 10 years, unless by the vote of two-third (2/3) of the then owners of the lots, it is agreed to change said covenants in whole or in part. Notwithstanding this paragraph 4, the restrictions described in paragraph 3 above shall expire and terminate on the date 20 years following the recording of these restrictive covenants.

5. In case the parties hereto, or any of them, or their heirs, successors or assigns, shall violate or attempt to violate any of the covenants and restrictions herein, it shall be lawful for any other person or persons owning any lot subject to these covenants, or any other interested party or parties, to prosecute any proceeding at law or in equity against the person or persons violating or attempting to violate any such covenants or restrictions, to either prevent him, her or them from so doing, or recover damages for such violation, or both.

Dated at Dubuque, Iowa, this 25th day of October 1993.

Edward D. Tschiggfrie

Edward D. Tschiggfrie

Joan C. Tschiggfrie

Joan C. Tschiggfrie

STATE OF IOWA)
COUNTY OF DUBUQUE) ss:

On this 25th day of October 1993, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Edward D. Tschiggfrie and Joan C. Tschiggfrie, to me known to be the identical persons named in and who executed the within and foregoing instrument and acknowledged that they executed the same as their voluntary act and deed.

Michael M. Adams

Notary Public in and for State of Iowa