FILED
Date 12-14-99
Cheryl Stufflebeam
Dep County Assessor

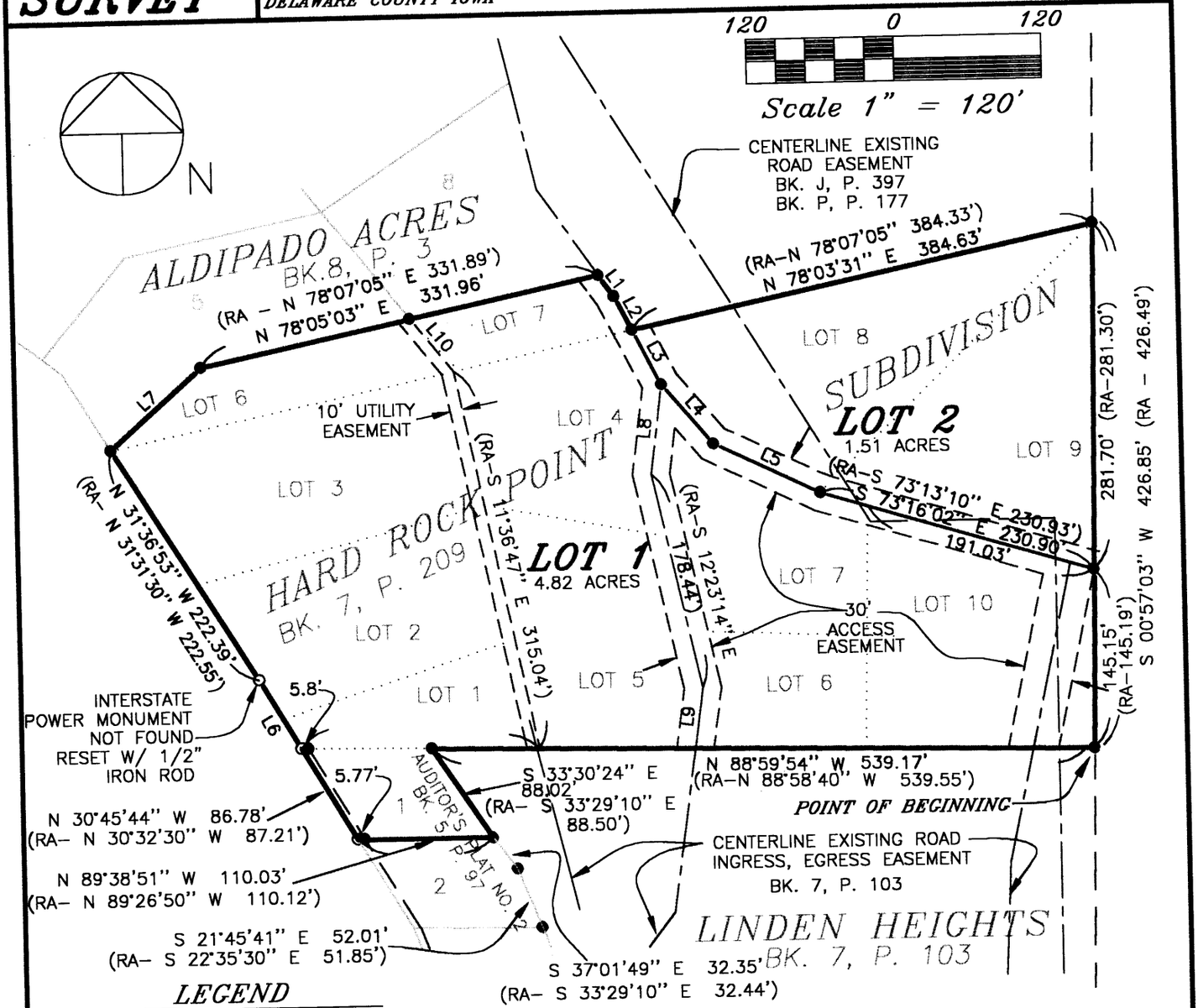
DEC 14 1999

DELAWARE COUNTY IOWA
FILED
1999 DE 14 AM 11:0
BOOK 1999 PAGE 4216
DEBORAH L. PEYTON
DELAWARE CO. RECORDER
#4110.00

PREPARED BY: J DAVID GIBBS; P.O. BOX 295 MANCHESTER, IA 52057 319-927-2734

PLAT OF SURVEY

HUGHES HEIGHTS A SUBDIVISION OF LOTS 6 & 7 OF ALDIPADO ACRES, LOT 1 OF AUDITOR'S PLAT NO. 2, AND LOTS 1 THROUGH 10 OF HARDROCK POINT SUBDIVISION, PART OF THE NW 1/4 OF THE NW 1/4 OF SECTION 25, T88N, R5W OF THE FIFTH P. M., DELAWARE COUNTY IOWA



LEGEND

- ● FOUND IRON ROD
- ○ SET 1/2" IRON ROD W/ L.S. CAP #8419
- QUARTER LINE
- CENTER LINE
- EASEMENT OR ROW LINE
- VACATED LOT LINE
- LOT LINE ESTABLISHED
- SUBDIVISION BOUNDARY
- (RA–) RECORDED AS DISTANCE AND/OR BEARING

SURVEYED ON: 5/24, 5/25/99

SURVEY REQUESTED BY: CHIP HUGHES

NO.	Direction	Distance	RA–Direction	RA–Distance
L1	S 35°18'28" E	21.55'	S 34°24'02" E	21.62'
L2	S 26°47'25" E	31.09'	S 27°07'02" E	31.12'
L3	S 27°09'02" E	50.31'	S 27°07'02" E	50.40'
L4	S 39°50'42" E	64.27'	S 39°57'02" E	64.00'
L5	S 64°18'52" E	95.70'	S 64°16'54" E	95.75'
L6	N 30°25'12" W	65.87'	N 30°16'05" W	65.45'
L7	N 48°10'24" E	99.79'	N 48°06'55" E	100.00'
L8	———	———	N 07°36'28" E	74.23'
L9	———	———	N 8°05'17" E	49.29'
L10	———	———	S 38°17'38" E	55.82'

PROPRIETORS: EVAN R. HUGHES

I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED AND THE RELATED SURVEY WORK WAS PERFORMED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

J. David Gibbs 8/17/99

J. DAVID GIBBS, P.E., L.S. LIC. #8419 DATE

MY LICENSE RENEWAL DATE IS DECEMBER 31, 2000

LICENSED LAND SURVEYOR J. DAVID GIBBS 8419 IOWA

PAGES OR SHEETS COVERED BY THIS SEAL: 1–2

GIBBS ENGINEERING & SURVEYING
PROFESSIONAL SERVICES BUILDING
223 WEST MAIN STREET, MANCHESTER, IA 52057

PROJECT NO.	99–23
SCALE:	1"=120'
DATE:	5/29/99
DRAWN BY:	KRS
CHECKED BY:	JDG
FIELD BK:	DL
REVISED	
SHEET	1 OF 9

BOOK 1999 PAGE 4216

LEGAL DESCRIPTION

HUGHES HEIGHTS; *A SUBDIVISION OF LOTS SIX (6) AND SEVEN (7) OF ALDIPADO ACRES, LOT ONE (1) OF AUDITOR'S PLAT NO. 2, AND LOTS ONE (1) THROUGH TEN (10) OF HARD ROCK POINT SUBDIVISION, BEING IN THE NORTHWEST QUARTER (NW ¼) OF THE NORTHWEST QUARTER (NW ¼) OF SECTION TWENTY-FIVE (25), TOWNSHIP EIGHTY-EIGHT NORTH (T88N), RANGE FIVE WEST (R5W) OF THE FIFTH PRINCIPAL MERIDIAN, DELAWARE COUNTY, IOWA,* containing a total of 6.33 acres, subject to easements of record and more specifically described by metes and bounds as follows:

BEGINNING at the Southeast Corner of Hard Rock Point Subdivision as recorded in Book 7 of Plats, Page 209 in the office of the Delaware County Recorder;

THENCE North 88°59'54" West, along the Southerly line of Hard Rock Point Subdivision 539.17 feet;

THENCE South 33°30'24" East, along the Easterly line of Lot One (1) of Auditor's Plat No. 2 as recorded in Book 5 of Plats, Page 97 in the office of the Delaware County Recorder, 88.02 feet;

THENCE North 89°38'51" West, along the Southerly line of said Lot One (1), 110.03 feet;

THENCE North 30°45'44" West, along the Westerly line of said Lot One (1), 86.78 feet;

THENCE North 30°25'12" West, along the Westerly line of said Hard Rock Point Subdivision 65.87 feet;

THENCE North 31°36'53" West, continuing along the Westerly line of said Hard Rock Point Subdivision 222.39 feet;

THENCE North 48°10'24" East, along the Westerly line of Lot Six (6) of Aldipado Acres Subdivision as recorded in Book 8 of Plats, Page 3 in the Office of the Delaware County Recorder, 99.79 feet;

THENCE North 78°05'03" East, along the Northerly line of said Lot Six (6) and Lot Seven (7) of said Aldipado Acres Subdivision 331.96 feet;

THENCE South 35°18'28" East, along the Easterly line of said Lot Seven (7), 21.55 feet;

THENCE South 26°47'25" East, continuing along said Easterly line of said Lot Seven (7) 31.09 feet;

THENCE North 78°03'31" East, along the Northerly line of said Hard Rock Point Subdivision 384.63 feet;

THENCE South 00°57'03" West, along the Easterly Line of said Hard Rock Point Subdivision 426.85 feet to the **POINT OF BEGINNING**.

Containing a total of 6.33 acres divided into Two (2) lots, numbered Lot 1 Lot 2, and subject to easements of record.

The Easterly Line of Hard Rock Point Subdivision is assumed to bear South 00°57'03" West.

SURVEYOR'S CERTIFICATE

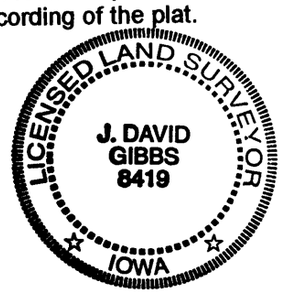
I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision, that all monuments have been found or placed and that I am a duly licensed Land Surveyor under the laws of the State of Iowa.

I hereby certify that a minimum of two (2) control monuments have been found or placed and that all monuments indicated will be placed within one (1) year of the recording of the plat.

J. David Gibbs 8/17/99

J. David Gibbs REG. NO. 8419 DATE

My license renewal date is December 31, 2000



OWNER'S ACKNOWLEDGMENT

I (we) Evan R. Hughes 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.

Evan R. Hughes

State of Iowa)
)
County of Delaware) Ss:

On this day of Dec 10 A.D. 1999, before me a Notary Public in and for said County, personally appeared Evan R. Hughes to me known to be the person(s) named and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

Notary Public in and for said County
David R Dudley

CERTIFICATE OF TREASURER

I, the undersigned, Carolyn A. Wilson, Treasurer of Delaware County, Iowa, do hereby certify that all taxes and special assessments against ***Hughes Heights***, Delaware County, Iowa, have been paid and said real estate is free and clear of all taxes as of this date. (12-14-99)

Carolyn A. Wilson, County Treasurer

DELAWARE COUNTY E-911 BOARD

The foregoing plat of ***Hughes Heights***, has been examined and approved as to being in full compliance with Delaware County Ordinance #12, The Uniform Rural Address System, as passed and adopted by the Delaware County Board of Supervisors on the 6th day August _____, 1996.

Norman Wellman - Coordinator
Delaware County E-911 Board

State of Iowa)
)
County of Delaware) Ss:

On this 14th day of December, 199_, before me Donna Kunde, a Notary Public in and for the State of Iowa, personally appeared Norm Wellman _____, to me personally known, and, who, being me duly sworn, did say that he is the Coordinator for the Delaware County E-911 Board.

DONNA M. KUNDE
MY COMMISSION EXPIRES
5-16-2000

Notary Public

MORTGAGE HOLDERS ACKNOWLEDGMENT

The 1st State Bank, State of Iowa, does hereby certify that the above survey, as shown by the attached Plat, is made with our free consent and in accordance with our desire as mortgage holder of a portion of the premises described herein.

By _____ President

By _____ E.V.P.

STATE OF IOWA, Delaware County, Iowa, Ss:

On this 10th day of December, 1999, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Joseph Wiewel and David R. Dudley, to me personally known, who being duly sworn, did say that they are the President and Exec. VP respectively, of the First State Bank executing the within and foregoing instrument to which this is attached, that (no seal has been procured by the) (the seal affixed hereto is the seal of the) First State Bank ; that said instrument was signed (and sealed) on behalf of the First State Bank by authority of its Board of Directors; and that President and Executive VP as officers acknowledged the execution of the foregoing instrument to be the voluntary act and deed of the First State Bank, by it and by them voluntarily executed.

Danielle M. Goebel
Notary Public in and for said State

Danielle M. Goebel
Notary Public - State of Iowa
Notarial Seal
My Commission Expires 12-10-99

~~ATTORNEY'S OPINION~~

~~I, _____, a practicing attorney at law in _____, Delaware County, Iowa, have examined the abstract of title to the land included in ***Hughes Heights,*** on premises more specifically described in the Surveyor's Certificate of J. David Gibbs, dated _____, 199_.~~

~~Said abstract has been prepared in its entirety by the Delaware County Abstract Company, Inc., and was last certified to by said company on the _____ day of _____, A.D., 199_, at the hour of _____ o'clock __.M.~~

~~My examination of said abstract shows good and merchantible title on the date and hour of the certification to be in _____.~~
~~Dated at _____, Iowa, in said County, this _____ day of _____, 199_.~~

~~Attorney at Law~~

OWNER'S CERTIFICATE

The undersigned, Evan R. Hughes, being the owner of all of the land included in Hughes Heights, and Christine L. Hughes, spouse of Evan R. Hughes, hereby acknowledge that the Survey prepared by J. David Gibbs, P.E., L.S., as shown by the Plat of Hughes Heights, a subdivision, is made with our free consent and in accordance with our desires.

Evan R. Hughes

Christine L Hughes
Christine L. Hughes

STATE OF IOWA)
) ss.
COUNTY OF DELAWARE)

This instrument was acknowledged before me on the 13th day of December, 1999, by Evan R. Hughes and Christine L. Hughes.

Notary Public in and for the State of Iowa
David R Dudley

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CONSENT TO PLAT

First State Bank, owner and holder of the Mortgage dated May 21, 1999, filed for record in the office of the Delaware County Recorder on May 25, 1999, appearing there in Book 1919 at Page 1833 hereby certifies that the Survey prepared by J. David Gibbs, P.E., L.S., of the attached Plat of Hughes Heights is made with its free consent and in accordance with its desire at mortgage holder of a portion of the premises described therein.

FIRST STATE BANK

By _____
David R. Dudley, Executive Vice President

By _____
President

STATE OF IOWA)
) SS.
COUNTY OF DELAWARE)

On this 10th day of December, 1999, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared David R. Dudley and Joe Wiewel, to me personally known, who being by me duly sworn, did say that they are the Executive 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 the instrument was signed and sealed on behalf of the corporation by authority of its Board of Directors; and that David R. Dudley and Joe Wiewel 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.

_____
Notary Public in and for the State of Iowa

Danielle M. Goebel
Notary Public - State of Iowa
Notarial Seal
My Commission Expires 12-16-99

GRAY, STEFANI & MITVALSKY, P.L.C.
LAWYERS
Established 1938
MAILING ADDRESS
P.O. BOX 456
CEDAR RAPIDS, IOWA 52406-0456

TELEPHONE (319) 364-1535
FACSIMILE (319) 364-1562

OFFICE LOCATION
200 AMERICAN BUILDING
101 SECOND STREET, S.E.
CEDAR RAPIDS, IOWA
52401-1245

RAYMOND R. STEFANI
FRANK S. MITVALSKY
RAYMOND R. STEFANI II
RICHARD A. STEFANI
THOMAS F. OCHS
RICHARD F. MITVALSKY

RUSSELL I. HESS (OF COUNSEL)

B. D. SILLIMAN (1895-1988)
WILLIAM O. GRAY (1914-1997)

November 24, 1999

To Whom It May Concern:

Re: A SUBDIVISION OF LOTS SIX (6) AND SEVEN (7) OF ALDIPADO ACRES, LOT ONE (1) OF AUDITOR'S PLAT NO. 2, AND LOTS ONE (1) THROUGH TEN (10) OF HARD ROCK POINT SUBDIVISION, BEING IN THE NORTHWEST QUARTER (NW ¼) OF THE NORTHWEST QUARTER (NW ¼) OF SECTION TWENTY-FIVE (25), TOWNSHIP EIGHTY-EIGHT NORTH (T88N), RANGE FIVE WEST (R5W) OF THE FIFTH PRINCIPAL MERIDIAN, DELAWARE COUNTY, IOWA, more specifically described by metes and bounds as follows:

BEGINNING at the Southeast Corner of Hard Rock Point Subdivision as recorded in Book 7 of Plats, Page 209 in the office of the Delaware County Recorder;

THENCE North 88°59'54" West, along the Southerly line of Hard Rock Point Subdivision 539.17 feet;

THENCE South 33°30'24" East, along the Easterly line of Lot One (1) of Auditor's Plat No. 2 as recorded in Book 5 of Plats, Page 97 in the office of the Delaware County Recorder, 88.02 feet;

THENCE North 89°38'51" West, along the Southerly line of said Lot One (1), 110.03 feet;

THENCE North 30°45'44" West, along the Westerly line of said Lot One (1), 86.78 feet;

THENCE North 30°25'12" West, along the Westerly line of said Hard Rock Point Subdivision 65.87 feet;

THENCE North 31°36'53" West, continuing along the Westerly line of said Hard Rock Point Subdivision 222.39 feet;

BOOK 1999 PAGE 4264

THENCE North 48°10'24" East, along the Westerly line of Lot Six (6) of Aldipado Acres Subdivision as recorded in Book 8 of Plats, Page 3 in the Office of the Delaware County Recorder, 99.79 feet;

THENCE North 78°05'03" East, along the Northerly line of said Lot Six (6) and Lot Seven (7) of said Aldipado Acres Subdivision 331.96 feet;

THENCE South 35°18'28" East, along the Easterly line of said Lot Seven (7), 21.55 feet;

THENCE South 26°47'25" East, continuing along said Easterly line of said Lot Seven (7) 31.09 feet;

THENCE North 78°03'31" East, along the Northerly line of said Hard Rock Point Subdivision 384.63 feet;

THENCE South 00°57'03" West, along the Easterly line of said Hard Rock Point Subdivision 426.85 feet to the POINT OF BEGINNING.

The Easterly Line of Hard Rock Point Subdivision is assumed to bear South 00°57'03" West.

We have examined Abstracts of Title to the above-described real estate consisting of two parts, Part I consisting of Entries 1-30 inclusive (covering Lot One (1) of Auditor's Plat No. 2, Part of the Northwest Quarter (NW¼) of the Northwest Quarter (NW¼) of Section Twenty-Five (25), Township Eighty-Eight North (T88N), Range Five West (R5W) of the Fifth P.M., Delaware County, Iowa, according to Plat recorded in Book 5 Plats, Page 97) and Part II consisting of Entries 1 to 61 inclusive (covering Lots One (1), Two (2), Three (3), Four (4), Five (5), Six (6), Seven (7), Eight (8), Nine (9) and Ten (10) of Hard Rock Point Subdivision, a Subdivision of Parcel K of the Northwest Quarter (NW¼) of the Northwest Quarter (NW¼), Section Twenty-Five (25), Township Eighty-Eight North (T88N), Range Five West (R5W) of the Fifth Principal Meridian, Delaware County, Iowa, according to Plat recorded in Book 7 Plats, Page 209 (NOTE: The Plat of Parcel K is shown at Plat Book 7, Page 148); also Lots Six (6) and Seven (7) of Aldipado Acres, a Subdivision of Lot One (1) of Linden Heights of the Northwest Quarter (NW¼) Northwest Quarter (NW¼) Section Twenty-Five (25), Township Eighty-Eight North (T88N), Range Five West (R5W) of the Fifth Principal Meridian, Delaware County, Iowa, according to Plat recorded in Book 8 Plats, Page 3, the same being last certified to November 8, 1999, at 8:00 a.m. by Delaware County Abstract Company, Inc. From such examination we find record title to said real estate to be in the name of:

EVAN R. HUGHES,

subject to the following:

1. The above-described real estate is free and clear of all mortgages, liens or other encumbrances except as hereinafter shown:

a. Entry 53 shows a Mortgage by the titleholder to First State Bank dated May 21, 1999, filed for record in the office of the Delaware County Recorder on May 25, 1999, appearing there in Book 1999 at Page 1833. Said Mortgage encumbers a portion of the premises under examination (Lots One through Five inclusive of Hard Rock Point Subdivision, lake frontage with respect thereto and Lots Six and Seven of Aldipado Acres Subdivision).

b. Road Easements which relate to the use of the premises are shown at Entries 7, 8, 9, 13, 17, 18, 19 and 26 of Part I, and Entries 10, 11, 12, 15, 16, 19, 20, 21, 26, 27, 30, 30A, 31, 45 and 46 of Part II of the Abstract.

c. Your attention is called to any limitations imposed upon the property in the event it lies within a flood plain and by zoning regulations and restrictions and other use restrictions passed by an appropriate governmental agency.

This opinion is made expressly subject to any rights or claims of parties in possession of the premises not shown of record; to defects of title, if any, which may be disclosed by an accurate survey of the premises; to any improvements made or contracted for upon which mechanic's liens could be based within ninety days prior to the date of transfer of the premises; to the presence of solid waste, radioactive waste, hazardous waste or hazardous substances, including those substances defined to be hazardous in Chapter 42, United States Code Section 9601(14) and Chapter 455B of the 1999 Code of Iowa; and to any special assessments still unconfirmed, all these being matters not shown in the abstract and requiring independent knowledge or information on your part.

Respectfully submitted,

GRAY, STEFANI & MITVALSKY, P.L.C.

Frank S. Mitvalsky

FSM/vkp

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