Del. Co. Recorder

FILED
SHARON McCRABB
DELAWARE COUNTY AUDITOR
MAY 6 2004

FILED
JOHN R. KLAUS
DELAWARE COUNTY ASSESSOR
MAY 6 2004

DELAWARE COUNTY IOWA
FILED
2004 MY -6 PM 2:17
BOOK 2004 PAGE 1563
DEBORAH L. PEYTON
DELAWARE CO. RECORDER
86.00

TeKIPPE ENGINEERING, P.C., 128 South Vine Street, West Union, Iowa 52175 Phone #563/422-5131

Project No. 03606.LS

LICENSED LAND SURVEYOR
PAUL R. HEROLD
15525
IOWA

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.

Paul R. Herold — 1-29-04

Paul R. Herold — Date

License Number 15525
My license renewal date is December 31, 2004.
Pages covered by this seal: SD-1 Through SD-2

State of Iowa)
ss.
County of Delaware)

Subscribed and sworn to before me by Paul R. Herold this 29 day of JANUARY, 2004.

RYAN M. WICKS
Iowa Notarial Seal
Commission Number 723753
My Commission Expires 08-04-2006

Ryan M Wicks
Notary Public

SWISS VALLEY FARMS SUBDIVISION

Swiss Valley Farms Subdivision Part of the Northwest Quarter (NW1/4) of the Southeast Quarter (SE1/4) of Section (20), Township (89) North, Range (5) West, of the 5th P.M., and more particularly described as follows:

Commencing at the Center of Section 20, Township 89 North, Range 5 West of the 5th P.M., City of Manchester, Delaware County, Iowa;

Thence **North 88°-40'-14" East (Assumed Bearing) 214.75 feet** along the North Line of the Northwest Quarter of the Southeast Quarter of said Section to the Westerly Right-of-Way Line of the former Manchester & Oneida Railway and the Point of Beginning;

Thence Continuing **North 88°-40'-14" East 78.98 feet** along the North Line of said Quarter-Quarter Section to the Easterly Right-of-Way Line of the former Manchester & Oneida Railway;

Thence Southerly **1185.24 feet** along a **1860.07 foot radius curve concave Easterly (said curve having a Long Chord of South 00°-56'-41" East 1165.29 feet)** along said former Easterly Right-of-Way Line;

Thence **North 87°-12'-37" East 195.22 Feet;**

Thence **South 00°-24'-24" West 122.48 Feet** to the North Right-of-Way Line of Quaker Mill Drive;

Thence **South 88°-07'-42" West 249.42 Feet** along said North Right-of-Way Line;

Thence **South 00°-24'-24" West 33.03 Feet** to the Centerline of Quaker Mill Drive;

Thence **South 88°-07'-42" West 130.00 Feet** along said Centerline;

Thence **North 00°-24'-24" East 264.03 Feet;**

Thence **South 88°-07'-42" West 65.00 Feet;**

Thence **North 00°-24'-24" East 169.00 Feet;**

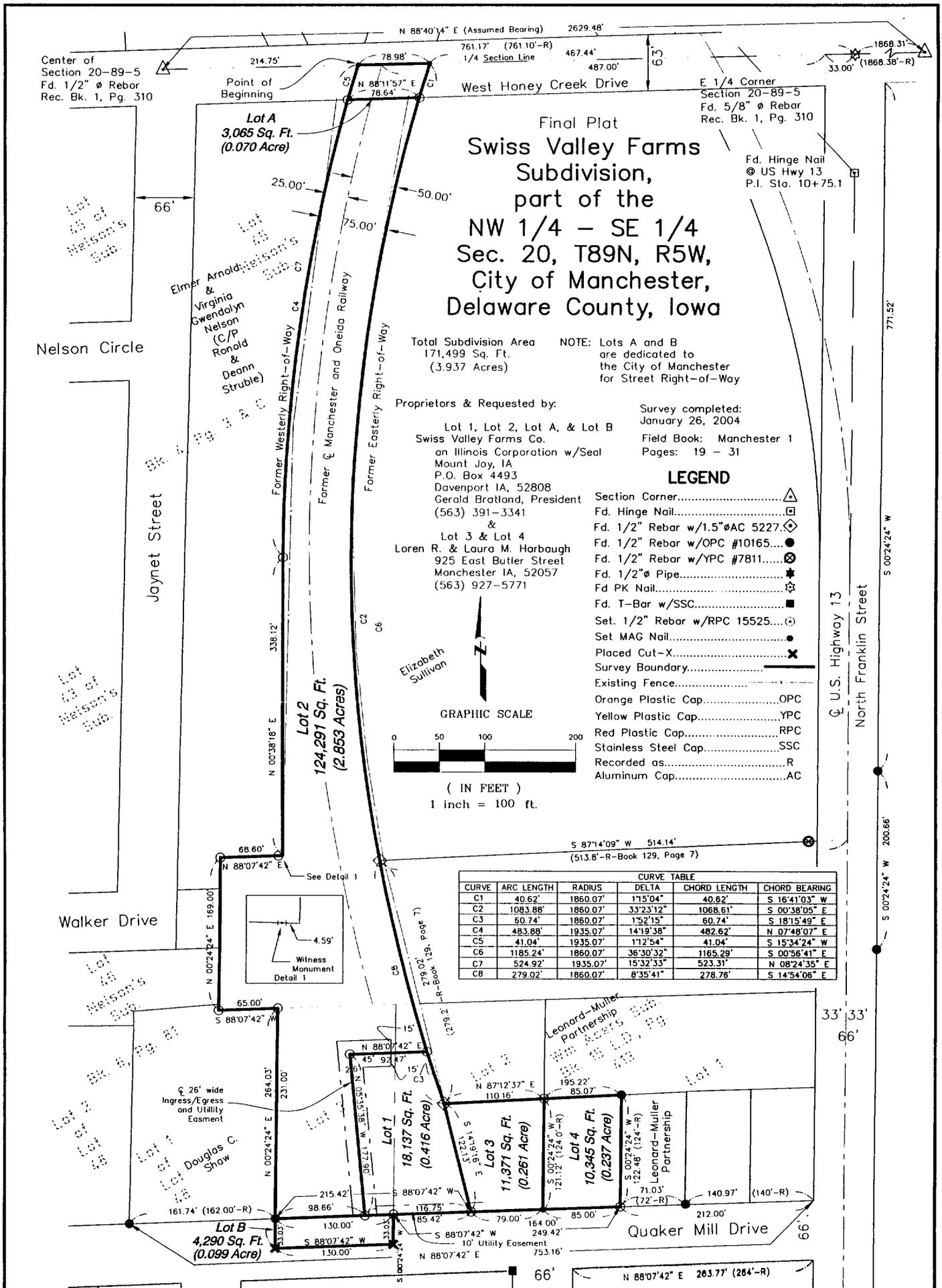
Thence **North 88°-07'-42" East 68.60 Feet** to the Westerly Right-of-Way of said former Railway;

Thence **North 00°-38'-18" East 338.12 Feet;**

Thence Northerly **524.92 feet** along a **1935.07 foot radius curve concave Easterly (said curve having a Long Chord of North 08°-24'-35" East 523.31 feet)** along said former Westerly Right-of-Way Line to the Point of Beginning.

Containing **171,499 Square Feet (3.937 Acres)**
Subject to any easements of record.
(See plat attached to this original survey description.)

Reference is hereby made to Book 15 L.D., Page 413 filed on June 22, 1870, Warranty Deed Book 132, Page 28 filed on September 10, 1993, Warranty Deed Book 134, Page 166 filed on January 4, 1994, Warranty Deed Book 132, Page 235 filed on January 6, 1994, Quit Claim Deed Book 2003 Page 4398 filed on September 9, 2003, Quit Claim Deed Book 2003 Page 4399 filed on September 9, 2003, on file in the Delaware County Recorder's Office, Manchester, Iowa.



CURVE TABLE					
CURVE	ARC LENGTH	RADIUS	DELTA	CHORD LENGTH	CHORD BEARING
C1	40.62'	1860.07'	1°15'04"	40.62'	S 16°41'03" W
C2	1083.88'	1860.07'	33°23'12"	1068.61'	S 00°38'05" E
C3	60.74'	1860.07'	1°52'15"	60.74'	S 18°15'49" E
C4	483.88'	1935.07'	14°19'38"	482.62'	N 07°48'07" E
C5	41.04'	1935.07'	1°12'54"	41.04'	S 15°34'24" W
C6	1185.24'	1860.07'	36°30'32"	1165.29'	S 00°56'41" E
C7	524.92'	1935.07'	15°32'33"	523.31'	N 08°24'35" E
C8	279.02'	1860.07'	8°35'41"	278.76'	S 14°54'06" E

LICENSED LAND SURVEYOR PAUL R. HEROLD 15525 IOWA

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. The unadjusted error of closure does not exceed 1:10,000 for the subdivision boundary and does not exceed 1:5,000 for any individual lot.

Paul R. Herold 1-29-04

Paul R. Herold Date:
License number 15525
My license renewal date is December 31, 2004.
Sheets covered by this seal: P1

Swiss Valley Farms Subdivision - Project No. 03606.LS

MANCHESTER, IOWA

FINAL PLAT

File Name: M:\Projects\2003\03606LS\dwg\03606LS.dwg

TeKIPPE ENGINEERING, P.C.
128 S. Vine St., West Union, Iowa 52175 - Ph. (563) 422-5131
P.O. Box 357, Manchester, Iowa 52057 - Ph. (563) 927-2060

SHEET P1

R-016-2004

RESOLUTION APPROVING PRELIMINARY AND FINAL PLAT

WHEREAS, the preliminary and final plat of ***Swiss Valley Farms Subdivision, City of Manchester, Delaware County, Iowa,*** affecting premises more specifically described in the Surveyor's Certificate of Paul R. Herold, dated January 29, 2004, has been filed with the City Clerk of the City of Manchester, Delaware County, Iowa, and has been acknowledged and approved by the Planning and Zoning Commission of the City of Manchester, Delaware County, Iowa, who have recommended acceptance;

WHEREAS, the City Council has fully considered the same and found the same to be in accordance with the ordinances of the City of Manchester, Iowa, relating to plats and additions to the City;

WHEREAS, Section 127.33 of Chapter 127 Subdivision Regulations of the City of Manchester allows variances with regard to minimum improvements (Section 127.09); and

WHEREAS, the subdivision plat and its attachments conform to Sections 354.6, 354.11, and 355.8 of the Iowa Code and therefore can be approved pursuant to 354.8 of the Iowa Code; and

WHEREAS, the dedicated streets shown upon the plat are hereby accepted for public use forever for street purposes; and

WHEREAS, this plat replaces a previous plat dated June 5, 2003, which was approved by the Planning and Zoning Commission; and

WHEREAS, the dedicated streets shown upon the plat (lots A and B) are hereby accepted for public use forever for street purposes; and

WHEREAS, the Manchester Planning and Zoning Commission has recommended to the City Council that they accept the preliminary and final plat of said ***Swiss Valley Farms Subdivision, City of Manchester, Delaware County, Iowa,*** as presented with the following variances, declaration and conditions;

1) No determination has been made as to compliance with this subdivision and platting requirements which are set forth in the Code of Iowa.
2) A variance from the requirement in preliminary platting for contours.
3) Sewer services have previously been stubbed to each Lot 1 and Lot 2. The Developer has agreed to a voluntary special assessment for payment of the cost for installation for the service stubs. At time when connection to the public system is completed, the property owner shall be fully responsible for the cost of such connection and any applicable hook-up fees.
4) A variance from providing sanitary sewer service to Lot 2. Lot 2 is currently served by an onsite treatment system. System has been inspected and is operating in a satisfactory manner and is good condition and the Developer shall continue inspections every two years until system is no longer in use. Should future development provide access to a public sewer along the east line of Lot 2 within 150 feet of the existing septic tank; or should the existing system fail, or should the use of the property change in such a manner as to increase the waste generated; or should the property be sold, the owner will be required to connect at such a time, in accordance with the then current City Code of Ordinances. The Developer shall provide some form of financial assurance to assure the completion of this connection when required by any of the above actions. The financial assurance documentation shall be kept on file at City offices. In the event the septic system fails, and the utilization continues to be minimal (one month of each calendar year) the owner may replace the septic system with a holding tank if a written holding tank agreement is approved by the Council.
5) Existing water service to the property will remain to serve Lot 2. Any connections to Lot 1 from the existing service will be disconnected. A new 3/4" service has been installed to the front property line for Lot 1 as part of the City's Quaker Mill Drive

project. The Developer has agreed to a voluntary special assessment for payment of this installation.

6) A deferment from constructing sidewalk along the north frontage of Lot 2 along West Honey Creek Drive based on the existing rural cross section of the roadway.
7) A deferment from constructing sidewalk along the south frontage of Lot 1 and Lot 2 along Quaker Mill Drive based on the prior deferment for sidewalks along the north side of Quaker Mill Drive as part of the Quaker Mill Improvement project.
8) A variance from meeting the required set backs per zoning for existing structures.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Manchester, Delaware County, Iowa, that said ***Swiss Valley Farms Subdivision, City of Manchester, Delaware County, Iowa,*** be, and the same is hereby acknowledged, approved and accepted on the part of the City of Manchester, Delaware County, Iowa.

The Mayor and City Clerk are hereby directed to certify this approval and affix the same to said final plat as by law provided.

Passed this 23rd day of February, A.D., 2004.

CITY OF MANCHESTER IOWA SEAL

Milt L. Kramer, Mayor

ATTEST:

Erin Rempe, City Clerk

STATE OF IOWA)
) SS.
COUNTY OF DELAWARE)

On this 24th day of February, 2004, before me, a Notary Public in and for the State of Iowa, personally appeared Milt L. Kramer and Erin Rempe, to me personally known, and who, being by me duly sworn, did say that they are the Mayor and City Clerk, respectively, of the City of Manchester, Iowa; that the seal affixed to the foregoing instrument is the corporate seal of the corporation, and that the instrument was signed and sealed on behalf of the corporation, by the authority of its City Council, as contained in Resolution Number R-016-2004 adopted by the City Council on the 23rd day of February, 2004, and that Milt L. Kramer and Erin Rempe acknowledge the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of the corporation, by it voluntarily executed.

Julie A. Swanson

Notary Public

JULIE A. SWANSON
Commission Number 224151
IOWA
My Comm. Exp. 5-23-06

RESOLUTION APPROVING PRELIMINARY AND FINAL PLAT

WHEREAS, the preliminary and final plat of Swiss Valley Farms Subdivision, City of Manchester, Delaware County, Iowa, affecting premises more specifically described in the Surveyor's Certificate of Paul R. Herold, dated January 29, 2004, has been filed with the Planning and Zoning Commission of the City of Manchester, Delaware County, Iowa; and

WHEREAS, this plat replaces a previous plat dated June 5, 2003, which was approved by the Planning and Zoning Commission; and

WHEREAS, the dedicated streets shown upon the plat (lots A and B) are hereby accepted for public use forever for street purposes; and

WHEREAS, preliminary and final plat of Swiss Valley Farms Subdivision, City of Manchester, Delaware County, Iowa, should be approved with the following variances, declaration and conditions;

1) No determination has been made as to compliance with this subdivision and platting requirements which are set forth in the Code of Iowa.
2) A variance from the requirement in preliminary platting for contours.
3) Sewer services have previously been stubbed to each Lot 1 and Lot 2. The Developer has agreed to a voluntary special assessment for payment of the cost for installation for the service stubs. At time when connection to the public system is completed, the property owner shall be fully responsible for the cost of such connection and any applicable hook-up fees.
4) A variance from providing sanitary sewer service to Lot 2. Lot 2 is currently served by an onsite treatment system. System has been inspected and is operating in a satisfactory manner and is good condition and the Developer shall continue inspections every two years until system is no longer in use. Should future development provide access to a public sewer along the east line of Lot 2 within 150 feet of the existing septic tank; or should the existing system fail, or should the use of the property change in such a manner as to increase the waste generated; or should the property be sold, the owner will be required to connect at such a time, in accordance with the then current City Code of Ordinances. The Developer shall provide some form of financial assurance to assure the completion of this connection when required by any of the above actions. The financial assurance documentation shall be kept on file at City offices. In the event the septic system fails, and the utilization continues to be minimal (one month of each calendar year) the owner may replace the septic system with a holding tank if a written holding tank agreement is approved by the Council.
5) Existing water service to the property will remain to serve Lot 2. Any connections to Lot 1 from the existing service will be disconnected. A new 3/4" service has been installed to the front property line for Lot 1 as part of the City's Quaker Mill Drive project. The Developer has agreed to a voluntary special assessment for payment of this installation.
6) A deferment from constructing sidewalk along the north frontage of Lot 2 along West Honey Creek Drive based on the existing rural cross section of the roadway.
7) A deferment from constructing sidewalk along the south frontage of Lot 1 and Lot 2 along Quaker Mill Drive based on the prior deferment for sidewalks along the north side of Quaker Mill Drive as part of the Quaker Mill Improvement project.
8) A variance from meeting the required set backs per zoning for existing structures.

NOW, THEREFORE, BE IT RESOLVED, by this Planning and Zoning Commission of the City of Manchester, Delaware County, Iowa, that said Swiss Valley Farms Subdivision, City of Manchester, Delaware County, Iowa, be, and the same is hereby acknowledged, approved and accepted on the part of the Planning and Zoning Commission of the City of Manchester, Delaware County, Iowa, and the Commission hereby recommends to the City Council the acceptance of the same and the Chairperson and the Secretary are hereby authorized and directed to certify this resolution of approval and affix the same to said plat as provided by law.

Adopted and passed this 11th day of February, A.D., 2004.

PLANNING & ZONING COMMISSION
CITY OF MANCHESTER, IOWA

By _____
Jim Fisher, Chairperson

By _____
Laura Thomas, Recording Secretary

STATE OF IOWA)
) SS.
COUNTY OF DELAWARE)

On this 23rd day of February, 2004, before me, a Notary Public in and for the State of Iowa, personally appeared Jim Fisher and Laura Thomas, to me personally known, and who, being by me duly sworn, did say that they are the Chairperson and Recording Secretary, respectively, of the Planning and Zoning Commission of the City of Manchester, Iowa; that the seal affixed to the foregoing instrument is the corporate seal of the corporation, and that the instrument was signed and sealed on behalf of the corporation, by the authority of its Planning and Zoning Commission, as contained in Resolution adopted by the Planning and Zoning Commission on the 11th day of February, 2004, and that Jim Fisher and Laura Thomas acknowledge the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of the corporation, by it voluntarily executed.

_____
Notary Public

JULIE A. SWANSON
Commission Number 224151
My Comm. Exp. 5-23-05

Prepared by David J. Heiar, 208 E. Main Street, 563 927-3636.

VOLUNTARY ASSESSMENT
PETITION AND WAIVER

THIS AGREEMENT made and entered into by and between the City of Manchester, Iowa, hereinafter called the CITY, and the undersigned property owner, in said City, hereinafter called the PROPERTY OWNER, WITNESSETH:

WHEREAS, the City agrees to allow a water service line connection to the water main and a sanitary service line connection to the sewer main ("improvement") to Lot 1 and the City agrees to allow a sanitary service line connection to the sewer main ("improvement") for Lot 2 in said City and that special assessments be levied against the property as hereinafter described:

Swiss Valley Farms Subdivision

and particularly known as described as follows:

Commencing at the Center of Section 20, Township 89 North, Range 5 West of the 5th P.M., City of Manchester, Delaware County, Iowa; Thence **North 88E-40'-16" East (Assumed Bearing) 214.93 feet** along the North Line of the Northwest Quarter of the Southeast Quarter of said Section to the Westerly Right-of-Way Line of the former Manchester & Oneida Railway and the Point of Beginning; Thence Continuing **North 88E-40'-16" East 78.80 feet** to the Easterly Right-of-Way Line of the former Manchester & Oneida Railway; Thence Southerly along a **1860.07 foot radius curve concave Easterly 1141.28 feet (said curve having a Long Chord of South 00E-39'-58" East 1123.46 feet)** along said former Easterly Right-of-Way Line; Thence **South 18E-14'-37" East 167.99 Feet** to the North Right-of-Way Line of Quaker Mill Drive; Thence **South 88E-07'-42" West 101.66 Feet** along said North Line; Thence **South 00E-24'-24" West 33.03 Feet** to the Centerline of Quaker Mill Drive; Thence **South 88E-07'-42" West 130.00 Feet** along said Centerline; Thence **North 00E-24'-24" East 264.03 Feet**; Thence **South 88E-07'-42" West 65.00 Feet**; Thence **North 00E-24'-24" East 169.00 Feet**; Thence **North 88E-07'-42" East 68.60 Feet**; Thence **North 00E-38'-18" East 370.90 Feet** along said former Westerly Right-of-way line; Thence Northerly along a **1935.07 foot radius curve concave Easterly 524.92 feet (said curve having a Long Chord of North 08E-24'-35" East 523.31 feet)** along said former Westerly Right-of-Way Line to the Point of Beginning. Containing **154,193 Square Feet (3.540 Acres);** Subject to any easements of record. (See plat attached to this original survey description.)

Which may also be referred to as Lot 1 and Lot 2 of the Swiss Valley Subdivision, Manchester, Delaware County, Iowa

In consideration of the construction of the above-described improvements, the undersigned Property Owner hereby waives the public hearing on the adoption of the Resolution of Necessity and the mailing and publication of Notice thereof, and all other legal formalities of whatsoever kind or character required by the laws of Iowa to be observed by cities in the construction of said improvements where the expense of such improvements is to be assessed against private property. The undersigned Property Owner hereby expressly waives each and every question of jurisdiction, the intention of the Property Owner being to authorize and direct said City to construct the improvements without requiring any of the formalities or legal proceedings required of cities by the statues of Iowa.

It is further agreed that the City shall make assessments against the property of the undersigned Property Owner for Lot 1 for One Thousand Four Hundred Dollars ($1,400) and for Lot 2 for Four Hundred and Twenty Dollars ($420) as authorized by Chapter 384, Code of Iowa, and that said assessments so made shall be a lien upon the property hereinafter described, and the undersigned Property Owner hereby agrees to pay the amount which is thus assessed against the property, and said assessment shall have the same legal force and effect as if all the legal formalities provided by law in such cases had been fully and faithfully performed and observed. The undersigned Property Owner hereby expressly

waives every objection to said assessment, any limitation of the amount thereof as a percentage of valuation and any right to defer or postpone payment of the Property Owner within the time provided by Statute for the payment of special assessments for such improvements.

Property Owner hereby authorizes the City Council to pass any Resolution requisite or necessary, to make the assessments herein provided for, without further notice to said Property Owner, or any of them, and any such Resolution may contain recitals that said improvements are made by the Council without petition of Property Owner, without in any way qualifying this petition or releasing the Property Owner from their obligation to pay the assessments levied against their property for the cost of said improvement. The assessment will be certified to the Delaware County Treasurer for collection on taxes and interest shall be charged at the rate of 3.25% on the unpaid balance.

Property Owner warrants that their real estate described below is free and clear of all liens and encumbrances other than for ordinary taxes. Property Owner further agrees to subordinate the sale of any part of their listed property to the terms of this Petition and Waiver, and, upon failure to do so, to pay the full amount of the assessment on demand.

Property Owner agrees that this Petition and Waiver shall be effective and binding from and after the approval hereof by resolution of the City Council.

Dated this 16th day of June, 2003.

Presented to the City Council on June 16, 2003.

Approved by the City Council on June 16, 2003.

Milt L. Kramer, Mayor

Erin Rempe, City Clerk

OWNER'S NAME

By: _____

Steve Timp, Location Manager of Swiss Valley Farms Company, an Illinois Corporation

STATE OF IOWA, COUNTY OF DELAWARE, SS:

On this 16th day of June, 2003, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Steve Timp, to me personally known, who being duly sworn, did say that he is the Location Manager of the corporation executing the within and foregoing instrument to which this attached, that the seal affixed thereto is the seal of the corporation; that the instrument was signed on behalf of the corporation by the authority of its Board of Directors; and that Gene Quast, CEO and Jack Friedman, Vice President of the Swiss Valley Ag Division, 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.

LAURA K. THOMAS
Commission Number 718135
My Commission Expires
8-26-05

Notary Public in and for the State of Iowa

CITY OF MANCHESTER, IOWA

BY: _____
Milt L. Kramer, Mayor

BY: _____
Erin Rempe, City Clerk

STATE OF IOWA, COUNTY OF DELAWARE, SS:

On this 18th day of August, 2003, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Milt L. Kramer and Erin Rempe, to me personally known, and, who, being by me duly sworn, did say that they are the Mayor and City Clerk, respectively, of the City of Manchester, Iowa; that the seal affixed to the foregoing instrument is the corporate seal of the corporation, and that the instrument was signed and sealed on behalf of the corporation, by authority of its City Council, as contained in R-051-2003 passed (the Resolution adopted) by the City council, passed by the City Council of the City of Manchester, Iowa on the 16th day of June, 2003, and that Milt L. Kramer and Erin Rempe acknowledged the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of the corporation, by it voluntarily executed.

Laura K. Thomas
Notary Public in and for the State of Iowa

LAURA K. THOMAS
Commission Number 716135
My Commission Expires
8-26-05

DEDICATION

The undersigned owners of the land described in the foregoing surveyor's certificate have caused said tract to be surveyed and subdivided in the manner shown on the above plat, which shall hereafter be know as ***Swiss Valley Farms Subdivision, City of Manchester, Delaware County, Iowa***. Lots A and B, as shown on the above plat, are hereby dedicated to public use forever for street purposes.

IN WITNESS WHEREOF, we have set our hands this 17 day of Feb 2004.

Swiss Valley Farms, Co.

Gerald Bratland

Gerald Bratland
President (Seal)

STATE OF IOWA, COUNTY OF Dubuque, SS:

On this 17th day of February, 2004. Before me the undersigned, a Notary Public in and for said State, personally appeared Gerald Bratland, to me know 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.

Donald A. Boelens

Notary Public

NOTARIAL SEAL IOWA
DONALD A. BOELENS
Commission No. 711902
My Commission Expires
8-9-2004

OWNER'S ACKNOWLEDGMENT

I, Gerald Bratland, President of Swiss Valley Farms Co. an Illinois Corporation, do hereby certify that the above survey, as shown by attached Plat, is made with my free consent, and in accordance with my desire.

Swiss Valley Farms, Co.

Gerald Bratland
President

(Seal)

State of Iowa)
ss.
County of Dubuque)

On this 17th day of February, 2004, before me a Notary Public in and for said County, personally appeared Gerald Bratland, to me know 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.

DONALD A. BOEHLKE
Commission No. 302
My Commission Expires
8-8-2004

Notary Public

OWNER'S ACKNOWLEDGMENT

I (we), Loren Harbaugh and Laura Harbaugh, do hereby certify that the above survey, as shown by attached Plat, is made with my (our) free consent, and in accordance with my (our) desire.

Loren Harbaugh, Owner

Laura Harbaugh, Owner

State of Iowa)
ss.
County of Delaware)

On this 4th day of February, 20 04, before me a Notary Public in and for said County, personally appeared Loren Harbaugh and Laura Harbaugh, to me know 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.

NOTARIAL SEAL IOWA
TRACY L. FONCK
COMMISSION # 223445
MY COMMISSION EXPIRES
7-8-05

Notary Public

MORTGAGE HOLDERS ACKNOWLEDGMENT

The undersigned, on behalf of Community Savings Bank does hereby certify that the above survey, as shown on 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.

Community Savings Bank

By: _____
Steven A. Brady
President & CEO

By: _____
Arlyn D. Maifeld
Sr. Vice President

STATE OF IOWA, DELAWARE COUNTY, SS:

On this 15th day of March, 2004, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Steven A. Brady and Arlyn D. Maifeld, to me personally known, who being duly sworn, did say that they are the President & CEO and Sr. Vice President respectively, of the corporation executing the within and foregoing instrument to which is attached, that ~~(no seal has been procured by the~~) (the seal affixed hereto 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 Steven A. Brady and Arlyn D. Maifeld as officers acknowledge 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 said State

DODD D. SCROGGIN
Commission Number 167888
My Commission Expires
JAN. 05, 2005

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MORTGAGE HOLDERS ACKNOWLEDGMENT

The undersigned, on behalf of CoBANK, ACB a/k/a CoBank does hereby certify that the above survey, as shown on 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.

CoBANK, ACB a/k/a/ CoBank

By: Janice P. Haines
Assistant Corporate Secretary

STATE OF Colorado, Arapahoe COUNTY, SS:

On this 16th day of April, 2004, before me, the undersigned, a Notary Public in and for the State of Colorado, personally appeared Janice P. Haines and ~~Steve B~~, to me personally known, who being duly sworn, did say that ~~they are the~~ Assistant and Corporate Secretary respectively, of ~~the~~ CoBank, ACB executing the within and foregoing instrument to which is attached, that (~~no seal has been procured by the~~) (the seal affixed hereto is the seal of ~~the~~) CoBank, ACB; that said instrument was signed (and sealed) on behalf of ~~the~~ CoBank, ACB by authority of its Board of Directors; and that Janice P. Haines and ~~_____~~ as officers acknowledge the execution of the foregoing instrument to be the voluntary act and deed of ~~the~~ CoBank, ACB, by it and by ~~them~~ her voluntarily executed.

Notary Public in and for said State
Amy P. Wiersbrod

CERTIFICATE OF TREASURER

I, the undersigned, Carolyn A. Wilson, Treasurer of Delaware County, Iowa, do hereby certify that all taxes and special assessments against ***Swiss Valley Farms Subdivision, City of Manchester, Delaware County, Iowa,*** have been paid and said real estate is free and clear of all taxes as of this date.

Carolyn A. Wilson

Carolyn A. Wilson, County Treasurer

4-2-04

Date

DELAWARE COUNTY IOWA

ATTORNEY'S OPINION

I, Thomas J. Hanson, a practicing attorney at law in the City of Manchester, Delaware County, Iowa, have examined the abstract of title to the land included in ***Swiss Valley Farms Subdivision, City of Manchester, Delaware County, Iowa,*** on premises more specifically described in the Surveyor's Certificate of Paul R. Herold, dated January 29th, 20 04.

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 20th day of February, A.D. 20 04, at the hour of 8:00 o'clock A .M.

My examination of said abstract shows good and merchantable title on the date and hour of the certification to be in

Swiss Valley Farms Co., an Illinois Corporation; and Loren Harbaugh and Laura Harbaugh, husband and wife

Dated at Manchester, Iowa, in said County, this 5th day of March, 20 04.

Attorney at Law
Thomas J. Hanson