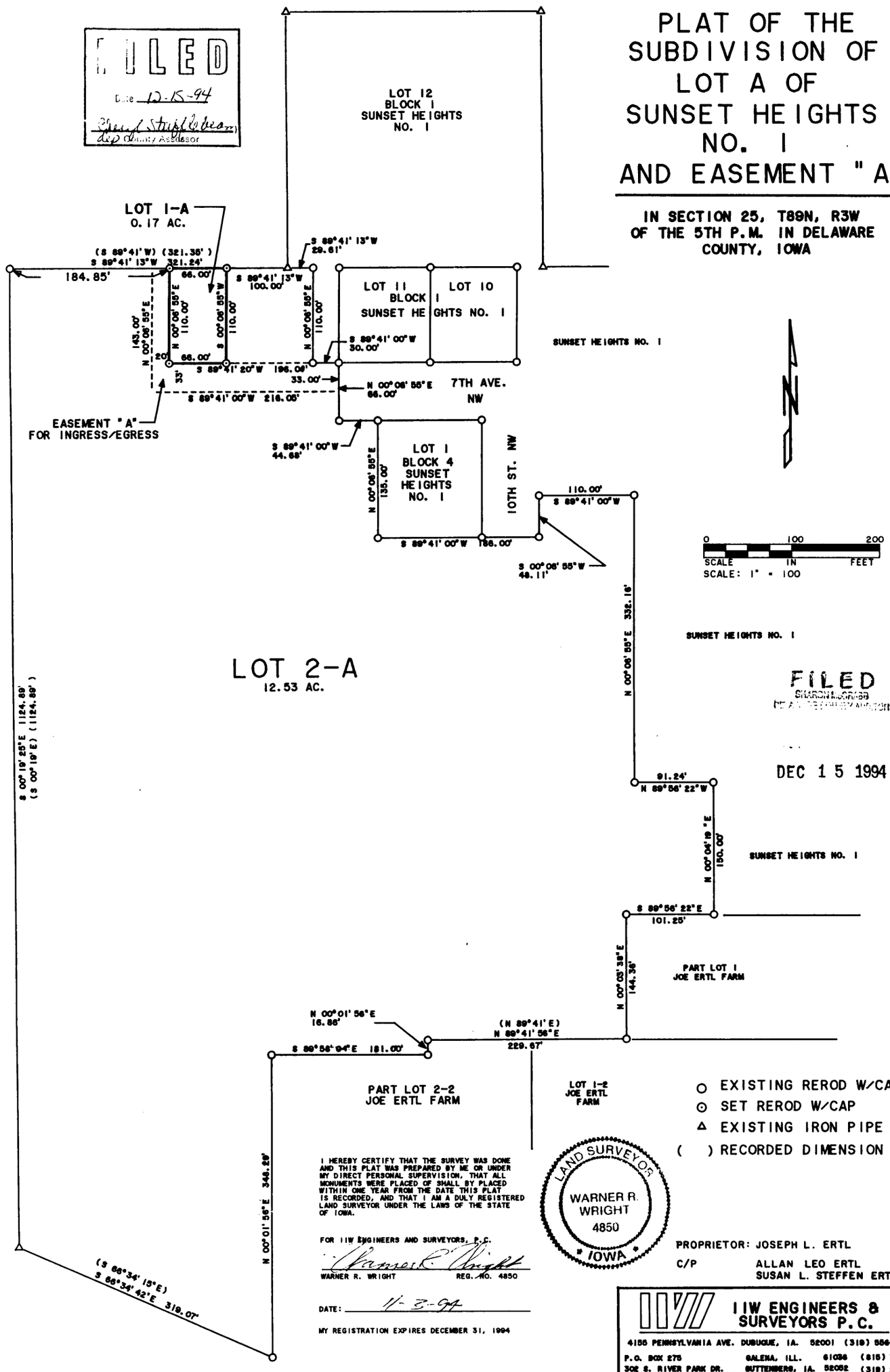
PLAT OF THE SUBDIVISION OF LOT A OF SUNSET HEIGHTS NO. 1 AND EASEMENT "A"

IN SECTION 25, T89N, R3W OF THE 5TH P.M. IN DELAWARE COUNTY, IOWA

FILED
Date 12-15-94
Deputy County Assessor



FILED
SHARON L. GRAGG
DELAWARE COUNTY AUDITOR

DEC 15 1994

- ○ EXISTING REROD W/CAP
- ⊙ SET REROD W/CAP
- △ EXISTING IRON PIPE
- ( ) RECORDED DIMENSION

I HEREBY CERTIFY THAT THE SURVEY WAS DONE AND THIS PLAT WAS PREPARED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION, THAT ALL MONUMENTS WERE PLACED OF SHALL BY PLACED WITHIN ONE YEAR FROM THE DATE THIS PLAT IS RECORDED, AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

FOR IIW ENGINEERS AND SURVEYORS, P.C.

WARNER R. WRIGHT REG. NO. 4850

DATE: 11-3-94

MY REGISTRATION EXPIRES DECEMBER 31, 1994

LAND SURVEYOR
WARNER R. WRIGHT
4850
IOWA

PROPRIETOR: JOSEPH L. ERTL
C/P ALLAN LEO ERTL
SUSAN L. STEFFEN ERTL

IIW ENGINEERS & SURVEYORS P.C.
4155 PENNSYLVANIA AVE. DUBUQUE, IA. 52001 (319) 556-6464
P.O. BOX 275 GALENA, ILL. 61036 (815) 777-0350
302 S. RIVER PARK DR. GUTTENBERG, IA. 52052 (319) 252-3823

PROJ. NO. 94066 | SHEET 1 OF 3
PLAT NO. 145-1A-94 | BOOK NO. 251

FILE No. 91-1583
RECORDING FEE $ 36.00
TRANSFER FEE $

FILED FOR RECORD THE 15 DAY OF Dec 1994 AT 11:25
O'CLOCK A. M. BOOK 7 PAGE 111

STATE OF IOWA, DELAWARE COUNTY
Deborah L. Peyton, Recorder
Plat A-89

SCREENFILE: 94066-2 T. J. C

RESOLUTION NO 47-94

RESOLUTION APPROVING THE PLAT OF SURVEY OF THE DIVISION OF LOT A OF SUNSET HEIGHTS NO 1 IN THE CITY OF DYERSVILLE, DELAWARE COUNTY, IOWA

WHEREAS, there has been filed with the City Clerk a plat in which Lot A of Sunset Heights No. 1 in the City of Dyersville, Delaware County, Iowa, is platted and now known as Lot 1-A and Lot 2-A, both of Sunset Heights No. 1 in the City of Dyersville, Delaware County, Iowa; and

WHEREAS, said plat has been examined by the City Planning and Zoning Commission for the City of Dyersville, Iowa, and has been approved by that commission; and

WHEREAS, said plat has been found by the City Council to conform to the statutes and ordinances relating thereto;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DYERSVILLE, IOWA:

SECTION I: That the plat of survey of Lot A of Sunset Heights, No. 1 in the City of Dyersville, Delaware County, Iowa, to be known hereinafter as Lot 1-A and Lot 2-A, both of Sunset Heights No. 1 in the City of Dyersville, Delaware County, Iowa, is hereby approved and the Mayor and City Clerk are hereby authorized and directed to endorse the approval of the City of Dyersville, Iowa, on said plat.

SECTION II: There are no dedications of public streets or alleys accompanying said plat. That said plat shows Easement A for ingress\egress. That said Easement A is not dedicated as a public street or alley, is not accepted by the City of Dyersville, Iowa in any manner and the City of Dyersville, Iowa shall have no obligation at any time for improvement or maintenance of said Easement A.

SECTION III: That the approval of the plat is not contingent on the construction or completion of improvements, the installation of water mains, sanitary sewer mains or streets.

PASSED, ADOPTED AND APPROVED, this 12th day of December, 1994.

CITY OF DYERSVILLE Iowa

Michael J. English, Mayor Pro-Tem

ATTEST: Susan L. Steffen-Ertl
Susan L. Steffen - Ertl, City Clerk

MOSS, HEIMS & CASEY
W OFFICES
L SVILLE, IOWA
52040

SURVEYOR'S CERTIFICATE

I, Warner R. Wright, hereby certify that I am a Registered Land Surveyor in the State of Iowa, and that the following tract of real estate was surveyed and platted by me or under my direct personal supervision, To Wit:

Lot A of Sunset Heights No. 1 in the City of Dyersville, Delaware County, Iowa.

This survey was performed for the purpose of subdividing Lot A into Lots 1-A and 2-A and showing Easement A for ingress/egress, the plat of which is attached hereto and made a part of this certificate. All monuments were placed or shall be placed within one year from the date this plat is recorded.

IN WITNESS WHEREOF I have hereunto signed and affixed my seal this 3rd day of November, 1994.

IIW ENGINEERS AND SURVEYORS, P.C.

Warner R. Wright
Iowa Reg. No. 4850

LAND SURVEYOR
WARNER R. WRIGHT
4850
IOWA

OWNER'S CONSENT

Dyersville, Iowa December 12, 19 94

The foregoing plat of the division of Lot A of Sunset Heights No. 1 in the City of Dyersville, Delaware County, Iowa, showing Easement A for ingress/egress, is made with the free consent and in accordance with the desires of the undersigned owners and proprietors of said real estate.

By _____
Joseph L. Ertl, Contract Seller

By _____
Helen R. Ertl, Contract Seller

State of Iowa)
) ss:
County of Dubuque

On this 12th day of December, A.D. 19 94 before me, a Notary Public in and for said state, personally appeared Joseph L. Ertl & Helen R. Ertl, husband and wife, Contract Sellers to me known to be the persons named in and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

SUSAN L. STEFFEN-ERTL
MY COMMISSION EXPIRES
1-24-97

_____
Notary Public in the State of Iowa

My Commission Expires 1-24-97

COUNTY TREASURER

Delaware Co., Iowa 12-15, 19 94

I, the undersigned, Carolyn A Wilson, Treasurer of Delaware County, Iowa, do hereby certify that all taxes levied against Lot A of Sunset Heights No. 1 in the City of Dyersville, Delaware County, Iowa, have been paid and said real estate is free and clear of all taxes as of this date.

_____
Treasurer of Delaware County, Iowa
CAROLYN A. WILSON

RECORDER'S CERTIFICATE

_____, Iowa _____, 19__

The foregoing plat of the subdivision of Lot A of Sunset Heights No. 1 in the City of Dyersville, Delaware County, Iowa, has been reviewed by the Delaware County Recorder.

_____
Recorder of Delaware County, Iowa

ATTORNEY'S OPINION

Dyersville, Iowa — December 13, 19 94

TO WHOM IT MAY CONCERN

This will certify that I have examined the abstract of title covering Lot A of Sunset Heights No. 1 in the City of Dyersville, Delaware County, Iowa, according to the plats thereof covering the period from government entry to December 13, 1994 certified on that date by Delaware County Abstract Company Inc. and find that said abstract shows good and merchantable title to said real estate in see attached sheet marked Exhibit "A" free and clear of all liens and encumbrances and shows taxes paid ~~including taxes for the year~~ .

Tom Jenk

Attorney At Law Tom Jenk
P.O. Box 304
Dyersville, Iowa 52040-0304

CITY COUNCIL

Dyersville, Iowa — Dec. 12, , 1994

The undersigned, Mayor and Clerk of the City of Dyersville, Iowa, do hereby certify that the foregoing plat in the City of Dyersville, Iowa, as appears on Sheet 1 of 3 hereof has been filed in the office of the Clerk of the City of Dyersville, and that by Resolution No. 47-94, the Dyersville City Council approved said plat.

CITY OF DYERSVILLE Iowa CITY SEAL

Mayor Pro Tem of the City of Dyersville

Susan K Steffen-Ertl

Clerk of the City of Dyersville

COUNTY AUDITOR

_____, Iowa — _____, 19__

The foregoing plat was entered of record in the office of the Delaware County Auditor this _____ day of _____, 19__.

County Auditor of Delaware County, Iowa

COUNTY ASSESSOR

_____, Iowa — _____, 19__

The foregoing plat was entered of record in the office of the Delaware County Assessor this _____ day of _____, 19__.

County Assessor of Delaware County, Iowa

CITY PLANNING AND ZONING

Dyersville, Iowa — Dec. 12, 1994

The foregoing plat in the City of Dyersville, Iowa, as appears on said plat shown on Sheet 1 of 3 hereof is hereby approved by the Dyersville Planning and Zoning Commission and approval of said plat by the City Council of the City of Dyersville, Iowa, is hereby recommended.

Charles P. Jenk Chairman

Dyersville Planning and Zoning Commission

EXHIBIT "A" ORDER NO. 31481

REPORT OF LIENS

Prepared for Tom Jenk, Only.

DESCRIPTION:

Lot A of Sunset Heights No. 1 in the City of Dyersville, Delaware County, Iowa, according to plat recorded in Book 7 Plats, Page 90.

Last Grantee, Devisee, Heir-at-Law of record in the Chain of Title:

* Joseph L. Ertl, subject to contract to Allan Leo Ertl and Susan L. Steffen-Ertl, husband and wife, as joint tenants with full rights of survivorship, and not as tenants in common, recorded in Book 53, T.L.D., Page 314.

Instruments and proceedings affecting title:

1. Contract recorded in Book 53, T.L.D., Page 314, executed by Joseph L. Ertl and Helen R. Ertl, husband and wife, Sellers, and Allan Leo Ertl and Susan L. Steffen-Ertl, husband and wife, as joint tenants with full rights of survivorship, and not as tenants in common, Buyers, dated May 20, 1994 and filed July 29, 1994, consideration $124,950.00 due May 1, 1997.
2. Mortgage recorded in Book 36, T.L.M., Page 46, executed by Allan Leo Ertl and Susan L. Steffen-Ertl, husband and wife to Helen R. Ertl, dated July 25, 1994 and filed July 29, 1994, consideration $50,000.00 due July 22, 1996.
3. Assignment Of Purchaser's Equity In Contract For The Sale Of Real Estate recorded in Book 54, T.L.D., Page 15, executed by Allan Leo Ertl and Susan L. Steffen-Ertl, Husband & Wife to Fidelity Bank & Trust, dated October 14, 1994 and filed October 19, 1994, assigning contract recorded in Book 53 Page 314 as security for a loan of $302,379.00.
4. Deed Of Trust recorded in Book 36, T.L.M., Page 233, executed by Allan Leo Ertl & Susan L. Steffen-Ertl, Husband & Wife to Fidelity Bank & Trust, dated October 14, 1994 and filed October 19, 1994, secures credit in the amount of $300,000.00.
5. Real Estate Taxes: all paid for the current fiscal year.

Personal lien search has been made for all record titleholders during the last ten years.

This report is a report of liens only. No examination is made and no opinion has been formed as to the legal effect of any instrument or proceeding inspected. It is made for the exclusive information and use of the party addressed, and no liability for errors or omissions will accrue to the benefit of any other person, firm or corporation.

Search is limited to those matters of record in the Delaware County Court House at Manchester, Iowa.

Dated this 13 day of December, 19 94, at 8:00 o'clock A.M., at Manchester, Delaware County, Iowa.

DELAWARE COUNTY ABSTRACT COMPANY, INC.

BY Gary D. Reeder

Gary D. Reeder

TITLE President

(Seal)

JOINDER

We, Joseph L. Ertl and Helen R. Ertl, husband and wife, Contract Sellers, in Real Estate Contract filed for record on July 29, 1994, in Book 53, T.L.D., Page 314, and Helen R. Ertl, as Mortgagee in Mortgage recorded on July 29, 1994 in Book 36, T.L.M., Page 46, of Delaware County, State of Iowa, do hereby certify that the above survey as shown by the attached Plat is made with our free consent and in accordance with our desire.

Joseph L. Ertl, Contract Seller

Helen R. Ertl, Contract Seller

STATE OF IOWA)
) ss:
COUNTY OF DUBUQUE)

On the 13th day of December, 1994, before me, a Notary Public in and for said County, personally appeared Joseph L. Ertl and Helen R. Ertl, husband and wife, and Helen R. Ertl, individually, to me personally known to be the identical persons whose names are affixed to the foregoing statement, and acknowledged the same to be their voluntary act and deed.

Notary Public in and for the State of Iowa

CONTRACT BUYERS' CONSENT

We, Allan Leo Ertl and Susan L. Steffen-Ertl, husband and wife, Contract Buyers in Real Estate Contract filed for record on July 29, 1994, in Book 53, T.L.D., Page 314, of Delaware County, State of Iowa, do hereby certify that the above survey as shown by the attached Plat is made with our free consent and in accordance with our desire.

Allan Leo Ertl, Contract Buyer

Susan L. Steffen-Ertl, Contract Buyer

STATE OF IOWA)
) ss:
COUNTY OF DUBUQUE)

On the 13th day of December, 1994, before me, a Notary Public in and for said County, personally appeared Allan Leo Ertl and Susan L. Steffen-Ertl, husband and wife, to me personally known to be the identical persons whose names are affixed to the foregoing statement, and acknowledged the same to be their voluntary act and deed.

Notary Public in and for the State of Iowa

CONSENT TO PLAT

Dyersville, Iowa

December 14, 1994

Fidelity Bank & Trust, Grantee of a Deed of Trust dated October 14, 1994, filed for record on October 19, 1994, recorded in Book 36, T.L.M., Page 233, and Assignee of Assignment of Purchaser's Equity In Contract For The Sale Of Real Estate, dated October 14, 1994, filed for record October 19, 1994, recorded in Book 54, T.L.D., Page 15, assigning contract recorded in Book 53, Page 314, hereby consents to the foregoing plat of the Subdivision of Lot A of Sunset Heights No. 1 and Easement "A" in Section 25, Township 89 North, Range 3 West of the 5th P.M., in Delaware County, Iowa.

FIDELITY BANK & TRUST

By: Daniel J. Zitelman
DANIEL J. ZITELMAN

By: Thomas H. Lucas
THOMAS H. LUCAS

STATE OF IOWA)
) ss:
COUNTY OF DUBUQUE)

On this 14th day of December, 1994, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Daniel J. Zitelman and Thomas H. Lucas, to me personally known, who being by me duly sworn, did say that they are the Senior Vice-President and President, respectively, of the Corporation executing the within and foregoing instrument; that the seal affixed thereto is the seal of the Corporation; that said instrument was signed and sealed on behalf of the Corporation by authority of its Board of Directors; and that Daniel J. Zitelman and Thomas H. Lucas as officers acknowledged the execution of the foregoing instrument to be the voluntary act and deed of the Corporation, by it and by them voluntarily executed.

JULIE A. WIENERS
MY COMMISSION EXPIRES
9-10-95

Julie A. Wieners
Notary Public in and for the State of Iowa